

Approved: _____
Approved with changes: _____
Unapproved: _____

Effingham Zoning Board of Adjustment
68 School Street, Effingham
April 10, 2019

Members Present: Theresa Swanick (chair), Tim White (vice-chair), Tom Hart, & Jory Augenti.

Members Absent: Jim Pittman.

Others Present: Nate Fogg, Rebecca Boyden, & Erin Hartley.

Meeting called to order at 7:05pm.

Board Business

The ZBA reviewed procedures for conducting a public hearing.

Public Hearing

At 7:15 the Theresa Swanick opened the public hearing for the Hartley Special Exception, ZBA case #090.

Mr Hartley was offered the option to wait for a full five-member board to be present. He waived that option and wanted the case to move forward.

The Hartley application was accepted as complete by a vote of the ZBA at their April 3rd meeting.

Mr Hartley introduced himself. Theresa introduced the members of the ZBA.

Tom Hart advised the public notices were sent out on April 4th. Notices were placed on the town website, posted at town hall, a public notice appeared in the Conway Daily Sun, and abutter notices letters were mailed.

Tim White read the application noting that the parcel is located in the Rural Agricultural zoning district. The application is needed to comply with section 709 of the zoning ordinance which involved demolition and replacement of a non-conforming structure. In this case a non-conforming front porch had become a less non-conforming front deck.

Rebecca Boyden explained the history of the project and that Mr Hartley had inherited the problem when he purchased the property from the previous owner. The previous owner's building permit had been denied because he had not obtained the special exception required. Mr Hartley's building permit was on hold while he applied for the necessary special exception. Mr Hartley wishes to make the front deck legal by going through the process.

No public was present at the hearing.

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The ZBA reviewed the conditions for approval listed in section 904 of the zoning ordinance and found each of the criteria to be met or not applicable.

Tom Hart asked if the owner had any intentions to cover the deck. Mr Hartley said no. Rebecca Boyden noted that the structure used to be a porch. She also noted that as long as the roof did not extend beyond the size of the deck, My Hartley could get a building permit and no further ZBA action would be required.

Theresa Swanick closed the public input portion of the hearing. She advised Mr Hartley that he was welcome to stay for the board deliberation or he could leave. Mr Hartley left the meeting.

Rebecca Boyden noted that the board should consider section 1023 of the zoning ordinance which relates specifically to removal and replacement of non-conforming structures. The criteria in section 1023 were either met or were not applicable.

In reviewing the application the return receipts were not located, however the certified slips were accounted for. We will check with office staff to ensure that they get placed with the file.

The ZBA had a brief deliberation and found the application to meet all criteria and to be in good order.

A motion was made by Tom Hart to approve the Hartley Special Exception application without any conditions (ZBA Case #090). The motion was seconded by Tim White. All were in favor of the motion.

Theresa closed the public hearing at 7:42 pm.

The ZBA reviewed how to prepare and distribute the decision notice. Rebecca Boyden and the ZBA reviewed what was to be kept in the Land Use file and what was to be kept in the ZBA case file. Theresa will prepare the notice and distribute to the appropriate parties.

Minutes

The ZBA reviewed the minutes from March 13th.

A motion was made by Jory Augenti to approve the March 13, 2019 minutes as written. The motion was seconded by Tom Hart. The motion carried by a vote of 3-0-1 with Theresa Swanick abstaining.

The ZBA reviewed the minutes from April 3rd.

A motion was made by Tom Hart to approve the April 3, 2019 minutes as written. The motion was seconded by Tim White. The motion carried by a vote of 4-0.

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Other Business

The ZBA reviewed a list of member duties. Nate Fogg and Tom Hart will work on notifications together for the time being. Theresa will add a title to the list to make it easier to find when searching through paperwork. Nate will be in charge of keeping the ZBA Bible up to date.

Nate and Rebecca will meet outside of a meeting to review survey plans that the town has and figure out a way to organize them.

Rebecca asked to be included in correspondence. She will likely only show up during public hearings, however, would like to stay abreast of the ZBA agendas and minutes.

Rebecca notified the ZBA that the Lost Valley logging issue was now being dealt with between the town lawyer and the lawyer for Lost Valley logging.

The ZBA discussed digitizing the ZBA case log. It was noted that the tax map numbers changed prior to zoning being enacted and therefore all ZBA case files would reference current tax map and lot numbers.

Next Meeting

The next ZBA meeting is scheduled for May 1st. Theresa will be away. The meeting could be cancelled if no applications are received.

Adjournment

A motion was made by Tim White to adjourn the meeting. The motion was seconded by Tom Hart. All were in favor.

The meeting adjourned at 8:52pm.