

**NORTHFIELD BOARD OF ADJUSTMENT
MINUTES
June 22, 2015**

Present: Brian Brown, Phil Cain, Bob Southworth, Kent Finemore and Keith Murray.

Minutes: Keith Murray moved, seconded by Phil Cain to approve the minutes of May 26, 2015 as read. Motion passed.

Kevin Waldron: Application for a variance from Article 7 Section 2 of the Northfield Zoning Ordinance to allow construction of a shed within the front setback on .96 acre at 122 Bay Hill Road (Tax Map R10 Lot 2A) in the R1 zone. Keith Murray moved, seconded by Phil Cain to accept the application as complete. Motion passed.

Kevin Waldron explained that the 12x20 shed is movable and therefore he did not think it needed either a building permit or a variance. It is located on the front boundary line. Keith Murray asked why the shed could not be moved back from the boundary line, to which Kevin replied that it would not be conducive to his use as he has 4 vehicles in the yard. Moving the shed back would require driving his motorcycle on the grass and force him to park one vehicle on the edge of the road. He plans to take the shed with him when the property sells. Board members discussed the need for a variance for a movable building and the fact that the building permit was received after the shed was built. Phil Cain questioned why the shed can't be moved back with a gravel drive to it. The Northfield Zoning Ordinance's definition of an "accessory structure" was reviewed and a non permanent structure is included.

Public hearing: Dennis Allen asked if having the building 20 feet from the road could hinder winter maintenance. Peg Shepard asked if a building permit was issued before the building was built. Valerie Allen referred to the minutes of the January 6, 2015 Selectmen's meeting where the building permit process was discussed and revised by the Selectmen and commented that since Mr. Waldron knew a building permit was needed this is an abuse of power. She added that if the Board grants a variance for a non permanent building it would suggest that anyone could build a building to be moved when the property is sold many years later. Kevin Waldron stated that there would be no issue for winter maintenance as the shed is 20 feet from the road. Public hearing closed.

Brian Brown referred to an email from the Building Inspector stating that a building permit was issued after the shed was built. Keith Murray did not have an issue with when the permit was issued but did question the location of the shed as it could be located further back beyond the driveway. Kevin Waldron stated that the downside of that location would be driving his motorcycle on the wet lawn. Kent Finemore reminded that Board that even if the shed is movable, the request is to locate it right on the boundary rather than a partial relief from the setback. The applicant plans to take the shed with him, however the variance stays with the property. Keith Murray commented that this appears to be an unnecessary inconvenience rather than an unnecessary hardship which would set precedence. He added that since the shed is movable there is no reason why he can't move it back from the boundary line. Brian Brown agreed and added that if a variance is granted the new owner could build a permanent shed at this

location. Bob Southworth questioned whether in fact a building permit and variance was required. As the Board was unsure of the answer, Keith Murray moved, seconded by Bob Southworth to continue this application to July 27, 2015 to allow time to ask for legal opinion on whether it is an accessory structure and if a non permanent structure is subject to a Building permit and is required to meet setbacks. Motion passed.

Compass Classical Academy Charter School: Application for a Special Exception to allow an educational facility and conference center on 43 acres at 130 Shaker Road (Tax Map R14 Lot 5) in the Conservation zone. Keith Murray moved, seconded by Phil Cain to accept the application as complete. Motion passed.

Judy Tilton, representing the applicant, stated that this application is for a Charter School which is a public school that any student in NH can attend. The only changes to the property would be a parking lot on the left of the building and a playground in the back of the building. The School is currently approved by the State Department of Education for 120 students in K-5. There is room in the building to expand 2 more grades. There will be one room per class with a maximum of 20 students per class. The school currently has 70 students enrolled for the 2015-6 school year. Kent Finemore summarized that there would be no expansion to the existing building, there would be a 28 space parking lot on the left of the building with a playground in the rear with no additional development of the property.

