

DEERFIELD BOARD OF ADJUSTMENT
P O BOX 159
DEERFIELD, NEW HAMPSHIRE 03037

JUNE 28, 2022

MINUTES OF MEETING:

Board members Anthony DiMauro, Jonathan Leer, Amy Lockwood.
Alternate members George Kelley, Joshua Freed, Spencer Tate.
Jane Boucher, secretary.

George Kelley advised that he would like to continue serving as an Alternate member of the ZBA. Spencer Tate indicated that he would like to take a month to consider serving as a voting member.

7:15PM Chair Anthony DiMauro called the meeting to order.
George Kelley and Joshua Freed were appointed voting members.

APPROVAL OF MINUTES

Joshua Freed moved to approve the minutes of May 24, 2022.
George Kelley seconded.

The following corrections were made to the minutes:

Page 2; Paragraph 1: "...it has been re-scheduled...."

Page 2; Paragraph 6: "...he was before the ZBA for a setback...."

Page 2: Add : " The Board discussed that we can only grant a variance to Section 210.8, that is all that has been applied for."

Page 3: Add after Paragraph 4: " Discussions were held on how to reduce the size of the proposed dwelling and to change it's rotation. Chair DiMauro asked Mr. Farwell to confirm that this proposal must go through the site plan review with the Planning Board. Mr. Farwell confirmed this to be true."

Page 3: Add to page "Joshua Freed noted if we were to deny the use of the lots that exist around most of the ponds lakes, this would be seen as a problem by Superior Court, if it has been taxed as a residence."

Motion carries with Jonathan Leer abstaining.

REQUEST FOR REHEARING; EDWARD AND SANDRA CROSS; RANGE ROAD.
Chair DiMauro advised that Edward and Sandra Cross have withdrawn the request for a rehearing.

Joshua Freed spoke indicating that the variance granted to Edward and Sandra Cross had not been granted. He wished to confirm that Mr. Cross cannot file for another variance for this property.

7:40PM REQUEST FOR REHEARING; CASE #22-06; TOBIN FARWELL FOR ANN MARGEO LLC, 217 MIDDLE ROAD DEERFIELD, NH FOR PROPERTY ON

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256 NORTH ROAD, DEERFIELD, NH , MAP 206.1.

Chair DiMauro explained that this portion of the meeting will require discussion by the Board regarding the motions for rehearing. There will be no public comment as this is a public meeting, not a hearing. He advised those present that they can remain.

Chair DiMauro said that there is a motion before them in accordance with RSA 677:2 by The Pleasant Lake Preservation Association, The Board of Selectmen, Charles Reese and Ruth O'Neal. He said that if no motion is made to accept the rehearing request it is not granted. If a motion is made and not seconded. A rehearing is not granted. If a motion is made a discussion will follow. Chair DiMauro will request a roll call vote. If vote is affirmative, he will schedule a date for the rehearing.

Amy Lockwood moved and Joshua Freed seconded to rehear Case #22-06.

George Kelley said that after reading the requests for a rehearing he did go to the site and he said that it swayed his thinking considerably.

It was noted that the Planning Board did conduct a site visit on June 25, 2022.

Joshua Freed referred to the letter submitted by the Board of Selectmen, noting the three points outlined on Page 1. A copy of the letter is attached to these minutes.

Board members referred to the denial letter from the Code Enforcement Officer which indicated Article II Section 204, Table 204.1 and Section 207.4 and 210.8 do not meet the required setbacks.

Joshua Freed said that the ZBA only reviews what is presented, including the denial letter, and is not required to review anything further.

The motion before the Board is to rehear Case # 22-06, Annmargeo, 256 North Road, Map 206 Lot 1. Chair DiMauro called for a roll call vote:

Amy Lockwood: No

George Kelley: No

Joshua Freed: No

Anthony DiMauro: No

Jonathan Leer: Abstained

Motion to Deny carries.

George Kelley suggested that the Board look into recording all

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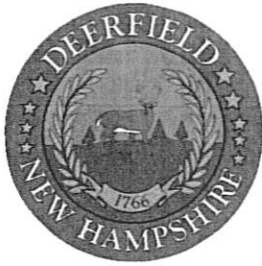
approved variances for easier future access.

The meeting was adjourned at 8:30PM.

Recorded and transcribed by

Jane Boucher

Pending Approval by the Board of Adjustment



TOWN OF DEERFIELD

Board of Selectmen

Fredrick J. McGarry, Chair ~ Richard Pitman, Vice-Chair
Cynthia B. McHugh ~ Alden Dill ~ William Huebner

June 21, 2022

Chairman Anthony DiMauro
Zoning Board of Adjustment
Town of Deerfield
Raymond Road
Deerfield, NH 03037

Dear Chair DiMauro:

In accordance with RSA 677:2 the Board of Selectmen (SELECTMEN) hereby applies for a motion of rehearing by the Board of Adjustment (BOARD) in the case of Ann Margeo, LLC (APPLICANT) for property at 256 North Road, Map 206 Lot 1, Case 22-06. The SELECTMEN believe that the BOARD failed to take into consideration certain factors which would have reduced the impact on the wetlands situated along the north side of the lot.

The SELECTMEN agree that since the 0.5-acre lot was created before the adoption of the zoning ordinance, the BOARD is obligated to work with the APPLICANT to develop a solution which would permit the APPLICANT a reasonable use of the property. The Wetland Ordinance section of the Zoning Ordinance calls for a 75' setback from the wetland to any structure. The BOARD in granting the variance of 31.9' to the wetland significantly reduced the protective setback. However, the BOARD failed to take into consideration the following possible mitigative step that could have been investigated:

- The orientation of the long access of the 30' by 50' building envelope was parallel to North Road. The BOARD could have required the long access of the envelope to be parallel to the brook, thereby increasing the distance to the wetlands and giving the long axis a full southerly exposure.
- The BOARD could have reduced the size of the building envelope or could have stipulated the dimensions and exact location of the footprint, again to increase the distance to the wetlands and reduce the encroachment.
- The APPLICANT stated that no test pit had been excavated on the lot to determine the location and extent of bedrock. The BOARD could have called for test pits to be excavated with the results to be used by the BOARD in aiding siting of the building footprint.

Based on these considerations, the SELECTMEN request the BOARD grant a rehearing to consider this information and consider a variance which would increase the distance to the wetland and minimize the encroachment into the wetland buffer requested by the APPLICANT.

Sincerely yours

DEERFIELD BOARD OF SELECTMEN

Frederick J. McGarry

Frederick J. McGarry (Jun 22, 2022 09:14 EDT)

Frederick J. McGarry, Chairman

Cynthia McHugh

Cynthia McHugh (Jun 21, 2022 21:06 EDT)

Cynthia B. McHugh, Selectwoman

Will Huebner

Will Huebner (Jun 21, 2022 15:12 EDT)

William Huebner, Selectman

RWPitman

RWPitman (Jun 21, 2022 17:54 EDT)

Richard W. Pitman, Vice Chairman

Alden Dill

Alden Dill (Jun 21, 2022 15:14 EDT)

Alden Dill, Selectman