

BOARD OF ADJUSTMENT
DEERFIELD, NEW HAMPSHIRE
JANUARY 22, 2013

MINUTES OF MEETING

PRESENT: Board members Joshua Freed, George Thompson, Katherine Alexander, Sandra Logan. Alternate Anthony DiMauro. Prospective Alternate John Leer. Secretary Jane Boucher.

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

APPROVAL OF MINUTES

Sandra Logan moved to approve the minutes of November 27, 2012. George Thompson seconded. Voted in favor.

Chair Freed appointed Anthony DiMauro to sit as a voting member of the Board.

BOARD OF ADJUSTMENT BY LAWS

Members present had not had an opportunity to review the amended by laws. This will be discussed further at the next meeting.

APPOINTMENT OF ALTERNATE MEMBER

Anthony DiMauro moved to recommend the appointment of John Leer as an alternate member to the Board of Selectmen. George Thompson seconded. Voted in favor.

7:30PM CASE #13-01 DENNIS AND NANCY AINSLIE

Dennis and Nancy Ainslie, Steve Miller, Lisa Saba were present.

Clerk Sandra Logan read the Notice of Public Hearing by which Dennis and Nancy Ainslie, 98 Nottingham Road (Map 415 Lot 47) have applied for a Special Exception for the use of the existing residence to be a home for persons rehabilitating from brain injuries.

Katherine Alexander moved and Sandra Logan seconded to accept Case 13-01.

During discussion it was noted that the applicant had submitted a application for a variance. According to the secretary, when the Board approved the applications for a variance the section outlining Special Exceptions had been omitted. Richard Pelletier had advised Mr. Miller to submit the application, crossing out the "Variance" and writing in "Special Exception.

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

Steve Miller, representing Scioto, submitted a notarized letter signed by the owners Dennis and Nancy Ainslie granting him

permission to speak on their behalf.

Lisa Saba, NeuroRestorative, NH, spoke saying that the intention is to open a small residential care setting that will be home to six adults who have had the unfortunate circumstance of sustaining an injury which has left them unable to live in the community on their own. The home on Nottingham Road is a five bedroom home with three bathrooms, as well as a separate dining and living area. The home is currently wheelchair accessible throughout the first floor including an existing ramp on the side of the home.

Joshua Freed questioned parking. Ms. Saba replied that residents do not drive. Two staff members will be on duty at all times. A modified mini van will be parked on the property.

Katherine Alexander questioned if therapists will be visiting the property. Ms. Saba said the residents will be out patients and driven to appointments.

Anthony DiMauro questioned well and septic on the site. Mr. Miller said that when a building permit is applied for, the Building Inspector will determine if the well and septic are adequate.

Anthony DiMauro voiced concern regarding the large wetland behind the home. Mr. Miller noted that if fencing is necessary it will be constructed.

Mr. Miller added that this will be a home setting for rehabilitating people.

Board members questioned if the application was complete allowing the Board to consider granting a special exception.

At this time Mr. Miller was asked to review the Special Exception Work sheet to determine if he would be comfortable answering the questions.

Anthony DiMauro moved to Table Case 13-01. George Thompson seconded.

Chair Freed asked Mr. Miller if there was a time deadline to purchase the home. Mr. Miller replied February 29, 2013 was the deadline for the real estate.

At this time George Thompson read the letter of denial from Richard Pelletier.
A copy is attached to these minutes.

Joshua Freed said the use was not allowed by a special

exception.

Anthony DiMauro question if the ZBA has the authority to grant a special exception that is not addressed in our ordinance.

Joshua Freed replied that, according to State Law, the ZBA has the authority.

George Thompson suggested asking the applicant if they would like more time to respond.

Joshua Freed said he would like to get a sense of the Board as to how they would like to proceed.

George Thompson reiterated that the decision should be made by the applicant.

Sandra Logan felt that the Board should proceed.

Katherine Alexander agreed to Table the Case.

Anthony DiMauro also would like to Table the Case.

At this time Chair Freed asked Mr. Miller how he would like to proceed.

Mr. Miller questioned if the Board would answer Question # 1 if the population were mentally retarded or disabled.

George Thompson read the items listed as allowed by Special Exception

1. Meeting Hall
2. Multifamily Dwellings
3. Lumberyards/Permanent Saw Mills
4. Light Manufacturing
5. Establishments selling at wholesale/retail
6. church
7. Convalescent and Nursing home
8. Outdoor Recreation Facilities
9. Public Utility Facilities
10. Municipal Facilities
11. Excavation of Natural materials

Mr. Miller asked if convalescent or nursing homes are age bound. Mr. Thompson replied that the ordinance does not address that.

