

ZONING BOARD
Thursday, January 18, 2024
Public meeting convenes at 6:30 p.m.
Appointments scheduled to begin at 6:45 p.m.

Present: Chairman Kristin McKeon, Vice Chairman Joe Hanzalik, John Zannotti, (via zoom) Nate Lachance, Joeseeph Brodbine and Secretary Renée de Champlain

Absent: Deb Livernois

Call to Order: Kristin McKeon called the meeting to order at 6:32 PM.

Items for signature
Zoning Board Oaths

Kristin McKeon motioned to accept John Zannotti into the meeting via zoom. Joe Hanzalik seconded and was passed unanimously.

Joe Brodbine was seated as a full member.

Review of the Minutes
October 19, 2023

Kristin McKeon motioned to approve minutes. Joe Brodbine seconded the motion and passed unanimously.

Items for Discussion

Elections:

Joe Hanzalik motioned for Kristin McKeon for chairman. Joe Brodbine seconded, and the motion was passed unanimously.

Kristin McKeon motioned for Joe Hanzalik for vice chairman. Joe Brodbine seconded, and the motion was passed unanimously.

Joe Brodbine was seated as a full board member

Public Hearings

Variance- Hutchins and Julie Stone map 5b, lot a13 859 N.H Rt 63 Spofford Nh 03462.

Proposal:

The proposed project consists of rebuilding the existing, non-conforming, single family dwelling at tax map 5B-A13 generally within the existing footprint with minor modifications to address building code standards.

Hutchins did not have previous variances reports. Kristin stated there should be a discussion before having a public hearing to decide if they will hear the proposal since the board did not have all the information ahead of time. We did not check to make sure the applicant had all the information at the time of submission.

Zanotti said "It is our job to make sure the applicant has everything and since we did not do that, we should accept a public hearing and due to the fairness to the applicant we should move forward"

McKeon asked if anyone would like to make a motion.

Joe Brodbone motioned to have a public hearing. Nate LaChance seconded the motion and passed unanimously.

Public Hearing:

The proposed non-conforming structure expansion on the property requires two variances pursuant to Article V, Section 503.1 Expansion and Article II, Section 203.6b Setbacks, to rebuild the structure to the standards outlined in NH RSA 155-A (Section 2, State Building Code) as required by the Town of Chesterfield 2011 Building Ordinance (Article 1, Section 13.02). The structure will be rebuilt with increased volume and depth to meet these standards. The volume of the existing structure is 16,850 cubic feet; the side setback of the existing structure is 8.5 feet. The proposed volume is 22,000 cubic feet; proposed side setback, 7.0 feet. The property is located at 859 N.H Route 63, Spofford, NH 03462. (Tax Map 5B, block A, Lot 13)

FOR DISCUSSION

Daniel Latini will be presenting the Hutchins and Julie Stone variance since they could not physically be at the meeting. Hutchins Stone will attend via zoom.

Fieldstone Land Consultants, PLLC is submitting this variance application for Zoning Board of Adjustment approval. The proposed project consists of rebuild the existing, non-confirming, single family dwelling at Tax Map parcel 5B-A13 generally within the existing footprint with minor modifications to address building code standards.

Zannotti stated "We cannot decide today since we do not have the previous requested variance in front of us. We can hear them tonight; we will have to decide next meeting.

McKeon asked Latini to present the variance for the public hearing.

Daniel Latini as the representee states "We are looking for relief from Article 5, Section 503.1 and Article II, Section 203.6b. The 4 ft expansion will make everything up to code. The Stairways will also be removed to improve the drainage and the quality of the lake."

There were some discussions about clarity of what the structure will look like.

Eric Eklof, one of the abutters attended the meeting. He stated he did not see any issues with the variance and stated that both properties are relatively the same.

Latini read the variance criteria for the board.

