

ZONING BOARD OF ADJUSTMENT
DROUIN SPECIAL EXCEPTION - SITE WALK

October 2, 2008

Present: John Gralenski, Ben Mayerson, Ray Halle, Joyce Carlisle, Ray Danforth, Burke York, Bert Drouin, Ray Lemieux

The group met at the Drouin lot at 6:00 PM.

The lot was viewed. The stakes denoting the building location was noted. Proposed drainage, setbacks, stonewall and buffers were discussed. It was noted that the existing buffer is actually on the neighboring property. It was noted that there is an abrupt slope along the east boundary that will be graded and a buffer of trees will be added along the west boundary. A buffer along the back of the lot to limit access to this undeveloped portion of the lot was discussed.

A gate to limit free access was discussed and the proposed lighting on the building was also reviewed.

Ray Lemieux expressed concern about his property being accessed by customers of the storage facility.

The group left the lot to go to the town hall.

ZONING BOARD OF ADJUSTMENT MEETING

October 2, 2008

Present: Ray Danforth, John Gralenski, Ray Halle, Joyce Carlisle, Ben Mayerson, Jo Carpenter - recording secretary

Chairperson Ray Danforth opened the meeting at 6:35 PM.

The Rules of Procedure, which had been e-mailed to the board members, was discussed. John Gralenski made a motion to accept the Rules of Procedure as proposed. This motion was seconded by Joyce Carlisle and passed unanimously.

The Instructions to Applicants was reviewed. Joyce Carlisle made a motion to accept the Instructions to applicants as proposed. This motion was seconded by Ben Mayerson and passed unanimously.

John Gralenski made a motion to delegate the duties of the Clerk to the administrative Assistant. This motion was seconded by Joyce Carlisle and passed unanimously.

Joyce Carlisle made a motion to accept the forms in Appendix C with the exception that the notices will be signed by the administrative assistant or the clerk. This motion was seconded by John Gralenski and passed unanimously.

Jo Carpenter informed the Board that Attorney John Frizzell stands by his interpretation that approval of the special exception is approval of the use for the lot as long as it is the identical use.

The Board then moved to the town hall.

Present: Above list, Ray Lemieux, Peter Behling, Marlene Marchand, Art Marchand, Moe Parent, Dona Parent, Burke York, Tracey Drouin, Bert Drouin, Bob Goddard, John Carpenter

Ray Danforth opened the meeting at 7:02 PM. He explained the procedure he would follow. He then reconvened the Public Hearing on the Drouin's Special Exception Request for a Mini-storage Facility in the Route 2 District.

Bob Goddard asked that Board members reaffirm that they have no reason to reclude themselves from sitting on the case. This was done and all board members stated that they felt that they could sit on the case.

Letters from Peter Behling, Ray Lemieux and David Woodward, Avitar Associates, were read into the record. (See attached)

John Gralenski made a motion to accept the written testimony into the record. This motion was seconded by Ben Mayerson and passed unanimously.

Ray Danforth asked the applicants if they wished to make any further statements.

Burke York and Bob Goddard gave a synopsis.

Burke said that the proposed use is acceptable for this district. He said that the Drouins have gone to great lengths to make the project fit the rural character of the town. Burke said there are many commercial uses in this district.

Bob Goddard said that there has been a lot of public input but he would like to stress that he has been involved in several of these projects but this is the nicest he has seen. He said that the Board needs to consider what is an acceptable use and does the project meet the criteria.

Bob said that this is a passive use and it is not a high impact use. He said that typically the daily use of this type of facility is not high - light impact - traffic, noise - a passive commercial use.

Ray Lemieux said that he is concerned about "what ifs". At 3:00 AM it will be me that has a problem. He said I don't want to see it and I don't want to hear it. Ray said if it is successful it will get closer to me.

Peter Behling said that he would like to note that Avitar devalued his house because of its proximity to the hydro plant. He said that he would also like to clarify that the chipping plant is located in the Industrial District.

Dona Parent stated that she will be a neighbor to the proposed facility and she has no problem with the project. She said also noted that the project will be located on Route 2 which is a major noisy highway.

Burke York noted that the lights at the facility will be left on dusk to dawn for safety reasons.

Chairperson Ray Danforth closed the public hearing at 7:35 PM.

