

Town of Effingham, New Hampshire Application Form Zoning Board of Adjustment

Case No.	
Property Name	Owner Meena LLC Applicant's Agent Name MARKAJACOB MCGNKQ
Address	P.O. Box 2262 Address 10 Chould Lane#) Freedo
	North Conway NH. 03960 NH. 03836
Telephor	Telephone $520-8275$
Fax	Fax quidrate
Email	Email MRK McConkey C
Location	of Property QMA: 1. COM
Address	41 NH Route 25
Tax Map	40 Lot 5 Zoning District: Check one- PLD RA HD
	pplicable request(s))
	ariance from Article Section in order to
Sp	pecial Exception to allow Automobile Service STATION & Expansion
A ₁	opeal from Administrative Decision of FEXPANSION OF A EXISTING (
on	_(date)regarding
Ec	quitable Waiver of Dimensional Requirements
Re	ehearing
	y Owner's Consent
	ad Effingham's land use regulations and will comply with all the requirements therein and any on-site
inspection	2) 124
Signatur	e(s) of all property owners date

Initial /

1. Instructions to Applicants

The Board of Adjustment strongly recommends that, before making any appeal, you become familiar with the Effingham Zoning Ordinance. Forms must be obtained from the Municipal Office or Effingham's official website. INCLUDE ALL PAGES OF THIS APPLICATION SIGNED/INITIALED AS REQUIRED. You may file for five different types of requests:

Variance: A variance is an authorization, which may be granted under special circumstances, to use your property in a way that is not permitted under the strict terms of the Zoning Ordinance. For a variance to be legally granted, you must show that the proposed use meets all five of the following conditions:

- 1) The variance will not be contrary to the public interest;
- 2) The spirit of the ordinance is observed;
- 3) Substantial justice is done;
- 4) The values of surrounding properties are not diminished;
- 5) and Literal enforcement of provisions of the ordinance would result in an unnecessary hardship.
 - a. For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
 (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (ii) The proposed use is a reasonable one.
 - b. If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owning to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonable used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it

Variance approval expires twenty-four (24) months after date of approval (RSA 674:33, I-a)

Special Exception: Certain sections of the Zoning Ordinance provide that a particular use of the property in a particular zone will be permitted by Special Exception if specified conditions are met. The necessary conditions for each Special Exception are given in the ordinance. Your appeal for a Special Exception will be granted if you can show that the conditions stated in the ordinance are met. Special Exception approval expires twenty-four (24) months after date of approval (RSA 674:33, IV)

Appeal from an Administrative Decision: If you have been denied a building permit or are affected by some other decision regarding the administration of the Effingham Zoning Ordinance, and you believe that the decision was made in error, under the provisions of the ordinance, you may appeal the decision to the Board of Adjustment, within sixty-five (65) days the appeal will be granted if you can show that the decision was indeed made in error.

Equitable Waiver of Dimensional Requirements: When a property is found to be inadvertently in violation of zoning requirements, the Board may grant a waiver in the event that certain criteria are met. These criteria are spelled out in detail in NH RSA 674:33-a.

Rehearing You or any other affected party have the right to appeal the board's decision by filing a re-hearing request, in writing, within thirty (30) days of the Board's decision. The request must include the grounds for the claim that the decision is unlawful or unreasonable. The Board will not hold a second hearing based on the same set of facts. The Board will grant a re-hearing if it is convinced that an injustice will be done by not doing so. The second hearing will be subject to the same notification procedures as the initial hearing.

2. Documentation In

If you are applying for a **variance**, you must have determined that your proposed use is not permitted without a variance. On a separate sheet of paper, indicate how your proposal meets all five variance criteria cited above.

If you are appealing an **administrative decision**, a copy of the decision being appealed should be attached to your application.

If you are appealing an **Equitable Waiver of Dimensional Requirements**, does the request involve a dimensional requirement, not a use restriction? If you answer "No" you are not entitled to an equitable waiver of dimensional requirement. These waivers may not be granted from use restrictions. On a separate sheet of paper:

- 1. Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the town.
- 2. Explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser and how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake.
- 3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area.
- 4. Explain how the cost of correction far outweighs any public benefit to be gained.

If you are appealing for a Special Exception explain how the proposal meets the special exception criteria as specified in Section 904 of the Effingham Zoning Ordinance (list responses to all criteria from the ordinance. For example "Criterion 1: then your response", etc.) Use a separate sheet of paper if necessary:

3. General Information

For any appeal, the application should be properly filled out and complete. INCLUDE ALL PAGES OF THIS APPLICATION SIGNED/INITIALED AS REQUIRED. Incomplete forms will be returned.

