CALL TO ORDER
Chairman Anne Stelmach called the regular meeting to order at 6:00 pm.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Anne Stelmach (Chairman), Richard Bairam (Vice-Chairman), and Phil Denbow.

ALTERNATES: Timothy Stewart

EXCUSED: Gerald Hyde, Chris Pearson, and Roger Duhaime (Town Council Representative)

STAFF: Matt Lavoie (Code Enforcement Officer)

Anne Stelmach let the audience know that majority

APPROVAL OF MINUTES 9/8/2020, 10/13/2020 & 10/27/2020 (Site Walk)

September 8, 2020

R. Bairam motioned to approve the minutes of the September 8, 2020 meeting with the following revisions:

Line 360 should read P. Denbow should replace P. Duhaime.

Line 542 should read N. Golon: Our assumption, based off the feedback we have received tonight, is that perhaps that excavation would not move forward if the use that we are requesting is not approved.

Seconded by P. Denbow. Motion carries unanimously with a vote of 4-0.

October 13, 2020

R. Bairam motioned to approve the minutes of the October 13, 2020 meeting. Seconded by P. Denbow. Motion carries unanimously with a vote of 4-0.
October 27, 2020

R. Bairam motioned to approve the minutes of the October 27, 2020 meeting with the following revisions:

C. Stelmach should be added as being in attendance..  

Seconded by P. Denbow. Motion carries unanimously with a vote of 4-0.

A. Stelmach informed the applicants that a full Board is not present and gave them the option to request a continuance.

A. Stelmach informed the applicants that it has been brought to the attention of the ZBA, as they are a land use Board, that for each matter that may include regional use impacts, there is a procedure that must be followed and criteria that must be met. It is a notice statute to inform nearby communities that may be affected by an application. She stated that after consulting with legal counsel the ZBA is going to be following this procedure. The Regional Impact Outline is as follows:

A. General Background:

☐ RSA 36:54 - :58 applies to all land use boards, and is not limited to planning boards.

☐ The purpose of the statute is to provide timely notice to potentially affected municipalities and the regional planning commission, concerning proposed developments which are likely to have impacts beyond the boundaries of a single municipality.

☐ The statute provides that the land use board shall review an application promptly upon submission to determine if it could have regional impact.

☐ “Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.” RSA 36:56, I.

B. Regional Impact Factors:

☐ When examining whether a proposed development may have a regional impact, the land use board should consider factors such as:

➢ Relative size or number of dwelling units as compared with existing stock.

➢ Proximity to the borders of a neighboring community.
➢ Transportation networks.

➢ Anticipated emissions such as light, noise, smoke, odors, or particles.

➢ Proximity to aquifers or surface waters which transcend municipal boundaries.

➢ Shared facilities such as schools and solid waste disposal facilities.

☐ The Southern New Hampshire Regional Planning Commission provides its own set of guidelines to assist land use boards with regional impact decisions, and those guidelines should also be consulted. Please note, however, that the statute controls and that the factors set forth in the statute are not as stringent as those in the SNHRPC guidelines.

C. Procedure:

☐ At the beginning of the agenda item, the Board will need to take up the question of regional impact and discuss the issue in a meeting format (no public participation)

☐ Following the discussion, the board will take a vote on whether or not the proposed development will pose a potential for regional impact.

➢ If the board votes in favor of finding possible regional impact, the matter cannot proceed that evening, but will need to be continued until the affected municipalities and planning commission can attend.

☐ “Not more than 5 business days after reaching a decision regarding a development of regional impact, the local land use board having jurisdiction shall, by certified mail, furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made. The local land use board shall, at the same time, submit an initial set of plans to the regional planning commission, the cost of which shall be borne by the applicant.” RSA 36:57, II.

➢ So if the board votes today for regional impact, it has until Tuesday, November 17 to send the minutes (even if only in draft form) to both the affected municipalities and the planning commission, and a set of plans to the commission.

