

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


You are hereby notified that on Tuesday, January 14, 2014 the Zoning Board of Adjustment met to hear **Nine A LLC** represented by James Phippard of Brickstone Land Use Consultants and Attorney William Saturley, request for a Variance from Article II, Section 203.6a of the zoning ordinance to allow a five (5) unit cluster subdivision in the Spofford Lake District. The property is located at Route 9A, Spofford (Map 5K Lot B3, Map 5N Lots B1, B2, and B9) Residential/Spofford Lake District. (Continued from December 10, 2013)

A motion was made to accept the application for a variance of Nine A LLC for Article II of Section 203.6a of the Chesterfield Zoning Ordinance.

Criteria for approval:

- *The variance is not contrary to the public interest. The immediate neighborhood is single family dwellings and this project will add single family dwellings. The owner will be removing a large industrial or institutional use that's there now and will turn it back into a residential use going forward.*
- *The spirit of the ordinance is observed. While this project is being zoned as a cluster subdivision the net result is residential housing. The lot has been found to be a single lot on both sides of the road. The 30 acre project size calculates to six (6) acres per lot, compared to the two (2) acre requirement for underlying zoning. All cluster zone regulations are to be complied with.*
- *Substantial justice is done. Yes.*
- *The values of surrounding properties are not diminished. The owner will be taking away a derelict institutional building that is no longer being used and putting in houses. They will comply with all the New Hampshire Shore Land Protection requirements, such that the septic systems and storm water runoff systems will be properly accounted for, thereby protecting the lake.*
- *Literal enforcement of the ordinance would result in unnecessary hardship.*
 - (a) Because of special conditions of the property. Yes, the special condition of this property is a 90,000 square foot institutional building in a residential district. The change to a five home residential development will result in a lot coverage reduction of more than 50%, a reduction of approximately 60,000 square feet.*
 - (b) The proposed use is a reasonable one. Yes, the planned 5 lot residential housing project is consistent with the neighborhood uses and underlying zoning. This is variance allows for five (5) homes only. All requirements for the cluster zoning will be complied with. The green space that has been proposed is to be established for perpetual preservation. This project will require Planning Board approval and must be compliant with the Shore Land Protection Act.*

The motion was seconded and carried by majority vote.
(4) Yes – (1) No



Andy Cay
Vice Chairman
Zoning Board of Adjustment

Date: 1-16-11

NOTE: Any person affected has a right to appeal this decision. If you wish to appeal, you must act within thirty days of the date of this decision. The necessary first step, before any appeal may be taken to the courts, is to apply to the Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds on which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677