

Town of Enfield
Zoning Board of Adjustment
Ed Scovner, Chairman
August 12, 2014
7 p.m.

Members Present: Celie Aufiero, Ed Scovner-Chairman, Phil Neily- Zoning Administrator, John Pellerin, Tim Lenihan, and Paula Rowe-Recorder.

Guests: Ron and Elizabeth Place, Robert Barr, Elaine Silverman, Patrick Magari,

Approval of Minutes

Review of the minutes of October 8, 2013. Unable to review the Minutes of September 10, 2013.

Motion to approve the Minutes of October 8, 2013 came forward from Tim Lenihan an second from Celie Aufiero. Motion passed.

Motion to approve the Minutes of July 8, 2014 came forward from Tim Lenihan with a second from John Pellerin. Motion continued.

Public Hearing:

- I. Elaine Silverman for the Elaine Silverman Revocable Trust is requesting a Variance from Article IV, Section 401.1, Subsection L. Of the Town of Enfield Zoning Ordinance. They are requesting to place a portion of a new house within the required setback area. This property is located at 12 Wolfson Lane, Tax Map 21, Lot 16 in the R1 (Residential 1) zoning district.

Charlie Hershberg, presented for the Silverman's. The new construction will encroach approximately 9 feet into the setback. The existing construction already encroaches, however it is grandfathered. He has completed a storm water management plan accordingly to the State's regulations. Should they move the new construction over they will be blocking the neighbor's view of the lake. He described this as the hardship. This plan has been reviewed with the State. State Shoreline and Septic approval are pending and any ZBA approval would be conditional to these.

Celie asked Mr. Hershberg about the 50 foot setback for the State Shoreline Protection Act. DES recommends this. Mr. Hershberg said that they are planting trees within the 50 foot of this setback. One pine tree will be removed as its roots are affecting the retaining wall. The retaining wall replacement is part of the Shoreline Approval that is pending.

Chairman Scovner read the criteria to the Silvermans and public for clarity.

Mr. Robert Barr, an abutting member, expressed his pleasure of the improvement of this lot and the variance should be granted.

Elizabeth Place, and her husband Mr. Ronald Place, who live across the street, spoke favorably about this variance. She said has lived there for 43 years.

Tim Lenihan asked Mr. Hershberg about the placement of the septic.

Chairman Scovner read the criteria for the vote with the board members.

The members agreed with criteria number one granting the variance would not diminish surrounding property values... Board in favor. 4-0

Criteria number two: The variance would not be contrary to the public interest. Celie Aufiero did not agree with the public interest being met. She would like to see a smaller building and the setbacks met 100%. Tim Lenihan felt that those abutters, specifically those in attendance this evening, are the public interest that is being met. Board agreed. 3-1

Criteria number three: Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship. The board discussed and felt that there were options for the owners in regards to placement of the home without encroaching on the setback area. Board voted unanimously that this criteria was not met.

Criteria number four: The variance is consistent with the spirit of the ordinance. Celie felt that they were overcrowding their land and encroaching on the water. Tim Lenihan felt it may be overcrowding the lot but not the land. It does not interfere with other abutters. Mr. Hershberg informed that they could move the house – block a neighbor’s view – and not need a variance. Clearly this is an attempt to not block the neighbor’s view. Further Mr. Hershberg has studied this property for 12 years through the seasons. Point question revolved around moving the house to avoid the variance. This would be moving the construction 6 feet and 9 feet central and diagonal on this property. Previously Mr. Hershberg described the drainage and leach field in proximity to the property for maximum results. Changing the construction would change the drainage and leach field and potentially the nutrients that will filter into the lake as the house moves closer to the leach field. No vote was taken as the third criteria did not pass.

Tim Lenihan made a motion to deny the application based on the hardship criteria not being met. John Pellerin second this. All four members denied the motion for a variance.

Adjournment:

Tim Lenihan made a motion to adjourn at 8:25 p.m. with a second from John Pellerin and the motion carried.