

ALSTEAD ZONING BOARD OF ADJUSTMENT
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MEETING MINUTES
November 1, 2021

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 12/6/21.**

ZBA Members present: Dennis Molesky/Chairman, Joe Cartwright, Mike Rau, Kevin Clark, Joe Levesque and David Konesko/Alternate Member.

At 7:30pm Molesky/Chairman opened the Meeting. The 10/4/21 Minutes were reviewed. A Motion (Clark/Rau) was made to accept them as corrected. Motion passed.

At 7:45PM, the Public Hearing for Application #2/2021 for a Special Exception for CKB Properties LLC, Matt and Katie Beam of 368 Ramsey Hill Road, Walpole, NH, for property located on Tax Map 12, Lot 24, on 59 Library Avenue in Alstead, NH, was opened. The Hearing was concerning Article III Section C for Warehousing and Distribution - to allow for 100-150 mini storage units on the existing property.

Abutters and interested persons in attendance: Julie Goodell, Matthew Yeatman, Melissa Neilly, Florence Kirk, Jessica Monty, Warren Avery, John Mcgarvey, Janet and Phil Warren.

Katie Beam/Applicant and Randy Rhoades/M&W Agent were present. Molesky reviewed the Application for completeness. *Marsden handed a hard copy of a letter emailed to Beam about the fact that that an additional Abutter had been notified, and additional postage was due because of a recent increase in postage costs. Molesky reviewed the Special Exception process to all persons present. Molesky questioned if the Rural Residential District listed was indeed correct. The District Map was consulted, and determined to be correct. Molesky read aloud the Application, and a letter from M&W Soils regarding vehicular trips posing a low impact on this proposal aloud. The Checklist was deemed complete. A Motion (Cartwright/Clark) was made to accept the Application as complete. Motion passed.

At 7:55PM Rhoades spoke about the Application, stating DiBernardo did the survey work, and he (Rhoades) planned to do the storage unit layout should approval be granted. Rhoades stated that this Hearing was the proposal to gain ZBA approval for the one-story 10'X20' storage units; to determine how many would be reasonable and where the units would be located on the Lot; and to discuss the low impact vehicular traffic involved with such a proposal. Rhoades stated other concerns, such as hours of operation, etc would be the subject covered during the Site Plan Review process with the Planning Board.

At 8PM Beam spoke on how she and her husband had initially purchased the property for their plumbing and heating business, but realized there was adequate space to host another business. They had briefly discussed additional housing, as there was always a need for that, but decided on another need – the demand for self-storage units. Beam stated that she understood that there was a lot of traffic back in the days when the lumbermill was busy, and felt there would be significantly less traffic with the addition of storage units. Beam explained that they have decided to tuck the units toward the back of the lot, along the riverbank. Beam stated she and her husband are committed to improving the lot, noting the flapping metal roofs that they have fixed/taken care of.

Rhoades explained that the Plan before the Board showed 116 storage units, with solid backs facing the river. Member Cartwright inquired about if the property was located in the floodplain. Rhoades and Beam stated there are no signs of flooding in that area. Member Molesky asked if there would be water, electricity and heat to these units. Rhoades stated no to water, yes to electricity, and possibly to heat. Member Rau asked about if the roads around the units were to be gravel or paved, as he was concerned about run-off issues. Member Cartwright asked about lighting – Rhoades stated it would be downward lighting. Member Rau asked if it would be lit 24 hrs/day. Rhoades stated these were Site Plan Review issues to be discussed at the next step if approval is granted. Member Molesky stated that hours of operation is a concern, and the ZBA could attach limits to these as a condition of approval. Member Clark asked if the storage units would be open/accessible 7 days a week – Beam stated that was the plan. Member Levesque asked about the area they planned to locate the storage units, and how it was affected after the rains that the Town experienced in late July. Beam stated the river did not crest the bank, and there was room to handle more water.

Abutter Yeatman stated that water comes down Breakneck Hill and Library Avenue, and was 2.5” deep near his driveway. Abutter Mcgarvey stated that he has lived on Library Avenue for over 30 years, and stated that the traffic from the plumbing and heating company has already increased traffic 3 to 4 times more than the traffic generated by the lumbermill. Mcgarvey added that the trucks also go too fast. Mcgarvey stated he was against this proposal because of how he feels it would affect property values. He stated he tried to sell his house 25 years ago, and the presence of the lumbermill hurt his ability to do so. Mcgarvey wants a letter verifying that his property value won't be decreased if this gets approved. Overall, Mcgarvey does not see the new business as an improvement, and feels with it would come a lot more traffic.

Abutter Yeatman stated that the lumbermill was a very quiet operation – having only 8 cars and 2 trucks. He stated he has spoken to the Police Department about the traffic concerns, but it still remains a consistent problem. He added that this proposal will be even a larger problem for pedestrians. Alstead resident/Kirk stated that she lives on River Street, and is amazed at the amount of traffic, and the speeds the vehicles go; and said the statement on the Zoning Ordinance that protects the rights of Alstead citizens needs to be considered. Kirk addressed Beam directly, and asked what impact this would have on her if this proposal did not go through. Beam stated this was intended to be her career.

