

NELSON ZONING BOARD OF ADJUSTMENT MINUTES

**June 4, 2018**

Meeting called to order at 7:05 pm

ZB members present: John C, Dennis D, Bob Lenox, Phil Castelli and Bill Dunn.

Also present Len Pagano, William and Barbara Boger, Amy Whitney, Gary Robinson and Jay Giffin.

**Public hearing opened for William and Barbara Boger at 7:10pm**

Len Pagano presented his application for a variance from article 12:1-4 permitting relief from requirement of a “waiver of municipal liability” in order to obtain a building permit. The facts that were presented were that the private road is well maintained by the Bogers and they are not currently encumbered by this requirement. All of the board members, 3 of whom have had to file this waiver, were in agreement that this would set a precedent where anyone currently or going forward would be able to also get a variance holding the town liable. A letter from the selectmen expressing their concerns and the potential liability to the town was read. Also read was a copy of the state RSA 674:41, which supersedes any less stringent local ordinances and states that the municipality assumes no responsibility for maintenance or liability on private roads and prior to a building permit being issued, the applicant shall produce evidence that a waiver of municipal liability has been recorded with the county registry of deeds.

**This public hearing was closed at 7:35 pm**

- Bob Lenox made the motion to accept the selectmens letter as part of the record. Bill Dunn seconded and the vote was 5-0 in favor of making the letter part of the record. The five criteria were discussed and all 5 criteria received no’s from all of the members. Bob Lenox made the motion to deny the Bogers request for a variance relieving them from filing a “waiver of municipal liability” with the Cheshire County Registry of Deeds. Phil Castelli seconded and the vote was 5-0 to deny.