Mr. Miller advised that they wish to proceed this evening.

George Thompson noted that this is like putting a small peg in a round hole and the Board will first determine if the project

fits in. He advised Mr. Miller that the Board could deny the application.

Anthony DiMauro moved to withdraw his motion. George Thompson seconded.

8:55 The meeting was recessed for five minutes giving time for the applicants to meet.

9PM The meeting was reconvened at this time.

Mr. Miller reviewed the Special Exception Work sheet. A copy of the sheet is attached to these minutes

1. Mr. Miller replied "yes" Convalescent Application

Mr. Miller answered "Grant" to all other questions.

Chair Freed asked if anyone would like to speak in favor.

Mr. Miller noted that all licensing will be received from the State of NH and sprinkler systems are installed in all their facilities.

Sandy McFee, a Real Estate Agent, spoke in favor.

No one spoke in opposition.

9:15PM The Board went into deliberative session at this time and completed work sheets.

Sandra Logan moved to Grant a Special Exception for Case 13-01. George Thompson seconded. Voted in favor.

The Board then reviewed 206.2 Standards Applicable to Special Exceptions:

and voted on the following;

C. Requiring suitable on-site landscaping and screening where necessary to reduce noise and glare and to maintain the property in character and keeping with the surrounding area.

Voted in favor with George Thompson and Sandra Logan opposed.
E. Requiring that any future enlargement or alteration of the use be accomplished only with the approval of the Board of Adjustment. Voted in favor.

F. Petitioner will not disrupt surrounding community, neighbors, or green space . Petitioner will not install any signage on the property and the home will essentially appear just as it does currently. Voted in favor.

G. Requiring such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of this ordinance and to protect the interests of the

surrounding property and the neighborhood. Voted in favor with George Thompson and Sandra Logan opposed.

Chair Freed moved that the following stipulation be included "Standard proposal to be submitted to the Planning Board for review and action as they deem appropriate for Section 212 of the Ordinance". Voted in favor with George Thompson and Sandra Logan opposed.

The meeting was adjourned at 9:45PM

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



TOWN OF DEERFIELD

NEW HAMPSHIRE 03037

OFFICE OF
BUILDING INSPECTOR

January 4, 2013

Re: 98 Nottingham Rd. M415, L47

Dear Steve,

After reviewing your proposal for the listed property I've decided that our zoning appears mute on the subject. In consulting Town Council who was in agreement with me we have decided for pupose of streamlining the process and to avoid future obstacles it would be best to apply for a special exception. Included with this letter is the necessary application to move forward with the appeal to the ZBA.

Yours Truly,

A handwritten signature in cursive script that reads "Richard H. Pelletier".

Richard Pelletier
Code Enforcement Official

Cc: Building File



DEERFIELD BOARD OF ADJUSTMENT
Special Exception Worksheet

Case# _____ Applicant _____ Map _____ Lot _____

I. Is the proposed use one that is allowed by special exception (204.1)?

Yes _____ No _____

II. Have the requirements to allow consideration of the application been met (206.1A,B,C)?

Yes _____ No _____

III. Criteria for a Special Exception (206.1D): The proposed use...

1) Shall not adversely affect the capacity of existing or planned community facilities.

Grant _____ Deny _____

2) Shall be an appropriate location for the use or structure with respect to the character of the surrounding area, and shall fulfill all requirements for local, state, and federal permit or approval.

Grant _____ Deny _____

3) Shall not create a substantial increase in traffic in the vicinity.

Grant _____ Deny _____

4) Shall not create a safety hazard due to:

- a) Condition or design of roads in the immediate vicinity.
- b) Location of driveway or parking.
- c) Danger of fire, explosion or release of toxic fumes or material.
- d) Equipment or activity which poses substantial danger to children, if in a residential area or proximate to a school or day care facility larger than family care home as defined in the ordinance.

Grant _____ Deny _____

5) Shall not substantial increase in water onto adjacent property or roads.

Grant _____ Deny _____

6) Shall not create a "nuisance" in the vicinity due to noise, vibration, odor, glare or unsightly outside storage of material or equipment and shall be in conformity with other uses and/or structures in the vicinity.

Grant _____ Deny _____

IV. Standards (206.2). To be voted on by the board if the Special Exception is granted.

Signature _____ Date _____