

# **Zoning Board of Adjustment Minutes of Meeting July 19, 2012**

Submitted by zbasec on Thu, 07/19/2012 - 4:33pm.

**Preliminary**

**Town of Stoddard**

**Zoning Board of Adjustment**

**Minutes of Meeting held July 19, 2012**

**Meeting convened at 7:30 pm**

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

Alternates attending: Steve McGerty

**Correspondence:**  
**§Received a bill from Upton and Hatfield**

- Received a Motion for a Rehearing from Rod & Dale Williams.

Minutes of previous meeting:

- Grammatical errors were corrected and the minutes were accepted as read.

- Pam Ross submitted corrected information on her statements from last month. They will be added to the minutes as an addendum.

#### Old Business:

- Paul suggested the Board work on integrating the new Meeting Rules with the Standing Rules of Procedure and send a draft to Attorney Serge for review at the August 2<sup>nd</sup> meeting.

## New Business:

- None

#### Continuation of Ken Holland Special Exception Hearing:

- Ken Holland Special Exception Hearing opened at 7:37pm. The secretary read the special exception application.
- Attorney Czekalski & Ken Holland took seats at the table. The Attorney went on record suggesting Dennis Pellegrino reclude himself as he has been served a court order regarding Ben Holland and the Hidden Lake Association. Dennis refused to reclude himself. Czekalski handed the board an equipment list w/measurements and diagram showing how the equipment will fit into the designated parking area to show will be no need for parking along the road. Stated at no time would all the equipment be on the home lot at one time, even though there is more than enough room for it all. They had no other new information. Harry Power presented seven points for rebuttal. He qualified his standing to comment. Planning Board since 1985, past Selectmen for 10 years, resident for 40 years, and currently Compliance Officer for Stoddard and an alternate on the Planning Board. 1.) Referred the Board to the purpose of zoning ordinance. 2) He stated the ZBA must abide by the 8<sup>th</sup> district court ruling. 3.) In comparing Holland's business to other nearby businesses he stated, the Saw Shop is an in home business and receives about 2 deliveries a week, Land Contractors has been in existence many years prior to zoning and Carlisle Lumber could be listed in Better Homes & Gardens Magazine it is so well designed & kept up. 4.) Regarding concern residents of Juniper Hill Rd had regarding the traffic safety on the road; Harry stated Juniper Hill Rd is a Class 5 road and the intersection of Route 9 and Juniper Hill Rd is the most dangerous intersection in Stoddard regarding ingress and egress. It is the responsibility of the applicant to improve the road, not the responsibility of the State of New Hampshire or the Town of Stoddard to improve the road for his use. 5.) Mr. Holland's attorney is trying to diminish

the ZBA's authority. The Planning Board will handle the site plan review. 6.) Harry handed out a copy of the New Hampshire Municipal Association document containing the definition and description of a junk yard. He stated the site is a junk yard by definition but can't be licensed as a junk yard as it doesn't fulfill the criteria listed in RSA 236: 118,124 & 128. 7.) He stated "A Judge will determine which Court has jurisdiction regarding the past Court Order and don't let his lawyer convince you any different. The postage stamp size lot Holland has will not support the endeavors Holland has described and he strongly urges the ZBA to refuse the application. Attorney Czekalski rebuttal to Harry: He stated they addressed the nuisance issues last month. He states the road safety issue will remain the same whether he has his business or not. He does not wish to diminish the authority of the ZBA but the road upgrade is the responsibility of the Planning Board. He stated the town gave Holland a letter asking him to better his property and it is now sabotaging his efforts. Attorney Sam Bradley spoke; stating he wants the board to know nothing currently being done by Holland on his property is legal and if we grant him the Special Exception things will only get worse. There were no other comments. The Chairperson closed the hearing. A motion was made by Dennis Pellegrino to meet on August 2<sup>nd</sup> at 7:30pm at the Town Hall to deliberate on this matter in a public meeting. Motion was seconded by Paul Krampfert and unanimously approved.

Annual elections for Chairperson and Vice Chairperson were held. Dennis Pelligrino nominated Angela Nicoletti to be the Chairperson for the upcoming year. Paul Krampfert seconded the nomination. The vote was unanimously approved. Angela Nicoletti nominated Dennis Pelligrino for the Vice Chairperson position. Paul Krampfert seconded the nomination. The vote was unanimously approved.

A Public meeting will be held August 2, 2012 at 7:30 p.m. at the Town Hall.

Respectfully submitted,

Kathleen Ellis

Secretary

Addendum to ZBA Minutes of June 21, 2012

Regarding Pam Ross's comments

1. "one mile further up" should read **¾ of a mile** further up
2. "acquired property in 1998" should read **acquired property in 1995**
3. "photos of equipment parked along the road" add **and on Mr. Holland's property**
4. "similar photos she took in 2007" should read photos **Steve Philbrick** took
5. "car to pass she could slide into it" add **during the winter**