Abutter Neilly stated that she has lived at 22 Library Avenue her entire life, and feels there is more traffic in the road now than ever before. Abutter Avery stated that the roads shrink by 12-18” each winter because of how the road is plowed, and the road is already narrow to begin with. Avery added that the Highway Department does not do a good job of plowing and snow maintenance on Library Avenue. Alstead resident/Monty stated that there are always kids playing on that road, and that the traffic has increased substantially since the plumbing and heating business has gone in.

Abutters P & J Warren asked what other uses are allowed on the property. Molesky explained the Table of Permitted Uses in the Zoning Ordinance, and the requirement of a Special Exception to get a new, or add a different, use.

Abutter Goodell stated that traffic has increased tremendously on River Street over the years. She expressed a concern with the lighting on the proposed storage unit proposal, and how it will affect all the deer that gather in that area. Goodell stated that in all her years of living across the river from the lumbermill, noise was never an issue. She also expressed a concern of increased traffic on Library Avenue.

Beam stated that she was shocked to hear of reports of their business trucks going too fast, and that the issue would be addressed with the employees immediately. Beam stated her husband had grown up in Alstead, and their intent was to improve the property, even possibly creating a park along the river. She explained that she

had spoken to the Fire Chief in Town, offering to have a fire hydrant put on the site. She said she and her husband wanted to give back to the Town. Rhoades spoke on Beam's behalf, and stated that he felt the roads could handle the minor increase in traffic that this proposal would create, as the lumbermill used to be so much busier, with more trucks. Abutter Neilly stated that the lumber trucks always went only 5 MPH; and that better plowing would be needed to handle even more of an increase of traffic on Library Avenue.

At 8:27PM Molesky asked for a Motion to close the Hearing. A Motion (Cartwright/Rau) was made. Motion passed. Molesky reiterated what he felt were the points/concerns were that were made by the Abutters – to include concerns with the width of the road, plowing of the road, storm water run-off, existing volume of traffic, and speed of said traffic. Molesky stated that Special Exception Criterion E allows the Board to ask for additional reports or studies be conducted/required – and he wanted to remind the Members of that fact.

At 8:40PM the Deliberations were opened. Discussion that a lot of concerns pertaining to Criterion A, B and C were made. Molesky asked for input from the Members. Rau stated that no study can be done to show what was vs. what is there now as far as traffic conditions, and that opinions should not matter. He added that if a road is not posted in NH, that the speed limit is 35MPH. Levesque stated that he knows a traffic study must be done before a speed limit sign can be put up. He added that SWRPC can do such studies that show number of cars traveling the road, and in some cases, even show the speeds. *Levesque stated he was going to look into getting a speed limit sign for 25 MPH posted on Library Avenue. Levesque stated that he was concerned with the lighting. Rau stated that lights can be pointed downward, and can also be adjusted.

Molesky asked if any conditions needed to be discussed. He reminded the Members that 100-150 units were being requested in the Application, and that he would want to see a limit on the number of units that could get installed – he suggested setting it at 116, as what was shown on the Plan. Molesky added that if the Applicant wanted more units then they would have to come back before the Board.

It was determined that all the Members were ready to vote on Criterion A, B, C & D. Molesky explained that a majority was required for each criterion to pass, and that all criterion needed to pass in order to approve the Special Exception.

At 8:50PM a vote of the Full Board (5 Members) took place.

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 – one Member agreed it was; 4 did not. This Criterion did not pass.

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 – three Members agreed it met this criterion; 2 did not. This Criterion passed.

As it pertained to Criterion C) No nuisance or hazard to vehicles or pedestrians will result from the granting of the Special Exception – four Members agreed it met this criterion; 1 did not. This Criterion passed.

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. This Criterion passed.

Criterion E) Additional reports or studies may be required by the Board including but not limited to traffic; High Intensity Soil Survey; parking; storm water, erosion and sediment control; and fiscal and environmental impact analysis was not discussed.

Molesky stated the Motion did not pass for this Special Exception Application.

Florence Kirk was also before the Board, explaining that her and her husband purchased the 8 River Street property from Jane and Michael Hutton in early 2019, after renting it for 3 months. At the time of purchase the Tax Card showed there was a single person efficiency apartment in addition to the residence. At some point they requested to change this status to a single family residence to help lower the taxes. She was not aware of the exact dates. Kirk is requesting to have an efficiency apartment again to help with costs on the property now that her husband has passed, as there is a lot more work needed than they originally thought. Kirk wants to rent the apartment to traveling nurses – only 1 person at a time. She stated the space is 25' X 18' – resulting in about 450 square feet of space. *Marsden to check with the Town Clerk as to when the request was made, as the Board deemed that under Article VI B, the Abandonment of Non-Conforming Uses, that the status of the house can be changed back if done within the two year period of the request for the initial change. If the two years have already passed, then Kirk will need to apply or a Special Exception for a 2-family dwelling.

An update on the Larry Plaisted Special Exception situation took place. Molesky had spoken to him, and he plans to still submit the information and move forward next year when Sunny Meadow Farms opens again next May 1st. *The Board to send a letter regarding the need for the Special Exception to take place prior to it's re-opening next Spring.

Marsden stated that the question about Winter Parking Bans in Town is addressed on the Town website.

A Motion (Cartwright/Rau) was made to adjourn the Meeting. The Meeting adjourned at 9:37PM.

Respectfully Submitted,

Melanie Marsden/Administrative Assistant to the Board