

1 **Enfield Zoning Board of Adjustment – Meeting Minutes**
2 **DEPT OF PUBLIC WORKS/TEAMS PLATFORM**
3 **April 9, 2024**

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

7
8 **ZONING BOARD OF ADJUSTMENT MEMBERS ABSENT:**

9
10 **STAFF PRESENT:** Rob Taylor- Land Use and Community Development Administrator, Ed
11 Morris – Town Manager

12
13 **GUESTS:** Tony DeFelice, Mike Michaels, John Kluge, John Dibitto (owner, 107 Maple
14 Street, Enfield), John Cronin (Attorney, Cronin Bisson & Zalinsky P.C.), Karl Dubay (The
15 Dubay Group, Inc.), Daniel Muller (Attorney, Cronin Bisson & Zalinsky P.C.), Stephen J.
16 Doherty (DC Development & Construction), Keith Thomas, Steve Patten, Greg Sargent, Robert
17 Barr, Sharon Beaufait, Shirley Green,

18
19 **CALL MEETING TO ORDER:**

20 Mr. Diehn called the meeting to order at 7:05 p.m.

21
22 Mr. Diehn explained the process for the hearings on the agenda and noted a time limit that would
23 be put on the Laramie Farms continuation hearing, including speaking limits in the interest of
24 time.

25
26 **ZONING ORDINANCE CLARIFICATION:**

27 Mr. Diehn said that he had a correction to the findings of fact from the previous meeting where
28 the initial hearing for Laramie Farms took place. The statement that the Planning Board had
29 decided to remove the height requirement from the zoning ordinance and that it would go to vote
30 in 2025 was incorrect. Mr. Diehn said that the following would be removed from the Findings of
31 Fact list put together at the last hearing:

- 32 2. In 2025 the PB will ask the voters to replace this height limit in the EZO
33 with a CUP requirement.

34
35 Mr. Diehn said that the Planning Board Chair also asked him to clarify that the Planning Board
36 will take ideas to the public with problems they have seen and changes they want input on from
37 the public. They plan to work heavily with the public and are not making changes without that
38 input.

39

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40 Mr. Diehn reminded the public that during tonight's hearings, the focus will be on whether the
41 applicant (particularly for Laramie Farms) can build their buildings taller than the current zoning
42 ordinance allows and have multiple primary buildings on a single lot.

43

44 **ORGANIZATION OF THE BOARD:**

45 Mr. Diehn said that Mr. Regan and Mr. Finger were now full board members who had been
46 sworn in. He also said that Ms. Aufiero was an alternate now, so she will not vote on the
47 hearings tonight. Mr. Taylor clarified that they had consulted the town's attorney regarding Ms.
48 Aufiero not voting (since there are now two new members), who had confirmed Ms. Aufiero
49 would not vote tonight as an alternate if there were a full board (even though she had been a full
50 board member at the time of the first hearing for Laramie Farms).

51

52 Mr. Diehn called for nominations for Chair of the Zoning Board of Adjustment.

53

54 Ms. Brown MOVED to nominate Mr. Diehn as the Zoning Board of Adjustment Chair.
55 Seconded by Mr. Finger. The Vote on the MOTION was approved (5-0).

56

57 Chair Diehn called for nominations for Vice Chair of the Zoning Board of Adjustment.

58

59 Ms. Johnson said that she would volunteer to be Vice Chair again, and Ms. Brown said that she
60 would also volunteer; they had previously discussed alternating.

61

62 Ms. Brown MOVED to nominate herself as Zoning Board of Adjustment Vice Chair. Seconded
63 by Ms. Johnson. The Vote on the MOTION was approved (5-0).

64

65 Chair Diehn moved on to the next agenda item with no further officer elections needed for the
66 board.

67

68 **PUBLIC HEARINGS:**

69 Chair Diehn asked that those who wish to speak state their name before speaking so that they
70 have the correct information for the minutes. Ms. Johnson asked that those who had spoken at
71 the first portion of the hearing yield the floor to those who had not spoken.

