

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

**MINUTES
June 10, 2008**

Present: Chairman Burt Riendeau, Andy Cay, John Perkowski, Harriet Davenport, Renee Fales and Alternate Carol Ross and Select Board representative Bob Brockmann.

The Zoning Board of Adjustment met at the new Chesterfield Town Office on June 10, 2008 at 7:30 pm. Riendeau introduced the Board and explained the evening's procedures. The following agenda items were heard.

1. Stephen & Mabel Peterson request a Variance from Article 203.6b Section A, Road Setback and Section B, Side Setback to permit addition. The property is located at 10 Esty Cove, Spofford (Map 5D Lot B41) Spofford Lake district.

Cay stepped down from the table as he is an abutter for this application. Ross will vote on this application as the alternate.

Peterson stated that the addition would be 96 sq ft. The lot is .41 acre and the existing 2 story house is 832 sq ft. This is a pie shaped lot. The present coverage with house and garage is 7.2%. The addition would increase coverage to 7.7%. Esty Cove is a ROW bisecting Peterson's lot but still requires the 50 ft setback from the road. Peterson advised that half of the existing building is within the 50 ft setback from Esty Cove and 2/3 of the building doesn't meet the 20 ft setback.

The addition would be 7.5 ft into the side setback. The proposal would allow for a bathroom on the first floor. They have located the addition to use the existing doorway. If they moved it further to the west they would have to relocate the electrical and wouldn't have the doorway access. That would also minimize their already small dining area.

The addition would not be on a slab because the existing holding tank is under the proposed addition location. The tank will be removed. The rear wall of the house has a foundation and they propose to have a 4 ft frost wall foundation. The addition peak would be 13 ½ ft high with 8 ft walls. The peak will be below the second story windows.

The setback was measured from the edge of the dirt road as the traveled way as it bisects the property. The current building is 4 ft from the side property line and the addition would be 12 ½ ft from the side.

Peterson stated that the only abutters who would see the addition are the Wehners. Mike Wehner was present and stated her would have no objection to the addition. A note was received from Foster Little and he approves of the proposal. Cay, as an abutter, stated that this is a good solution and he had no objection.

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

Perkowski stated this is a small addition and it is reasonable to have a bathroom on the 1st floor. The Board noted that this is a private road and not a driveway. The road setback requirement applies. The lot's pie shape and the fact that it is bisected by the road are hardships. Replacing the holding tank with a septic tank and leach field will benefit the lake area by better protecting the lake.

Perkowski moved to accept the plan presented for the 96 sq ft addition along with removing the holding tank and installing a septic tank and leach field as proposed. Using the Boccia analysis for this area variance the Board finds there is not a good alternative given the pie shape of the lot and the road location bisecting the lot.

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

Davenport seconded the motion, which carried unanimously.

2. Andrew & Constance Rancourt request a Variance from Article 204.5 Section E, Setback from cemetery to permit addition to existing home. The property is located at 494 Gulf Rd (Map 15 Lot A17) Rural/Agricultural district.

Rancourt advised the house was built in May 1999. They request a small 12 x 14 ft bedroom addition with a full basement. Location of the addition in another location is not possible as the well is on one side, the septic on the other and the driveway with a double deck on the front. The proposal is 41ft from the closest point to the cemetery.

Fales asked if the Cemetery Commission had been noticed. Ross stated she had not thought to notice them and only the Select Board had been noticed. Brockmann was brought up to speed on the application. He advised he will be at the Cemetery Commission tomorrow evening and will bring this issue before them.

The Board discussed having a site visit giving the Cemetery Commission time to review the proposal. Rancourt stated he would go to the Cemetery Commission meeting.

There were no abutters present.

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

Cay moved to continue the meeting to the site on Thursday, June 12th at 5:15 pm. Perkowski seconded the motion which carried with 3 affirmative votes.

3. Review 5/13/08 Meeting Minutes

Cay moved to approve the May 13, 2008 meeting minutes. Perkowski seconded the motion, which carried. (Yes: Riendeau, Cay, Perkowski and Ross)

4. Other

The Board was advised of the Notice of Structuring Conference for the Alex Kwader v Town of Chesterfield & ZBA on August 18th. Riendeau advised he had met with David Tower to discuss the case.

5. Adjournment: The Board adjourned at 8:55 pm.

The Board was given a tour of the new building.

Respectfully submitted,

Carol Ross
Secretary

Approved:

Andy Cay
Vice Chairman, Zoning Board of Adjustment

Date:_____