Town of Enfield

Zoning Board of Adjustment
Meeting Minutes

November 13, 2018
DRAFT

Present: Mike Diehn - Chairman, Kurt Gotthardt; Ed McLaughlin, Tom Blodgett, Tim Lenihan, ~~*Susan Brown (alt)*~~

Guests: Scott Osgood-Town Planner/Zoning Administrator, Alice Kennedy (Recording Secretary), Jim Bonner (videographer), Cathy Griffin, Robert Havener, Barbara Johnson, Dolores Burns

I. CALL TO ORDER: The meeting was called to order at 7:00 pm.

II. PUBLIC HEARINGS

1. Robert Havener, of 332 Shaker Boulevard, parcel 26-007, who would like to request permission to extend a non-conforming structure, a garage, within the fronted setback.

   Mr. Havener presented the request as a concern for his family being able to use their garage for a car. He is requesting to add 72" to the garage to make it usable for car storage. He described the area currently and as it would be in the future, if the variance was granted, in great detail. The homeowner has worked with the town in the past to make driving conditions in the area safer by widening the road.

   After an in-depth discussion of the current and future structure, Mike asked if the Board had any further questions. Having none, Mike stated the Findings of Fact:

   1. There is no other suitable location for the garage due to steep terrain and proximity to the lake.
   2. The garage side is approximately 3ft from front property line.
   3. The road was widened by 8ft on the side away from the garage.
   4. Extending the garage 6' along the road would not make the current situation worse.
   5. The property is in R1 district.
   6. The street setback is 20 ft.
   7. The garage is too narrow to park in now.

   <u>Mike moved to grant the Havener request for a Variance as applied for with Tim L. seconding.</u> Ed read the five criteria aloud for discussion. Kurt and Mike *noted they had trouble finding* ~~were unable to find~~ that the request passed the hardship test. <u>The vote was in favor of the motion, 4-1.</u>

2. Barbara Johnson of 51 Algonquin Road, parcel 44-018, ~~will~~ request*ed* permission to extend a non-conforming structure (an entrance vestibule) within the site setback. ~~There will also be a public hearing for this item as multiple interested persons are present.~~ Ms. Johnson submitted her letter for request and presented *that* the primary driver for the request as being health and safety due to the positioning of the stove right next to the front door. Mr. Diehn asked for clarification regarding the retaining wall – it is not the exact lot line but generally represents it.

   Findings of Fact:

1. The house is in the R3 district, side setback is 20'.
2. Current stoop is 9'6" from side lot line.
3. Proposed addition would be 5'8" from lot line, including an 18" roof overhang.
4. Ms. Johnson considered an extension out front but that would be <u>much</u> more disruptive.
5. The septic tank is located at the foot of the steps.
6. Homeowner has previously employed a contractor to address drainage problems.
7. The addition will be 9'6" x 11'.

Mike Diehn opened the floor to anyone who would like to speak in support or opposition to this variance request. Ms. Cathy Griffin, as Trustee of neighboring property representing herself and her 6 siblings, stated she would like to speak a little of each.

The Griffins are concerned about drainage and would like the Board to make any approval contingent upon a suitable drainage solution. The Griffins are not in support of any approval that does not include a *plan* ~~clause~~ that *locates* ~~effective~~ drainage away from their property. ~~must be included in the building plans.~~

Mrs. Johnson is willing to accept a condition to the approval re: providing a drainage solution built in to the addition plans. She has worked with Steve Patton in the past with *S*tate permits conforming to the wetlands act to address similar drainage issues and is amenable to working toward an acceptable solution. Mrs. Johnson submitted a sketch of the existing and proposed future conditions. She also clarified that the drainage from across the street was not her responsibility and all agreed.

Ms. Griffin stated that she and her siblings are fairly happy with the preliminary sketch, however it was not in the 'official' package which caused great concern to her and her siblings.

Mrs. Johnson agreed to include the sketch in her application as indication of intent to address drainage as a part of the building plans.

<u>8:07 Mike Diehn moved to approve the Johnson's request for a variance as the application was submitted and amended with the new drawing, with conditions that the changes to the property will not increase the water runoff on to the neighboring lots. Tim Lenihan seconded.</u>

Discussion included Kurt clarifying for the group that this is a request to encroach further into the side setback, and that the drainage is not the main point.

Mike pointed out that we must also consider the future use of the new footprint by those less considerate, 20-30 years from now. The spirit of the ordinance is to protect the light and air and in that spirit this ordinance is likely being violated.

Ms. Burns, who lives on the other side, is present to find out what the plans are going to be and does not have any discussion for or against the request.

Mike then requested that Ed McLaughlin lead the group through the criteria.

Ed and Tim made a point that the house should be considered as part of the property and the construction of it with the main entrance on the side of the house, right along the lot line makes it unique.

Shall we approve the Johnson's request for a variance with the condition that the changes they make to their property will not increase the water runoff on to neighboring lots? <u>Vote in favor of the motion 4-1</u>

III. REQUEST FOR RE-HEARINGS

None.

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IV. APPROVAL OF MINUTES-

August 14 Draft minutes: Ed made a motion to approve the minutes as corrected, Tim seconded. Vote in favor of the motion 5-0.

V. COMMUNICATIONS AND MISCELLANEOUS

Zoning changes that are proposed are going before the planning board tomorrow.

It was proposed to have a joint meeting with the planning board, and subsequently discussed. All agreed that it might be confusing to the public. The topic is deferred until the next meeting and Ed M. will get more information in the meantime.

Board requested that The definition of a manufactured housing park be included on the from the state RSA: Any parcel of land under sole or common owner ship or control which contains or is designed to accommodate 2 or more manufactured houses.

VI. NEXT MEETING

The next meeting is scheduled for December 12 , 2018

VII. ADJOURNMENT

Mike adjourned the meeting at 9:06pm.

Respectfully submitted,

Alice M. Kennedy
Recording Secretary

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