Attach a list of all abutters using attached abutter list (abutter includes property abutting yours and any across any street or stream). Your abutters can be found on the tax map at the Municipal Office. (If you need help in finding them, the office clerk will assist you with this.)

Obtain and include a complete copy of the Town tax assessment card or cards; available from the Municipal Office.

Include all pages of original permit application as well as documentation copies of all decisions of the Zoning and Administrative officer(s) or administrative body(ies) to be appealed. The Board will schedule a public hearing once your application has been accepted as complete. Public notice of the hearing will be published in a local newspaper and posted at one of the following: Town Hall, Library or Town Website. Notices will be mailed to the applicant, all abutters, and any other party that the Board may deem to have an interest, at least five days before the date of the hearing. The applicant, agent or attorney for the applicant must attend the hearing or the application will be considered withdrawn and all costs forfeited.

Initial/

Include a drawing of the situation on the ground, including at a minimum, the following: dimensions of the lot, locations and dimensions of all structures on the lot, setbacks from boundaries, parking areas, names of current abutters, and names of abutting streets or roads. In some cases, more detailed information may be required, including but not limited to maps, drawings to scale, prints, survey or plat plans, etc. A sample plan is attached.

- 4. Fees: Include a check or money order, made out to the Town of Effingham for the proper amount, with the application.
- 1 A flat rate of \$100.00 per application (Effective 1-1-05)
- 2 Plus \$10.00 per each abutter (see Notification List) for certified mailing costs(Effective (9-29-11)
- 3 Plus \$20.00 fee for certified notification of hearing date and certified mailing of the Notice of Decision to the applicant, agent or attorney..... (Effective 2-3-10)
- 4 --For the Applicant or Agent provide two of a,b,c & d. For each Abutter on the Notification list provide one of a,b,c & d:
 - a) Complete a #10 business size envelope, with return address on each addressed to: Effingham Board of Adjustment, 68 School Street, Effingham NH 03882. Hand printed or computer generated labels only.
 - b) Fill out the "Return for Certified Mail" (see sample provided).
 - c) Fill out the "Return Receipt Post Card" (see sample provided).
 - d) **Do not stuff or seal envelopes**, place "Return for Certified Mail" and "Return Receipt Post Card" under envelope flap and submit with your application package.



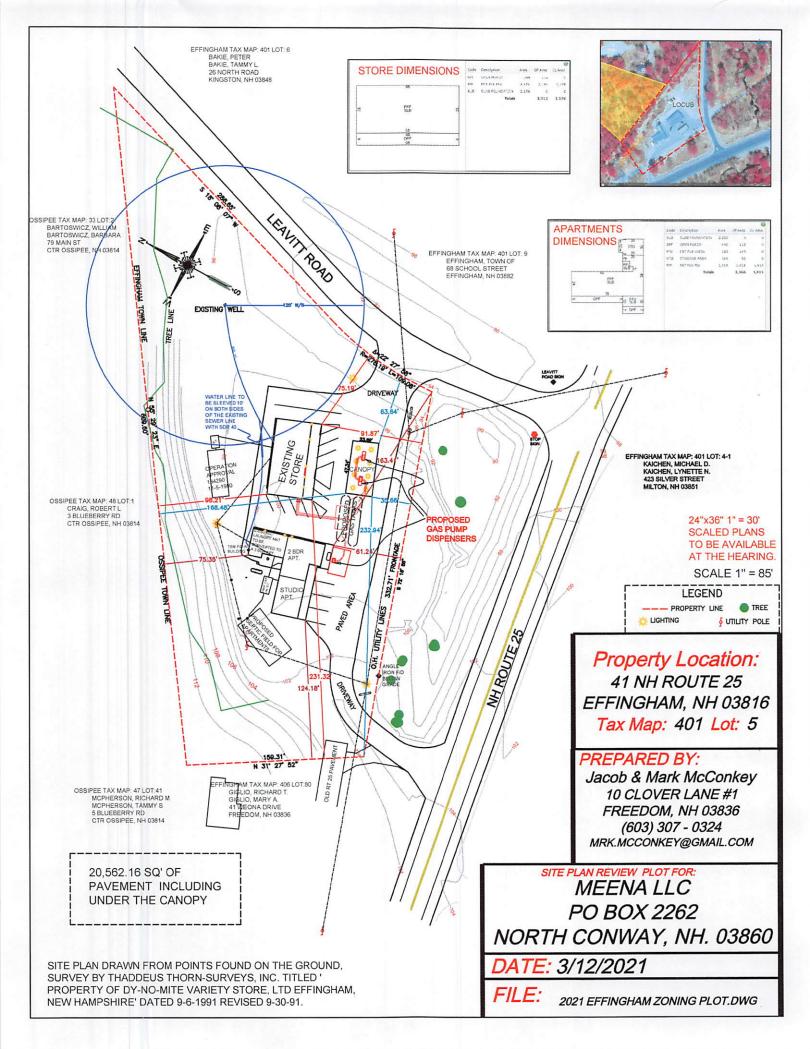
Mail the complete application, mail certifications/receipts, envelopes, and check to: Effingham Board of Adjustment, 68 School Street, Effingham NH 03882

