

**TOWN OF NORTHFIELD  
ZONING BOARD OF ADJUSTMENTS  
MEETING MINUTES OF JUNE 27, 2022**

**Members Present:** Lisa Thorne, Morris Boudreau, Richard Honer, Ross Cunningham  
**Staff:** Ken Robichaud, Susan Slack on conference Phone

Having a quorum, Vice-Chair Thorne called the meeting to order at 7:01 PM.  
Introductions of Board members was completed.

- **Minutes**

**Boudreau/Honer** moved to approve the meeting minutes of May 23, 2022 as written. **Motion Passed**

- **Gerald Buckley Jr** – Application for a Variance to construct a shed 8x10 shed within the setbacks located at 16 Glines Park Rd (Map R08 Lot 34) on .196 acres in the Conservation Zone.

Mr. Buckley presented his plan to construct a shed on his property. He stated that the lot is small, had been abandoned for many years and he is reconstructing it. He added that the purpose of the shed would be to house outside equipment such as rakes, shovels, mower, etc. Mr. Buckley stated that a shed used to be on the property but it was in the middle of the property, Mr. French a neighbor requested that he move the shed further from his property line if possible since the old shed was only 6 feet from the line, this request is a 10-foot set back. Mr. Buckley presented a map showing the boundaries. Mr. Buckley explained he has a tenant who is 86 years old and he's trying to make the property nice for her.

Mr. Honer stated he has no issues with this request since the property is already nonconforming.

Ms. Thorne opened the floor to the public at 7:05pm

Leroy French stated that he had issues with the prior shed as it caught fire and caused damage to his property. He added that putting it 10 feet from the boundary, moving it any further would put it into his driveway. He stated the moving it to the other side, the neighbors across the street didn't like it because it disturbed their view to the pond, but feels there are other areas on the property that the shed could fit between trees. Mr. Honer stated that this location is where his septic system is. Mr. French added that putting it in the location he suggests allow more access to the pond for boat launching.

Mr. Boudreau stated asked how much further would that new location would be from the other property line. Mr. French stated he thinks about 20 feet. Mr. French stated another location is more near the road.

Close public input at 7:15pm

Board reviewed each criteria...

Criteria 1: Board agrees with what's written, no questions or concerns

Criteria 2: Board agrees with what's written, no questions or concerns

Criteria 3: Board agrees with what's written, no questions or concerns

Criteria 4: Board agrees with what's written, no questions or concerns

Criteria 5: Board agrees with what's written, no questions or concerns

Board feels he meets all of the criteria.

**Cunningham/Honer** moved to grant the application as presented. **Motion Passed.**

- **Erick Levesque** – Application for a Variance to extend an existing 8' fence to be 12' along his property located at 28 Sargent St (Map U03 Lot 25) on .46 acres in the Commercial / Industrial Zone.

Mr. Levesque explained the application and that he issues with privacy from the neighbor as he and his family is being harassed. Board discussed that the fence is existing, Mr. Levesque added the extra 4 feet of height, and was informed by the Town he needed a variance to go beyond what code allows. Mr. Levesque added that when he first moved there it was grass, but as he works on vehicles and has an approved repair shop, he gets calls late at night that there are headlights in her windows, this is due to when people drop their

vehicles off late. So, he installed the concrete fence, now he gets phone calls from the neighbor for other complaints. He wants to keep her eyes off his property, and eliminate phone calls from the town, or police visits due to her complaining.

Mr. Honer confirmed that the fence is on his property.

Board confirmed the height is 8 feet, and the zoning ordinance does not conflict with that as it does not have any sections on fencing.

Mr. Levesque stated that keeping the fence up at 12 feet has reduced the problem a little bit, taking it down we will be back daily complaints.

Mr. Boudreau asked how the neighbor is looking onto his property, Mr. Levesque stated that there are cameras everywhere.

Mr. Cunningham confirmed that the height of the fence is all that is being asked for, and all of the issues back and forth with the neighbor is not for the ZBA to fix.

Mrs. Thorne opened the floor to the public at 7:25pm

Betty Hammond, stated that the property is in the Ground Water Protection District, but the application states it is not. She went onto explain the reasons for calling the police due to loud music. Mr. Honer asked that the comments be limited to the fence.

Mrs. Hammond stated that per the state statute this is considered a spite fence and read the RSA. Mrs. Hammond added that she can't see day light from her downstairs windows due to the fence. She presented a letter from a realtor, stating that the fence negatively impacts the value of her property. She confirmed that there are cameras around their house, but there's nothing that invades anyone's privacy.

