

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

**MINUTES
October 14, 2014**

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

Absent: Andy Cay

The Zoning Board of Adjustment met at the Chesterfield Town Office on October 15, 2014. Riendeau opened the meeting at 7:30 p.m. and explained the process of the meeting.

1. **Robert J. Kasper, Jr., Attorney for Beach Revocable Trust** requests an appeal from an Administrative Decision of the Zoning Board of Adjustment of two previous decisions rendered on December 14, 2004 and April 12, 2005 to stay the issuance of a driveway permit. The property is located at Forest Avenue, Spofford 03462 (Map 8 Lot A4) Rural/Agricultural District.

Present: Robert J. Kasper, Jr., David Mann, Land Surveyor and Bruce Beach, property owner. Voting on this application will be Davenport, Fales, Perkowski and Riendeau. Evans will be voting in the absence of Cay.

Riendeau stated that he has communication with Bart Bevis, Chesterfield Road Agent and confirmed that there has not been a recent driveway permit request submitted. Riendeau also spoke with legal counsel on this request from an Appeal from an Administrative Decision of 2004 and 2005, because the 30-day appeal process has expired.

Kasper stated that the road agent told him that he would not issue a driveway permit because of the prior result in the past. He came to the ZBA because of a deferred decision for lack of information on the lot lines. Kasper noted that the old Route 9 driveway still exists and it comes out on to Forest Avenue. Mann recently surveyed the area of old Route 9 and provided maps indicating exact boundaries to where the lot line ends at Forest Avenue.

Riendeau stated that the road agent didn't have boundary line information in his earlier decision or whether there was a side setback issue in 2004. He added that there was no other additional information in 2005 to confirm the setback issues. Therefore, the ZBA denied the issuance of the driveway permit. Riendeau suggested that the applicant make a new request for a driveway permit with the road agent along with the new survey of the property lines. Kasper noted that the only accessible road frontage on this property is on Forest Avenue. Mann stated that no new access permits allowed to Route 9. Riendeau stated that the ZBA cannot determine if the road agent will have adequate information to issue a driveway permit to this property.

Evans moved to pass the driveway permit issue on to the town road agent for his consideration. Perkowski seconded the motion, which passed unanimously.

2. Review Meeting Minutes

Riendeau stated that he received counsel as to whether Perkowski should have access to the non-public minutes of June 19, where Evans was assigned to his position while Perkowski was absent. Counsel determined that if Perkowski was to retake his position on the Nine A LLC case, making Evans the alternate, Perkowski would be allowed to review the minutes of June 19. Perkowski replied that he did not want to retake the position, unless Evans became unavailable. Riendeau stated that the minutes will be provided to Perkowski, in the event that Evans was not available to fill the seat.

Riendeau moved to enter into Non-Public session pursuant to RSA 91-A:3 II (e) to discuss nonpublic meeting minutes of June 19, 2014, inviting voting members who attended that meeting. Fales seconded the motion which passed unanimously.

At 8:10 p.m. Perkowski was excused from the remaining portion of the meeting. McKeon was excused from the nonpublic portion of the meeting.

- **June 19, 2014 – (Nonpublic)** - *Fales moved to approve the minutes as revised and to seal the nonpublic minutes until the action of the Town of Chesterfield Board of Selectmen v. the Town of Chesterfield ZBA is concluded. Evans seconded the motion, which passed unanimously. (Voting: Evans, Davenport, Fales, and Riendeau)*
- **July 8, 2014 –** *Davenport moved to approve the minutes as presented. Evans seconded the motion, which passed unanimously. (Voting: Evans, Davenport and Riendeau)*

3. Rules of Procedure

The board determined to keep the approved Rules of Procedures as is until there is a full board to discuss any changes.

4. Next Meeting - Schedule Change

The regularly scheduled meeting falls on Veterans Day. Grace was asked to contact Perkowski and Cay to see if they are available to attend a ZBA meeting.

5. Other Business

ZBA Budget for 2015: The board reviewed the budget proposed by the town administrator. *Fales moved to accept the proposed ZBA Budget for 2015. Davenport seconded the motion which passed unanimously.*

Highland Arms Complaint Letter: The board received a complaint letter for the shooting coming from Highland Arms on Route 63 and their concerns of the ZBA awarding a special exception to this business owner. Selectman Larkin explained the issues that were discussed at a Selectboard meeting with other residents who complained of excessive shooting at that location. Larkin didn't know of any citations that were issued to the business owner. The ZBA restricted the

number of employees to three for his home industry with the right to manufacture, stated by Riendeau.

Adjourn: Davenport made a motion to adjourn the meeting. Fales seconded the motion, which carried unanimously. The meeting adjourned at 9:35 p.m.

Respectfully submitted,
Patricia Grace
Secretary

Approved

Burt Riendeau
Chairman, Zoning Board of Adjustment

Date_____