

BOARD OF ADJUSTMENT

SEPTEMBER 1, 2009

MEMORIAL BUILDING

7:00 P.M.

The following are to be considered draft minutes only until approved by the Board at their next meeting.

Present: Zoning Board Members: Cynthia Hayes, Chair; Bill Sullivan, Barbara Dunlap, Kathy Richardson, and Alternate Gene Hayes. Absent: Kevin Waite. Gene Hayes was asked to step in for Kevin Waite.

Also Present: Selectman, John Chiarella, and Police Chief, Tim Julian. Andrew D'Amico, Rick Cole, Mike Hummel, Brooks Weathers, Steven Berkeley, Robert Heath and John Trachy.

The meeting was called to order at 7:20 p.m. waiting for a recording secretary.

Zoning Board members introduced themselves.

Present for the applicant: Owner George Evarts, Attorney Barry Schuster, and Engineer Dan Nash from Advanced Geomatics & Design. Dan presented the Board with proposed parcel plans and a letter explaining what exists and what is proposed. The letter also outlined reasons in support of the application.

Cynthia Hayes opened the public hearing concerning the request by G.H. Evarts for a Special Exception as specified in Article III, Section B.2. of the Zoning Ordinance. Applicant proposes to add a sawmill to the present lumber processing facility at 2377 Route 4A.

Bill Sullivan asked to recuse himself due to his previous involvement with the applicant during the time Bill was a Selectman.

Cynthia explained to the applicant that in order to have a special exception granted he would need the concurring vote of at least 3 board members. There were four Board members present to hear the presentation this evening. Cynthia explained the hearing and appeal process involved with moving forward with 4 members. Mr. Evarts opted to proceed with the hearing.

Mr. Schuster explained that it is their belief that an expansion of the existing non-conforming use is permitted under Article VIII, which states that non-conforming property may be altered and expanded as business conditions warrant. The business was established before zoning. They feel this is a natural extension of the existing business.

Mr. Evarts was asked to explain what currently happens on the site. Logs are sawn at a mill in Lebanon and the lumber is trucked to the site. Lumber from other processors may be trucked to Springfield as well. The lumber is either dry or green, and is then processed and kiln dried as needed. Sawdust is also trucked in to run the kilns. Mr. Evarts explained how the existing buildings are used.

Mr. Evarts' proposal is to build a sawmill at the site so logs can be sawn and the lumber and sawdust processed all on one site, reducing transportation requirements of materials.

Dan Nash, Engineer explained the proposed site plan, and discussed the steps taken to minimize impact to the wetlands. Alternate sites on the property were reviewed. The location of the proposed building, log storage area, and new driveway entrance were reviewed. The proposal does not place any of these in the wetlands. Some of the proposed area may be within the wetlands buffer. They propose placing a boulder barrier between any fill area and the wetland.

Mr. Schuster explained that the applicant has been to the Planning Board for a consultation for site plan review. The Planning Board suggested George meet with the Zoning Board. Mr. Shuster stated that while they have applied for a Special Exception, and the presentation packet lists their supporting arguments for a special exception, they do not feel that a Special Exception is required under the terms of the Zoning Ordinance. He asked the Board to consider whether a Special Exception is required in this instance.

Cynthia asked how the Board felt about proceeding with requirements of a Special Exception. She reminded the Board that the Special Exception application is to visit what is being proposed, not what has been there.

The Board discussed whether this application is a change of use or a use substantially different from what is there, or an extension of the existing lumber processing business. It is the use that is being reviewed, not the structures. The Board discussed whether they should proceed with hearing this as a Special Exception. All four Board members agreed they would like to deal with this as a Special Exception.

Cynthia asked members in the audience to speak in favor of the application: No one asked to speak.

Cynthia asked if anyone wanted to speak in opposition of the application.

Mike Hummel, resident of Old Grafton Road read from a statement regarding concerns he and his wife has. He stated their letter includes itemized reasons why the exception should not be granted, categorized according to the zoning ordinance.

Brooks Weathers, abutter on Route 4A stated that he is not opposed to the proposal, but he simply had questions. The proposed entrance, delivery hours, production plans, and beepers on equipment were discussed.

