

Zoning Board of Adjustment Minutes of May 17, 2012

Submitted by zbasec on Thu, 05/17/2012 - 7:47pm.
Preliminary

Town of Stoddard
Zoning Board of Adjustment

Minutes of Meeting held May 17, 2012
Meeting convened at 7:30 pm

Members attending: Chair, Angela Nicoletti, Vice Chair, Dennis Pellegrino, Paul Krampfert, Ed Saleski, Peter Athearn

Members excused: Mario Zamaripas

Alternates attending; Steve McGerty

Correspondence:

Received statement for \$1,836.00 from Matt Serge. Dennis moved we pay the statement, Paul second the motion and the Board approved.

Received a bill from The Keene Sentinel for our posted legal notices. Dennis moved we pay the bill and Paul second the motion and the Board approved.

Minutes of previous meeting:

Motion made by Angel to accept the minutes with corrections (Under Application for a Public Hearing: In 2nd sentence change words “special exception” to read “variance”). The Motion was seconded by Dennis; minutes were approved with the correction.

Old Business:

- None
-

New Business

- The \$33,900.00 for expenses entered into the Town Warrant for the ZBA was accepted by the town.
- Angel announced some workshops board members should attend. On June 6, 2012 at 6:30pm a workshop involving shore lands will be presented at the Harris Ctr.
- A suggestion was made that the board ask for the overhang size as well as the foundation size of buildings.
-

Application for Hearing:

- No new applications received.
- Cheryl & Paul Dauphin Variance 2nd Hearing: 7:40 pm. The secretary read the application for the variance. Glenn Webber, the Dauphins contractor, handed the Board the zoning board's 1974 property survey to copy. He also gave us a smaller copy with the surveyors' name and phone number on it, stating he has been in contact with her, Gayle Berchard, and she states she stands by her work. He had no other questions. Dennis Pellegrino will return the map to Mrs. Dauphin, who also was present at the meeting. Mr. Mark Vitale represented his family as the abutter. He gave us his deed to copy as proof that the original property lines and those of the Dauphins do not agree. Dennis told him we would review it and gave him his home phone number if he has any questions. Both parties were informed that if new information becomes available the Board would like to have the opportunity to study it prior to the next meeting. If not, a determination will be made with the information currently available. The hearing was recessed to be continued on June 21, 2012 at 7:45 pm at the Town Hall.
- Rodney Williams Variance Hearing: 7:50 pm. The secretary read the application for the Variance. Mr. Williams stated he has acquired all the permits required to build on the lot. He stated he felt the board was against him and has done research on his own. According to his document, Zoning Board of Adjustment Roles and Responsibilities, section 6 pertaining to nonconforming lots, he feels his lot is exempt from the zoning ordinances and he really doesn't need to be here. He read Morgenstern vs. Town of Rye as an example. Dennis Pelligrino will study the document and seek council to see if Mr. Williams's variance is pertinent to nonconforming or grandfathered use.

When asked if any parties would like to speak, abutter Mr. Joe Godfry, stated people should be able to build on these lots as they were purchased in 1950 as building lots. However, he said, the buildings should be smaller than the size building Mr. Williams proposes, which he feels is grossly oversized for the property. Abutter Mr. Irving spoke, stating he was not against someone building there. He also felt the size of the building Mr. Williams proposes will leave no buffer of trees between the lots. Sean Irving spoke, stating a 30 x 30 building is too large for the lot, especially as there is no definitive building design purposed. Mr. Williams states the property belonged to his family since 1960 and he purchased it about 2008. The board has seen that the majority of people who built cottages in that area purchased adjoining lots thus minimizing runoff problems and maintaining buffers between lots. The Board will seek council on the information Mr. Williams has presented to the board. He said he will be back next month to hear what the board has to say. Mrs. Irving questioned Mr. Williams asking if that means he would begin to build without permission. Mr. Williams said he would not and could not afford it. Bev Power said she believes set backs were created about 1986. The Town Compliance Officer, Harry Power requested that if the ZBA grants this permit, he needs to know how to go forward in his work, as he has been denying all permits on 50' lots. The hearing is recessed to be continued on June 21, 2012 at 8 pm at the Town Hall.

- Ken Holland Special Exception Hearing: 8:18 pm. The secretary read the special exception application. Paul Krampfert asked Mr. Holland if the building is already there. Mr. Holland said no, the site is flat and empty. Paul also addressed the many uses Mr. Holland listed as occurring on the property and stated the drawing submitted did not show the location of the mill, equipment, parking and storage for materials. Mr. Holland stated it sounded like we should make a site visit. He also stated he operates only 2 trucks and is a much smaller operation than Land Contractors. When Mrs. Nicolette asked what his plan is for compliance to the court order by the town to clean up his property, he stated his lawyer is handling that and he did not have that information. He was told by his lawyer the town is not seeking action. Mrs. Power was recognized by the Chair, she asked if Mr. Holland was here for a special exception to operate a business. Mrs. Nicoletti stated yes. Mrs. Power, a former ZBA member of many years, stated the ZBA needed a site plan/survey with locations of everything the business was going to need posted on the plan so when the ZBA does follow up visits the business can be held responsible to follow that plan. Mr. Pellegrino stated it would be very difficult for the ZBA to give Mr. Holland a permit if he hasn't followed through with prior requests by the town. He would have a better chance getting a permit from the ZBA if he showed good faith by complying with the towns request to remove or store the equipment they requested.

Mr. Holland stated "So you need to know where all the vehicles/equipment is going

to be kept? The saw mill is portable and I operate a chainsaw". Mrs. Nicoletti stated the ZBA needs to take all his information for his request in totality. He thought his site plan was pretty good. Mr. Pellegrino stated he would list the items addressed onto paper for Mr. Holland to bring to his attorney so that he could help him address the issues. Mr. Holland said thank you. Mrs. Nicoletti asked if he felt there would be increased traffic. He stated no, as he would be the only one operating a vehicle and there was no difference if the vehicle had his name on the door or if he worked for someone else. No public work would be performed at his site. The Chair opened the floor to those opposed. Mr. Power, Compliance Officer of Stoddard stated it is true the town will not seek action against Mr. Holland as he is seeking a permit through the ZBA. He stated he feels his request is asking for too much at that site. Mrs. Nicoletti opened the floor to abutters. Mr. Garnett spoke saying his land is across the road from him. He feels it is zoned to contain a business. His biggest concern was that he operates his business during regular business operations like 7 – 5pm in consideration of his neighbors. Mr. Garnett is in the same business as Mr. Holland and states everything Mr. Holland listed on his request is inclusive of being in the dirt work business. Abutter, Mrs. Hayes spoke, concerned about the many uses he listed for his property and wants assurance that the setbacks on his property are sufficient so there is no drainage running onto her property. Mr. Holland stated his setbacks are for the buildings. According to the plan submitted there is a site for a house w/o a septic system shown. No one else wanted to speak. The board and Mr. Holland scheduled a site visit Friday, June 1, 2012 at 9 am. Paul Krampfert asked for stakes to be put in designated locations. Dennis asked that he have as much marked as possible as we would be meeting for a hearing and needed the information. The hearing is recessed to be continued on June 21 at 8:15 pm at the Town Hall.

The meeting adjourned at 9:32 p.m.

Next meeting will be held June 21, 2012 at 7:30 p.m. at the Town Hall.

Respectfully submitted,

Kathleen Ellis

Secretary