

Effingham Zoning Board Meeting January 3, 2024

Board members present: Lawrence Edwards (chair), Vicki Kirkwood (vice chair), Arron Lavoie Jr, (secretary), Alan Taylor, Goran Romanovic, Rosemarie Wissenbach, Kyle Perreault (alternative), Nate Fogg (land use clerk), Christopher Drescher (ZBA lawyer)

7PM: Lawrence Edwards calls the meeting to order/ back into session as this meeting is a continuation of the last two meetings involving the Meena Appeal, which had been rescheduled due improper notification of the abutter towns of the Ossipee aquifer. December 6th minutes were read and approved by all members. It was agreed that Vicki Kirkwood would write the 2023 Annual Town Report of the ZBA Committee activities. The town report is to be submitted by January 18th for printing on the 22nd.

7:15PM: The monthly ZBA business dealing with, the Meena appeal is reopened Lawrence. Edwards asked Nate Fogg if all of the 9 towns were notified within the 14-day window of the meeting, Nate Fogg answered yes and everything else needed was sent in so the meeting can continue.

Lawrence Edwards begins by reading the Meena appeal and informs those present, the only part of the appeal that the ZBA will be debating is the 50 ft setback along the Meena property and NH Route 25.

7:25PM: Lawrence Edwards asks Lawyer Biron Bedard, the legal counsel for the abutters. William Bartoswicz and Tammy McPherson, to come forward to address the ZBA Board. Attorney Bedard wanted to inform the Board, before he started, that he was no longer representing the Ossipee.

Lake Alliance and they are no longer are a part of the appeal. Bedard also wanted the ZBA Board to be aware that he also included in the appeal that the building was larger than the 2,000 sq ft floor plan per Effingham Zoning laws for a retail store.

7:30PM: After Mr. Bedard had finished the Effingham Planning Board Lawyer Cheis Bolnt was asked to stand and give the Planning Boards side of the appeal. Mr. Bolnt wanted the ZBA Board to be aware that the Planning Board had had 26 meetings to date and had a 100 paragraph paper outlining their decisions and finding with NHDES, Meena,.. Exct. that led the Planning Board to approve the project. Mr. Bolnt also addressed Mr. Bedard's claim about the size of the building saying that because the building was built before Effingham Zoning laws were in place making it grandfathered and affirming that the only thing the ZBA meeting is for is to discuss the 50ft setback.

7:35PM: Next the lawyer to approach the ZBA, representing Meena LLC. was Attorney. Matthew Johnson. He stood before the ZBA board explaining what Meena has been doing to comply with the Planning Board. ZBA Lawyer

Christopher Drescher asked Attorney. Johnson about any structure changes involving the property that were involved that would affect the 50 ft setback, Attorney. Johnson answered that everything on the property would be the same except, the laundromat on the property would stay closed and a roof over the diesel tanks (not involved in the 50 ft setback), also to meet DES compliance the underground fuel tanks size would change.

7:40PM: Lawrence Edwards asked why the 50ft setback had not been brought up in the last 3yrs to which Mr. Bedard said it had been but not addressed. Kyle Perreault asks what structures are in the 50 ft setback, Attorney. Bedard answer was, that he believes that some of the gas pumps are but couldn't confirm with the map he had.

7:50PM: Attorney. Bedard asked the ZBA Board to judge their decision on section 1005 Automobile Service Stations and not Section 702 Change or Expansion of Non-Conforming Use. Attorney. Johnson asked for the appeal to be dismissed.

7:55PM: Public forum is opened about ten people stand up to address the board with concerns about the gas station but not involved with the 50 ft set back.

8:20PM: Meeting begins to derail as two members of public start arguing over differing topics, Lawrence Edwards asks public to settle down and to only address comment about the 50 ft setback.

8:30PM: Public forum is closed and ZBA board begins their deliberation.

8:45PM: Lawrence Edwards asks if the board is ready to take a vote and the board agrees they are ready. Alan Taylor asks for a vote to deny the variance on the grounds of public opinion, seconded by Goron Romanovic; Vote 2-3: FAILED, as Lawrence Edwards, Vicki Kirkwood, and Arron Lavoie Jr. vote no.

8:50PM: Lawrence Edwards asks for a vote to approve the 50 ft setback variance, seconded by Vicki Kirkwood: Vote 3-2: PASSED, Lawrence Edwards, Vicki Kirkwood, Aaron Lavoie Jr. vote for, citing Section 702 of the Effingham Zoning ordinance as the reason for their vote. Alan Taylor and Goran Romanovic voted no on the grounds of the first vote.

8:55PM: Meeting is closed.