Town of Effingham Notification List

For Public Hearing notification purposes, the applicant is required to provide a list of names, mailing addresses, **Tax Map # and Lot #** of all abutters. The list shall also include the applicant and or designated agent. When applicable, all associated Surveyors /Engineers must also be listed. Notifications will be by certified mail with return receipt.

Abutter: Is defined as any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use Board per RAS: 672:3

Applicant Name:	Address	Tax Map/lot #
Meena LLC'	P.O BOX 2262 N. Cunway NH 03860	401-5
Name (If Designating an Agent):	Address	HOUSE TO SECTION
MarktJacoB	10 Chover Lane #	
McCenyell		36
Surveyor/Engineer Name(s)	Mailing Address	
Christoper Williams	1914 S. hill Rd	Olivinalista i
Engweer NHPE9997	Moretown VT- 05	660
	14.50 com supplies the first state of the supplies of the supp	
	to any majorate asserting a significance of a	
Abutter Name(s)	Mailing Address	Tax Map/lot #
Town of Effingham	68 School Street	1101 0
	Effingham, NH 03882	401 - 9
NHDOT	7 HAZEN DR	
	CONCORD NH 03301	NH et 25
Michael & Lynette	P.O.BOX 178	
Kechen	Effing ham NH 03882	401 4-1
TAMMY & Peter	26 Norted	1(0)
Bakie	KINGSTEN NH 03848	401-6
Roger & Joy "	2 Norwall Rd	117 OSSIPER
Rutter	C-OSSIREL NHI-03814	97-93
Richard + TAMMY	5 Blue herry Rd	Ossipel
McPherson	C. OSSIDER NH 03814	97-91
Rubert Craia	3 BlueBerry Rd	40 - a ossipee
3 RAPPENS Rd	GTA- OSSIPER NH 03814	
William+ BARBARa	79 Main 5	2000
BARTOSWICZ	C-OSSIRER NH 03814	33-2
Use additional forms when space provided is ins	C-OSSICE NH 03814 ufficient to include all Abutters and Surveyor Engine 4009 & Parad SELN.	eer information. OSS n eq
Michael + Deb Lavoie	4909 & raradisELN.	72 412
	PhoeNix AZ 85032	7 22-13
Richard & MARLY 6191	io 41 WEONA DR	e 406-80 EFF



Friday, March 05, 2021

WE, Meena LLC of PO Box 2262 North Conway NH. 03960 owning property in Effingham, NH. Tax Map 401 Lot 5 at 41 NH Route 25, authorize Mark and Jacob McConkey to act as our agents for the purposes of securing the following permits in Effingham:

• Town Zoning permit, building permit appear before the ZBA and the Planning Board Representations made by my agent may be accepted as though made by us personally and I understand that I am bound by any official decision made on such representations.

