

BOARD OF ADJUSTMENT
P O BOX 159
DEERFIELD, NEW HAMPSHIRE
AUGUST 24, 2021

MINUTES OF MEETING

PRESENT: Board members Anthony DiMauro, George Thompson, Jonathan Leer, Joshua Freed, Amy Lockwood. Alternate members Harry Hotaling, George Kelley. Secretary Jane Boucher.

7:15PM Chair Anthony DiMauro called the meeting to order.

APPROVAL OF MINUTES

Jonathan Leer moved to approve the minutes of July 27, 2021.
Harry Hotaling seconded.

The following correction was made to the minutes:

Page 1 Paragraph 5: Correct to read "...postpone their meeting...."

Voted in favor with Amy Lockwood and Joshua Freed abstaining.

LETTER FROM BOARD OF SELECTMEN

Chair DiMauro read a letter from the Board of Selectmen regarding Class VI Roads. A copy of the letter is attached to these minutes.

7:20PM The meeting was recessed at this time.

7:30PM Chair DiMauro called the meeting back to order and introduced members of the Board.

CASE #21-10 AND 21-11

Clerk Jonathan Leer read the Public Notice:

Case # 21-10 Map 207 Lot 71

Applicant Tobin Farwell, Farwell Engineering Services for owner Miller J. Van Vliet, for property at 3 Willow Lane, Deerfield, NH Map 207 Lot 71 is requesting a variance from Article II Section 204.1, 207.3 for side setbacks and Section 210 8F and Article III Section 305 for setback from wetlands/water bodies for the purpose of building a dwelling.

Case # 21-11 Map 410 Lot 80

Applicant Tobin Farwell, Farwell Engineering Services for owner Shane Corson, 43 Old Centre Road, Deerfield, NH Map 410 Lot 80 is requesting a variance from Article II sections 204.1 and 207.3 for side setbacks for the purpose of building a new house.

At this time Chair DiMauro explained procedure.

Joshua Freed moved and Jonathan Leer seconded to accept Case #

21-10. Voted in favor.

Clerk Jonathan Leer advised that the Board has a letter from Miller Van Vliet noting that Tobin Farwell will represent him.

Tobin Farwell said that this is a 0.39 acre property. He provided the plan describing the property. He noted that there like to two houses connected by a common deck. He said that they are proposing to tear down the structure and replace it with a two bedroom home. The existing septic system is to the east portion of the property. He pointed to a culvert crossing Willow Lane and an intermittent stream which crosses it and goes down to Pleasant Lake. He showed the buildable area on the plan. Currently the existing house is 26.6 feet from the west property line and 8.7 feet from the high water mark. He noted that they are seeking a variance from the body of water as well as side yard setback. He said they are pulling the house back from the water body. The house will be 17.9 feet from the high water mark and the deck will be 13.8 feet.

He advised that a new air-rated septic system will be installed with a 10 x10 leach field. They are proposing an increase of about 700 sq. ft. of impervious coverage. They are also proposing a driveway with turn around access. He noted that drip edges are being proposed along with a new well. Mr. Farwell showed pictures showing post and beam styling.

Mr. Farwell also noted that they are proposing a stone and pipe leach field. 3427 square feet will also include the deck.

Chair DiMauro asked if anyone had any questions. Richard Pitman, an abutter, questioned the location of the proposed well. Mr. Farwell replied that the well will be located 75 feet from the Pitman home.

Anthony DiMauro questioned what was between the two homes. Mr. Farwell replied several trees lined the property.

No one spoke in opposition.

Mr. Farwell advised that they will also come before the Planning Board and will apply for Shoreline Approval.

7:50PM The Board went into deliberative session. The Board discussed the size of the proposed home and distance from the lake.

8PM The Board came out of deliberative session and questioned the roof of the home.

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Mr. Farwell replied it be either a metal roof or an asphalt shingle with an 8-12 pitch.

8:05 The Board went back into deliberative session and completed work sheets.

8:10PM Joshua Freed moved to Grant a variance to Miller J. Van Vliet. Amy Lockwood seconded. Voted in favor. It was unanimous.

CASE #21-11 SHANE CORSON

Shane Corson and several abutters were present.

Joshua Freed moved to accept Case #21-11. Amy Lockwood seconded. Voted in favor.

