Preliminary

Town of Stoddard

Zoning Board of Adjustment

Minutes of Meeting

November 18, 2021

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

Pledge of Allegiance was led by Herb.

Roll Call: Franz Haas, Doug Summerton, Jason Kovarik, Bud Record, Milosh Bukovcan, Herb Healy

(Note: Kathy Ellis was excused due to illness, and Franz took notes of the meeting.)

Others present: Harry Power, Compliance Officer

Correspondence/Reports

* Letter from Hillsborough, NH ZBA notifying of a public meeting on Nov 8, 2021 to consider two (2) variance requests (boundary and usage) for a telecom facility to be located off Dashcomb Rd in Hillsborough. Letter was received Nov 1 and meeting had already taken place. No action was taken.
* Reviewed Oct 2021 budget sheet. A concern regarding the $10 budget for the line item “Advertising” was discussed. Jason indicated the amount that had been requested was $400, so it is unclear what happened to that request. Herb to investigate.  
  Also there is a $195.50 expenditure under “Misc” that needs clarification – Herb to continue to investigate.

Meeting Minutes

* Sept 2021 preliminary minutes were reviewed and amended. All amendments were associated with the Capriglione hearing on an Administrative Decision appeal; most were clarifying and non-substantive. Several substantive edits (all references are to the bullets in the preliminary minutes):
  + In the 3rd bullet:
    - beginning of 4th sentence, inserted the words” Per legal advice, a ZBA should” to reflect that the wording came from legal guidance.
    - Also, the 3rd bullet was split into two separate bullets with the new 4th bullet beginning “The Chair asked for any petitions…”.
  + In the 4th bullet, the words “of support” were added to qualify the abutter’s letter, along with the words “that the property should not be classified as seasonal” to briefly describe the letter.
  + In the 6th bullet:
    - The 2nd sentence was amended clarifying Harry’s position, to say “He stated that upon his observation of the recent occupancy of the property and the wording of Article III, Section 5 of the CPO, he considers the property to be seasonal, and he needs an Approval for Operation for conversion (classification) to a year-round property”.
    - The next-to-last sentence was amended for clarification to include the words “for at least” two hundred and seventy days “during the recent past”.
  + In the 8th bullet:
    - 5th sentence was amended to number Toni’s 3 major positions re the implications of Article III, Section 5 of the CPO.
    - The 6th sentence changed the word confirmed to “asked”, and added the word “whether” to reflect a question was being asked of Toni.
  + In the 13th bullet, the wording of the 5th sentence was changed to “He feels the language is meant to be a trigger, in that if you have a seasonal property and then convert to living in it more than 270 days you need an approved septic system.”
  + In the 15th bullet, the wording of the ending of the 1st sentence was amended to say “these are his primary reasons for favoring the appeal”, reflecting that this was the basis for how Herb would vote on the appeal.
  + Doug moved to approve amended minutes, Jason seconded. Vote to approve was unanimous.
* Oct 16 preliminary minutes were reviewed and amended. Amendments associated with Old Business only, and no substantive changes:
  + Added clarifying language to 1st bullet
  + Added this sentence to bullet #3: “Reviewed non-substantive changes to effect gender neutrality in Revision 3 draft language” to reflect nature of the Revision 3 changes.
  + Bud moved to approve amended minutes, Doug seconded. Vote to approve was unanimous.

Old Business

* Variance criteria review
  + Members expressed a preference that further discussion of variance criteria should wait until spring timeframe; i.e., until a time when variance requests are more likely to be filed.
  + Bud moved and Doug seconded a motion to table indefinitely further discussion on variance criteria. Vote in favor was unanimous.

New Business

* Next year’s fiscal year (2022/2023) budget request was discussed.
  + Herb distributed a draft budget request based on the current FY budget to initiate discussion
  + Discussed discrepancy with the current FY annual budget (2021/2022).
    - The budget request that had been submitted for FY 2021/2022 was for $8450 vs the actual current budget shown on monthly budget sheets of $8060. It appears $390 was removed from the Advertising line item, leaving a budget of only $10; that $390 reflects the difference in the total current budget of $8060 vs the requested $8450.
  + Several members thought a budget request for next fiscal year should be $8450 and not the current budget of $8060.
  + Doug moved to submit a budget of $8450 (including a line item budget of $400 for Advertising), Bud seconded, and the vote in favor was unanimous.
* Herb will check back with Pat on the Misc $195 shown on the Oct budget sheet to determine the source of that expenditure – it was thought to be for software - and whether it is correctly debited to the ZBA budget.
* Herb discussed topical ideas for the wording of the ZBA report to the Town, for inclusion in the Town Annual Report for 2022.
  + Topics included roles and responsibilities; listing of current members and alternates; overview of current FY cases and comparison with previous FY, changes to the ZBA procedures, availability for on-line meetings, and training.
  + Herb will draft the report, and submit to the members for their review prior to submitting to Michelle; due end of Dec.
* Members discussed and suggested to cancel the Dec ZBA monthly meeting unless a hearing or some critical item were to arise.  
  + Doug moved to cancel, Bud seconded, and vote in favor was unanimous.
* Herb raised the topic of an on-going construction project addressing it’s conformance to a previously granted variance from the ZBA. The granted variance did not address the proximity of the project to a shoreland area, for which the project had received a permit from the NH DES. Herb referenced the CPO, specifically the Wetlands Article which includes the definition of wetlands and a provision regarding setbacks from wetland areas. Herb urged members to revisit and review that Article, for further discussion at subsequent meetings.
* Franz moved to adjourn, Doug seconded. Vote in favor was unanimous. Meeting adjourned at 8:28 PM.

Respectfully submitted,

Herb Healy

As recorded by Franz Haas