

Town of Enfield Zoning Board of Adjustment Meeting Minutes – June 11, 2019

Board Members & Staff Present: Mike Diehn, Chair; Ed McLaughlin, Vice-Chair; Tom Blodgett, Member; Tim Lenihan, Member; Susan Brown, Alternate, Ryan Aylesworth, Town Manager and Rob Taylor, Land Use and Community Development Administrator

Board Members Absent: None

Public Present: Keith Nicholson, James Bonner, Gerald Giovagnoli, Jo-Ellen Courtney, Becky French, Michael McGonis, Tracy McGonis, David Berube, Robert Berube, Dylan LaBrake, Brenda LaBrake, Brenda Berube, Raymond Berube, Andy Stearns, Sharon Stearns, Roger Rodewald

Meeting was called to order 7:01 pm by Mike Diehn, Board Chair. Susan Brown was seated as a member for this meeting.

Item 1: Keith Nicholson requests a variance from zoning ordinance article 401.2 section L. to build a shed within the property setback at 353 Crystal Lake Road (M46 L14) in the R3 District.

Keith Nicholson was on hand to discuss moving a shed on his property to a new location as outlined in his application packet. The proposed new location is within the required setback as is the current location of the structure. Mr. Nicholson uses the structure to store his party barge water craft. A motion was made by Tim Lenihan to approve the application for variance and seconded by Ed McLaughlin. Discussion began with a reading of an email from an abutter, Skip Ashey, who lives in Florida. Mr. Ashey expressed no objections to the variance request so long as the building's location is indeed still on Mr. Nicholson's property. The lots in this area have some minor issues due to the existence of a triangle of land that belongs to Mr. Ashey. The board reviewed the maps. It was noted the building in question is the type that can be moved easily (not permanent) so that if the new location turns out to be unsatisfactory to the neighbors, it can be moved further. There being no further discussion the motion presented by Mr. Lenihan was approved unanimously.

Item 2: Gerald Giovagnoli is applying for a *Variance* to Section 413 paragraph 4 of the zoning ordinance under section 413 to remove a single-unit house (18 Lake Street; Map 34 Lot 7) in the R1 Zoning District and replace it with a larger house. This is a nonconforming lot due to its size of 0.16 acre—minimum lot size is one-half acre. The proposed building will exceed the dimensions of the current building.

Mr. Giovagnoli is proposing to remove an existing SFH that is in a seriously damaged state and replace it with a new, larger structure that would include a SFH with garage and an attached ADU. Ed McGlaughlin noted that the ADU statute of the State of NH (RSA 674:71-73) requires an interior door that connects the ADU to the primary residence. This door was not shown on the plans as presented by Mr. Giovagnoli. Next it was mentioned by Mike Diehn and confirmed Ryan Aylesworth (Town Manager) that Enfield has a requirement of "owner occupancy," where at least

one of the residential units must be occupied by the owner of the property. Mr. Giovagnoli clearly indicated that he does not wish to reside in either unit, instead he would like to rent both units to area employees (eg- hospital interns). The board attempted to come up with a solution to allow the owner to move his building location on the lot, as he was motivated to get the house back away from the road. Jo-Ellen Courtney, an abutter, expressed concerns about the relocation of the building envelope as it would place the structure closer to her property which is less desirable to her. Mr. Giovagnoli inquired about the height requirement were he to build in the existing footprint as encouraged by the town's zoning ordinances. It was noted that the height limit was 35 feet (two stories). Tracy McGonis, another abutter, expressed concerns about the building being too close to the road, but said she had no issue the height of the building. Roger Rodewald asked for clarification about second dwelling requirements and mentioned that owner occupancy make an ADU impossible in this instance. Mike McGonis, an abutter, decided that the height of a new building with possible grade changes would indeed be a concern to him. Tim Lenihan made a motion to table the discussion and Ed McLaughlin seconded. The motion was approved unanimously.

Item 3: Barbara Ruel of Freedom Ruels Trust is requesting a variance from zoning ordinance section 401.1K and 413 3&4 to merge three small lots and build a house and garage. The total acreage will be 0.5 acre at 5 & 9 Johnston Drive (Map 14, Lots 8, 8A, and 9) in the R1 District.

No one was in attendance to discuss this matter on behalf of the applicant. Therefore Ed McGlaughlin made a motion to dismiss the matter. A second was provided by Susan Brown. The motion carried unanimously. It was noted that the merger of lots is not a ZBA matter; rather it should be handled by the Planning Board.

Item 4: Mike Michalenoick requests a variance to zoning ordinance article 413 section 4 to build an addition within a nonconforming lot at 111 NH Route 4A (M18 L52) in the R1 District.

Roger Rodewald, representing Mike Michalenoick, presented plans to attach a garage and porch to an existing non-conforming structure on Route 4A. the applicant has obtained a NH-DES Shoreland Permit. Discussions began after a motion from Tim Lenihan was made to deny the variance. The motion was seconded by Tom Blodgett. The conditions for granting a variance were read aloud by Mr. Rodewald and the board focused on the "hardship" clause therein. Time Lenihan said he can't see a hardship case in this instance. Mr. Rodewald expressed his feeling that the hardship for the applicant came in the form of lower realized value to the property owner. It was noted that the burden of proof was on the applicant to demonstrate a true hardship. It was also noted that the owner of the property should be on hand to help make their case. Susan Brown made a motion to table the motion on the floor (Tim's). Mike Diehn seconded the motion ,however the motion failed by a vote of 2-3. At this point Mr. Rodewald asked to withdraw his application. Subsequently, Tim Lenihan withdrew his motion to deny the variance request.

Minutes from the May 14th, 2019 meeting were reviewed and unanimously approved with minor revisions as presented by Susan Brown. She felt strongly that minutes use the formal names of people being referenced.

Tim Lenihan made a request to add an agenda item for the next meeting to discuss filling the recent vacancy on the ZBA, so that interest would be generated from the public for new members.

Ed McLaughlin moved to adjourn; it was seconded and unanimously supported.

The meeting adjourned at 9:15 pm.

Submitted by,
Rob Taylor, Land Use and Community Development Administrator