



TOWN OF LITCHFIELD

LITCHFIELD ZONING BOARD OF ADJUSTMENT
Litchfield, New Hampshire February 12, 2020

DRAFT

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

ZBA Members in Attendance (indented if absent):

Richard Riley, Chairman

Albert Guilbeault

John Devereaux

Thomas Cooney (alternate)

Eric Cushing (alternate)

Greg Lepine (alternate)

Mark Falardeau (alternate)

Laura Gandia, Vice Chairman

I. CALL TO ORDER AND ROLL CALL

Richard Riley called the meeting to order at 7:00 pm. Alternate, Thomas Clooney was appointed by the Board; Alternate Mark Falardeau was appointed by the Board, resulting in a full quorum.

II. CHAIRPERSON OPENING REMARKS

Richard Riley reviewed the schedule for hearings. He indicated that there is a full Board this evening.

Case Number: 2019-10

Name of Applicant: Jill Charbonneau, Trustee of the Jill Charbonneau Revocable Trust

Owner of Property: Mel's Funway Park, LLC

Location of Property: 454 Charles Bancroft Highway, Litchfield, NH 03052, Map 20, Lots 14, 15, 16, 17

Appeal Requested

The Applicant seeks an appeal of decision of the Building Inspector and Town Administrator/Interim Zoning Administrator to modify a site plan to enclose three existing pole barns without the Planning Board reasoning entered into the record.

Richard Riley indicated the applicant's attorney Mr. Hollis is present and has requested a continuance to April 8, 2020.

Richard Riley made a motion to grant a continuance of Case number 2019-10 to April 8, 2020. Al Guilbeault seconded. The motion carried 5-0-0.

Case Number: 2019-15

Name of Applicant: Mel's Funway Park, LLC

Owner of Property: Mel's Funway Park, LLC, and the respective Trusts which own the real estate upon which the park operates (collectively "Mel's")

Location of Property: 454 Charles Bancroft Highway, Litchfield, NH 03052, Map 20 Lot 14, 15, 16, 17

Appeal Requested

The Applicant seeks an appeal of decision of the Town Administrator/Interim Zoning Administrator prohibiting overflow parking on grass areas which are not approved for parking.

Richard Riley indicated the applicant’s attorney Mr. Prolman submitted a letter requesting a continuance to March, 2020. Attorney Hollis stated that he has been communicating with Atty. Prolman and the intent was for both cases (2019-10 and 2019-15) to be continued to April 8, 2020.

Richard Riley made a motion to grant a continuance of Case number 2019-15 to April 8, 2020. John Devereaux seconded. The motion carried 5-0-0.

Case Number: 2020-01 Theroux Properties
Owner of Property: Theroux Properties
Location of Property: 16 Colby Road, Litchfield, NH 03052, Map 20, Lot 29

Appeal Requested

The Applicant seeks a variance from LZO Article 800, Section 801.00 to allow construction of an 80’ x 112 warehouse in the Northern Commercial District where a warehouse is not a permitted use.

III. PUBLIC HEARING AND DELIBERATION

Notices of the Public Hearings were posted and published in the Nashua Telegraph. Notice of the meeting and agenda were posted at the town hall and public library.

Case Number: 2020-01 Theroux Properties
Owner of Property: Theroux Properties
Location of Property: 16 Colby Road, Litchfield, NH 03052, Map 20, Lot 29

Appeal Requested

The Applicant seeks a variance from LZO Article 800, Section 801.00 to allow construction of an 80’ x 112 warehouse in the Northern Commercial District where a warehouse is not a permitted use.

Richard Riley commented that he provided the previous case filed in 2017 when the variances and setbacks for the construction of an 80’ x 100’ warehouse were approved at that time. He indicated since that time, there have been some changes and Mr. Theroux has been working with the Planning Board. He noted the Planning Board asked that Mr. Theroux get another approval on the change in building size.

Tobin Farwell, Farwell Engineering Services, indicated in 2017 we requested a variance to allow the building of a warehouse where storage not allowed and the variance was approved. At that time, Mr. Farwell explained the variance was granted for not more than 8,000 sq. ft. He indicated that we are proposing an additional 12’, making the square footage 8,960 sq. ft. He noted the variance is required to be updated.

Mr. Farwell indicated that they have spoken with the Planning Board and are requesting a new variance not to exceed 8,960 sq. ft. He noted all setback and wetland requirements are not infringed or changed from the previous variance in 2017. He noted the only change is that the building footprint is larger. He pointed out that a gravel driveway was previously proposed and that this expansion will not change the impervious surface.

Mr. Guilbeault asked if the gravel driveway will still be included.

Mr. Farwell indicated there will now be a roof there.

Mr. Guilbeault commented you are adding the 12’ to connect the two buildings.

Mr. Farwell indicated that is correct.

PART I

The applicant read their responses to the variance criteria.

1. Granting of the variance will not be contrary to the public interest because: the area around the property is primarily commercial, the location of the storage building on the lot will not significantly alter the essential character of the neighborhood; warehousing of non-explosive non-hazardous building materials in support of an existing business located on the property will not threaten the health, safety, or general welfare of the public.
2. The spirit and intent of the ordinance is observed because: the property is located in an area where there are other commercial uses with similar buildings and will be used to support an existing business. A smaller warehouse already exists on the property.
3. That by granting this variance substantial justice will be done because: the warehouse building will be used to support and enhance an existing business. A smaller warehouse already exists on the property and additional space is required to continue to grow the business.
4. That there will not be diminution in the value of surrounding property because: The proposed warehouse will be similar to the existing, smaller warehouse on the property.
5. That "special conditions" do exist such that literal enforcement of the ordinance results in unnecessary hardship to the applicant because: the property is located in the Northern Commercial district with an existing smaller warehouse located on the property. There are no reasonable alternatives for placement of the new warehouse other than size reduction which would not meet the business needs. The new warehouse will support an existing business on an abutting lot.

Richard Riley asked if height was an issue with the requests in 2017.

Al Guilbeault indicated it was an issue in the beginning, but was resolved.

Mr. Farwell indicated that the construction will be within 35 feet.

Richard Riley opened the meeting to public input.

Hearing no public input, Richard Riley asked for a motion to close public input.

Richard Riley made a motion to close public input. Al Guilbeault seconded. The motion carried 5-0-0.

John Devereaux made a motion to grant a variance from LZO Article 800, Section 801.00, to allow the construction of an 80' x 112' warehouse, not to exceed 9,000 sq. ft., in the Northern Commercial District where a warehouse is not a permitted use. Mark Falardeau seconded. The motion carried 5-0-0.

IV. COMMUNICATIONS AND OTHER BUSINESS

There was no other business.

V. ADJOURNMENT

John Devereaux made a motion to adjourn the meeting and Al Guilbeault seconded the motion. The motion passed 5-0-0.

The meeting was adjourned at 7:20 p.m.

Respectfully submitted,
Michele E. Flynn