

Enfield Zoning Board of Adjustment – Meeting Minutes
DEPT OF PUBLIC WORKS/TEAMS PLATFORM
June 13, 2023

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

ZONING BOARD OF ADJUSTMENT MEMBERS ABSENT: Susan Brown

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

GUESTS: Mary and Kirk Oseid (Teams), Jill Begnoche (Teams), Don Wyman, Rick Moots,
Sharon Moots, Tyler Rooke, Todd French, Betty French, Bob French, Logan French, Chris
Williams, Erin Darrow, Charles Semanski, Barry Schuster, Paul French

I. CALL MEETING TO ORDER:

Chair Diehn called the meeting to order at 7:00 p.m.

Chair Diehn elevated Mr. McLaughlin to a voting member for the meeting.

Chair Diehn explained the process for hearings to members of the public.

II. PUBLIC HEARINGS:

A. (Continued from May 9th) Land Use Case # Z23-105-01, Brian and Faith Goodness are seeking variance relief from the Enfield Zoning Ordinance, Article IV, section 401.1, paragraphs L&M to construct a storage shed within the prescribed setbacks to the street and a river. The subject parcel is 3.3 acres and is located at 1120 NH Route 4A (Tax Map 40, Lot 14) in the “R1” Residential zoning district. The subject parcel is owned by Brian and Faith Goodness.

At the start of the hearings, Mr. and Ms. Goodness were not yet in attendance. Chair Diehn moved forward to the next case at that time.

Based on updated information later in the meeting, Chair Diehn recognized that Mr. and Ms. Goodness had withdrawn their application and that there would be no further action.

B. Land Use Case # Z23-06-01, Rick and Sharon Moots are seeking variance relief from the Enfield Zoning Ordinance, Article IV, section 401.2, paragraph “L” to construct a three-season porch and back deck within the prescribed setback to a lot boundary. The subject parcel is 0.45 acres and is located at 137 Algonquin Road (Tax Map 43, Lot 9) in the “R3” residential zoning district. The subject parcel is owned by Richard and Sharon Moots.

43 Mr. Taylor read the case.

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45 The lot abuts the boat launch. There is no intrusion to abutters.

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47 The home is small, about 800 square feet, and they are looking for additional living space for
48 themselves and family members who visit.

49
50 There is a gravel patio where they plan to build the back deck.

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52 The NH DES shoreland permit has been approved and accepted. DES considers the deck to have
53 minimal if any, effect on the impervious surfaces.

54
55 Ms. Johnson asked for clarification on replacing the existing deck if it will create a more
56 impervious surface. Mr. Moots said that it would be similar to the existing deck but with a roof
57 added.

58
59 Other sides of the building could not support the decks due to access to the water, an existing
60 shed, and the well location.

61
62 The setback from Algonquin Rd is 30' in this zone. The setbacks to side lots are 20'. Chair
63 Diehn asked if the boat launch, listed on the town's GIS map as a Class IV Road, would have a
64 30' setback. Mr. Taylor later investigated and said that the boat ramp was not listed on the
65 town's list of class IV roads.

66
67 Mr. Lenihan asked to clarify that the proposed three-season porch would be 2' further out than
68 the existing deck. Mr. Moots said that this was correct. Mr. Lenihan asked to clarify that the
69 location of the proposed back deck is currently impervious surface. Mr. Moots said 12' of the
70 proposed 14' are currently gravel. Mr. Lenihan asked to clarify that this would also be a 2'
71 difference from what currently exists. Mr. Lenihan said that the estimate of the increase to
72 impervious surface that Mr. Moots provided in his application appears to be high versus what the
73 documents show. Mr. Moots agreed he estimated a higher amount to be cautious.

74
75 Mr. Taylor said that the zoning grandfathering includes footprint and height restrictions. Mr.
76 Lenihan said that the current deck is already considered an impervious surface, so adding a roof
77 to that footprint would keep the same amount of impervious surface.

78
79 Chair Diehn asked for further questions from board members and the public. There were none.

80
81 Chair Diehn moved on to board deliberation.

