

BOARD OF ADJUSTMENT
DEERFIELD, NEW HAMPSHIRE
NOVEMBER 27, 2012

MINUTES OF MEETING

PRESENT: Board members Joshua Freed, George Thompson, Katherine Alexander, Darlene Cumming, Sandra Logan. Also present secretary Jane Boucher and prospective alternate Peter Viar.

Chair Joshua Freed called the meeting to order at 7:20PM.

BOARD OF ADJUSTMENT BY-LAWS

Chair Freed provided copies of updated By-Laws for the Board's consideration.

He asked members to review and comment before the next meeting in order that they be approved.

APPLICATION FOR A VARIANCE

Updated copies of the application for a variance were provided by Chair Freed.

George Thompson moved to approve the application. Sandra Logan seconded. Voted in favor.

APPROVAL OF MINUTES

Sandra Logan moved to approve the minutes of October 23, 2012 as printed. Katherine Alexander seconded. Voted in favor with George Thompson and Darlene Cumming abstaining.

CASE # 12-06 SERITA AND WILL FREY

Stephen Faulkner was present.

Clerk Sandra Logan read the Notice of Public Hearing by which Serita and Will Frey, 26 Saddleback Mountain Road (Map 406 Lot 35) have applied for a variance from Article III Section 304, Limit of one dwelling per lot.

It was noted that Serita and Will Frey were not present. The secretary advised that Mr. Frey had contacted Richard Pelletier advising that they were going to withdraw the application. She also noted that she received a telephone call from Attorney Joseph Dubiansky telling her that the application had been withdrawn. The Freys did not send a letter confirming this action.

Chair Freed commented that the Case should be denied based on the fact the applicants were not present.

Darlene Cumming questioned how the Case could be denied if it were not heard.

Joshua Freed moved not to accept and deny Case # 12-06.

BOARD OF ADJUSTMENT 11/27/12

George Thompson offered a motion not to accept Case # 12-6 as no one was present to provide testimony.

At this time Joshua Freed withdrew his motion and seconded the motion made by Mr. Thompson. Motion carries. The Board did not accept Case # 12-06.

APPEAL FOR DECISION; C. THOMAS BROWN CASE # 12-05
George Thompson abstained from voting on this decision as he was not present on October 23 and Darlene Cumming recused herself.

A request for an appeal for the decision made on October 23, 2012 was received from C. Thomas Brown, Map 205 Lot 70.

Chair Freed referred to RSA 677:2 1 noting that "rehearings were not to be lightly granted". He noted that in order for the Board to rehear this Case, new evidence must be submitted.

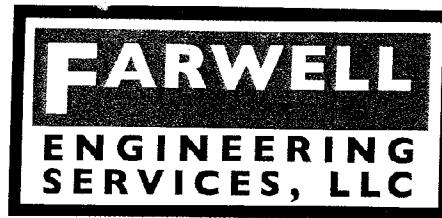
Board members reviewed the new information submitted. A copy is attached to these minutes.

After reviewing the information provided Chair Freed commented that he did not feel that it reflected any new information for the Board to consider.

Sandra Logan moved to deny the request for an appeal for a decision for C. Thomas Brown (Case 12-05). Katherine Alexander seconded. Voted in favor with George Thompson abstaining and Darlene Cumming, who had recused herself.

The meeting was adjourned at 8:35PM.

Recorded and transcribed by Jane Boucher
Pending approval by the Board of Adjustment



265 Wadleigh Falls Road Lee, NH 03861 Ph(603)292-5787
WWW.FARWELLENGINEERING.COM

November 13, 2012

Board of Adjustment
Town of Deerfield
PO box 155
Deerfield, NH 03037

Re: C. Thomas Brown
Tax Map 205 Lot 70
4 Lake View Lane
#1258

Dear Board Members:

Farwell Engineering Services, LLC (FES) is pleased to have the opportunity to provide you with this appeal for your decision made on October 23, 2012 for the above referenced property. The applicant had requested a variance to the setback requirements in order to construct a bathroom on the existing seasonal home.