☐ Notice of the date, time, and place of the next public hearing on the proposed development must be provided to the affected municipalities and the planning commission, via certified mail, at least 14 days prior to that hearing.
The notice must also include a statement that the affected municipalities and planning commission have the right to testify and present evidence concerning the proposed development.

CONTINUED PUBLIC HEARING:

CNC Investments, LLC #Z20-9
1 Goonan Road, Map 37 Lot 30
LDR
APPLICATION FOR VARIANCE:
From Article 4 Section C. 1, of the Zoning Ordinance to permit: a two-lot subdivision with the westerly lot approximately 45,328 sq. ft. of area where 87,120 sq. ft. is required, and the easterly lot having approximately 45,721 sq. ft. of area where 87,120 sq. ft. is required and approximately 119 feet of frontage where 200 feet is required.

The applicant requested a continuance.

Silver City NH LLC #Z20-11
39 Hackett Hill Road, Map 13 Lot 51
COM
APPLICATION FOR VARIANCE:
From Article 10 Section A of the Zoning Ordinance to permit: Warehouse and Industrial, non-nuisance (as defined in Article 22) uses in the Commercial District to support the redevelopment of tax map 13 lot 51

The Board discussed the regional impact factors and it was a Board consensus that there will be regional impacts relative to transportation networks for Manchester and Bow.

R. Bairam motioned that pursuant to RSA 36:54 - :58 Manchester and Bow will be notified relative to transportation networks regarding Silver City NH LLC #Z20-11, 39 Hackett Hill Road, Map 13 Lot 51, COM, Application for Variance from Article 10 Section A of the Zoning Ordinance to permit: Warehouse and Industrial, non-nuisance (as defined in Article 22) uses in the Commercial District to support the redevelopment of tax map 13 lot 51. Seconded by P. Denbow. Motion carried unanimously with a vote of 4-0.

N. Golon: We are requesting a continuance for this matter because we are working through things.

Granite Woods LLC / Supreme Industries #Z20-15
Hackett Hill Road, Map 17 Lot 7
COM
APPLICATION FOR VARIANCE:
Requested from Article 10 Section A of the Zoning Ordinance to permit: Warehousing / Distribution and Industrial, non-nuisance (as defined in Article 22) uses in the Commercial District COM to support the redevelopment of Tax Map 17 Lot 7.

The Board discussed the regional impact factors and it was a Board consensus that there will be regional impacts relative to transportation networks for Manchester and Bow.

R. Bairam motioned that pursuant to RSA 36:54 - :58 Manchester and Bow will be notified relative to transportation networks regarding Granite Woods LLC/Supreme Industries #Z20-15, Hackett Hill Road, Map 17 Lot 7, COM, Application for Variance requested from Article 10 Section A of the Zoning Ordinance to permit Warehousing/Distribution and Industrial, non-nuisance (as defined in Article 22) uses in the Commercial District COM to support the redevelopment of Tax Map 17 Lot 7. Seconded by P. Denbow. Motion carried unanimously with a vote of 4-0.

Peter Bartash of Port Wine Companies, on behalf of Granite Woods, asked for clarification on the steps and timing of the regional impact notification process.

A. Stelmach explained the process and stated that the Southern New Hampshire Planning Commission will go through their process, put a report together, and provide it to the Code Enforcement Officer who will in turn give it to the ZBA.

M. Lavoie stated that he will provide the applicant with a copy of the RSA.

NEW PUBLIC HEARING:

Silver City NH LLC #Z20-12
39 Hackett Hill Road, Map 13 Lot 51 COM
APPLICATION FOR EXCAVATION PERMIT:
OO-#14

Requested Information for Board to review:

☐ Testimony for Land Value with Site being lowered
☐ Confirmation from DOT that the Excavation within proximity to their limited access ROW is not an issue.
☐ AOT Permit

There was a Board discussion relative to whether the regional impact factors relate to excavation permits. M. Lavoie stated that he was unsure. A. Stelmach suggested requesting the advice of legal counsel. N. Golon stated his opposition and requested that this matter move forward. R. Bairam stated that until zoning was approved for the building the applicant would be creating another gravel pit and if zoning doesn’t move forward all that would be left is another gravel pit. He also stated that the variance request is a separate permit but they are connected.
A. Stelmach agreed. P. Denbow stated that he does not have problem checking with legal counsel. T. Stewart stated he would like to consult with legal counsel.

