

BOARD OF ADJUSTMENT  
P O BOX 159  
DEERFIELD, NEW HAMPSHIRE  
JUNE 22, 2021

#### MINUTES OF MEETING

PRESENT; Board members George Thompson, Anthony DiMauro, Jonathan Leer, Alternate members Harry Hotaling, Amy Lockwood, George Kelley. Also present Jane Boucher, secretary.

7:15PM In the absence of Chair Joshua Reed, Vice Chair George Thompson called the meeting to order.

#### APPROVAL OF MINUTES

Jonathan Leer moved to approve the minutes of May 25, 2021. Harry Hotaling seconded. Voted in favor.

At this time Anthony DiMauro arrived and noted he did have a correction. Anthony DiMauro moved to re-visit the minutes of May 25 and noted a correction on Page 1 that "Anthony DiMauro and George Thompson were not present."

Harry Hotaling seconded. Voted in favor with Anthony DiMauro and George Thompson abstaining.

#### OTHER BUSINESS

Vice Chair Thompson advised that Chair Joshua Freed, although willing to continue to serve as a member of the ZBA, has indicated that he would like to step down as Chairman.

At this time Harry Hotaling was named to serve as a voting member of the Board. Amy Lockwood will serve as a voting member for Case # 21-06 and George Kelley will serve as a voting member for Case # 21-07.

George Thompson noted that Anthony DiMauro has advised that he will serve as chair. Jonathan Leer moved to appoint Anthony DiMauro to serve as Chairman of the ZBA. Harry Hotaling seconded. Voted in favor.

Anthony DiMauro advised that there currently is a vacancy on the Board for a member because of the resignation of Stephen Stephenson.

George Thompson moved to recommend the appointment of Amy Lockwood, to the Board of Selectmen to serve as a member of the ZBA for a three year term. Jonathan Leer seconded. Voted in favor.

7:30PM Clerk Jonathan Leer read the Notice of Public Hearing; Case 21-06 Applicant/owner Julie DeCosta and Gigi Klipa, 19 Candia Road, Deerfield, NH for property at the same address

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(Map 415 Lot 43) are requesting a variance from Article II, Sections 204.1 and 207.3 , for setbacks for the purpose of building an attached mudroom and garage.

Case #21-06 Applicant owner EOR Realty Development, LLC, 63 Route 27, Raymond, NH for property at Brown Ave, Map 424 Lot 24 Sub 2, is requesting a variance from Article II Section 204.1 for minimum lot size per dwelling to permit a subdivision of a 5.606 acre parcel into two parcels.

Chair DiMauro explained procedure.

CASE #21-06 JULIE DECOSTA/GIGI KLIPA  
Julie DeCosta and Gigi Klipa were present.

Julie DeCosta said that they were at the May meeting and were a little confused regarding the requested setback of 27 feet. The did ask for a continuation to this evening. She noted that they would like to request a 25 foot setback.

Ms. DeCosta made the change to 25 feet on the submitted drawing and signed it.  
She indicated that there will not be any other changes to the submitted plans.

No one spoke in favor or opposed.

7:45PM The Board went into deliberative session and completed work sheets.

8:50PM Harry Hotaling moved and Jonathan Leer seconded to Grant a variance to Julie DeCosta and Gigi Klipa for property on 19 Candia Road, Deerfield, NH .

8:50PM CASE #21-07 EOR REALTY DEVELOPMENT  
Attorney Nicholas Kanakis was present representing EOR Realty Development. Two other individuals were also present.

George Thompson moved to accept Case # 21-07. Jonathan Leer seconded. Voted in favor.

George Kelley will serve as a voting member for Case #21-07 replacing Amy Lockwood.

Attorney Kanakis referred to the application , addressing the questions. A copy of the application is attached to these minutes.

Attorney Kanakis said there were no structures on the lot.

Board members reviewed the plans submitted.

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Board members questioned the "hardship" noting that a building permit could be granted for one home.

Errol Rhodes questioned the rural character and referred to the Master Plan.

George Kelley questioned if there has been any attempt to modify the lot to bring it into compliance. Attorney Kanakis replied not to his knowledge.

8:15PM The Board went into deliberative session at this time and completed work sheets.

During discussion Board members agreed they saw no hardship.

8:30PM The Board came out of deliberative session. Jonathan Leer moved to Deny a variance to EOR Realty. George Kelley seconded. Voted in favor. It was unanimous.

