

**TOWN OF NORTHFIELD
ZONING BOARD OF ADJUSTMENT
February 26, 2018
AMENDED MINUTES**

Present: David Curdie, Keith Murray, Kent Finemore Chairman, Kaitlin Lounsbury, Alternate Bob Southworth.

Chair Kent Finemore appointed Bob Southworth to act as a voting member of the Board.

Public Attendees: Regina Nadeau, Gary Spaulding, Chris Hunt

Kent Finemore - June 26, 2017 meeting minutes continued to next meeting.

Murray/Curdie moved to approve the minutes of August 28, 2017. Motion Passed.

Application for Variance of 270 Tilton Road, Route 140, Northfield, NH. Map R14, Lot 8-1, .71 acre, it is located in the Commercial Industrial Zone, the lot is in the groundwater protection area. **Murray/Curdie** moved to accept Application for Variance as complete. **Motion Passed.**

Attorney Regina Nadeau noted that she represents the owner, KIPCO, Kip Cormier owner, in this matter. She explained that Mr. Cormier seeks a variance to the wetland setback requirement to accommodate the construction of a 3,840 sq. ft. building on the lot, 1,700 sq. ft. of which is within the wetlands district buffer zone. Total disturbed area is proposed to be 8,500 sq. ft.

Attorney Nadeau noted mitigating factors:

*The proposed location was developed by Mr. Cormier in 2000, before the wetland buffer requirement was enacted in 2003.

*Rain gardens are proposed to gather and filter runoff.

Noting that engineering the project is expensive, Ms. Nadeau asked that the question of the variance be answered before the project is engineered.

Gary Spaulding, Spaulding Design Consultants, noted that the design provides an area behind the building so the runoff from the roof will go into a drip line and soak in instead of running over the bank. A rain garden is proposed to treat any of the surface runoff. He noted that all construction will occur on land previously disturbed. He is seeking ZBA approval so we can go forward with the engineering plans.

In response to questions from the ZBA members, Mr. Spaulding noted that the lot would be regraded to provide for drainage toward Rt. 140 and toward the rain garden at the rear of the lot. Ms. Nadeau noted that no variance from the provisions of the Groundwater Protection District was needed. Also, the applicant is only seeking to build on the area disturbed before the wetlands buffer as established, no new disturbance is requested or needed.

The Chair opened the matter for public comment

Chris Hunt presented his thoughts on the hardship standard for granting a variance and expressed a desire to see the dredge and fill permit previously filed.

Glenn Smith noted that the Ground Water Protection District was established in 2010.

Attorney Nadeau responded to the standards for granting variances, noting that the proposed use is reasonable, that the lot is in the Commercial/Industrial District and an Economic Revitalization Zone. The design is reasonable as it provides for protection within the buffer in an area that has been already disturbed.

The Chair reopened the Public Hearing

Chris Hunt expressed concerns relating to DOT designation of Rt. 140 as a limited access highway, the proximity of this lot to the water district wells and connections to the force main.

The Chair closed the Public Hearing

Keith Murray questioned connections with the state sewer main. Ms. Nadeau noted that connection has been approved. It will use the connection approved for the North Park/South Park developments. She also noted that DOT has granted an access permit for Rt. 140.

In response to a question from the board, Mr. Spaulding noted that the project will be connected to the town water supply.

Kent Finemore asked about snow storage. Mr. Spaulding responded that snow would be pushed off toward the bio retention area so that when it melted in the spring it would already be in that area. If the snow fall is too high, the snow would be trucked off.

Keith Murray noted that there is not much that can be done with this property. The creation of the buffer postdates the acquisition of the property. The property, the project itself is going to go on a parcel of land that has no vegetation that has been already predeveloped, not reducing any vegetation or taking away from the wetlands. As far as hardship is concerned, what else could you do with it?

Keith Murray said the application can probably be approved with certain conditions. **Rain Garden, Retention Pond and tenancy that abide by the ground water protection.**

David Curdie inquired as to who checks occupancy once a permit is issued.

Glenn Smith responded that this is uncertain and made difficult as the ordinance is not specific in its use of definitions.

Keith Murray noted that the area is in the Economic Revitalization Zone.

The Chair called for further discussion from the Board.

Murray/Curdie Moved to grant the Variance for KIPCO Properties, LLC, 270 Tilton Road, Tax Map R14 Lot 8-1, Article 17 Section 5, Allowing construction in the Commercial/Industrial Zone in the Wetlands Buffer Fallaway District with the following conditions:

THEY CREATE RAIN GARDENS AND RETENTION PONDS WHERE THEY HAVE BEEN IDENTIFIED ON THE APPLICATION FOR RUNOFF COLLECTION AND ANY TENANTS MEET THE GROUNDWATER PROTECTION CONDITIONS.

Motion passed 4-0. Application Approved.

There being no other business, the meeting was adjourned at 8:27 pm

Minutes Approved on July 23, 2018