

Town of Chesterfield, New Hampshire  
**Chesterfield Zoning Board of Adjustment (ZBA)**  
Meeting Minutes –October 19, 2023  
Town Offices, Chesterfield, NH

**Present:** Kristin McKeon, John Zannotti, Nate LaChance, Joe Hanzalik (Via Zoom), Deb Livernois, Joseph Brodbine. Also present was ZBA Secretary Erin Cintron.

**OTHERS PRESENT:**

**CALL TO ORDER:** The meeting of the Chesterfield Zoning Board of Adjustment (ZBA) was called to order at 6:34 PM by Kristen McKeon.

**MINUTES:**

May 18, 2023

*Kristin McKeon moved to approve the minutes from May 18, 2023, as amended. The motion was seconded by John Zannotti and passed unanimously.*

September 21, 2023

*Deb Livernois moved to approve the minutes from September 21, 2023, as amended. The motion was seconded by Joe Hanzalik and passed unanimously.*

**PUBLIC HEARINGS**

**FOR DISCUSSION**

Kristin McKeon states that after speaking with the Planning Board, they are interested in reviewing the ZBA recommendations for definitions for consideration.

**Definitions Suggested by the Chesterfield ZBA**

Over the last several months the ZBA has started looking at the Chesterfield Zoning Ordinances and definitions after several applications came before us which Chesterfield's present ordinances and definitions were inadequate to address the application. Several of those applications led the board to look at what requests it may face in the future may not even appear in Chesterfield's present ordinances and definitions.

Based on trying to get the most done in a short amount of time given the time constraints the PB is under when looking at putting zoning issues on the ballot at town meeting, the ZBA decided each member would look at various zoning ordinances from various towns and each come back with three or four definitions that the member felt either did not appear in the Chesterfield Ordinances or needed an update in the ordinances.

Each member brought their choices back to the ZBA and the board then decided which definitions it felt were most important to send on to the PB and as much as possible crafted the wording so the PB was not left to try to craft the language itself. Most of the definitions were either taken from other towns verbatim or were a combinations of several town's definitions. There are several submissions that actually would go into the building regs book rather than the Zoning Ordinance book, but those too came from earlier applications.

The ZBA has given the rationale for the submissions as appropriate.

- **Height of New Structures:** (Not a definition in the Zoning Board Ordinances, but has become an issue) 13.03 Height of new buildings (Building Ordinance/Blue booklet) Any structure which does not sit directly on the ground will be measured from the natural ground directly below the structure regardless of whether the extending section sits on a foundation. The requirements for level ground at either end of the structure refer to the ground directly below the structure regardless of whether there is a foundation under the structure.

\* see additional drawing included.

This is meant to be as an addition to the current ordinance and drawing already in the book. The ZBA was faced with this issue and could not address the height issue because Chesterfield building ordinance does not acknowledge the existence of structures without foundations.

- **Motel/Boarding House:** A building or group of buildings containing rooms in separate units with individual sanitary facilities and designed for and used for providing rental living accommodations for durations less than two weeks, ~~for~~ automobile travelers. (delete) Motels have automobile parking spaces located generally adjacent to each rental unit. Revise to Motels must have parking compliant with Article IV **Special Regulations** defined in the Town of Chesterfield Zoning Handbook revision dates 03/28/2023

This is the present definition, but it eliminates three words as the specificity is unnecessary and modifies the parking requirements.

- **Accessory Structure or Use:** A structure or use subordinate and customarily or, in light of the general and specific purpose of the ordinance, reasonably incidental to the principal building/structure or use in the same lot. The principal structure and use shall be in place before an accessory structure or use may be considered.

The last sentence has been added to clarify that an accessory structure or use must actually be in place for the accessory to be allowed.

- **Street: From Land Development Regs.-** Any roadbed, way, or drive serving as access to more than two dwellings or two residential or two nonresidential uses.
- **Street: From Zoning Ordinance Handbook -** A public right-of-way dedicated or intended to be dedicated for public travel or an approved private way offering the principal means of

access to abutting properties.

The ZBA suggests the language used in the two definitions be evaluated. Should the definition be the same in each book or is the definition of street used in different ways in each book.

- **Awning:** A roof like covering composed of fabric or metal without sides to fit over a fixed or mechanical frame that may extend to the ground, and attached to a structure for the purpose of providing shelter from sun or weather.

Note: discussion about whether both retractable/nonretractable should be in the definition.

- **Carport:** A structure detached from, or attached to, or made a part of the main structure, and which is open to the weather on at least two sides, intended for the use of sheltering motor-driven vehicles.

The ZBA has had two applications involving carports to date and yet there is no definition for it.

- **Retaining Wall:** Structure used for supporting earth and/or water laterally so that it can be restrained at different levels at two sides.

Retaining wall has been involved in several applications.

- **Lodging, Short Term:** A dwelling unit where transient lodging is provided for compensation for stays of between one and fourteen (14) consecutive nights, and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as a hotel, rooming/boarding /lodging house, or bed and breakfast.

With the number of airBnB's and FRBO rising many towns are working on ordinances to address their use. While Chesterfield does not yet have an ordinance directly addressing Short Term Lodging, defining it Chesterfield's Zoning Ordinance Book is a good starting point. NHMA has quite a collection of town ordinances dealing with this issue.

