

1 **Enfield Zoning Board of Adjustment – Meeting Minutes**
2 **DEPT OF PUBLIC WORKS/TEAMS PLATFORM**
3 **March 12, 2024**

4
5 **ZONING BOARD OF ADJUSTMENT MEMBERS PRESENT:** Mike Diehn (Chair), Susan
6 Brown, Madeleine Johnson (Vice Chair), Cecilia Aufiero, Daniel Regan (Alternate), Bill Finger
7 (member-elect)

8
9 **ZONING BOARD OF ADJUSTMENT MEMBERS ABSENT:**

10
11 **STAFF PRESENT:** Rob Taylor- Land Use and Community Development Administrator, Ed
12 Morris-Town Manager, Whitney Banker-Recording Secretary, Phil Neily, Fire Chief,

13
14 **GUESTS:**

15 **In Person:** John Dibitto (owner, 107 Maple Street, Enfield), John Cronin (Attorney, Cronin
16 Bisson & Zalinsky P.C.), Karl Dubay (The Dubay Group, Inc.), Stephen J. Dougherty (DC
17 Development & Construction), Paul Currier, Gabriele Currier, Carl Pellerin, Betty Plichta, Kathy
18 Trasatti, Phillip Trasatti, Phil Neily (Enfield Fire Chief), Laurie Griffin, Bill Griffin, Jean Patten,
19 Steve Patten, Sue Gibson, Marty Gibson, S. Gwyn Dessert, T. Defelice, Stephanie McSwain,
20 Douglas Plumley, Bill Warren, Anita Warren, Sharon Beaufait, Dave Beaufait, Diane
21 Ignatowicz, Lisa St. Amand, Jim Magnell, Jim Sullivan, Greg + Shelly Sargent, Kurt Gotthardt
22 **Via Teams:** Julie Eckert, Angus Durocher, Brad Rich, Charles Perkins, Gail Goodness, Jack
23 Sullivan, Liz Sauchelli (Valley News), Nancy Smith, Taylor Hawkins, Tom Claus, Tony
24 DeFelice, Charlie Koburger, Christopher Ross, Brenda Eastman, Rob Stenger, L&L Battis,
25 Leigh Davis, Sharon Parker, Mark Wilcox, Timothy Tarner, Heidi Sidley, Gail Goodness,
26 Charles Crump

27
28 **CALL MEETING TO ORDER:**

29 Chair Diehn called the meeting to order at 7:07 p.m. and took attendance. He seated Mr. Regan
30 as a voting member for tonight.

31
32 Chair Diehn provided an overview of the hearing process and scope.

33
34 **PUBLIC HEARINGS:**

35 **Enfield Land Use Case # Z24-03-01, DC Development & Construction LLC (Stephen**
36 **Doherty, duly authorized) has applied for zoning variances with the Enfield ZBA for a**
37 **housing development. First, a variance is requested from article IV, section 401.1,**
38 **paragraph “L” to allow for a building’s height to be greater than 35 ft. Second, a variance**
39 **is requested from article IV, section 401.1, paragraph “U” which states that “no lot shall**
40 **have more than one principal building”. The subject parcels are located at 107 Maple**

41 **Street (map 14, lots 47 & 48) and are owned by Maple Street- Enfield Acquisition LLC**
42 **(care of John Dibitetto).**

43

44 Chair Diehn said that the Planning Board had identified both zoning ordinance items discussed at
45 tonight's hearing as part of the zoning ordinance rewrite. They are likely to be removed from the
46 ordinance that will be put to a vote at the 2025 Town Meeting.

47

48 Chair Diehn stated that he would have abutters go first for public comments.

49

50 The applicant had reviewed the Enfield Master Plan, which calls for more diverse housing, and
51 kept this in mind throughout the proposed project's development.

52

53 There will not need to be regular access through the Maple Street emergency access road.

54

55 The parcel has a steep grade, and extensive site work is needed.

56

57 Development of the property through subdivision would require public roads and streets.
58 Subdivided lots are not typical for the development being proposed.

59

60 Density would be met within the existing ordinance. All required setbacks will be met.

61

62 The property has been unproductive for a long time. If the variances were not granted, the
63 project would not go forward. A lesser density would not work well with the property.

64

65 The project would likely be completed in phases.

66

67 The development is estimated to generate an additional 14-16 children, provided by Mark
68 Fougere (Fougere Planning & Development).

69

70 Mark McKeon (McKeon Appraisal Services, Inc., License #3) concluded that building the
71 property would not diminish the market value of surrounding properties.

72

73 The building design is intended to fit in with the New England style of area barns and Shaker
74 buildings rather than the typical urban building design.

75

76 The proposed buildings for apartments will be four stories.

77

78 Each townhouse unit will have a garage.

79

80 The project would connect to municipal sewer and water.

81

82 The slope of the land influenced the more linear design of the building locations compared to a
83 more typical sprawl of buildings.