Agent Mark and Jacob McConkey

10 Clover lane Unit 1

Freedom, NH. 03836

Pankaj Garg, Member of Meena LLC

Date 3/5/2021

Article 9 Special Exceptions

Section 904 Conditions of Approval

- A. The specific site of the proposal is in an appropriate location for that use: This property had state permitted underground storage tanks (UST) with dispensers previously and those were removed. The new owner has applied to the state to install new UST's and dispensers. The gas canopy is in place, the state permitting is in place, a state licensed contractor is ready to install the tanks, piping, and dispensers according to the current state standards. There is sufficient highway access for this use along with the patrons of the convenience store.
- B. The proposed use will not reduce property values in the district due to incompatible land use: The previous and existing use for this property has been a convenience store with gas operations. The use remains the same and will not reduce property values due to an incompatible land use.
- C. The proposed use will not harm the community or neighborhood. The installation of the UST's has been thoroughly reviewed and permitted by the NHDES Waste Management Division and must be installed in strict compliance of the engineered plan, Christopher Williams NH P.E. #9997. The state will also be involved overseeing the entire construction before the facility is provided a license to dispense fuel.
- D. Adequate facilities will be provided which are appropriate to the proposed use. The canopy that sheltered the dispensers is still in place and the UST's will be installed below grade. The flow of traffic and parking will remain as they have always been.
- E. Adequate on-site parking is to be provided appropriate to the proposed use. This is a 2.03 acre parcel the existing parking for the business and the previous gas dispensers is still in place.
- F. The proposed use will not result in any nuisance or hazard as outlined in the Section 902 "Noxious Use" above. The proposed use of dispensing fuel will not be noxious or injurious by reason of production or emission of odor, dust, smoke, refuse matter, fumes, noise, vibration or similar conditions, or that is dangerous to comfort, peace, health, or safety of the community is prohibited. As previously stated, the use and the install of the UST's, piping and dispensers has been thoroughly vetted by the NHDES Waste Management division and found to be in compliance with state and federal EPA standards.
- G. There is adequate area for safe and sanitary sewage disposal. Enclosed is the operational approval for the convenience store septic system installed in 1990, Operational approval #184290
- H. There are no valid objections from abutters based on demonstrable fact. We are unaware of valid objections from abutters based on demonstrable fact.
- I. The installation of monitoring wells or other appropriate environmental monitoring systems may be required. The UST's, dispensers and piping was removed in 2015 and the new tanks will double walled, have monitoring systems in place to alert and guard the surrounding subsoil for an accidental spill or mechanical malfunction. In fact, for the owner is subject to regularly scheduled testing and maintenance of the tanks / dispensers to stay in operation. I don't see a need for further monitoring wells or environmental monitoring systems.

Section 1005 Automobile Service Station

A. The following site requirements and improvements apply:

- 1. The operating hours will comply with 6:00 AM to 11:00 PM seven days a week.
- 2. The lot size is to be 2.03 acres.
- 3. Pumps will be located no closer than 35' feet to any building and greater than 35' feet from either right-of-way of any street.
- 4. The subsoil is excessively drained soil but there is an existing vegetative buffer present that is in excess of ten foot wide on all sides (photo enclosed).
- 5. All areas utilized by vehicular traffic, either stationary or in motion, are paved (photo enclosed).
- 6. There are three pre-existing, free-standing signs that have been on site for years that are associated with the previous gas operation. They will comply with the standard set in this item (6) with any new signage going forward.
- 7. Will comply with this item (7) One portable sign is also permitted not to exceed 12 square feet in area, not to be internally illuminated and to be placed in a location, which does not obstruct vehicular sight lines (see photo enclosed).
- 8. There is adequate room for snow storage provided.
- 9. Will comply with this item (9). A used oil container for storage is to be approved by the ZBA and is to meet applicable state regulations.

Article 7 NON-CONFORMING USES AND STRUCTURES

Section 702 Change or Expansion of Non-Conforming Use:

Upon approval of a Special Exception by the Zoning Board of Adjustment, a nonconforming use may be changed or expanded upon a finding by the ZBA that such a change will bring the use into closer conformance with the provisions of this Ordinance or will make the nonconforming aspect no worse. The ZBA may approve, approve with conditions, or disapprove requests under this section. [Amended 2008]: Our request for a special exception to add the UST's and gas dispensers will make this nonconforming use, no worse. The repurposing of the laundromat area for use as a apartment adds no added dimension to the second building and the waste will directed to a new leach field.

- A. The dimensions of the lot or structure are unchanged or more nearly meet the frontage, setback or lot size standards of this ordinance. The dimensions of the lot and the existing structurers are unchanged. The lot meets frontage zoning setbacks and lot size standards of the ordinance.
- B. If the proposed use is less or no more intense than the previous non-conforming use as measured by:
 - Volume and type of traffic expected to be generated; Volume will remain as it was prior to the removal of the UST's.
 - Size of the building or structure housing the use; The number of structures remain the same and one use is being discontinued (laundromat)
 - Number of potential customers; Potential numbers of customers will return to the time when the gas dispensers were in use. The site was originally developed with good access from the highway and plenty of paved interior space to accommodate the perceived increase if there was to be an increase of customers going forward.
 - Number of potential bedrooms; there are presently two apartments and the owner intends to add a third apartment in the future.

arcel ID:

000401 000005 000000 (CARD 1 of 2)

wner:

BFM REALTY, LLC

ocation:

41 NH ROUTE 25

cres:

2.030

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Valu	ation	Listing History	
Building Value:	\$112,900	<u>List Date</u> <u>Lister</u>	
Features:	\$47,200	09/28/2016 JDVL	
Taxable Land:	\$93,000	09/15/2016 INSP	
Card Value:	\$253,100	09/16/2014 JBVM	
Parcel Value:	\$378,100	06/30/2010 DMVL	
Review and Pay Prop		12/15/2005 CMPM	

lotes: GRAY; "BOYLE'S FAMILY MARKET"; BACK SIDE OF ROOF=METAL; USE 2 BLDG & COMM; 9/14 NO INFO FROM WORKER, U LT, SHED EQ, 1-2 FIX BATH= AVG 4 USE, NO TOUR W/WORKER, MOVED STO TO XFOB'S; 9/16 CORR BTHRM=2-2 FIX; EMOVED GAS PUMPS & TANKS BEFORE 4/1; CANOPY REMAINS; PU SHED-M;

History Of Taxable Values

Tax Year	Building	Features	Land	Value Method	Total Taxable
2020	\$237,900	\$47,200	\$93,000	Cost Valuation	\$378,100
2019	\$240,200	\$49,300	\$60,000	Cost Valuation	\$349,500
2018	\$240,200	\$49,300	\$60,000	Cost Valuation	\$349,500
2017	\$240,200	\$49,300	\$60,000	Cost Valuation	\$349,500
2016	\$233,600	\$69,800	\$60,000	Cost Valuation	\$363,400
2015	\$233,600	\$69,800	\$60,000	Cost Valuation	\$363,400
2014	\$274,700	\$70,000	\$72,000	Cost Valuation	\$416,700
2013	\$275,100	\$67,400	\$72,000	Cost Valuation	\$414,500
2012	\$275,100	\$67,400	\$72,000	Cost Valuation	\$414,500
2011	\$275,100	\$67,400	\$72,000	Cost Valuation	\$414,500
2010	\$275,100	\$67,400	\$72,000	Cost Valuation	\$414,500
2009	\$336,200	\$54,600	\$67,500	Cost Valuation	\$458,300
2008	\$336,200	\$54,600	\$67,500	Cost Valuation	\$458,300
2007	\$336,200	\$54,600	\$67,500	Cost Valuation	\$458,300
2006	\$336,200	\$54,600	\$67,500	Cost Valuation	\$458,300

iles

Sale Date	Sale Type	Qualified	Sale Price	Grantor	Book	Page
)5/05/2008	IMPROVED	YES	\$450,000	DY-NO-MITE VARIETY STO	2710	0957

ione: leighborhood: and Use: 01 - RA RURAL AGRI AVERAGE COM/IND

Driveway: Road: PAVED PAVED

Taxable Value:

\$93,000

and Type	Units	Base Rate	NC	Adj	Site	Road	Dway	Торо	Cond	Ad Valorem	SPI	R	Tax Value	Notes
COM/IND	2.000 AC	62,000	E	100	100	100	100	100 LEVEL	150	93,000	0	Ν	93,000	USE COM
COM/IND	0.030 AC	1,000	X	100	0	0	0	100 LEVEL	100	0	0	Ν	0	
			(i)							(i)	(i)	(i)		

uilding

1.00 STORY FRAME STORE Built In 1991

loof:	GABLE OR HIP	Bedrooms:	0	Quality:	AVG
	ASPHALT	Bathrooms:	1.0	Size Adj.	0.9939
xterior:	CLAP BOARD			Base Rate:	60.00
		Extra Kitchens:	0	Building Rate:	0.9144
nterior:	DRYWALL	Fireplaces:	0		
	PLYWOOD PANEL	Generators:	0	Sq. Foot Cost:	54.86
looring:	LINOLEUM OR SIM	AC:	NO	Effective Area:	2,312
				Gross Living Area:	2,176
leat:	OIL	Comm. Wall Factor:	100		
	FA DUCTED	Comm Wall:	WOOD	Cost New:	\$126,836

 Depreciation— 						
Normal GOOD	Physical	Functional	Economic	Temporary	Total Dpr.	Assessment
11%	0%	0%	0%	0%	11%	\$112,900

eatures

eature Type	Units	Length x Width	Size Adj	Rate	Cond	Value	Notes
COLD STORAGE	240	24 x 10	127	50.00	75	\$11,430	
CANOPY	1248	48 x 26	73	23.00	75	\$15,715	
SHED-METAL	160	8 x 20	160	6.00	40	\$614	TT BODY
PAVING	14000	70 x 200	61	3.25	65	\$18,041	EST/SHAPE
SHED-EQUIPMENT	32	4 x 8	400	8.00	65	\$666	ATT BLDG
.EAN-TO	224	4 x 56	131	4.00	65	\$763	ATT BLDG
					Total:	\$47,200	

