

ZONING BOARD OF ADJUSTMENT

NOVEMBER 6, 2019

MEMORIAL BUILDING

4:00 P.M.

The following are to be considered draft minutes until approved by the Board.

Board members introduced themselves. Susan Selectmen, Chairwoman, Bryan O'Day, Justin Hastings, Peter Abair, Cody Patten, and alternate, Tanner Jacques.

Others present: Scott Cote, Nick Cote, Charlie Baughman, Keith Cutting, Steven Albrecht, George McCusker, Mark Laughlin, and Zoning Coordinator, Whit Smith.

Chairman Chiarella called the meeting to order at 7:00 p.m.

Minutes of October 1, 2019 – correction was made to page 2, last sentence “The deliberation meeting is expected to be Wednesday, ~~October 9, 2019~~ corrected to November 6, 2019 at 7 p.m. at the town office.

Minutes of October 5, 2019- no changes. Motion by Bryan to approve both meeting minutes, as corrected. The motion was seconded by Justin and unanimously approved.

Susan reported, for the record, Alison and Kurt Conlon have withdrawn their application for a Special Exception.

Susan noted that Steve Albrecht has expressed an interest in serving as an alternate. She recommended he sit through this meeting process and the Board will consider his appointment at their next meeting.

At 7:09 Susan opened the deliberation for consideration of a Special Exception for Scott and Priscilla Cote (property owners) with Nick Cote (business operator). This meeting is continued from the October 5, 2019 site visit at which time the Board unanimously voted to close the public hearing. She announced deliberations are closed to comments from the public and applicant. The hearing can be re-opened if the Board feels it is necessary. Alternate, Tanner Jacques can participate in the discussion, but cannot make a motion or vote.

The Board began deliberations. Susan reported she had information available on the process for two previous hearings and approval for wood processing, if needed.

Susan reported on the findings of fact she had outlined concerning the request for storage and use of equipment and materials used in wood processing, tree work, logging, and snow plowing.

- Located on 2310 Bog Road
- No employees, only family members
- Requests to operate during daylight hours,
- Wood processing using wood splitter and chainsaw(s)
- Wood is trucked in to the property
- No customers come to the site

- Tree work, and snow plowing take place off-site
- Equipment is stored on the property

Susan reported the Board conducted a site visit (October 5, 2019) outside the Laughlin home with the splitter and chainsaw in use. Abutters Miriam Ryan and Charles Baughman had no objection to the noise. Other non-abutters had no objections. Abuter Mark Laughlin had presented the Board with a letter stating he has a medical condition and noise from the chainsaws affect him. He expressed that noises are intolerable. Decibel readings were taken and are as stated in the site visit minutes. The estimated distance between the operation and the abutter is about 100 yards. It seems the wood processing operation has been moved as far away as it can be on the applicant's property. The area is observed to be wooded. The abutter is higher in elevation than where the operation is taking place. The area is rural, and other neighbors are fairly far away. McDaniel's Marsh is a good distance away.

Susan asked the Board for comments: Justin stated he did not see an issue as long as one of the Boards, (Zoning or Planning) sets definitive hours of operation, where the operation is taking place, and use of the equipment applied for. He is ok with granting the Special Exception but wanted to be sure the Planning Board is aware for Site Plan Review, so those three things are specifically covered. Susan noted it is within the purview of the ZBA to set hours of operation. The Board discussed whether there was some way to differentiate between the business noise and personal noise. Susan stated this is a rural area. Noise is subjective, and there is noise everywhere. The Board does have the ability to limiting the hours and days of operation.

Tanner noted the wood processing does not happen every day. They have said they do it during down time from other jobs. Limiting the hours of operation is reasonable.

Cody stated noise affects everyone differently. He agrees with Justin and agrees with stipulations. Peter agreed. Bryan stated he has no problem with the idea.

Susan stated the Board has heard from other people. She feels for Mark that this is an issue for him but allowing the use with conditions is normal for this type of process.

The Board discussed possible hours of operation at the site. Susan stated given the proximity of Mark's property, setting limits on the hours of operation is the neighborly thing to do. Suggestions of 9 to 5 or 9 to 4 were made. Other wood processing businesses were granted hours of operation from 7 to 7, seven days a week, but there were no abutters with objections to those operations.

The Board reviewed the checklist. The five criteria of the facts supporting the request are as follows:



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APPLICATION FOR A SPECIAL EXCEPTION

Facts supporting this request – Refer to Article XI, Section D.2. for conditions to be met:

- a. The proposed use would not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation from the character or appearance of the neighborhood because:

Can't see the operation ~ 400 yards
in a wooded area conducted in an isolated
area of the neighborhood

- b. The proposed use will not be injurious, noxious, or offensive, and thus detrimental to the neighborhood because:

The wood procurement of the wood needed
for processing is to be conducted off site.
Therefore the majority of the business endeavor is off site.

- c. The proposed use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life or property, unsanitary or unhealthful emissions or waste disposal, or similar adverse causes or conditions because:

Wood processing in its nature is not
contrary to public health. There is no
traffic because the wood is delivered not picked up

- d. The location and size of the proposed use, the nature and intensity of the operations involved, the size of the site in relation to the proposed use and location of the site with respect to the existing or future street giving access to it shall be such that it will be in harmony with the orderly development of the District because:

In order to keep the use in harmony with the
of district the processing shall be limited
to 6 days a week with hours of operation to

- e. The operations in connection with the proposed use will not be more objectionable to nearby properties by reason of noise, fumes, odor, or vibration than would be the operation of any permitted uses in the District which are not subject to Special Exception procedures because:

Being that the majority of business
has been stated to be off site
the impact of neighboring properties
is minimal

M - Thru SAT
 M - Thru Fri
 9-5
 Sat 9-1

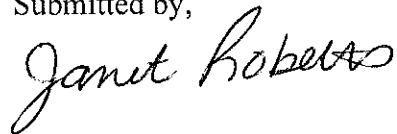
Having gone through the 5 criteria, Bryan O'Day moved to grant the Special Exception as per the conditions set in the 5 criteria. The motion was seconded by Justin and unanimously approved. (Susan, Bryan, Justin, Cody, and Peter. Tanner, as an alternate did not vote).

Miscellaneous Business:

Bryan O'Day submitted his property survey to the Town. His septic plan is in process.

The meeting adjourned at 8:00 p.m.

Submitted by,

A handwritten signature in cursive script that reads "Janet Roberts".

Janet Roberts,
Administrative Assistant.

Zoning Board

11/6/2019

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Scott Goto

Nica Cote

Charlie F. Baughman

Kerh Curtin

STEVEN ALBRECHT

George McCosker

MARK LUGGALL

Whit Smith Zoning Coordinator

