

Zoning Board Of Adjustment Meeting

Tuesday, April 21, 2026

June 16, 2026

Downstairs Town Hall Conference Room

Board members in Attendance: Jeff Newcomb, Andrew Guptill, Jeff Dickinson, John Warzocha

Others in Attendance: Land Use Coordinators Jessica Rand & Christine Vigneault, Mary Jurta, Stephanie Jurta-Clough, Mary Clough, Ann Marie Mahoney, Jennifer John, Rae Voss, Donna Duclos, Jim Diven

**7:06 PM - Warzocha called the meeting to order.**

- Roll call: Dickinson, Warzocha, Guptill, Newcomb,

Review Agenda

- Warzocha reviewed the agenda, Newcomb requested to add a request to the Select Board to appoint more Zoning Board Members.

New Business

- **25 Bradley Point Ln Tax Map 13 Lot 290-137: Special Exception for demo of current structure to be replaced with new house that will exceed the 50% enlargement**

- Jim Diven provided a short history of the ownership of the property to the Board. The property and home has been in the family since 1978 and has been utilized as a long-term seasonal family home. The current home, built in 1965, sits approximately 5' from the lake and requires a significant amount of repairs. Rather than repairing the current structure Diven would like to construct a new structure that would be set back 20' from the lake and respect all required setbacks. Diven noted that NHDES does permit an old structure to be demolished and a new structure built further back on the property. Diven is requesting a special exception from the Zoning Board since the Town of Andover Zoning Ordinance does not permit the structure to be moved/rebuilt. Diven provided maps outlining the current structures and proposed structures with all setbacks noted.
- Warzocha asked if Diven had submitted a shoreline application to NHDES. Diven noted that the application was ready to be submitted but he was waiting until after coming before the Zoning Board.
- Warzocha asked if the septic would be updated with the new construction. Diven stated that the septic had already been upgraded to a 3 bedroom clean solutions septic system which sits back approximately 50' from the shoreline.
- Dickinson asked if the house would be on piers like the existing structure. Diven stated that the new house would be on a foundation. Dickinson noted some concern with subsurface disturbance to put in a foundation.
- Warzocha noted that his only concern would be with ensuring state permits were obtained prior to construction.
- Dickinson asked if larger groups would be anticipated to utilize the property. Diven noted that there would likely be no more usage than previously, by family,

the only difference might be some extended use through October since the new home will be suitable to use in colder weather.

- Diven also noted that the extra square footage for the home would allow for the family's desired accommodations. If the board felt that the increase was too large it could be possible to adjust home to fit within a slightly smaller footprint.
- 7:22 PM Warzocha opened the hearing for public comment.
  - Mary Jurta requested to see the application for the special exception.
  - Jennifer John (abutter) stated that she had no issues with the size of the house but was concerned with the potential removal of more trees on the property for the shed. Diven noted that he was working with a landscape architect on the project to determine what trees to remove and be replanted. Warzocha noted that the shed also would be required to fit within the shoreline restrictions.
  - Duclos asked what the dimensions would be for the new structure. Diven responded that it would be 1400 square feet, just over a 50% increase from the 978 square feet.
- 7:27 PM Warzocha closed the public comment session.
  - Dickinson noted that he personally had concerns with the larger home causing potential stresses on the lake, aside from the increased size the septic looked good and moving the structure further back was great.
  - Warzocha noted that he had no issues with the structure, there did not appear there would be any extra subsurface disturbance, the hose would sit farther back from the lake, and a nicer, more modern, structure would likely have less impact on the lake than the older structure.
  - Guptill stated that he felt the building, being moved farther from the lake, offset the new structure having a foundation rather than piers. The new structure conforms more to the zoning standard and would have less environmental impact. Guptill felt the application could be approved with conditions.
  - Newcomb stated that having a full foundation is safer and more environmentally friendly than the piers and has no issue with the proposed structure.
  - Dickinson asked for clarification of the type of well for the home. Diven stated that it was a drilled well on the property.
  - Warzocha read through the criterion for a special exception:
    - **The proposed use must be specified in Article V or Article VI as a special exception which may be permitted in the district, or must be a town or public utility building, structure or use reasonably necessary for the service of the public, and not unreasonably detrimental to the character of the district:** The proposed structure is permitted and not unreasonably detrimental to the character of the area.
    - **The use will not adversely affect the adjacent area:** The use will remain the same, a seasonal home used by family.
    - **There will be no nuisance or serious hazards to vehicles or pedestrians:** No issue.