1. The variance is not contrary to the public interest because:

Granting the proposed variance is not contrary to the public interest. The proposed reconstruction of the single- family residence located at 859 NH Route 63 will expand the footprint four feet to the rear, and maintain the number of stories as the existing structure. To rebuild the structure to modern standards, it is not possible to maintain the existing height and footprint. The expanded footprint is necessary to fit a modern staircase that meets building code minimum standards. The subject property slopes approximately 20 feet between the rear of the lot to the area where the existing house is located. A small increase in structure height and footprint to comply with the Town of Chesterfield Building Ordinance would be negligible to nearby property owners, having no substantial impact on views of the lake nor changing the basic character of the neighborhood. The increased property tax revenue as a result of the proposed expansion would be a benefit to the public interest. The proposed expansion of this structure will not create any health or safety problems. For these reasons granting this variance would not be contrary to the public interest.

1. The variance will not be contrary to the spirit and intent of the ordinance because:

The spirit and intent of the ordinance is to prevent over development of properties, thereby altering the character of the community. The proposed expansion of a non-conforming structure will not alter the character of the community or overdevelop the property. The expansion is requested exclusively to comply with modern building standards. Since this proposal will result in no negative impacts to the public, we believe that granting these variances would observe the spirit of the ordinance.

2. Substantial justice is done because:

Substantial justice is done by granting the proposed variance because it allows the Stones to invest in modernizing their property. The public would realize no

appreciable gain from denying this variance. Granting this variance would do substantial justice because it would allow for the productive use of this property. In other words, a denial of this variance request would be an injustice to the Stones as there would be no apparent gain to the general public by denying this application.

3. The variance will not diminish surrounding property values because:

The proposed variance will not diminish surrounding property values. The topography of the property slopes from west to east, with Spofford Lake to the east of the property. The existing structure to be rebuilt is located at the front, eastern area of the parcel. An increase in structure height sufficient to comply with the Town of Chesterfield Building Ordinance would not likely be above the grade of Old County Road (bordering the rear of the property). Because of this, the increase in structure height will not obstruct the view of Spofford Lake to uphill abutters or passerby. The four-foot expansion beyond the existing footprint to the rear (west) of the property will encroach 1.5 feet further into the side setback. There is no evidence that the increase in structure height or footprint would diminish surrounding property values. It has been our experience that new development and investment in communities will often result in positive impacts to property values.

4. Literal enforcement of the ordinance would result in unnecessary hardship -

- A) Because of the special conditions of the property that distinguish it from other properties in the area:
 - a) There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property:

The subject property has special conditions which distinguish it from other properties in the area. The entire property is located within the Spofford Lake District and within the limits of the protected shoreland. The property also has slopes in excess of 20% over the rear two-thirds of the property. The total area of the building envelope within the setbacks is 256 square feet. Because of these distinguishing features, relief is sought for the rebuild of this structure. The general public purpose of the ordinance is to prevent over development, maintain the character of the area, and to prevent diminished property values. Granting this

variance is not antithetical to that purpose. Specific application of these zoning restrictions to this property does not serve the purpose of the ordinance. There is no fair and substantial relationship between the purpose of the ordinance and the specific application to this property. Redevelopment of this property will result in improvements to the land and surroundings including new septic, grading, drainage and other site improvements.

a) The proposed use is a reasonable one:

The proposed variance is reasonable because it will allow the Stones to rebuild as near to their existing footprint as possible while complying with building code requirements and improving the site and its impacts to the surrounding area.

B) If the criteria in paragraph are not established, an
unnecessary hardship will be deemed if and only if owing to the special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and the variance is therefore necessary to enable a reasonable use of it.

Because of the special conditions which exist on this property, it cannot be reasonably used in strict conformance with the ordinance. To modernize this residence, the Stones must comply with the building code. It is not possible to replace the existing structure, conform with the Zoning Ordinance and conform with the Building Ordinance; therefore, relief is sought.

There was a discussion on having a site visit.

John Zannotti motioned for a site visit January 26, 2024 at noon. McKeon seconded and passed unanimously.

Adjournment

Kristin McKeon moved to adjourn at 8:02 P.M. The motion was seconded by Joe Brodbine and passed unanimously.

The next meeting will be held at 6:30 PM February 15th, 2024, at the Town Offices.

Respectfully Submitted,

Renee de Champlain
ZBA Secretary

Approved by:

Chair

K. B. M.

Date

2/25/24

Date