



**OFFICE OF THE BOARD OF ADJUSTMENT
P.O. BOX 155
DEERFIELD, NEW HAMPSHIRE 3037**

Minutes: site visit 11/06/2021 10:00 AM, case 21-12, Anne Moschella, 115 Nottingham Rd. Deerfield

Meeting was convened at 10:00 AM at the proposed site

Present: Anthony DiMauro, Alternate Harry Hotaling, Amy Lockwood, Jonathan Leer, Josh Freed, Applicant Anne Moschella, Simon Cantu, council Jason Reimers of BCM Environmental & land Law PLLC, and Erroll Rhodes citizen.

Chair DiMauro appointed Harry Hotaling as a voting member.

Josh Freed moved and Harry Hotaling seconded removing case 21-12 from the table. Voted unanimously in favor.

Applicant's council explained the proposed siting of the barn, which was not thoroughly marked or staked out.

There were obvious signs of past filling of the area adjacent to the stream and a very new layer of gravel about 10" thick on top of the fill in a large area presumably for parking. It is possibly in violation of setbacks from wetlands.

There is a large, wet area with standing water located behind the current barn and culvert to direct spring water to the existing man-made pond.

Several suitable locations for the barn that would not encroach on pasture area were observed. Several possible other locations that would take some small areas of pasture were also observed.

Applicant's council claimed that the setback from wetlands would be met by the proposed location and that the neighbors are OK with the proposed encroachment into the side setback and other areas would not be desirable by the applicant.

Erroll Rhodes spoke in opposition to the variance citing that it would establish precedent for other horse owners to encroach into setbacks and that the loss of pasture did not constitute a hardship, nor was the property unique from other similar properties with limited pasture.

10:35 AM: the board went into deliberative session. Anthony DiMauro reviewed the five factors for consideration of a variance. Amy Lockwood, Josh Freed, Jonathan Leer, and Anthony DiMauro all noted other suitable locations for the barn. Josh Freed commented that the loss of pasture did not constitute a hardship in this case.

Amy Lockwood made a motion to leave deliberative session. Harry Hotaling seconded. Voted unanimously.



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Amy Lockwood questioned the applicant as to whether they had considered any of the other potential locations that the board members has mentioned. The applicant answered "No". She then explained that they did not want to block their view of the pasture from the house, and did not want to block their view of the dog pen. The applicant explained that she did not see why the encroachment into the side setback was a big deal since the abutter did not have an issue with it.

At 10:45 AM Chair DiMauro called the board back into deliberative session. Jonathan Leer expressed his appreciation for the opportunity to visit the site and that he felt that one of the locations satisfying the zoning requirements should be utilized for the barn.

Anthony DiMauro noted that there are special conditions of the property but that the property can be used in strict conformance with the ordinance.

Harry Hotaling noted that this was a tough case but that he leaned towards granting the variance as it was a good use of the area of the property that was in the setback, the neighbor does not object, and that it seemed reasonable.

At 10:50 AM the board completed worksheets.

11:00 AM Harry Hotaling made a motion to grant the variance for case 21-12. Amy Lockwood seconded the motion. The vote was against by 3 to 2 with Anthony DiMauro, Jonatan Leer, and Josh Freed voting in opposition.

11:03 AM Chair DiMauro adjourned the hearing.