

Approved

August 22, 2001

Joint Meeting of ZBA and Planning Board

Members in Attendance: Bruce Mann - PB Chairman and Meeting Chairman
Bob Bergeron - ZBA
Mike Davieau - ZBA
Mary McDonald - ZBA Chairman
Anne Richards - ZBA
Ulysses Shields - ZBA
Mike Dulong - ZBA Alternate
Lee Harper - ZBA Alternate
Mark McDonald - PB
Wolfgang Milbrandt - PB
Pam Lassen - PB Alternate
Carol Ogilvie - Guest

7:10 Mary McDonald calls meeting to order.

Victor Tweedy Proposal:

Abutters: Linda, Loria Leadbetter
Jennifer Griffith
Elaine Ledger
John, Anna Burroughs

Interested Parties: Atty. Matt Glavey (representing Mr. Tweedy)
Charlotte Hastings
Charlie Lanni

- Mr. Tweedy presents application.
- Mr. Glavey presents site plan for Mr. Tweedy proposal and states the following.
 - Property is 1.67 acres on route 31 in a graft zoning district.
 - Last winter Mr. Tweedy approached Selectmen regarding auto storage and received tentative permission to store 15 automobiles while obtaining a special exception from ZBA.
 - In June 2001 ZBA granted special acceptance under conditions:
 - surface
 - lighting
 - hours of operation
 - granted 50 vehicle lots
 - no junk or salvaged vehicles
 - natural wooded area would remain
 - Variance required due to size of lot.
 - Now wishing commercial use.
 - Proposal provides service to local area.
 - Maintain it's an appropriate place, established business location. Retail gun shop, convenience store, fireworks store.
 - Greenville requires only commercial on route 31, no residential.
 - ZBA already established that there would be no impact to abutters' property value.
 - Supreme Court made changes this past year, Simplex Tech. vs Nottingham.
 - show that restriction applied to property interferes with use of property

- would the granting of the variance due justice?
 - Vehicles dropped off and stored.
 - Lighting would probably be similar to driveway lighting.
 - Mr. Tweedy spoke with Fire Chief and Road Agent, they saw no problem.
 - Mr. Tweedy filed application with NH Environmental Services
 - NH Environmental Services registered, no contamination on site.
- Mr. Mann notes Mr. Tweedy's lease states premises to be used only for the use of storage of vehicles, not residential.
 - Mr. Glavey clarifies lease is applicable only for parking lot portion of property.
 - Mr. Mann requests that we go through the Site Plan Checklist, board members in agreement.
 - Ms. Burroughs met with Selectmen after Mr. Tweedy received tentative permission to proceed to express concern for decision. Selectman requested a letter for an appeal. There is an active appeal already.
 - Ms. Borrroughs states it's her understanding that this meeting is a continuation of the original hearing.
 - Ms. Borrroughs raised to the boards' attention her belief that Anne Richarards has a conflict of interest in Mr. Tweedy's appeal due to the storage of vehicles on her property. Ms. Borrroughs also expressed a concern that Ms. Richards was interrupting discussions at the ZBA hearing.
 - Ms. Borrroughs suggests that Ms. Richards recuse herself.
 - Ms. Richards replies that she does not store vehicle on her property and has refused to recuse herself.
 - Ms. Burroughs also raised to the boards' attention the fact that Mike Davieau's lot lies within a proximity to a plume and has his own business and as a result has an interest in furthering the zone for business use. Ms. Burrows also expressed her belief that Mr. Davieau has taken a liking to Mr. Tweedy and has taken on the role of a mentor. For these reasons, Ms. Burrows feels that Mr. Davieau should also recuse himself.
 - Mr. Davieau replies that his property is within 1/4 mile of Mr. Tweedy's property and that he has no financial interest. Mr. Davieau states that contact was strictly procedural and in-person due to inability to reach by phone. He declines to recuse himself.

Vote for recusal of Ms. Richards:

Mary McDonald - Yes
 Bob Bergeron - No
 Ulysses Shields - Abstain
 Lee Harper - Abstain
 Mike Dulong - No

Vote for recusal of Mr. Davieau:

Mary McDonald - Yes
 Bob Bergeron - No
 Ulysses Shields - Abstain
 Lee Harper - Abstain
 Mike Dulong - No
 Anne Richards - No

- Mr. Glavey states he doesn't feel the requests for recusal are founded on a significant legal base.
- Charles Lanni questioned why his business is only allowed three cars, but Mr. Tweedy's business is proposing 50 cars.