Ray Danforth announced that the Town Attorney Jon Frizzell's opinion is that the Zoning Board of Adjustment will be approving the use for the property not the project as designed and if additional units are proposed the project will not come back to the Zoning Board of Adjustment but it will come back to the Planning Board for site plan review again.

The Board began deliberation on each point the must be met for a special exception to be granted.

1. The specific site is an appropriate location for such a use or uses in terms of overall community development.

John Gralenski stated that he feels that this requirement has been met because there is a hotel, golf course, and campground located in this same vicinity. He said that he feels that the project presented is aesthetically please and fits the neighborhood.

John Gralenski made a motion to accept that the project meets condition #1. This motion was seconded by Ray Halle and passed unanimously.

2. The proposed use will not adversely affect the neighborhood and shall produce no significant reduction of real estate values in the neighboring area.

John Gralenski said that while no one can predict the future based on the written testimony of two appraisers this condition has been satisfied.

Ray Danforth said that the applicant has centered much of their testimony on value but there have been other comments about how the project might affect the neighborhood.

John Gralenski said that considering the types of businesses allowed in the route 2w District he does not believe that this project will affect the neighborhood.

John Gralenski made a motion that condition #2 has been met. This motion was seconded by Joyce Carlisle.

Ben Mayerson commented that the Goddard report was thorough but it did not contain any case studies on how values would be affected and he further stated that he is not totally convinced that property values will not be affected.

Ray Danforth said that all the written evidence states that no significant reduction in property vales is expected. They have no sales to back this up but they don't expect that property values will be reduced.

Ray Danforth said that as far as affecting the neighborhood – what is there now is a parking lot and it is not very attractive. The proposed project would look more orderly than what is currently there. He said on this particular lot the project fits.

John Gralenski said that in his opinion to totally preserve the rural character of the town everyone would have to move out but he does believe that the proposal meets condition #2.

The vote on the motion was 4 yes and 1 no.

3. The proposed use will not cause an undue burden on the Town through the provision of basic Town services.

Ray Danforth said that this was touched on lightly.

Joyce Carlisle said that additional police services were mentioned because illegal access could be a problem. She said that perhaps a gate for the property should be considered.

Ray Halle asked if any garbage left behind by renters would be hauled away by the owners. The applicants assured the Board that it would be.

John Gralenski made a motion that condition #3 has been met. This motion was seconded by Ben Mayerson and passed unanimously.

4. The project shall not be a nuisance to any allowable use within the district. Nuisance includes but is not limited to excessive noise, odor, smoke and lighting, or hours of operation that are generally incompatible with pre-existing uses and allowable uses within the district.

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John Gralenski stated that the biggest source of noise in this area is Route 2 traffic. He said this project will not change the amount of that traffic. John further stated that he believes that the 24 hours a day 7 days a week will not be a problem because this is a low impact business and is about the same as a hotel or a campground.

Ben Mayerson said that he is concerned about the hours of operation. He said that he does not feel that it is the same as a hotel or a campground. Ben also stated that he is concerned about access and egress to the back of the lot. He said he feels that this will be detrimental to the abutter. Ben said that he is also concerned about possible camping on the site. He said that he thinks that most of the activity will be days and week-end so the facility should not be open 24/7. He said that he is concerned about loading and unloading vehicles in the night. He said that he would like to see the facility close at 9:00 PM.

Ray Danforth asked how Ben would suggest closing the facility - with a gate?

John Gralenski commented that hotels and campgrounds don't close. Ben said he did not feel that they were comparable to the project.

Ray Danforth asked if Ben would close the facility completely or close to other but allow access to renters.

Ben said allowing access to renters would be acceptable. Ben said that it would be more tempting to enter the lot once the facility is built. He said limited access would make it harder to break into a unit.

Ray Danforth said it seems that there is interest in requiring a gate. He asked if the Board wanted to consider that now or under #9

John Gralenski said that he views a gate as undue restriction.

Joyce Carlisle said that the intention would be to not restrict renters.

Ben Mayerson said the he would be comfortable for 24/7 for renters but not for others.

John Gralenski made a motion that condition #4 has been met with conditions to be added under #9. The motion was seconded by Ben Mayerson and passed unanimously.

5. The project shall visually fit in with the aesthetic character of the district.

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John Gralenski said that he is impressed with the drawings of the proposed facility and he hopes that the facility will be built and landscaped as depicted. He said as presented he feels that the project does fit with the aesthetic character of the district.

