

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

**MINUTES  
August 11, 2009**

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

The Zoning Board of Adjustment met at the Chesterfield Town Office on August 11, 2009 at 7:30 pm. Riendeau called the meeting to order at 7:30. The following agenda items were discussed.

**1. Frank Underwood** requests a Variance from Article 503.1 Expansion of a non-conforming structure to permit replacing the existing 560 sq ft cottage with deck 2 ft further from the property line with a 768 sq ft cottage with deck. The property is located at 309 River Rd, W Chesterfield (Map 1 Lot A8) Residential/Protected Shoreland area

Frank Underwood advised he will be tearing down the existing cottage and rebuilding 2 ft further from the property line at 7 ft to the closest point and 18 ft from the other side property line. The proposed building is 24 x 32 ft increasing the square footage to 768 sq ft with a 10 x 24 deck. The deck would be the same size as it exists. The minimum house size per the Town ordinance is 750 sq ft. He stated that the reason is that it would be easier to build with these dimensions.

Underwood advised the existing cottage has 2 bedrooms and the proposed house will have 1 bedroom on the first floor and 1 bedroom in a loft area. The height would increase from 14 ft to 16 ft. He intends to have a firewall on the side of the house facing the garage. He has a State approved aerated septic system. He went to the extra expense for this because the neighbor's well is on the property line and he tried to keep the leach field as far away as possible.

The house would not be going any closer to the river but the deck is within the River setback. The distance would be the same it is now.

Riendeau asked if the house would be for year-round use. Underwood stated that it could change. It was noted that the lot is 9,750 sq ft and the existing house is 20 x 28 with a 10 x 24 ft deck.

Riendeau asked why not put the house more centered in the lot. Underwood stated he would like to keep a lawn area and also keep it open to allow a truck in to plow the snow coming off the roof.

Underwood stated that the grade would be higher around the crawl space foundation to allow for run off away from the building. He expects this would make the height of the house from the natural grade to be 17.5 ft. The existing cottage height is 14 ft.

Riendeau stated he would like to see the property.

Matthew Onyon, abutter, asked Underwood to explain the firewall. He also asked about the survey that was done in June. Underwood advised that the survey showed the front property boundaries to be the obelisk and the telephone pole.

Teresa Fitzharris-Onyon stated she has a concern with the well as they share a well with the Underwood property. Underwood advised that he intends drilling his own well.

Marie White, abutter, expressed her concern with the location of the septic to her well. Underwood stated that the aerated system leach material would be 99% pure. She suggested that the Whites deed their well to Underwood and he pay the cost to dig another well for them. Riendeau stated that these issues are civil and not under the authority of the Zoning Board.

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

Meeting continued. See the motion under Stowaway which included both sites.

**2. Frank Underwood dba Stowaway Marine** requests a Variance from Article 206.5 Sections A & B (Front and Side Setbacks) to permit an access drive between the lots, 2 access drives from Lot 1 to Old Route 9, boat and trailer parking in the front yard setback from Stow Drive on Lot 1 and the side yard setback on Lot 1 adjacent to Lot 2. The property is located at 28 Stow Dr, W Chesterfield (Map 12 Lots A 1.22 & A1.21) Commercial district

Underwood requests an access drive through the side setback to the Lot 1 (the Route 9 side lot), a driveway entrance into Lot 1 within the side setback and reestablish the 2 access drives within the Route 9 setback to the old Route 9. He also requests parking within the Stow Dr 50 ft setback and within the 30 ft side setback adjacent to Lot 2.

Underwood was asked why the Lot 1 driveway needed to be in the side setback. He advised that because of all the tractor trailers pulling into Stowe Dr it gives a longer line of site coming from Route 9. He stated that he has been thanked by the tractor trailer drivers for clearing the front of Lot 1 giving better visibility getting onto Route 9.

Underwood stated that the gas company and the NK Graphics' drives are across from Lot 1 and he thought it would be safer to offset the driveways.

The Board reviewed the plan. Underwood stated that he would lose quite a bit of space for parking boats if he were not allowed in the setback. He stated that the un-shaded portion of the map would be kept wooded. He advised that it puddles in that area when it rains. He wanted to keep the woodsy affect and use that area for shielding to protect his product. He

stated he would have infrared security cameras in the lot. There would be no other lighting but it was noted that lighting is a Planning Board issue.

He asks for 30 ft of relief in the Stow Dr setback and 10 ft of relief in the side setback adjacent to Lot 2. He advised there would be no signs along Route 9.

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

Riendeau stated he would like to look at the property. Perkowski stated it seems reasonable to access between the lots and also reasonable to store boats within the side setback with the adjacent lot being under the same ownership.

Riendeau stated that before Lot 1 was clear cut no one knew that the industrial park was there. He has trouble allowing non-conformities on a lot that is not developed. 50 ft is the buffer from the road and should be respected. In regards to the driveway on Lot 1 within the side setback it may be safer putting it in a conforming location as it is further down on a straight portion of road. Underwood had noted earlier that the driveway into Stowaway could be difficult because it is on a curve. Placing the new driveway further away from the curve would be safer. This is an undeveloped lot and we should look at it to keep it conforming wherever possible.

Perkowski stated that it makes sense to go look at it. Riendeau stated he does not see an issue with the access point between lots.

*Davenport moves to continue the meeting to a site visit for both applications. Evans seconded the motion, which carried unanimously.*

The Board discussed possible dates to view the sites. Riendeau advised Underwood that 3 affirmative votes are necessary to grant a variance. With the summer schedule of the Board getting a full board together in the next week was difficult. He asked Underwood if he wanted to proceed with less than a five-member board. He advised that if he were not granted his request that this would not be a cause to rehear the case. Underwood understands and wanted to continue due to time constraints.

Two days were discussed; Sunday at 10:30 am (4-member board) and Monday at 4:30 pm (5-member board) but Ross may not be available for Monday. She will advise the Board and Underwood by Friday.

### **3. Review July 14, 2009 Meeting Minutes**

*Larkin moved to accept the meeting minutes. Perkowski seconded the motion, which carried. (Voting: Larkin, Perkowski and Riendeau)*

**4. Other**

- **ZBA 2010 Budget review**  
*Riendeau moved to accept the 2010 Budget. Perkowski seconded the motion, which carried.*
- **Greenwood letters** (The items were reviewed for information)
  - **Smith**
  - **Coburn**
- **Outstanding Zoning issues** (The items were reviewed for information)
- **October ZBA meeting** – Ross will be out of Town the scheduled meeting date and there is no one available to cover the meeting. Riendeau will be out of Town the last two weeks; the October meeting will be held the first Tuesday, October 6<sup>th</sup>.
- **Annual Fall Planning & Zoning Conference** – Saturday, October 17<sup>th</sup> at Mountain Club on Loon. Conference information was distributed.
- **2009 Municipal Law Lecture Series** – Registration information was distributed.

**5. Adjournment:** The Board adjourned at 9:25 pm.

Respectfully submitted,

Carol Ross  
Secretary

Approved:

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Burt Riendeau  
Chairman, Zoning Board of Adjustment

Date:\_\_\_\_\_