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	68	
32	FFF SLB	32
	68 68	
ω	68 68 OPF 68	ω

Code	Description	Area	Eff Area	GL Area
OPF	OPEN PORCH	544	136	0
FFF	FST FLR FIN	2,176	2,176	2,176
SLB	SLAB FOUNDATION	2,176		0
	Totals		2,312	2,176

inted on 03-12-21

arcel ID:

000401 000005 000000 (CARD 2 of 2)

)wner:

BFM REALTY, LLC

ocation:

39 NH ROUTE 25

cres:

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	Valuation
Building Value:	\$125,000
Features:	\$0
Taxable Land:	\$0
Card Value:	\$125,000
Parcel Value:	\$378,100

Listing H	istory
<u>List Date</u>	Lister
09/28/2016	JDVM
09/15/2016	INSP
09/16/2014	JBVM
10/02/2006	MAIL
12/15/2005	CMPM

lotes: LAUNDROMAT; 2 RENTALS ;PER STORE CLERK APTS = 1 BDRM, 1 BATH EACH; LAUNDRY= 1 BATH=3 TOTAL BATHS; 9/14 IO INFO FROM CLERK, DIESEL PUMP UNDER 7 X 20 OPF; 9/16 VU'D (1) UNIT, LAUNDRY MAT & 10X20 FFU, NO LONGER SELLS DIESEL BUT PUMP & 3000 G ABV GRND TANK REMAINS, TANK INSIDE 10X20 FFU; PU 4X12 STO , PREFAB WD SIDING;

History Of Taxable Values

Tax Year	Building	Features	Land	Value Method	Total Taxable
2020	\$237,900	\$47,200	\$93,000	Cost Valuation	\$378,100
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2015	\$233,600	\$69,800	\$60,000	Cost Valuation	\$363,400
2014	\$274,700	\$70,000	\$72,000	Cost Valuation	\$416,700
2013	\$275,100	\$67,400	\$72,000	Cost Valuation	\$414,500
2012	\$275,100	\$67,400	\$72,000	Cost Valuation	\$414,500
2011	\$275,100	\$67,400	\$72,000	Cost Valuation	\$414,500
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2008	\$336,200	\$54,600	\$67,500	Cost Valuation	\$458,300
2007	\$336,200	\$54,600	\$67,500	Cost Valuation	\$458,300
2006	\$336,200	\$54,600	\$67,500	Cost Valuation	\$458,300

here Are No Sales For This Card

and

iize: leighborhood:

and Use:

Ac.

Site: **Driveway:** Road:

COM/IND

Taxable Value:

1.00 STORY FRAME COMM BLDG Built In 1992

loof:	GABLE OR HIP	Bedrooms:	2	Quality:	AVG+10
	ASPHALT	Bathrooms:	3.0	Size Adj.	1.0019
xterior:	CLAP BOARD			Base Rate:	60.00
	PREFAB WD PNL/T111	Extra Kitchens:	0	Building Rate:	1.0360
nterior:	DRYWALL	Fireplaces:	0		
	PLYWOOD PANEL	Generators:	0	Sq. Foot Cost:	62.16
looring:	LINOLEUM OR SIM	AC:	NO	Effective Area:	2,260
	CARPET			Gross Living Area:	1,915
leat:	OIL				

preciation—						
Normal GOOD	Physical	Functional	Economic	Temporary	Total Dpr.	Assessment
11%	0%	0%	0%	0%	11%	\$125,000

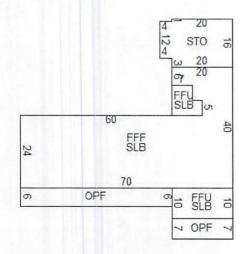
eatures

here Are No Features For This Card

hoto



ketch



Code	Description	Area	Eff Area	GL Area
SLB	SLAB FOUNDATION	2,200		0
OPF	OPEN PORCH	440	110	0
FFU	FST FLR UNFIN	285	143	0
STO	STORAGE AREA	368	92	0
FFF	FST FLR FIN	1,915	1,915	1,915
	Totals		2,260	1,915

Cost New:

\$140,482







