

**TOWN OF NORTHFIELD
ZONING BOARD OF ADJUSTMENT
MINUTES - APRIL 27, 2005**

Members present: Chris Dunne, Kent Finemore, Dave Liberatore, Steve Bradbury, Alternate. Also present: Dave Lorch, LRPC and Eliza Conde, Secretary (tardily!)

Chairman Kent Finemore introduced Steve Bradbury as a new Alternate and asked him to sit on the board as a voting member.

Chris Dunne moved, seconded by Dave Liberatore to accept the minutes of March 23, 2005 as read. Motion passed.

Todd & Michelle Mosa: Application for a variance to the terms of Article 7, Table 2 of the Northfield Zoning Ordinance to construct a single family residence with an in-law apartment on 1.7 acres on Brackett Lane (Tax Map U16, Lot 34) in the R1 zone. Application withdrawn by the Mosas.

Peter Turgeon: Application for a variance to Article 7, Table 2 of the Northfield Zoning Ordinance to construct a garage on .95 acre within the 50 foot setback on Elliott Road/50 Ski Hill Drive (Tax Map R17, Lot 46K) in the Conservation zone. After review of the application, Dave Liberatore moved, seconded by Chris Dunne to accept the application as complete. Mr. Turgeon explained the situation of his lot being less than an acre as a pre-existing lot before the zoning was changed to Conservation. The front of the lot is wet and there is a power line cutting through which prevents placing the garage in a location that meets the current setbacks.

Public hearing: Patsy Brunt, abutter, is concerned with the water flow from this property onto her land and onto Elliott Road. It is currently washing out the road and entering Charlie Chase's property. Public hearing closed.

Kent Finemore explained that this is a pre-existing small lot which is now in the Conservation zone with larger setbacks. The front of the lot is too wet for building and the power lines prevent location of the garage outside the setbacks. The Board reviewed the criteria for a variance:

- Granting the variance would not diminish the values of the surrounding properties.
- Granting the variance would not be a disbenefit to the public.
- Not granting the variance would create an unnecessary hardship due to the wetlands and power lines on the property.
- Granting the variance would be of substantial justice as it is a pre-existing lot and cannot meet the Conservation Zone setbacks.
- Granting the variance is not contrary to the spirit of Northfield's zoning ordinance.

Dave Liberatore moved, seconded by Chris Dunne to grant a variance to Article 7, Table 2 of the Northfield Zoning Ordinance to construct a garage on .95 acre within the 50

foot setback on Elliott Road/50 Ski Hill Drive (Tax Map R17, Lot 46K) in the Conservation zone with the condition that the roadside ditches be improved to accommodate runoff from the road and prevent icing of the road surface for the length of the lot frontage. Kent Finemore commented that the intent of the condition is obvious, but difficult to enforce. Motion passed.

Jay & Trina Chambers: Application for a variance to Article 7, Table 2 of the Northfield Zoning Ordinance to construct an addition to an existing home within the 35 foot setback on .70 acre at 5 Hidden Lane (Tax Map U16, Lot 2) in the R1 zone. After review of the application, Dave Liberatore moved, seconded by Steve Bradbury to accept the application as complete. Motion passed. As no one was present to represent the Chambers, this application was moved to the end of the meeting. Several attempts to contact the Chambers by phone were made.

Mark Hayes: Application for a Special Exception as provided in Article 7, Table 1 of the Northfield Zoning Ordinance to allow an Outdoor Recreational Facility (Mountain Bike Terrain Park) with related retail sales and snack bar at 75 Ski Hill Drive (Tax Map R17, Lot 21) in the Conservation Zone. After review of the application, Dave Liberatore moved, seconded by Chris Dunne to accept the application as complete. Motion passed.

Mark Hayes gave a brief description of a Mountain Bike Terrain Park which will include trail riding and a Terrain Park similar to a snow board park with jumps, rails, etc. Mr. Hayes emphasized that this is not motorized bikes, but pedal bikes only. There will be an EMT on site and a Mtn. Bike Patrol similar to a Ski Patrol. The operation will be similar to a ski area but would operate spring, summer and fall. The current lodge would house the rental/retail shop and snack bar and the second building is now used for maintenance and an apartment. A new septic system has been installed recently. Chris Dunne asked for confirmation that this is not for motorcycles. Kent Finemore suggested that if approval is granted, that a condition can be added that motorized bikes are not allowed. Chris Dunne asked about hours of operation. It would be daylight hours only as the lighting used for the ski area is now defunct and is being removed. Mr. Hayes stated that he hopes to open this year from July to November and hopes to attract 1,000 visitors during the season. Dave Liberatore asked about the condition of Ski Hill Road. Mr. Hayes owns the road and the property owners have a right of way to use the road, but there is no written maintenance agreement. Dave Liberatore commented that there will be an impact on Bean Hill Road as well.

