



TOWN OF LITCHFIELD

LITCHFIELD ZONING BOARD OF ADJUSTMENT
Litchfield, New Hampshire October 14, 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)

Kyle D'Urso (alternate)

Laura Gandia, Vice Chairman

I. CALL TO ORDER AND ROLL CALL

Richard Riley called the meeting to order at 7:00 pm. Have four members present for a quorum. He took a roll call attendance.

II. CHAIRPERSON OPENING REMARKS

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

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.

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 requesting a variance to build a porch on the west side of the house. He 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 ask for a continuance to have five members or waive the delay.

Mr. Backa indicated he was not familiar with the procedure and asked for some guidance.

Richard Riley commented that the members in attendance are very experienced in these cases.

Mr. Backa agreed to proceed with a four member board.

Richard Riley asked for the distance on the side setback.

Mr. Backa commented, as he understands it, his structures need to be 20 feet away from any abutters. He has neighbors on two sides and the Town owns a lot behind his house and his neighbor's house. He indicated the purpose is to build a porch so visitors do not have to wait out in the elements and for deliveries to be made without direct exposure to the elements. He noted there is no covered entryway and there is no allowance for a pitched roof in the front of the house. He pointed out there is a large drop in front of the house. He explained the house does not sit square on the lot and as the house pitches away from the property line the porch will pitch away and not infringe on the setback in one corner.

Mr. Backa addressed the criteria:

- 1) The variance is not contrary to the public interest because the encroachment is minor and the addition will maintain the character and use of the residence.
- 2) The spirit of the ordinance is observed because the encroachment is minor and there are woods between the houses. The purpose of the ordinance is to maintain separation.
- 3) Substantial justice is done because no harm is done to the general public or to others, the abutters do not object and the variance avoids a hardship.
- 4) The values of surrounding properties are not diminished because it will be a well done addition to the house and the porch will increase the value of the home and the surrounding properties.
- 5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because the traditional New England colonial house design is flawed in that it does not include a porch. There is no dry place for a guest to wait for the door to be answered or for the postal service to leave a package. The location of the windows on the front of the house and the stone wall and large drop within a few feet of the door prohibit attaching a porch to the front, which results in the porch being built on the side where a corner of it will encroach the setback by a few feet. The house is different due to its placement on the lot and because of the slope of the lot it is closer to the neighbor whose lot line will be infringed. In addition, the steep slope in the front of the house constrains what can be done to the front of the house.

Richard Riley asked Mr. Backa to respond to the criteria that asks if the proposed use would be reasonable one.

Mr. Backa indicated that the main purpose is to provide shelter for visitors and deliveries and the porch will be consistent with the other properties in the neighborhood.

Richard Riley commented that the proposed porch would encroach 4 ft. into the 20 ft. setback, which would result in a 16 ft. setback on the property. He pointed out there are three letters of support from abutters, which will be read into the record during public input.

Hearing no further discussion, Richard Riley opened public input.

Laura Gandiaread the letters of support into the record:

Reynolds, 24 Deerwood Drive, Litchfield, NH 03052, stated that there is no objection to Mr. Backa building a porch onto 26 Deerwood Drive that will encroach 4 feet into the 20 foot setback toward 24 Deerwood Drive.

Cheryl Boggia, 25 Deerwood Drive, Litchfield, NH 03052, stated that she has no objection to Mr. Backa building a porch onto 26 Deerwood Drive that will encroach 4 feet into the 20 foot setback toward 24 Deerwood Drive.

Kim Levesque, 28 Deerwood Drive, Litchfield, NH 03052, stated that she has no objection to Mr. Backa building a porch onto 26 Deerwood Drive that will encroach 4 feet into the 20 foot setback toward 24 Deerwood Drive.

Richard Riley commented one of the letters is from the abutter on the side of the property the porch will face.

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

Laura Gandia made a motion to close public input. John Devereaux 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 because
- 2) The spirit of the ordinance is observed. The Board agreed.
- 3) Substantial justice is done because
- 4) Values of surrounding properties are not diminished.
- 5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

Richard Riley commented Mr. Backa presented the criteria sufficiently. He believes the description of the property, the grading of the land and the construction of the house lends to the uniqueness of the property.

Laura Gandia agreed, but commented that she is struggling with the last criteria. She indicated it is a very large house with a garage and a sunroom in back. She pointed out that a porch could be constructed in the front of the home.

Richard Riley acknowledged that there is a challenging aspect in the front of the home that exists. He noted that the specific abutter who is most impacted is supporting the project and there are existing trees that provide a natural buffer of privacy for that abutter.

Laura Gandia pointed out that after looking at the plans the porch looks like it will fit in the front of the house.

Richard Riley commented that it is a gazebo type of a structure and would be aesthetically pleasing. He agreed the intended use is reasonable.

Richard Riley made a motion to grant a variance from LZO Section 310 to construct an enclosed porch addition as shown on the application for Case #2020-07, 26 Deerwood Drive, Litchfield, NH, Map 17, Lot 11, which when completed would encroach 4 feet into the side setback requirement of 20 feet. Laura

Gandia 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.

IV. COMMUNICATIONS AND OTHER BUSINESS

- **Election of Officers**

John Devereaux made a motion to nominate Richard Riley as Chair of the Litchfield Zoning Board of Adjustment. Laura Gandia seconded. The motion carried 3-0-1, with Richard Riley abstaining.

Richard Riley made a motion to nominate Laura Gandia as Vice Chair of the Litchfield Zoning Board of Adjustment. John Devereaux seconded. The motion carried 3-0-1, with Laura Gandia abstaining.

Richard Riley was elected Chair and Laura Gandia was elected Vice Chair.

John Devereaux asked if the term expires next October.

Richard Riley indicated the bylaws state the board should make motions in April, but there are provisions to hold positions if motions are not made. He pointed out that the current pandemic situation resulted in a delay in some business of the board.

Richard Riley commented that he felt challenged holding meetings fully remote because he felt that the board was not able to discuss business as much as he would have liked. He indicated he will continue to attend in person and board members may attend however they feel is best.

V. ADJOURNMENT

Laura Gandia made a motion to adjourn the meeting and John Devereaux seconded the motion. The motion passed 4-0-0.

The meeting was adjourned at 7:36 p.m.

Respectfully submitted,
Michele E. Flynn