Open public hearing:

P. Scarpetti: They are trying to excavate 1.7 million yards. If 18 tri-axles are used that is 94,440 round trips. If trailer dumps are used that is 73,913. That is a regional impact for the excavation.

**R. Bairam motioned to seek advice from legal counsel and continue the application for the excavation for Silver City NH LLC #Z20-12, 39 Hackett Hill Road, Map 13 Lot 51, COM, Application for Excavation Permit: OO-#14. Seconded by P. Denbow. Motion carried unanimously with a vote of 4-0.**

**Lloyd Clements & Patricia A. Magoon #Z20-18**  
1 Springer Road, Map 5 Lot 87  
URD  
APPLICATION FOR A VARIANCE:  
Requested from Article 5-A Section E-2 Construction of a garage addition to be 3.8 feet from the side property line where 15 feet is required

Matt Lavoie received an email from Tom Huot on November 9, 2020 that stated the following: Please take this email as our formal request to withdraw our application for 1 Springer Road for tomorrow night’s ZBA meeting. Also please forward any refunded fees.

**CJM Industries LLC #Z20-19**  
47 Hackett Hill, Map 13 Lot 58  
COM  
APPLICATION FOR EXCAVATION PERMIT AMENDMENT:  
Requested from OTHER ORDINANCES -#14 Section 7 to amend the expiration date of November 30th, 2020 for Excavation Permit EX19-01 for an additional 6 (six) months.

The Board discussed the regional impact factors and it was a Board consensus that none apply.

Tom Severino (Severino Trucking Company): The trucks go onto Hackett Hill and get right on the highway.

Stelmach: What is left of the project?

T. Severino: We have 55,000 yards of total excavation and got about 30,000 yards out. When COVID came a project that the material was going to was put an hold but is continuing this winter. We then missed the growing season. If we can haul it out we can loam, hydrosed, and do what we said we were going to do. It is a strange year.
A. Stelmach: Do you think you can finish the remainder in the next six months?

T. Severino: Yes. We provided aerials showing how half is to grade and half is remaining.

Open public hearing.

Hollis Cate: I would like to see this get going and see something get done down there. I would like to see something go up and tax revenue coming in.

Close public hearing.

A. Stelmach: Is the bark mulch on your property?

T. Severino: No.

P. Denbow motioned to grant the application for the excavation permit amendment requested from other ordinances -#14 Section 7 to amend the expiration date of November 30th, 2020 for Excavation Permit EX19-01 for an additional 6 (six) months for CJM Industries LLC #Z20-19, 47 Hackett Hill, Map 13 Lot 58, COM. Seconded by R. Bairam. Motion carried unanimously with a vote of 4-0.

CNC Investments, LLC #Z20-20
1 Goonan Road, Map 37 Lot 30
LDR
APPLICATION FOR VARIANCE:
Requested from Article 4 Section C(1) of the Zoning Ordinance to permit: A two-lot subdivision with the northerly lot having approximately 46,994 sq. ft. of area where 87,120 sq. ft. is required, and the southerly lot having approximately 44,054 sq. ft. of area where 87,120 sq. ft. is required

The applicant requested a continuance.

OTHER BUSINESS

A. Stelmach: Looking towards the beginning of the year I would like to look at rules and procedures.

M. Lavoie: That could be done as a zoom meeting.

ADJOURNMENT

P. Denbow motioned to adjourn. Seconded by R. Bairam. Motion carried unanimously with a vote of 4-0.
The meeting adjourned at 7:22 pm.

The next Zoning Board of Adjustment meeting will be held December 8, 2020 at 6:30 pm.

Respectfully submitted by:

/s/ AnnMarie White

AnnMarie White
Recording Clerk