

BOARD OF ADJUSTMENT
P O BOX 159
DEERFIELD, NEW HAMPSHIRE
NOVEMBER 23, 2021

MINUTES OF MEETING

PRESENT: Board members Anthony DiMauro, George Thompson, Jonathan Leer, Joshua Freed. Alternate members Harry Hotaling, George Kelley. Also present secretary Jane Boucher.

7:15PM Chair Anthony DiMauro called the meeting to order and appointed Harry Hotaling to sit as a voting member for the first case. (21-13)

APPROVAL OF MINUTES

Joshua Freed moved to approve the minutes of October 26, 2021. George Thompson seconded. Voted in favor.

Joshua Freed moved to approve the minutes of November 6, 2021. Harry Hotaling seconded. Voted in favor with George Thompson abstaining.

7:20 PM The Board recessed at this time.

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

Clerk Jonathan Leer read the Notice of Public Hearing for Cases 21-13, 21-14, and 21-15. A copy of the Notice is attached to these minutes.

CASE # 21-13

Tobin Farwell, Fred McGarry, Richard Pitman, Mark McNichol and Erroll Rhodes were present.

Joshua Freed moved to accept Case # 21-13. George Thompson seconded.

Mr. Farwell was asked if he had; written permission from the applicant to represent him. Mr. Farwell noted that he did not have it with him but would provide a copy.

Mr. Farwell referred to 330.8 B "Any reduction in the required buffer zone width down to an absolute minimum of 50 feet may be granted by the Planning Board...." He said that it is less than 50 feet and because it is a Zoning Regulation it seems appropriate that they appear before the ZBA.

Chair DiMauro asked for a vote to accept Case # 21-13. Motion carries.

Mr. Farwell provided a plan noting that during a site walk with the Planning Board the focus was on trees. He did locate all the trees that are within the 50 foot buffer. He said that the plan shows trees intended to be cut are shaded back. In following the NHDES Shoreline Guidelines require not being reduced by 25 points. There was discussion regarding the driveway location and he pointed out a large pine tree which will be cut. He said that they are going down to 28.6 feet which is 34 feet from the center line which is a 16 foot encroachment from the 50 foot buffer. The house and deck is 3427 feet.

Mr. Farwell said that a new septic is being proposed the proposed patio is now 30 feet away from the water.

Mr. Farwell provided some pictures of the site.

Mark McNichol, resident of Pleasant Lake, spoke in favor noting that it is now a seasonal home and he felt a full time residence would be beneficial.

Fred McGarry spoke as a member of the Planning Board noting that Mr. Farwell has accurately described the meeting with the Board. The Planning Board to consider reducing the buffer from 100 feet but felt they could not reduce the requirement of a 50 foot buffer. He said that this is the first time the Planning Board has dealt with dealing with a tributary to Pleasant Lake.

Tobin Farwell said that perhaps by eliminating a section of the proposed area would bring the distance to 41.8 feet.

8:05PM The Board went into deliberative session.

During discussion Board members felt that a distance of 41.8 feet would be reasonable and all felt if the size of the proposed dwelling was reduced the encroachment to wetlands could be satisfied.

It was agreed to ask the applicant if he would like to continue the Public Hearing in order to submit additional information to be considered. At this time members of the Board felt that they could not vote in favor of granting a variance.

George Thompson moved to go out of deliberative session. Joshua Freed seconded. Voted in favor.

Tobin Farwell said that he would like to continue the hearing and noted a portion of the roof of the proposed dwelling could be eliminated to attain the 41.8 foot distance.

Joshua Freed moved to continue the public hearing for Case #

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21-13 to December 28, 2021. George Thompson seconded. Voted in favor.

8:20PM CASE #21-14 Dennis Getz, Pinecrest Ave.
Tobin Farwell and Dennis Getz were present.

Chair DiMauro appointed George Kelley to sit as a voting member for Case #21-14.

Tobin Farwell provided plans depicting the proposed house will which be smaller 24 x 38. The septic will be relocated .

Mr. Getz explained that the existing home is a mobile home and his father, who resides there, has suffered a stroke and the proposed home will be more handicapped accessible.

8:35PM The Board went into deliberative session and completed work sheets.

Joshua Freed moved to grant a variance to Dennis Getz Case # 21-14. George Kelley seconded. Voted in favor. It was unanimous.

CASE #21-15 Jennifer Sikes/Randolph Keefer II, 2 Pond View Lane
Tobin Farwell was present as well as abutter Daniel Cote.

Chair DiMauro appointed Harry Hotaling to sit as a voting member.

George Thompson questioned if Mr. Farwell had an affidavit signed by the applicant to represent them. Mr. Farwell replied he thought the applicants would be in attendance. He noted that he would proceed to get an approval.

George Thompson moved to accept Case # 21-15. Joshua Freed seconded. Voted in favor.

Tobin Farwell provided plans noting that they came before the Board previously requesting an addition. Mr. Farwell said that the applicant asked if he could remove and replace an existing shed. He was advised that if he built a new shed in the same footprint he would not need a variance. The applicant did build a new shed but moved it to a different location. It is 8.2 feet from the property line, the old shed was 9 feet from the other side of the property. He also said that he had spoken with DES and they had no issues.

Mr. Cote said that he had no problem with the location of the shed.

Mr. Farwell provided pictures of the new shed. He read a letter

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from Mr. Keefer noting that he did not realize that he would need a variance to move the shed.

Chair DiMauro referred to Section 207.3 "No building shall be built nearer to a side lot line than the minimum dimension specified in Section 204.

For low impact accessory structures or buildings, less than 200 square feet, the side yard and rear yard setback shall be at least ten feet.

9:15 PM The Board went into deliberative session and completed work sheets.

George Thompson moved to grant a variance to Janet Sikes and Randolph Keefer II for property at 1 Pond View Lane Case # 21-15. Harry Hotaling seconded. Voted in favor with four in favor and one opposed.

George Thompson moved that a stipulation be added that a letter from the applicant be received granting permission for Tobin Farwell to represent them. Joshua Freed seconded. Voted in favor.

The meeting was adjourned at 9:30PM.

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