

Town of Enfield
Zoning Board of Adjustment
Ed Scovner, Chairman
May 12 2015
7 p.m.

Present: Phil Neily-Zoning Administrator, Ed Scovner-Chairman, Tim Lenihan, Celie Aufiero, Mike Diehn, Kurt Gotthardt, and Paula Rowe-Recorder.

Guests: Steve Fulton, Gordon Bagley Jr. and Dan Nash.

Approval of Minutes:

The minutes of October 14, 2014, December 9, 2014 and April 14, 2015 have not been approved. Due to the absence of a quorum of those who attended these meetings, the board was not able to go forward and approve the Minutes.

Public Hearings:

- I. Steven Fulton is requesting a Variance from Article IV, Section 401.2 subsection k. of the Town of Enfield Zoning Ordinance. He is requesting to create a lot less than 3 acres in size in the R3 Zone. This property is located at 804 Shaker Hill Road, Map 8 Lot 1 in the Residential 3 zoning district.

Mr. Fulton was present and asked the Board for a variance to allow for him to subdivide making a lot less than three acres. He would like to make a house lot to sell in the future that is similar to those around him.

Kurt Gotthardt looked ahead and asked of his intentions of the property. Mr. Fulton explained that it is not the intention to create anymore lots than he would be allowed to if he were to subdivide into the allowed 3 acre size, only this allows more to be farmed in a larger parcel, separating the house to the 1.1 acre.

Tim Lenihan asked about the health of his business, Mr. Fulton informed that it has grown each year.

Mike Diehn asked if he intends to do anything with the building, Mr. Fulton explained they may rent it in the future or sell to further expand the business if needed.

Celie Aufiero asked about the fertilizer for the fields and water wells. He is a Certified Organic Farming.

Chairman Scovner reviewed the criteria.

The board agreed the variance will not be contrary to the public interest.

The board agreed that the spirit of the ordinance is observed.

The board felt that Substantial justice is done.

The board felt that the values of surrounding properties are not diminished.

The board felt that literal enforcement of the provisions of the ordinance would result in an unnecessary hard ship.

Tim Lenihan made a motion to accept the variance as applied for with a second from Ed Scovner. 3 yes, 1 no and 1 abstention. Motion carries.

- II. Gordon E. Bagley Jr., through his agent Advanced Geomatics, is requesting a Variance from Article IV, Section 401.1 sub-sections 1. and m. of the Town of Enfield Zoning Ordinance. He is requesting to build an addition within the front setback and an addition within the 50 foot required setback from the water. This property is located at 43 Meadow Lane, Map 21 Lot 34 in the Residential 1 zoning district.

Dan Nash, of Advanced Geomatics and Design, represented Mr. Bagley and informs that they would like to have a covered open deck / porch on the second floor and patio/ landscaped area at ground level. The State of NH Shoreline Protection Permit will not allow for an enclosed living space addition to the building. The existing structure is 44 feet from the high water mark of the setback. They would like to encroach another 10 feet from the high water mark leaving a setback of 34 feet.

Celie Aufiero asked if the foliage will be removed and Mr. Nash stated no, a Shoreline Protection permit had been applied for and granted.

Mr. Scovner reviewed the criteria.

The board felt that there is diminutive loss of value to the neighbors and the whole lake.

The board did not feel there was an unnecessary hardship. Unanimously.

The board felt it was contrary to the public interest. 3 yes, 1 no, 1 abstention.

The board did not feel it was of the public interest. 4 no and 1 yes.

Celie Aufiero made a motion to deny this part of the variance for an upper deck and lower patio as it does not benefit public interest, because it encroaches closely to the lake, there is no hardship as the property owner has owned the property for 50 years, and it is contrary to the spirit of the ordinance as it infringes on the shoreline protection area.

Kurt Gotthardt seconds this. Unanimously passed.

The board continued with the second part of this variance addressing the front of the house, street side. The house is currently 22 feet from the required setback, with the addition it will be 14 feet from the required setback and needs to be 15 as the property fronts a private road. This would be for a coat and mud room entrance.

Mr. Scovner reviewed the criteria.

The board felt that this is not diminutive. 4 yes, 1 abstention

The board felt that this does not present a hardship. 4 yes, 1 abstention

The board felt it was not contrary to the public interest. 4 yes, 1 abstention

The board felt it justice of the spirit of the ordinance 4 yes, 1 abstention

The board felt literal enforcement would result in unnecessary hardship. 4 yes, 1 abstention

Ed Scovner made a motion to grant the variance as all of the criteria has been met by quorum vote. Seconded by Tim Lenihan. Motion carried – 4 yes and 1 abstention.

Business:

The board discussed alternates. One alternate has not attended for quite awhile and Chairman Scovner will speak to the individual.

Zoning Administrator Neily refreshed the board on attending some of the seminars and lectures that are up-coming during the fall. Information will be forwarded as it is received. This can help current as well as new members with terminology and the boards function.

Next Meeting:

June 9, 2015 – there are no hearings scheduled at this time.

Adjournment:

Celie Aufiero made a motion to adjourn at 8:35 p.m. with a second from Tim Lenihan. Motion carried.