

**Enfield Zoning Board of Adjustment – Meeting Minutes**  
**DEPT OF PUBLIC WORKS/MICROSOFT TEAMS**  
**PLATFORM**  
**JUNE 14, 2022**

**ZONING BOARD OF ADJUSTMENT MEMBERS PRESENT:** Mike Diehn (Chair), Susan Brown (Vice-Chair), Brian Degnan, Madeleine Johnson, Cecilia Aufiero, Tim Lenihan (Alternate),

**ZONING BOARD OF ADJUSTMENT MEMBERS ABSENT:** Ed McLaughlin (Alternate)

**STAFF PRESENT:** Rob Taylor- Land Use and Community Development Administrator, Whitney Banker-Recording Secretary

**GUESTS:** Peter Tabur (via Microsoft Teams Platform), Brandon Crosby, Lisa Crosby, Miles Clark, Scott Williams (Pathways Consulting LLC, Tabur representative).

**I. CALL MEETING TO ORDER:**

Chair Diehn called the meeting to order at 7:00 p.m. and took attendance of members present.

**II. ORGANIZATIONAL DISCUSSION**

Chair Diehn elevated Mr. Lenihan to a voting member for this discussion.

*A MOTION was made by Chair Diehn to appoint Cecilia Aufiero as a board member with the term expiring March 2023.*

*The MOTION was seconded by Ms. Johnson*

**Roll Call Vote:**

Mike Diehn (Chair), Susan Brown (Vice-Chair), Brian Degnan Madeleine Johnson, Tim Lennihan (Alternate), **all voting Yea.**

**None voted Nay.**

Cecilia Aufiero **Abstained.**

*\* The Vote on the MOTION was approved (5-0-1).*

Ms. Aufiero was appointed a member of the Zoning Board of Adjustment for the term expiring March 2023.

**III. APPROVAL OF MEETING MINUTES: March 8, 2022, April 12, 2022, May 10, 2022****A. March 8, 2022**

***Vice-Chair Brown MOVED to approve the March 8, 2022, Minutes presented in the June 14, 2022, agenda packet as presented and amended.***

***Seconded by Ms. Johnson***

Amendments: N/A

**Roll Call Vote:**

Mike Diehn (Chair), Susan Brown (Vice-Chair), Brian Degnan, Madeleine Johnson, Cecilia Aufiero, Tim Lenihan (Alternate) **all voting Yea.**

**None voted Nay.**

**None Abstained.**

***\* The Vote on the MOTION was approved (6-0).***

**B. April 12, 2022**

***Vice-Chair Brown MOVED to approve the April 12, 2022, Minutes presented in the June 14, 2022, agenda packet as presented and amended.***

***Seconded by Mr. Degnan***

Amendments: N/A

**Roll Call Vote:**

Mike Diehn (Chair), Susan Brown (Vice-Chair), Brian Degnan, Madeleine Johnson, Cecilia Aufiero, Tim Lenihan (Alternate) **all voting Yea.**

**None voted Nay.**

**None Abstained.**

***\* The Vote on the MOTION was approved (6-0).***

Chair Diehn said that the minutes seem to be more of a transcript, and he would prefer minutes to be less of a transcript and more business decisions. Ms. Johnson said that since she has been a part of the ZBA they have tended to be this way. She said that she thought the board would need to make a policy decision about this, and then have Ms. Banker change the style at that time.

Chair Diehn agreed. Ms. Johnson said that she thought it would be helpful to find “model minutes” for Ms. Banker to use when the board decides on the style/policy. Chair Diehn said that he would like to discuss it further after approval of the remaining minutes.

**C. May 10, 2022**

***Vice-Chair Brown MOVED to approve the May 10, 2022, Minutes presented in the June 14, 2022, agenda packet as presented and amended.***

***Seconded by Mr. Lenihan***

Amendments:

-Overall correction: “double that”

-Line 272 – add “value of”

-Line 273 – “in keeping” to “is in keeping”

-Additional minor wording edits (Ms. Brown provided a written copy to Ms. Banker).

**Roll Call Vote:**

Mike Diehn (Chair), Susan Brown (Vice-Chair), Brian Degnan, Madeleine Johnson, Cecilia Aufiero, Tim Lennihan (Alternate) **all voting Yea.**

**None voted Nay.**

**None Abstained.**

***\* The Vote on the MOTION was approved (6-0).***

**IV. PUBLIC HEARINGS**

***A. Continued from March, Land Use Case # Z22-03-02, Peter and Teri Tabur are seeking a special exception to Enfield’s Zoning Ordinance, as provided in Article 406.1 (Section D), to construct a driveway that crosses wetlands areas. Owned by Peter and Teri Tabur, the subject property’s address is 84 George Hill Road (Tax Map 9A, Lot 6) and is 130.5 acres in size. It is in the Rural Residential-Agricultural (R5) zoning district. Pathways Consulting LLC of Lebanon is representing the Taburs in this matter.***

Mr. Williams said that they have experienced many delays with the NH DES. They believe they will be able to present in September. Chair Diehn said he does not believe the issues with DES will impact the decision of the ZBA. Mr. Williams said that the current application has some impact areas that will change based on the conversations with DES. They are still waiting for final answers from DES. Mr. Taylor suggested if they withdraw the application and come back, they would be subject to new fees; he suggested waiving the hearing fee (but still charging abutter notifications and Valley News advertising fee). Ms. Johnson asked if it would be considered an entirely different project. Mr. Williams said the issue is the amount of impact from conversations with DES. Mr. Lenihan clarified that they will need a special exception regardless, but a current application may not necessarily be what they plan to do in the end. Mr. Williams agreed. Mr. Diehn said he agreed with Mr. Taylor's suggestion to waive the hearing fee. He said the board would plan to take the Tabur case off the agenda until the application is ready to be heard in the fall. Ms. Aufiero said she felt the Taburs should apply with a new plan when they

125 are ready to go back. Ms. Aufiero and Ms. Brown agreed to waive the hearing fee. Ms. Brown  
126 said she would like a site visit (either a video here, warrant a meeting for the board to go, she and  
127 Chair Diehn could walk the property, etc.).

