

Town of Chesterfield, NH
Zoning Board of Adjustment
MINUTES
November 12, 2020

Kristin McKeon, Chair, opened the meeting at 6:30 P.M. Also, in attendance, were John Zannotti, Joe Hanzalik, Lucky Evans, Richard Aldrich, Gary Winn as Selectman's representative, and Jim Smith.

As Chair of the Zoning Board of Adjustment, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;

We are utilizing the Zoom platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # 1-646-876-9923 and password 162025 or by clicking on the following website address: <https://us02web.zoom.us/j/89735955954>

b) Providing public notice of the necessary information for accessing the meeting; We previously gave notice to the public of how to access the meeting using Zoom, and instructions are provided on the Town of Chesterfield website at: <https://chesterfield.nh.gov/>.

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access; If anybody has a problem, please call 603-398-6712 or email at: kmckeonzba@gmail.com

d) Adjourning the meeting if the public is unable to access the meeting.

In the event the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Introduction of Board Members and Selectboard Representative to ZBA

Review Minutes 10/08/2020:

Joe Hanzalik moved to accept the minutes of the October 08, 2020 Zoning Board of Adjustment meeting as amended. John Zannotti seconded the motion which passed unanimously by roll call vote.

Reconsideration Joy Street LLC: Update motion for reconsideration for Joy Street LLC-Kristin McKeon

McKeon stated when she moved the decision at the last meeting, she had stated a number incorrectly due to inadequate information. McKeon noted there was a variance given with the new driveway and parking being 2,560 square feet (decrease). McKeon noted the number supplied by the applicant to the DES means the applicant did not follow the terms of their variance or they submitted the incorrect number to the board. McKeon stated this was never stated in the hearing and she would like to go back and amend the motion to replace the 3,638 square feet with the DES 2,071 square feet and then let the current code enforcement officer take over.

Aldrich stated he drove by the premises and took a picture of the property. Aldrich noted that on Google Maps, it is obvious that there is much more pavement than the original driveway. McKeon noted that the board could only address what Ted Athanasopoulos had decided originally.

The board discussed McKeon's suggested amendment.

John Zannotti moved to change the square footage stated in the motion for Joy Street LLC originally moved on 10/08/2020 from 3,638 to 2,071 square feet. The motion was seconded by Joe Hanzalik and passed unanimously by roll call vote.

Zannotti asked how this decision would get back to the Code Enforcement officer for enforcement.

McKeon noted that a separate complaint could be made and after that information is brought forward, the Code Enforcement Officer must act on it.

Evans asked if the Code Enforcement Officer should take measurements of the actual driveway rather than making conjectures. McKeon stated that as far as the Zoning board is concerned, the Joy Street case is closed.

Evans asked if a citizen should go to the Code Enforcement Officer and ask for further investigation.

McKeon explained a citizen can do that but members on the Zoning board cannot as that would appear biased.

Application:

Lyle Foley & William P. Manter with Jim Phippard presenting and the applicants in attendance; are requesting a variance from Article V, Nonconformities, Section 503.1, Expansion of the zoning ordinance to permit construction of a new house in place of the existing house. The property is located at 873 Route 63, Spofford NH 03462 (Tax Map 5B/A-5)

McKeon opened discussion, noting that the board was sent the written comments and concerns from some of the abutters.

Jim Phippard with Lyle Foley and William Manter presented their application to the board.

Phippard noted they wanted to tear down the current single-family home and the two non-conforming

garages. He noted that the new single-family home will bring the lot into more conformance than what it is today. Phippard stated these changes will increase the setbacks, as well as meeting road and lake setback requirements. Phippard noted there will be improved runoff which was an issue a few abutters brought up. Phippard stated a new DES approved septic system would be installed that would replace the existing holding tank.

Phippard stated he is moving the house back which will allow for a better view, relocating the rear allows for more green space for the buffer area which improves storm water quality and drainage as well as reducing and treating runoff, which greatly improves the current situation.

McKeon asked what the area will look like once the area of cottages is gone. Aldrich noted it will look great. Phippard stated he agrees with Aldrich.

McKeon noted discussion on a driveway compared to a Private Road, referencing a workshop she had attended on the subject. McKeon stated that frontage on a lot of roads, technically should be 50 feet back from the right of way, and the applicants might have to add a request to re-notice. Phippard agreed with McKeon. Phippard noted that in the deeds to property, the roadway is stated as a driveway. McKeon stated that it could not be considered a driveway, it is considered a private road.

Aldrich asked why the board would be concerned about the road type and the setbacks. McKeon stated the board could not ignore the setback ordinance.

