

BOARD OF ADJUSTMENT
DEERFIELD, NEW HAMPSHIRE
FEBRUARY 28, 2012

MINUTES OF MEETING

PRESENT; Board members Joshua Freed, George Thompson, Sandra Logan, Katherine Alexander. Also present secretary Jane Boucher.

7:15PM Chair Joshua Freed called the meeting to order.

APPROVAL OF MINUTES

George Thompson moved and Sandra Logan seconded to approve the minutes of December 27, 2011.

The following corrections were made to the minutes:

Page 2; Last Paragraph: Correct to read "... never mind crossing it."

Page 3: Last Paragraph: Correct to read "...commented that she would like.."

Chair Freed called for a vote on the motion. Voted in favor.

7:30PM CASE # 12-01 THOMAS AND MARION AKEY

Thomas and Marion Akey, Robert Pollock, Richard Pitman and several abutters and interested citizens were present.

Chair Joshua Freed introduced the Board and explained procedure. Chair Freed advised Mr. Akey that there was not a full 5 member board seated and approval requires three votes in favor. He commented that the applicant can ask for a continuation.

Clerk Sandra Logan read the notice of public hearing for Case # 12-01, Thomas and Marion Akey, Map 206 Lot 4. Thomas and Marion Akey 2 Scott Lane, have applied for a variance from Article II, Section 204.1 minimum lot size and yard dimensions, Section 207.1 Minimum Frontage, Section 207.3 Side yard Regulations and Exception, Section 208 Applicant of District Regulations, Section 211.C,D, F and Article III Section 305, setback from waterbodies, Section 315 and 315.1 Non Conforming Use.

Mr. Akey indicated that he wished to proceed with the hearing this evening.

Sandra Logan moved to accept Case 12-01. George Thompson seconded. Voted in favor.

Robert Pollock, Pollock Land Planning, presented plans depicting the property.

He noted that he was representing Thomas and Marion Akey whose

property is located in the Pleasant Lake Watershed Overlay.

Mr. Pollock said this was a non conforming lot and the request is reasonable use of the lot. The home was built in the 1960's and it will continue to be a seasonal use. The wiring is outdated. He showed setbacks on the plan.

Mr. Pollock showed that the plan is to correct drainage issues. The building location will be changed and the new structure will meet safety codes.

He added that the proposed improvements will improve the quality of the neighborhood.

Joshua Freed asked the clerk if all receipts for certified mail had been returned. Sandra Logan replied that all but two, Town of Deerfield and Mark Dudham had not been returned.

Mark Dudham, who was present, said he had been notified by one of the abutters about the hearing.

Joshua Freed asked Mr. Pollock if the basic premise of replacing the structure with a similar structure was to comply with code or satisfy other aesthetics.

Mr. Pollock noted that the ordinance allows an increase of up to 25% and the reason for the increase is to accommodate a modern bathroom.

Sandra Logan questioned if the drainage will improve based on the proposed changes. Mr. Pollock replied that calculations have been done and showed how the proposed changes will be an improvement.

Chair Freed asked if anyone present would like to speak in favor of the application.

Richard Pitman provided information on the proposed construction. He noted that they plan to raise the structure two feet by adding a foundation. The proposed structure will be built to add on room to accommodate a modern bathroom. The proposed shed , 14 x 20, will be used to store kayaks

Sereta Frey, DCC, said she was not speaking in favor or in opposition, but to get information. She noted that the Conservation Commission has not had an opportunity to review the plans. She voiced concern regarding conformance with the Pleasant Lake Overlay and questioned if it had been addressed in the applicants submission.

Peter Vier felt that a great deal of information has been

presented to the Board this evening and asked that the Board review it thoroughly before making any decision. He added that he was concerned regarding vegetation being disturbed.

Stuart Hodgdon said he was concerned regarding one plan showing a fence, which is on his property. Chair Freed said that issue would not be addressed by the ZBA. Mr. Hodgdon commented that he felt the proposed shed was too large for the neighborhood.

Charles Reese said he was in favor of improvements but does have concerns regarding the buffer zone, size of detached shed, and the proposed bridge, which is clearly a violation of the ordinance.

Sereta Frey asked for time for the Conservation Commission to review the plans and look at it in the context of the Pleasant Lake Overlay Ordinance. She voiced concern regarding increasing the impervious surfaces.

Jonathan Leer spoke noting that he had been able to find information regarding filings with the State. He said that he has not yet found anyone with property on the lake without some sort of hardship. He said no one with property on the lake wants to see it diminished. Mr. Leer spoke saying that the Akey's seem to be doing all the right things and speaking with the right people. He commented on Mr. Pollocks qualifications.

Darlene Cummings , who provided information for the Board to review. She voiced concern regarding several issues;

1. Removal of trees
2. Proposed footbridge
3. Proposed shed
4. Set backs
5. Drainage control
6. Proposed house significantly close to abutter.

Ms.Cummings requested that the Board review the information submitted before making a decision.

Fred McGarry questioned if the shed could be moved further to the South.

Mark Dudham voiced concern regarding how close will digging for the foundation will be to the shoreline.

Katherine Alexander questioned the dimensions of the proposed bridge. Mr. Freed replied 4 x 15 feet.

Robert Pollock addressed the questions that were asked:

1. Impervious area today is 27%. Will be 26% when finished
2. The 100 foot buffer comes through an abutting house.

3. Some vegetation will be removed to construct the bridge. This bridge will serve as a way for the Akey's to get to the other side of their property.

Joshua Freed questioned the removal of trees. Mr. Pollock replied the proposed removal of some pines is because they are weak.

Mr. Freed also questioned the proposed shed. Richard Pitman commented that they can speak about making the shed smaller.

Joshua Freed questioned the impervious surface. Mr. Pollock said that paving blocks will be removed to reduce the impervious surface.

George Thompson questioned if the shed could be moved. Mr. Pollock replied that, because of the leash field, the shed could only be moved closer to the property line.

Mr. Akey commented that they would be willing to reduce the size of the shed and remove the proposed bridge. He added that they would be willing to add vegetation.

Joshua Freed questioned if the Board would like to conduct a site visit.

George Thompson said, if the applicant was re-doing the plans, the Board should wait to review them before conducting a site visit.

8:50PM At this time the applicant asked for a five minute recess.

8:55 The meeting was reconvened. Mr. Akey said they will remove the bridge from the proposed plans and reduce the shed to 10 x 18 feet. He asked if a site visit could be done before the next scheduled meeting on March 27. Revised plans will be available at the site visit.

Sandra Logan moved to conduct a site visit on March 13, 2012 at 5:30PM and to continue Case # 12-01 to March 27, 2012. Katherine Alexander seconded. Voted in favor.

The meeting was adjourned at 9:05PM.

Recorded and transcribed by Jane Boucher
Pending Approval by the Board of Adjustment