- **Museum:** A building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value.

While the Chesterfield Zoning ordinances refer to Museum, at present there is no definition of museum.

- **Maintenance Yard:** Any area used for unenclosed storage, handling, and processing of

construction materials, landscaping materials, recycling materials, composting materials, or related vehicles, equipment, trailers, containers, or job- site trailers or structures, or any combination of the above, not accessory to residential use.

This is the definition Hanover uses. At present there are several visible sites in Chesterfield that fit this definition, but there is nothing in the Zoning ordinances to allow the town to regulate or monitor it for toxic emissions which could enter the ground or groundwater.

- **Junkyard:** At present there is an ordinance addressing the issue, but there is no definition of a junkyard. In addition when the ZBA started looking at various definitions it was impossible to reconcile any one of them with the present ordinance. The ZBA suggests that the PB take a look at both the ordinance as it is written as of 10/19/2023 and updating, as well as adequately defining, the ordinance.

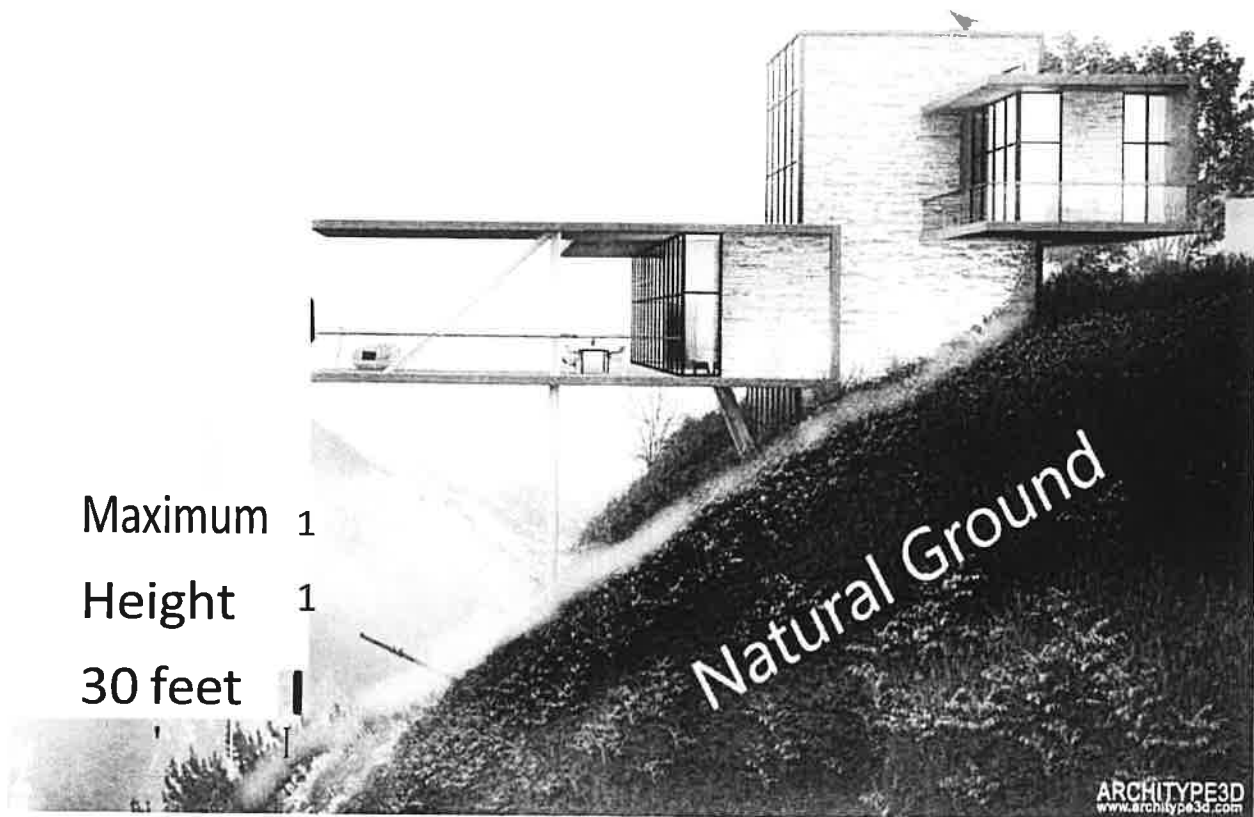
The definitions in ordinance 410.1 to Definitions. These refer to various aspects of a junkyard.

- **Temporary/Portable Sawmill:** A portable facility for the sawing, milling, planning, or similar processing of timber.

Consider creating an ordinance(s) for Temporary/Portable Sawmill.

- **Parking Space:** Due to using the word "parking space" frequently, consider a definition in addition to what is a basic requirement. Possible wording - An area for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley, and maneuvering room.

While there are legal regulations about minimum sizes and length this additional definition would make parking in Chesterfield more vehicle friendly given the size of the average vehicle in Chesterfield.



## OTHER BUSINESS

*Deb Livernoise moved to adjourn the meeting at 8:45pm. The motion was seconded by John Zannotti and passed unanimously.*

### Next Meeting:

The next meeting will be held at 6:30 PM on November 16, 2023

Respectfully Submitted,

Erin Cintron  
ZBA Secretary

Approved By:

Chair

Date

  
12/20/24