

DEERFIELD BOARD OF ADJUSTMENT
P O BOX 159
DEERFIELD, NH 03037
AUGUST 23, 2022

MINUTES OF MEETING

PRESENT: Board members George Thompson, Amy Lockwood: Alternate members Joshua Freed, Spencer Tate, George Kelley. Also present secretary Jane Boucher.

7:15PM Vice Chair George Thompson called the meeting to order noting that Joshua Freed will be serving as chair. Vice Chair Thompson appointed Joshua Freed as a voting member.

Acting chair Joshua Freed appointed George Kelley and Spencer Tate to sit as voting members.

APPROVAL OF MINUTES

Amy Lockwood moved to approve the minutes of July 26, 2022. George Thompson seconded. Voted in favor with George Kelley and Spencer Tate abstaining.

APPOINTMENTS

George Kelley moved to appoint Spencer Tate to serve as a member of the Board of Adjustment for three years. (2025). George Thompson seconded. Voted in favor.

Amy Lockwood moved to appoint James McDonald to serve as an alternate member of the Board of Adjustment for a three year term. George Kelley seconded. Voted in favor.

Kendra Cohen , Mountain Road, was present indicating that she would be interested in serving on the Board of Adjustment.

OTHER BUSINESS

George Thompson advised that HB 1661 has been passed . The office of State Planning, SNHPC are working on how to decipher this and how to come up with the correct way to work with it. Information has been forwarded to Board members.

George Thompson recused himself at this time.

7:30 CASE # 22-08 TOBIN FARWELL FOR ANN MARGEO, 256 NORTH ROAD
Tobin Farwell, George Thompson and several residents were present.

Tobin Farwell said he would like to move ahead with a four member Board.

Amy Lockwood moved to accept Case # 22-08. George Kelley seconded.

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Amy Lockwood questioned the statement made in the letter submitted with the application. i e requesting a ruling of the interpretation of the zoning regulations in particular 330.8.

Acting Chair Freed felt it was a request for clarification and should be taken up separately.

Acting Chair Freed asked for a vote to accept Case # 22-08.
Voted in favor.

Acting Chair Freed explained procedure.

Tobin Farwell said that he wanted to discuss the interpretation of the regulations first. He noted that he hoped they could work on this and come up with a resolution regarding this specific project. He also noted that he wanted to point out the flaws in the regulations and hope they be corrected in the future.

Mr. Farwell referred to Section 330.8 " A minimum 100 foot wide buffer zone shall be maintained along the edge of any tributary stream discharging into Pleasant Lake and along the edge of any wetlands associated with those tributary streams. The required buffer distance shall be measured from the centerline of such tributary streams" He noted that it is now saying that the 100 foot buffer from the edge of the stream should be measured from the center line of the stream. "Streams shall be delineated from the mean high water mark. The buffer zone shall be maintained in its natural state to the maximum extent possible. He said it seems reasonable that the interpretation should be from the edge of any associated wetlands.

Mr. Farwell provided plans. He noted that it was a half acre lot created prior to zoning. It was noted it was 51 feet from the centerline of the brook but 32.8 feet from the edge of the poorly drained soil, a minimum of 50 feet is required. Test pits have been done on the lot , ledge on the westerly portion of the lot is show. Test Pit 2; 24 " to ledge; Test Pit 3 42 " to ledge; Test Pit 4 52" to ledge; Test Pit 1 58". He noted that they are putting in a 95 foot long swale, a little less than 1 percent. A DOT driveway permit has been granted.

At this time Acting Chair Freed read letters from Ruth O'Neal, Debra Tibbetts, Mike Beaudoin and a letter from seven abutters.

Acting Chair Freed asked if anyone would like to speak in support of this application. Erroll Rhodes spoke noting that there is a great deal of emotion involved with the application and felt the owner of the land has the right to build as it is a lot of record.

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George Kelley said that if a lot is approved and the owner has been paying taxes on it. The law specifically says you cannot deprive somebody of reasonable economic use of their land.

Joshua Freed added that land can be bought by private groups and put into conservation.

Will Huebner , President of Pleasant Lake Preservation Association and a member of the Board of Selectmen, thanking the Board for their service. He said that he would like to present three possible alternatives to the plan presented by Mr. Farwell. He said that no. one shows a turning of the building to try to maintain the 50 foot minimum that the ordinance requires, #2 shows a different sized building, #3 shows another way it can be done.

