

1 **Enfield Zoning Board of Adjustment – Meeting Minutes**
2 **DEPT OF PUBLIC WORKS/ZOOM PLATFORM**
3 **September 12, 2023**

4
5 **ZONING BOARD OF ADJUSTMENT MEMBERS PRESENT:** Mike Diehn (Chair), Susan
6 Brown, Cecilia Aufiero

7
8 **ZONING BOARD OF ADJUSTMENT MEMBERS ABSENT:** Madeleine Johnson (Vice
9 Chair), Tim Lenihan

10
11 **STAFF PRESENT:** Rob Taylor- Land Use and Community Development Administrator,
12 Whitney Banker-Recording Secretary

13
14 **GUESTS:** Cameron Roberts, Sara Roberts, Kevin & Emily Malenda (17 Crystal Lake Road,
15 Enfield), Nick Burke (3 Campbell St, Lebanon, Law Office of C. Nicholas Burke, PLLC), Dana
16 Arey (12 Donahue Dr, Enfield)

17
18 **I. CALL MEETING TO ORDER:**

19 Chair Diehn called the meeting to order at 7:02 p.m. and took attendance of members. Chair
20 Diehn excused Mr. Lenihan’s absence.

21
22 Chair Diehn read the ZBA rules of procedure for attendees, allowing the applicant to choose to
23 continue with only those members present or postpone until more members are present. With
24 only three members present, all three must agree to approve a variance. The number of board
25 members voting only being three would not be grounds for an appeal.

26
27 **II. PUBLIC HEARINGS:**

28 **A. Land Use Case # Z23-09-01, Cameron and Sara Roberts are seeking variance relief**
29 **from the Enfield Zoning Ordinance, Article IV, section 401.2, paragraph K to subdivide a**
30 **lot to less than 3 acres. The subject parcel is currently 11.66 acres and is located at 804**
31 **Shaker Hill Road (Tax Map 8, Lot 1) in the “R3” Residential zoning district. The subject**
32 **parcel is owned by Cameron and Sara Roberts.**

33 Mr. and Ms. Roberts asked several clarifying questions about the number of board members
34 present and their options for postponing versus continuing with their hearing. Their variance
35 request hinges on their ability to build a house.

36
37 Chair Diehn said that Mr. and Ms. Roberts could begin presenting their case, and the board
38 would decide whether it should be continued if necessary.

39
40 Chair Diehn read the case.

41
42 **Ms. Brown MOVED to approve the application to grant the variance.**

43 **Seconded by Ms. Aufiero**

44

45 Chair Diehn opened the motion to discussion.

46

47 The owners live in the existing home and plan to build a new one on 10+ acres. They will sell the
48 existing 1880's farmhouse on the proposed 1+ acres.

49

50 The proposed 1+ acre property is delineated with rock walls already. The property was
51 previously two lots approved by the ZBA in 2015. A previous owner re-combined the lots into a
52 single lot.

53

54 Chair Diehn said that if the 2015 board met and saw fit to grant a variance at that time and the
55 circumstances haven't changed significantly, it feels appropriate for the board to rule the same
56 way. Mr. Roberts confirmed he was asking for the same variance.

57

58 Chair Diehn explained and reviewed the five criteria that the board must consider. Members
59 unanimously agreed that the following criteria would be met.

60 1 – The variance will not be contrary to the public interest.

61 2 – The spirit of the ordinance is observed.

62 3 – Substantial justice is done.

63 4 – The values of surrounding properties are not diminished.

64 5 – Literal enforcement of the provisions of the ordinance would result in an unnecessary
65 hardship.

66

67 Chair Diehn asked for public comment. Mr. and Ms. Malenda commented that the application
68 sounded good to them.

69

70 Findings of Fact:

71 -There was a variance granted for ZBA Case #Z15-05-02.

72 -The smaller property is naturally delineated by the stone walls and the road corner; it is a natural
73 lot separation.

74 -The property is very close to the R1 district, which has a 1-acre minimum lot size.

75 -The home's small lot size matches the neighborhood's character.

76 Chair Diehn asked for further discussion. Mr. Malenda asked when construction would begin if
77 the variance passed. Mr. Taylor noted that the owners would still need to come to the Planning
78 Board for the subdivision. Mr. Roberts estimated that the construction was likely to begin in the
79 spring.

80

81 **Ms. Brown MOVED to approve the application to grant the variance.**

82 **Seconded by Ms. Aufiero**

83 *** The Vote on the MOTION was approved (3-0).**

84

85 **B. Land Use Case # Z23-09-02, Gordon Bagley Jr. is seeking variance relief from the**
 86 **Enfield Zoning Ordinance, Article IV, section 401.1, paragraph M, to construct a deck**
 87 **within the prescribed setback to Mascoma Lake. The subject parcel is 0.2 acres and is**
 88 **located at 43 Meadow Lane (Tax Map 21, Lot 34) in the “R1” Residential zoning district.**
 89 **The subject parcel is owned by Gordon (Jr.) and Blanche Bagley.**

90

91 Mr. Burke said that if there is not at least one additional member present tonight, Mr. Bagley
 92 would like to postpone his hearing. Chair Diehn said that the hearing would be postponed until
 93 the next meeting of the ZBA for a full board.

94

95 **III. APPROVAL OF MINUTES: July 11, 2023 & May 9, 2023**

96 **A. July 11, 2023**

97 ***Ms. Brown MOVED to approve the July 11, 2023, Minutes presented in the September 12,***
 98 ***2023 agenda packet as amended.***

99 ***Seconded by Ms. Aufiero***

100 **** The Vote on the MOTION was approved (3-0).***

101

102 Amendments:

103 Line 110 – capitalize Route

104 Line 113 – ‘erects’ to ‘erect’

105

106

107 **B. May 9, 2023**

108 Board members discussed that the May 9, 2023, minutes had yet to be approved. They were
 109 continued at the June 13, 2023 meeting; however, they were not reviewed for approval at the
 110 July 11, 2023 meeting. Board members reviewed the minutes in person to make amendments.

111

112 ***Ms. Brown MOVED to approve the May 9, 2023, Minutes presented in the June 13, 2023***
 113 ***agenda packet as amended.***

114 ***Seconded by Ms. Aufiero***

115 **** The Vote on the MOTION was approved (3-0).***

116

117 Amendments:

118 Line 30 – capitalize OK

119 Line 96 – ‘bard’ to ‘barn’

120 Line 134 – ‘she’ to ‘shed’

121 Line 148 – ‘in its’ to ‘to the’

122 Line 198 – ‘client’ to ‘climate’

123 Line 18 – Lenihan absence excused – add sentence.

124 Line 174/175 – add times for recess add recess times

125

126 **IV. NEW BUSINESS:**

127 None.

128

129 **V. OLD BUSINESS:**

130 None.

131

132 **VI. NEXT MEETING:** October 10, 2023

133

134 **VII. ADJOURNMENT:**

135 **Chair Diehn adjourned the meeting at 7:51 p.m.**