

BOARD OF ADJUSTMENT
DEERFIELD, NEW HAMPSHIRE
APRIL 25, 2017

MINUTES OF MEETING

PRESENT; Board members George Thompson, Jonathan Leer, Stephen Stephenson, Anthony DiMauro. Alternate member Harry Hotaling. Secretary Jane Boucher.

7:15PM Vice Chair George Thompson called the meeting to order and appointed Harry Hotaling to sit as a voting member in the absence of Joshua Freed.

APPROVAL OF MINUTES

Stephen Stephenson moved and Jonathan Leer seconded to approve the minutes of December 27, 2016 as printed. Voted in favor.

RECOMMENDATION TO BOARD OF SELECTMEN

Anthony Dimauro moved and Stephen Stephenson seconded to recommend the appointment of George Thompson as a member of the ZBA for a three year term. Voted in favor with George Thompson abstaining.

Vice Chair Thompson closed the administrative session at 7:20PM.

7:30PM Vice Chair Thompson reconvened the meeting at this time.

CASE#17-01 BOBCAT REALTY TRUST

Rowena Howes, Matthew Bourque, Mark Jacobs and several abutters were present.

Clerk Jonathan Leer read the Public Notice that Bobcat Realty Trust, 143 Nottingham Road, is requesting a variance to build a new home on property identified as Tax Map 416 Lot 57 from Article II Section 204, front and rear setbacks.

Vice Chair Thompson explained procedure.

Anthony DiMauro moved to accept Case #17-01. Stephen Stephenson seconded. Voted in favor.

Rowena Howes, Trustee for Bobcat Realty Trust signed the application as Trustee and added the Tax Map and Lot Number to the application.

Anthony DiMauro questioned the denial letter issued by the Code Enforcement Official indicating that the letter referred to Article II, Section 204.1 and 207.4. The Board referred to the Zoning Ordinance and determined that 204.1 was the section the

applicant was requesting a variance from. The Public Notice correctly identified section 204.1.

Vice Chair Thompson asked the applicant, Rowena Howes, if she would state exactly what relief they are looking for.

Ms. Howes said that it is her understanding that the distance from property lines does not comply with Town regulations.

Vice Chair Thompson called for a vote on the motion to accept Case #17-01. Voted in favor.

Mark Jacobs, Wetlands Scientist, noted he was representing Mr. Farwell and presented plans. He noted that the lot is long and narrow and the existing home is approximately 11.8 feet from the rear line and meets the 40 foot setback on the front line. The proposal is to remove the existing house and construct a new home 60 x 96 sq. ft which would be 18.6 feet from the rear line and 31.8 feet from the front line. Mr. Jacob read the "Facts in Support of Granting the Variance" from the application. A copy is attached to these minutes.

Stephen Stephenson noted that the lot was 116 feet from front to back and he felt that, without any variance, they could build a 32 foot house.

Jonathan Leer questioned the size of the existing house. Mr. Jacob replied 57 x 25 feet with no garage.

Ms. Howes said they are proposing this size house to have additional interior space.

Anthony DiMauro questioned the two sheds shown on the plan. Mr. Bourque replied that the two sheds will be removed.

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

Phil Bilodeau said he was not in favor or in opposition, but did have a few questions. He asked where the septic system, leach field and well will be located.

Mr. Bourque replied that the well is located at the front of the house.

Mr. Bilodeau questioned the size of the proposed house noting that his house is 28 x 38 and felt a smaller structure would be in compliance.

Mr. Bourque noted, on the plans, that the two existing sheds will be removed and also the location of the well and septic.

Dan Haight, an abutter, said he was in favor and the size of the house was the owners business.

Steven Smith, an abutter, questioned an existing trench bringing water onto his property. Mr. Bourque said they were going to re-route the trench.

Mr. Jacob said that a wetlands scientist, after surveying, will determine the location of the trench.

Mr. Smith also said that he did not oppose a new home being built , but would like to see a smaller size.

Joan Bilodeau questioned who would determine if this was a vernal pool.

Mr. Jacobs said the State or a Wetland Scientist determines if it is a vernal pool.

8:06 The Board went into deliberative session at this time.

Jonathan Leer noted the existing house on the property is in compliance and building a new house , not on same footprint, should be in compliance. He felt that if there was anyway to build a smaller house or rearrange the proposed home to be in compliance would be favorable.

Stephen Stephenson agreed.

Anthony DiMauro also questioned the necessity of building such a large house.

Jonathan Leer said that there also appears to be some wetland issues , which we do not know.

George Thompson noted that the Board can add stipulations, as it has does many times in the past.

8:16 Jonathan Leer moved that the Board come out of deliberative session to ask Mr. Jacobs a question. Anthony DiMauro seconded. Voted in favor.

Harry Hotaling questioned what size house could be built in the proposed location of the new home that would meet requirements. Mr. Jacob replied 32 to 39 feet wide.

8:17PM The Board went back into deliberative session and completed work sheets.

8:28PM Harry Hotaling moved and Stephen Stephenson seconded to Grant a variance to Bobcat Realty Trust.

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During discussion both Jonathan Leer and Anthony DiMauro felt the proposed house was too large.

Vice Chair Thompson called for a vote on the motion. Board members voted as follows:

Harry Hotaling Yes
Stephen Stephenson Yes
Jonathan Leer No
Anthony DiMauro No
George Thompson No

Voted to deny a variance for Case 17-01. Two in favor. Three opposed.

The meeting was adjourned at 8:33PM,

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



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P.O. BOX 155
DEERFIELD, NEW HAMPSHIRE 03037

FACTS IN SUPPORT OF GRANTING THE VARIANCE

1. Granting the variance would not be contrary to the public **interest** because:

There is an existing building 11' from the rear property line that will be removed.

The abutting lot is developed and there is no house near this house.

The proposed house location is more nearly conforming.

2. If the variance were granted, the **spirit** of the ordinance would be observed because:

This would still provide seperation to existing houses.

3. Granting the variance would do substantial **justice** because:

This is a long narrow lot that does not have a reasonable amount of buildable area.

4. If the variance were granted, the **values** of the surrounding properties would not be diminished because:

The values would not diminish. The new layout is more nearly conforming.



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5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary **hardship** because:

- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

The special conditions of the property is it is long and narrow, with a small
buildable area. A reasonable house could not be built on this lot without a variance.

and:

- ii. The proposed use is a reasonable one because:

The proposed use is residential which is allowed.

B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

A resonably sized house and garage could not be built without this variance.

Applicant

[Handwritten Signature]

(signature)

Date

4/3/17