

Town of Stoddard  
Zoning Board of Adjustment  
Minutes of Meeting October 20, 2016

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

The Pledge of Allegiance was led by Harry Power.

Members present: Paul Krampfert, Angel Nicoletti, Dave Costin, Alternate Richard Scofield sitting in vacated regular member position, Alternate Ed Saleski sitting in for Curtis Taylor

Members excused: Curtis Taylor

Alternates not present: Dean Huber

Others present: Compliance Officer Harry Power, Contractor Joe Sarcione, Applicant Diane Avera, Abutter Mike Belanger, Applicants Michael Lebo and Laura Dougherty, Applicants Dean Dorman and Jan McGonagle

#### Hearing

- Continuation of Hearing of Application for a Variance & Special Exception, Scott and Diane Avera, regarding property on 60 Penny Lane, Stoddard. Tax map 127 Lot 37. The Chairman asked for questions from the Board regarding the property, there were none. He also asked if the Applicant, Mrs. Avera, had anything new to add. Mrs. Avera stated they are waiting on state approval and that the closing on the property is scheduled for October 31. Paul called for discussion from the Board regarding the first element of the Variance; that the project would not diminish the value of the property. Comments included that the value would not be diminished because the footprint will not change from the way it currently is, the property would not be devalued by the project and that the extension of the roof over the deck area and utility room would actually improve its value. Updating the septic system to year round would make the property more valuable. Discussion was held on the second element, would the project benefit the public interest. It was stated that the improvements would be a benefit to the neighborhood, notably that the roof would be bolstered up where it now sags a bit, and that it would improve the overall look of the property. Discussion on the third element was the denial of the variance would result in a hardship to the owner because of the following special circumstances of the property that distinguish it from other properties similarly zoned. All agreed that the property is not different from others in the area, and an unnecessary hardship would be created if it isn't approved. Element four discussion was that granting the variance would do substantial justice. All agreed that it would do substantial justice in this case in that the seller of the property deserves to be able to sell it, and the approval creates the mechanism by which that can occur, and not create insurmountable circumstances hindering the sale. The improvements would also improve the neighborhood and increase the property value. Discussion on the fifth element of the Variance was the use is not contrary to the spirit of the ordinance. Members stated it will continue to be used as a vacation property and it will allow the use of the property for future use as waterfront. Since the purpose of the ordinance is to protect property values and abutters rights, and the members feel this structure is fine. Keeping the original building footprint on such a small lot was wise, and the planned improvements will increase the value of the property. The Special Exception asks to protect the environment if there are changes to the property, and there are changes. The roof line will be extended over a section of the current deck to become an enclosed porch and leaving a portion of it as a deck. The back shed will be removed with a frost wall put in and become living space for the family. However, it is still a residential

occupied dwelling. A silt fence will be installed enclosing the entire construction area so any sediment will be contained. Richard asked what permit the applicant was waiting for. Mrs. Avera stated they are still waiting for DES approval for "change of use" for the enclosed porch and deck, and the shed to a living space. They are also waiting DES approval for expanding the seasonal septic to year round septic. They should have an answer by 10/27/16. Richard made a motion that we grant the exception based on State approval of the permits. Dave seconded the motion. Paul asked for further questions. Paul commented that the Applicant cannot go ahead with the silt fence as they currently don't own the property. They have agreed to send pictures of the silt fence once they own the property. Richard amended the motion to grant approval contingent on applicant ownership, receipt of pictures of the silt fence and approvals of the necessary permits from NHDES. Dave seconded the motion. Paul asked for a vote. All were in favor. The Hearing ended at 7:50 pm.

