



## Town of Enfield

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# Zoning Board of Adjustment Meeting Minutes

August 14, 2018

**APPROVED Nov 13, 2018**

Present: Mike Diehn - Chairman, Kurt Gotthardt; Ed McLaughlin, Tom Blodgett, Tim Lenihan, Susan Brown (alt) Scott Osgood-Town Planner/Zoning Administrator, Denise Shibles (Recording Secretary), Jim Bonner (videographer)

Guests: Tim Sidore, Bruce Hettleman, Paul Currier, Matthew and Lisa Isham, Maureen Foley, Meaghan Foley, Donna Rich, Erik Newman, Brad Rich, John Hughes, Gillie Clifford, Dwayne Crate, Judith Currier, Brian Rippe, Ed Rippe, Nate Stearns, David & Susan Hazelton, Barry Schuster, John Currier, Gabriel Currier, Ryan Alyesworth

I. CALL TO ORDER: The meeting was called to order at 7:02 pm.

II. PUBLIC HEARINGS

1. Eric Newman of Gallagher, Callahan and Gartrell P.C. will present a request for a Variance from Article IV, Section 401.2 of the Enfield Zoning Ordinance for a Boundary Line Adjustment to two non-conforming lots, Parcels 47-023 & 022A on Hawley Drive in accordance with Article V, Section 505.

Mr. Newman presented the request for Brad & Donna Rich. He explained that the request is to transfer a strip of land 20' x 147' from the Samples to the Riches. He further described the area.

Mike asked if the Board had any questions after reading the request. Having none, Mike stated the Findings of Fact:

1. R3 minimum lot is 3 acres
2. Lot 23 is 0.75, larger than most in the area
3. Lots in the area are almost all smaller than Lot 23
4. Lot 22A will be slightly less non-conforming
5. Lot 23, Sample's, will be slightly more non-conforming
6. Strip to be sold will remain mostly covered by side setback
7. The area has been thought by both parties to belong to the Rich's since before zoning was enacted.

Ed moved, with Kurt seconding, to grant the request for a Variance from Article IV, Section 401.2 of the Enfield Zoning Ordinance for a Boundary Line Adjustment to two non-conforming lots, Parcels 47-023 & 022A on Hawley Drive in accordance with Article V,

Section 505. The vote was in favor of the motion, 5-0. Mike clarified that all Board read the 5 criteria and all stated they had.

### III. REQUEST FOR RE-HEARINGS

1. Sue & David Hazelton and Judith Currier, residents of Rollins Point, will ask the Board for a re-hearing of a ZBA Hearing regarding a variance from setbacks on Rollins Point. Mike read the letter from their attorney, who disagreed with the Board regarding the Fisher Doctrine.

The Board discussed its previous ruling and how the Fisher Doctrine related finding there was a sufficient material change to hear the variance request.

Kurt read a timeline of this case stating the differences in setbacks, changes to the neighborhoods and giving examples of material differences.

Tim stated that the decisions made by the Board are legal decisions and are made on a case by case basis.

Ed talked about the change to the neighborhood and how setbacks are limits that can help with minimizing overcrowding. Ed stated, after a site visit, he was of the opinion that the 2-story house directly across from the Foley house, even though it was built within the footprint of the previous house, had become an imposing and dominant feature of Rollins Point and had caused a material change in the character of the neighborhood. Tim felt that eliminating the garage from the plan made the lot less crowded and was a significant difference in the Foley's new request for a variance. Kurt stated the variance request was to build within the road setback, not the style of the building. When the town adopted zoning it was aware that the lots along the lake were small but chose to make Rollins Point a 3 acre zone with large setback areas

Mike stated that the 2 story house has changed the atmosphere of the neighborhood and it no longer serves public interest to try to preserve something that no longer exists.

Tim motioned, with Ed seconding, to deny the request for a rehearing based on finding there have been material changes of circumstance affecting the merits of the Foley application. The vote was 4-1 in favor of the motion.

- 2, Tim Sidore of Ledgeworks Inc. will request a re-hearing of ZBA Hearing regarding overturning a Planning Board Hearing regarding a Site Plan Review regarding parking for residential use on Main St.

Jim Bonner, Planning Board alternate, stated that during the hearing of the Site Plan Review, the passageway was never brought up or considered in the original plan.

After much discussion the Board believes that Ledgeworks should go to NH DOT for a driveway permit.

Kurt cited the CB regulations 401.4S and in the site plan regulations, sections 4.1.2 and 4.2.2.

Mike motioned, with Tim seconding, to deny Ledgeworks request to reverse our decision. The vote was in favor of the motion, 4-1.

IV. APPROVAL OF MINUTES-

Several additions to the minutes of July 10 were requested. No vote was taken until these changes were completed.

Mike moved, with Ed seconding, to seal the non-public minutes of July 10, 2018. The vote was unanimous in favor of the motion, 3-0

V. NEXT MEETING

The next meeting is scheduled for September 11, 2018

VI. ADJOURNMENT

Mike adjourned the meeting at 9:05pm.

Respectfully submitted,

Denise D. Shibles  
Recording Secretary