72

73 **Continued - Enfield Land Use Case # Z24-03-01, DC Development & Construction LLC**
74 **(Stephen Doherty, duly authorized) has applied for zoning variances with the Enfield ZBA.**
75 **First, a variance is requested from article IV, section 401.1, paragraph "L" to allow for a**
76 **building's height to be greater than 35 ft. Second, a variance is requested from article IV,**
77 **section 401.1, paragraph "U" which states that "no lot shall have more than one principal**
78 **building". The subject parcels are located at 107 Maple Street (map 14, lots 47 & 48) and**
79 **are owned by Maple Street- Enfield Acquisition LLC (care of John Dibitetto).**

80

81 Board members reviewed and edited the Findings of Fact from the previous hearing. Mr.
 82 Michaels asked about the fact that access would be from Route 4 and who would pay for the
 83 expansion of Route 4 needed to accommodate that access. Chair Diehn said that this would be a
 84 question for the Planning Board and was outside of tonight's ZBA (Zoning Board of Adjustment)
 85 focus. Mr. Kluge said that he felt the finding of fact that the developer asserted they would not
 86 proceed without the two variances was utterly irrelevant and should be removed. Chair Diehn
 87 said that it would remain on the list at this time. Mr. Dibitetto said that he would like the finding
 88 of fact that very few other buildings in town are taller than the buildings being proposed to have
 89 "very few" removed. Chair Diehn said that it would remain. Mr. DeFelice asked how many taller
 90 buildings were approved after the town adopted zoning. Chair Diehn said that they did not know
 91 this information. Ms. Saide asked if any residential buildings in Enfield were taller than 35'.
 92 Chair Diehn said that he did not know. Mr. Taylor also did not have measurements on hand.

93

94 Ms. Aufiero said that she had worked with the Master Plan Task Force during the plan's first
 95 development phase and felt that the plan's intent to encourage multi-family housing and
 96 increased housing density was not in line with a development of this size but more directed
 97 toward historic homes. Ms. Aufiero said that she had worked with many contours and soil maps,
 98 and the land where the buildings are being proposed has different contours; she asked that this be
 99 added to the findings of fact.

100

101 Findings of Fact:

- 102 1. Lot size is roughly 77 acres
- 103 2. The property is in the R1 district
- 104 3. R1 limits building height to 35 feet
- 105 4. R1 allows only one primary building on a lot
- 106 5. Master plan encourages multi-family housing and increased housing density
- 107 6. The state of NH has expressed that one of their priorities is to increase housing stock.
- 108 7. All regular access will be through Route 4.
- 109 8. A gated emergency access road will give onto Maple Street
- 110 9. Enfield measures building height from peak to lowest point.
- 111 10. The tallest buildings would be 73 feet by Enfield's measuring methods.
- 112 11. Developer asserts this could add as much as 35 million to the town tax base.
- 113 12. No information is yet available about the increased cost of services
- 114 13. Mark McKeon, licensed appraiser #3 in NH, visited and testified this won't hurt property
 115 values.
- 116 14. This would be the largest development in Enfield's history.
- 117 15. Development will plan to be on town sewer and water.
- 118 16. Fire Chief's professional opinion is that the height alone will not be a fire risk.
- 119 17. Proposal does not exceed the density allowed in the ZO (zoning ordinance).
- 120 18. Developer asserts they won't proceed without these two variances
- 121 19. Very few other buildings in town are taller than the buildings being proposed.
- 122 20. The contours of the land vary considerably across the lot.
- 123 21. There are wetlands on the property.

124 22. There are no steep slopes in the proposed building locations.

125

126 Chair Diehn invited Mr. Doherty to present updates to the application. Mr. Doherty said that
127 there were unanswered questions from the board at the last meeting: line of sight and roof height,
128 fly the site with a drone to provide photographs, and steep sloping on the site.

129

130 Mr. Doherty said that the Enfield Master Plan states there is a need for up to 300 housing units
131 by 2030, which this development addresses. He said that the buildings were designed based on
132 the Shaker Museum's Great Stone Dwelling and shared side-by-side photographs to show the
133 similarities. He said that the building height is very similar to the Great Stone Dwelling, but
134 parking below the buildings has raised them about 12' – 15'. Parking below the buildings
135 reduces impervious surfaces and allows for more green space – which are priorities of the Master
136 Plan. Mr. Doherty said that the project was designed with the Master Plan in mind.

137

138 Mr. Doherty shared a diagram of the roof height, with the roof lowered and flattened by the
139 architect (a point discussed at the previous hearing). He shared photographs to demonstrate the
140 line of sight from Maple Street, with the entire building dropping an additional 8' into the
141 ground (which would improve the line of sight and keep the building's roof character). Ms.
142 Johnson asked if there was ledge in this area; Mr. Doherty said that they do not believe there will
143 be ledge in the way. He clarified that the height drop is for the apartment buildings.

