

Enfield Zoning Board of Adjustment – Meeting Minutes
DEPT OF PUBLIC WORKS/ZOOM PLATFORM
January 10, 2023

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

ZONING BOARD OF ADJUSTMENT MEMBERS ABSENT: Brian Degnan, Ed McLaughlin (Alternate)

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

GUESTS: Matthew McIntyre, Dawn Oakes (via Microsoft Teams), Jessica Perkins (via Microsoft Teams), Christopher Thomas Ross, Gloria Oakes-VanHouten, Gloria Oakes

I. CALL MEETING TO ORDER:

Chair Diehn called the meeting to order at 7:01 p.m. and took attendance of members present.

II. PUBLIC HEARINGS:

Chair Diehn elevated Mr. Lenihan to a seated voting member in this hearing.

A. Land Use Case # Z22-12-01, Matthew McIntyre is seeking variance relief from the Enfield Zoning Ordinance, Article IV, section 401.1(L) to construct a single-family residence within the prescribed setback to a side lot boundary. The subject parcel is 0.248 acres and is located at 398 Shaker Blvd. (Tax Map 24, Lot 18) in the “R1” Residential zoning district. The subject parcel is owned by Matthew McIntyre.

Mr. McIntyre presented his case.

The existing home was built and added onto over time; he intends to improve the design and layout of the new house.

The original house was built beginning in the 1930s. A front addition was made in the late 1980s, and four additions were made along the back in that timeframe. Vice-Chair Brown said that the existing home fills the entire lot.

The original building and additions predate zoning.

Vice-Chair Brown said that she was concerned about water and septic in this location (the drawing appears to have three bedrooms; however, only two are listed on the application.) The

home is on well water and has a septic system. The number of bedrooms for the new house is the same as the existing number of bedrooms. The number of bathrooms will increase.

The state handles septic requirements.

The existing septic is between the road and the wooded area visible from the road. The current well is along the other side near the rectangular ADU area shown on the map.

Chair Diehn said that encroachment on the setbacks appears to be about the same with the new house versus the old house. Mr. Lenihan agreed and said that the new house could be even less.

The reduction of setback violation sf at the basement level is 273 sf.

The new home will have no basement under grade; it will have an Alaskan slab (the house on piers). This foundation style will improve the ground plane and allow for proper drainage to prevent runoff and proper grading.

Pathways Consulting is working to do the shoreland permitting process through the NH Department of Environmental Services (DES). Pathways will consider existing impervious surfaces as part of their work (such as the existing patios).

The new house is less square footage than the existing house. The total square footage of the current house is 2183, and the first floor is 1444. The square footage of the new home is 2400 between two floors. The ground floor footprint is 1200 square feet.

The height from the walkout to the top of the central part of the chimney is 27 feet.

The overall length of the new structure would be a reduction of about 10 feet.

The existing home has a sump pump that drains into a filtration pond. However, the pond was not constructed as a proper filtration pond for that water. Pathways will put together water management plans as part of their work for this project. Many of the existing water runoff issues will be addressed through permitting and the construction of the new home.

Chair Diehn asked for further questions from the board related to the setbacks. There were none.

Ms. G. Oakes said that it does not affect their lot based on what she has seen. Mr. Thomas Ross said that the new home would meet zoning setbacks on their side (the existing house encroaches on the setbacks).

Mr. McIntyre said that the other abutters, Mr. and Mrs. Albert, had expressed to him via email that they had no issues with the placement concerning their setback.

Chair Diehn asked for questions or comments from Microsoft Teams attendees. There were no comments.

***Vice-Chair Brown MOVED to grant the variance as requested.
Seconded by Ms. Johnson***

Chair Diehn said that the application meets all the criteria. Board members reviewed the criteria for further comment.

Criteria:

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

The new house is a minimal change and makes many improvements.

2 – The spirit of the ordinance is observed.

This is a better way to build a home on a small lot like this. There will be less encroachment and improvement in stormwater management.

3 – Substantial justice is done.

The new home is more modest, with setbacks from the lake and height from the road.

4 – The values of surrounding properties are not diminished.

Property values would increase if they were impacted at all.

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

There is no benefit to the public interest in literally enforcing the ordinance's provisions. The new home provides less encroachment.

Findings of Fact:

-The original house was built between 1930-1987 and covers 2183 square feet.

-Setback intrusion would be reduced from what it is at present.

-The new house is set on piers and a slab ...

-The new house will be above the water table

-There will be much better stormwater management

-The new home is designed to fit the neighborhood.

Roll Call Vote:

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

None voted Nay.

None Abstained.

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

III. OLD BUSINESS

IV. NEW BUSINESS

V. APPROVAL OF MINUTES: October 11, 2022, & November 8, 2022

A. October 11, 2022

Vice-Chair Brown MOVED to approve the October 11, 2022, Minutes presented in the January 10, 2023, agenda packet as presented and amended.

Seconded by Ms. Johnson

Amendments:

Line 61 – “that the sign”

Line 120 – abbreviation capitalize K (move throughout)

Line 175 – “according to Chief Holland”.

Line 254 – “during” to “outside of”

Line 87 – add comma after “where the flag is”

Line 92/overall – “as” to “because”

Line 95 – spell out Canaan Police Department and Mascoma High School

Line 101 – “shows that, specifically, ...”

Line 115 – “an instance” to “a situation”

Line 120 – “what he has heard” to “that he has heard”

Line 145 – “grieved” to “aggrieved” and “repeal” to “appeal”

Line 155 – Remove first sentence

Line 204 – “like” to “such as”

Line 296 – add “regardless of the ZBA’s decision”

Line 362/363 – “defines structure as anything “temporary or permanent”

Line 415 – fine schedule

Line 438 – clarify “they” and capitalize OK, (add comma)

Line 93 – “emergency shelter” to “emergency cooling and warming shelter” (check throughout)

Roll Call Vote:

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

None voted Nay.

None Abstained.

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

B. November 8, 2022

Mr. Lenihan MOVED to approve the November 8, 2022, Minutes presented in the January 10, 2023, agenda packet as presented and amended.

Seconded by Ms. Johnson

Amendments:

Line 93 – “home on a lot this size”

Line 108 – “said that there would have to be two different variance requests” (join with 107 to clarify).

Line 46 – add “publish a”

Line 52 – clarify

Line 97 – “shared” to “said”

Line 153 – clarify “the carport cover will protect the wellhead during snowplowing”

Line 233 – clarify “pending”

Line 264 – further to farther

UNANIMOUS

Roll Call Vote:

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

None voted Nay.

None Abstained.

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

VI. NEXT MEETING: February 14, 2023

VII. ADJOURNMENT:

Chair Diehn MOVED to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

Whitney Banker

Recording Secretary