

**ALSTEAD ZONING BOARD OF ADJUSTMENT**  
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**MEETING MINUTES**  
**July 17, 2017**

Note: These minutes are furnished for public inspection in accordance with RSA 91-A:2 and are unapproved until offered for disposition by the Board at a regular meeting. **ACCEPTED AS CORRECTED 8/7/17.**

ZBA Members present: Dennis Molesky/Chairman, Joe Cartwright, Sam Sutcliffe, and David Konesko/Alternate&PB Member.

Molesky/Chairman opened the Meeting at 7:30PM.

Jennifer Marchesi and Rich Anderson were present to discuss a proposal they had after speaking to Hans Waldmann/Zoning Officer about adding a small barn on their property on 85 Homestead Road. Waldmann suggested a Variance would be needed, as the proposed location is only approx. 33-feet from the road (with 50-foot being required by the Town's Zoning Ordinance). They explained their property is not flat – they have a ledge, and the property drops off. \*They need to still submit additional information in order for their Application to be processed. They noted a discrepancy in the identified ownership of an abutting property (Map 25/20) - \*Marsden to check with the Town Clerk on this matter.

In accordance to the Rules of Procedure, Alternate Member Konesko was appointed a Full Member for the purpose of the scheduled Public Hearing. Konesko had wondered if he should recuse himself from voting on this proposal, as he works for the State of NH with DOT, and that this property only has a residential use approved driveway, not one approved for public use, and that they would need to re-apply for a new driveway permit with DOT. Konesko stated that he would not be the one issuing the Permit – Molesky stated that he did not see any conflict.

At 7:50PM the Public Hearing for Application #2/2017 for a Variance for James Flanagan and John Meunier of 1086 Forest Road, for Lot #31, Tax Map #29 in Alstead, NH concerning Article III Section C to allow for wedding and special venue events to be allowed to be held on their property in their remodeled barn, was opened. Molesky/Chairman made the Applicant aware that they had the right to be heard before a full Board, as an affirmative vote of 3 is required to pass; Flanagan waived that right. The Application was reviewed for completeness. Cartwright pointed out that no dimensional map had been included with the Application, even though very professionally done information had been submitted. After discussion, the Board agreed to allow Flanagan to fill in additional information onto the Plans that had been submitted with the required information needed for the Board to make a decision. Flanagan added information on the Plan and initialed it. A Motion (Sutcliffe/Cartwright) to accept the Application as complete was made. Motion passed. Abutter Helena Novak was present.

Flanagan provided an overview of the proposal, explaining that there hope is to have the house, barn and property to be used as a venue fir weddings and special events only. Flanagan that they planned to rent out the property only, and that all the food requirements would be fully catered. They hoped to offer this on Fridays at noon through Sunday at noon, and that there would be no need for a commercial kitchen, and that the caterers would have no access to the house at all.

It was clarified that this Application was for a Variance from Article III C because a Commercial Recreational Facility is not allowed in a Village or Lake district, and that their property straddles both the Village and Rural Residential District.

Flanagan plans to allow parking in the field to the East, and that they still plan to use it to hay, etc. Konesko asked about what would happen if it rained, or if persons with walking disabilities were to attend. Molesky also asked about toilet facilities. Flanagan stated that drop-off could happen near the barn, and parking would be in the field to the East.; and that there were two toilets in the barn. Cartwright asked what the person capacity was in the barn, and if he had talked to the Fire Department about this yet. Flanagan stated that he had not talked to the Fire Department yet, but he estimated about 60 people could fit. He also stated that there would be No Smoking and no open flames allowed in the barn. Molesky stated that \*Flanagan needed to discuss capacity numbers with the Fire Department.

Molesky also stated that he wanted to discuss maximum number of events per year. Flanagan stated he thought 10 was a good number, with an average of 2 a month from May to October.

Flanagan stated that they have spoken to his neighbor Anita Jones, who has struggled to keep her home for years, and that they have her approval and blessing – and that they plan to be sensitive to her needs by limiting the times and number of events – by having events end at 10:30pm, and all live music contained in the barn.

