

Town of Stoddard
Zoning Board of Adjustment
Minutes of Meeting May 21, 2015

Meeting Called to Order by the Chairperson, at 7:30 pm.

Pledge of Allegiance led by the Harry Power.

Members Present

- Chairperson Paul Krampfert, Vice Chair Curtis Taylor, Richard Scofield, Angel Nicoletti, David Costin

Alternate Members

- Ed Saleski

Others Present

- Town Compliance Officer Harry Power, Planning Board Representative Dale Smith, Steve Barakian, Maintenance Mgr. for the Global Montello Group Corp., Matthew Routhier, Project Manager and Jeff Lewis of Northpoint Engineering, LLC. Abutters: Kevin & Kimberly Monty, John & Diane Washuta, Felix Holda, Neighbors and residents of Stoddard who spoke: Matt Way, Fred Ward, Mike Oldershaw, Aaron Bryer

Hearing: Special Exception for Global Montello Group Corp., Tax Map 422, Lot 13

- The ZBA Rules of meeting conduct was read to the public by the Chairperson. The application for a Special Exception was read by the Secretary, along with hearing notification dates and posting locations.
- The Chairperson stated this hearing will be continued on June 18, 2015 do to the scheduling of a site visit. Those present agreed to Saturday, 5/30/15, at 10 am, as the date and time for that visit.
- Matthew Routhier, the Project Manager, presented the plan for construction for Global Montello. The intent is to remove the existing 1800 sq. ft. structure and construct a new 4500 sq. ft. commercial facility with a Dunkin Donuts drive thru. The design will provide for more adequate vehicular circulation and parking, while improving the site access from Route 9 by providing turning lanes for both eastbound and westbound traffic. The new proposed site design will provide for a total of 23 parking spaces including 2 Accessible spaces; a parking ratio of 1 space per 196 sq. feet. The main building will be constructed closer to the center of the 5.32 acre site, which will help reduce noise. New dark compliant lighting will be used to help reduce glare, light pollution and provide increased security. Additionally, a new septic and well will be provided which will help protect the towns resources, such as surface water and drinking water. Associated with the construction of the new gas station/ convenience store, new underground containment systems will be provided for the underground tanks which will help to ensure that the towns groundwater resources are protected. The new site design will meet all the Zoning requirements such as landscape buffers and building setbacks, improving the general condition, function and aesthetics of the site. Granting the Special Exception will help to provide the Town of Stoddard with general conveniences such as gas, groceries and coffee shop while increasing the tax base at the same time. Plans for turning lanes and roadway improvement have been sent to the NH DOT for approval. Four new gas pumps with 2 dispensers each, and 3 new diesel pumps are in the design.
- Brenda Bryer asked "what is the goal or purpose of this hearing?", Paul replied that a Special Exception was required for this project as it is an extension of a previous Exception and considered an "expanded use" of the current property. The purpose of this hearing is to determine there is adequate off street parking and there is no nuisance to the neighborhood in which they are located in, by reason of dust, noise, smoke, odor, illumination or other hazard to the public health. Tonight's hearing is the first step of a long path for the construction process. After presenting to the ZBA, it goes to the Planning Board for a site plan review. The entire process is governed by NH State Law.
- Matt addressed the question of the new design creating a "truck stop" by stating "there are diesel pumps currently on the site". The intent is to allow an increase in the capacity for truck traffic to access fuel in a safe manner, park and enter the store for food. The area is not intended or defined as a truck stop.

