

Town of Chesterfield, New Hampshire  
**Chesterfield Zoning Board of Adjustment (ZBA)**  
Meeting Minutes –June 16, 2022  
Town Offices, Chesterfield, NH

**CALL TO ORDER:**

The meeting of the Chesterfield Zoning Board of Adjustment (ZBA) was called to order at 6:30 p.m. by Kristin McKeon. Members present: Kristin McKeon, Joe Hanzalik, John Zannotti, Alternate Joseph Brodbine, Alternate Deb Livernois, and Selectboard Representative Gary Winn. Also present was ZBA Secretary Jennifer Keating.

**ABSENT:** Nate Lachance.

Alternates Joseph Brodbine and Deb Livernois were seated tonight.

**OTHERS PRESENT:** Joji Robertson, Christopher Whatley

**MINUTES:**

The meeting Minutes of May 19, 2022 were considered. **Motion** was made by Zannotti to approve the meeting Minutes of May 19, 2022 as amended. There was a second to the motion by Hanzalik and no further discussion. All were in favor by roll call. **Motion passed.**

**PUBLIC HEARINGS**

McKeon recused herself from the hearing.

**Public Hearing opened at 6:48**

Hanzalik opened the public meeting and noted that Robertson had signed the waiver to be heard by full Zoning Board of Adjustment.

**Variance Application**

**Joji Robertson** is requesting variance under Article II: Section 203.6b – Spofford Lake District Setbacks and Section 203.4c – Area, Frontage, and Coverage Requirements. The Property is located at 164 North Shore Rd, Spofford, NH 03462.  
(Tax Map 5D, Lot B27)

Joji Robertson, representing her application, explained that she had placed the shed prior to understanding the zoning ordinances in the lake region. She is currently requesting a variance to allow the shed to remain in the setback. She stated that in the present location, the shed is currently tucked into the trees and out of view, if she was to move the shed to a location that is allowed in the zoning ordinances, it would be blocking her neighbors' driveway (which is a right of way through her property).

Brodbine asked Robertson about the variances that she submitted. He noted that the impervious coverage was being reduced. Robertson reported that this was because she would be removing

gravel and planting grass, using GeoBlock, in its place, with the hope of building a small patio. Robertson would be decreasing the impervious coverage by planting the grass. Robertson would be bringing in loam to cover the gravel. Zannotti commented that it would still be impervious if the gravel was not removed prior. Robertson said that she would be happy to have the gravel removed prior to the loam being added and would be consulting with Pat Rawson Construction regarding the correct way to do the job. Hanzalik stated that he walked by the property and said that the shed does appear to be out of the way and is in an inconspicuous location.

Zannotti asked about the driveway on the calculations, noting that it was included twice in the calculations. When the driveway is only included once, the impervious coverage is approximately 22%. Brodbine noted that the improvements for the impervious coverage were bringing the numbers back closer to the goal for the property.

Talking about the shed variance, Hanzalik stated that the shed appeared to be tucked back into a corner, even though it was within a setback. Robertson said that she thinks after the shed is stained, it will not be overly visible to the road.

Robertson stated that if she would need to move the shed to another location, several trees would need to be removed. Brodbine noted that Robertson was only adding 80 square feet of building coverage. He said he also believes that the improvements Robertson would like to make are moving in the right direction.

Hanzalik opened the board to public comment. He also read a letter from the abutters, Richard and Jayne Waddell, which stated they approve of the current location and if the shed needed to move, it would affect their landscaping, property values, and view. Hanzalik read an email from abutter, Joe Ragusa, which stated that he approves of the placement of the shed on the property.

Zannotti asked the board if anyone would like to look at the property. The Board reached a consensus that they do not need see the property.

Brodbine made the motion to close the public hearing at 7:09, Zannotti seconded the motion. All were in favor by roll call. ***Motion passed.***

The Chair reviewed the **Checklist for Granting a Variance** with the members of the Board:

1. *Would the variances be contrary to the public interest?*  
**Members said: No.**
2. *Would the spirit of the ordinance be observed if the variances were granted?*  
**Members said: Yes.**
3. *Would the granting the variances do substantial justice?*  
**Members said: Yes, it is not adding harm to anyone.**
4. *Could the variances be granted without diminishing surrounding property values?*

**Members said: The variance will not diminish property values.**

5. *Do special conditions of the property exist that distinguish it from other properties in the area?*