82
83 Findings of Fact:

84 -600 square feet today, 800 square feet, plus 450 square feet of deck in the future

85 -the gravel patio across the back is impervious

- the lot is 0.45-acres
- proposed change will increase the impervious surface between 20-30%, but this will not increase the total impervious surface of the lot to be more than 20%-30%
- the lot is an odd, triangular shape
- the existing deck is already within the setback.
- the property owners will plant native shrubs to soak up runoff.

Ms. Johnson moved to approve the variance request for case #Z23-06-1. Mr. Lenihan seconded.

Criteria:

1 – The variance will not be contrary to the public interest.
Board members believed it would be consistent with the public interest.

2 – The spirit of the ordinance is observed.

Mr. Lenihan said that he felt they were trying to make a minimal impact on an already non-conforming lot. Ms. Johnson agreed that they appear to be trying to do their best with their situation.

3 – Substantial justice is done.

Board members agreed. Mr. Lenihan said that the DES approval makes him feel that substantial justice is done.

4 – The values of surrounding properties are not diminished.
Board members agreed.

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

Chair Diehn said that he did not see that any specific part of the ordinance would suffer due to the variance. Mr. Lenihan said that denying the variance would hinder the ability to use the property to its full capacity without intruding on abutters or impacting the environment.

Chair Diehn asked for further discussion from the board. There was none.

Vote unanimous in favor of the motion (5-0).

C. Land Use Case # Z23-06-02, Welikit Trust (Paul C. French) is seeking variance relief from the Enfield Zoning Ordinance, Article IV, section 401.3, paragraph M to reconstruct a single-family home within the prescribed setbacks to Spectacle Pond. The subject parcel is 14.45 acres and is located at 65 French Road (Tax Map 17, Lot 24) in the “R5” Residential zoning district. The subject parcel is owned by Paul C. French.

Mr. Taylor read the case.

Ms. Darrow from Right Angle Engineering prepared the application on behalf of Mr. French.

129

130 Chair Diehn asked if they were essentially tearing down an old house and building a new house
131 in roughly the same place but not the same size. Mr. French said that this was correct. Chair
132 Diehn asked if part of the proposed home is within the setbacks. Ms. Darrow confirmed it would
133 be. Ms. Darrow said that the proposed structure is an unusual shape as well.

134

135 Chair Diehn asked why they could not use the existing footprint. Ms. Darrow said that the
136 location of the existing home is the least impactful but has multiple setback constraints on both
137 sides. There is a grandfathered, non-conforming septic system on the property. There is a dug
138 well on the property. They want to put in a state-compliant septic system and a drilled well.

139

140 Mr. French has a proposed home design with a larger footprint, which is consistent with the size
141 of the existing home. The proposed home has more efficient construction, with straight walls.

142

143 There is an old shed shown along the wetland setback, which was recently removed as part of
144 site improvements.

145

146 NH DES has approved the shoreland permit.

147

148 There is grading on the site, and the proposed home location would require minimal land work.
149 Moving the home in either direction would require more land work and fill. The proposed home
150 location allows optimizing distance for septic and leach field from wetlands, and an optimized
151 well location, with a minimal overall impact on tree clearing.

152

153 Ms. Johnson asked if the proposed home would be higher than the existing home. Mr. French
154 said that it would be.

155

156 Ms. Aufiero asked how much land is within the shoreland permit. Ms. Darrow said that the total
157 area of impact approved in the shoreland permit for impacts within the shoreland area is 24,192
158 square feet.

159

160 The proposed structure will move 4'6" away from the shoreland. Less than 3', the length of the
161 house, would be within the shoreland setback. Roughly 1/3 of the existing structure is within the
162 setback, and roughly 1/4 of the proposed structure would be.

163

164 Ms. Aufiero asked about the possibility of getting the house within the 50' setback by moving it
165 back or shrinking the size. Ms. Darrow said that the slope of the land is such that moving the
166 house back would create a substantial amount of land disturbance and fill in and near the area of
167 the wetland setback.

168

169 The proposed home location and improvements to the septic and well will positively impact the
170 environment.

171

Mr. McLaughlin asked how much of the area listed in the shoreland permit is temporary. Ms. Darrow estimated it would be at least 50%, as they had to include any area where an excavator or other equipment may drive.

Mr. French said that an existing driveway and road to the proposed home location would be used.

