

ZONING BOARD OF ADJUSTMENT MINUTES OF MEETING HELD NOVEMBER 3, 2011

Submitted by stoddard on Mon, 11/07/2011 - 3:07pm.

Town of Stoddard

Zoning Board of Adjustment

Minutes of the Meeting held November 3, 2011

Meeting Convened at 7:30pm

Members attending: Fred Ward, Angela Nicoletti, Dennis Pellegrino

Alternates; Paul Krampfert, filling in for Helen Wheeler and Peter Athearn
filling in for Ruth Ward

Correspondence: None

Minutes of previous meeting: October 20, 2011 – Motion made by Dennis Pellegrino and 2nd by Fred Ward to accept the minutes as amended. Board approved.

Amendment:

Page one –Under Application for Special Exception – added to 9th line ending in grandfathered. Some members of the board acknowledged during the site visit that there had been a pre-existing sign on the Anytime Auto property.

Old Business:

Application for Special Exception: 7:30 PM the Board continued their consideration of Monadnock Boat Storage application for a special exception.

Angel located files from 1994 showing the Board of Adjustment approved a special exception for a 5' x 4' sign, along Rt 9 for Anytime Auto. Questions revolved around whether the sign by the road had been in use for 12 months prior to Monadnock Boat taking over the property, thus rendering the sign non-conforming. Angel states the current application the board received has 2 requests on it and asked which request Mr. Schulman was here to discuss. Mr. Schulman stated he was here to discuss a larger sign for the building but has decided to withdraw his application for exception. He will send a note to the board confirming this.

New Business:

Fred handed out an informational source from the NH planning, zoning & land use regulation community called Plan-link Listserv. Created as an online discussion and information-sharing forum for people involved in municipal and regional planning. The web site link can be reached at www.nh.gov/oep/programs/MRPA/PlanLink.htm or call the Listserv administrator Chris Northrop at (603)271-2155 or e-mail him at chris.northrop@nh.gov

Policy & Procedure changes:

E-mail: Discussed email use between board members: Advice from recent LGC program stressed members to minimally utilize email. Advice from

counsel is to not use email for any discussions of issues. The right to know law on the Attorney General's web site has severe restrictions on email use. However, RSA 91-A-2-a, states distribution by email one way is permitted for dissemination of information. Responses about issues are not permitted. Unacceptable use would be discussion or comments of actions of individuals, decisions, opinions or personal conclusions that may lead others to conclusions. The Board agreed with the following uses of email: dissemination of information, advise from counsel and dissemination or clarification of agenda items.

The following changes to the ZBA Policies and Procedures were approved:

- 1) Board members agreed to change terms of Chair and Vice Chair to read: "Terms of Chair & Vice Chair are elected each year, members are encouraged to take their turn. "
- 2) Change the policy to read "may have up to 5 alternates". Also, change the policy to read: "Alternates may sit at the table with board members and participate in discussion but leave the table for votes when not filling in for a board member". Motion made to accept new wording by Dennis Pellegrino, Paul Krampfert 2nd the motion, Approved by 4:1 vote. Fred Ward voted no.
- 3) The Board also agreed to change the meeting time to 7:30 PM and the meeting day to the 3rd Thursday of the month.
- 4) Recording the minutes: It is acceptable to record minutes to ensure accurate minute reports. The recording can be held until after the

approved minutes are posted then the recording will be erased. Motion made by Dennis Pellegrino, 2nd by Fred Ward, unanimous approval.

AT&T: Jeff Spear hasn't responded to questions that Fred Ward sent him. Jeff Spear called Angela Nicoletti to express concerns with the Board's use of email communication of issues. He and Angela agreed that he would contact Steve Anderson to ask if AT&T is still interested in having a re-hearing. He also indicated when it comes time for a re-hearing; it would be up to us how we constitute the board recognizing that AT&T may challenge the sitting of some Board members in a re-hearing. Angel placed a call and left message to him this week regarding answers from Steve Anderson.

Dennis Pellegrino reports the selectmen want AT&T to make the first move regarding who sits on the ZBA for their hearings. They stated AT&T has no case for Dennis Pellegrino and Ruth Ward to be released from decisions regarding their case. They do have a case for Fred Ward and Angela Nicoletti to be released from decisions regarding their case. The selectmen would like the ZBA to make no decisions regarding the AT&T case until after hearing from AT&T. The selectmen were unaware of the current health issues of some Board members. The Board feels they need more alternates due to current board members with medical issues, not because of the AT&T issue. Helen Wheeler has asked for medical leave due to health issues.

Mr. Mike: A date for a meeting with the ZBA had been tentatively set for 11/17/11. Dennis Pellegrino reports our selectmen said Mr. Mike's is currently working on traffic flow and diesel tank placement and currently has no need to schedule a meeting with ZBA. Harry Power states that years ago approval was given for an addition at that location for Dunkin Donuts.

We currently have nothing scheduled before the Board on November 17, 2011.

Dennis Pellegrino made a motion to adjourn, Paul Krampfert 2nd the motion, the Board agreed.

Meeting adjourned at 9:35pm

Respectfully submitted,

Kathleen Ellis

Secretary.