

# **STODDARD ZONING BOARD OF ADJUSTMENT MEETING MINUTES OF JUNE 1, 2011**

Submitted by stoddard on Wed, 06/01/2011 - 10:46pm.

**TOWN OF STODDARD**

**ZONING BOARD OF ADJUSTMENT**

**MINUTES OF THE MEETING HELD June 1, 2011**

**MEETING CONVENED AT 7:30 PM**

Members Attending: Beverly Power, Fred Ward, Ruth Ward, Richard Betz and Richard Briere, alternate filling in for Maureen Meyer, who was excused.

Correspondence: Letter from NH Division of Historical Resources (the board had seen this previously).

Minutes of previous meeting: Postponed approving the May 25, 2011 meeting minutes due to Fred Ward having a couple changes but had not brought them to this meeting.

Old Business: None

New Business: Letter to NH DOT on board's concerns at the Mr. Mike's location. The board drafted a letter to the DOT addressing concerns for safety at the Mr. Mike's location outlining speed, passing zone, and school bus stop. The letter will be presented to the Board of Selectmen for their blessing to

be included in the authorities bringing the situation to the DOT's attention.

Beverly Power read an email from Steve Anderson asking for a change in condition #1 of the AT&T special exception to be changed to include school year 2012-2013 if the history research slowed down the actual start time of the construction. The board decided to have Beverly Power email Steve Anderson indicating that the board is appreciative of the concern and that if the delay is necessary, they are willing to reconsider the time limit at that time.

Application for Variance: None

Application for Special Exception: 7:30 PM opened public hearing on a proposal from Alliance Energy, LLC D/B/A Mr. Mike's to allow an expansion of the building to include a Dunkin' Donuts (or equivalent) with a drive thru window. Tim Bernier, representing Alliance Energy, LLC, and Dan Berry, Construction/Maintenance Supervisor for Alliance Energy, LLC presented the plan to expand the previously approved Special Exception to allow for a 1033 sq. ft. addition to the building to allow for a drive thru window at the back of the store. The reason for the larger addition is to allow the existing coolers to be pushed back a bit to aid in the stocking of the coolers and for better passageway along the rear isle of the store.

They have allowed for 22 parking spaces over the present 11

spaces. They have called for all lighting to be downfacing, full cutoff fixtures including replacement of the street light at the right, back corner of the existing building. They also have a new septic system to be installed. Because they have transient visitors, their water has to be tested quite frequently. They are planning to test the water again for an update.

Richard Betz asked if the stipulations to the Special Exception awarded in 2005 would flow to this application. The answer was no, this is restarting the Special Exception process anew.

Tim Bernier said he is awaiting the DOT's traffic report.

It was noted that there was a 5-car accident at the location less than 3 weeks ago. The board felt the accident record needs to be available and be submitted to DOT.

Fred Ward wanted the entrances reduced to 2 vs. the 3 existing now. He reminded the board that most of the accidents in the area involve Mr. Mike's, Hayes Car and Truck and Anytime Auto.

Richard Betz said he is looking forward to the DOT report because Route 9 is essentially a major East-West Highway and wondered if the DOT report would include an optional traffic flow study.

Tim Bernier said that the depth of the lot causes limited, compressed parking.

Richard Betz asked for other options for traffic flow from the applicant.

Fred Ward said he is concerned about the location of the diesel pumps. He thought the time to relocate them is now, while the tank replacement is in progress.

Beverly Power thought that the snow storage area would make a great diesel tank and pump location to allow the trucks to pull off the highway farther East than they do now and would lower the chance of interaction of car traffic entering the drive thru access area with the big trucks.

Gordon Garnett said the state owns the grassy areas in front of the gas and diesel pumps so expanding the paved driveway toward the highway probably would not be allowed by the DOT. Tim Bernier said he had gleaned much feedback from the site visit and is planning on going back and reconsidering the envisioned traffic flow.

He also suggested having the Board of Selectmen, along with the ZBA, writing a letter to the NHDOT expressing safety concerns and asking for a consideration of reducing speed in the area, removing the passing lane and taking into consideration that the school bus stop is at the Eastern end of the property. One parent related that she had been hit while waiting for the bus with her children.

Fred Ward spoke to the illumination present at the pump island. He noted that the lighting present, measured during the 2005 hearing, is 3 times as brilliant as the lighting inside the store. He felt outside lighting is not necessary when headlights, during the night light up the signs, if they have reflective lettering, and during the day, signs are apparent without lighting. He called for the applicant to take into consideration that the location is in a rural district with a special exception needing to remember the character of the district, with residences in close proximity to the store.

Tim Bernier said he would be reviewing the lighting proposal for the minimum needed for safety.

Richard Briere said the lighting should be tested by an electrical engineer on the existing lights and suggest minimally needed lights for safety. He noted that the lighting inside the store is totally different than the necessary outside lighting.

John Washuta, abutter across the road, asked about reducing the noise level from trucks parking with motors idling, delivery trucks and construction equipment.

Dan Barry said the store manager has the authority to police the noise level.

John Washuta asked if a merge cutout from the exit might allow for gradual acceleration to get up to speed before merging with traffic driving by. He also wanted consideration of the neighbors from construction equipment and workers early in the morning during the construction phase.

Gordon Garnett said he is satisfied that this is a natural expansion of a business.

Fred Ward declared that light trespass past the property line should be prevented.

At 8:40 PM, Fred Ward moved and Richard Briere seconded to recess the public hearing to July 6, 2011 @ 7:30 PM at the Town Hall, the board approved.

Adjourned: Fred Ward moved and Richard Betz seconded to adjourn at 9:03 PM, the board agreed.

Respectfully submitted,

Patricia E. Putnam  
Secretary

These minutes of the Town of Stoddard Zoning Board of Adjustment have been recorded by the Board Secretary. Though believed to be accurate and correct, they are subject to additions, deletions and corrections by the Committee members at the next meeting when the Committee votes its final approval of the minutes. They are being made available at this time to conform to the requirements of NH RSA 91-A:2.