

ALSTEAD ZONING BOARD OF ADJUSTMENT
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MEETING MINUTES
June 29, 2016

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 8/1/16.**

ZBA Members present: Dennis Molesky/Chairman, Joe Cartwright, Kevin Clark, Sam Sutcliffe, David Konesko/Alternate&PB Member, and Hans Waldmann/Zoning Officer.

Molesky/Chairman opened the Meeting at 7:35PM. The 6/6/16 Meeting Minutes were reviewed. A Motion (Cartwright/Clark) was made to accept them as corrected. Motion passed.

In accordance to the Rules of Procedure, Alternate Members Konesko and Waldmann were appointed Full Members for the purposes of the scheduled Public Hearing; Member Molesky recused himself from the Hearing process. Member Cartwright became Acting Chairman.

At 7:45PM the Public Hearing for an Application #1/2016 for a Special Exception for the business of Old Settlers Cidery and the property owner, Dennis Molesky, of 789 Gilsum Mine Road for Lot #62, Tax Map #7 in Alstead, NH concerning Article III Section C Retail Business, to allow for the making of hard cider, was opened. Business owners Matt Gillette and Walt Alderman were present. The Application was reviewed for completeness. A Motion (Clark/Konesko) was made to accept the Application as complete. Motion passed.

Gillette provided an overview of his proposal, stating that they intended to press fresh apples, allow for the fermenting process to happen, then to distribute the product (which is overseen by the State). Molesky added that the building/Lot is already grandfathered under a manufacturing use. Gillette stated that they would like to have a tasting area in the future possibly, and to allow for retail sales on site.

Member Sutcliffe raised the concern of the possible conflict with a possible charter school going onto that same location, in a different part of the building. Molesky stated that as of now, that is not a definite plan, and that he has no contract to such an end. Molesky added that he knew some states had restrictions about schools being on the same location/or in close proximity to a business that sells alcohol – but he did not believe NH was one of them. Sutcliffe stated that he had done some research on the Alcoholic Beverage Code Title 4 Regulations, and found Ch 109 Misc Reg Provisions Chapter C Local Regs Sec. 109.33 – incorporated city or town may enact regulations. *Marsden did not find out if SAU60 had any such restrictions; or if the Town did either.

Member Konesko stated that this point was not relevant as there was not currently a school there, and if one goes there, it is their issue to deal with at the time of deciding to locate there – and as far as they were concerned, it was a location that holds a manufacturing facility and a community hall. Member Cartwright stated that the Board could consider putting a condition on an approval (if one was to be given) to address this. Alderman stated he saw three possible options – that a school and their business could co-exist, that there would not be a school on the location, or the business could leave the premises.

Member Sutcliffe spoke again on the school already being State approved, with a \$500K federal grant given for it, and it is scheduled to open September 2017. Molesky, again stated that he has only had conversations with

the school district – that no binding contracts, commitments or agreements are in place. Member Cartwright stated that he thought that the Federal law mandated a school to be drug-free (including alcohol) for 1000-feet. Member Konesko stated that it was the school's role to determine this when deciding if a location was appropriate or not – not the Zoning Board's.

Alderman stated that they were currently manufacturing the cider, and they were asking for the additional ability to sell 22 oz bottles in a retail situation. Alderman would like to see the business increase from the current manufacturing of 2500 bottles/year.

At 8:10pm A Motion to close the Hearing was made (Clark/Konesko) Motion passed. The Deliberations were then opened. The Board reached the consensus that the concern of whether a school would or would not go onto the same location was not a concern for this request. The Criterion were reviewed:

As it pertained to criterion A) The proposed use is in an appropriate location by virtue of the adequacy of public roadways and the nature of surrounding development and land uses – all Members agreed it was.

As it pertained to Criterion B) the granting of the Special Exception would not reduce the value of any other property in the area, nor otherwise be obnoxious, injurious or offensive to the neighborhood – all Members agreed it met this criterion.

As it pertained to Criterion C) No nuisance or hazard to vehicles or pedestrians will result from the granting of the Special Exception – all Members agreed it met this criterion.

As it pertained to Criterion D) Adequate and appropriate facilities will be provided for the proper operation of the proposed use – all Members agreed it met this criterion.

It was determined that criterion E) Additional reports or studies may be required by the Board including but not limited to traffic; High Intensity Soil Survey; parking; stormwater, erosion and sediment control; and fiscal and environmental impact analysis was not applicable.

A Motion (Clark/Konesko) was made to close the Deliberations. Motion passed.

A Motion (Clark/Sutcliffe) was made to vote on the proposal:

On Criterion A – all Members felt it was met.

On Criterion B - all Members felt it was met.

On Criterion C - all Members felt it was met.

On Criterion D - all Members felt it was met.

On Criterion E – none required.

Acting Chairman Cartwright stated that the Special Exception request for a hard cidery had passed unanimously, with no conditions.

Molesky was given a copy of the Notice of Decision; *Marsden to post it in the Keene Sentinel.

The next meeting to be held on 8/1/16 – Member Molesky will not be present.

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At 8:32PM a Motion (Clark/Sutcliffe) was made to adjourn the Meeting. Motion passed.

Respectfully submitted,

Melanie Marsden/Administrative Assistant

The next regular meeting is on Monday, 8/1/16 at 7:30PM at the Alstead Municipal Offices.