

**TOWN OF NORTHFIELD
ZONING BOARD OF ADJUSTMENT
January 24, 2011**

MINUTES

Members present: Dave Liberatore, Kent Finemore, Keith Murray, Polly Mills Fife, Geoff Ziminski and Brian Brown. Also present: Peer Kraft-Lund, LRPC.

Chairman Finemore appointed Brian Brown to be a voting member in Phil Cain's position.

Minutes: Keith Murray moved, seconded by Dave Liberatore to accept the minutes of December 27, 2010 as read. Motion passed. Keith Murray moved, seconded by Dave Liberatore to accept the minutes of January 5, 2011 as read. Motion passed.

Highland Mountain Bike Park, Inc.: Continuation of an application for a Special Exception to allow campsites and a bunkhouse with a 24 hour comfort station on 186 acres at 75 Ski Hill Drive (Tax Map R17 Lot 21-2) in the Conservation zone. Kent Finemore reviewed the status of this application and the site walk held January 5. Minutes, application and supporting documents were sent to Atty Matthew Serge for review and comment relative to the Board's concerns about limiting the proposed campsites to the existing Bike Park business and whether Phase 1 and 2 should be considered together or separately. Atty Serge replied with a definite opinion that the board should only approve Phase 1 at this time and included conditions that will tie the camp sites and bunk house to the specific Bike Park business.

As Mark Hayes was not present at the meeting, the meeting proceeded with Mark on speaker phone.

Dave Liberatore agreed with the Attorney relative to the approval being only for Phase 1 as the application did not ask for Phase 2 at this time. Brian Brown asked Mark his opinion on this decision. Mark Hayes asked if this meant he would come back to the ZBA and Planning Board for Phase 2. It would mean re-applying at a later date which Mark would rather not do, but accepted this decision. Keith Murray added that the Attorney clearly stated that the ZBA is only authorized to approve Phase 1 at this time.

Peer Kraft-Lund commented that if is more cost effective, Mr. Hayes could have his surveyor draw up plans for Phase 1 and 2 at the same time, clearly labeling it Phase 1 and 2, so that the same plan could be used for both site plan applications for the Planning Board.

Dave Liberatore added that the Attorney's recommended conditions of approval are good as they address all of the concerns he had with the application. Mark Hayes reviewed the conditions (by email) and they are acceptable to him. Keith Murray asked if Mark thought the condition to limit the camping to the bike park use would diminish the value

of his property. Mark replied that his intended use is as a part of the bike park and has no intention of having a campground for the public. Brian Brown commented that Mr. Hayes has adequate staff that does an outstanding job and he believes that Mark will make sure the camp sites are under control.

Kent Finemore referred to RSA 216-1:1,X which defines a tent as a portable canvas or fabric unit and the condition will limit the campsites to tents. Members then discussed condition #5 which says that “no recreational vehicle of any kind may be stored on the property.....”which refers to campers, motor homes, etc. Geoff Ziminski asked if this condition would prohibit the campers that currently stay in the parking lot. Technically it would, however the intention is that there will be no recreation vehicles at the camp sites which are specific to this application. Mark Hayes expressed concern for the campers that come in for events and park in the parking lot. Brian Brown commented that if they are not hooking into water and sewer they may not really be camping. Kent Finemore suggested that if the condition says tents only, then the town will be in the position to enforce that condition. Keith Murray suggested that the word “property” be changed to “camp sites”. Mark Hayes noted that if there are noise issues in the parking lot, neighbors will complain and the police become involved. Kent Finemore stated that the language in this condition protects the town in the future as a future owner may want to fill the parking lot with campers creating problems. Geoff Ziminski reminded the Board that what is currently occurring in the parking area is not part of Phase 1 of this application and he doesn't see why there would be any change in the town's need to enforce the camping in the parking lot. Kent Finemore added that if “camp sites” is in the condition the level of enforcement for the campers that are already using the parking lot becomes an issue. There is currently no specific town permission for the parking lot campers and if there becomes a problem the town can stop the camping.

Dave Liberatore went on with the “quiet hours” which was discussed and agreed that 10 pm to 7 am should be considered quiet hours. Mark Hayes added that if there is too much noise the police will be called. Brian Brown commented that only one neighbor has had problems with noise so far.

Public hearing opened and closed with no comment.

Members discussed the conditions of approval and concluded that the only change to Atty Serge's conditions is in the hours for quiet time. After further discussion Dave Liberatore moved, seconded by Brian Brown to approve campsites and a bunkhouse with a 24 hour comfort station on 186 acres at 76 Ski Hill Drive (Tax Map R17 Lot 21-2) in the Conservation zone with the conditions as proposed by Atty Serge. After confusion on the correct language, Brian and Dave withdrew the motion. Dave Liberatore moved, seconded by Keith Murray to approve a Special Exception to allow 5 campsites and a bunkhouse with a 24 hour comfort station on 186 acres at 75 Ski Hill Drive (Tax Map R17 Lot 21-2) in the Conservation zone, meaning to approve Phase 1 as represented by the applicant on Dec. 27, 2010 with the following conditions:

- 1) Approval is limited to the use described as Phase I in the application for Special Exception, consisting of 5 campsites, 1 bunkhouse to sleep up to, but no more than 20 guests, and a comfort station to accommodate these uses. The application presented to the Board appeared to request approval for only Phase I, and it is also the ZBA's understanding that the uses allowed for in Phase I will adequately meet the present needs of the applicant. Moreover, the ZBA is concerned about the scale of any development beyond that provided for in Phase I, and does not feel that it has sufficient information to approve any additional improvements that are included in the applicant's proposed Phase II.
- 2) The applicant has represented to the Board of Adjustment that the proposed camp use is an integral part of the existing Highland Bike Park and therefore is intended to operate in conjunction with the Bike Park. Under no circumstances may the camp use be severed from the Bike Park or otherwise treated as a separate use.
- 3) The approved use will be seasonal only, and will be permitted to operate only during that portion of the year when the Highland Bike Park is open to the public.
- 4) The bunkhouse and camp sites subject to this approval are for temporary dwelling use only, and will be used to house those individuals using the Highland Bike Park.
- 5) The campsites that are approved are for tents only, as defined by RSA 216-I:1, X. No recreational vehicles of any kind, as defined by RSA 216-I:1, may be stored on the property or used for dwelling purposes, temporary or otherwise.
- 6) Given the concerns of some abutters regarding the potential noise that may be generated from the property during periods of camp residence, the applicant must post and enforce quiet hours from 10pm to 7am daily.
- 7) Applicant must receive site plan approval from the Northfield Planning Board prior to implementing the proposed use.

Mark Hayes expressed concern that campers do in fact camp in the parking lot and did not want this to cause a problem. Keith Murray replied that the only time there would be a problem is if someone complains. The Board does not want someone camping long term in the parking lot. Polly Mills Fife added that this decision tonight is not referring to any of the current operations but is only setting guidelines for the proposed expansion with these conditions. There is no intention of cutting into the current activities. The motion as presented was approved by unanimous vote.

Other: In a letter dated January 11, 2011, the Planning Board Chairman asked whether the ZBA is comfortable allowing the Planning Board to make the decision on the number of parking spaces required for Spaulding Youth Center's expansion. The Zoning Ordinance is not clear whether or not a variance would be required to determine the number of spaces for an educational facility. After discussion, Dave Liberatore moved, seconded by Brian Brown to allow the Planning Board to make the determination of the number of parking spaces required by the expansion proposed by Spaulding Youth Center. Motion passed.

Meeting adjourned at 8:25 pm.

Respectfully submitted,

Eliza Conde, Secretary

Minutes approved 07-25-11