Steve Berkeley, resident on Route 4A questioned if the mill was being moved from Lebanon. He addressed his concerns with the entrance. He also questioned tax values, his concern with noise issues, and buffering of the roadway and site.

George reported the saw mill would be new construction, run by electricity and totally enclosed in a building. George stated that it is his intent to keep the wooded buffer as forested as possible.

Dan Nash stated the entrance would be subject to NH Department of Transportation Standards and would require a permit from them.

Rick Cole resident on Old Grafton Road questioned if the State would be involved with the wetlands.

Mr. Nash reported that a wetland's scientist has done wetlands studies and has noted them on the plan presented. If the proposal is accepted by the Town, then a wetlands application is submitted to the State for their review. A copy of the wetlands application is also filed with the Town and the Conservation Commission.

John Trachy asked for clarification of the contiguous wetlands and asked if it is greater than 10,000 square feet. He questioned drainage features and the percentage of grade on the proposed entrance. He noted his concern with the proposed log storage area in the wetland buffer.

Mr. Nash reported that there is contiguous wetland greater than 10,000 square feet, but there are also areas of isolated wetlands. Culverts are proposed under the log storage area. There is run-off onto the property from State culverts on Route 4A.

Cynthia asked for Mr. Evarts to give the Board a description of what takes place on the property now, versus what will take place if the proposal is approved.

Discussion, question and answers then followed regarding:

1. The type and amount of truck traffic, what types of equipment and how many are being used on the site, potential noise of traffic and equipment and possible mitigating factors.
2. A great deal of discussion involved possible noise issues, measurements and dealing with enforcement under current zoning regulations.
3. Wetlands implications and potential impact.

Cynthia asked if the Board would like to have a site walk. Cynthia asked if the Board wanted to consult with the Town's Wetlands person. She explained to Mr. Evarts that the Board has the option of consulting with their own professionals, with the expense of such billable to the applicant as per the Zoning regulations.

Mr. Schuster suggested that the Board wait until after they meet with Peter Spear, George's wetlands scientist, at the site visit to decide if they want to bring in their own specialist.

The Board agreed to schedule a site visit and would like to see the following items delineated in the field, if possible.

1. Proposed building site staked
2. Wetlands delineation, wetlands and 100' buffer area, and area of boulder placement
3. Proposed driveway entrance
4. And any other site features that may be relevant.

A site walk was scheduled for Saturday, September 12, 2009 at 9:00 a.m., with a rain date of Sunday September 13, 2009. Cynthia explained that the site walk is open to the public. It was recommended that any questions as a result of the site visit be brought up at the next public hearing.

The public hearing was continued to Tuesday, October 6th at 7:10 p.m. at the Memorial Building.

Minutes:

Site walk minutes of August 4, 2009: Gene moved to accept as written, seconded by Barb and unanimously approved.

Minutes of August 4, 2009: Correction by Kathy to correct the sentence "*Kathy pointed out that the Denison's had signed a building permit in 2007, for enclosing the **shed**,*" changed to *enclosing the **porch**.* Kathy moved to accept the minutes as corrected, seconded by Bill and unanimously approved.

Cynthia asked if Board members would like to receive a copy of the Board's Notice of Decision on their cases. Board members stated that they would.

Cynthia discussed writing a letter to the Selectmen regarding the Denison application and enforcement if there is no administrative appeal filed within the 30 day deadline. The Board authorized Cynthia to write a letter on the Board's behalf. She will send Board members a copy to look at.

Literature and Correspondence: Notifications were reviewed for the upcoming Municipal Law Lecture Series and Planning and Zoning Conference. Bill, Kathy and Barb all expressed an interest in attending the Municipal Law Lecture on October 21 in Hanover.

Gene asked whether the Special Exception application presented tonight would require a variance regarding wetlands setbacks after a decision is reached on the Special Exception. The Board felt they could not discuss any issues relative to the case.

The Board voted to adjourn the meeting at 9:30 p.m.

Respectfully Submitted,

Janet Roberts
Recording Secretary