



TOWN OF LITCHFIELD

LITCHFIELD ZONING BOARD OF ADJUSTMENT

Litchfield, New Hampshire

October 10, 2018

DRAFT

Regular meetings are held at the Town Hall at 7:00pm on the 2nd Wednesday of each month.

ZBA Members in Attendance (indent if absent):

Richard Riley, Chairman

Laura Gandia, Vice Chairman

John Regan

Albert Guilbeault

John Devereaux

Greg Lepine (alternate)

Thomas Cooney (alternate)

Eric Cushing (alternate)

I. CALL TO ORDER AND ROLL CALL

Richard Riley called the meeting to order at 7:12 pm. He took attendance. Alternate, Thomas Cooney, was appointed by the Board to sit in for missing board member, Laura Gandia.

II. PUBLIC HEARING AND DELIBERATION

Notice of the Public Hearing was posted and published in the Hudson-Litchfield News. Notice of the meeting and agenda were posted at the town hall and public library.

There were only 4 board members present. Richard Riley explained to the Applicant that a quorum for public hearings is 5 board members and that at least 3 board members must vote yes in order for the variance to be granted. Mr. Riley explained that since only 4 board members were present, the Applicant had the right to request a postponement to next month or continue with the four members present. He asked the Applicant if he still wished to meet tonight or postpone the hearing and the Applicant made the decision to proceed with tonight's hearing.

Richard Riley went over the procedures for tonight's public hearing.

The Applicant provided copies of a drawing, a sketch, and the Tax Map to the board members.

Richard Riley called Case #2018-07 and read aloud the request for a variance from Litchfield Zoning Ordinance section 310.00.

Case Number: 2018-07

Name of Applicant: Brian and Shana Dodge

Owner of Property: Brian and Shana Dodge

Location of Property: 10 Heron Drive, Map 17 Lot 42

Appeal Requested:

The Applicant seeks the following variance;

1. A request for variance from LZO Section 310.00 to allow construction of a proposed detached shed, the construction of which would encroach into the side setback requirement.

The Applicant, Brian Dodge, addressed the Board and stated that he and his wife owned the property since 2013. It is a colonial style house with a 2-car attached garage. It is on a dead-end street and they have no neighbors to the right of them. They have 2 neighbors that live behind them. It's a flagpole lot where they have a shared driveway (about 600 to 700 feet) that goes out behind his house where there are 2 five-acre lots where the neighbors reside.

The Board reviewed the Tax Map for property 17-42. John Regan asked if they were planning to put the shed toward the rear of the property. Brian Dodge said it will go on the right side of the garage. He said there is 32 feet from the edge of his garage to his property line, and there's an additional 8 feet to the neighbors' driveway that is the neighbor's land. But, it looks like it is 40 feet of his land even though 8 feet of it is their land. He said he maintains the grass, he has irrigation going over it and he fertilizes it and mows the grass. He said from the edge of his garage to the driveway is 40 feet. There's a 20-foot setback, so, if he only had 32 feet, that would leave him with only 12 feet to build on, and he wants a 12-foot wide shed. So, he said if he put a 12-foot wide shed in that 12-foot area, it would be against the house and that would prevent him from maintaining the 2 walls and prevent him from accessing the walkway that's already there and the gate to the back yard that's already there. In the back yard, he has a pool, a patio, a trampoline, tree fort, etc. That's their main exit and entrance to the rear yard.

Brian Dodge said on the proposed drawings and pictures, you can see the proposed area is a cleared area with grass, a walkway, and some trees. There's an existing white vinyl fence that goes out roughly 24-25 feet and the shed would not extend past that. It would give 15-16 feet from the edge to the driveway. John Regan asked "The shed would be in front of that fence?" Brian replied "Yes, in front of it, and not to exceed the length of the fence." John Regan asked "How many feet, roughly, from the garage?" Brian replied "Twelve feet from the garage, 8 feet from the property line, and 15 feet from the neighbor's driveway." John Regan asked if it was going to be built on a foundation or on blocks. Brian Dodge, replied "On blocks".

Brian Dodge stated that the lot has a wetland buffer in the rear so there's very limited spaces where he can build the shed. So, can't really put anything else out back because of the location of the house, the septic, and the pool. He said technically, it could be put where the trampoline is but it would be overwhelming in that area because there's a patio, pool and pump for the pool, and the main gate.

John Regan asked "Did you get any responses back from the neighbors?" Brian said he talked to all the neighbors including the 2 neighbors who live behind him who have a shared driveway over 2 slivers of land. They were both fine with it. John Devereaux ask "How wide are the 2 slivers of land?" Brian said "It's probably around 30-35 feet". He reiterated that the shed will not extend past the existing vinyl fence which the neighbors behind him have been used to seeing for years. The shed will look like it belongs there because of the fence. He says he has done a lot of work over the years to make that yard look nice and

presentable because they drive by him. He has installed 11 trees, he has done irrigation, and he grew grass. He said he cares what they think, he enjoys his neighbors, and he wants them to like going past his house every day.

The proposed shed will be 12 x 18. Rich Riley asked what the shed will be used for. Brian said they want to move things from their garage to the shed so they can park 2 cars in their garage. Things like bicycles, snowblower, and generator.

Rich Riley asked Brian to read aloud the 5 criteria for granting a variance from LZO Section 310.00 and explain why he believed each condition will be met. Copy is on file

Rich Riley asked what the height will be of the proposed shed. Brian said it will have 8-foot walls. Rich reviewed the 3D graphics printout. He asked why they could not build a shed in the back corner. Brian said you could technically build it there, but it's not conveniently located, and you would have to go over the septic, and it also slopes down. Even trying to mow that area, getting a tractor up it, you spin out. He said about 1 or 2 years ago, he had talked with his neighbor about building a shed in that area, and his neighbor didn't seem pleased with the idea. Rich asked "You said you spoke with your neighbors. Did you say they didn't submit letters, but they signed yours?" Brian explained "Two neighbors that work all day kept missing the certified letter. So, they signed his letter when he ran into them while being outdoors. They are both in agreement."

Rich Riley asked if there were any other questions from the Board. There were none.

Rich Riley asked if there was any public input. There was none. John Devereaux made a motion to close public input and John Regan seconded the motion. Motion carried 4-0-0

John Devereaux said "After hearing all the information, from my point of view this is a unique situation. It's a unique lot. I think the important part of all this is the special conditions. Because of the fact that there is this driveway right next to the applicant's and there is no buildable lot right next to it that would be infringed upon a shed. What matters is....'What does it do for the other properties'? And I don't think it affects it because this is a unique situation".

Richard Riley asked the Board if there were any other questions or comments. There were none.

John Devereaux made a motion to grant the variance of 12 feet into the 20-foot setback. John Regan seconded the motion. Motion carried 4-0-0

Rich Riley informed the Applicant that the Notice of Decision will be sent in the mail. Rich explained to the Applicant that anyone who may read about the decision or hear about the decision could appeal within 30 days, so they have to wait 30 days before beginning construction.

III. ADJOURNMENT

John Devereaux made a motion to adjourn the meeting and John Regan seconded the motion. Motion carried 4-0-0. Meeting adjourned at 7:50pm.

Respectfully submitted,

DRAFT