

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

**MINUTES
October 10, 2006**

Present: Chairman Burt Riendeau, Andy Cay, Harriet Davenport, John Perkowski and Alternates Tony Souza and Carol Ross.

The Zoning Board of Adjustment met at the Chesterfield Town Office on October 10, 2006 at 7:35 PM. Cay called the meeting to order.

1. Doug Dreyer requests Variances from Articles 203.6b Section B, Side Setback, and 203.4 Section C, Coverage to permit parking/storage within the side setback. The property is located on 249 Route 9A, Spofford (Map 5L Lot A15) Spofford Lake District. Rescheduled from 9/12/06 per applicant.

The voting members for this application are Cay, Davenport, Perkowski, Souza and Ross. Dreyer advised that he was given a building permit by a previous building inspector for the retaining wall. This was given to create an area to store his boat and trailer. He advised he has spent over \$6,000 to level the area and build the wall. This area had been used to store his lawn mower, trash barrels and construction material. Greenwood was advised of the retaining wall and stopped the work on the project. Presently it is just dirt but Dreyer would like to pave it and put up a 3 ft fence on the top of the retaining wall to keep children from jumping off the wall.

Dreyer stated that the garage is 20 ft from the side property line and the retaining wall is 8 ft from the side property line. The area to be used for the boat storage is 12 ft wide from the garage to the retaining wall. He plans on planting the area with shrubs.

Jay Jenkins, abutter, was present and stated this is a significant issue for him. He advised that the neighbors have described the boat as an eye sore. Jenkins stated that this proposal is right outside his bedroom window and everyday he would have to look out on this just 8 ft from the property line. He advised that there had been hemlocks in the area and they have all been removed. Jenkins stated that a red pick-up truck has been parked in that area and it has given him the effect of what it would look like. He believes this would reduce the value of his property.

Dreyer stated that ground junipers had been removed from the area and they were low ground cover but he plans on planting shrubs.

The Board asked if this was a seasonal property and if the boat could be stored in the garage. Dreyer advised that he had requested a variance to make the garage longer to accommodate the boat and trailer but was denied. Dreyer stated they use the property year round because they come up to ski.

*Cay moved to continue the hearing to the site on Friday, October 13th at 5:30 p.m.
Davenport seconded the motion, which carried unanimously.*

2. Stephen & Mabel Peterson request a Variance from Articles 203.6b Section A, Road Setback and 503.1 Expansion of Non-Conforming building to permit lean-to addition to existing shed. The property is located at 10 Esty Cove, Spofford (Map 5D Lot B41)

Cay recused himself, as he is an abutter of Mr. Peterson. The voting members for this application are Riendeau, Perkowski, Davenport, Souza and Ross.

Peterson advised the proposed lean-to is 9 x 19 ft and would be attached to the existing 14 x 20 ft shed. The lean-to is just large enough to fit the boat and trailer. Presently he stores the boat in this area and covers it with a tarp teepee. The closest corner of the shed to the ROW is 48 ft and the lean-to would be 38 ft from the closest corner of the ROW. Peterson stated that he loses some land on the curve as people have a tendency to cut the corner. He advised his lot is a pie shaped lot with a ROW bisecting his lot.

Peterson advised the shed is 25 ft from the Callahan property and over 20 ft to the Wehner property. He stated that the Callahan side of the shed is for a proposed leach field and there is no other place on the lot that a leach field could go. The lean-to would not have walls but the roof only.

Peterson needs relief for the corner of the lean-to only as most of it is conforming in the setback area. The Board asked if coverage had been calculated and Peterson advised that it was and he is under the 10% structure coverage limit.

He had received a variance 3 years ago to remodel the cottage.

Mike Wehner, abutter, stated the lean-to would look better than the teepee tarp that has covered the boat and trailer in the past.

Perkowski moved to close the public portion. Davenport seconded the motion, which carried unanimously.

Perkowski stated this is a tiny lot and the coverage is under the 10% limit. Souza noted that only the corner of the lean-to needs relief. Davenport noted that the ROW bisecting the lot is a hardship. The Board sees this as a reasonable request and noted that Peterson's proposal marginally fits the boat and trailer.

Perkowski moved to approve the request as presented as long as it stays as requested and shown to the Board as a lean-to added onto the existing shed and the lean-to would not become enclosed. The variance meets the criteria under the Boccia analysis.

Criteria for approval:

A. Denial of the variance would result in unnecessary hardship for the property owner seeking it. Boccia analysis for hardship:

➤ *The special conditions of the property make an area variance necessary in order to allow the development as designed. Yes*

And;

➤ *The same benefit cannot be achieved by some other reasonable feasible method that would not impose an undue financial burden. Yes*

- B. The granting of the variance would not be contrary to the spirit and intent of the ordinance. Yes*
- C. The variance is in the public interest. Yes*
- D. Denial of the variance would result in injustice. Yes*
- E. The variance will not diminish the values of surrounding properties. Yes*

Souza seconded the motion, which carried unanimously.

3. Review 9/12/06 and 9/16/06 Meeting Minutes

Cay moved to approve the September 12, 2006 and September 16, 2006 minutes. Souza seconded the motion, which carried unanimously.

4. Other

The Board asked that Ross pass onto Greenwood their concern on the Barnes site. The lot has been clear-cut and the application that was presented to the ZBA noted the trees that would be saved and the depiction of the new house showed surrounding trees. They also had a landscape architect at the meeting. The Board had based its decision on the application as it was presented and they believe that what was presented is different from what has happened. Both Cay and Davenport stated that they were particularly impressed during the meeting with the proposal and the trees that would be saved. Ross will contact Greenwood to notify Barnes that they would be required to return to the Zoning Board to seek a revised variance. The Barnes' actual site work does not comply with what was presented to the Board.

The Board also questioned if a State permit was required for that degree of cutting.

It was also noted that if the Board sees issues on applications that had been presented to the ZBA and seem not to be in compliance, written notice would be given requesting that Greenwood check it out.

5. Adjournment: The Board adjourned at 8:35 PM.

Respectfully submitted,
Carol Ross
Secretary

Approved:

Burton Riendeau
Chairman
Zoning Board of Adjustment

Date: _____