Town of Stoddard Preliminary

Zoning Board of Adjustment

Hearing and Meeting Minutes

 January 19, 2022

The Chairperson called the meeting to order at 7:30 pm

Pledge of Allegiance was led by the Vice Chairperson

Roll Call: Franz Haase Vice Chairperson. Jason Kovarik, Franz Haase, Herb Healy Chairperson (via Zoom), Doug Summerton, Bud Taylor,

Alternate: Milosh Bukovcan

Members Excused: None

Others present: Harry Power Compliance Officer, Richard Goodine (Applicant), Liana Poodiak (Abutter).

Hearing: Request for a Variance by Richard Goodine concerning Article III, Section 1 of the Stoddard Community Planning Ordinance. Applicant proposes to remove an 8 ft x 14 ft shed and construct a 24 ft x 24 ft two car garage on the same location. The garage will extend five feet into the required 25-foot setback, on the property located at 116 West Shore Circle, Stoddard, NH. Tax Map 122, Lot 037 in the Lake District.

The Secretary read the public notice. Franz read aloud, the rules of procedure to those present. The Secretary read Mr. Goodine’s letter that accompanied the application. Mr. Goodine was asked to present his case. He brought two sets of plans for his project for all to view. They contained pictures of the current shed and property prior to construction showing the shed into the setback by 2.5 feet. Positioning of the garage was subject to the NHDES and couldn’t go where he originally wanted it. It will face the lake and require a new section of driveway in order to make the radius turn into it. He also has approved plans for a septic system behind the new garage. His land is a 0.36 acre lot, the house is 575 sq. ft with no room for storage. He feels the 2-car garage will give him room for his autos and much needed storage space for items needed to utilize the lake house.

Herb asked what is the encroachment of the garage? A corner of the shed is 2.5ft into it now. The side wall of the garage will be 5ft into the setback.

Doug asked if he plans to have power & water going into the garage. Rick said water for washing cars & power. No bathroom facilities and no living quarters are planned.

Herb asked, your lot is .36 acres, are the neighbors lots the same size? Richard replied, the southern lot has a house by the lake & barn further up by the road but he didn’t know the size of the lot. Liana’s property is on the northern boundary of Goodine’s property, and is 1.8 acres.

Herb asked how many buildings he will have on the property. Richard stated he is removing a shed and outhouse to build the garage and future septic system, so there will be less structures.

Franz asked for Ms. Poodiak’s thoughts about the project. She stated she and her husband don’t have an issue with the garage but are concerned about the septic installation. It is close to her property; the location appears to be ledge and a wet area and they are concerned it may affect their trees. Franz said the septic doesn’t apply to this hearing. It may require blasting but the experts have designed the system and it has been approved by the state.

Herb asked if the septic impacts anyone across the street. Answer was no. Goodine’s property is land locked and he accesses it from a ROW off the Poodiak’s driveway.

Franz asked if there were any other questions. No one had questions. Bud moved to deliberate, Doug seconded the motion and all were in favor. Franz announced the public hearing is closed and to please hold public comment at this time.

Franz asked for comments or concerns. Doug had no comments. Viewing the plans, Bud doesn’t see that bringing the garage wall five feet into the setback toward the Poodiac property would affect them as there is a woodland boundary between them. Franz stated the layout is well thought out and has taken neighbors into consideration. Jason has no concerns. Herb’s audio wasn’t working well and he asked to go over the five criteria.

Franz explained the process and purpose of reviewing the five criteria to the audience. He then read each criteria aloud for discussion with members.

#1 and #2 Criteria – Herb stated Granting the Variance would not alter the neighborhood. Franz added the older lot design predates the ordinance. The garage and current changes blend in with the neighborhood along Whitney Rd. Jason agrees.

#3 Criteria – Would do substantial justice. Bud stated there is nothing happening that will affect any of the abutters or devalue their properties. Herb stated it will be a benefit to the public as it will upgrade the property. Doug said Richard is taking away two eyesore buildings and improving the property.

#4 The project will upgrade the surrounding properties.

