

Town of Enfield
Zoning Board of Adjustment
Ed Scovner, Chairman
February 9, 2016

Present: Ed Scovner-Chairman, Tim Lenihan, Mike Diehn, Celie Aufiero, John Pellerin, Philip Neily-Zoning Admin, and Paula Rowe Recorder.

Guests: Nancy Scovner,

Chairman Scovner called the meeting to order at 7:05 p.m.

Approval of Minutes:

Celie Aufiero made a motion to accept the Minutes of December 8, 2015, with a second from Tim Lenihan. Motion carried.

Public Hearings:

- I. Ed McLaughlin, by his agent CLD Consulting Engineers, Inc, is requesting a Variance from Article IV, Section 401.1, sub-section M. of the Town of Enfield Zoning Ordinance. He is requesting to locate a 24x 32garage within the 50 foot required setback of a wetland. This property is located on Meadow Lane, Map 21, Lot 43 in the Residential 1 (R1) zoning district. (Continuation of prior hearing).

Charlie Hirschberg of CLD Consulting Engineers, Inc presented. Mr. McLaughlin purchased this lot from the Town of Enfield in hopes of placing a garage on it. He had been denied this request prior; this hearing is being held with new information and design that has been submitted.

Hirschberg pointed out those areas of wetlands and solid ground, explaining the building location and features of the construction that will improve this location.

A resident, Dan Kerrigan, on Meadow Road reiterated that this piece of property is similar to others at this location, agreeing this project should be approved. Public Hearing was closed.

Celie Aufiero investigated the property soils and showed on a map soils conditions as listed by county soils maps. Tim Lenihan said that this information should not be entered into the decision of this hearing as this should come from the applicant as it is their burden of proof. Lenihan will not consider anything that the applicant has not submitted. Lenihan cited the RSA that explains this. Further discussion was held by the board.

Chairman Scovner reviewed the criteria for passage or non passage of this request for variance.

Contrary to public interest:

John	No
Tim	No
Mike	No
Ed	yes
Celie	yes

Spirit of the Ordinance Observed:

Mike yes
John yes
Tim yes
Celie no
Ed no

Substantial Justice:

John yes
Celie no
Ed yes
Mike yes
Tim yes

Hardship:

Mike yes
Ed no
Celie no
Tim yes
John yes

Diminution of Property:

John No
Tim No
Celie yes
Mike No
Ed No

Tim Lenihan made a motion to approve the variance as it had met the 5 criteria as voted by the board, Mike Diehn second this.

John Tim Mike voted yes, Celie and Ed said no. Motion passed.

- II. Robert W. Foley Trust, by their agent Innovative Environmental Solutions, LLC (Scott Hazelton), is requesting a Variance from Article IV, Section 401.2, subsection L. of the Town of Enfield Zoning Ordinance. They are requesting to locate a portion of a new home to be constructed within the required setback. This property is located on Rollins Point Road, Map 44, Lot 36 in the Residential 3 (R3) zoning district.

Scott Hazelton represented Mr. Foley. There is a currently a camp on the property. Boundary survey has been done by Cardigan Mountain Survey and is part of the plan that is being presented. Mr. Foley would like a 2 bedroom, four season home, which will be shared by his daughter, on this property. Mr. Foley has COPD and not well. A new septic system has been designed and will be installed. This will be further from the lake, Cleaning Solution system. Shoreline protection compliance will be done on the property, such as rain water, to shield run-off from the lake. A large tree that is leaning toward the camp may have to be taken down. Very little grass on the property- will consist of shrub and flowers, and other plantings that may be required by NHDES. These are significant improvements for the property, and protect and preserve the lake. The existing building is 906 sq feet the proposed is 1700 sq ft including a garage-, total of 1100 sq ft for the house.

Zoning Admin Neily provided a letter from an abutter (David Hazelton) with photographs. The letter was read by Mike Diehn. (Letter in Hearing File.) The letter addressed the pine trees on the property and the injury of them. Additionally there is a large boulder. David Hazelton was present and reiterated if the boulder was moved, and it will have to be to build this house, the tree will not survive. Scott Hazelton said that he is not an expert on trees as he is not an arborist and does not know what will become of the tree as it is not part of this variance request or his plans of the new construction. Zoning Admin Neily said that the DES may advise on this, however it is not this board or the Town who may make a decision on this tree.

David Hazelton said that he currently has a view over the current property, but will not if a 2 story building evolves and this would diminish his property value. He continued and said he felt that the natural state should be left as much as possible on this property.

Tim Lenihan expressed hesitation on the large construction on the small lot. Mike Diehn felt that the size of the new construction with a garage makes for a crowded lot.

John Pellerin made a motion to continue this hearing until March 15, 2016 for the board members to visit the location prior to next meeting to help make an informed decision. Celie Aufiero seconds this. Motion carried.

- III. Todd H. Vreeland Trust by their agent Pathways Consulting, LLC is requesting a Variance from Article IV, Section 401.1, sub-section M. of the Town of Enfield Zoning Ordinance. They are requesting to locate a portion of a new home to be located within the required setback from a wetland, stream or lake. This property is located at 35 Meadow Lane, Map 21 Lot 31 in the Residential 1 (R1) zoning district.

Pat Buccellato, Pathways Consulting Engineer, represented the Vreeland Trust. This is the last camp on the left on Meadow Lane. There is an existing cottage. They would like to enlarge the existing footprint and build a 2 story year round residence and add a two story garage. A new septic system further from the lake will be installed. The lot will be minimally impacted as the construction will be further back. Further discussion was held by the board and the presenters.

Robert Barr, property owner across the brook from them approves of their plans as they have illustrated and additionally felt the board shouldn't be second guessing the engineers of this lay out. This prompted discussion from board members on the fact that the board can look at alternatives on this property which were suggested. Hearing was closed to the public.

The board discussed the 5 required criteria and voted as follows.

Not Contrary to the Public Interest:

Mike	no
John	no
Tim	no
Celie	yes
Ed	yes

Spirit of Ordinance Observed:

Ed no
Mike no
Celie no
Tim no
John yes

Substantial Justice Done:

John yes
Tim yes
Celie no
Ed yes
Mike yes

Value of Surrounding Properties Not Diminished:

Celie yes
Mike yes
Ed yes
Tim yes
John yes

Hardship:

Ed no
Tim no
John yes
Celie no
Mike no

Chairman Scovner made a motion to deny this variance as not all criteria has been met, in that, the spirit of the ordinance and hardship was not proven by the applicant. Celie Aufiero seconds this.

Tim Lenihan made an amendment to this motion and explained that they did not demonstrate a hardship and that the spirit of the ordinance was not being observed. Celie Aufiero seconds this.

Amendment was approved by 5-0

The motion to deny was voted on and passed 4 to 1. Mike, Ed, Celie, Tim voting, yes. John voting, no.

No other business.

Motion to adjourn the meeting came at 9:25 p.m. from Tim Lenihan with a second from John Pellerin and carried.