*A.i. Owing to the special conditions of the property that distinguish it from other property in the area, there is not a fair and substantial relationship between the general public purpose of the ordinance and the specific application of the provision to the property?*

**Members said: Yes, the lake presents these special conditions.**

*A.ii. Is the proposed use a reasonable one?*

**Members said: Yes.**

*If the criteria in subparagraph a. and b. are not met, an unnecessary hardship will be deemed to exist if, and only if:*

*B. 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 a variance is necessary to enable a reasonable use of the property:*

*Brodbine made the motion to approve the variance request of Joji Robertson on 164 North Shore Road, Spofford, NH (Tax Map 5D, Lot B27) to allow the placement of the 8x10 shed within the setback area with the condition that the hardpack area is converted to permeable lawn-type area. Livernois seconded the motion.*

*Zannotti made the motion to amend the motion to ensure that the drawings were named in the motion (Existing Conditions Shed Exhibit and Proposed Alternative Shed Exhibit, dated April 27, 2022). Brodbine seconded the motion to clarified that the drawings were named. All were in favor by roll call. **Amended motion passed.***

Hanzalik returned the meeting the McKeon.

## **FOR DISCUSSION OTHER BUSINESS**

### **Chesterfield Zoning Board Adjustment Building Coverage Calculation Sheet**

The Board reviewed the new Chesterfield Zoning Board Adjustment Building Coverage Calculation Sheet that John Zannotti presented. McKeon asked the Board if they thought it would be easy to follow for the applicants. Several formatting changes as well as wording changes were suggested, in order to provide clarity and consistency. Brodbine suggested several formatting changes, including putting the units of measure at the top of the column and using the terminology "existing" instead of "original." Brodbine also questioned if the form should capture the change of area. McKeon stated that she does not think we need a change of volume, but the percentage should be sufficient. Zannotti pointed out that we do not have an "approved" percentage for applicants to go from.

Livernois asked if there was a reason to have the calculation shed in portrait orientation, she thinks it may fit better in landscape. Zannotti noted that the change in volume percentages were difficult to compare. Brodbine thinks that the percentages are important to see, in relation to the property. McKeon questioned if the sheet should include "existing volume percentage" and "proposed volume percentage." Brodbine noted that he likes to see the actual numbers needed for the calculations as well. Zannotti said that he will work on reformatting the sheet to comply with the board's wishes, he will present it again at the next meeting.

### **Site Visits**

McKeon asked the Board if they think that we should ask for photos of the project in an application, in order to minimize the need for site visits.

Hanzalik noted that the board members have the application, and they are welcome to drive by the property. Brodbine pointed out that the board has authorization to be on the property.

Zannotti pointed out that if more than one board member visits at once, it would be a public meeting and need to be noticed. McKeon asked if going to see the property prior to the hearing would give preconceived view and form opinions early. Hanzalik does not think that it is any different than driving past the property prior to the meeting.

McKeon asked if the form should be changed to clarify that the Board Members can visit at any time. Then, McKeon asked if the public would be missing out on having a public site visit with notice. Brodbine clarified that the purpose of the public site visit would be to hear what the board and the applicant can say about the property. Hanzalik stated that he thinks this will make the Public Hearings quicker and will limit the burden on the applicants and will keep the applications from being dragged out. Brodbine states that he believes that the form gives the board the permission to go on the property. McKeon does not believe that she agrees with Brodbine's interpretation of the waiver. Livernois noted that driving by the property was very different from walking onto the property.

McKeon circled back and asked the board if they wanted to request pictures. Brodbine stated that he thinks a suggestion of including photos would be better than making it a requirement.

Zannotti said that he believes that the language is already on the application.

Christopher Whatley asked the board if he could ask any questions. McKeon stated that all of the zoning ordinance were available in the Zoning Ordinance Booklet which is available on the town website. Whatley continued to ask about the buildability of a lot, McKeon encouraged Whatley to speak with the building inspector.

**Next Meeting:** July 21, 2022

***Motion** to adjourn was made by Hanzalik. Zannotti was a second to the motion and no further discussion. All were in favor by roll call. **Motion passed.** Adjournment occurred at 7:45 pm.*


Respectfully Submitted,

Jennifer Keating  
ZBA Secretary

Approved By:

Chair

Date

  
7/27/22

Co-Chair

Date

  
8/2/22