

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

**SITE VISIT MINUTES
April 30, 2017**

Present: Vice Chairman Harriet Davenport, Lucky Evans, Kristin McKeon, Chris Oot, Alternates Roland Vollbehr and Lance Zinn. Also present were Burt Riendeau; Pam Walton, Chesterfield Conservation Commission representative; Rodney Parsons and Steve Dumont, Building Inspectors/Code Enforcement officers.

Tal and Darlene Rancourt, Revocable Trusts request a Variance from Article II Section 203.6b of the zoning ordinance to permit new smaller replacement house to be uniformly 8 feet from side boundary line where corner of existing house is 2 feet from boundary line. The property is located at 7 Kenyon Road, Spofford, NH 03462 (Map 5D Lot B37) Spofford Lake District. Present: Attorney Thomas Hanna

Davenport opened the meeting at 9:05 a.m. at the 7 Kenyon Road site.

Hanna noted that the applicant proposes to rebuild the new house 8 feet parallel with the westerly property line. Both lots owned by the applicants will continue share the (1) one septic system, which overlaps the boundaries. Hanna also noted that the existing garage at 7 Kenyon Road will be removed. He stated that the driveway does not show on the existing plan that was being presented. Hanna stated that the driveway is not going to be the primary access to this property and the access will be from Estee Cove onto Kenyon Way. Hanna noted that the drawing being presented was prepared by an architect. Hanna stated that the applicant plans to build a small deck off the house that will be behind the 50 ft. setback from the lake and the retaining wall will remain in place. McKeon asked if the pavers were going to be removed and Hanna replied that he didn't know. Walton asked why the new house wasn't going to be set 20 ft. from the side setback and Hanna replied the applicant is trying to maintain some useful yard and there will be no project if the applicant has to meet the 20 ft. setback. He added that there is a rain garden and septic tanks would be pushed out by the building. Walton stated that there have been a number of trees that have been taken down in this neighborhood where water is not being absorbed. She added that the house plans should have been completed before the Zoning or Planning Boards are requested to act on the application and the septic system should be checked since it has been more than 20 years since the system was installed. Parsons noted that septic and asbestos issues are conditions prior to receiving a permit.

Hanna noted that there are three catch basins that run along one side of the house and the rain garden that help mitigate drainage issues that starts at North Shore Road. Walton stated that there have been trees removed where the new garage is being built (on the abutter's adjacent lot) and the entire lot across the road, just last year, had all the trees removed and the drainage may not be adequate. Walton noted that she received a report on the lake readings two weeks ago in that the oxygen level at the lake is going down.

Oot stated that plans for the house were not included with this application which would provide information for the board in that the plans present on construction that would show the height, roof line of the building and how it would be visible and how much noise would be generated and whether it may or may not impact the neighbors. Evans had concerns of where water runoff

from the roof would be impacting areas on the property. McKeon stated that the board can make conditions stating where the water needs to be directed and to require DES approvals for conditions. McKeon added that the board tries to cover everyone's concerns, including conservation. Hanna noted that a condition could require a drainage plan by an expert. He stated that the applicant is going to have Don Scott handle the Shoreland Protection application and removal of the patios. He could also be required to do a drainage plan. Davenport stated that what the applicant has presented is a huge improvement from what they have in place. Parsons stated that, with the change of the building and giving the roof lines, that attention is given by a landscape professional, or equal, that looks at and recommends ways to take advantage of the move in direct roof runoff into the existing work that has been done or better and to work and focus on the drip line and how it can be captured for the protection of the lake. Parsons is going to look at the language in design and what happens with the roof drip. Davenport added that it should comply with the Shoreland Protection Act and the DES and following up with the legality of the septic. Parson noted that often the catch basin will allow the sand to drop out and the water goes to the next one and the catch basins are cleaned out.

Parsons stated that a permit has been issued for the garage being constructed on the applicant's abutting property and it meets all setback requirements and is an accessory to the seasonal cottage and it is off from North Shore Road and the permit was issued October 16, 2016. Parsons noted that there is a second driveway permit for servicing the 7 Kenyon Road property, which may have a shared right-of-way. He stated that there has not been a permit issued for demolition of the building on 7 Kenyon Road at this time. Hanna did not know if any additional trees were going to be removed.

Riendeau stated that 503.1 was not requested on the application to raise the height of the building. Hanna stated that if the applicant is going to have a design, then it will affect the timing of the project. McKeon noted that it is not the responsibility of the board to meet the deadline of the applicant but it is the boards responsibility to make the right decision.

Hanna noted that the applicant told him that the existing height of the building might be 20 ft. and it might be 30 ft. He asked if half a story is 10 ft. Parsons noted that walls on the second floor have to be a required minimum height, even if they are in a sloped room and volume is the product of height and height is limited in town.

Hanna stated that by removing the patio, that eliminates the setback issue (on the lakeside), the corner of the building is moving from 4 ft. to 8 ft. on the fence side. Currently the front setback of 50 ft. is encroached into a setback violation and that violation is going to be eliminated and the house will become less conforming and all of the encroachment in the 50 ft. setback will be eliminated. The current coverage situation will be 33% impermeable, which includes building that will be brought into conformity of 20% and the current building coverage with the garage and the size of the building (house) is 15%, 10% being the limit and will be brought into conformity of 10% requirement. Hanna noted that those are the "cures" in return for encroachment of 2/3 of the building; some of which is nonconforming.

Parsons noted that this application provides an opportunity to improve the pervious conditions on this lot which takes a load off the lake by keeping the water runoff to a minimum. Hanna noted that the patio between the two wings will be removed and not be replaced by a building. Oot

stated that he would like to see topography documentation and more details to the drainage and house plans to help in making a decision on the application.

McKeon stated that a decision needs to be made clear in writing and she feels that a decision should not be made during this site visit.

McKeon moved to continue the meeting on May 9, 2017. Oot seconded the motion.

Vote called: Vollbehr - No; Evans – Yes; Oot – Yes; McKeon – Yes; Davenport – No.

The motion passed by majority vote.

The hearings are scheduled to begin at 7:30 p.m. on May 9, 2017.

McKeon moved to adjourn the meeting. Oot seconded the motion, which passed unanimously.

The meeting adjourned at 10:10 a.m.

Respectfully submitted,

Patricia Grace

Secretary

Approved:

Harriet Davenport
Vice Chairman, Zoning Board of Adjustment

Date: _____