128  
129 Mr. Tabur said at last month's meeting there had been a comment from Vice Chair Brown about  
130 a site visit; he is still able to meet with her to do this if she would like. Vice-Chair Brown  
131 explained this would not be allowed.

132  
133 Decision: when the Taburs are ready to have their case heard, they will contact Mr. Taylor to  
134 reapply. If a site visit is needed, this can be arranged with Mr. Taylor ahead of the hearing. All  
135 aspects of the application will be made available to the board 3 weeks before that future meeting,  
136 and a site visit can then be scheduled ahead of the meeting.

137  
138 ***B. Land Use Case # Z22-06-01, Miles Clark, Elissa Crosby, and Brandon Crosby are seeking***  
139 ***variance relief from the Enfield Zoning Ordinance Article IV, section 401.4(P) to construct a***  
140 ***single-family home within the prescribed setbacks to the street and side lot boundaries. The***  
141 ***subject parcel is 0.10 acres and is located on Flanders Street (Tax Map 33, Lot 29) in the***  
142 ***"Community Business District or "CB" zoning district and is owned by Miles Clark and Elissa***  
143 ***Crosby, and Brandon Crosby.***

144  
145 Mr. Taylor read the case.

146  
147 Chair Diehn reminded the board this is a new application. It resembles a previous application. He  
148 asked that the minutes reflect the differences from the previous application.

149  
150 Chair Diehn said that Mr. Lenihan would not be voting in this matter. Alternates will not  
151 participate in the discussion when they are not voting.

152  
153 Change: the garage was moved from the side of the house where previously there were 8' on  
154 either side to the property line. The garage is now in front of the home to not encroach as much  
155 on the abutters to either side. Vice-Chair Brown said the lot appears to be very shallow. Ms.  
156 Crosby said the lot is very small, it will need quite a lot of fill. Ms. Johnson asked to clarify that  
157 cars enter the garage from the street. Ms. Crosby said that this is correct.

158  
159 Chair Diehn suggested guidance on how close the other non-conforming properties are to  
160 property lines. Ms. Crosby provided a document with lot boundary information for other  
161 properties on Flanders Street; they were scaled by Mr. Clark using Google Maps. The property is  
162 lot 29 and does not have an issued street address. Ms. Crosby said that it is right next to address  
163 63 Flanders.

164  
165 Mr. Taylor projected the GIS map. The board reviewed the setbacks of neighboring properties.  
166

***A MOTION was made by Vice-Chair Brown to approve the application for a variance to reduce the setbacks as submitted.***

***The MOTION was seconded by Mr. Degnan.***

**Discussion:**

Ms. Aufiero asked for the slope of the lot. Mr. Taylor said it appears to be about 10'.

The garage will be flush with the street, the yard will slope back, and the house will have a walk-out basement.

Mr. Taylor said there is no Planning Board review for a single-family home like this.

The front boundary is 6.5' to the town's Right of Way (ROW), not to the road. Mr.

Taylor estimated there is an additional approximately 6' to the street.

Ms. Aufiero said her concern is safety for emergency vehicle access. The area is well serviced by fire hydrants.

**Criteria:**

1 – The variance will not be contrary to the public interest.

Ms. Aufiero said that she felt it might be contrary to the public interest.

All other board members felt it would not be contrary to the public interest.

2 – The spirit of the ordinance is observed.

Ms. Aufiero said that she felt the house was too big for the lot. Chair Diehn agreed.

3 – Substantial justice is done.

Mr. Degnan said that he felt this home would fit with the other non-conforming lots on Flanders Street developed before the zoning.

4 – The values of surrounding properties are not diminished.

The board did not think surrounding properties would be diminished.

5 – Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

Mr. Taylor read the definition of hardship from the ordinance. This is a very small lot that is unused in this area.

**Roll Call Vote:**

Mike Diehn (Chair), Susan Brown (Vice-Chair), Brian Degnan, Madeleine Johnson **all voted Yea.**

Cecilia Aufiero **voted Nay.**

**None Abstained.**

***\* The Vote on the MOTION was approved (4-1).***

***Findings of Fact:***

1 – The setback requirements in CB are 30' to the front and 20' to the side.

2 – The setbacks in R1 are 20' to the front and 15' to the side.

209 3 – Lot 29 abuts the R1 district.  
 210 4 – From the street to the property line there is an additional 6'.  
 211 5 – The subject lot is the smallest in the area and has not been previously built on.  
 212 Mr. Taylor asked if the board wished to assess the full fees for this month, or if they would  
 213 waive the hearing fee since the applicants were here last month. Chair Diehn said it is a different  
 214 hearing and the full fee would apply.

215

216

217 **V. NEW BUSINESS:**

218 None.

219

220 **VI. OLD BUSINESS:**

221 None.

222

223 **VII. NEXT MEETING:** July 12, 2022

224

225 **VIII. ADJOURNMENT:**

226

227 *A MOTION was made by Chair Diehn to adjourn the meeting at 8:15 p.m.*

228

229 Respectfully submitted,

230 Whitney Banker

231 Recording Secretary

232