

Enfield Zoning Board of Adjustment – Meeting Minutes
DEPT OF PUBLIC WORKS/ZOOM PLATFORM
July 11, 2023

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

ZONING BOARD OF ADJUSTMENT MEMBERS ABSENT: Ed McLaughlin (Alternate), Tim Lenihan

STAFF PRESENT: Rob Taylor- Land Use and Community Development Administrator,

GUESTS: Laurie Tenney (Teams), Patrick Butman (Teams), Cameron Shepherd, DeeAnn Shepherd

I. CALL MEETING TO ORDER:

Chair Diehn called the meeting to order at 7:07 p.m.

II. PUBLIC HEARINGS:

A. Land Use Case #Z23-07-01, Cider Hill Development is seeking a special exception to allow for a residential use within 600 ft of Route 4. The property is located at 488 US Route 4 (map 36, lot 11) and is in the “Route 4” zoning district. The subject parcel is 1.6 acres and is owned by Cider Hill Development, LLC.

Special exception requirements:

- 1 – The proposed site is found to be an appropriate location for the use.
- 2 – The proposed use will not adversely affect property values.
- 3 – There will be adequate and appropriate facilities for that use.
- 4 – The proposed use will comply with the applicable regulations of the district.

Chair Diehn reviewed the Route 4 district lot requirements:

- Road frontage 100’ (met)
- Lot size 15,000 square feet (met)
- Impervious surface coverage maximum 70% (met)
- Cannot have more than 12 dwelling units per acre (met with the proposed application of 2 dwelling units).

Mr. Taylor read the case and explained the property’s location. The property was formerly owned by Staggs-Warren.

Mr. Shepherd said that they are looking to transform the existing building into a duplex initially. Over the next few years, they would like to transform the entire property into 18 dwelling units.

Chair Diehn said that the applicant and board are to discuss the duplex for which they request the special exception. The hearing is only about the current project, the renovation of the existing building into a two-family duplex.

The Route 4 district permits residential buildings further than 600' from Route 4. The existing home is closer than 600' to the road.

The original residential structure was changed to commercial use under the Staggs-Warren ownership (which abandoned that original residential use).

Ms. Brown asked if the property's change of use came to the ZBA (Zoning Board of Adjustment) or if it pre-dated zoning. Mr. Taylor said that he did not know but believed it pre-dated zoning. If it had been after zoning, the change of use would have gone through the Planning Board, not ZBA.

Ms. Aufiero asked if Mr. Shepherd would build within the existing building or tear it down/add on to it. Mr. Shepherd said that they hope to use the existing structure and have meetings with Mr. Ehrenzweig to address building codes.

If they agree, Public Works would like the ZBA to make any approval conditional that the property connects to the municipal sewer system.

***Ms. Johnson MOVED to approve the request for a special exception.
Seconded by Chair Diehn.***

***Ms. Brown MOVED to amend the previous motion to approve the request for a special exception with the condition that the property connect to the Enfield sewer system.
Seconded by Ms. Johnson.***

**** The Vote on the MOTION was approved (4-0).***

Ms. Aufiero asked if the municipal sewer is required in the flood plain. Mr. Taylor explained that anyone who faces the sewer system on gravity has to connect. Historically, the town allowed those who more recently put in a septic system before the sewer expansion an extension to utilize their private systems. Chair Diehn asked if a regulation stated these property owners would have to connect to the municipal system. Mr. Taylor said that there was such regulation for anyone on a gravity system.

Ms. Aufiero asked if this is a floodplain and if it has specific building requirements. Mr. Taylor said that substantial improvements are needed to meet the flood plain ordinance; substantial improvements are considered any work that equates to 50% of the established value or more. The property owners are aware of these requirements. The building inspector enforces the floodplain requirements.

86 Findings of Fact:

- 87 -The assessed value of the property is \$229,100 as of 2022
88 -The established value of the property from the recent sale is \$218,000
89 - The budget for the project is \$100k to \$140k
90 - The unit rentals are planned between \$1600 - \$2000 per month

91

92 The property has a full basement. The basement gets damp but does have a sump pump.
93 According to Public Works, there was no sign of flooding on the property after the recent heavy
94 rains.

95

96 Chair Diehn said that his concern with the location for residential use would be kids and pets and
97 the potential for accidents close to the road. Mr. Shepherd said that he was willing to put in
98 fencing. Chair Diehn said that parking on the back of the property might also be a mitigation
99 effort for this issue, as well as access coming off McConnell Road instead of Route 4. There are
100 no sidewalks along Route 4 in this location.

101

102 Mr. Taylor said that there are several residences nearby that are also closer than 600' to the road.
103 These were built before zoning.

104

105 Board members agreed that a driveway coming from McConnell Road would be a better access
106 point for the property now and for future flexibility. Mr. Taylor agreed that the town would
107 likely be much more flexible for future driveway use than NH DOT. Mr. Shepherd said that he
108 was willing to do this. Chair Diehn said that moving the driveway would make residential use of
109 the property much more appropriate. Chair Diehn suggested a condition of approval that they
110 mitigate the potential danger to Route 4 traffic and tenants/children/pets.

111

112 ***Ms. Johnson MOVED to amend the previous motion with the condition that the owner***
113 ***erect a safety barrier for the mutual protection of travelers on Route 4 and residents of the***
114 ***house.***

115 ***Seconded by Ms. Brown***

116 **** The Vote on the MOTION was approved (4-0).***

117

118 Chair Diehn asked for further discussion. Ms. Brown asked if they should make a condition that
119 the driveway move. Chair Diehn said that they would not.

120

121 Chair Diehn asked for comments from abutters (on Teams.)

122

123 Mr. Butman asked to clarify what the ZBA is approving. He said that he was concerned that re-
124 routing cars from Route 4 would be routing them across his property at 11 McConnell Road.
125 Chair Diehn said that no traffic would be routed onto Mr. Butman's property. Mr. Butman asked
126 for clarification if any future development and traffic changes beyond the duplex would be
127 affected by the ZBA's approval tonight. Chair Diehn said that any future development or change

of use would go through the planning board, and Mr. Butman as an abutter would be notified of those hearings to make his questions and concerns known at that time.

Ms. Tenney said that the property appears very wet today, and there is a lot of wetness every spring. There is standing water on the site. Ms. Tenney's property is on the other side of Mr. Butman, on McConnell Road.

Chair Diehn asked for further questions or comments. With none, he closed the public portion of the meeting.

Chair Diehn *MOVED* to approve the request for a special exception, to create a duplex within 600 feet of Route 4, with the conditions that a safety barrier or fence to protect the residents, their children, and pets from traffic and traffic from the children and pets be placed across the property line between Route 4 and the property, and that the property be connected to the town sewer per the regulations of the Town of Enfield.

Seconded by Ms. Brown

**** The Vote on the MOTION was approved (4-0).***

III. APPROVAL OF MINUTES: June 13, 2023

***Ms. Johnson MOVED* to approve the June 13, 2023 Minutes presented in the July 11, 2023 agenda packet as presented.**

Seconded by Ms. Aufiero

**** The Vote on the MOTION was approved (4-0).***

IV. NEW BUSINESS:

None.

V. OLD BUSINESS:

None.

VI. NEXT MEETING: August 11, 2023

VII. ADJOURNMENT:

Chair Diehn adjourned the meeting at 8:03 pm.