8:30PM The meeting was adjourned.

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



OFFICE OF THE BOARD OF ADJUSTMENT  
P.O. BOX 155  
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APPLICATION FOR A VARIANCE

Do not write in this space.

Case No. \_\_\_\_\_

Date Filed \_\_\_\_\_

Application Fee: \$100.00 plus \$7.00 for each applicant and abutter to defray the cost of certified mailing. Payable to: *Town of Deerfield, NH 03037.*

Mail completed form, fee, and all supporting documentation, or deliver to the town clerk's office.

Board of Adjustment  
Town of Deerfield  
P.O. Box 155  
Deerfield, NH 03037

Name of Applicant EOR Realty Development LLC

Address 63 Route 27, Raymond, NH 03077

Owner (if same as applicant, write "SAME") Same

Location of property (street, number, sub-division & lot number) Brown Road

Map 424 Lot 24 Sub 2

**SUBMITTALS:**

- ☐ A copy of the DENIAL of the original request for which relief is being sought bearing the signature of the town official DENYING the request and the date of the DENIAL.
- ☒ Map showing the parcel of land [e.g. tax map from Selectman's Office] and all adjacent properties.
- ☒ Scaled Drawing showing all buildings and setbacks to adjacent properties; any water bodies or wetlands; driveways; and rights of way, etc.
- ☐ If the request includes modification of existing buildings: scaled drawing of the current floor plan and the proposed floor plan.
- ☒ A notarized letter of authorization when the property owner will not be present and someone else is to represent the applicant when the case is heard.
- ☐ Letters of agreement from the Department of Environmental Services or the Department of Transportation, if applicable.
- ☐ If any of the submittals are larger than 8½" by 11" then 8 copies must be provided.

**Note:** This application is not acceptable unless all required statements and submittals have been made. Additional information may be supplied on separate sheets if the space provided is inadequate.

A variance is requested from article II section/s 204.1 of the  
zoning ordinance to permit a subdivision of a 5.606 acre parcel into two parcels. The  
minimum lot size in the AR Zone is 3.000 acres.



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FACTS IN SUPPORT OF GRANTING THE VARIANCE

1. Granting the variance would not be contrary to the public **interest** because:

the variance does not alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public. The current parcel is the last lot along the gravel extension of Brown Road and each lot after subdivision and will still be larger than 12 other lots on Brown Road and would not alter the essential character of the neighborhood.

Literal enforcement of the provisions results in an unnecessary hardship.

2. If the variance were granted, the **spirit** of the ordinance would be observed because:

granting the variance would not threaten the public health, safety or welfare. All other dimensional requirements are met and the subdivided lots are larger than 12 other lots on Brown Road, keeping with the essential character of the neighborhood. There will be no impact on public health, aquifers, surface waters and wetlands, the Watershed Protection Overlay Zone, or water quality by granting the variance.

3. Granting the variance would do substantial **justice** because:

the loss to the owner from a denial is not outweighed by a gain to the general public. Again, the subdivision is in line with the essential character of the neighborhood and each lot will be larger than 12 other parcels on Brown Road. The subdivision allows a more practical use of the land by allowing two lots of about 3 acres, which is more common along Brown Road, than a single larger parcel.

4. If the variance were granted, the **values** of the surrounding properties would not be diminished because:

A subdivision will allow the construction of two new single family residences, which will have a positive impact on the market value of the surrounding properties. Further, the surrounding parcels that are just larger than 3 acres will see additional value as they will be slightly larger than the subdivided lots and more desirable.



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5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary **hardship** because:

- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

application of the ordinance provision to this property would not advance the purpose of the ordinance provision in any fair and substantial way. As stated above, the spirit of the ordinance is observed and the variance allows a more productive use of the property while enhancing neighboring property values and keeping with the character of the neighborhood.

and:

- ii. The proposed use is a reasonable one because:

this parcel is oversized in comparison to the average parcel on Brown Road, but just undersized to be subdivided. Allowing the subdivision will not violate the purpose of the ordinance and have a positive impact on the surrounding properties.

B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

All similarly sized parcels are long and narrow compared to this parcel's relatively square shape. It is much more fit to be subdivided than other parcels along Brown Road as its shape and configuration allows for two residences that meet frontage and setback requirements.

Applicant

  
(signature)

Date

9/27/21