

**ZONING BOARD OF ADJUSTMENT
MEMORIAL BUILDING 7:00 P.M.**

NOVEMBER 3, 2010

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

Present: Cynthia Hayes, Chairperson, Bill Sullivan, Kathy Richardson, Barbara Dunlap, Gene Hayes, Alternate Susan Chiarella and John Chiarella (Selectman representative).

Others Present:

Steven Berkeley, Dan Mitchell, Justin Hastings, Bryan O'Day, John Trachy, Travis Richardson, (others present did not sign in or introduce themselves).

Chair Hayes called the meeting to order at 7:00 p.m.

Minutes: 10 4/2010 Edits: Pg. 1 para starts Gloria stated change "build" to "built"; same para 3rd line change change "soil limits the possible locations" to "soil limits other possible locations". Pg 2, 2nd para change "necessary" to "has been a common practice in similar cases". Page 2, para 5 after "Travis Richardson" should add "on behalf of a Springfield resident" as he is not a resident. Again Page 2, 2nd para at end add "As long as a quorum is present". Under Miscellaneous, first sentence, after "board would request", add "if applicable".

MOTION to accept October 4th minutes as amended made by Gene Hayes, second by Kathy Richardson. All in favor. Susan Chiarella abstained.

Minutes of October 12, 2010 site walk. Gene Hayes made a MOTION to accept as presented, Bill Sullivan 2nd the motion. All in favor.

Michael Hansen Properties - Continued Special Exception relative to proposed change in use for property located at 131 Maple Ave., map 3, lot 520-48.

Chair reviewed the additional abutter lists. Dan Mitchell submitted a signed agent authorization to speak on behalf of the owner. Chair stated she consulted legal counsel and confirmed this can be considered a continuation of the public hearing given that additional abutters were noticed.

The proposed additional use for this property is for seasonal boat storage for @500 boats on his property at 131 Maple Avenue. Dan Mitchell pointed out the buildings on the map - #1 shop 50x70 where proposed winterization will take place, #2 garage 35x80, #3 office 30x30, #4 storage 50x100, #5 storage warehouse 100x300.

Chair asked Mr. Mitchell to walk the board through the winterization process. Mr. Mitchell stated they plan to use standards consistent or better than industry. The boat tank is filled with a stabilizer product, drain and dispose of engine oil, change filter, add new oil, cool system drain, some with RV biodegradable antifreeze flushed through and disposed of.

Washing takes place outside in the paved area with a pressure washer, as recommended by Lake Sunapee Protective Association. Chair inquired what if any soap is used? Dan suggested they would be glad to meet the condition to use industry standards. Gene Hayes asked about bilge disposal. Dan responded that holding tanks hold diesel fuel and waste oil per DES standards. Department of Environmental Services offers a mobile service for head pump outs, if needed, a phone number is provided. For outdoor storage, the boats are shrinkwrapped. Shrinkwrap is put over a lightweight wooded frame and heated to the boat and recycled once removed. Inside boat storage is not wrapped. Average size boat is 20' long x 8' wide. The number of 500 boats was provided as a maximum on one level. Spill kits contain products to absorb spillage, then disposed of per EPA standards. Cynthia Hayes reported she talked to Road Agent Brad Butcher about the condition of the road, with calcium use he didn't feel there would be any issues.

On the issue of traffic, Dan stated the busiest times would be in the Spring starting about May 1st through June and in the Fall, Sept 1 to Oct 31st.

Chair called for any public input.

Travis Richardson representing Robert Richardson, stated the abutters, who currently own the Murphy house were not notified as no return receipt signature card was returned. John Chiarella shared that once a property owner researches the most recent public record available, and a certified letter is mailed, due diligence is done. Cynthia Hayes agreed to check with legal counsel.