Ben Mayerson said that he agrees with John Gralenski but due to the length of the building he would like to see it setback another 15 – 30 feet. He said that he does not feel there is enough room for a truck in front of the building.

Joyce Carlisle asked if additional units would have to go through site plan review. Ray Danforth said that they would. Joyce suggested adding a condition that any additional units would have to look similar to the proposed facility.

Ray said that he feels that this should be a recommendation to the Planning Board rather than a condition.

Ben pointed out that the definitions set conditions and units behind the first one will not be seen from the road because the land slopes downward. Joyce pointed out that additional units will be seen by the abutters. It was agreed to add this as a recommendation under #9.

Ben Mayerson made a motion that condition #5 has been satisfied. This motion was seconded by Ray Halle and passed unanimously.

6. The project shall provide for smooth, safe and convenient movement of vehicles both on and off site.

John Gralenski stated that not many vehicles will be entering or exiting the site at once and an adequate driveway has been proposed.

Ben Mayerson said that the Zoning Board might look at the requirement of distances between other units.

John Gralenski made a motion that condition #6 has been satisfied. This motion was seconded by Ben Mayerson and passed unanimously.

7. The project shall provide adequate parking facilities without creating a surplus of rarely used parking spaces. Whenever feasible parking should be located behind the buildings or berms.

John Gralenski stated that no vehicles will be left on the site for any length of time

Ben Mayerson commented that the applicants do not want them there but someone could come in.

Ray Danforth said that he does not see a problem with this condition and in his view it is almost not applicable.

John Gralenski made a motion that condition #7 has been met. This motion was seconded by Joyce Carlisle and passed unanimously.

8. If the project is a commercial or industrial activity, buffers may be required between the proposed project and existing uses.

John Gralenski said considering that other units might be added he feels that there should be a buffer installed by Ray Lemieux's house as a goodwill gesture.

Ben Mayerson said that buffering for the improved area should be continued for any new development.

Joyce Carlisle questioned if there should be buffering to the front of the lot if trees are removed. It was noted that the drawing shows a fence and some trees for aesthetics.

Ben Mayerson commented that a business does need to be seen and the sign must also be visible.

It was noted that the proposed stone wall will be close to the trees.

John Gralenski made a motion that condition #8 has been met. This motion was seconded by Ben Mayerson and passed unanimously.

Joyce Carlisle asked about restricting access to the back of the lot. Ray said that will be discussed under #9.

The Board took a short recess to review advice from Attorney Jon Frizzell on imposing conditions and reconvened at 8:50 PM.

9. The Zoning Board of Adjustment in granting any special exception may include such restrictions or conditions as may be necessary to ensure compliance with this section.

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Conditions

1. Buffers

John Gralenski made a motion to require that sufficient, continuous buffers be installed on the east and west side of the property that go back sufficiently to obscure/limit residential property owners view of the project. The buffer must be maintained and if it is a natural buffer it must mature quickly and be continuous. The buffer must obscure the improved area even if it is expanded in the future. In the front of the property the stone wall and trees as shown on the sketch will act as the buffer. This motion was seconded by Ben Mayerson and passed unanimously.

2. Security

Ben Mayerson made a motion that security be added to the project that will restrict unlimited access to the facility and the unimproved area of the lot. This motion was seconded by John Gralenski.

Ray Danforth commented that if additional units are built the access should still be restricted to the remaining unimproved area.

The motion passed unanimously.

Recommendations to the Planning Board

John Gralenski made a motion that the following recommendations be sent to the Planning Board for their consideration during Site Plan Review:

- 1. Addition setback from Route 2 – front of the lot – be considered.
- 2. Future units be required to be of similar design of existing units.

This motion was seconded by Ben Mayerson and passed unanimously.

John Gralenski made a motion that based on the findings that the nine conditions have been satisfied that the special exception for a mini-storage facility on Map 2 Lot 8A in the Route 2 District be granted. This motion was seconded by Joyce Carlisle and passed unanimously.

Minutes

John Gralenski made a motion to accept the minutes of September 18, 2008 as written. This motion was seconded by Ray Halle and passed unanimously.

Adjourn

John Gralenski made a motion to adjourn the meeting at 9:30 PM. This motion was seconded by Ben Mayerson and passed unanimously.