

TOWN OF DEERFIELD, NH
ZONING BOARD of APPEALS
George B. White Building
8 Raymond Rd. Deerfield, NH 03037

March 28, 2023
Meeting Minutes

Meeting called to order at 7:15 PM

Roll Call: In attendance - Spencer Tate, Kendra Cohen (Alternate), James McDonald, Amy Lockwood, George Thompson, Tony DiMauro, Skip Kelley (Alternate)

Mr. DiMauro noted that the number for the zoom link was incorrectly posted. The meeting was streamed live on youtube and the correct number for zoom was given.

Approval of Minutes: Motion made by Ms. Lockwood to approve the minutes of the 1/24/23 meeting, seconded by Mr. Thompson. All in favor.

New Business: Mr. DiMauro reported that Josh Freed will not be returning. He is out of the country.

Public Hearings:

Case 23-02 DAR Builders LLC 722 East Industrial Park Dr Unit 17 Manchester, NH 03109, Address of Variance Property Map 209, Lot 34 North Road Deerfield, NH 03037: Variance requested for 28 unit complex on an 11 acre parcel. Variance also requested for zoning relief from the community building requirement. Mr. Thompson made a motion to accept the case, seconded by Ms. Lockwood. All in favor. Mr. Kelley recused himself from the case. Mr. Tate stated he has a professional relationship with Randy Knowles. Mr. Knowles and the other ZBA board members were ok with him not recusing himself, saw no conflict of interest as he is not involved in this project. John Cronin and Randy Knowles appeared before the board to present their cases for the requested variances. Mr. Cronin gave a brief history of the project. He explained the density waiver is a must for the project to continue in order to make the housing units affordable to residents. He said he hopes to have the community building requirement variance granted as well, based on needs of the interested parties. Mr. Cronin said that those types of buildings are not often used and cost money to maintain, which is passed on to the

residents of the units in their maintenance fee. Applicant said washers & dryers will be in each unit.

Public Comments

Jeanne Menard, Mountain Rd: Ms. Menard said she is very much in favor of this project. There is a high need for senior housing in Deerfield. She agrees with Mr. Cronin that community buildings do not get used much. One use is laundry, which is a hardship to the residents of the units as they have to carry laundry to the community building. She said other arrangements would need to be made for mail delivery if no community building were built. She agrees with the applicants that the density waiver is necessary to keep costs down for residents.

Matt Bourque, North Rd: Mr. Bourque is an abutter of the site of the proposed project and is very much in favor of the project. Mr. Bouque stated that he has lived in condos before and the community buildings do not get used. He said this is a great plan and feels the waivers should be issued.

Ed Cross, Thurston Pond Rd: Mr. Cross stated that his father lived in Sherburne Woods. He said it was wonderful for his dad to live out the rest of his days in town, independently, and that there is not nearly enough senior housing in Deerfield. Mr. Cross agrees that the community building does not get used very much. He said it was a burden for his father to have to do laundry in the community building so he supports the proposal.

There were no public comments made in opposition.

The board went into deliberative session. The board decided to discuss each waiver individually. Mr. Tate felt the 28 units seemed reasonable. He said age controlled housing has lower water usage and that 4 senior housing units is equal to one 4 bedroom house. Ms. Cohen said she has one concern and that she doesn't know if 22 versus 28 units would make a huge impact but wondered whether it would impact emergency services. Mr. McDonald said that is a big project for that property and he has concerns about the impact on abutting neighbors on Freese's Pond. Ms. Lockwood said she is in favor of the density waiver. She said senior housing is a priority and affordability is an important part of the formula. She said affordable housing is a priority in the town zoning ordinance. Mr. Thompson said he is in favor of the density waiver. Mr. Kelley agreed that this project is a good opportunity for residents to continue living in Deerfield. He said 6 additional units seems like a small stretch against the need for senior housing. He also suggested maybe instead of a community building that hiking/walking trails could be included instead. Mr. DiMauro agreed with others in favor of the density waiver. Mr. Tate made a motion to grant the density waiver, seconded by Mr. Thompson. All in favor. The board then discussed the community building waiver. Mr. DiMauro said he doesn't feel community building is necessary. He feels it adds green space without it. Ms. Cohen said she liked Mr. Kelley's idea of walking trails since 107 is unwalkable. Mr. Tate said he is opposed to the community building waiver. He said he would be ok with a reduction in size but he believes the intent of community building requirements is to keep services in the development. If no