84

85 The hill behind the development is higher than the highest building peak.

86

87 A rendering video for the proposed project was shared. The video link is:

88 <https://www.youtube.com/watch?v=2p4fRfOf1Zw>

89

90 Chair Diehn moved on to Chief Neily's commentary. The building must be built according to the
91 building and NFPA (National Fire Protection Association) codes. It will be fully sprinkled
92 throughout every occupied area. The buildings are compartmentalized to separate each unit.

93 From a fire department perspective, the proposed height is not a concern; there are five ladder

94 trucks that Enfield has access to through mutual aid (3 from full-time departments, with a

95 response time comparable to Enfield's). The project would not affect the Lebanon Fire

96 Department's mutual aid accommodations to Enfield. Modern construction methods do not lead

97 to extensive burning in the case of fires.

98

99 Chair Diehn moved on to questions from the board.

100

101 Ms. Johnson asked if all buildings were the same height. The proposed townhouses are roughly

102 43' on the side with the lowest elevation, and the apartments are approximately 73' on the side
103 with the lowest elevation.

104

105 Ms. Aufiero asked if there would be a buffer from the street for lighting on the side that faces

106 Maple Street. The proposed lighting will not be excessive. The apartment buildings may be

107 visible from Maple Street. The lighting will be dark-sky friendly, with low lighting that is full-

108 cut off and a warmer tone to minimize light pollution. The design focuses on shorter light poles

109 near parking and facing the apartment buildings. There is a distance of roughly 900' from Maple

110 Street to the proposed apartment buildings. Landscaping and screening can also be added.

111

112 Ms. Johnson asked if there was any way to express the height from Maple Street to the level of

113 the buildings to the slope behind them. There are grading plans and elevations available. Overall,

114 the elevation change from Maple Street is roughly 100', with a 9% grade.

115

116 Mr. Regan asked if the buildings stay at 35', the project will not go forward. Mr. Cronin stated

117 that lower height would not provide enough density to make the numbers work for the

118 development. Mr. Regan asked if there was a mid-point project that would have buildings over

119 35' but lower than the 73' proposed for the apartment buildings.

120

121 Chair Diehn moved on to questions from the public, with abutters first.

122

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123 Ms. McSwain (81 Maple Street) asked if there were small copies of the maps presented
124 available. Chair Diehn explained that Mr. Taylor could provide these to interested community
125 members.

126
127 Ms. Dessert (18 C-more Farm Drive) said that the Master Plan recommends focusing this type of
128 development in the village and Route 4 area. She stated that from her home, the view of the
129 proposed development is much more open, and she feels it will be very visible along Route 4.
130 Additional tree clearing will create more visibility. Ms. Dessert asked when a balloon test would
131 be done as well. Chair Diehn said that these concerns would go to the Planning Board.

132
133 Mr. Sullivan (17 Moose Mountain Road) stated that the 35-foot height restriction has influenced
134 the town's culture. He felt it was worth considering a happy medium for building height.

135
136 Mr. Sargent (65 Maple Street) said that his home would be directly visible from all proposed
137 buildings within the development. He asked several clarifying questions regarding the building
138 heights and elevations from his home. The highest buildings would be roughly 175' above
139 Maple Street. He stated his concern that no buffer elements would obscure the view of the
140 development from his property. He reiterated the question of a "middle ground" building height
141 that Mr. Regan had earlier posed.

142
143 Mr. DeFelice commented that the development would be visible in many parts of town,
144 including Canaan and Hanover.

145
146 Ms. Sidley asked if there are any projections on the percent occupancy of these units, given the
147 demand in the area. Total occupancy is expected with a standard 5% vacancy. The project would
148 take several years, with a building at a time completed.

149
150 Mr. Ross (30 Stevens Street) asked about the approximate width and length of each building and
151 the roof's pitch for the apartment buildings. The roof pitch is a 7 to 8 pitch. The building is 80'
152 wide (with a center corridor) with a 40' run. The length is roughly 240'.

153
154 Ms. Sidley asked if there are any revenue projections for the town from these units. According to
155 the developer, roughly \$35M is estimated in revenue to the tax base.

156
157 M. Hawkins asked if the board decides to allow the variance, would it imply a new maximum
158 height in town or open the opportunity for taller buildings? It would not impact the town
159 ordinances but would give a pass to this specific property.

160
161 Mr. Beaufait asked what the cost is for mutual aid for fire services to Enfield. There is no cost to
162 the town, and it participates in mutual aid to surrounding towns as well.

163

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164 Mr. Beaufait asked if there were details about water/sewer connection impacts and who would be
165 responsible for costs if added capacity is needed. Chair Diehn said that it would typically be
166 something that the development would pay for, and it would be addressed through the planning
167 process.

168
169 Ms. Plichta (Crystal Lake Road) asked whether the mutual aid response trucks could reach the
170 proposed windows at the approximately 75' height. They can, and mutual aid departments have
171 ladder trucks of 100'.

172
173 Ms. Beaufait commented that the proposed development was aesthetically pleasing and agreed
174 with earlier comments that a "middle-ground" height would be preferred. She expressed concern
175 about the development's impact on abutters and Maple Street residents. She asked the board to
176 consider the town's character and not guess how Enfield residents will vote regarding proposed
177 ordinance changes in the future. She stated her concern about setting a precedent for buildings of
178 this height. Ms. Johnson stated that the board decides each case for variance relief based on the
179 individual case merits, not what others have done. Ms. Beaufait asked about an earlier
180 conceptual proposal (an informal discussion) for this development with lower heights. That
181 earlier proposal was different from the current application.

