

# **ZONING BOARD OF ADJUSTMENT MEETING MINUTES OF SEPTEMBER 20, 2012**

Submitted by stoddard on Fri, 09/21/2012 - 5:40pm.

## **Preliminary**

Town of Stoddard

Zoning Board of Adjustment

Meeting convened at 7:30p.m.

September 20, 2012

Attendance: Chair, Angela Nicoletti, Vice Chair, Dennis Pellegrino, Paul Krampfert, Mario Zamaripas, Peter Athearn, Steven McGerty

Members excused: Ed Salesky

Minutes of previous meeting:

Corrections to August 16th minutes: The RSA cited in the second line under Special Exception Decision for Ken Holland should read “*RSA 674:33-IV*”. A quote by Angel was checked on the recorder and will be inserted into the first sentence of the fifth paragraph under Special Exception Decision for Ken Holland. Angel stated “*The list of equipment Mr. Czekalski gave us as to what is needed for Ken’s business is very*

*similar to what is on the list that the court has labeled a junk yard.”* Insert the word *to* and change *do* to *due* in the eleventh paragraph under Special Exception Decision for Ken Holland. A motion was made by Angel to accept the minutes as amended and seconded by Paul. The minutes were approved as amended.

#### Correspondence:

§ Motion for Rehearing of Mr. Holland’s application for Special Exception, from Attorney Czekalski

§ Notice of Structuring Conference from the Cheshire County Superior Court RE Rodney & Dale Williams vs Town of Stoddard Docket No. 213-2012-CV-00226.

§ Request from Attorney Matt Serge for Certified Record re above case

§ Financial statement from Upton & Hatfield.

#### Old Business:

§ Dennis has contacted David Maxson, RF Engineer who might be available as a consultant if we need him for ZBA business.

§ Angel reminded members to read the 64 page, LGC literature on wireless communications.

§ Steve gave members an updated Member Contact List.

§ Members went over the Rules of Procedure recommendations from Matt Serge in great detail. The Secretary will type up the new Procedures and give copies to all the members.

New Business:

§ Angel has sent Matt the information for the Certified Record for the Williams case. Matt stated no one from the ZBA will have to attend the hearing.

§ Members discussed the request from Kenneth Holland for a rehearing on the denial of his Special Exception. Dennis Pellegrino has recused himself from the discussion, as he is the president of the Hidden Lake Association, which has court action pending with Mr. Holland's son.

§ Members stand by their decision that the proposal would not be in harmony with the surrounding area and the general purpose and intent of the zoning ordinance.

§ They also felt that no new information has been provided in addition to what has already been seen and discussed regarding adequate off street parking or the handling of nuisance, noise and dust. There was sufficient evidence provided by the public and town officials that the location on the road where this property is located can be dangerous for traffic. The Hayes Garage and Carlisle Lumber businesses have ingress and egress directly onto the Route 9 highway and can't be compared to the Holland location.

§ The Board did not find evidence of past chemical or oil ground contamination on the site. That information remains unknown, although it was a concern of an abutter and that information was not used as a reason for denial.

§ Any photographs and letters submitted by the public were in the record and available to the applicant to review. The record shows that the applicant did indeed review the information.

§ Angel asked Board members to vote: Peter voted in place of Dennis as he recused himself and Steve voted in place of Ed who is excused. Peter voted to rehear the case to save the town costs from going to court. Paul spoke regarding the

cost of rehearing the case vs. cost of going to court. We have spent a lot of our time, have done a site visit, held discussions with our attorney, have held public forum, all the while doing do diligence and following the rules to the best of our ability and coming to a decision based on the evidence not costs. Paul voted to not rehear the case. Steve voted to not rehear the case. He feels it is not a money issue but that Holland has not shown good faith over the past months. Angel and Mario voted to not rehear the case. Angel said we have a quorum and have voted not to rehear the Holland request.

Angel made a motion to adjourn the meeting at 9:07 p.m.

The next meeting will be held October 18, 2012 at 7:30 p.m. at the Town Hall.

Respectfully Submitted,

Kathleen Ellis

Secretary