



Zoning Board of Adjustment

Enfield NH

Minutes of December 13th, 2016 Meeting (approved Jan 10th, 2017)

Call to Order

A regular meeting of the Enfield Zoning Board of Adjustment was called to order at 7:01 PM, December 13th, 2016 at the Enfield Public Works Building.

Attendance

Board and staff: Mike Diehn, Chair; Tim Lenihan, Vice-Chair; Kurt Gotthard, Clerk; Cecilia Aufiero; Ed McLaughlin; Tom Blodgett, Alternate; Scott Osgood, Zoning Administrator;

Guests: Robert and Lauri Malz of 17 Bridge Street; William and Simin Batchelder of 19 Bridge Street. Atty. Barry Schuster of Schuster Buttrey & Wing PA, Lebanon NH, representing the Batchelders; Atty. Tim Condon of CLRM PLLC, representing Eastern Propane Gas Inc.; Bill Masey of Eastern Propane.

Approval of Minutes

Motion: *Tim Lenihan moved that the board review the minutes of September 13, 2016 at the end of the meeting instead of before the hearings. Seconded by Ed McLaughlin.*

Motion passed unanimously.

Public Hearing – Eastern Propane Special Exception

Eastern Propane Gas Inc. is requesting a special exception to the Enfield Zoning Ordinance Article IV, Section 408.2 for an internally lit sign for the parcel Map 6 Lot 25 at 14 Hathorn Drive in the C/I Commercial Industrial District

Presentation by Tim Condon for Eastern Propane Oil Inc. of their request for a special exception to EZO 408.2 for an internally lit sign on their building at 14 Hawthorn Drive in the C/I district

No one spoke in opposition.

After a brief discussion between the presenter and the board members, the board listed these facts found:

1. the building lot is in the C/I zone
2. there are no other internally lit signs on the building lot
3. there are no other signs on the building
4. the sign is planned to be approx. 45" x 116" - 36.25 sq. ft.
5. the building is approx. 650 feet from the road
6. the sign will be a simple, transparent sheet of plastic, illuminated from within and will not display moving images

The board finds that the request may be approved because the criteria for such a special exception are met.

Motion: *Ed McLaughlin moved that the board approve Eastern Propane Gas, Inc.'s request for a special exception to section 408.2 for a single, internally illuminated sign to be installed on their building in the C/I district, the sign to be sized and situation as described in the findings of fact above and the plan submitted by Eastern Propane. Tim Lenihan seconded the motion.*

Motion passed with 4 in favor and 1 against.

Public Hearing – Malz Variance (Lake setback)

Robert and Laura Maltz [sic] are requesting a variance for the Enfield Zoning Ordinance Article IV, Section 401.1 M; setbacks from seasonal high water marks of a Lake, at 17 Bridge Street, Map32 – Lot 5 in the Residential 1 (R1) zoning district to locate a portion of a new home within the setback. An existing home already exists in the setback and will be removed to make way for a new building.

Roger Rodewald of Riverside Ecological Design, LLC. presented the Malzs' request for a variance from EZO 401.1 M (wetland setbacks) to allow them to replace the existing house on their lot at 17 Bridge street with a larger house. The new house would use approx. twice the space in the lake setback than the existing house uses.

After Mr. Rodewald's presentation, Barry Schuster spoke in opposition on behalf of the Batchelders, who live next door to the Malzs' property on Bridge Street. The Batchelders object because a) they strongly believe the lake setback should be respected, b) they were denied a variance to build a much smaller addition in the lake setback and, c) they are worried that the large house and porch the Malzs' plan will intrude on their privacy.

Mrs Batchelder spoke at length to underscore the strength of their feelings about the matter.

After questioning the parties involved, the board tentatively found the following facts:

1. The Malzs have a Shoreland Impact Permit, No. 2014-02350, approved Nov 19, 2014 for this project.
 - a) Conditions in the permit: no more than 4,982 s.f. may be disturbed during this project,
 - b) work is to be done in accordance with Riverside Eco. Plan dated Aug 6th, 2014, received. by NH DES Sep 12th, 2014,
 - c) no more that 20% of the area within the shoreland buffer may be covered by impervious surfaces without additional approval from NH DES.
2. Existing building is approx. 576 s.f. and is all within the setback.
3. Planned building would be approx. 1,860 s.f. and 1,550 of that would be in the setback.
4. The new house would increase the impact on the wetland setback by approx. 920 s.f.
5. Lot dimensions are 69' at the road, 72' at the shore, 85' on the west lot line, and 70' on the east. Lot is approx. 0.13 acres.
6. This is a regularly shaped lot. There's nothing odd about it. It's quite similar to other lots in the area.

At approximately 8:45, Chairman Diehn asked for a motion to continue the hearing to the next meeting of the ZBA.

Motion: Mike Diehn moved this variance hearing be continued to the next ZBA meeting, currently scheduled for Jan 10th, 2017, and that the second Malz variance request hearing be postponed to that meeting also. ***Cecilia Aufiero seconded*** the motion.

There was no discussion.

The ***motion passed*** with 5 in favor and none against.

Unfinished Business

Motion: Tim Lenihan moved the board amend the agenda to add final consideration of the by-law change proposed during previous meetings of the board. ***Mike Diehn seconded.***

After a brief discussion to clarify the action Mr. Lenihan proposed, the **motion passed** with 5 in favor, none against.

The board has three proposals to change the by-laws proposed 4/26/16 and approved in the 8/9/16 and the 9/13/16 meetings. The full proposals are in the minutes of the 4/26 and 8/9 meetings. The summaries are:

- 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

Motion: *Cecilia Aufiero moved we adopt proposals 1, 3, and 4 and so amend our by-laws. Tim Lenihan seconded.*

There was no discussion.

Motion passed with 5 in favor and none against.

Approval of Minutes

Motion: *Tim Lenihan moved that the board approve the draft minutes of the 9/13/2016. Kurt Gotthard seconded.*

Discussion

Tim and Cecilia pointed out that during the 9/13 hearing for the Shaker Museum's sign variance, The board also discussed Drummond 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 asked that we add that to the minutes. All agreed.

Motion amended 5/0 to read "approve 9/13 minutes as corrected".

Motion passed as amended 5/0. **Minutes approved.**

Next Meeting

The next meeting will be Jan 10th, 2017 at 7:00 PM in the Enfield DPW building, subject to change.

Adjournment

Motion: *Mike Diehn moved that we adjourn the meeting. Cecilia seconded. No discussion.*

Motion passed 5/0.

Meeting adjourned at 9:15 PM.