- Concern was raised regarding overnight parking of trucks and the possibility of 24 hour service. Steve said they would like it to be a 24 hr facility. Matt said they will work with the owners regarding this issue. Steve said their people will post signs saying no "overnight parking". Several Abutters stated overnight parking is currently a problem for them. The back-up alarms from the trucks go off all night long affecting their sleep. Abutters state the volume of overnight parking and noise has noticeably worsened since the State of NH shut down the rest area in Antrim. Speaking for the Truckers, Brenda and Matt W. stated the reason trucks now stop for rest breaks at Mr. Mike's is because it is the only place on Route 9 available to them between Concord and Keene to get fuel and food. Paul and Matt stated that participation by abutters at the Site Visit will be very beneficial to finding a solution to this problem.
- The issue of discontentment with enforcement of compliance with zoning regulations was brought forward by abutters and residents. Paul stated the ZBA's role is outlined in the Community Planning Ordinance. At the time the CPO was created, Stoddard was just a little town and it did not direct energies for enforcement of particular occupancies. The ZBA is not an enforcement agency. He urged residents to give testimony on this issue to the various organizations that can affect a change.
- Traffic flow design: Diagrams and plans were posted for viewing regarding the purposed traffic flow. The drive thru for Dunkin Donuts will be a circular traffic flow with the window on the west side of the building. Aaron Bryer raised issue with the current plan as presented by Matt. He questioned the turning radius shown in the design for multi-axle trailers entering for fuel. He also pointed out that foot traffic entering the store would be crossing the path of parking truck traffic. He and Matt studied the plans and noted the issue. Matt appreciated the input and stated the intent is to separate truck and auto traffic flow. Many people voiced concern about the current traffic flow on the property and the number of accidents happening there on Route 9. Matt stated the DOT identified the need for the property to have turning lanes from a previously submitted traffic study. Kim stated the NHDOT was on Route 9 last summer performing a traffic study but the results have not been posted yet. Mr Washuta followed up on it. He stated the Southwest Regional Planning Commission was asked by the Selectboard to perform the site specific safety study but it has been delayed until next year do to a change in regulations. Matt hopes to have preliminary approval for the proposed traffic design from the State by next month. Paul stated the NHDOT will have the final say on the entrance and exit design plans. He urged abutters and residents to attend those hearings and give testimony, as they are open to the public.
- The Washutas have retained a lawyer regarding this Special Exception. Their property is directly across from the current store. Three traffic accidents affected their property, causing them to move their garage and erect a cement barrier in it's place. Diane read a letter from their lawyer listing reasons the ZBA should deny the Special Exception.
- Jeff Lewis stated he can't speak to past uses of the property. He assured the Board that Global Montello will be meeting all state permits for the road, wells, septic, run off and terrain alteration. The entire project will be in "dark sky" compliance. He assured the Board & audience they will follow all rules & permits of the state and planning board. He thanked people for their input and stated he and Steve heard some good ideas tonight and will take the information back with them. They will do their best to work to address the concerns and issues of the people who live directly in the area of the business. He also encouraged those present to be a part of the process, and attend the hearings with the DOT and Planning Board on all the issues.
- Several Abutters and Residents stated they are willing to work to solve the issues, as there is a benefit to Stoddard having access to diesel fuel and an upgraded convenience store/gas station.
- Paul stated, "Because there is so much involved in this issue, this meeting will be continued at the next regularly scheduled ZBA meeting at 7:30pm on June 18, 2015, which will be after the site visit scheduled for Saturday, May 30, 2015 at 10 am. Paul stated, "we will now continue with the regular ZBA meeting." Time 8:56pm.

The Board voted to pause for 10 minutes to allow time for people to leave and the room to quiet down. The business meeting resumed at 9:05 pm.

Approval of Minutes of Meeting April 16, 2015

- Richard made motion to accept the minutes as amended with corrections to the "height of the cell tower pole at 150' and 110' " and "Harry led the pledge" at the last meeting. Curt seconded the motion. The Board accepted the minutes with the corrections.

Correspondence/Reports

- Reviewed the April Budget

Old Business

- Richer Rd. Cell Tower Status – The Board was saddened to hear Mr. Richer passed away last night. The property is in a Trust. Construction of a 150' tower has been approved by the Planning Board. Kevin Fadden came to town to deliver the Special Exception for the Tower today but the Town Clerk office was closed as was the Gould House, so he went to the Post Office and mailed it. He was assured we would get it by Friday. Because he made a good faith effort, the Board decided to schedule the Hearing for the June ZBA meeting, provided we receive the application by no later than Tuesday, May 26, 2015.

- 2015 ZBA Rules & Procedures Update –Richard made a motion to accept the Rules & Procedures with the addition of a process for taking pictures at site visits. Angel seconded the motion, and all voted in favor. Paul asked they be put onto the website.
- Checklist Revision – hand outs to be studied for a future meeting. Dick was asked to include wording about the board being a volunteer board.
- Application Revisions – An updated Special Exception form was handed out for review.
- Secretary Job Description – has been approved and ready to be posted.

New Business

- The attorney for the ZBA, is leaving Upton & Hatfield to take a position as NH's lead attorney for Drummond Woodsun of Maine. His new website is www.dwmnlaw.com. Paul will go to the Town to let them know the ZBA wants to keep him as our attorney.
- Adjournment: Paul made a motion to adjourn the meeting. Curt seconded the motion and the motion carried. The meeting concluded at 9:55 pm.

The next meeting will be held Thursday, June 18, 2015 at the Town Hall at 7:30pm.

Respectfully submitted,

Kathleen Ellis

Secretary