



TOWN OF LITCHFIELD

LITCHFIELD ZONING BOARD OF ADJUSTMENT
Litchfield, New Hampshire August 20, 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 (Remote from home)
Albert Guilbeault
John Devereaux (Remote from home)
 Thomas Cooney (alternate)
 Eric Cushing (alternate)
 Greg Lepine (alternate)
 Mark Falardeau (alternate) (Remote from home)
Kyle D'Urso (alternate), (Remote from home)
 Laura Gandia, Vice Chairman (Remote from home)

I. CALL TO ORDER AND ROLL CALL

Richard Riley called the meeting to order at 7:07 pm. Alternate, Kyle D'Urso was appointed by the Board; resulting in a quorum of four.

Richard Riley took roll call attendance: Richard Riley, present; Al Guilbeault, present; John Devereaux, present; Kyle D'Urso, present.

II. CHAIRPERSON OPENING REMARKS

Richard Riley reviewed the schedule for hearings. He indicated that there is a four member Board this evening. The applicant agreed to move forward with a four member Board.

Case Number: 2020-05

Name of Applicant: Litchfield Self Storage

Owner of Property: VAB Properties, LLC

Location of Property: 53 Charles Bancroft Highway, Litchfield, NH 03052, Map 1, Lot 19

Appeal Requested

The Applicant seeks a variance from LZO Section 1204.00 (b) to allow a business to have an off premises free standing sign which is not permitted under Litchfield zoning.

Case Number: 2020-06

Name of Applicant: Mr. & Mrs. Collandris

Owner of Property: same

Location of Property: 3 Bayberry Ln, Litchfield, NH 03052, Map 8, Lot 184

Appeal Requested

The Applicant seeks a variance from LZO Section 310.00 to construct a shed addition which has been constructed inside the minimum setback requirement. The shed addition encroaches 9 ft into the side setback requirement of 20 ft.

Case Number: 2020-07

Name of Applicant: Mr. Bruce Backa

Owner of Property: same

Location of Property: 26 Deerwood Drive, Litchfield, NH 03052, Map 17, Lot 11

Appeal Requested

The Applicant seeks a variance from LZO Section 310.00 to construct an enclosed porch addition which when completed would encroach 4 ft into the side setback requirement of 20 ft.

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: 2020-05

Name of Applicant: Litchfield Self Storage

Owner of Property: VAB Properties, LLC

Location of Property: 53 Charles Bancroft Highway, Litchfield, NH 03052, Map 1, Lot 19

Appeal Requested

The Applicant seeks a variance from LZO Section 1204.00 (b) to allow a business to have an off premises free standing sign which is not permitted under Litchfield zoning.

Ellen Boucher, a member of VAB Properties, indicated that VAB Properties owns the property for Map 1, Lots 18 and 19. She commented the sign would be for the new approved site plan for Litchfield Storage on Lot 19. She noted due to an existing sign on Lot 18, which is adjacent to Lot 19, we are seeking a variance to put up a free standing sign on Lot 19, the lot with the farmhouse, adjacent to the DLB Paving shop.

Ellen Boucher reviewed the criteria for the request:

- 1) The variance is not contrary to the public interest because it will not alter the current character of the neighborhood or the community plan for development within this zone. Both Lots 18 and 19 are located in the southern commercial zone, which allows for commercial properties.
- 2) The spirit of the ordinance is observed because it would not violate any health, safety or general welfare issues within the community or abutting properties.
- 3) Substantial justice is done because the lot is within a zone that permits signs and there would be a fair and substantial relationship between the general public being able to identify the Litchfield Storage location.
- 4) The values of surrounding properties are not diminished because there is no detriment to the abutting properties as there will be no changes to the properties' character if the variance is granted.
- 5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because the approved site for Litchfield Storage would have no signage or identification from both the Northern and Southern directions. The type, style, size and character of the proposed sign are consistent with the character of the proposed location and the benefit to the public would outweigh any adverse aesthetic or other impacts caused by the sign. Due to the property being in a permitted zone for sign usage the proposed use is reasonable.

Ellen Boucher mentioned that she originally noted on the site plan that up-lighting would be used for the sign, which may not be allowed. She felt that lighting facing down on the sign would be better.

Richard Riley read the sign ordinance, which states 'no lighting shall glare or obstruct the vision of drivers on the road'. He suggested that she discuss that with the Planning Board. He commented he is not an expert on lighting so he was not sure whether up lighting or down lighting would be best. He indicated that is not an issue for this Board.

Richard Riley commented that Ms. Boucher mentioned the fact that the business is located on Map 1, Lot 18 and you would like to erect a sign on Map 1, Lot 19, but Lot 18 has an existing free standing sign.