Wayne Hammond added that the extension of the fence close to the center of town, adding this is not enhancing his business, and that they added a vinyl fence to make it look nice on their property. He feels that a variance should not be asked for after the fact. Mr. Honer stated that this is more of an administrative relief from the building code not the zoning ordinance.

Ben Davis feels there's a reasonable desire for privacy, and does not feel the fence is constructed out of spite. He added that it is a commercial / industrial zone with a mix of residential and businesses, on all sides of their properties. Mr. Davis confirmed that he also has a fence that abuts Mr. Levesque's property. Mr. Honer asked the height of his fence and if he'd care if Levesque constructed a 12 foot fence. Mr. Davis stated that his fence is about 6 feet, and he would not care as he likes privacy. Mr. Davis added that the neighborhood is not million-dollar homes, they are homes with a lot of business out of.

Mr. Cunningham feels that relief is being asked for after the fact, and it's not in the business of fixing neighborhood disputes. Mr. Davis stated that he feels Mr. Levesque is trying to be a better neighbor, but agrees asking before hand would have been better.

Closed the public input session at 7:47pm.

Board reviewed each criteria...

Criteria 1: Board does not feel they have met, as the fence is on the property line.

Criteria 2: Board feels the answer does not answer the question. Board does not feel that this criteria has been met.

Criteria 3: Board feels that what is justice for the applicant is injustice for the neighbor.

Criteria 4: Board feels that article 1 of the Ordinance, which is to protect property values also based on the letter from the realtor.

Board agrees in a Commercial/Industrial neighborhood this maybe acceptable, but because the surrounding properties are residential, they feel this criteria is not met.

Criteria 5: Board feels they have not met any of the criteria to this point.

**Cunningham/Boudreau** moved to deny the application based on not meeting all of the criteria. **Motion Passed.**

- **Roger and Ami Davidson** – Application for a Variance to construct a 12x24 carport in the existing driveway within the setbacks located at 14 Gale Ave (Map U08 Lot 73) on .33 acres in the R1 Zone

Ami Davidson stated that they want to construct a carport on their driveway that is preexisting nonconforming for set back requirements.

Mr. Cunningham asked about the tree issue. Mrs. Davidson stated that they can't utilize the driveway without some protection from the tree. The tree exists on the neighbor's property and droops over onto their property.

Ms. Thorne stated that the carport may protect from the dripping sap, but the tree is huge and it may not protect from a limb falling.

Mr. Davidson stated that he has permission to cut some tree limbs. Mrs. Davison stated she'd rather lose a carport than a car.

Board discussed the multiple options of how the carport would be connected to the ground.

Board opened the floor to the public. 8:01pm

Kevin Shinnick state that he supports the project and that the house the carport is closest to is currently vacant and the people who own it uses it as a storage building.

No further public input, closed session at 8:05pm

Board reviewed each criteria...

Criteria 1: Board agrees with what's written, no questions or concerns

Criteria 2: Board agrees with what's written, no questions or concerns

Criteria 3: Board agrees with what's written, no questions or concerns

Criteria 4: Board agrees with what's written, no questions or concerns

Criteria 5: Board agrees with what's written, no questions, Ms. Thorne is concerned with the tree coming down and crushing the carport.

Board feels he meets all of the criteria.

**Cunningham/Boudreau** moved to approve the application as presented. **Motion Passed.**

- **Other Business:**

Mr. Honer feels we should go through our forms and make a form for building code. Ms. Slack stated that it would be easier to add conditions to the Zoning Ordinance. Mr. French asked if there was a committee being formed to review the Zoning Ordinance. Mr. Robichaud said no, as this is the duty of the Planning Board. Mr. French asked if people can submit a warrant to change a zoning ordinance? Ms. Slack stated there can be a petition warrant article, but it's usually better to work with the Planning Board to make sure the wording is better and flows better with overall ordinance. Ms. Slack stated she can share with the Planning Board what other towns have done.

Denny French stated that in 1986 they came before the board to build a garage, they were denied until 1990 because the setbacks were relaxed. He feels there shouldn't be any rules, it's his land and he should be able to do whatever he wants with it. He reviewed what his dad had to go through to get the garage built. Why have the rules if we are going to approve applications like this, why not just get rid of them. Mr. Boudreau stated that the abutter can appeal the boards decision. Mr. French stated that he doesn't want to and feels there should be no rules.

There being no other business meeting adjourned at 8:15 PM

**Minutes approved July 25, 2022**