

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

**SITE MINUTES
June 12, 2008**

Present: Chairman Burt Riendeau, John Perkowski, Harriet Davenport, Renee Fales and Alternate Carol Ross, Select Board representative Bob Brockmann and Neil Jenness, Cemetery Commission.

The Zoning Board of Adjustment met on site at the Rancourt property on June 12, 2008 at 5:15 pm. Riendeau called the meeting or order at 5:25 pm.

The meeting is a continuation on site for **Andrew & Constance Rancourt's** request for 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.

Jenness advised that the Cemetery Commission would prefer that this variance not happen but they will not oppose it because there seems to be no other alternative for the Rancourts. She also stated that this is an inactive cemetery.

Jenness stated that the 50 ft setback is to protect the integrity of the cemetery and it also gives a measure of privacy as a buffer for burials. She advised she is concerned that a precedent would be set. Riendeau explained that the Board takes each application on its own merit.

The Board viewed the staked area for the proposed addition. It is 41 ft at its closest point to the cemetery. They cannot go in another direction due to the well on one side, the septic field on the other. Presently there are 2 bedrooms, one upstairs and one down. The down stairs bedroom is very small and is used as a sitting room. This addition would increase that room to a usable size.

The Board discussed going up but that would only increase the size of the usable bedroom.

Perkowski moved to approve the application based on the 5 points of a variance, noting there is a hardship in the land. The way the house is positioned in the slope toward the side setback and also taking into consideration the input from the Cemetery Commission. Although the commission prefers that a variance not be granted, they feel because of the hardship they have seen here and the fact that this is no longer an active cemetery, they can understand that the applicants need relief.

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, there are no other practical alternatives to this proposal looking at the fact that the well is on one side and the septic on one the other side.*
- 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 with 3 affirmative votes.

Respectfully submitted,

Carol Ross
Secretary

Approved:

Andy Cay
Vice Chairman, Zoning Board of Adjustment

Date: _____