community building, mail and laundry would have to be put somewhere else. He said putting laundry in the basement of one of the units puts an undue burden on that individual unit. Putting it outside means someone has to shovel it in the winter. Putting those services in a communal building eliminates those issues. Mr. McDonald said he agrees with Mr. Tate's comments. Ms. Lockwood said she agrees with some of the comments about the buildings not being used much but she doesn't think the hardship requirement of the variance has been shown. She feels the place to change a community building requirement would be in the ordinance, not in a variance. Mr. Kelley said he feels the hardship requirement is met because it will present a hardship to the residents of the units by making them not as affordable if they have to build and maintain a community building that won't get used. Mr. Tate moved the question. A motion to grant the waiver was made, seconded by Mr. Tate. Vote was 2 in favor, 3 opposed. Motion failed, the waiver denied.

Case 23-01 Larry Dunn 493 W River Rd Hooksett, NH, Address of Variance Property 12A Baker Ave Deerfield, NH: Setback variance requested. Mr. Dunn stated he intends to complete renovations to his cottage to make the lot more conforming and to satisfy his neighbors. He said the property has been neglected for many years and he has started to renovate the exterior. He applied for a shoreline permit last summer upon replacing a septic pipe and it was recommended to him to create a 5 year plan for entirety of renovations. He stated the proposal is for two additions to the cottage, one of which would allow a 2' bump out to afford a 10x10 kitchen.

Public Comments

Patrick McGovern, 12C Baker Ave: Mr. McGovern spoke in opposition to the variance. He and his mother own four of eight non-conforming lots that were created in 1963. The lots are all separate lots that share 205' of water frontage. Mr. McGovern says that Mr. Dunn has been proposing renovations for 5+ years to the neighborhood association. Mr. McGovern says that the proposed renovations are going to block the neighbors' lake views. Mr. McGovern also said he doesn't know where the property line is. He had his lot and his mother's lots surveyed and the offer was made to also do Mr. Dunn's lot. Mr. Dunn never followed up to scheduled the survey but the surveyor told Mr. McGovern that two pins were removed from Mr. Dunn's lot on the waterfront. Mr. McGovern also stated concerns that a septic system installed in the 1940s couldn't meet today's standards.

Dave Hardy, 12B Baker Ave: Mr. Hardy is also the neighborhood association president. He said he has two concerns. One concern is the lot line at the waterfront. He said no one seems to know where it is and that it doesn't make sense to him to request a variance if you don't know where the property line is. His second concern is for the direct abutter to Mr. Dunn's property. The proposed renovations will block their lake views and they have already had part of their view blocked by an apple tree on Mr. Dunn's property. They have asked him to trim the tree but he has not.

Mr. Dunn replied that abutters have had the opportunity to view the plans through the town. He said there is no point in having the property surveyed since he is not challenging the 37.5' sideline setbacks. The building inspector said he did not need to have the property surveyed. He said as to the accusations of pulling pins, there are two rear pins. One is on the west side on the ground, the other on the east side adjacent to the boat ramp against the stone wall. He said he can't trim the apple tree because trees can't be trimmed more than 3' on the shoreline.

The board went into deliberative session. Mr. DiMauro said the board accepts in good faith that the information on the application is accurate. He said there is a clear conflict amongst the neighbors but that it is not the job of the ZBA to solve that. Mr. Tate said it would behoove the applicant to make sure he knows where his property lines are before he begins construction so he doesn't have to remove anything after it's already built. Mr. Thompson said if the board is going to require lots to be surveyed they need to put that in their bylaws and make it a requirement. He said it is up to the neighbors to challenge lot lines, not the ZBA. Ms. Lockwood said part of the application is the applicant stating that the information provided is accurate. Mr. Thompson recommended the board come out of deliberation to allow the applicant to talk about his lot line. Mr. Thompson made a motion for the board to come out of deliberative, seconded by Mr. Tate. All in favor. The board came out of deliberative.

