

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

**MINUTES
May 12, 2009**

Present: Chairman Burt Riendeau, Andy Cay, Harriet Davenport, John Perkowski, Alternate Jim Larkin and Selectman Cliff Emery. **Absent:** Renee Fales and Lucky Evans.

The Zoning Board of Adjustment met at the Chesterfield Town Office on May 12, 2009 at 7:30 pm. The following agenda items were heard. Vice-chair Cay chaired the meeting.

1. Scott Samson requests a Special Exception for Setbacks under Article 207.6 to permit a 10 x 12 ft pergola over an existing patio. The property is located at 60 South Shore Rd, Spofford (Map 5A Lot A41) Spofford Lake District.

Samson advised he proposes putting a pergola on an existing concrete patio. It would be 18 x 12 x 8 ft high. It would provide some shade and clock view of the neighbor's house. They may have lights for the evening and perhaps fans. They will not be pouring anymore concrete for the pad. This project is 12 ft from the lake.

It was noted that whatever the ZBA approved may still require State permits. Samson would need to contact Greenwood to have him look at it.

David Bean, abutter, asked if the pergola would remain an open roof with no sidewalls. Cay stated this would be made clear in the decision. Bean advised that the Board should uphold the setback ordinances. Cay explained that a pergola is in the definition of landscaping amenities and allowed under a Special Exception as long as the criteria are met. Cay asked Bean if he had any objection to the proposal and Bean answered, "no".

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

Discussion: The Board reviewed Article 207.6 and it was noted that there were no objections from the neighbors; the structure would be used solely as a landscaping amenity; and it is included under the definition of a landscaping amenity.

Perkowski moved to grant the Special Exception to allow the pergola based on testimony that it would never have any sides or roof or canvas or plastic of any type around it. This proposal will need permitting from the State as it is within the 20 ft lake setback for accessory structures.

In evaluating this Special Exception we find that it is authorized under Article 2 of Section 601.3.

A. The special exception is specifically authorized by Article II of this ordinance. Yes

B. The proposed use will not be injurious or detrimental to the neighborhood. Yes

- C. *Any special conditions required by Article II, Article III or Article V will be complied with. Yes*
- D. *The proposed use will not make an excessive demand on municipal services. Yes*
- E. *The proposed use will not generate traffic volumes that will overburden existing roads and streets. Yes*
- F. *The proposed use will not have an adverse impact on the natural environment. Yes*

Davenport seconded the motion, which carried unanimously.

Samson stated that at last month’s meeting when he was denied the garage there had been discussion on better alternatives and asked if there were anything acceptable to get the cars off the road. Cay stated that because of the coverage and setbacks this is a difficult spot. The goal of the Board is to make things less non-conforming and not more.

2. Review April 14, 2009 Meeting Minutes

Davenport moved to approve the April 14, 2009 meeting minutes. Larkin seconded the motion, which carried. (Voting: Cay, Davenport, Larkin, Riendeau)

3. Other: A motion to rehear the Kwader application was received on April 11, 2009. Copies of the motion were given to Board members to review. This will be discussed at the next ZBA meeting on June 9th which is within the 30 day required period.

4. Adjournment: The Board adjourned at 8:05 pm.

Respectfully submitted,

Carol Ross
Secretary

Approved:

Andy Cay
Vice-Chairman, Zoning Board of Adjustment

Date:_____