

**TOWN OF CHESTERFIELD, NH
ZONING BOARD OF ADJUSTMENT**

**MINUTES
June 10, 2014**

Present: Chairman Burt Riendeau, Andy Cay, Harriet Davenport, Renee Fales, John Perkowski, Alternates Lucky Evans and Kristin McKeon

The Zoning Board of Adjustment met at the Chesterfield Town Office on June 10, 2014. Riendeau opened the meeting at 7:35 p.m. and explained the process of the meeting.

1. **Mark Lanoue** requests a variance from Article II, Section 208.2, to allow outside display area for caps and trailers. The property is located at Route 9, Spofford 03462 (Map 10A Lot A5) Office/Retail Space/Service District.

Present: Mark Lanoue and Jim Mullane

Lanoue explained that Mullane is the potential renter of the property, with the condition that the application is approved as presented in the site plan to the board members. Lanoue explained the request is to allow truck caps and towable trailers to be displayed outside on the building, as presented in the site plan. The trailers will be 14 to 16 feet in length and will be parked on the back side of the building with a 30 foot setback. There is a Public Service easement at the back side of the building. The building is already within the 75 foot setback from Route 9. McKeon noted that the shared right-of-way driveway easement was granted for driveway purposes, per the deed description, which is located on the west side of the lot. Riendeau stated that no more than 20 parking spaces in a row will be allowed without a 10 ft. landscape barrier. He added that the setback is 75 ft. from the front of the building and there is a Public Service easement in the rear of the building. Cay stated that the east side setback is 50 ft. where that is a residential area. Fales noted that the variance should have also included Article II, Section 208.6a.

Gordon Fuller, abutter, inquired as to the number of trailers that would be on display outside and what the lighting would be used. Mullane responded that there would be 25-30 trailers and the existing lighting would be used. Mullane added that the trailers will not be worked on outside the building. Fuller also had traffic concerns in the area.

Sean Ogren, abutter, asked about days and hours of operation and whether a PA system will be used. Mullane replied that the business would be closed on Sundays and Mondays and closed at 5:30 p.m. with not be using a PA system.

Fales moved to close the public portion of the meeting. Davenport seconded the motion, which carried.

Riendeau stated that the prior variances on this property and what is the status of them should be considered. Cay stated that the prior approved variances do not expire. He added that the intensity is different from what existed in this area in prior years. Davenport stated that the

granting of the 1992 variance of 208.6a should still exist to grant boats, automobiles and recreational vehicles to allow outside storage. There was testimony given in the 1992 variance, stating that 21 parking spaces would be allowed, given the size of the building. Perkowski felt that the current variance request is less intrusive than boats and campers, but does have setback issues. He added that additional conditions could be made on the caps for the allowed spaces. Riendeau stated that a display cannot be in the front setback, not even for a weekend sale. Cay stated that this variance is different from what was approved in the 1990's. This applicant is requesting to allow putting truck caps and utility trailers and the board needs to specify where the trailers and caps can be and determine to density.

Perkowski moved to open the public portion. Davenport seconded the motion, which carried. Lanoue stated that if the board determines to not allow the display of the trailers and caps on the west side of the building as presented in the site plan, his client will no longer be interested in renting the property.

Fales made a motion to close the public portion, seconded by Davenport. The motion carried.

Fales made a motion to deny the variance from Mark Lanoue from Article II, Section 208.6a to allow for outside storage of goods and materials for the trailer and truck cap business for the store at 1763 Route 9 in Spofford, NH as presented by a proposed site plan from Bell Engineering Civil and Environmental dated 6/3/2014 displaying numerous amounts of utility trailers and truck caps within the front and west side setback of the property.

Criteria for approval:

- A. The variance would be contrary to the public interest. No, as the intensity of use of the site would become increased and having the trailers in the side setbacks increase more intensity.*
- B. The spirit of the ordinance is not met by not having the truck caps and trailers in the side setbacks, which is 30 ft. per Section 208.5.*
- C. Substantial justice is not done. There is no loss or gain by the property owner, whether it is a loss to the public to allow the trailers to be parked within the side setbacks to allow the trailers within the side setbacks against the ordinance.*
- D. Values of surrounding properties are not diminished, by adding these trailers, no noises or smells in which it would affect property values.*
- E. There are special conditions with this property. It would grant some relief, as it has been used as the commercial venture in the past several decades. However, the intensity of the use has not been, as such proposed with this site plan. The proposed use would be a reasonable one. It has had similar uses before without storage, as approved by different variances in the past years. However, this intensity of this use is a lot more than has been granted in the past, where there were only 21 vehicles that were proposed to be used as outside storage now there are 25 to 30 trailers and potentially 80 truck caps.*

Davenport seconded the motion.

Perkowski stated that this property has 4.17 acres, which is a lot of area to store a lot of merchandise without having to use the within front and side setback.

A vote for "yes" would be a vote to deny the request.

Vote was called: Yes – 5. The motion passed unanimously to deny.

2. **Constance M. Broutsas** requests a variance from Article V Section 601.2 to permit a customary professional office and business service. The property is located at 762 Route 63, Chesterfield, NH 03443 (Map 5A Lot A25) Residential/Spofford Lake District.

POSTPONED UNTIL TUESDAY, JULY 8, 2014

3. **Review Meeting Minutes**

- **April 8, 2014** – *Fales moved to approve the minutes as revised. Evans seconded the motion, which carried. (Voting: Cay, Evans, Davenport, Fales, and Riendeau)*
- **May 27, 2014** – *Perkowski made a motion to approve the minutes with the word “ordinance” being added. Davenport seconded the motion, which passed unanimously. (Voting: Cay, Evans, Davenport, Perkowski and Riendeau)*

4. **Other**

Riendeau suggested that the board members review alternate board members document that was part of their packet. This will be discussed and at the July meeting for the possibility of amending the Rules of Procedure.

Riendeau has met with an Attorney Joseph Hoppock on the lawsuit. He wanted to discuss their conversation in non-public session but the non-public topic was not put on the agenda. Riendeau stated attending members to the non-public session would be Evans, who stepped in as a sitting member to cover Perkowski during his absence from the board. He added that Perkowski will be privy to the non-public meeting. Riendeau stated that the Findings are due in court by June 19, 2014.

Jon McKeon stated that, in reference to the ZBA Rules of Procedure under section VIII Ex Parte Communications, section A, he noticed that Riendeau asked the vice chair to set out into the hall to discuss something prior to the meeting and stated that if it had something to do with the Zoning Board, that the information should be shared with the other board members. Riendeau acknowledged the comment.

Adjourn: Perkowski made a motion to adjourn the meeting. Evans seconded the motion, which carried unanimously. The meeting adjourned at 10:35 p.m.

Respectfully submitted,
Patricia Grace
Secretary

Approved

Burt Riendeau
Chairman, Zoning Board of Adjustment

Date _____