

**Enfield Zoning Board of Adjustment – Meeting Minutes**  
**DEPT OF PUBLIC WORKS/ZOOM PLATFORM**  
**September 12, 2023**

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

**ZONING BOARD OF ADJUSTMENT MEMBERS ABSENT:** Madeleine Johnson (Vice Chair), Tim Lenihan

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

**GUESTS:** Cameron Roberts, Sara Roberts, Kevin & Emily Malenda (17 Crystal Lake Road, Enfield), Nick Burke (3 Campbell St, Lebanon, Law Office of C. Nicholas Burke, PLLC), Dana Arey (12 Donahue Dr, Enfield)

**I. CALL MEETING TO ORDER:**

Chair Diehn called the meeting to order at 7:02 p.m. and took attendance of members. Chair Diehn excused Mr. Lenihan's absence.

Chair Diehn read the ZBA rules of procedure for attendees, allowing the applicant to choose to continue with only those members present or postpone until more members are present. With only three members present, all three must agree to approve a variance. The number of board members voting only being three would not be grounds for an appeal.

**II. PUBLIC HEARINGS:**

**A. Land Use Case # Z23-09-01, Cameron and Sara Roberts are seeking variance relief from the Enfield Zoning Ordinance, Article IV, section 401.2, paragraph K to subdivide a lot to less than 3 acres. The subject parcel is currently 11.66 acres and is located at 804 Shaker Hill Road (Tax Map 8, Lot 1) in the "R3" Residential zoning district. The subject parcel is owned by Cameron and Sara Roberts.**

Mr. and Ms. Roberts asked several clarifying questions about the number of board members present and their options for postponing versus continuing with their hearing. Their variance request hinges on their ability to build a house.

Chair Diehn said that Mr. and Ms. Roberts could begin presenting their case, and the board would decide whether it should be continued if necessary.

Chair Diehn read the case.

**Ms. Brown MOVED to approve the application to grant the variance.**

43 ***Seconded by Ms. Aufiero***

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45 Chair Diehn opened the motion to discussion.

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47 The owners live in the existing home and plan to build a new one on 10+ acres. They will sell the  
48 existing 1880's farmhouse on the proposed 1+ acres.

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50 The proposed 1+ acre property is delineated with rock walls already. The property was  
51 previously two lots approved by the ZBA in 2015. A previous owner re-combined the lots into a  
52 single lot.

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54 Chair Diehn said that if the 2015 board met and saw fit to grant a variance at that time and the  
55 circumstances haven't changed significantly, it feels appropriate for the board to rule the same  
56 way. Mr. Roberts confirmed he was asking for the same variance.

57  
58 Chair Diehn explained and reviewed the five criteria that the board must consider. Members  
59 unanimously agreed that the following criteria would be met.

60 1 – The variance will not be contrary to the public interest.

61 2 – The spirit of the ordinance is observed.

62 3 – Substantial justice is done.

63 4 – The values of surrounding properties are not diminished.

64 5 – Literal enforcement of the provisions of the ordinance would result in an unnecessary  
65 hardship.

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67 Chair Diehn asked for public comment. Mr. and Ms. Malenda commented that the application  
68 sounded good to them.

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70 Findings of Fact:

71 -There was a variance granted for ZBA Case #Z15-05-02.

72 -The smaller property is naturally delineated by the stone walls and the road corner; it is a natural  
73 lot separation.

74 -The property is very close to the R1 district, which has a 1-acre minimum lot size.

75 -The home's small lot size matches the neighborhood's character.

76 Chair Diehn asked for further discussion. Mr. Malenda asked when construction would begin if  
77 the variance passed. Mr. Taylor noted that the owners would still need to come to the Planning  
78 Board for the subdivision. Mr. Roberts estimated that the construction was likely to begin in the  
79 spring.

80  
81 ***Ms. Brown MOVED to approve the application to grant the variance.***

82 ***Seconded by Ms. Aufiero***

83 ***\* The Vote on the MOTION was approved (3-0).***

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**B. Land Use Case # Z23-09-02, Gordon Bagley Jr. is seeking variance relief from the Enfield Zoning Ordinance, Article IV, section 401.1, paragraph M, to construct a deck within the prescribed setback to Mascoma Lake. The subject parcel is 0.2 acres and is located at 43 Meadow Lane (Tax Map 21, Lot 34) in the “R1” Residential zoning district. The subject parcel is owned by Gordon (Jr.) and Blanche Bagley.**

Mr. Burke said that if there is not at least one additional member present tonight, Mr. Bagley would like to postpone his hearing. Chair Diehn said that the hearing would be postponed until the next meeting of the ZBA for a full board.

### **III. APPROVAL OF MINUTES: July 11, 2023 & May 9, 2023**

#### **A. July 11, 2023**

***Ms. Brown MOVED* to approve the July 11, 2023, Minutes presented in the September 12, 2023 agenda packet as amended.**

***Seconded by Ms. Aufiero***

***\* The Vote on the MOTION was approved (3-0).***

Amendments:

Line 110 – capitalize Route

Line 113 – ‘erects’ to ‘erect’

#### **B. May 9, 2023**

Board members discussed that the May 9, 2023, minutes had yet to be approved. They were continued at the June 13, 2023 meeting; however, they were not reviewed for approval at the July 11, 2023 meeting. Board members reviewed the minutes in person to make amendments.

***Ms. Brown MOVED* to approve the May 9, 2023, Minutes presented in the June 13, 2023 agenda packet as amended.**

***Seconded by Ms. Aufiero***

***\* The Vote on the MOTION was approved (3-0).***

Amendments:

Line 30 – capitalize OK

Line 96 – ‘bard’ to ‘barn’

Line 134 – ‘she’ to ‘shed’

Line 148 – ‘in its’ to ‘to the’

Line 198 – ‘client’ to ‘climate’

Line 18 – Lenihan absence excused – add sentence.

Line 174/175 – add times for recess add recess times

126 **IV. NEW BUSINESS:**

127 None.

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129 **V. OLD BUSINESS:**

130 None.

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132 **VI. NEXT MEETING:** October 10, 2023

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134 **VII. ADJOURNMENT:**

135 **Chair Diehn adjourned the meeting at 7:51 p.m.**