#5 Franz, It’s obvious he has a burden of a nonconforming lot that is very tight and is trying to fit a building on it in a well-designed manner. Herb stated the surrounding properties are similar and there are some larger. He does meet the special condition. Franz, It is reasonable that a person who is using a residence should be allowed to have a garage.

Franz asked if anyone had any concerns or discussions. There was discussion whether the Board should add a condition to the Decision in regards to creating a living space above the garage. Richard has stated he has no plans for living quarters there. The Building Permit states “no living quarters”. A Change in Use will need to be applied for. Herb feels it doesn’t need the condition. Liana has an issue with him having water at the garage. Her garage has a condition on it forbidding water. Bud stated if the applicant wants to connect waste water from the garage he would need a change in use. Also, the easiest way to control that would be to not have water there. Members felt no need to put conditions on the Decision.

Doug made a motion to approve the Variance as described in the application. Jason seconded the motion. Roll call vote was taken: Doug approved, Bud approved, Jason approved, Franz approved, Herb approved. The Variance is Granted as written.

Franz let Mr. Goodine know he would be getting a notice in the mail with the Decision next week. Harry mentioned when he receives the Decision he would approve the building permit and get it to Mr. Goodine.

 Correspondence/Reports

* Compliance Officer report: has a new building application for a deck on Eva Lane that goes into the set back and is within 50ft of lake.
* Secretary: No ZBA applications received. Will email monthly budget to members.

Meeting Minutes

* October 20, 2022 minutes: Jason made a motion to accept the minutes as written. Doug seconded the motion. All members approved.
* November 17, 2022 minutes: Old Business, first bullet corrected to read “no proposed changes to Rules of procedures”. Third bullet add “unless and until”. Last sentence add “to apply to the ZBA”. Members voted to approve the corrections.
* December 2022. Franz made a motion to accept the minutes as written. Doug seconded the motion, members approved.

Old Business

* Review of ZBA Rules of Procedure, copies of revision were handed to members. Changes were made to update our rules to comply with new State ZBA regulations. Our changes also addressed some edits and made it more organized. Doug made a motion to accept the Updated Rules of Procedure, Bud seconded the motion and all voted in favor.
* Budget 7/2023 – 2024: Members each had a copy of the proposed budget. Herb explained each line item. Members discussed the items. Doug made a motion, seconded by Jason to submit the budget as presented, all members voted in favor.
* Town Narrative. Members had copies of the narrative. Herb explained it was written on the calendar year not the town fiscal year. It explains what the ZBA is and does and what was accomplished last year; closing with a description of the types of applications, their uses and where to find them. Members discussed the narrative. Doug made a motion to approve and submit the narrative to the Administrator. The motion was seconded by Bud and approved by members.
* Review of communications re: Wetlands Ordinance (Article XII) of CPO: Herb shared information from Attorney Matt Surge regarding terminology/interpretation and the ZBA’s involvement in Wetland issues as written in our CPO. Some items mentioned: The Stoddard ordinance is written very broadly*.* The state regulations preempt the Town regulations. “Structure” is something constructed (as a dock). The 50‘buffer area is not part of wetlands. Wetlands are water surface. “Change in land use” Anything altering the surface configuration of the land/water should be interpreted liberally to carry out the purpose of the CPO.
* Herb will refer to Matt or NHMA about the difference between public waters & wetlands. He will also inquire if “shoreland” is a boundary.

Public comment

* No comments.

Executive Session: Discuss upcoming issue

* Doug made a motion to go into nonpublic session. Bud seconded the motion. Jason, Herb, Franz, Bud, Doug and Milosh voted in the affirmative. Members went into executive session at 10 PM. Doug made a motion to come out of Session. Bud seconded the motion and all voted in favor. Session closed at 10:10 PM

Public comment

* No comments

Adjournment. All voted in favor to adjourn the meeting at 10:11 pm. The next meeting will be held on February 16, 2023, at 7:30 pm at the Stoddard Town Hall.

Respectfully Submitted,

Kathleen Ellis

Secretary