

Town of Chesterfield, New Hampshire
Chesterfield Zoning Board of Adjustment (ZBA)
Meeting Minutes – December 16, 2021
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 Chair Kristin McKeon. Members present: Chair McKeon, Joe Hanzalik, John Zannotti, Joseph Brodbine, Nate Lachance, Ralph Petti and Selectmen's Representative Gary Winn. Also present were ZBA Secretary Beverly Bernard. Brodbine was seated for Evans.

ABSENT:

Lucky Evans, Casey Schnackenberg

OTHERS PRESENT:

Jim Phippard with Brickstone Land Use Consultants, Steve Hellus and Marilyn George, Jon McKeon via Zoom.

PUBLIC ACCESS: The public access to the meeting online via www.zoom.us, using the Zoom App on a cell phone or tablet or laptop or using a landline by calling (929) 205-6099 and entering Meeting ID number 880 5973 8987 passcode: 554575.

MINUTES:

The meeting Minutes of November 18, 2021 were considered. **Motion** was made by Hanzalik to approve the meeting Minutes of November 18, 2021 as written with one error corrected. There was a second to the motion by Zannotti. All were in favor by roll call. **Motion passed.**

PUBLIC HEARINGS: - KMcKeon recused herself and seated Petti in her place. Vice Chair Hanzalik took over the meeting.

Variance Application – James Phippard on behalf of Marilyn George

James Phippard on behalf of Marilyn George requests a variance under Article II, Section 503.1 Expansion to Non-conforming Buildings and Structures for property located at Tyler Road and shown at Tax Map 5M, Lot A005 & 006. The application was continued from November 18, 2021 to December 16, 2021 at the request of the applicant.

Public hearing opened at 6:44 pm

Discussion: Phippard said the total volume of structure was listed incorrectly on the application at 4,884 cubic feet. The correct number is 2,698 cubic feet is correct. He stated that there used to be two lots; now they are merged but the lot is still non-conforming. He said the new house will stay at location at 41 feet from shore when 50 feet are required. New structure to be built will comply with existing volume which reduces lot coverage to 28% rather than at 50%. He noted the residential structure as to have a garage with a flat roof with handrails for access from the second floor. Phippard added the decision was made is to have a pitched roof garage. He said it looks better aesthetically.

He addressed the Criteria:

"Can the Variance be granted without being contrary to the public interest?"

This is new construction which is consistent with existing homes; it is traditional New England design. The pitched roof is lower than the main roof at the inside of the lot away from the lake, which will minimize obstruction of the view. There will be no habitable area above the garage. Just studs. This is not an attempt to create a room. It cannot happen given the truss design.

"Would the spirit of the ordinance be observed if the variances were granted?"

People have been adding rooms, adding to occupancy, adding to septic, and those have negative impacts. The spirit of the ordinance does not to allow those kinds of things. He noted a pitched roof helps remove snow from the roof. A flat roof can become a maintenance nightmare.

"Would the granting the variances do substantial justice?"

There will be no negative effect to the neighborhood, it is not creating additional occupancy.

Zannotti said this variance is not asking for the right to build a house, and the application should say to build a garage. Phippard said he got lazy and Zannotti is correct. Phippard continued referring to the criteria.

"Can the variances be granted without diminishing surrounding property values?"

Phippard noted houses on the lake have pitched roofs. He said this will enhance surrounding property values.

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

Phippard said because of the non-conformance, there is special conditions on this property that justifies consideration for a variance. Public won't gain anything by denial.

"Is the proposed use a reasonable one?"

Phippard said the pitched roof is an improvement for the two-car garage and is a reasonable use.

Hanzalik asked about all the engineering for drainage – no changes in building coverage. Phippard said there are no changes, and the property owner is ready to build in the spring.

Zannotti asked about the drainage plan. Phippard said with the flat roof the design had drains on both sides of the building with stone beneath. The new roof is pitched in the same direction as the run-off would be from the flat roof. Zannotti asked about the additional square footage provided by the roof. Phippard said the drainage design is very conservative. There are wider and deeper infiltration ditches on the property. It is over designed. Hanzalik asked about gutters and Phippard said there will be no gutters.

Zannotti asked about building coverage changes. Phippard said the driveway was reduced. Phippard said the site plan is not changing at all from approval in June. Hellus said asphalt was replaced with gravel. Zannotti asked about additional windows shown on the drawing presented, and Phippard said lights were added because of the change in the roof. Hellus said they also serve as exit points from the house for fire safety. The lights will be close to the roof.