Ellen Boucher indicated that Mr. Riley was correct.

Richard Riley asked how big the existing sign is. Ellen Boucher indicated she was not sure, but there has been much history with the sign over the years and she did not want to add to it.

Richard Riley commented that a 32 sf sign is being proposed. He indicated LZO 1503.01(a) states a business can have up to 32 sf of reader board on an attached sign. He was not sure what kind of representation a reader board would be or if it is something that can be done instead of the proposed sign.

Ellen Boucher indicated a reader board would not direct the public to the business as it is more for advertising or information.

Richard Riley asked if she could talk about access or entry to the new business and if the proposed location is a better location for the actual entry to the business.

Ellen Boucher indicated the entrance is where it exists now. She pointed out that the access driveway is just south of the new driveway and will be pushed back further from the road because the State owns 66 feet from the center of the road.

Richard Riley asked if the proposed sign meets the 20 ft height criteria.

Ellen Boucher indicated the sign will be 7 feet high and the dimensions are 8 feet x 4 feet.

John Devereaux asked if the driveway to the storage area will be between the existing sign and the new sign.

Ellen Boucher indicated that was correct.

John Devereaux asked about the distance between the signs.

Ellen Boucher indicated the distance is approximately 120 feet.

Kyle D'Urso asked if there was coordination with the owner of Lot 19 for putting a sign on the property.

Ellen Boucher indicated that they own the property.

Kyle D'Urso asked Ms. Boucher to talk about why they do not want to put a sign on Lot 18.

Ellen Boucher commented every time we had a tenant come into the town a sign was disallowed on one lot.

Richard Riley commented the alternative would be one free standing sign and a smaller sign on the building, but with this type of business it is not able to serve the building or meet the spirit of the ordinance to operate.

Hearing no further discussion, Richard Riley asked for a motion to open public input.

John Devereaux made a motion to open public input. Al Guilbeault seconded. The motion carried 4-0-0.

Richard Riley indicated there was no public input.

Kyle D'Urso made a motion to close public input. Al Guilbeault seconded. The motion carried 4-0-0.

Richard Riley indicated the Board would deliberate through the criteria.

- 1) The variance is not contrary to the public interest.

Richard Riley commented that essentially the applicant is saying the proposed sign is in character with others in the area and would meet all the criteria, except allowing a second free standing sign for a business located on that property.

Board members agreed.

- 2) The spirit of the ordinance is observed.

Richard Riley agreed that the signage would meet the spirit of the ordinance. Board members agreed.

- 3) Substantial justice is done because signage is already permitted.

The Board agreed.

- 4) The values of surrounding properties are not diminished.

Richard Riley indicated there is no impact on surrounding properties.

Board members agreed.

- 5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because it would be difficult to put an additional sign on the existing sign.

Board members agreed.

Richard Riley commented Ms. Boucher expressed concern about lighting for the sign and asked if members had any input. He believes that this board does not need to address it.

Al Guilbeault asked if the Planning Board already approved the site plan and if they will be looking for more information on the sign itself.

Richard Riley noted the process is to go before the Zoning Board first to get the variance and before any signage is approved, the Planning Board will review it one more time.

Al Guilbeault commented the Zoning Board will approve the sign, but not the lighting. John Devereaux indicated that is a venue for the Planning Board. He noted this board just needs to approve the variance.

Richard Riley indicated that his reading of LZO 1502.02 does not say 'no lighting', but that lighting should not obstruct drivers on the road.

Richard Riley made a motion to grant a variance from LZO Section 1204 (b) to allow an off premise free standing sign on Map 1, Lot 19, where one is not permitted. John Devereaux seconded. The motion carried 4-0-0.

Case Number: 2020-06

Name of Applicant: Mr. & Mrs. Coliandris

Owner of Property: same

Location of Property: 3 Bayberry Ln, Litchfield, NH 03052, Map 8, Lot 184

Appeal Requested

The Applicant seeks a variance from LZO Section 310.00 to construct a shed addition which has been constructed inside the minimum setback requirement. The shed addition encroaches 9 ft into the side setback requirement of 20 ft.

Richard Riley indicated the applicant was not yet on the phone line to address the variance. The Board recessed at 7:50 p.m.

The applicant was reached and the meeting was reconvened at 8:00 p.m.

Richard Riley reviewed the application process with the applicant and referred to the criteria. He explained the process of the hearing and the responsibility of the applicant. He indicated that there is a 4 member board and the applicant has the right to delay the hearing to have 5 members or waive the delay.

Mr. Coliandris indicated he would like to move forward with the 4 member board.

