



Town of Enfield

Zoning Board of Adjustment Meeting Minutes

May 8, 2018

APPROVED June 12 2018

Present: Mike Diehn - Chairman, Kurt Gotthardt, Ed McLaughlin, Tom Blodgett, Tim Lenihan, and Scott Osgood-Town Planner/Zoning Administrator

Regrets:

Guests: Denise Shibles (Recording Secretary), Rene Demers, Doug & Meredith Smith, Shawn Lacey, Susan Brown

- I. CALL TO ORDER - 7:05 pm.
- II. CITIZENS FORUM – None requested
- III. PUBLIC HEARINGS

1. Rene Demers will request a Variance from setback requirements to move his non-conforming house to a less non-conforming location in the R1 District on Parcel 18-012 at 48 NH Rte 4A in accordance with Article V, Section 505 of the Enfield Zoning Ordinance.

Scott handed out a letter Mr. Demers received from NH DOT today.

Discussion followed clarifying the distance of the home being moved from the center of the road and the needs for this move to be done.

Mike moved that Mr. Demers be granted the variance with Tom seconding.

Kurt listed the Finding of Facts as follows:

1. House in state Right of Way
2. State requires house be moved out of Right of Way to have foundation rebuilt.
3. Plan is to move house 4' further back into lot to be 33' from center line, 23' from side white line to meet DOT requirements.
4. Well is 168' deep
5. Moving further would require resisting the well; very expensive
6. Move will make lot less non-conforming

The vote was unanimous in favor of the motion granting the variance, 5-0

Tim Lenihan recused himself from the Board as he's presenting the next case.

2. Doug and Meredith Smith will ask for an appeal of a Zoning Administrators Decision and, if not granted by the Zoning Board of Adjustment, will request a Variance to allow an expansion of a non-conforming use in the R1 District on Parcel 30-031 on 80-D Livingstone Lodge Road in accordance with Article IV, Section 413.3 of the Enfield Zoning Ordinance.

Mike asked the Board if they find a reason for this next variance request.

Ed motioned to overrule the Zoning Administrator decision and to state no variance is required with Mike seconding.

Kurt read Enfield Zoning Regulations regarding expansion of a nonconforming use.

There was much discussion referencing a Board decision back in ~~2003.Mike~~2003 Mike read an excerpt from the New London Land Use Assn v. New London ZBA Case (1988)

“..is still the most elucidating decision our NH Supreme court has issued on the legal rules for when a nonconforming use can be changed or expanded.” “nonconforming uses may be expanded, where the expansion is a natural activity, closely related to the manner in which a piece of property is used at the time of the enactment of the ordinance...However, enlargement or expansion may not be substantial and ma not render premises or property proportionally less adequate...We must also consider the extent to which the challenged use reflects the nature and purpose of the prevailing nonconforming use, whether the challenged use is merely a different manner of using the original nonconforming use or whether it constitutes a different use, and whether the challenged use will have a substantially different impact upon the neighborhood...”

Mike stated that if these buildings were put in place after zoning the land and lot are sufficiently large enough that they could have been divided so that each dwelling would have been perfectly within zoning and this addition could be made to the house without any need for an application to the Zoning Board. It felt like the nonconforming use before us was that there were multiple dwellings on the lot, not that there were any dimensional or setback problems.

The vote is unanimous in favor of the motion, 4-0.

The Board took a recess from 7:30, resuming at 7:40.

Tim Lenihan returned to the Board.

IV. COMMUNICATION AND MISCELLANEOUS

1. Interview with Susan Brown. Susan comes to Enfield from North Haverhill where she spent many years on the Planning Board. She has been involved with the Shaker Museum for many years and is very happy with the community. She was raised to give back to the community so here she is. The Board voted to appoint Susan Brown as an alternate: 5-0

V. APPROVAL OF MINUTES

1. February 13, 2013

Kurt asked that the following changes be made:

Pg 1. P2 “He notes they would be remodeled as well.” to He notes they could be remodeled as well.

Pg 1. P6 “Roger said these ~~would go away~~” to Roger said these sheds are not on this property

Pg 2. P11 “15 feet from the property ~~line~~,” to 15 feet from the property line.

Pg 2. P11 “Sections 401.1v-One principle dwelling per lot. There are two dwellings on this lot.

footprint.
Pg 3. P3 “Kurt noted that the Lot of Record is Grandfathered”, but must maintain the same

Pg 3. P6-7 “~~Ceile~~“Ceile read from the Zoning Regs the grandfathering ordinance clause.

Pg 4. P1 line 9 delete “larger than current”.”.

2. April 10, 2013

Add the following to Guests: Melissa Gunn, David Tupper, Earl ~~and Ned~~ Barbara Brady, Mark....., Jane, Terry Terry, Dana Fellows, Paul Currier, Ryan and Laura Aylesworth, Kristina Aldrich, Mary Tyler, Dave Beaufait

Change Election of Officers as follows:

The following were nominated and voted on unanimously (5-0)

Chair-Mike Diehn- Motioned by Tim, second by Kurt

V ice Chair- Ed McLaughlin- Motioned by Tom, second by Tim

Clerk- Kurt Gotthardt- Motioned by Tom second by Ed.

Pg 1 P5-6 Add: Mike read the requirements for a Special Exception.

Pg 1 P 6 “Mike explained to her that these covenants are not involved with ...” to that these covenants are not enforced by the town and are not involve with...

Pg 1 P 6 Add: Mary stated she did not want farm animals and all that entails. Ryan replied that they would be following best practice for horses only.

Pg 2 P7 Scott Sanborn ~~presented his request to~~ made his presentation

Pg 3 P1 Delete “~~The vote was unanimous in favor. 5-0~~”

Ed motioned to accept both sets of minutes as amended with Tim seconding. The vote was in favor of the motion, 5-0.

VI. NEW BUSINESS

1. Tim spoke with Ryan Aylesworth asking if it was possible to have fillable PDF forms online to avoid handwritten forms. The Board agreed.
Mike motioned, with Kurt seconding, to recommend having fillable PDF forms on the town website. The vote was unanimous, 5-0.
2. Kurt reminded the Board that they should be using the forms from the Handbook. He asked that they be included in the packet mailings.
3. Kurt would like to see the draft minutes posted on Mon or Tues following the meeting.
4. Ed reported that he, Tom and Scott attended ~~aan~~ OSI in Concord. Scott will send them out to the Board.

VII. NEXT MEETING

Regular Zoning Board of Adjustment Meeting—To Be Determined

VIII. ADJOURNMENT

Mike motioned to adjourn and Tim seconded. The meeting adjourned at 8:25pm.

Respectfully submitted,

Denise D. Shibles
Recording Secretary

