

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

**MEETING MINUTES
MAY 9, 2017**

Present: Chairman Burt Riendeau, Kristin McKeon, Chris Oot, Alternate Lance Zinn

Absent: Harriet Davenport, Lucky Evans, Alternate Roland Vollbehr and Selectboard Representative Norman VanCor

The Zoning Board of Adjustment met at the Chesterfield Town Hall on May 9, 2017. Riendeau opened the meeting at 7:33 p.m. by welcoming everyone and explained the process of the meeting. He noted that there were only four board members present for this meeting. Riendeau appointed Lance Zinn in placement of Harriet Davenport for this meeting.

Hearings:

- **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. (Continued from meeting of April 11, 2017 and site visit of April 30, 2017)
Present: Attorney Barry Faulkner

Zinn was present for the initial meeting on April 11 and at the site visit on April 30 of the Rancourt request for a variance. Faulkner agreed for the board to proceed with four board members present. Faulkner distributed a document of potential wording for a Proposed Zoning Board Decision to all board members for the Rancourt application.

McKeon noted that the applicant presented the application in that the replacement house was going to be smaller than the existing house. McKeon worked on the square footage, based on the plan that was presented to the board. She determined that the replacement house is going to be larger and not smaller. The footprint may not be bigger but town records show that there is 1,810 sq. ft. of living space and with documents presented to the board by the applicant indicated that they were going to have 1,810 sq. ft. When adding a second floor at roughly 8 sq. ft. less than the outside dimensions of the full length of the house, that becomes an additional 1,200 sq. ft. McKeon noted this is a concern of understanding what the house plans are going to be. McKeon asked if any house plans are being presented. Faulkner showed copies of some concept sketches of what might fit on the existing footprint of 25 x 35 ft. of the main house. McKeon noted that the document presented to the board (dated February 22, 2017) indicated that the house footprint is 52 x 30 ft. Riendeau stated that the board hasn't seen any plans for a new house. Faulkner noted that the applicant would like to have a peak roof on the second floor. McKeon noted that the dimensions must be in cubic feet when part of the house is in the side setback and the upstairs would increase the non-conforming use of living space in the setback. McKeon also noted that there is a potential for the applicant to request a full cellar under the new house. Faulkner noted that the applicant has been reluctant to have someone put together a design because a design is expensive.

Oot stated that by not having plans, it does not allow the ZBA to make an accurate decision on the application. Riendeau noted that questions on the nonconforming sections of that lot, conditions could be made on that portion of the setback. McKeon noted that the applicant is making the house much less conforming of a request for more living space on a second floor. Riendeau stated that approximately 600 additional sq. ft. of nonconforming space expansion is being requested that is not already part of the living space. He noted that 503.1 was not applied for on this application.

Oot requested that height and design of the structure be provided with dimensions for both conforming and nonconforming information. McKeon noted that a larger house would not be in the spirit or intent of the ordinance and the board needs to meet the five criteria. Zinn noted that he has asked for dimensions on the roof line and feels that with no drawings the board is missing a lot of information for a new structure. Faulkner replied that it is expensive to provide that level of designs.

Riendeau requested that the applicant provide the actual square footage of the existing building that is in the side setback, including the measurements of the jog-in areas, actual square footage of the current and proposed building of side setback encroachment of dimensions, both vertically and horizontally. If additional expansion for a second floor is being requested on the side setback, calculations of square footage needs to be provided in the setback. The variance is for the nonconforming part of the lot and the expansion in that section. If additional expansion is being requested on the second floor in the side setback, that needs to be in the square footage amount. The square footage of the nonconforming portion of the building needs to be available and what portion of the building is being expanded or not. McKeon requested that current roof height and maximum proposed roof height dimensions be provided to the board.

Riendeau asked if there were any specific zoning questions from the public on this application. Pam Walton, representative of the Conservation Commission, stated that she did not hear of anything regarding putting in a basement on this site until this meeting and that is another good reason to ask for plans. The plans should not necessarily be expensive but accurate. If there is a proposed basement at this site, it could affect drainage. Slab information should also be available and if a full basement is being requested. Walton noted that Tom Hanna was going to prepare some information on the roof runoff.

Jeff Scott stated that elevations and floor plans should be provided for existing and proposed site plans on this property.

John Koopmann had concerns for imposing restrictions for expansion within the nonconformity for further development, both vertically and horizontally, that those restrictions be iron clad wording.