- Hearing of Application for Michael L. Lebo and Laura M. Dougherty property on 232 Tigola Trail (Mallard Island) Stoddard. Tax map 115 Lot 49 in the lake district. The Secretary read the Hearing Notice and emails received from Michael Belanger, abutter, stating he would not approve the plan. Also emails to Mr. Belanger from the Chairperson explaining the ZBA process. Paul invited the applicants to explain their application. Mr. Lebo spoke about their plan for a 26'x 30'garage and where they stand with approvals from the DES. He stated the garage would not affect Mr. Belanger's property. The garage actually affects the right of way that goes through Mr. Lebo's property. Mr. Lebo pointed out the property on the map and showed it to Mr. Belanger and Board Members. Mr. Sarcione, Mr. Lebo's contractor, explained that culverts, ledge, and terrain were the reasons behind the placement of the planned garage. Richard will look into the Hidden Lake covenants Mr. Lebo referred to regarding right of ways and the 50 ft building setback required in the deeds to properties within the Development. He will have that information for the group at the next hearing. Mr. Lebo explained that they plan to eventually move to the property permanently. The current home is small and storage space is limited. Mr. Belanger stated he has a more clear understanding of the project and has no problem with it as described. The Chairman asked for dates for the site visit. Saturday, October 29, 2016, at 11 am, has been chosen for the visit. Mr. Sarcione has the area marked and will be present to answer questions. Paul announced this hearing will be continued on November 17, 2016, at 7:30 pm, at the Town Hall. The Hearing ended at 8:20 pm.
- Hearing of Application for Dean Dorman and Jan McGonagle property on 425 Treelyn Road, Stoddard. Tax map 133 Lot 17 in the lake district. The Secretary read the Hearing Notice. Paul asked if this construction involves a wetland permit and Harry stated it does not. Paul asked Mr. Dorman to show the map of the property and explain the project. He presented the map and explained the proposed project to members. The garage (24' x 36') will include a garage area, and wood-shop downstairs, and a heated bedroom, kitchenette & bath upstairs. Paul asked if the apartment above the garage was to be rented out. Paul asked if they would accept a condition regarding leasing the apartment. Ms. McGonagle stated the Treelyn Road Association has a covenant in the deed stating they cannot sublease any portion of their property. The applicant will produce a copy of the covenant to the Board at the time of the site visit. Paul stated with the covenant in the deed stating no subleasing, there would be no need to enter it as a condition. Discussion continued with the placement of a culvert and where the apartment's septic load would go. Harry asked the applicant to inquire of their contractors to assure the current septic is acceptable to the state. They agreed to inquire and have that answer at the site visit. The group settled on October 29, 2016, at 9:30 am for a site visit date. This hearing will continue on November 17, 2016 at 7:30pm at the Town Hall. This Hearing ended at 8:40 pm.

#### New Business

- The Court Proceedings regarding the Ward Case will probably go into January.
- Work on Special Exception Form will begin this Winter. Angel & Paul went to the Planning Board meeting and spoke to them regarding the fact that the CPO has no section on Special Exceptions.
- Harry gave a summary on the Eaton property. The proposed owners plan a Property Management Company and boat excursions along the lake at that location.
- No one attended the NHMA 2016 Municipal Law Lecture series at Antioch College

#### Minutes of ZBA Meeting 09/25/2016

- The minutes were approved with a spelling correction.

#### Minutes of Site Visit 10/02/16

- The minutes were approved as read

#### Correspondence/Reports

- Paul reviewed the ZBA September budget to date
- Reviewed all other bills

#### Old Business

- Forms Work Update will continue after January.
- Discussed various meeting time options regarding meeting on an “as needed” basis. Board Members decided 7:30 pm is a good time to meet.
- Paul & Angel attended the Planning Board meeting on September 20<sup>th</sup>, regarding Signs and ADU and have a handout, to discuss at a later time.

A Motion was made by Angel to adjourn. The Motion was seconded by Dave. The Motion passed unanimously. The meeting adjourned at 8:58 pm. The next meeting will be November 17, 2016 at 7:30 pm at the Stoddard Town Hall.

Respectfully submitted,

Kathleen Ellis  
Secretary to ZBA