144

145 Mr. Doherty shared a computer generation of what residents along Maple Street would see of the
146 development with the proposed elevation changes. The rendering was taken from the area near
147 the emergency access road to the property along Maple Street. Mr. Dubay reviewed some of the
148 drone photographs taken and the location of the apartment buildings in relation to the homes and
149 fields on Maple Street. He explained the rendering's view and said that there is still a backdrop
150 of existing trees on a neighboring property visible behind the proposed buildings. The elevation
151 change would make the tops of the buildings at or below the tree line behind. Mr. Regan asked if
152 the buildings would be more visible in the winter; Mr. Dubay said that there is a mix of
153 evergreen trees, so he felt the roofs would not stick out further. He said that they could model a
154 winter view. Ms. Johnson also suggested the paint color may affect visibility. Mr. Dubay said
155 that they will refine these renderings further and share them with these suggestions.

156

157 Mr. Dubay explained that they had reviewed the town's ordinance and definition of steep slopes
158 and done their own real survey of the steep slopes on the property. He shared a diagram of the
159 property's slopes based on that survey. He said that steep slopes are defined as greater than 25%
160 and showed where there is only one small area on the property within this category. There will
161 not be a building within the steep slope area. Mr. Dubay said that the town defines the over-
162 development of the lot within slope categories and the disturbance percentage allowed for each.
163 He said that the proposal is compliant within every category. He also stated that the ordinance
164 has quantifiable criteria for building near wetlands, and they are compliant.

165

166 Mr. Regan asked if the building heights in the rendering photos shown earlier were represented
167 after lowering the elevations 8'. Mr. Doherty confirmed that they were. Mr. Dubay said that all
168 grading plans have also been updated to reflect the building's 8' drop in elevation.

169

170 Mr. Thomas asked that the developer mentioned parking under the apartment buildings and
171 wondered how many spaces would be available per unit, as well as visitor parking. Chair Diehn
172 said that this would be a question for the Planning Board.

173

174 Mr. Patten said that when the building area is dropped 8', it will cut into the slope and make it
175 steeper. What is the percentage of slope they intend to create on the bank behind the buildings?
176 Mr. Dubay said that it would be a 2:1 slope (a slope with no stabilization required). The slopes
177 could also be 1.5:1 and 3:1 in some areas as needed.

178

179 Mr. Sargent asked if the 8' drop in elevation would affect the number of units in the apartment
180 buildings. Mr. Doherty said that it would not. Mr. Sargent asked, if the garage was not part of the
181 project, how tall would the buildings be? Mr. Dubay said that it would be approximately 12'
182 less.

183

184 Chair Diehn asked the board if they felt they would decide this case tonight. Board members said
185 that they did not feel they were able to; there had yet to be board deliberation. Mr. Regan said
186 that he would like to see an appraisal by someone local to Grafton County acquired by the
187 applicant. Ms. Johnson said that she did not feel this was necessary. Mr. Finger and Ms. Brown
188 agreed that the appraiser who had already been hired should be qualified.

189

190 Mr. Muller asked if the board was looking for the opinion of a real estate professional or a
191 certified appraiser.

192

193 Mr. Regan MOVED to have the board ask the applicant to provide a local (Grafton County)
194 certified appraiser's opinion of the potentially negative impact on abutters' residential values.
195 Seconded by Chair Diehn. The Vote on the MOTION was defeated (1-4).

196

197 The board will not ask the applicant to provide a second appraisal.

198

199 Ms. Brown MOVED to continue the hearing to the board's next regularly scheduled meeting,
200 May 14, 2024. Seconded by Mr. Regan. The Vote on the MOTION was approved (5-0).

201

202 Ms. Johnson felt the continued hearing should focus on the board's deliberation, as they have
203 heard the public comments on this case. Chair Diehn clarified that this would be allowed unless
204 the developer presented new information (which they would then need to give the public a
205 chance to comment on).

206

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207 The hearing is continued to the ZBA's meeting on May 14, 2024. Chair Diehn said that the board
208 does not anticipate taking public comment at that meeting unless the developer shares new
209 information that the public would then be allowed to make brief comments on.