Mr. Dunn explained how he had come to his measurements. The board went back into deliberative. Ms. Cohen said she feels it is a slippery slope to require surveys for disputes. She said that could be used as a tactic for any application that a neighbor doesn't like to stall the application. Mr. Tate said they were still unclear on the hardship. It seems to him the additions are aesthetic, not for egress etc. Ms. Cohen agreed and said it is again a slippery slope to allow just "2' here and 2' there" for this owner and then again for the next owner and so on. Mr. Tate said the dry well is also 36' from the lake, not the required 75', and is only 46' from the well. Ms. Lockwood said the size of the kitchen in the addition seems to be just aesthetics, as is the bump out on the other side. She added that the lots are all non-conforming and it is not the job of the board to grant variances for aesthetics.

Mr. McDonald made a motion to deny the variance, seconded by Ms. Lockwood. Vote was 3 in favor, 2 opposed. Motion passed. Variance not granted.

The board took a five minute recess.

Case 23-03 Jeff Pratte 115 Seventh Ave Manchester, NH 03102 Address of Variance Property 3 Duke's Lane Deerfield, NH: Setback variance requested. Mr. Tate made a motion to accept the case, seconded by Ms. Lockwood. All in favor. Mr. Pratte would like to increase the size of his 6'x6' bathroom in his camp. His proposed renovation will not bring his camp closer to the property line than it already is. He said he can't build on the other side due to the septic system.

Public Comments

Jeff Robideau, 4 Duke's Ln: Mr. Robideau spoke in favor of the variance. He said the proposed renovations do not affect him or other neighbors.

No comments in opposition were made.

The board went into deliberative. Mr. McDonald said the applicant isn't going out of the existing footprint of the camp and not impeding on his neighbors. Mr. McDonald made a motion to grant the variance, seconded by Ms. Lockwood. All in favor.

Case 23-04 Brandon Palmer/Revision Energy 24 Range Rd Deerfield, NH Address of Variance Property 24 Range Road: Wetland setback variance requested. Motion to accept case was made by Ms. Lockwood, seconded by Mr. Tate. All in favor. Heather Owerski from Revision Energy stated that the solar system was already built. She said that she had looked at GIS wetland maps and there were only wetlands on the rear of the property, not where construction was to take place. She said they made sure the construction was more than 75' from the wetlands. The building inspector approved the location prior to construction but upon follow up inspection noticed an intermittent stream. It is not a pond or open water, just an area that gets wet and stays wet for longer than 14 days. They had thought it was seasonal runoff. After the building inspector found the intermittent stream, they hired a wetland scientist, who had the area flagged, delineated wetland and provided feedback. The wetland report and photos are included with the application for variance. They installed erosion control. Ms. Owerski stated that solar is non-toxic and that it would be more destructive to move the steel pillars. She said until the variance is approved the system is not operational. She also stated that they have assessed the property and there isn't a better place for the system. The roof won't work as there are trees in the way that would need to be removed. The lot is a long, narrow lot so any other location would require a variance of some sort anyway.

No public comments in favor or opposition were made.

The board went into deliberative. Mr. Tate made a motion to grant the variance, seconded by Ms. Lockwood. All in favor.

The board took a five minute recess.

Case 23-05 Debra Zorawowicz 6 Holt Rd Deerfield, NH Address of Variance Property Map 208 Lot 46 6 Holt Rd Deerfield, NH: Setback variance requested. Motion to accept case made by Mr. Tate, seconded by Ms. Lockwood. All in favor. Ms. Zorawowicz would like to build a metal garage. They have a paved driveway. No power or water to the garage. They can't put further back on their property because of the pond.

No public comments in favor or opposition were made.

The board went into deliberative. Ms. Lockwood said it seemed a reasonable request and seemed appropriately located. Ms. Lockwood made a motion to grant variance, seconded by Mr. Tate. All in favor.

Meeting adjourned at 10:57 PM.

These minutes were transcribed and respectfully submitted by Tina St. Peter,
Recording Secretary