

**TOWN OF CHESTERFIELD, NH  
ZONING BOARD OF ADJUSTMENT**

**MINUTES  
May 10, 2016**

**Present:** Chairman Burt Riendeau, Lucky Evans, Renee Fales, Kristin McKeon, Alternate Christopher Oot and Selectboard Representative Norman VanCor

**Absent:** Harriet Davenport and Alternate Roland Vollbeh

The Zoning Board of Adjustment met at the Chesterfield Town Office on May 10, 2016. Riendeau opened the meeting at 7:38 p.m. and explained the process of the meeting and noted that Christopher Oot will be voting in place of Harriet Davenport.

**Hearings:**

- **Mark Lanoue** requests a Variance from Article II Section 208.2 of the zoning ordinance to permit commercial use to allow for the sales and servicing of vehicles with outside display of the vehicles. The property is located at 1763 Route 9, Spofford, NH 03462 (Map 10A Lot A5) Office/Retail Space/Service District.  
(Continued from meeting of April 12, 2016)

Present: Mark Lanoue

Lanoue requested that this application to be continued until the meeting of June 14, 2016.

*Fales moved to continue the variance request hearing of Mark Lanoue until the June 14 meeting. McKeon seconded the motion, which passed unanimously.*

- **Joseph Ragusa** requests a Variance from Article II Section 203.6b (B) & Article V Section 503.1 of the zoning ordinance to install a roof over existing front entrance door and replace concrete on composite decking. This property is located at 160 North Shore Road, Spofford, NH 03462 (Map 5D Lot B26) Spofford Lake District.

Present: Joseph Ragusa and Donald Scott, Landscape Designer

Ragusa requested to add a fiber decking over the top of the concrete stairs. The steps have been cracking and the applicant requests making the stairs safer. The roof over the doorway entrance will shield people entering and exiting the building and make the door more visible for receiving deliveries. Scott noted that the walkway is angled to benefit the neighbor's property. The concrete steps become the foundation base of the deck stairs. The planting container at the bottom of the stairs will be reduced to accommodate a full width of stairs, which will extend the stairs three or four feet beyond the planter wall, where there are stepping stones now. Scott noted that the application was submitted to the State for a State permit for a slight gain of impervious area, which will be a slight loss of the planting boxes. Scott noted that the landing at the top of the steps will be a little larger than what it is now. The applicant is leaving the concrete steps in place and will be used as a foundation.

The applicant noted that he will take the walls off the planter boxes, dig out the soil, slope the soil up and rebuild the planter boxes. Scott noted that the lower steps will be partly on the lawn and the only change with this project is approximately 30 sq. ft.

Scott noted that two permits were given to the applicant by the state; one was for the landscaping area between the applicant's property and his neighbor's property, which included pavers. Originally there was a walkway and a lawn. He noted that it was approved upon by putting in a rain garden to help take up some of the runoff from the driveway.

Scott stated that the roof will hang over the walkway, which is already impervious. The roof structure is approximately fourteen to fifteen feet between his roof and the neighbor's roof. The applicant's property is 50 ft. wide.

Riendeau asked Scott what the total coverage was at applicant's property, including impermeable coverage and what the lot allowance coverage is. The stairs are partially located on the neighbor's property and the neighbor has given a letter of approval to the applicant for the project on the .35 acres. The property allows 10% building coverage and 20% for total overall coverage to include walkways, driveways, deck, etc. The allowable building coverage is 1,632 sq. ft. for the building. Riendeau noted that the building currently takes up 1,680 sq. ft. The entire lot is 15,246 sq. ft. The applicant stated that the impervious pavers have been removed. The total impervious coverage is at 4,601 sq. ft for the lot.

The applicant has agreed to take two feet off the south side edge of the driveway pavement next to the planter to retain the coverage on the lot. It would be an approximate 70 sq. ft., making the lot more in compliance.

John Koopman noted that there is an increase in concern of everyone with property coverage and permeability at the lake. He also suggested that a clear site plan be presented by the applicant showing dimensions on what is being proposed for clarity of the board. He would also discourage approval of any increase of non-conformity.

*Evans moved to close the public portion. Fales seconded the motion, which passed unanimously.*

#### Discussion:

McKeon noted that the applicant is adding coverage to the back of the property, where the lake is located and removing coverage from the front of the property. It was noted that the roof change is a modest change that will improve safety issues from falling snow and ice over the entryway. The roof structure will not be enclosed.

*Fales moved to approve the request of Joseph Ragusa for Variance from Article II Section 203.6b (B) & Article V Section 503.1 of the zoning ordinance to all for the building of a roof over existing front entrance, which is in the 20 ft. side setback.*

*Criteria for approval:*

- 1. The variance is not contrary to the public interest. **Yes. This is not an expansion where it will not be adding living space but will be adding safety to the egress of the building.***
- 2. The spirit of the ordinance is observed. **Yes. This is not increasing living space.***

3. *Substantial justice is done. Yes. This allows safe egress from the building during inclement weather.*
4. *The variance will not diminish the values of surrounding properties. Yes. The roof will be esthetically pleasing. It does not project over the roof line of the house or block anyone's view of the lake and will not exceed 4 ft. x 6 ft.*
5. *Literal enforcement of the ordinance would result in unnecessary hardship. Because of the special conditions of the property that distinguish it from other properties in the area:*
  - (a) *There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property. The roof will provide a safety feature for the building.*  
**And**
  - (b) *The proposed use is a reasonable one. Yes*

*McKeon seconded the motion.*

Discussion: The second part of the request is for the stairs. Riendeau noted that the stairs are a reasonable request for safety issues and the applicant is trying to relocate the stairs more on their property. The applicant should have safe access up and down and this is a reasonable solution with what goes on with the property. The change of the applicant taking additional impermeable surface in the driveway and converting that to green space puts the property more in compliance and will be reducing the coverage by 40 sq. ft. The stairs will be less steep.