Mr. Huebner provided a letter, approved by the Board of Selectmen. The letter is to N.H. DES to provide Environmental Impact Study on the property and this situation. Mr. Huebner read the letter outlining the issues regarding the lake. He noted that they have asked the Planning Board to consider continuing the hearing until the Study is completed.

Joseph Farrelly provided copies of an "Executive Summary" and noted that he has been a resident of Pleasant Lake for sixty years and he created the Environmental Committee and have been a participant in the Volunteer Lake Assessment Program. He was chairman of the committee for forty five years. He said that two years before he purchased his home you could not swim in front of it, the reason was it was a reservoir for Allenstown and Pembroke.

In 2010 they petitioned the State Legislature relative to the classification of Pleasant Lake. The bill dated 2010 changes the classification to Class A. This makes the Lake and it's tributaries Class A. He referred to the Pleasant Lake Restoration Plan. He read the first paragraph "The water quality of Pleasant Lake is threatened by harmful pollutants in nonpoint source pollutants from the developed areas in the watershed. The desirability of Pleasant Lake as a recreational destination, and increasingly as a permanent residence for newcomers, will likely stimulate continued population growth in the future. Thus, taking protective steps to properly manage and treat NPS pollution in the Pleasant Lake watershed is essential for continued ecosystem health and recreational enjoyment by future generations." He urged the Board to read the report.

Tobin Farwell spoke noting that the septic system is in compliance. The existing driveway is DOT approved for sight distance. He referred to the alternate plans that Mr. McGarry

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provided were created with the knowledge of the ledge.

9:05PM The Board went into deliberative session at this time.

After discussion, the Board completed worksheets for variances requested.

9:50PM The Board came out of deliberative session at this time.

George Kelley moved to DENY the variance from Article III Section 330.8.B. Spencer Tate seconded. Motion carried.

Spencer Tate moved to GRANT a variance for Article III, Section 330.6.H1 to permit the reduction from 75 feet to 20 feet from the edge of the driveway with the following stipulation. Stormwater management be incorporated into the driveway. George Kelley seconded. Voted in favor.

Copies of the Decisions are attached to these minutes.

10PM The meeting was adjourned.

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



OFFICE OF THE BOARD OF ADJUSTMENT
P.O. BOX 155
DEERFIELD, NEW HAMPSHIRE 03037
NOTICE OF DECISION

Case 22-08 Part B

Tobin Farwell, Farwell Engineering Services,
265 Wadleigh Falls Rd, Lee, NH 03861,
for Annmargeo, LLC
217 Middle Road, Deerfield, NH for property at 256 North Road,
Map 206, Lot 1

Notice is hereby given that after a public hearing on August 23, 2022 the four-member board voted to grant **4-0** the request for a variance from Article III, Sections 330.6.H, for setbacks from wetland of less than the required 75 feet.

The board agreed to a driveway with a setback of no less than 20 feet from the edge of wetland. A portion of the driveway already existed. This compromise allowed the house to conform to the minimum required setback of 50 feet for the building.

By direction of Acting Chairman, Josh Freed

George (Skip) Kelley, acting Clerk

August 23, 2022

NOTE: Any person affected has the right to appeal this decision. If you wish to appeal, you must act within 30 days of the date on this notice. The necessary first step, before any appeal may be taken to the courts, is to apply to the board of adjustment for a rehearing. The motion for a rehearing must set forth all the grounds on which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677, for details.



OFFICE OF THE BOARD OF ADJUSTMENT
P.O. BOX 155
DEERFIELD, NEW HAMPSHIRE 03037
NOTICE OF DECISION

Case 22-08 Part A

Tobin Farwell, Farwell Engineering Services,
265 Wadleigh Falls Rd, Lee, NH 03861,
for Annmargeo, LLC
217 Middle Road, Deerfield, NH for property at 256 North Road,
Map 206, Lot 1

Notice is hereby given that after a public hearing on August 23, 2022 the four-member board voted to **deny 4-0** the request for a variance from Article III, Sections 330.8.B, for setbacks for the purpose of allowing the construction of a single-family home of a maximum 1,260 square foot footprint inside of the setbacks as shown on the submitted plan, so as to have setbacks no less than those shown, namely 31.9 feet. The decision was based a finding by the board that the lot was able to be reasonably used without the requested relief.

By direction of Acting Chairman, Josh Freed

George (Skip) Kelley, acting Clerk

August 23, 2022

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