

Town of Stoddard  
Zoning Board of Adjustment  
Meeting Minutes of February 18, 2016

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

The Pledge of Allegiance was led by Harry Power.

Members Present

- Roll call: Paul Krampfert, Curtis Taylor, Richard Scofield, Angel Nicoletti, Dave Costin, Dean Huber alternate member is in the audience

Members Excused

- Ed Saleski

Others Present

- John Lemanski, Fred Ward, Harry Power,

Hearing

- The Chairperson stated tonight's meeting is a continuance from January 17, 2016 of the Hearing of Application for Variance for John & Barbara Lemanski Case #2015-11 Tax Map #105 Lot #2. This case is unique in that a Variance is usually sought to resolve a problem as a last resort. The issue is that the structure is within three feet of the setback. The proposal is to move the structure to where the driveway currently is, which would put it outside the twenty five foot required setback and then relocate the driveway. In this case Mr. Lemanski has agreed to move the structure. The Chairperson asked for comments from the Board.
- Richard said in making his decision on a situation that didn't exactly conform to the zoning regulations, he had to take into consideration the opinion of the abutters. In this case the abutter's had no objections in person or in writing. He noticed at the site visit the abutters building was almost as close to Mr. Lemanski's property line as his structure was to theirs. Richard felt there was no reason to ask Mr. Lemanski to move his structure as it was not causing anybody a problem.
- Curtis agreed with Richard stating Mr. Lemanski made an honest mistake and has filed the appropriate paperwork to correct that mistake. Moving it would exceed what we should do to our neighbors. It will take a great effort and expense and it's current placement is not bothering anyone. If he wants to do further work on it he definitely would have to seek the proper permits. Having seen the structure, it will not cause a loss in value to anybody, it will not affect town functions to leave it in place. It is not out of character with the lake and will not cause a problem with noise, pollution or lighting.
- Angel felt differently, with concern about having the Zoning Ordinances violated. Whether it was by mistake, or not, is not the issue. The structure does not have a foundation, there is a place on the property to move the structure to and the owner has the means to move it. She feels that although Mr. Lemanski was misled about permitting and built in the wrong location, that in itself is not a strong enough reason to grant a variance.
- Paul stated he also was at the site visit and agrees Mr. Lemanski was misled regarding placement and permits. He determined the structure has no foundation, it is sturdy, built with big beams and built so it can be taken apart and moved. Paul's concern is that in time the structure will have siding put on it and the interior used for storage as the applicant has stated, but all that will require new permitting under a different Board. Paul continued; moving it to a proper location now will correct the mistake, and clear the way for future uses and upgrades to the structure.
- Dave was not at the site visit. He stated he agrees with Richard and Curtis to leave it where it stands.
- Discussion between members regarding the setting of precedent followed. Angel stated each case is taken on it's own merit.
- Paul spoke to the Board; in NH a variance is considered a safety valve, but only as a last resort to other options. In this case, in cooperation the applicant has agreed, and came up with the solution, to his own credit, as to getting this resolved to not require this last resort variance activity. That is most always the best way to resolve issues.
- Paul asked if Mr. Lemanski would like to speak. Mr. Lemanski spoke, stating he gave the option to move it as he was unsure he would get a variance. He would rather not move the building, and will do whatever the board wants but would prefer the easiest

for himself.

- Mr. Power stated the structure is a building, and should the board decide to allow the building to stand where it is, he wants a thorough explanation on why the Board makes the decision it did.
- Paul asked for a motion. Richard made a motion to grant the Variance leaving the building in place. Curtis Taylor seconded the motion. Paul called for a vote. Curtis Taylor, Dave Costin and Richard Scofield voted in the affirmative. Voting against granting the Variance was Paul Krampfert and Angel Nicoletti. The Variance to leave the building where it stands was Granted. This hearing closed at 7:55pm.
- New Business
- Members were made aware of a Keene Sentinel letter to the editor regarding the ZBA and penned by Fred Ward. Paul also made members aware that there is an Article being put on the Town Warrant asking for the Town to change the membership of the ZBA from being appointed to being elected representatives.
- Members were sent an updated list of current Members with their appointment dates.
- Paul announced the OEP Spring Conference (04/23/16) and encouraged members to look over the agenda and courses offered. He also announced the Annual Legislative Breakfast. This is about NH Water resource and infrastructure. Members must RSVP by March 6<sup>th</sup>. It will be held at the Holiday Inn in Concord at 7am, on March 23, 2016.

Minutes of ZBA Meeting on 01/21/16 were approved as read.

Minutes of ZBA Site Visit of 01/30/16 were approved as read.

#### Correspondence/Reports

- The Board reviewed all Legal and other bills including the monthly budget.

#### Old Business

- The Board will work on bringing ZBA applications up to date using the OEP as a guide. The Secretary will prepare them for discussion at the next meeting.
- Harry asked that when the ZBA grants an application with stipulations, we should tell the applicant that the Compliance Officer will be following up in 6 months for compliance. The ZBA should also notify Harry when the stipulations are issued.
- Harry mentioned a committee from the Planning Board is studying areas on Route 9 that could be zoned commercial. Through this study they noticed there is an area running the length of Route 9 that is a wetland/swampy area that drains into the Contoocook and North Branch Rivers. He asked that we keep that in mind when dealing with commercial cases along Route 9 in the future.

#### Adjournment

- Angel made a motion to adjourn the meeting. Dave seconded the motion and the motion carried. The meeting concluded at 8:55 pm.

The next meeting of the ZBA will be held on Thursday, March 17, 2016, at 7:30 pm at the Stoddard Town Hall.

Respectfully Submitted,

Kathleen Ellis

Secretary for the ZBA