

ALSTEAD ZONING BOARD OF ADJUSTMENT
POB 60, Alstead, New Hampshire 03602
Phone/Fax 603-835-2986
Fax 835-2178
www.alsteadnh.org

MEETING MINUTES
January 3, 2022

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 2/7/22.**

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

At 7:30pm Molesky/Chairman opened the Meeting. The 12/6/21 Minutes were reviewed. A Motion (Clark/Rau) was made to accept them as corrected. Motion passed.

At 7:45PM, the Public Rehearing for Application #3/2021 (for the Special Exception #2/2021) 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.

Abutters and interested persons in attendance: Julie and Matthew Goodell, Matthew and Heidi Yeatman, John Mcgarvey, Ray Monty, and Tom Smidtz.

Katie and Matt Beam/Applicant and Michael Bentley/Attorney were present. Molesky appointed Member Konesko a Full Member for the purposes of this Hearing. Molesky read the Motion for Rehearing, dated 11/30/21, into the record. He explained that the Board did grant this rehearing at their 12/6/21 meeting, but that did not mean the Board was in agreement with everything listed in the Motion for Rehearing. Molesky explained that the Applicant will first present any information they have, and then Abutters/interested parties will be allowed to speak. Once the Board is satisfied, they will open the Deliberations.

Bentley/Attorney first addressed the information received from the Alstead Police Department – stating K. Beam had called after the original Hearing, and found out that there were no complaints on file; and the Police Department considered Library Avenue a public road. K. Beam stated she felt the information presented at the Public Hearing in November was false. Molesky read the letter from the Police Chief (dated 11/29/21) into the record.

Bentley then spoke about the denial of Criterion A – stating that Library Avenue is a public highway, and a sawmill once existed on the road (in the exact location pertaining to this Special Exception request). Bentley stated that he felt the criterion of adequacy of roadways was met, as Library Avenue is a Class V road. He added that this property abuts the Cold River to the North, and the proposed location of the units on Tract 1 & 2 of the proposal are located in the Southeast corner of the lot, nowhere near the river. Bentley explained that M. Beam's business was located in the Northeast corner of the lot.

Bentley then spoke about storage units, and the amount of traffic, and frequency of traffic, to the storage units. He stated that storage units were a quiet operation – with no heavy trucks, they generated no offensive noise, odors, nor manufacturing. Bentley stated that the proposed residential storage commercial use was in the, and in keeping with the, best interest of the Town. Bentley added that there exists commercial use already on the Lot,

and that the storage units were much less intrusive than that; as well as certainly less intrusive of the previous commercial business (the sawmill).

Bentley asked how the Board could have felt Criterion B & C was met, but Criterion A was not. He stated it all went back to the adequacy of the roads and the police reports. Bentley reminded everyone that Library Avenue could handle the increased vehicular traffic with this proposal, as well as no hazardous material concerns, no septic system concerns, etc. He stated his clients knew that a fence and a security system (sensor lights, etc), and electricity, would be required with this proposal – but all those issues would be addressed under Site Plan Review.

Bentley requested that the Board re-affirm Criterion B, C & D, and to re-evaluate Criterion A.

Member Levesque asked how they planned to prevent the storing of hazardous materials. K. Beam stated that restrictions would be put into the lease that needed to be signed in order to rent a storage unit. Bentley stated that Matt Beam Plumbing & Heating business was right there, and that would actually provide some oversight to the units. He added that K. Beam was aware that sometimes people don't pay their rental fees, and units needed to be cleaned out.

The floor was opened to the Abutters/interested parties. R. Monty pointed out that some of the complaints had not been directed to the Police Department – as he had directed some of his concerns/complaints directly to Beam Plumbing & Heating employees that he knows. Monty added that he sees speeding all the time, and that he has to sometimes drive across his lawn to avoid oncoming vehicles. He also mentioned that traffic gets backed up sometimes before the gate gets opened some mornings. He also expressed concerns with future flooding. M. Beam spoke to the effect that no water from the July 2021 storm flooded his lot, when Monty's lot got flooded from that event. Monty stated that he had researched other storage rental unit properties, and that none were located on dead-end streets. He pointed out that two cars can't be on Breakneck Hill at the same time.

J. Goodell stated that she has called and spoken to Penny Gendron at the Police Department many times. She added that Matt Saxton and Wendy Rawlings (Alstead police officer) met in August at Steve Fortier's house to discuss concerns of speeding. J. Goodell added that she had concerns with the lighting and not wanting to look at storage facilities from her property. M. Bentley addressed the concern of lighting – stating that they planned to propose sensor lighting under Site Plan Review – so that the lights come on only when someone is there at night. J. Goodell asked about the need for constant lighting for security reasons. She also asked what benefit this brought to the Town. Bentley pointed out that if additional housing were to go there instead, potentially that could put a strain on the Town's infrastructure – and no such strain occurs as the result of storage units.