182
183 Mr. Patten (Livingstone Lodge Rd) said that he would like to see an existing site plan with
184 elevation contours versus the proposed site plan with buildings, roads, and landscaping included.

185
186 Zoning Board of Adjustment (ZBA) members asked about the possibility of a site visit at the
187 current state of development. Access from the roadway to the water tower is walkable.

188
189 Chair Diehn called a recess at 8:37 pm.

190
191 Chair Diehn called the meeting back to order at 8:54 pm.

192
193 Mr. Ross said that he believed the development was in a steep slope area, with four buildings not
194 included in the application. Chair Diehn said that tonight's specific issues did not include this
195 and directed Mr. Ross to speak with Mr. Taylor about zoning ordinance issues that do not pertain
196 to tonight's hearing.

197
198 Mr. Plumley asked for clarification that the board's decision will be whether the increased height
199 is allowable for this property. He asked, when the board makes their decision, are personal
200 feelings of abutting property owners about their view considered by the board. Personal opinions
201 do not generally enter into decisions about land use law. Decisions by the ZBA run with the
202 land. The board will consider professional opinions, such as whether the development would
203 impact property values determined by a licensed appraiser. Mr. Plumley stated that he is in
204 support of adding this needed housing.

- 205
206 Mr. Diehn closed the public comment portion of the meeting at 9:02 pm.
207
208 Board members discussed continuing the hearing to the next meeting, April 9, 2024, at 7 pm.
209
210 A site visit can be arranged. Mr. Taylor will coordinate what is allowable and can be coordinated
211 regarding the site visit.
212
213 Chair Diehn asked the board for any objection to continuing the hearing at the next meeting,
214 April 9. There were no objections. A site visit would be supplemental before the April 9
215 meeting.
216
217 The Planning Board would not have any hearing on this development until the ZBA hearing is
218 completed.
219
220 For roof height concerns discussed tonight, Ms. Johnson asked if a shed roof style could be
221 considered. The developers would look into what options may be available.
222
223
224 Findings of Fact:
225 1. Lot size is roughly 77 acres
226 2. In 2025 the PB will ask the voters to replace this height limit in the EZO with a CUP
227 requirement.
228 3. Property is relatively remote.
229 4. The property is in the R1 district
230 5. R1 limits building height to 35 feet
231 6. R1 allows only one primary building on a lot
232 7. Master plan encourages multi-family housing and increased housing density
233 8. Zoning ordinance changes are contemplated to increase housing stock
234 9. Development will provide sorely needed housing in a mix of sizes and prices
235 10. All regular access will be through Route 4.
236 11. A gated emergency access road will give onto Maple Street
237 12. The lot is difficult to use, and these variances would allow the developer to achieve their
238 goals and fit our master plan, use less green space.
239 13. Enfield measures building height from peak to lowest point, which is unusual. If we
240 measured as most other places do, the proposed buildings would nearly comply.
241 14. The tallest the buildings would be is 73 feet by Enfield's measuring methods.
242 15. Developer asserts this could add as much as 35 million to the town tax base, the
243 valuation.
244 16. No information is yet available about the increase cost of services
245 17. Mark McKeon, licensed appraiser #3 in NH, visited and testifies this won't hurt property
246 values.

- 247 18. This is the largest development in Enfield’s history. Lakeview is only 150 units.
- 248 19. Multiple primary buildings on Lakeview have never caused a problem for us.
- 249 20. Development will be on town sewer and water.
- 250 21. Fire Chief’s professional opinion is that the height alone will not be a fire risk.
- 251 22. Subdivision of this property is not in the town’s interest.
- 252 23. Proposal meets the density goals in the ZO
- 253 24. Developer asserts they won’t proceed without these two variances
- 254 25. Very few other buildings in town are taller than the buildings being proposed.

255
256

APPROVAL OF MINUTES: November 14, 2023

258

259 Ms. Brown MOVED to approve the November 14, 2023, Minutes presented in the March 12,
260 2024, agenda packet as amended. Seconded by Ms. Johnson. The Vote on the MOTION was
261 approved (5-0).

262
263

264 Amendments:

265 -Global replace – Reagan to Regan

266

NEW BUSINESS:

Appointment of Alternate – Celie Aufiero

269 Ms. Brown MOVED to approve the appoint Ms. Aufiero as an alternate member of the Zoning
270 Board of Adjustment. Seconded by Ms. Johnson. The Vote on the MOTION was approved (5-0).

271

272 Chair Diehn reminded Ms. Aufiero to stop by the Town Office to be sworn in.

273

OLD BUSINESS:

275 None.

276

277 **NEXT MEETING:** April 9, 2024

278

ADJOURNMENT:

280 Ms. Brown MOVED to adjourn at 9:26 pm. Seconded by Ms. Johnson.

281

282 **The meeting was adjourned at 9:26 pm.**