Zannotti asked who owns the property directly across Old County Road. David Barnofski stated he is the closest abutter. Phippard stated it is Hertford Family Revocable Trust and they were noticed of this hearing. Zannotti asked if the application goes forward, would the current house be demolished before construction of the new house began, or would the current house remain livable while construction began on the new house. Phippard noted a garage would be demolished but then the current house would stay up while construction on the new house started.

Zannotti opened discussion about level spreaders, noting concerns on discharge, standing water, and increased insect population. Phippard stated level spreaders are used often and explained to the board their function. Phippard stated that the level spreaders in this property will be at least three feet of soil coverage, which collect stormwater runoff into these areas coming down the hill, allowing it to dissipate by running over a level lip. Phippard noted that there is no pipe that discharges the water out; it is allowed to infiltrate at the same time.

John Zannotti asked about redirecting the gravel driveway, as the Jangro's also utilize it and it is currently a steep angle. Phippard responded that by repositioning, the applicants will be crossing the lot, not the Jangro's driveway.

McKeon asked about trees coming down, and if so, what is the plan after the house is finished. Phippard stated there are trees that have been taken down for new septic system.

Phippard asked McKeon if she is recommending that he file for another variance to allow construction within a 50 foot setback, noting that this roadway existed as a driveway before the current regulations changed and he should not need a variance. McKeon responded that she did not want to overlook this setback and have the application get caught up at the end of the process.

Evans asked Phippard how is the gravel roadway described in the deed. Phippard answered that the board should have a copy of the deed in their packet.

Phippard stated he could prepare another variance application to include relief from the setbacks.

Manter agreed to reapply and would strongly suggest that if the board feels relief is needed from setbacks

of the shared driveway, they should also seek setback from Old County Road. Manter also strongly suggested a site visit.

Zannotti asked about the proposed stone line and infiltration bed, being considered pervious or impervious. Phippard stated he is treating it as permeable due to it being an infiltration area.

Zannotti asked if the level spreaders were pervious or impervious; Phippard stated they were permeable. McKeon opened questioning up to public comment.

John Koopman thanked McKeon for addressing the setbacks. Koopman asked Phippard if drainage on the private road will be routed under the road to enter the drainage field. Phippard responded that it would not be routed under the road but into the level spreader.

Koopman asked if the area on the other side of Route 63 was the same parcel. Phippard stated it was the same lot.

David Barnofski stated he is the property closest to the garage and requested that the board try to make it as easy on the applicants as possible as they are good neighbors and Barnofski would like to see them get the house done as soon as possible.

McKeon stated she strongly feels she would like to do a site visit as it would give the board a better idea of what the applicants are proposing. The board agreed.

Zannotti asked if the fire department should analyze whether they could get onto Old County Road safely. McKeon stated she is putting a request in with Steve Dumont for an answer.

John Zannotti moved to continue the public meeting to a site visit on the applicant's property on November 20, 2020 at 11AM. The motion was seconded by Kristin McKeon and passed unanimously by roll call vote.

The board took a 5-minute break.

Other Business

McKeon presented changes to the ZBA application with the board.

John Zannotti moved to strike the word variance from the application checklist. The motion was seconded by Joe Hanzalik and passed unanimously by roll call vote.

John Zannotti asked whether the board could decide on an application and be legalized by the town attorney, precluding the application from the board re-hearing it.

Aldrich asked if it would be a good idea for the attorney to edit any decisions written by the board before they were approved. The board discussed.

Winn noted that Casey Schnackenberg and Joe Brodbine have been approved as alternates to the Zoning Board, and are waiting to be sworn in. McKeon asked if Brodbine were coming off the Planning Board.

Winn stated he would be acting in the same capacity as Joe Parisi. Zannotti asked if Parisi was still an alternate. Winn noted that Parisi had resigned his position.

Hanzalik stated that it is important to keep Zoning Board statements and personal opinions separate.

Hanzalik also noted that there are public present on Zoom before the meeting is called to order and the board should be aware of the statements they are making at that time. McKeon agreed and noted that board members should be impartial.

Next Meeting Schedule:

Site visit Foley & Manter on November 20, 2020 at 11AM.

Zoning Board meeting December 10, 2020 at 6:30 PM

ADJOURN:

John Zannotti moved to adjourn at 9:22 P.M. The motion was seconded by Kristin McKeon and passed unanimously by roll call vote.

Respectfully submitted,

Jim Smith

Secretary to the Zoning Board of Adjustment

Approved by:



Kristin McKeon, Chairperson



Date

