

Town of Stoddard
Zoning Board of Adjustment
Minutes of Meeting October 19, 2017

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

The Pledge of Allegiance was led by Harry Power.

Members present: Chairperson Jason Kovarik, Vice Chairperson Curtis Taylor, Angel Nicoletti Franz Haase, Douglas Summerton

Alternates present: Richard Scofield, Ed Saleski

Others present: Compliance Officer Harry Power, Brian Michaud, Attorney Silas Little, Dan Eaton, Casey Hayes, Jen Wells, Daniel Wells, Tazia Johnson, David Vallincourt, Michael Hayes, Richard and Christine Sears, Dennis Patnoe, Ryan Lavoie, Joan Lucas, Letters from J. Mowat, Patricia and Bill Kennedy

Hearing

- Case #2017-10-01, Frank Stuckey- Request for a Variance to Article III Section 5 of the Community Planning Ordinance. Applicant proposes to change the use of the residence from seasonal to non-seasonal status. The property is listed on Tax map #119 Lot 9 and is located at 25 Beaver Lake Road in Stoddard and is listed as a two bedroom property.
- Brian Michaud represented the applicant, Frank Stucky. The Applicant feels it is unnecessary to incur the expense of installing a new septic system above the current system, which was installed prior to 1969, in order to change the status of his property from seasonal to non-seasonal. Stoddard Town Ordinance #5 requires an approval of operation, while NH State regulations require an approval for construction.
- The applicant hired Monadnock Septic Design, a professional septic system designer, to inspect the current system and design a new plan of the same size, for the property. Brian answered questions from the Board and stated the tank was opened and inspected on August 24, 2017. He presented copies of the inspection report from MSD stating the tank showed no signs of degradation and there were no signs of septic failure. He also provided the Board with copies of State approved plans for construction of a new system to be installed on the property and copies of the State regulations and Town ordinance showing the inconsistency. The applicant wants to sell the property as a non-seasonal, two bedroom residence. The residence has been vacant since June of this year. The Chairperson asked if any abutters wanted to speak. There were no abutters present. He asked if anyone had further questions, none did. A site visit is planned for 10 am, Sat 21, 2017. This hearing will continue on November 2, 2017 at 7:30 at the Town Hall.
- Case # 2017-10-02 Casey Hayes – Request for a Special Exception and Appeal to an Administrative Decision concerning Article 11 Section 1, 2 & 3 of the CPO also, Article IV Section 1. Mr. Hayes is appealing the determination by the Board of Selectmen that he is conducting a commercial or industrial use of his property. The applicant seeks a Special Exception to continue the repair of riding mowers and garden tractors on his property as a personal hobby and for display at Engine Shows. The property is located at 67 Fox Run Road, Tax Map 120 Lot 03 in Stoddard.
- Attorney Silas Little spoke for Mr. Hayes. In explaining the Appeal from an Administrative Decision: Mr. Little explained collecting and repairing cub cadet tractors and their attachments (1961 -2008 models) is Mr. Hayes's hobby . On occasion he sells them as one would model

trains or guns but not as engaged as a commercial enterprise would be. He is not manufacturing on the property so it is not industrial. There are no signs or lights. He feels that the state terms of commercial/industrial denote making profit. He does not do it for profit. More like someone would enjoy gardening.

- Regarding the Special Exception – If the board deems Mr Hayes has a commercial/industrial business going on, they would like a Special Exception so he can continue working on the riding mowers and tractors. He needs no room for parking, has no showroom or lights, follows best management practices regarding fluids and does not store them on sight. There is no noxious fumes or residue. He has put up a fence so the abutter does not see what he does. The unused parts go to recycling.
- Mr. Little and Mr. Hayes responded to Board Members questions stating that Mr. Hayes does own 4-wheelers and snowmobiles for family recreation as he several young people and family enjoy using them. At the time of the Compliance Officer's visit there were 13 more vehicles in his yard. He uses the tractors to complete work in his yard. He has no workshop and waits until after 9am if he is going to do work on them. When asked if he wants to go commercial, Mr Little stated that is what they will go for, as he has received a cease and desist order from the Town with a \$250 a day fine.
- The Chairperson opened the discussion to abutters. Presented were photos of the property with For Sale signs and tractors about the yard, a copy of the covenants from the Fox Run Subdivision and a copy of the 08/08/17 Stoddard Planning Board Minutes.
- Abutters stated the condition of the Hayes property is lowering the assessment of their homes and feel the character of what he does is out of character with the neighborhood. Environmental impact of the operation was raised with one abutter afraid of contamination of his well that is downhill from Mr. Hayes property. Increased road traffic and congestion along the property was also concerning as it was stated the activity of vehicles and equipment coming and going is not just once in awhile but perpetual.
- The Chairperson read aloud letters from residents J. Mowat and Patricia & Bill Kennedy.
- The Chairperson asked for those in support of Mr. Hayes to speak. Pictures of family members enjoying the tractors were presented. Many neighbors and residents spoke well of Mr. Hayes and mentioned how he has been a good neighbor and offered the use of his vehicles to help them at various times. A neighbor stated while in favor of the covenants, which allow for no commercial business, he has no problem with Casey's hobby. Casey has a large family and when they are all at home at the same time, there are many vehicles in the yard. Casey explained at one time he had to move the tractors to the front yard while working on his chimney.
- The Chairperson asked if any board members had questions. No one did. Jason stated the hearing is now in recess. All ZBA members and applicants present, agreed on the hearings to be continued on November 2, 2017 at 7:30 at the Town Hall.

New Business

- Nothing

Minutes of 2017

- The minutes were accepted by the Board as written.

Correspondence/Reports

- Nothing

Old Business

- Discussed the joint meeting of October 3, 2017 with the Planning Board regarding ADU.

A Motion was made by Franz to adjourn. The Motion was seconded by Curtis. The Motion passed unanimously. The meeting adjourned at 9:29 pm.

The next meeting will be November 2, 2016 at 7:30 pm at the Stoddard Town Hall.

Respectfully submitted,
Kathleen Ellis
Secretary to ZBA

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