New Information:

1. FES has surveyed the lot in question and is submitting a plan of the lot. The survey shows a lot of natural area adjacent to Pleasant Lake. This plan also shows the relationship between the proposed addition and the lake. There is a minimum of 100' before water enters the Lake and this flow will go through 20' of natural buffer. According to NHDES roof runoff is considered clean runoff. I have enclosed photographs of the site. The photo locations and direction are shown on the site plan.
2. There was some discussion at the meeting as to what the existing impervious area is on site and what the new impervious areas on site would be. The existing impervious area on site including the driveway is 23.2%. The proposed impervious area after the addition would be 24.2%. This does not include the tract across Lake View Lane. We are also amenable to installing a drip edge along the eave walls in order to facilitate runoff into the ground.
3. In my research for property line information, I came across a plan titled "Boundary Survey for lots located adjacent to the westerly portion of pleasant lake Deerfield, NH, prepare by RD Bartlett" Dated 9/67. This plan is recorded at the Rockingham County Registry of Deeds as plan # 1005. I have enclosed a reduced copy for your review. The plan clearly states note #3- That Tract no. 3 as shown be combined with the shore lot now owned by Fred H. Taylor and

registered as a single lot. Tract no 3 is identified in the Brown's deed as Tract 2 and the Fred H. Taylor lot is the lot currently owned by the Brown's with the house on it.

I recollect at the meeting that this was discussed if the two tracts were merged or not. I believe the board was uncertain if the two tracts were merged. This information shows the two lots are to be considered one building lot. If this is taken into account the amount of impervious area goes way down as the lot area goes way up.

4. In regards to whether having more than one bathroom is considered a hardship or a convenience. The Brown's use this residence between mid-June and early September to bring together family and friends. This brings many adults and children together under one roof for extended periods of time. There are many different needs of a bathroom brought about by individual health issues, privacy and timing. The Browns state, "We have a family member with a medical issue that having only one bathroom directly off the kitchen often creates an uncomfortable situation. We did not feel that this information was something that needed to be aired at a public meeting ... and would not have done so without permission from that family member first. We maintain that an additional half bath would be more of a necessity than simply a convenience accommodation".

In the discussions and the written minutes the Board of Adjustment felt that one bathroom was adequate because they all had personal experiences with that situation growing up. Not all situations are the same. The family comes on the weekends to stay and enjoy the lake. There is a need to have all members of the family comfortable when they are there.

5. The Brown's state, "There are eight cottages/homes on Lake View Lane. We are the only one with one bathroom. Because of the issues listed above we feel that 1 and 1/2 baths is not an unreasonable request".

6. We have received a notarized letter from the Newcom's, the abutter on the side line in question. They have reviewed the plans for the addition and have no problem with the project.

We request you consider this new information and grant us a rehearing based on this new information.

Dccrfield ZBA
November 13, 2012
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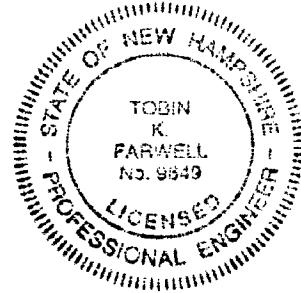
We appreciate the opportunity to provide you with this information and look forward to working with you. Please contact me directly if you have any questions or require any additional information.

Sincerely,

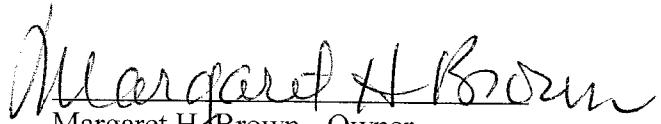
FARWELL ENGINEERING SERVICES, LLC



Tobin Farwell, P.E.
Principal



1258-appeal-ltr


C. Thomas Brown – Owner
Margaret H. Brown - Owner