- Warzocha asked Jurta if she would like to present her appeal and noted that it was not required that she do so, but that it would be helpful if Jurta provided some insight into her application.
- Jurta noted that she would be prepared to testify, should she be granted a rehearing, but was not prepared to present her appeal. Jurta requested that the Board follow the law and procedures, as written. Jurta stated that, in the decision, the benefit to the public, and Jurta herself, was not considered. Jurta did not feel the NH Statutes and the Zoning Ordinance were followed.
- Warzocha asked if there were specific RSAs that were not followed.
- Jurta requested that the board consider her application and utilize the practices and procedures included in RSA 674:33 and 677:2 & 3. Jurta requested that a rehearing be granted, only, if the board will reconsider her application with an open mind after reading the appeal, and that the original application be considered for approval. Jurta noted that there are legal arguments, factual changes, and other adjustments included in the appeal and would like the board to hear her arguments from the beginning.
- Warzocha reassured Jurta that, should a rehearing be approved, all information presented will be considered in an unbiased manner, however, a rehearing does not indicate that the original decision will be overturned.
- Jurta asked if the board had ever had a rehearing done.
- The Board reassured Jurta that, although not all board members have served during a rehearing, there have been rehearsings before.
- Warzocha told Jurta that the information she presented was very helpful for the Board and asked if Jurta had any further comment. Jurta responded no.
- Dickinson, after reading through the appeal, stated that he did not feel a rehearing was necessary as the appeal did not appear to contain any new information that was indicative of the need for a rehearing.
- Guptill noted that it appeared there may have been issues with the notice of decision. State law indicates that each criterion be listed in the decision and it was not included. Per Fisher vs Boscowen a rehearing should be granted to correct procedural issues.
- Newcomb agreed that there were procedural issues that needed to be corrected and noted that the minutes also lacked vital information regarding the meeting, including the criterion.
- Dickinson agreed that there was likely a clerical oversight rather than an oversight in the Board's decision.
- **Guptill made a motion to grant Jurta a rehearing for her application for a Variance Application for 91 Maple Street (Tax Map 17, Lot 80, Sub-lot 346), subject to Jurta refiling her application with any new information the Board should consider. Newcomb seconded, all in favor, none opposed, rehearing granted.**
- Jurta inquired on how soon a hearing may be rescheduled. Warzocha stated that, provided the application is filed and abutters are notified, Jurta can be scheduled for a rehearing at the next ZBA meeting, July 14, 2026.

- Motion to request the Select Board to appoint Zoning Board Members
  - Newcomb made a motion for the Land Use Office to draft a letter to the Select Board to request they appoint 2 full time members and 1 alternate to fill all positions on the Zoning Board. Dickinson seconded, all in favor, none opposed, motion passed.

Review & Approve Minutes

- March 17th- Dickinson made a motion to approve the minutes as written, Newcomb seconded, all in favor, none opposed, motion passed.
- April 21st- Dickinson made a motion to approve the minutes as written, Newcomb seconded, Dickinson, Newcomb, Warzocha in favor, Guptill recused, motion passed.
- May 19th- Dickinson made a motion to approve the minutes as written, Guptill seconded, Dickinson, Newcomb, Guptill in favor, Warzocha recused, motion passed.

**8:25 PM- Dickinson made a motion to adjourn the meeting, Newcomb seconded, all in favor, none opposed, meeting adjourned.**

***Minutes Respectfully Submitted by:  
Miranda Dawalga***