Mr. Coliandris addressed the criteria:

- 1) The variance is not contrary to the public interest because it is built on his property and is not visible to anyone because there is a fence between properties.
- 2) The spirit of the ordinance is observed because the shed will not alter the character of the neighborhood.
- 3) Substantial justice is done because the shed is contained within his property and is 11 ft away from the property line and is not harmful to the general public.
- 4) The values of surrounding properties are not diminished because the shed has no impact to the value of surrounding properties.
- 5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because there is no unfair relationship between the owner and abutters and the hardship if not approved would be to the owner.

John Devereaux asked if there is any information from abutters for or against the variance.

Richard Riley indicated he received an email message from an abutter seeking clarification on the actual distance to the property line, which was part of the reason we got clarification from the applicant. He replied based on the application, the applicant is seeking relief for 9 feet resulting in the 11 foot distance from the property line.

Richard Riley indicated he received a second letter where he stated he spoke with Mr. Dionne who verified the distance to the property line is 11 feet and supportive to the variance.

John Devereaux asked where the shed is located in relationship to the plot plan.

Chris Colliandris indicated the shed is in the middle of the property between the house and the fence. He noted it is closer to the driveway than is the pool.

Al Guilbeault asked for the size of the shed.

Chris Colliandris indicated it is 192 sf.

Al Guilbeault asked if a permit would be necessary to build the shed.

Chris Colliandris indicated he applied for a permit, but it was rejected and he started building the shed without a permit. He noted he is in the process of getting a permit.

Hearing no further discussion, Richard Riley asked for a motion to open public input.

Richard Riley made a motion to open public input. Kyle D'Urso seconded. The motion carried 4-0-0.

There was no public input.

Richard Riley made a motion to close public input. Kyle D'Urso seconded. The motion carried 4-0-0.

Richard Riley indicated the Board would deliberate through the criteria.

John Devereaux commented if this is an addition and the existing shed is smaller than 200 sf, it would be allowed to be 10 feet away from the fence.

Kyle D'Urso agreed and commented the addition results in disqualification of the 10 foot setback.

John Devereaux reviewed the criteria with Board:

- 1) The variance is not contrary to the public interest because if it were contrary there would be feedback from abutters.

Richard Riley believes a shed of this size is allowed and he described the location of the shed and fence and distance from the abutterj

Kyle D'Urso agreed.

- 2) The spirit of the ordinance is observed. The Board agreed.
- 3) Substantial justice is done because the improvement of the property from addition is justified and there is no impact to abutters.

The Board agreed. Kyle D'Urso pointed out the applicant is in the process of getting a permit.

- 4) Values of surrounding properties are not diminished.

John Devereaux indicated there is not evidence to suggest values of surrounding properties are diminished. The Board agreed.

Richard Riley indicated he received a letter from an abutter that is not negative.

- 5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

Richard Riley commented there is no fair and substantial relationship other than the proposed use is reasonable. He indicated the addition of the shed to allow additional storage space for items to maintain the property is a reasonable use. He noted this is someone who is attempting to add to an existing shed and they have a fence providing some visual barrier between the two properties and the distance maintains more than 50% of the required setback.

The Board agreed.

John Devereaux made a motion to grant a variance from LZO Section 310 to construct a shed that will encroach 9 feet into the 20 foot setback. Richard Riley seconded. The motion carried 4-0-0.

Richard Riley explained the applicant has 30 days from today where members of public can appeal the decision. He commented the applicant can proceed with building the shed at his own risk. He noted that he will notify the applicant if there is a written appeal.

Case Number: 2020-07

Name of Applicant: Mr. Bruce Backa

Owner of Property: same

Location of Property: 26 Deerwood Drive, Litchfield, NH 03052, Map 17, Lot 11

Appeal Requested

The Applicant seeks a variance from LZO Section 310.00 to construct an enclosed porch addition which when completed would encroach 4 ft into the side setback requirement of 20 ft.

Richard Riley indicated the applicant is not on the phone line to address the variance. He tried to contact the applicant, but is not getting a response. He proposed to postpone the case until the October 14 meeting. He noted he will reach out to the applicant to ensure he has the proper information for the meeting in October.

Richard Riley made a motion to postpone Case Number 2020-07 until the October 14, 2020 meeting of the Litchfield Zoning Board. John Devereaux seconded. The motion carried 4-0-0.

IV. COMMUNICATIONS AND OTHER BUSINESS

- **Election of Officers**

Richard Riley noted the Board will address election of officers in October.

V. ADJOURNMENT

John Devereaux made a motion to adjourn the meeting and Kyle D'Urso seconded the motion. The motion passed 4-0-0.

The meeting was adjourned at 8:37 p.m.

Respectfully submitted,
Michele E. Flynn