

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

**MINUTES
November 15, 2016**

Present: Chairman Burt Riendeau, Harriet Davenport, Kristin McKeon and Alternate Roland Vollbehr. Also present was Lance Zinn, who is interested in serving as an alternate on the board.
Absent: Lucky Evans, Renee Fales, Alternate Christopher Oot and Selectboard Representative Norman VanCor

The Zoning Board of Adjustment met at the Chesterfield Town Office on November 15, 2016. Riendeau opened the meeting at 7:32 p.m. and explained the process of the meeting. He noted that Roland Vollbehr will be voting in place of Renee Fales.

Hearings:

- **Larry & Kathleen Robbins** request a Variance from Article II Section 203.6b of the zoning ordinance to permit placement of a 12 kw (2.5 sq. ft.) generator within the east side setback, 5 ft. from house and approx. 14 ft. from property line. This is an additional second propane tank adjacent to existing tank. This property is located at 18 Namaschaug Landing, Spofford, NH 03462 (Map 5G Lot B5) Spofford Lake District.
(This application is a continuance from the site meeting of November 5, 2016)

Larry Robbins stated that it is the Keene Gas policy that any time a customer has more than a 6 kw generator they recommend having a second tank. The Keene Gas serviceman does not recommend placing the tanks under the kitchen nook windows because of the safety hazard for servicing them. It was determined that the best place for the tanks would be against the back side of the garage next to each other, perpendicular, between the two garage windows, no less than three feet from either window. The tanks would be away from the generator. Robbins measured the windows as being 60 inches from the ground. Robbins stated that the house sits just 20 feet from the property line, making the placement of the tanks less non-conforming.

McKeon moved to close the public portion. Davenport seconded the motion, which passed unanimously.

McKeon moved to accept the request from Larry & Kathleen Robbins for a variance from Article II Section 203.6b of the zoning ordinance to permit placement of a 12 kw generator on the east side setback approximately 14 ft. from the property line, 5 ft. from the house, as marked out for the board at our site visit on November 5, 2016. In addition, to allow a second 100 gallon propane tank, with both propane tanks placed against the back of the garage between the two windows. The present tank will be eliminated.

Criteria for approval:

1. *The variance is not contrary to the public interest. **Yes. The request and what was granted does not conflict with the purpose of the ordinance. It doesn't alter the character of the neighborhood and it doesn't threaten health.***

2. *The spirit of the ordinance is observed. Yes. It will allow him to power his generator in a very tight housing situation in a way that it is as close to conforming as it possibly could be, given the position of the house.*
3. *Substantial justice is done. Yes. There is no harm to the general public by allowing this, so the benefit of the applicant is not outweighed by harm done to the general public.*
4. *The variance will not diminish the values of surrounding properties. Yes. Moving the tank will perhaps make the abutting property nicer.*
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:*

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 house is so close to the setbacks that it would be hard to put the tanks and generator without intruding on the setbacks and the third side is the lake. He would not be able to have a generator, for use during power outages.

(a)

And

(b)The proposed use is a reasonable one. Yes. Given the constraints of the property, this is the best place to set the generator and the tanks and to stay as close in compliance as can be made.

Davenport seconded the motion.

Discussion: Riendeau noted that there was no other place that the tanks and generator could be placed. It is a reasonable request and it is a utility to the house that can't be in a conforming spot. The stone drop is perfect to hide them and they will be out of sight. This will get the current tank off the property line and set 18 ft. from the property line, which is be improving the nonconforming placement.

The vote was called: (4) *Yes. The motion passed unanimously.*

- **Mark Lanoue** requests a Variance from Article II Section 208.2 of the zoning ordinance to permit outside cleaning of vehicles. The property is located at 1763 Route 9, Spofford, NH 03462 (Map 10A Lot A5) Office/Retail Space/Service District.
(This application was continued from October 11, 2016)
(It was requested that this hearing be continued until December 13, 2016, per the applicant.)

McKeon moved to continue the hearing for Mark Lanoue until December 13, 2016. Vollbehr seconded the motion which passed unanimously.

Review Meeting Minutes

- **October 11, 2016** – Voting will be Riendeau, Davenport and McKeon.
McKeon moved to approve the meeting minutes of October 11, 2016 as presented. Davenport seconded the motion, which passed unanimously.
- **September 13 & (2) November 5 Site Visits** – Will be reviewed at the December 13, 2016 meeting.

Other Business

Lance Zinn attended this ZBA meeting to become familiar with the meeting process. This is the second ZBA meeting that he has attended since notifying the Board of Selectmen of his interest to serve as an alternate.

Next Meeting Schedule – December 13, 2016

Adjourn: *Vollbehr made a motion to adjourn the meeting. McKeon seconded the motion, which passed unanimously.* The meeting adjourned at 8:15 p.m.

Respectfully submitted,
Patricia Grace
Secretary

Approved

Burt Riendeau
Chairman, Zoning Board of Adjustment

Date