- Ms. Ogilvie reviews checklist items.
- Ms. Burroughs called to the Planning Board's attention a boundary dispute.
- Mr. Mann points out that an improper boundary could result in a development on land that belongs to a different owner.
- Elaine Ledger's house is represented in the plan as 54 feet from the Mr. Tweedy's property boundary. Elaine Ledger is disputing this distance.
- The plan shows an existing active septic system. The existing leach field is within 75 feet of the boundary and is grandfathered.
- Mr. Glavey states the earliest record they have is of the land being taxed as a separate parcel in 1964. Applicants have no information about the lot being subdivided.
- Board requests that applicants show the building setback line on the plat.
- Mr. Tweedy has asserted that the lot is grandfathered and a ZBA member agrees that the lot is indeed grandfathered.
- Abutter represents a well in front of the house and a septic system behind the house.
- Board requests that applicant include the location of abutter well and septic system on the plat.
- Mr. Mann recommends a site walk which is scheduled for Sunday, August 26th, 2001 at 1pm. Abutters will join.
- Number of Employees for this business: limited to 6 without an exception, Mr. Tweedy will employ 4 at the most.
- Hours of operations: 6am-10pm weekdays, 8am-10pm weekends.
- Loria Leadbetter raises concern about current noise and commotion, works at the night, sleeps during the day/evening.
- Elaine Ledger is also concerned about noise.
- Ms. Burroughs requests only a small, tasteful sign; like a shingle hanging a mailbox.
- Elaine Ledger requests that a fence is erected on the property border.
- No drainage issues.
- Mr Shields asks about vehicle leaking fluids. Mr Tweedy had 15 yards of quinn-pack brought in. Mr Shields expresses concern that over time this quinn-pack will erode and wash away.
- Mr Glavey reads NH Environment Svcs permit and filing of Mr Tweedy's application for proposal. There is still a concern that there could be water runoff.
- Ms. Burroughs also expresses a concern about drainage. She called the EPA and has received information about MBTE. Concern about vehicles.
- Mr. Lanni expresses concern about storing vehicles on anything other than cement.
- Mr. McDonald asks how vehicles will be delivered. They'll be dropped off on trucks with a turn-around on the lot. The trucks will pull head in and head out. Mr. Tweedy's truck is a two-car carrier. Two times a week a full tractor trailer may come in to drop off or pick up vehicles.
- Mr. Tweedy states there will not be any tractor trailers or other vehicles parked on the road.
- Mr. Mann asks if Mr. Tweedy would move a car onto the lawn to turn around? Yes.
- Mr. Mann asks if Mr. Tweedy will reduce the number of vehicles to 30.
- Mr. Tweedy agreed to 40. Mr. Tweedy would come back if the business grows to 50 cars.
- Mr. Mann asks if the building setback line will also be the vehicle setback line
- Mr Glavey agrees, plat will be updated with setback line.
- Ms. McDonald asks about the leach field and parking. Due to chambering this can be done.
- Mr. McDonald asks if 40 cars are in the lot will there be an issue if the future home in the back of the lot catches on fire? It was mentioned that the Fire Chief has reviewed and OK'ed this plan.
- Ms. McDonald asks if there will be a security fence, will the vehicle alarms be disabled? Yes a fence, alarms will not be disabled.
- Mr. McDonald expressed concern that there would be excessive noise due to attempting to start the vehicles after storage or delivery. This didn't appear to be an issue. The vehicles would not be delivered with out fuel.

- Lee Harper wants assurance that abutters' property value will not be impacted. A discussion proceeds with Ms. Bourroughs' concern that trees have been removed. Ms. Bourroughs spoke to realtors and was informed that they would be impacted by about 25% loss in property value. Elaine Ledger would be impacted by a 40% loss. Ms. Burroughs reads from the Planning Ordinance, that junk yards are required to have 10 acres of land with a 200' setback line. This is not a junk yard.
- Mr. Mann asks if Mr. Tweedy receives a contract for more vehicles will he expect to stay there. Mr. Tweedy stated that if he expands past his current contract he would move to a larger lot.
- Mr. Mann asks if Mr. Tweedy will continue to reside on said property. Mr. Tweedy agreed and will notify the Planning Board if he intends to move.
- All vehicles will be registered and of good condition.
- Ms. Griffith is concerned about runoff near her well. Concerned about noise, car alarms, delivery. Concern about appearance. Ms. Griffith's property is across the street, downstream from Walker Brook.
- Ms. Loria Leadbetter is concerned about water runoff.
- Ms. Ledger is concerned about noise.
- Ms. Burroughs pointed out that Mr. Tweedy has stated that he plans to continue his day job, during which time he won't be onsite.
- Mr. Mann asks if site will be attended at all times so that, for example, if several car alarms go off, someone can shut them off, even during non operating hours.
- Mr. Shields asks if "snowbirds" leave their cars if they have a long-term trip to Florida? Matt Glavey stated earlier that the storage period would be 30-60 days on average.
- Response from Matt Glavey: 30-60 days is an average, but in fact there is no restriction on the length of storage.
- Mr. Shields states a plow cuts across the gravel proposed for the lot, the gravel is sometimes pushed aside and eroded, exposing the underlying soil to leaks from the cars.
- Ms. Lorna Ledbetter asks would it be OK to have current plan be for 16-17 vehicles then wait and see how it goes.
- Motion by Ms. McDonald to table the ZBA vote until after site walk.
- Mr. Mann moves that we continue the joint hearing until Monday, September 17th at 7:30PM, following the regular ZBA business meeting at 7PM.
- Joint Meeting close at 10:30PM.
- Condition of approval in site plan review: add a pin at the property boundary.
- Ms. Burroughs states the gravel will act as a sponge, so that when a plow pushes the snow to the perimeter, the accumulated snow will effectively be distributed off the lot.
- Mr. Mann moves that we accept the application as complete. Seconded by Mr. Millbrandt and accepted.

Mr. Mann moves that we adjourn the meeting at 10:35. Seconded by Ms. Lassen and adjourned.