Public hearing: Fred Shepard asked if there is city water and sewer for the property. There are 2 wells and a design for a septic system although Judy Tilton is exploring the possibility of connecting to the sewer line on Rte 140. Fred Shepard questioned whether there is a large enough water supply for fire protection of the large building. Keith Paulin asked about traffic control as Fiske and Shaker Roads are heavily traveled. Mrs. Paulin added that she is concerned about the safety of her children and animals and the loss of rural quietness with the addition of the school. Jason Wright stated that traffic for the school would be in the morning and afternoon only, but not in the evenings, weekends or during the summer. He added that having a "school zone" would require that the speed limit be reduced and would help with the current speeding. He also stated that the Fire Department has not required a sprinkler system in the building. Jean Keyes confirmed that speeding traffic is an issue but she is in favor of the Charter School.

Jim Jones commented that from a Realtor's standpoint this application is a win win as it will improve the property and gives options for education which in turn will increase property values. Caroline Hendley expressed concern about the location of the entrance to the school being at the intersection of Shaker and Fiske Roads. Ted Woodward noted that if the property becomes an educational facility there will be no property taxes generated from it and he objected to his property having a higher assessment and taxes because of the school. Greta Cote stated that traffic will be an issue and the town will need to consider the condition of the road and future repairs. Ken Gorrell spoke in favor of the project stating that although speed is an issue on Shaker Road having a school zone may help. He added that this is a good use of the property which could be subdivided and be developed which would cost the town more. The town put this area in Conservation Zone to protect the rural nature and this project will protect the property from being further developed. Karen Woodward asked what happens to the property if the school closes down. Kent Finemore responded that this is for a special exception for an

educational facility which would not mean it would become commercial if the school closed. Another type of use would require a variance. Peg Shepard commented that the town will not receive any property taxes from this property and there is no proof that the town will save tax dollars for students who attend the Charter School. Kevin Waldron expressed concern about increased traffic, the loss of tax revenue and the increased demand on the Fire and Police Departments. He suggested not including all the acreage in tax exempt status and there should be a minimal impact on taxpayers. Jason Wright commented that the property doesn't generate many tax dollars as it stands and there could be several houses built on the property which could send several students to the school district.

Further comments:

- Ted Woodward – concerned about flood lights
- Kathy Rago – supports Charter schools – funding comes directly from the state.
- Greta Cote – will the town be responsible for repair to the road? Can the School help pay for these repairs.
- Trish Jorgenson – Supports Charter School. It won't impact Shaker Road beyond the location of the school
- Emails – Mr. Jorgenson supports the school, Kenna Jean supports the project.
- Carol Keyes – supports the school as an alternative school saves money in the long run helping students who need extra help. Likes that the land will remain open and rural which conforms to the Conservation Zone. Noise from school children is better than current noise from businesses on Rte 140.
- Ted Woodward – supports the project – it is a good use of the property
- Jim Jones – 17 of the 70 students enrolled are from the WRSD which will save tax dollars

Public hearing closed.

Members reviewed the criteria for a Special Exception relative to the proposed use within the Conservation Zone, its compatibility with other uses in the vicinity and the adequacy of water, sewer and road access. Keith Murray commented that there is plenty of room for a septic system and that traffic, entrance and exit, etc. will be reviewed by the Planning Board. Bob Southworth commented that there may be need for more police staffing because of increased traffic. Brian Brown added that if the road needs repairs it will be at the taxpayer's expense. After further discussion, Keith Murray moved, seconded by Phil Cain to grant a Special Exception to allow an educational facility and conference center on 43 acres at 130 Shaker Road (Tax Map R14 Lot 5) in the Conservation zone. Motion passed.

Bill Coulter: Application for a variance from Article 7 Section 2 of the Northfield Zoning Ordinance to allow construction of a shed within the side set back on 1.38 acres at 200 Cross Mill Road, (Tax Map R4 Lot 17-2A) in the C/I zone. As no sketch with measurements was included with the application, Bill Coulter agreed to submit a drawing for the next meeting. Kent Finemore explained that the Board needs to have the drawing in order to know exactly what is being approved with the location of the house, the proposed shed and the driveway relative to

the boundaries. Keith Murray moved, seconded by Brian Brown to continue this application to the July 27, 2015 meeting. Motion passed.

Meeting adjourned at 9:00 pm.

Respectfully submitted,

Eliza Conde, Secretary

Minutes approved 07-27-2015