210

211 Mr. Barr said that he came to hear about the developers and stated that housing is needed in the
212 area. He said that the development is on the edge of town and felt the impact on Enfield would
213 be minimal.

214

215 Ms. Beaufait asked about the appraiser who was used and their scope of work. Chair Diehn
216 directed Ms. Beaufait to the minutes of the last meeting, which contained this information.

217

218 Chair Diehn called a short recess at 8:29 pm.

219

220 Chair Diehn called the meeting back to order at 8:35 pm.

221

222 **Enfield Land Use Case # Z24-04-01, Philip and Kathleen Trasatti are seeking a Variance to**
223 **Enfield's Zoning Ordinance article IV, section 401., paragraph L to replace an existing**
224 **garage with a new building that would still be within the required setbacks. The subject**
225 **property is located at 89 Algonquin Road (map 44, lot 28) in the "R3" zoning district. It is**
226 **owned by the Philip Trasatti, Trustee and Kathleen Trasatti, Trustee.**

227

228 Mr. Regan recused himself from this hearing as an abutter who knows the applicants well.

229

230 Chair Diehn seated Ms. Aufiero as a voting member for this hearing.

231

232 Mr. Taylor read the case.

233

234 Mr. Trasatti said that there is an existing garage (former bunkhouse) building near the road, and
235 they are looking to have a garage closer to the home (still within the setbacks). The proposed
236 new building will be a garage. The location change will improve the storm runoff and plowing
237 for Algonquin Road. The proposed new building has an approved NH Department of
238 Environmental Services (DES) Shoreland Permit. The location of the new building would
239 conform to the neighborhood more closely. Part of the existing garage is along the town's right
240 of way for Algonquin Road.

241

242 Chair Diehn clarified that the board would view this as adding a new building only (because the
243 old building is to be removed and the location changed, it is not considered moving a building).

244

245 He said that the board will review the case as adding a new building, focusing on the new
246 building.

246

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247 The new building will be a 12x22', single-story, one-car garage, the same size as the existing
248 garage/bunkhouse.

249

250 The only change is to tear down the old building and put up the new building further from the
251 road (out of the town's right of way).

252

253 Chair Diehn asked for public comment. Mr. Regan (as an abutter) said that he supports this
254 project; he feels the applicants keep the lake and neighborhood in mind and anticipates they will
255 do a good job with this project.

256

257 Mr. Patten said that he supports the applicants.

258

259 Mr. Morris (as an abutter) said that he supports this applicant. Moving the building location will
260 improve snow removal and will enhance the neighborhood.

261

262 Ms. Green said that she supports this applicant.

263

264 Ms. Brown MOVED to grant the variance as requested. Seconded by Ms. Johnson. The Vote on
265 the MOTION was approved (5-0).

266

267 Board members agreed the application met the criteria:

268 1 – The variance will not be contrary to the public interest.

269 It is in the public interest to move the building location further from the road.

270 2 – The spirit of the ordinance is observed.

271 Moving the building would improve the use of the land, not alter the neighborhood's
272 character, or threaten public health, safety, or welfare.

273 3 – Substantial justice is done.

274 Members felt that anyone in the same situation would be advised to make a similar
275 choice. The change does not harm the public interest.

276 4 – The values of surrounding properties are not diminished.

277 Members agreed the property values would not be reduced.

278 5 – Literal enforcement of the provisions of the ordinance would result in an unnecessary
279 hardship.

280 Not granting the variance would cause more harm than granting it.

281

282 **Findings of Fact:**

283

284 **APPROVAL OF MINUTES: March 12, 2024**

285

286 Ms. Brown MOVED to approve the minutes of March 12, 2024 as amended. Seconded by Mr.
287 Finger. The Vote on the MOTION was approved (5-0).

288

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289 Amendments:

290 -Add the motion and vote to appoint Ms. Aufiero as an alternate.

291

292 **NEW BUSINESS:**

293 None.

294

295 **OLD BUSINESS:**

296 None.

297

298 **NEXT MEETING:** May 14, 2024

299

300 **ADJOURNMENT:**

301 Ms. Brown MOVED to adjourn the meeting at 9:03 pm. Seconded by Ms. Johnson. The Vote on
302 the MOTION was approved (5-0).

303

304 The meeting was adjourned at **9:03 pm.**