

ALSTEAD ZONING BOARD OF ADJUSTMENT
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MEETING MINUTES
March 6, 2023

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 4/3/23.**

ZBA Members present: Dennis Molesky/Chairman, Joe Levesque, Max Zurmuhlen, Kevin Clark and David Konesko/Alternate Member.

At 7:30pm Molesky/Chairman opened the Meeting. The 12/5/22 Minutes were reviewed. A Motion (Clark/Zurmuhlen) was made to accept them as read. Motion passed. The 2/6/23 Minutes were reviewed. A Motion (Clark/Zurmuhlen) was made to accept them as read. Motion passed.

Matt Saxton/Zoning Officer was present. He provided a letter written by Kent Carbo to the Board regarding the issue with his (#36-2023) Building Permit that stated guest house, and his need for a Special Exception. The letter stated he chose a wrong term 'guest house' to describe his structure, and has changed it to 'accessory structure'. Saxton went on to explain that Carbo plans to have the building on 10' stilts, located in the trees so it won't even be seen from the road, and there will be no plumbing or water source to the structure. Saxton stated the Building Permit has been issued.

At 7:45PM, the Public Hearing for Application #1/2023 for a Special Exception for Larry Plaisted of 411 Alstead Center Road, Alstead, NH, for property located on Tax Map 22, Lot 12, was opened. The Hearing was concerning Article III Section C for a Retail Business.

Abutters and interested persons in attendance: Dave Smith, Gray Twombly, Peter Renzelman, Kate Buckman, and Ashlyn Montgomery. Molesky read aloud the Application, and the Checklist was deemed complete. A Motion (Levesque/Clark) was made to accept the Application as complete. Motion passed. Member Konesko was appointed a Full Member for the purposes of the Hearing.

Plaisted stated that both properties were now in his name, thus correcting the issue that held up this process last year. Plaisted explained that the intent was to still have a farm stand with gifts; the 'gifts' is the issue that makes this a Retail business, not just a farm stand. *Plaisted to check with the Town Clerk to see that the information regarding lot ownership is correct.

Plaisted stated that the building was on Lot 12, and the entrance to park was located on Lot 12A, both owned by him. Member Konesko asked Plaisted if a new Driveway Permit had been issued from NHDOT for a change of use. *Plaisted to check with NHDOT, as he believes a Driveway Permit was issued by the State with the statement of 'woodlot and other uses'. Levesque asked if there were any plans to expand the building size – Plaisted said not at this time, that the 12X20' building is all they need now; and that he understood he would need to come back before the ZBA if he planned to expand.

At 8PM the floor was opened up to questions from others present. Abutter Montgomery had several questions - 1) is a Special Exception is transferable? – Molesky stated that if approved it goes with the land; 2) can a Special Exception can get expanded? - Molesky stated that how it gets accepted at this Hearing is how it will

stand; 3) is Plaisted able to raise animals and add a small greenhouse for non-commercial use? – Molesky stated farm animals are allowed in every district in town, and as long as setbacks are met, a small greenhouse is allowed under Agricultural Use in all Districts as well; 4) and do Abutters have a say in the sign? - Molesky stated the Sign Application had been submitted and approved a few years ago, after all requirements were met.

*The actual Application was corrected to say ‘bush crops’ not ‘brush crops’; and non-commercial greenhouse.

Abutter Renzelman inquired about the two separate lots, for this endeavor, and the fact that one of them can be sold. Member Levesque pointed out that a cross-easement can be required. *Member Konesko recommended one be done for the two properties now, to avoid confusion or potential issues down the line.

Two letters of support, from Abutters Koson and Sutcliffe, were read into record. Abutter Twombly stated he was in support. Smith had no objections. Abutter Buckman asked about the possibility of the site becoming much larger, like a Hemingway Farms in Charlestown. It was pointed out that if that were to be undertaken, then a Site Plan Review would be required to expand or replace the building and enlarge the business.

*The Board wants a copy of the updated Driveway Permit from NHDOT.

At 8:15PM the Hearing was closed, and the Deliberations were opened. All Members discussed the criteria:

Regarding Criterion A – there was no discussion; everything was adequate

Regarding Criterion B – Members felt that it was met

Regarding Criterion C – discussion about needing a copy of new Driveway Permit from NHDOT

Regarding Criterion D – Members felt this was met

Regarding Criterion E – n/a

At 8:20PM 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 – Members Molesky, Clark, Levesque, Zurmuhlen and Konesko agreed it was; this Criterion passed unanimously.

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 – Members Molesky, Clark, Levesque, Zurmuhlen and Konesko agreed it was; this Criterion passed unanimously.

As it pertained to Criterion C) No nuisance or hazard to vehicles or pedestrians will result from the granting of the Special Exception – Members Molesky, Clark, Levesque, Zurmuhlen and Konesko agreed it was; this Criterion passed unanimously.

As it pertained to Criterion D) Adequate and appropriate facilities will be provided for the proper operation of the proposed use – Members Molesky, Clark, Levesque, Zurmuhlen and Konesko agreed it was; this Criterion passed unanimously.

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. N/A

Molesky stated the Motion unanimously passed for this Special Exception Application. A Notice of Decision was given to Plaisted. The Granting Notice of Decision will be posted around town and placed in the Keene Sentinel.

Marsden announced the upcoming Spring Planning and Zoning Conference - *to forward all the information to the Members. Discussion about a phone call Marsden had gotten from a Realtor about 77 Mechanic Street took place – the question was if the house could be torn down and it's location moved. Marsden had told the Realtor that it could be torn down and replaced within same footprint, but to move the location of the building on that lot, a Variance would be required – the Board agreed with this answer that had been given. The Realtor also inquired about a property on 136 River Street that was for sale – expressing her concern that the seller was being scammed. *Marsden to share the concern with the Town Clerk. (Marsden had directed the Realtor to contact the Town Clerk or the Select Board Admin. Assistant with these concerns during the phone conversation).

Levesque stated that a new computer would be coming for the ZBA/PB if the town Budget passed.

Marsden/Admin. assistant announced her resignation to take effect after the June meetings.

A Motion (Clark/Zurmuhlen) was made to adjourn the Meeting. The Meeting adjourned at 8:47PM.

Respectfully Submitted,

Melanie Marsden/Administrative Assistant to the Board