Travis Richardson asked if the drawing provided by the applicant was accurate. He stated there may be a building behind the shop that is not on the drawing. Dan Mitchell stated the shop and garage are completed - a storage building is in the building process. John Chiarella responded that the buildings whether completed or not, are approved and also a part of the existing bridge building business. Travis asked if boats are proposed to be stored under the power lines, questioning if boats with gasoline was a safe situation. Travis asked how many gallons of gas an average boat holds. Dan responded @20 gallons. Travis asked the capacity of the waste oil storage tanks? In response to a question about storing oil, Dan stated all storage tanks are handled and disposed of per Department of Environmental safety standards.

Chair Hayes stated she followed up with Lake Sunapee Protective Association and state agencies, stating that because it is an old gravel pit, it may be rock bed and outside storage could present an issue for possible contamination of area wells.

Dan Mitchell agreed they could certainly revisit storing under power lines. He further stated whatever industry standards are would be adhered to ensure safety. Dan said he believed the power lines issue was addressed with Public Service of NH. Travis Richardson stated the section in the Zoning Ordinance regarding approving a special exception, states that it not interfere with the safety and well being of area residents. He stated the site distance is limited, for increased traffic, feels more detailed information was needed. Chair stated traffic impact information is provided.

John Chiarella suggested 'best practices' be looked at as well as consulting the Hazard Mitigation Plan. Dan Mitchell clarified their focus would be storage and winterization, valet service is not part of the plan. Kathy Richardson asked about future employees. Dan responded there may be 1 new employee.

Chair Hayes summarized that more information was needed and asked the board if they wished to go on a site walk. Proposed dates are Sat Nov 14, Nov 20th or Nov 21st to ensure Michael can attend. Confirmed time and date will be posted.

In summarizing what the board would like to see for additional information presented:

- What are best practices or industry standards and how does the applicant plan to comply?
- Public Service of NH opinion of storage safety under the wires (in writing);
- Permitting process for storage tanks;
- Industry standards on the boat washing;
- Industry standards for containment of oil storage;

Gene Hayes asked if there were standards regarding abandoned boats? It is not clear that there is any regulation in place to protect from abandoned boats.

John Chiarella suggested to the board that since they consulted DES about soil types, if a soil scientist needs to be consult on this application, the applicant may like some advanced notice.

This hearing to be continued to Dec 7th. Bill Sullivan so MOVED, seconded by Kathy Richardson, all in favor.

Carpenter, Equitable Waiver, property located at 2712 Route 4A, map 48, lot 487-225 Alternate Susan Chiarella was asked to sit in on this case.

The initial application completed was for a special exception and has been revised and distributed. Abutter notices were all signed as received.

Chair Hayes referred to page 482 in the Land Use Handbook - RSA 67, stating an equitable waiver can be granted only if all of the findings are met.

Mr. and Mrs. Carpenter stated an inspection company for the bank discovered the error. Mr. Carpenter pointed out how he determined where the house should go, stating the blazed line was not correct. The site of the house was approved by town authorized personnel, Tom Duling.

When asked if approval would diminish the property, abutter Rob Thorp questioned 'how can he predict if his property would be diminished'? At this time, the close proximity is not an issue, it may be in the future. He shared his concern that the town does not have a resource to ensure that this does not happen. The board, abutter Thorp and other attendees briefly discussed this issue. John Chiarella stated, from a

selectboard perspective, the cost to hire an overseer would be prohibitive for a town this size.

In response to the equitable waiver criteria, 'would it be inequitable to require correction', the response was yes, as the house is complete. Susan Chiarella asked the Carpenters "what do you think happened"? They responded it would appear the pins were moved. Susan presented a possible solution of annexation if an equitable waiver were not granted.

The Equitable Waiver being requested is for 14' of the 35' setback requirement.

Chair closed the public hearing. Board deliberated. Board reviewed all requirements for an equitable waiver and found the Carpenters met all requirements. Chair made a MOTION to grant the equitable waiver of 14'.

Miscellaneous

Chair asked Clerk how to make sure people receive the rules and regulations. Clerk suggested automatically mailing the rules of procedure and instructions. John Chiarella shared that the selectboard discussed increasing hours to allow more accessibility to the clerk.

John Chiarella suggested one format for public awareness may be adding information about permits and other pertinent information to the annual report.

Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Deborah McGlew