Public Hearing opened: Angie Teal expressed concern about the private road, the speeding, children, dogs, etc. and asked if a speed limit sign could be posted. Gary Kerr rose in support of this development saying that the ski area supports the values of the Highland Condos and vice versa. Richelle Denney, abutter noted that she is also concerned with the speed of the traffic on the road and asked what days the park would

operate. Mr. Hayes responded that it would probably be Thursday through Sunday to start, but may be every day. There is sufficient parking available now and there is potential for another lot nearby. Ms. Denney asked about noise from the activities. The abutters may be able to hear the announcer at events which would probably happen about once a month. Ms. Denney also commented that there is currently silt on the sides of the road and asked if the road would ever be paved. Discussion followed about the possibility of having the road accepted by the town and the difficulties involved with that process. Kevin Austin praised the work that Mr. Hayes has done on the road so far and stated that the neighbors have been making improvements. Patsy Brunt asked whether alcohol would be sold. She would be concerned about alcohol and speeding vehicles on both Ski Hill and Bean Hill Roads. Mr. Hayes will probably obtain a beer and wine license at some point. Sue Devoid asked about night time activities, light pollution and the use of the parking lot in front of her house. Mark Hayes responded that he is willing to work with the neighbors to reduce noise and light any way he can, perhaps with a buffer fence or plantings.

Gerry Teal asked about public access to the property currently owned by the school and town in the middle of the ski area. Mark Hayes is currently working with WRSD relative to indemnification with a rider to his insurance for the use of the school's land. Access is not specified in either deed, but it is best through the ski area parking lot. Alan Robertson stated that he had purchased his condo because of the vibrant ski area next door and that this development will be a benefit to the town, certainly better than the abandoned buildings being destroyed over the years. Patsy Brunt asked if the town could install a speed sign, but it was decided that it is not the town's responsibility and would be difficult to enforce. Dave Lorch pointed out that the Planning Board will be dealing with these site plan issues, but the road needs work and the ZBA needs to be concerned with emergency response issues.

Angie Teal asked if the public is allowed to walk on the property. Mr. Hayes responded that it would not be safe to have bikers and hikers on the same trails. He plans to have some walking trails, but not immediately. Public hearing closed.

Dave Liberatore expressed concern about the future numbers of cars on Bean Hill and Ski Hill Roads and was not sure the amount of traffic is fair to local residents. Mark Hayes responded that the traffic will be typical to any ski area and he will work with it as expansion happens. Patsy Brunt noted that the ski area traffic was slowed by slippery roads and perhaps speed bumps would be in order. Kent Finemore commented that he personally would like to see the ski area revived as it is a unique attraction for Northfield. He continued that this is a reasonable use of the property and similar to the past use as a ski area. Mr. Finemore also noted that the road is private and that the board has no jurisdiction over it.

The board reviewed the criteria for a Special Exception:

- a. *The site appropriate for the proposed use in regard to surrounding land uses, the master plan, public facilities, utilities.*

The site has open areas with trails established, a lodge and other out buildings. It is a logical use of the area in its present condition.

- b. *Compatibility of the proposed use with the vicinity.*

This is a rural site with few residential lots surrounding the ski area. In most cases there will be a vegetative buffer along the edge of the lot between the trails and adjacent lots.

- c. *Provision for adequate sanitary facilities, water supply and road access.*

Like a ski area, a mountain bike terrain park lends it self to the potential of bodily injury. Emergency access to the site is important. Highland Drive is a dirt road over 1,700' long, with a reasonable grade. This road needs to be easily passable by emergency vehicles at all times of the year that the park is open. Neighbors living along the road have indicated the road has washed out badly as a result of heavy rains we experienced this spring.

Mr. Hayes owns the road and is responsible for its maintenance. It is important that this road be keep passable by emergency vehicles.

Dave Liberatore moved, seconded by Steve Bradbury to grant a Special Exception as provided in Article 7, Table 1 of the Northfield Zoning Ordinance to allow an Outdoor Recreational Facility (Mountain Bike Terrain Park) at 75 Ski Hill Drive (Tax Map R17, Lot 21) in the Conservation Zone with the following conditions:

1. That the road leading to the Mountain Bike Terrain Park be kept in good enough condition for quick and easy access by emergency vehicles.
2. That under no circumstances is this to be interpreted as a motorized vehicle park. Use of motorized vehicles shall be limited to operation and maintenance of the park facilities only.

Dave Lorch noted that the motion does not include the sales and snack bar. Dave Liberatore moved seconded by Chris Dunne, to amend the motion to include "and related retail sales and snack bar". Amendment passed. Motion as amended passed.

Dave Liberatore moved, seconded by Chris Dunne to continue the application of **Jay & Trina Chambers** until the May 25, 2005 meeting. Motion passed.

Wilbur & Susan Fifield: Application for a Special Exception as provided in Article 14, Section 14.1 of the Northfield Zoning Ordinance replace an existing garage with a larger one at 19 Vine Street (Tax Map U7, Lot 29) in the R2 zone. The Fifields requested by letter that this application be continued. Dave Liberatore moved, seconded by Steve Bradbury to continue this application until May 25, 2005.

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Meeting adjourned at 8:55 pm.

Respectfully submitted,

Eliza Conde, Secretary