

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

**SITE MEETING MINUTES
August 17, 2009**

Present: Chairman Burt Riendeau, Harriet Davenport, John Perkowski, Alternates Jim Larkin and Lucius Evans.

The Zoning Board of Adjustment met at Stowaway Marine on August 17, 2009 at 4:30 pm. Riendeau called the meeting to order at 4:45.

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. This is a continuation of the August 11th meeting.

Underwood advised that he withdraws his request for the access driveway entering Lot 1 from Stow Dr is within the side setback. He will make the driveway conforming.

The Board walked the property. It was noted that a 50 ft setback was required from the Route 9 side of the property from the property line. The stonewall is 75 ft from the edge of Route 9. He asked that the access area be reestablished to allow parking 2 boats for display by Route 9. The boats would be removed each day. He was advised that the display issue was reviewed by the Planning Board during site review. The triangularly shaped parcel along Route 9 (Map 4 C1) is to be merged with Lot 1 (Map 12 A1.21) was noted on the plot plan.

The Board discussed the 50 ft setback from Stow Dr and the side setback relief requested to increase the use of the space between Underwood's lots. The Board sees no hardship to allow the area within the front setbacks. Underwood stated that the size of his stock is the hardship and he would be limited in what he could store. It was noted that the storage would be an issue for the Planning Board to review.

Riendeau stated there is so little commercial property in Town the Board should try and help the property owner where appropriate.

Part I: 2 access drives from Lot 1 to Old Route 9 and boat and trailer parking in the front yard setback from Stow Drive on Lot 1.

Larkin moved to deny the variance as proposed for the front setback for the Route 9 and Stow Dr areas.

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.* No, the Board finds no hardship in these areas. The lot can be utilized to accommodate the area of use Underwood proposes. There is no special condition in the land to consider granting the front setback requirements.
- And;*
- *The same benefit sought cannot be achieved by some other reasonably feasible method for the applicant to pursue.* No, the side area relief between adjacent lots gives the area the applicant requests.
- B. *The granting of the variance would not be contrary to the spirit and intent of the ordinance.* No, the other properties in this development meet the setback requirements.
- C. *The variance is in the public interest.* No
- D. *Denial of the variance would result in injustice.* No
- E. *The variance will not diminish the values of surrounding properties.* No

Part II: To permit an access driveway between the lots and permit the utilization of space within the side yard setback areas between Lots 1 & 2.

Larkin moves to approve the access driveway between the lots. This driveway will not be in the Stow Dr front setback area. He also moves to permit the utilization of space within the side yard setback areas between Lots 1 & 2 stating that the lots are owned by the same individual for the same business and seem as one lot and would not impact any other property other than the applicant's. This relief is granted with the understanding that this relief would be removed if the lots have different owners and/or different businesses. It is noted that the use of the space is granted but must be reviewed in the Planning Board site review process.

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, it makes sense to allow access between the lots and also allow use of the side setback area of these adjacent lots as long as there is one owner and one business use.
- And;*
- *The same benefit sought cannot be achieved by some other reasonably feasible method for the applicant to pursue.* Yes.
- B. *The granting of the variance would not be contrary to the spirit and intent of the ordinance.* Yes, the adjacent lots seem as one lot.
- C. *The variance is in the public interest.* Yes, as it will not impact any other lots in the development.
- D. *Denial of the variance would result in injustice.* Yes, in the reasonable use of the adjacent lots for the same business and the same owner.

E. *The variance will not diminish the values of surrounding properties.* Yes.

Davenport seconds the motion, which carried unanimously.

The Board moved the meeting to River Rd.

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. This is a continuation of the August 11th meeting.

The Board walked the property and viewed the house to be removed. Underwood advised that the house would be rebuilt 2 ft further from the property line. The neighboring barn is on the property line and only feet from the existing structure. There was a propane tank between the structures. Underwood advised that the tree will have to be removed for the new structure and this would allow the neighbor's tank to be moved.

The proposed building would be 4 ft wider than the existing structure. The house would be no closer to the river than it is now. The deck would remain the same size but would be moved over with the house.

Underwood advised that the new house would have a crawl space. The original building was 14 ft high, the proposed building would be 16 ft high plus 2 ft added for the foundation and grading for a total height of 18 ft from existing natural ground.

The length of the house would increase by 4 ft to 32 ft. The proposed sq footage is 768 sq ft and the minimum requirement is 750 sq ft. The septic area was staked out.

Riendeau moved to approve the proposal for a 24 x 32 ft building moving it 2 ft further from the property line where the cottage is currently. The existing deck will remain the same size as is existing being the same width as the new house. The height of the new structure will be 18 ft to the peak. The approval is with the understanding that the structure would be on a 4 ft frost wall foundation getting the cottage off the ground.

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, because of the lot size and the surrounding properties it seems to be a reasonable request improving the situation by moving it further from the property line.*

And;

- *The same benefit sought cannot be achieved by some other reasonably feasible method for the applicant to pursue. Yes*

B. *The granting of the variance would not be contrary to the spirit and intent of the ordinance. Yes, improves the setback non-conformity and improves the sq ft requirement of 750 sq ft.*

- 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*

Larkin seconded the motion, which carried unanimously.

Frank Underwood asked that I call him when the decision notices are ready and he will pick them up.

Adjournment: The Board adjourned at 5:50 pm.

Respectfully submitted,

Carol Ross
Secretary

Approved:

Burton Riendeau
Chairman, Zoning Board of Adjustment

Date:_____