

ZONING BOARD OF ADJUSTMENT

MINUTES

March 2, 2021

APPROVED: 4/6/21

AGENDA: 21SPX01 SPECIAL EXCEPTION, JESSE KROPELNICKI, 55 Holiday Hills, #110-028
WORKSHOP

ATTENDING: Alan DeStefano (Chairman via Zoom), Richard LaFlamme (Vice Chair via Zoom),
Larry Denton (via Zoom with Maureen McGuire), Ashley Dolloff (via Zoom – with
her children), Lorraine Bohmiller, Melody Mansur

OTHER: Christina Goodwin (Land Use Manager), Applicant

Mr. DeStefano stated that the Governor's Emergency Orders allow for meetings to be held both in-person and electronically due to the pandemic. Members of the Board and public are attending in-person, via video or via telephone conference. The meeting opened at 6:00 pm by roll call vote 6-0 with a quorum.

MINUTES FOR DECEMBER 1, 2020:

R. LaFlamme made a motion, second by L. Bohmiller, to approve the minutes as read. The motion carried by roll call vote, 3-0 with 3 abstaining.

SPECIAL EXCEPTION, Jesse & Christine Kropelnicki

Ms. Goodwin read the application, abutters notified, where the case was advertised, and stated that there were four (4) phone calls, no written comments received and no Department Head feedback. Ms. Bohmiller asked to be recused as she is a neighbor and Ms. Dolloff was named to take her place.

The application was reviewed. Mr. Denton asked if there is a clearer picture of the drawing labeled A1. Mr. Denton asked if there is a clearer picture of A1. Ms. Goodwin added the page on the screen. Mr. Laflamme pointed out two other locations with dimensions. A. Dolloff made a MOTION, second by R. LaFlamme, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED by roll call vote 5-0.

Mr. Kropelnicki stated that they wish to increase the upper floor for head height to move existing bedrooms on the first floor up to the second floor. The first floor would then have more open space. Mr. Denton asked if this change would increase the bathroom count and was told that it will go from one to two. Ms. Dolloff asked if they will just raise the roof or build new. Mr. Kropelnicki answered that they will build new from the first floor up. Mr. Denton asked if they are on Town water and sewer and was told that they have their own septic. Mr. DeStefano said that this is a septic system issue, as they will be adding more bedrooms. Ms. Goodwin stated that they are talking with the Department of Environmental Services currently about the requirements. Mr. Denton asked who determines that and Mr. DeStefano said it is the State. We are only to decide on the height increase. Ms. Goodwin added that there will be no land use permitting without

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SPECIAL EXCEPTION, Jesse & Christine Kropelnicki (continued)

State approval. Mr. Kropelnicki said that he just received a call from the State, and they are working on getting what is needed to move forward.

Mr. DeStefano asked the applicant to go over the criteria for a Special Exception:

1. Only allowed by Special Exception – It is allowed use.
2. Appropriate location and adequate size for the use – There is no change of the footprint or location. All the neighbors have two (2) stories.
3. Will not affect the character of the area - neighbors all have two (2) stories and the applicant will match the present siding.
4. No nuisance or serious hazard to pedestrians or vehicles – no change to present use.
5. Undue burden on Town facilities or services – there will be no impact as there will be no increase in bedrooms or a different use.
6. No effect on the neighborhood – no change of use and no blocking of anyone's view.

Mr. Denton asked about the one neighbor behind Mr. Kropelnicki's property and was advised that their view of the lake is already blocked as there are a lot of trees.

Mr. DeStefano asked for public comment both for and against and there was none. There were no further questions from the Board, therefore, Mr. DeStefano closed the public portion of the hearing.

L. Denton made a MOTION, second by R. LaFlamme, to VOTE ON THE CRITERIA FOR THE SPECIAL EXCEPTION AS ONE VOTE. The motion CARRIED via roll call vote 5-0.

M. Mansur made a MOTION, second by R. LaFlamme, TO APPROVE THE SPECIAL EXCEPTION AS PRESENTED. The motion CARRIED via roll call vote 5-0.

Mr. DeStefano explained the 30-day right to appeal and Mr. Kropelnicki was thanked for a clear and straight forward application.

COMMUNICATIONS: None.

WORKSHOP:

Zoning Board By-Laws

Ms. Goodwin went over the suggestions and recommended changes – the Board discussed the Town's Attorney recommendations specifically:

- It was determined to keep the 48-hour notification for minimum notice of hearings, to give the Board more time to look the case over.
- A discussion on whether to vote the application as complete was held (this is only required of the Planning Board). Ms. Goodwin will ask the Attorney if it is something we

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can do or if we should not do period. Mr. Denton asked if it just states in the statute that we are not required to do it, but we can add it to the by-laws.

- The Board decided to leave the 15-day time to give abutters notice.
- The Board discussed the requirement of having an applicant required to attend a meeting. Mr. Denton stated that we have usually continued a case when the applicant does not make the meeting. He feels that it is in the applicant's best interest to be at the meeting. Mr. Denton was concerned that if the Board continued the case because the applicant was in attendance, is there any liability of the Board. Ms. Goodwin will ask the Attorney if we can just continue the hearing and wait for the applicant to be present at a meeting to hear the case.
- It was determined to change the time for hearing a case, once it is received, to 45 days according to the RSA.
- Ms. Goodwin suggested that the amount of fees be removed as it requires changing the bylaws every time the fees are updated, and the Board agreed.
- As to 5 business days for a determination, it was questioned as to how we send the notice. Ms. Goodwin will think about the proper wording and bring back to the Board.
- The changes are only voted on at a public meeting and not a public hearing and no input is required. Ms. Dolloff inquired on reading the amendment after they are voted on at the next meeting. Mr. Denton thought they should look at RSA 676:1. Ms. Goodwin will clarify this with the attorney. Ms. Goodwin will clarify the wording.
- Ms. Goodwin inquired on the Appendix and whether the forms need to be part of the by-laws or not. Mr. Denton asked what other forms are referred to beyond the Notice of Decision. Mr. Denton asked if there is any ruling that says the forms must be in the by-laws. Ms. Goodwin will inquire. Ms. Dolloff asked if we could say we review the forms annually and the Board agreed.

Ms. Goodwin will get clarification and prepare the approved changes for the next meeting.

Pemi-River Local Advisory Committee (PRLAC):

Ms. Goodwin stated that the Town can have three (3) members from Bristol serve on the PRLAC. Currently there are two (2) members and one (1) of those members is leaving. She is asking all Land Use Boards if anyone is interested in serving. They meet quarterly. Mr. LaFlamme, who is currently a member, stated that right now they have been meeting monthly on Zoom. They are trying to get the Mooney-Clark Landing updated. He can share more information on the Committee with the Board.

NEXT MEETING: April 6, 2021 at 6:00pm. Mr. DeStefano will attend via Zoom.

With no other business before the Board, R. LaFlamme made a MOTION, second by L. Bohmiller, to adjourn at 7:03pm.

Respectfully submitted,

Jan Laferriere

Land Use Administrative Assistant