Bentley stated that Matt Beam should be called if anyone has a problem with his employees and their driving.

M. Goodell stated he did not feel the way the river was laid out on the plans were accurate because of the recent July 2021 flooding event, and there was no way residential units could ever be placed there. He stated that the river is always changing where it flows, as are the location of the riverbanks. M. Goodell added that the only burden that would result to the Town's infrastructure would be because people are constantly cutting budgets for our Town's police and fire departments, etc.; as well as the increase in crime and drugs.

M. Yeatman stated he planned to speak to the Police Department, because he felt that when he spoke to them, that should have been considered a complaint. He expressed concerns that M. Beam can't control who rents the units like he can his employees and his company vehicles. He also expressed a concern about the negative affect on property values, and he presented a letter supporting his concerns from Robin Smith/Re-max dated 1/3/22. He gave an example of when a Granite city truck destroyed his mailbox (he caught it on his home camera) –

and after he contacted them, they took care of the repairs. He added that he felt M. Beam would do the same if his company caused any damage – but he feels miscellaneous people going to and from the storage units would not, and he would have to figure out who caused the damage. He is concerned with the many unknowns – the lighting, the 24 hour access to the units, will there be 120 or 150 units, etc.

M. Yeatman stated he bought his property for the privacy. He does not feel this is an appropriate location for storage units – the road is too narrow, and the road is not designed to handle all the extra traffic. He stated he felt more housing would actually be more appropriate in that location. He questioned why another storage unit facility was needed, as there are so many around, and most aren't full.

Molesky pointed out that many of the concerns being mentioned will be addressed under the Site Plan Review process. Bentley added that was the 2nd step in the two-step process, after/if approval is given for the use by the ZBA. Bentley also reminded everyone that free enterprise is a right – anyone can decide to start a business.

M. Goodell asked if this proposal gets approved, what was to stop other Special Exceptions from getting approved. Molesky stated that no precedence is set with an approval; each proposal is considered as a separate request, and the criteria must be met for each.

Mcgarvey stated that his wife was run off the road by an electric company vehicle recently – which shows the inadequacies of Library Avenue.

Smidtz spoke, stating that he has lived on 50 Main Street (as a 'backyard-er' to this property) for a long time, long enough to experience the sawmill at it's height of operation. Smidtz stated that the sawmill was not a quiet operation, and that some of the traffic complaints spoken of tonight were on River Street, not even Library Avenue. He also stated, as far as the concerns regarding hazardous materials, that no one knows what their neighbors are actually storing on their properties. He also stated that the lights used to be on at the sawmill 24 hours a day, seven days a week – he said those concerns (lighting, access and hours of operation) can be addressed in the next process of Site plan Review. Smidtz stated he felt the traffic of the dump trucks going up and down to the gravel pit on Main Street/Hill Road are more of a nuisance and safety concern than any potential traffic to the storage units will be. He added that this proposal is a good tax revenue for the town, one that added no pollution.

At 8:39PM the Hearing was closed, and the Deliberations were opened. Molesky stated he felt speeding issues were more relevant to Criterion C, not A, and that he had originally voted no on that criterion based on the testimony of residents of the neighborhood. He added that he understood this was a contentious matter, and that there were mixed feelings at the original Hearing regarding the criterion. Molesky pointed out that there was a slightly different make-up of the Board, as one of the Members was not in attendance. No other Members had anything to add, and the vote began.

At 8:45PM 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 – 4 Members agreed it was; 1 did not. This Criterion passed.

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 – 4 Members agreed it met this criterion; 1 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; this criterion was not discussed.

Molesky stated the Special Exception passed. A Notice of Decision was given to K. Beam. *Marsden to send her the Site Plan Review Application, and how much is owed for the Notice of Decision legal line ad.

A few follow-up items were discussed:

The trailer located on Gilsum Mine Road – Levesque stated that the Municipal Association and the Town Attorney were consulted, and the Select Board has sent a letter giving the owner 20 days to remove it.

The driveway (and possible house) on Walpole Valley Road – The Road Agent received no Driveway Permit Application, and the Zoning Officer received no Building Permit Application. *This becomes another enforcement issue for the Select Board.

Emails to Aldrich regarding a fence along his property line and Fritsch regarding putting an apartment in his barn were reviewed; as well as a telephone conversation with Robbins on River Street - *Marsden to send him Special Exception information.

Discussion regarding the need for Application fees to increase, as the cost of legal line ads aren't even being covered, took place. The fee has remained the same for close to 15 years. *Marsden to look into costs from other towns.

A Motion (Clark/Rau) was made to adjourn the Meeting. The Meeting adjourned at 9:25PM.

Respectfully Submitted,

Melanie Marsden/Administrative Assistant to the Board