Tobin Farwell representing Mr. Corson provided the plans noting it was located on Old Centre Road and noted the land was very steep as it goes to the rear of the lot. They are proposing to build a house on the property and will locate a leach field into the slope on one side. They are proposing to encroach upon the 37 1/2 ft. side setback line and put up a vegetative barrier. He advised that 12 '-15 'spacing of conifer trees are being put up to provide a buffer to the neighboring property. No wetlands are on site. There is a small concrete foundation on the property being used as a play area. He showed a picture of the proposed home. The encroachment is 14.8 ft.

Clerk Jonathan Leer advised that all abutters have been noticed.

Richard Pelletier, Code Enforcement Officer, gave some background to the property noting that it was subdivided by Eleanor Day in the 1970's. She owned property across the street and she cut out a small 3/4 acre piece directly across from Bugnacki and sold in the 1970'.

Elizabeth Bugnacki , an abutter, said they had purchased the 3/4 acre in 1984. She also provided information on the development of the land. She also noted that she was not interested in selling the 3/4 acre lot.

Mr. and Mrs. Davitt and Richard Pitman spoke in favor of granting the variance

No one spoke in opposition.

8:30PM The Board went into deliberative session at this time.

Board members felt the request was reasonable.

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Board members completed work sheets.

Joshua Freed moved to Grant a variance to Shane Corson. Amy Lockwood seconded. Voted in favor. It was unanimous.

The meeting was adjourned at 8:35PM.

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



TOWN OF DEERFIELD

Board of Selectmen

R. Andrew Robertson, Chair ~ Richard Pitman, Vice-Chair
Fredrick J. McGarry ~ Cynthia B. McHugh
Alden Dill

August 2, 2021

Peter Schibbelhute, Chair, Deerfield Planning Board

Re: Class VI Roads

Dear Pete,

The Board of Selectmen is reminding all elected officials, elected/appointed board members and employees that have cause to review applications for use of, and make decisions regarding the use of, land located on a Class IV Road; that they must notify the Board of Selectmen upon submission of any application for use of that land.

New Hampshire RSA 674:41 states:

"I. From and after the time when a planning board shall expressly have been granted the authority to approve or disapprove plats by a municipality, as described in RSA 674:35, no building shall be erected on any lot within any part of the municipality nor shall a building permit be issued for the erection of a building unless the street giving access to the lot upon which such building is proposed to be placed."

"(c) Is a class VI highway, provided that:

- (1) The local governing body after review and comment by the planning board has voted to authorize the issuance of building permits for the erection of buildings on said class VI highway or a portion thereof; and*
- (2) The municipality neither assumes responsibility for maintenance of said class VI highway nor liability for any damages resulting from the use thereof; and*
- (3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds;"*

Recent events have unfortunately highlighted the absence of a clear line of communication between the various boards and employees where this issue is involved.

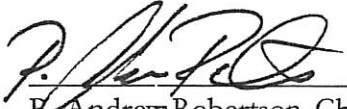
Moving forward it is the hope of the Board of Selectmen that improved communication and a sharing of pertinent information will prevent any misunderstandings from occurring in the future.

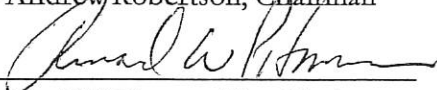
The Board of Selectmen is anticipating your cooperation to ensure that the process for making land use decisions on Class VI Roads becomes a transparent, seamless process for all involved.

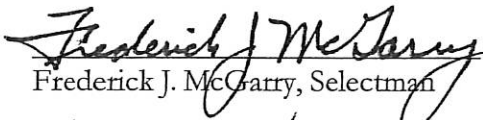
Please contact us should you have any questions regarding this request.

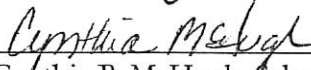
Sincerely,

TOWN OF DEERFIELD
BOARD OF SELECTMEN



R. Andrew Robertson, Chairman

Richard W. Pitman, Vice Chairman

Frederick J. McGarry, Selectman

Cynthia B. McHugh, Selectwoman

Alden Dill, Selectman

Copy:

Toni Di Mauro, Chair, Deerfield Zoning Board
Richard Pelletier, Deerfield Building Inspector
Steve Rollins, Deerfield Road Agent

Enclosure: NH RSA 674:41