



Enfield New Hampshire

Zoning Board of Adjustment

Minutes of September 13th, 2016 Meeting

Call to Order

A regular meeting of the Enfield Zoning Board of Adjustment was called to order at 7:02 PM, September 13th, 2016 at the Enfield Public Works Building.

Board and staff attending were Mike Diehn, Chair; Tim Lenihan, Vice Chair; Kurt Gotthard, Clerk; Cecilia Aufiero; Tom Blodgett, Alternate; Scott Osgood, Zoning Administrator;

Ed McLaughlin was excused.

Guests attending: Dolores Struckhoff, Enfield Shaker Museum; Maureen Foley and Barry Schuster for W. Robert Foley Trust; Paul Currier, Gabriele Currier of Enfield, observing.

Public Hearing

Enfield Shaker Museum Special Exception for new Signage

Dolores Struckhoff of the Enfield Shaker Museum at 447 NH Rte 4A, Enfield NH, presented to the board a request for a special exception to the Enfield Zoning Ordinance R1, R2, and R5 district sign regulations. She asks that as provided for in section 408.1 C, the Museum be granted additional sign area for their new signs. None of the signs would need the full 24 additional sq.ft. allowed by 408.1 C.

Special Exception Criteria

EZO 408.1 C: Non-profit organizations may be granted additional sign area up to 24 square feet by Special Exception if the Board determines that:

1. The circumstances, unique to the structure, use, or access and the area in which the structure use or access is located are unique.
2. The additional sign area is necessary or desirable for public information and/or safety.
3. The additional sign area is compatible with the area in which the sign will be located.

After discussion about the sizes of the new signs and clearing up some confusion about the numbers of various types of signs allowed on lots in the R3 district, the board agreed to grant the special exception because it meets all the criteria for such a special exception. The board also discussed Drummund Custom Cycles' signs which have appeared with the Shaker Museum's signs in the past and determined that Drummond's signs are not covered by the Shaker Museum's special exception request.

Motion: Moved by Mike Diehn, seconded by Cecilia Aufiero, that the board grant the Museum's request for a special exception provided for in EZO 408.1 C with the condition that the new signs be sized as indicated on the plans submitted by Struckhoff with her application for this special exception.

Motion carried 4/0. One member abstained.

Decision

Granted

Application of Enfield Shaker Museum for special exception to the Enfield Zoning Ordinance under section 408.1 C has been **granted**, subject to the conditions listed below, by the vote of at least three members of the Zoning Board of Adjustment.

Condition of approval

- 1. New signs must be sized as indicated on the plans submitted with the application for this special exception.

Public Meeting

W Robert Foley Trust appeal

W. Robert Foley Trust, in a letter from Mr. Barry Schuster, Attorney at Law, appealed the board’s 8/2 decision to deny their request for a variance from setback requirements on Rollin’s Point. Mr. Schuster argued that the board’s decision was unreasonable and in error.

Board members discussed precedent: is it appropriate to consider guidance on the matter of crowding the shoreline from earlier cases, like Bacon, and is it appropriate to consider what example the board’s decision here might set for future board actions?

After some back and forth on the matter, Diehn said that because the lawyers on both sides of the matter had brought case law into the discussion, that it did seem appropriate to consider both old cases and the example the board sets here. Diehn’s rationale to vote against the variance was based on the idea that it is within the spirit of the ordinance to prevent crowding of Rollins Point and similar areas on town shores and that to honor this aspect of the spirit of the ordinance, the board must act to prevent incremental crowding such as granting the Foley’s variance request would permit.

Motion: *Kurt Gotthardt moved and Cecilia Aufiero seconded that the board deny the appeal by W. Robert Foley Trust because the board’s 8/2 decision was reasonable and not in error.*

Motion carried 3/2

Decision

Denied

Application of W Robert Foley Trust for reversal of 8/2 board decision to deny Foley variance request has been **denied** based on the findings listed below, by the vote of at least three members of the Zoning Board of Adjustment.

Basis of denial

- 1. A majority of the board believe the decision was reasonable and not in error..

Approval of Minutes

Minutes of August 2nd, 2016

Motion: Tim Lenihan moved that the board approve the draft minutes of the 8/2/16 meeting as corrected. Motion seconded by Aufiero.

Motion carried 5/0.

Minutes of August 9th, 2016

Motion: Kurt Gotthardt moved that the board approve the draft minutes of the 8/9/16 meeting as corrected. Motion seconded by Mike Diehn.

Motion carried 5/0

Unfinished Business

The board passed four motions in the 4/26 meeting to amend the ZBA bylaws. Under current bylaws, each proposed change must be approved during two meetings after the proposal and then may be adopted in third meeting. Proposals 1, 3, and 4 passed review during the 8/9/16 meeting. Proposal 2 was dropped. This is the second of the two sets of reviews of these proposals.

- Proposal 1: Full Board or Less at Start of Hearings
- Proposal 3: Replace Clerk with administrator
- Proposal 4: Adopt Sections of OEP 2015 ZBA Handbook

The full proposals are in the minutes of the 4/26 and 8/9 meetings. After a review of the proposals and brief discussion, the board approved all three:

Motion: Tim Lenihan moved and Kurt Gotthardt seconded that the board approve proposals 1, 3 and 4 below.

Motion carried 5/0

Next Meeting

Next meeting will be a regular meeting at 7:00 PM on October 11th, 2016 in the Enfield DPW building. (Subject to change)

Adjournment

Meeting adjourned without objection at 9:15 PM.