

BOARD OF ADJUSTMENT
DEERFIELD, NEW HAMPSHIRE
MARCH 22, 2016

MINUTES OF MEETING

PRESENT: Board members Joshua Freed, Jonathan Leer, Anthony DiMauro. Alternate member Stephen Stephenson. Secretary Jane Boucher

7:15PM Chair Joshua Freed called the meeting to order and appointed Stephen Stephenson a voting member.

APPROVAL OF MINUTES

Anthony DiMauro moved to approve the minutes of February 23, 2016. Jonathan Leer seconded. Voted in favor with Joshua Freed abstaining.

RECOMMENDED APPOINTMENTS

Anthony DiMauro moved to recommend the appointment of Joshua Freed to serve as a member of the Board of Adjustment for a three year term (2019) to the Board of Selectmen. Jonathan Lee seconded. Voted in favor.

Anthony DiMauro moved to recommend the appointment of Peter Viar to serve as an Alternate member of the Board of Adjustment for three year term (2019) to the Board of Selectmen. Jonathan Leer seconded. Voted in favor.,

Anthony DiMauro moved to recommend the appointment of Stephen Stephenson to serve as a member of the Board of Adjustment for a two year term (2018 unexpired term of Paul Luciano). Joshua Freed seconded. Voted in favor.

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

7:30 Chair Freed reconvened the meeting.

CASE #16-02: PAUL HELLINGS SOUTH ROAD

Clerk Jonathan Leer read the Notice of Public Hearing which is continued from February 23, 2016: Owner Paul Hellings, 220 South Road, Deerfield NH for property at same address is requesting a variance from Article II Section 207.2 for setbacks to permit creation of a Smith Road for a subdivision. (Map 420 Lot 34).

Paul and Tricia Hellings, Tobin Farwell and several abutters were present.

Also present, Harry Hotaling, prospective alternate member to the ZBA.

Chair Joshua Freed advised the applicant that there were only four members sitting and three votes in the affirmative was required to Grant a variance.

Mr. Hellings agreed to proceed.

Anthony DiMauro moved and Jonathan Leer seconded to take Case # 16-02 off of the table.

Mr. Farwell provided plans noting that it is a 26 acre lot and they are proposing a 50 foot right of way which will be a shared gravel driveway . They are requesting a variance because a 40 foot setback is required and the existing house is 32 feet from the right of way.

Mr. Farwell referred to the Zoning Ordinance Section 207.2 noting the provisions for homes on a private way.

Mr. Farwell noted that there would be no public safety concern as there would one point of access from South Road. He added that the spirit of the ordinance would be preserved because the ordinance does allow a private way be constructed for additional lots. (Smith Ordinance). Granting the variance would do substantial justice because they are utilizing the existing ordinance to create the new lots. If the variance were granted, the values of the surrounding properties would not be diminished because the proposed houses would be setback far from the existing road. the new house will not be seen from existing houses.

Mr. Farwell noted that their intent was to create two additional lots on the private way. Mr. Hellings said that they plan to build a new home on one of the lots.

Mr. Farwell continued saying that the lot is 26 acres plus and is narrow at South Road. This is well suited for the Smith Road ordinance. The proposed use is a reasonable one because because the size of the lot is 26 acres and no additional subdivision will be done. The lot is 26 acres but narrow at South Road. . The houses on the new lots will not be seen from abutting houses and the new lots will be 760 feet from South Road.

Mr. Farwell reiterated that their intent is to create two additional lots.

Stephen Stephenson noted that two additional homes make much more sense to him.

Mr. Farwell said that the Planning Board will determine the actual width of the road and they will have to provide a turn

around for emergency vehicles. A Homeowners Association will also be required to address maintenance of the road.

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

Chair Freed asked if anyone would like to speak in opposition. Abutter Lisa Lewis voiced concern regarding cutting trees on her property line.

Mr. Farwell said it is a 50' right of way on the Lewis property line, but the proposed road will be on the center of the 50 feet. He said that once the survey is complete it will indicate the location of the trees and they will be willing to discuss it with the Lewis.

7:55 PM The Board went into deliberative session at this time.

Board members felt that two additional lots was reasonable and agreed that stipulations can be included.

8:05PM Board members completed work sheets at this time.

8:15PM Anthony DiMauro moved and Jonathan Leer seconded to GRANT a variance to Paul Hellings (Case 16-02).

Board members voted on the following stipulations:

1. Up to two additional lots permitted. Anthony DiMauro moved and Jonathan Leer seconded. Voted in favor.
2. Effort to reduce the effect of headlights disturbing abutters on Map 420 Lot 35 will be made through the use of natural or artificial screening such as plantings. Anthony DiMauro moved and Jonathan Leer seconded to include the stipulation. Voted in favor.
3. The placement of power and utility structures will be such that cutting of trees is minimized within the first 100 feet from the road. Anthony DiMauro moved and Jonathan Leer seconded to approve the stipulation. Voted in favor.

The Board voted to approve the motion to Grant a variance with the approved stipulations.

ELECTION

Harry Hotaling said that he would be willing to serve as an alternate member to the Board of Adjustment.

Anthony DiMauro moved to waive the three meeting requirement and recommend the appointment of Harry Hotaling, 1 Lake View Lane, Deerfield, NH to serve as an Alternate Member of the Board of Adjustment for a three year term. (2019).

Anthony DiMauro moved and Jonathan Leer seconded to elect Joshua Freed to serve as Chair of the Board of Adjustment for a one year term. Voted in favor.

Joshua Freed moved and Anthony DiMauro seconded to elect George Thompson to serve as Vice Chair of the Board of Adjustment for a one year term. Voted in favor.

Anthony DiMauro moved and Joshua Freed seconded to elect Jonathan Leer to serve as Clerk of the Board of Adjustment for a one year term. Voted in favor.

The meeting was adjourned at 9PM.

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