*Fales moved to approve the requested Variance of Joseph Ragusa from Article II Section 203.6b (B) & Article V Section 503.1 of the zoning ordinance to replace the concrete stairs with composite decking as proposed to the Zoning Board. In return the applicant will be taking a two foot strip off the driveway on the Southwest portion of the parking area locating north of the garage. He will be increasing the impervious area by 30 feet with the new stairs, however he will be reducing the impervious area by 70 feet by taking out the driveway, with a net decrease of impervious area of 40 sq. ft.*

*Criteria for approval:*

1. *The variance is not contrary to the public interest. Yes. The new stairs will be safer than the current concrete stairs that are failing. The property owner will also be reducing pervious coverage by 40 sq. ft.*
2. *The spirit of the ordinance is observed. Yes. The stairway is currently crossing the property into the abutter's property. The stairway will be off the property line and completely on his property.*
3. *Substantial justice is done. Yes. There is no harm for the general public or other individuals, especially the abutters. He is removing his access from his property.*
4. *The variance will not diminish the values of surrounding properties. Yes. By adding these stairs, they are more estedically pleasing than the concrete steps that have damage due to weather on them.*
5. *Literal enforcement of the ordinance would result in unnecessary hardship. Because of the special conditions of the property that distinguish it from other properties in the area:*

(a) *There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property. **The existing stairs currently cross the property line and the new stairs will remain entirely on the applicant's property.***

**And**

(b) *The proposed use is a reasonable one. **Yes. This will allow the applicant safe access to the lake and will be reducing the impervious area by 40 sq. ft. making the property more in compliance with the zoning ordinances.***

*McKeon seconded the motion.*

*McKeon moved to amend the motion to approve the application per the architectural drawing of the design plan dated February 17, 2016.*

*Fales seconded the motion.*

*The vote was called on the amendment: The motion passed unanimously.*

*The vote was called on the variance: (5) Yes. The motion passed unanimously.*

- **Robert & Margaret Bishop** requests a Variance from Article II Section 203.6b (B), and Article V Section 503.1 of the zoning ordinance to permit a propane tank next to their shed. This property is located at 8 Lake Drive, Spofford, NH 03462 (Map 5E Lot A4) Spofford Lake District.

Present: Margaret Bishop

Bishop noted that the propane tank is being downsized from 500 lb. oblong tank to a smaller upright tank that they would like to place it on the northwest corner of the shed near the opening of the shed. The tank would be closer to the corner of the house than where it is currently. The new tank will be supported with wood slats and will be placed in the front setback on Lake Drive. Bishop noted that the underground gas line runs underground and runs along the side of the wall to the heater, which is located on the north side of the house. Fales noted that the application is currently more than 50% over on coverage on the lot.

*Fales moved to close the public portion. Oot seconded the motion, which passed unanimously.*

*Fales moved to approve the variance for Robert & Margaret Bishop from Article II Section 203.6b (A) to permit a propane tank to be placed on the southwest corner of the shed, closest to the house and deck at 8 Lake Drive, Spofford, NH*

*Criteria for approval:*

1. *The variance is not contrary to the public interest. **Yes. The propane tank that she will be installing is smaller than the current propane tank. She will also be improving impervious coverage, as well as moving the smaller tank out of the side setback. Although it is going into the road setback, it is the furthest point away that is reasonable on this property.***
2. *The spirit of the ordinance is observed. **Yes.***
3. *Substantial justice is done. **Yes. It will still allow the property owners to have heating fuel.***
4. *The variance will not diminish the values of surrounding properties. **Yes. The new proposed propane tank will be replacing one that will be removed from the side setback so the adjacent property values will not be diminished.***
5. *Literal enforcement of the ordinance would result in unnecessary hardship.*

*Because of the special conditions of the property that distinguish it from other properties in the area:*

*(a) There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property. **The applicant needs to have her fuel tank located close to the house.***  
**And**

*(b)The proposed use is a reasonable one. **Yes.***

*Evans seconded the motion.*

*The vote was called: (5) Yes. The motion passed unanimously.*

### **Review Meeting Minutes**

- **April 12, 2016** – Voting will be Riendeau, Evans, McKeon and Oot.  
*McKeon moved to approve the meeting minutes of April 12, 2016 as presented. Evans seconded the motion, which passed unanimously.*
- **April 16, 2016 Site Meeting**– Voting will be Riendeau, Evans & McKeon.  
*Evans moved to approve the meeting minutes of April 16, 2016 site meeting as presented. McKeon seconded the motion, which passed unanimously.*

### **Other Business**

Oot received a copy of the Rules of Procedure and he was asked to review them before the meeting of June 14. Riendeau noted that there was a request from the prior board meeting to get advice and/or consultation from legal counsel. Any of that written information is noted as “confidential”. That information is for only the board members to read. If the confidential information is discussed, then it becomes a public document and everyone has access to that information. Otherwise, the material becomes attorney-client information and it is not shared.

The OEM director will provide the updated password for the board to use the new notebook before the June 14 meeting.

Riendeau noted that several zoning board members attended a recent lecture in Keene on accessory dwellings. He added that the Planning Board writes the new ordinances with guidance from legal counsel. A joint meeting may be held between the ZBA and the Planning Board when new ordinances are written.

### **Next Meeting Schedule – June 14, 2016**

**Adjourn:** *Fales made a motion to adjourn the meeting. Evans seconded the motion, which passed unanimously. The meeting adjourned at 9:55 p.m.*

Respectfully submitted,  
Patricia Grace  
Secretary

Approved

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Burt Riendeau  
Chairman, Zoning Board of Adjustment

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Date