Abutter Novak asked for clarification on what field they planned to use for parking – if it was the one near the pond, or the next one to the east. Flanagan stated that it was the field closest to her property. Novak explained that she was concerned about parking being in that field, as the speed limit on Rt 123 is 45MPH there, with limited sight distances toward Marlow – and that she would prefer it to be in the field near the pond. Flanagan stated that was not their intent, as they wanted to view/setting of the barn, house pond to be unobstructed by vehicles, etc. Novak was also concerned about how the garbage was to be dealt with and if the grass was to be removed and gravel put down for parking. Novak also inquired if ATV's and fireworks would be allowed.

Flanagan explained that he intended to keep the field grass (as they still intended to have it hayed 2x/year); and they had no intention to allow ATV's or fireworks (and that the ones she heard several times a year were their personal activities). Flanagan also stated that he had several access points into the field. Konesko pointed out that the access points were agricultural access points, and that a new NHDOT Driveway Permit would need to be applied for.

Novak asked if there were any noise restrictions in town – Molesky and Cartwright stated there were not.

A Motion (Sutcliffe/Cartwright) was made to close the Hearing and open Deliberations at 8:49pm. Motion passed.

Cartwright stated that the NHDOT driveway application would handle determining the safety and accessibility to the field for parking. Molesky stated that conditions should be discussed. Molesky suggested making sure the Variance was limited to wedding and other celebratory events to occur in the barn and immediate surrounding area, which Cartwright also pointed out addressed some of the Abutters concerns.

Conditions discussed:

- 1)Konesko asked for clarification on where the measurement of 32' from the edge of the road came from. Both Achesons stated they literally measured from the edge o limited to wedding and other celebratory events to occur in the barn and immediate surrounding area
- 2) capacity of the barn shall be determined by appropriate authorities (Flanagan to contact the Alstead Fire Chief), and a Report of Findings be issued to the Zoning Board of Adjustment.

- 3) limited to catered events only
- 4) sanitary facilities shall be appropriate for the intended use
- 5) statutory limits on noise shall be observed
- 6) There is a limit of 24 events per year.
- 7) ZBA approval is conditional upon the State of NH DOT issuing a Commercial Driveway Permit, and a copy of such permit shall be filed with the ZBA.
- 8) events are to end by 10:30PM.

Molesky read the criterion explanations provided by Flanagan.

A Motion (Cartwright/Sutcliffe) was made to close the Deliberations at 9:14PM. Motion passed.

Molesky reviewed the criteria by randomly polling the Members present:

As it pertained to criterion 1) Granting the Variance would not be contrary to the public interest – all Members were in agreement that this criterion was met.

As it pertained to Criterion 2) The use is not contrary to the spirit of the Ordinance – all Members agreed it met this criterion.

As it pertained to Criterion 3) Granting the Variance would do substantial justice – all Members agreed it met this criterion.

As it pertained to Criterion 4) Granting the Variance would not diminish surrounding property values – all Members felt this criterion was met.

As it pertained to Criterion 5) Denial of the Variance would result in unnecessary hardship to the owner seeking it; special conditions of the property distinguish it from other properties in the area so no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property – all Members felt this criterion was met.

At 9:25pm, Chairman Molesky stated that the Variance request had unanimously passed.

An email from Scott Kurz was reviewed, that had been answered by Molesky outside of a meeting. The Planning Board comments were reviewed as well.

There was a question from the Select Board's office regarding assigning 911 numbers to a duplex for the Reida property on Alstead Center Road. An old Planning Board file was reviewed (#3/2003) when the Weatherby's did a subdivision, and the dwelling was listed as a duplex at that time. \*Marsden to review the tax cards.

At 9:44PM a Motion (Cartwright/Sutcliffe) was made to adjourn the Meeting. Motion passed.

Respectfully submitted,

Melanie Marsden/Administrative Assistant

**The next regular meeting is on Monday, 8/7/17 at 7:30PM at the Alstead Municipal Offices.**