Findings of Fact:

- the team has involved a wetland scientist in helping plan the least impact.
- welekit trust is actually 'we like it' from the 1944 purchase by Mr. French's grandparents.
- shoreland permit has been granted
- septic design is not done
- house location fits between the wetland and shoreland buffers and requires the least grading and site disturbance. Further north would encroach on the utility easement on the road
- the house is uninhabitable
- the existing house is 1000 square feet, one story
- the proposed house is 1200 square feet, 1.5 stories
- the lot is 14.45-acres
- change to the impervious surface is minimal
- roughly 300 square feet of intrusion today, new will be approximately 350 square feet
- they will replace the well and septic with new modern systems
- the proposed garage will mean cars are not parked on the property near the water
- drainage and water management are planned
- the existing road and drive will be used and will not be asphalt
- other sites for the house would create a significant financial impact, and impact on the wetlands and the buffer zone

Ms. Johnson asked if the drainage and water management would improve the current situation. Ms. Darrow said that it would be. They plan to have bio-retention, a rain garden, and a swale, keep it as natural as possible, and hold as much material in place as possible.

Ms. Aufiero asked if they had tested the soil. Ms. Darrow said that she had completed test pits and had a certified wetland scientist who had checked the soils.

Ms. Johnson asked what sort of foundation the existing structure has. Mr. French says it is on stone piers.

Chair Diehn asked for comments from the public.

Mr. Semanski, an abutter, said that he sees the proposed changes as an improvement to the entire area. He looks forward to something fresh, which isn't an intrusion. Mr. Semanski said that he is supportive of the proposed home.

215

216 Mr. B. French, Mr. French's father, said that he has lived on the property for 82 years and agrees
217 any improvement will be very good.

218

219 Ms. Oseid, an abutter, agreed that they were in support of Mr. French's proposal. The French
220 family has been good stewards of the property, and Mr. French has continued to do this and
221 include the abutters in his plans. Ms. Oseid says that she and Mr. Oseid feel very good about the
222 proposed location and are very supportive.

223

224 Ms. Begnoche said that they have no concerns as abutters.

225

226 Mr. Lenihan moved to approve the variance as submitted for case #Z23-06-02. Mr. McLaughlin
227 seconded.

228

229 Chair Diehn closed the public hearing and moved on to board deliberation.

230

231 Criteria:

232 1 – The variance will not be contrary to the public interest.

233 Mr. McLaughlin said that he felt the proposed change would be more in the public interest.

234 Board members agree.

235

236 2 – The spirit of the ordinance is observed.

237 Mr. Lenihan said that he felt it would be, evidenced by the well-thought-out plan that was put
238 together to be minimally invasive and considered two buffers to stay within. Mr. Diehn said that
239 it would be harmonious development of the land. Ms. Aufiero said that the detail for the
240 wetlands sounds very good and that they have researched and thought through any impacts.

241

242 3 – Substantial justice is done.

243 Chair Diehn said that he felt granting the variance would do substantial justice. Board members
244 agreed.

245

246 4 – The values of surrounding properties are not diminished.

247 Mr. Lenihan said that hearing from the abutters, they will largely experience exactly what they
248 do now but in good condition. Board members agreed.

249

250 5 – Literal enforcement of the provisions of the ordinance would result in an unnecessary
251 hardship.

252 Board members agreed. Mr. Lenihan said it is a uniquely shaped lot, and any other location
253 would have significant expense and environmental impacts. Chair Diehn said that the variance
254 would not negatively impact the ordinance. Mr. McLaughlin said that they had considered value,
255 the soils, and the impacts. Ms. Johnson said that the proposed home is within the same spirit and
256 size as the existing home, keeping with the neighborhood's character.

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258 Vote unanimous in favor of the motion (5-0).

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260 **III. NEW BUSINESS:**

261 None.

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263 **IV. OLD BUSINESS:**

264 None.

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266 **V. APPROVAL OF MINUTES: May 9, 2023**

267 To be reviewed at the next ZBA meeting.

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269 **VI. NEXT MEETING: July 11, 2023**

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271 **VII. ADJOURNMENT:**

272 **The meeting was adjourned at 8:21 pm.**

273

274 Respectfully submitted,

275 Whitney Banker

276 Recording Secretary