Public comment: K. McKeon said it makes more sense to have a pitched roof so as not to create a deck in the future. She suggested if it is approved, a condition should state that change of the garage roof must be done with the truss system as presented, and also complying with conditions of decision of June 10, 2021. McKeon said she thinks it is reasonable use.

Hellus said with the truss design you won't be able to put a suitcase in that space above the garage.

Jon McKeon asked was this an extension of a previous application or a standalone. It should be stated as a separate application. He noted there is an infiltration strip on south side with 6" drain to tie into a pipe. J. McKeon asked about the north side. Hellus said the north side will also have a 6" infiltration pipe. It will tie to original infiltration bed. Phippard said it is in place but not on the drawing. Hellus said the goal is to tie it all into the underground. J. McKeon said if drainage is going to be put in, it should be on the drawing. Hellus said it has already been approved. Hanzalik pointed out that this application is only for the garage pitched roof, and we have already approved the site plan. The drainage plan that was submitted previously was approved. We are only discussing the garage roof.

Winn suggested there will be more water coming off a pitched roof than a flat roof. Zannotti said the volume of the water coming off will be faster. He said that is why he asked about the amount of stone in the infiltration bed.

Motion was made by Zannotti to close the public hearing. There was a second by Petti and all were in favor by roll call. **Motion passed.**

Public hearing closed at 7:22 pm

Motion was made by Zannotti to approve a variance requested by James Phippard on behalf of Marilyn George under Article II, Section 503.1 Expansion to Non-conforming Buildings and Structures for property located at Tyler Road and shown at Tax Map 5M, Lot A005 & 006 for a pitched garage roof, with the conditions that the garage roof be a truss system, 16 inch on center, and in compliance with the plan signed and dated, April 9, 2021, prepared by KCS Architects, Sheet # A2.0. Brodbine seconded the motion. Zannotti said he would encourage applicant to take a hard look at their future applications so that he ZBA knows this is a separate application. All said yes by roll call. **Motion passed.**

K. McKeon returned to Chair the meeting and called a five-minute recess. Recess occurred from 7:27 pm to 7:31 pm

DISCUSSION & OTHER BUSINESS

Second Reading for proposed update to Rule of Procedure – destruction of audio recordings

K. McKeon read the verbiage for the first reading in the Minutes for November 18, 2021.

Motion was made by Hanzalik to approve the proposed update to Rules of Procedure – destruction of audio recordings. There was a second to the motion by Brodbine and no further discussion. All were in favor by roll call vote. **Motion passed.**

Attendance at Zoom meetings – possible addition to Rules of Procedure, first reading. The Board discussed the addition of a Remote Participation section under "Quorum" as follows:

D. Remote Participation

- 1. A voting member may participate remotely so long as there is a quorum present at a physical location and the quorum votes to allow the absent voting member to participate.*
- 2. A non-voting member may participate remotely without a vote of the physical membership. The non-voting member shall communicate their intent to participate remotely to the secretary with*

as much notice as possible.

Motion was made by Hanzlik to add D. to Rules and Procedures, second by Lachance. Discussion was held about following the pertinent RSA. All were in favor by roll call. **Motion passed.**

Consulting Services

K. McKeon said she will meet with one other person to discuss further. She said any meeting with 3 persons will have to be noticed. Bernard summarized the communication with possible consultant Carol Ogilvie who is in Florida for the winter months. Zannotti said he would prefer someone that is local, rather than using Zoom. He said he felt it is difficult to communicate. Zannotti asked if we have a job description for the job. K. McKeon said Southwest Region Planning Commission (SWRPC) has a job description, but they do not offer planning consultation services. Hanzalik said someone from the ZBA should attend the budget committee meetings to present the reason for keeping the budgeted funds for consulting services. Brodbine said the ZBA has possible lawsuits to deal with, and it is less likely to get kicked back by the court if decisions are made with professional help. Winn suggested communicating with the budget committee. K. McKeon said the OSI has a job description will be researched by McKeon and sent to the Secretary for distribution to the members.

NHMA Planning & Zoning Booklets

McKeon provide New Hampshire Municipal Association (NHMA) planning and zoning booklets on various topics for consideration by the members. She said she also downloaded slides and videos for information which she offered to them.

Town Email Addresses

McKeon suggested all members should have an email address with first initial, last name, and "zba" at gmail.com.

Next Meeting: January 20, 2022

Motion to adjourn was made by Brodbine. There was a second to the motion by Zannotti and no further discussion. All were in favor. **Motion passed.** Adjournment occurred at 8:22 pm.

Respectfully Submitted,



Beverly Bernard
ZBA Secretary

Approved By:

Chair 

Date 1/25/22

Vice Chair _____

Date _____