

BOARD OF ADJUSTMENT
DEERFIELD, NEW HAMPSHIRE
DECEMBER 27, 2016

MINUTES OF MEETING

PRESENT: Board members Joshua Freed, George Thompson, Jonathan Leer, Anthony DiMauro, Stephen Stephenson. Also present secretary Jane Boucher.

7:15PM Chair Joshua Freed called the meeting to order.

APPROVAL OF MINUTES

Anthony DiMauro moved to approve the minutes of November 22, 2016. Jonathan Leer seconded.

The following correction was made to the minutes:
Page 1 Paragraph 8: Correct to read "Acting Clerk Anthony DiMauro...."

Chair Freed called for a vote on the motion. Voted in favor.

OTHER BUSINESS

Jonathan Leer will check to see if there are any seminars scheduled for Board of Adjustment members.

7:20 Chair Freed recessed the meeting at this time.

7:30 Chair Freed re-convened the meeting.

CASE # 16-10 RICHARD LABORE

Richard Labore and family members were present as well as several abutters.

Chair Joshua Freed explained procedure to those present.

Clerk Jonathan Leer read the notice of public hearing by which Richard Labore, 9 Fiddlehead Lane, Rochester, NH has applied for a Special Exception to build a home and banquet hall facility under Article II, Section 204.1. The property is location on Reservation Road (map 418 Lot 028-01) and owned by Randal and Susan Frotton.

Anthony DiMauro moved to accept Case 16-10. George Thompson seconded.

At this time Stephen Stephenson recused himself as a voting member.

Chair Freed explained that there was a four member board sitting and advised the applicant that he could continue the Case until a full board is seated. The applicant wished to

proceed.

Mr. Labore provided a signed notarized letter from Randal and Susan Frotton, owners of the property, authorizing him to apply for a special exception.

Chair Freed called for a vote on the motion to accept Case 16-10. Voted in favor.

Richard Labore explained that he is applying for a Special Exception to build a barn wedding venue and a single family home. He said he was originally from Deerfield. Mr. Labore felt that this would benefit the economy in Deerfield.

Mr. Labore said he did research the issue with Richard Pelletier who determined that he first needed to apply for a Special Exception.

Anthony DiMauro questioned the location and asked Mr. Labore if he felt it was too isolated. Mr. Labore replied that he felt seclusion would be beneficial.

Joshua Freed asked if there would be overnight accommodations. Mr. Labore said there is no plan for overnight accommodations.

Jonathan Leer noted that, if a Special Exception is granted, the applicant would have to go to the Planning Board for a Site Plan Review.

The Board reviewed the criteria for a Special Exception and there were questions as to whether a special exception was necessary. After some discussion they agreed to proceed.

Chair Freed asked if anyone would like to speak in support of the application. No one spoke.

Chair Freed asked if anyone would like to speak in opposition.

James Grenier, 34 Reservation Road, spoke noting that he will be most affected by the facility and cannot believe the ZBA is hearing the Case. He voiced concern regarding his property value, traffic, noise. He said Deerfield does not need a facility such as this. Mr. Grenier also voiced concern regarding safety issues specifically children on the road. He noted that Reservation Road is a narrow road and also was upset regarding the impact to wild life. He asked that the Board conduct a site visit before making a decision.

The resident of 59 Reservation Road also spoke in opposition voicing concern regarding the size of the facility and excessive traffic generated from the facility. He commented on

excessive use of alcohol and traffic safety.

A resident of 47 Reservation Road spoke regarding traffic safety and suggested they find a better location.

Sarah Chaplin, 38 Reservation Road, expressed concern regarding safety of children on the road with additional traffic.

A resident of 68 Reservation Road also spoke in opposition noting horses on the road and lack of Police patrolling the area.

Dorothy Bilodeau, Tandy Road, also spoke regarding impact on the road and lack of Police presence. She also noted that it would be inconsiderate for those with horses traveling on the road.

A resident of 66 Reservation Road voiced a concern regarding hunting in the area and the cost of Town maintenance if this is approved.

A resident of 51 Reservation Road spoke in opposition noting safety issues with more traffic.

The applicant, Richard Labore, addressed the abutters noting that they had expressed good points. He noted that the plans were for approximately 100 cars per weekend. He said we all have responsibilities regarding use of alcohol and he also noted that he did not feel it would devalue property in the area. Mr. Labore commented that everyone should work together and he would be willing to add shrubbery and greenery help with the noise level.

8:35PM The Board went into deliberative session at this time and , together, reviewed the criteria listed on the Work sheet for Special Exceptions. (A copy is attached to these minutes.)

During discussion Board members were in agreement that potential increase of traffic on Reservation Road did pose a safety concern.

8:55PM The Board came out of deliberative session at this time.

Anthony DiMauro moved to DENY Richard Labore's application for a Special Exception based on safety issues. Jonathan Leer seconded. Voted in favor.

The meeting was adjourned at 9PM.

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



DEERFIELD BOARD OF ADJUSTMENT
Special Exception Worksheet

Case# _____ Applicant _____ Map _____ Lot _____

I. Is the proposed use one that is allowed by special exception (204.1)?

Yes _____ No _____

II. Have the requirements to allow consideration of the application been met (206.1A,B,C)?

Yes _____ No _____

III. Criteria for a Special Exception (206.1D): The proposed use...

1) Shall not adversely affect the capacity of existing or planned community facilities.

Grant _____ Deny _____

2) Shall be an appropriate location for the use or structure with respect to the character of the surrounding area, and shall fulfill all requirements for local, state, and federal permit or approval.

Grant _____ Deny _____

3) Shall not create a substantial increase in traffic in the vicinity.

Grant _____ Deny _____

4) Shall not create a safety hazard due to:

- a) Condition or design of roads in the immediate vicinity.
- b) Location of driveway or parking.
- c) Danger of fire, explosion or release of toxic fumes or material.
- d) Equipment or activity which poses substantial danger to children, if in a residential area or proximate to a school or day care facility larger than family care home as defined in the ordinance.

Grant _____ Deny _____

5) Shall not substantial increase in water onto adjacent property or roads.

Grant _____ Deny _____

6) Shall not create a "nuisance" in the vicinity due to noise, vibration, odor, glare or unsightly outside storage of material or equipment and shall be in conformity with other uses and/or structures in the vicinity.

Grant _____ Deny _____

IV. Standards (206.2). To be voted on by the board if the Special Exception is granted.

Signature _____ Date _____