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

Discussion: Riendeau suggested that the application be continued to the next meeting for additional information that was discussed with the applicant's attorney, i.e., additional square footage requirements in the side setback expansion. A plan needs to be provided for what is currently there and what is going to be proposed.

Riendeau moved to continue the meeting for additional information on June 13, 2017. McKeon seconded the motion, which passed unanimously.

- **ASA & MARJORIE MOSHER TRUST** request a Variance from Article II Section 203.6b of the zoning ordinance to permit situating propane tanks, backup generator adjacent to the north side of the house within 20 ft. setback and situating remote electrical meter on a post within 50 ft. setback to the east of the house. The property is located at 2 Lake Road, Spofford, NH 03462 (Map 5E Lot A7) Spofford Lake District.
Present: Jim Bannon, Project Manager of Bensonwood.

Bannon agreed that the board proceed with four board members present. Bannon requested approval to withdraw the portion regarding the electric meter on a post within 50 ft. setback to the east of the house. That meter will be placed on the side of the house. Since submitting the application, Bannon noted that it would be impossible to install the electric meter on a post.

Bannon noted that the corner of the house was within the setback for installing the backup generator. He noted that the site is entirely exposed to bedrock which prohibits burying a line to the generator from the tanks. Bannon provided aerial photographs showing the placement proposal of the propane tanks, backup generator and the setbacks on the property. The requirement would be for three (3) 100 gallon tanks. Bannon noted that there is a requirement of 10 ft. between the propane tanks and the generator and the propane tanks cannot be within 10 ft. of windows and vents. The placement of the propane tanks will be straddling the side setback. They would be adjacent to the northeast corner of the house, where there are no windows or vents within 10 ft. The applicant would set up shrubbery to block the site of the tanks from the abutting property, the road and the lake.

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

Discussion: Oot stated that the location for the tanks is the least visible location from the lake, neighbors and road for this property. Riendeau stated that the lot has a fair amount of hardship to the land with access to ledge. They will have access to the tanks with minimal encroachment and it is a reasonable request.

Oot moved to approve the request for a Variance from Article II Section 203.6b on property located at 2 Lake Drive, Spofford, NH.

Criteria for approval:

1. The variance is not contrary to the public interest. **Yes.**
2. The spirit of the ordinance is observed. **Yes. There is no undue impact to the public health or character of the neighborhood.**
3. Substantial justice is done. **Yes. The request is a reasonable one, given the benefit to the applicant in this location.**
4. The values of surrounding properties are not diminished. **Yes. The variance request for propane tank and generator are not in a location where they would be seen or discernible by any of the neighbors.**
5. Literal enforcement of the ordinance would result in unnecessary hardship.
Because of 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.

There is very little side setback room to work with. There is significant amount of bedrock on the property that limits the location for the generator and propane tank could be placed.

- (b) The proposed use is a reasonable one. **Given the benefits of having a generator, the purpose is a reasonable one.**

The motion was seconded by McKeon, which passed unanimously.

Rehearing Request:

- **Xpress Natural Gas LLC** – Special Exception at 19 Mill Road, W. Chesterfield, NH
(Application denied on March 21, 2017)
Present: Aaron MacQueen and Attorney Michael Bentley

The applicant requested that his request for rehearing be continued for the June 13 meeting because he would like to have a full board present. Riendeau noted that the rehearing request will be closed to public session.

Riendeau moved to continue the request of Xpress Natural Gas LLC to June 13, 2017 in hopes that there will be a five member board. Oot seconded the motion, which passed unanimously.

McKeon was excused from the remaining portion of the meeting.

Review Meeting Minutes

- **April 11, 2017**

Not enough board members were present at this meeting who attended the April 11 meeting to vote on approval of minutes. It will be discussed at the June 13 meeting.

- **April 30, 2017**

Oot moved to approve the April 30, 2017 site visit minutes as presented. Zinn seconded the motion which passed unanimously.

Other Business

- **NHMA Workshop – Tuesday, May 16 at 6:30 p.m. – Town Hall**

26 board and committee members from Chesterfield have signed up for this workshop.

- **Application Requirement: Disc/flash drive/CD**

McKeon requested this discussion. It will be scheduled for discussion on the next meeting agenda.

The next meeting is scheduled for June 13, 2017.

Adjourn: *Riendeau made a motion to adjourn the meeting. Oot seconded the motion, which passed unanimously.* The meeting adjourned at 9:40 p.m.

Respectfully submitted,
Patricia Grace
Secretary

Approved

Burt Riendeau
Chairman, Zoning Board of Adjustment

Date