

**TOWN OF NORTHFIELD
ZONING BOARD OF ADJUSTMENTS
MEETING MINUTES OF MAY 23, 2022**

Members Present: Manuel Pimentel, Lisa Thorne, Morris Boudreau, Richard Honer
Staff: Stephanie Giovannucci, Susan Slack on conference Phone

Having a quorum, Chairman Pimentel called the meeting to order at 7:00 PM.
Introductions of Board members was completed.

- **Minutes**

Thorne/Boudreau moved to approve the meeting minutes of March 28, 2022 as written. **Motion Passed**

- **Lakes Region Community Developers-** Rehearing for a Special Exception for multifamily workforce housing on South Park Drive (Map R14 Lot 05-02 & Map R14 Lot 05-05) located in the Commercial/Industrial Zone.

Chairman Pimentel confirmed that we received the traffic review from HEB Engineering and asked if the applicant would like to comment on the information.

Stephen Pernaw of Stephen G Pernaw & Company stated that he did have time to review the information provided by HEB and was quite pleased that at most they were in agreeance with Mr. Pernaws study. He added that he also reviewed the recommendations that HEB had stated in their letter and as far as lining the driveway up with UPS, he feels it's not essential due to the amount of traffic on South Park Drive and being further apart helps the traffic control better. Mr. Pernaw addressed concerns about the school buses being able to make the cul-de-sac and feels there is no problem with them making that turn. He added that the school buses don't usually come onto private property to pick up kids, so the bus would still stop on South Park Dr.

Mr. Honer asked if UPS's designs are finalized. Mr. Pernaw stated that he believes they are.

Ms. Thorne asked if a yellow line were painted on the road, does he think the buses or tractor trailers would cross the yellow line having to make the turns around the cul-de-sac? Mr. Pernaw stated that the UPS tractor trailers would not use the cul-de-sac as they have two driveways in place for entering their property and exiting their property.

Chairman Pimentel opens the floor for public discussion at 7:09pm

Christopher Hunt stated that he listened to the original testimony and felt it was delt with very clearly by the board. He added that the issues that were discussed originally are still here today, nothing has changed. He questioned the reasoning as to why grant a rehearing as they are usually a denial. Mr. Hunt went onto state that the applicant's obsession with this site he does not understand and they have yet to look for other sites. He added that the traffic study must be presented along with every site plan and the experts are always hired by the developer. Mr. Hunt conducted his own traffic study trying to turn left onto Rt. 140 and it was very dangerous with traffic going 55 mph. The residents can't leave the site and walk the town, so what are the kids going to do, play in the swamp. Mr. Hunt stated that Rt 140 is a limited access highway, that's how the state designed it, and it should not be combining development and community together, he called this application disassociation of the community.

Dan Luker, Attorney for UPS reiterated the standards need to be met and they failed the first time to meet the standards and have not shown anything new. He added that if you took the standards and the housing was already established or approved and then UPS wanted to move in the Board would be saying denial and UPS would most likely agree.

Mr. Honer asked if this development would adversely effect UPS's operations. Attorney Luker stated that yes it would because when UPS went through their site plan, they had to jump through hoops for abutting residents over a quarter mile away on Shaker Rd regarding noise, lighting and traffic, and now a residential community is going to move right next door so they will have to constantly be dealing with complaints about noise, lighting and traffic. He added that UPS is a 24-hour facility, 100 employees, tractor trailers all interacting with residential traffic, plus noise from the trucks and repair garage and lighting as you enter the facility, so yes he feels UPS will be effected by this development.

Scott Haskins asked if the Fire District was reached out to for questions on this development. Chairman Pimentel stated that would be during the Site Plan process.

Megan Currier a representative from Lakes Region Community Developers stated that the comment about them not looking at other

properties is not true and they looked at the one on Cross Mill Rd for sale but it's already been approved for a 55+ development. Mr. Boudreau asked how it was determined that other properties are not for sale. Ms. Currier stated that they have been monitoring sale sites.

Mr. Hunt stated that Laconia has the State School Property that's been sitting vacant, why aren't they pushing the Governor to develop that into housing. Mr. Loranger was approved years ago to develop his land, Mr. Partridge same thing on Scribner Rd was available to do housing. Developers have to put some work into it and not be so lazy and wait for something to show up on the market.

Kevin Waldron questioned no other land available and asked how much of the land was bought for Northern Pass that was for sale. He stated everything is for sale. Mr. Waldron added that this type of development, in this type of community should be near parks.

Chairman Pimentel closed the floor for discussion at 7:28pm

Board reviewed the criteria.

Criteria 1: Mr. Honer feels this criterion has been met, already discussed the facilities, and added that if a hotel with 100 rooms went in there wouldn't be an issue and the same traffic problems would be an issue.

Mr. Boudreau stated he feels the same as the last meeting when they reviewed the criteria; the applicant did not meet this criteria and still does not meet the criteria.

Ms. Thorne stated that the existing development has no housing, it's commercial and industrial, the Master Plan calls for housing in areas closer to town amenities such as parks, transportation, stores, schools, etc. She added that she toured a building last week that would have been available for this type of housing. The character of the site in the current application was approved as a commercial 5 lot subdivision. And added that the nature of use is residential which is not appropriate in a commercial park.

Ms. Thorne read from the Master Plan which explained the need for housing which included the preferred location.

Criteria 2: Ms. Thorne discussed the compatibility stating that there is no compatibility in the area as they are all commercial and industrial. In addition, this site was approved by the voters of Northfield to be included in the TIF District, which by adding a residential unit to this district it would interfere in a large way as discussed at the prior meetings.

Mr. Honer stated that the Master Plan states there's a need for this. He added that the Board needs to follow the zoning ordinance and there's no mention of the TIF district in the ordinance, he added that he feels the Master Plan is conflicting. Ms. Thorne agreed there is a need for it, but need to be in the right area as stated in the Master Plan.

Mr. Boudreau agreed and stated the nearest residents are located on a 30mph road with minimal lot requirements of 5 acres as they are in the Conservation Zone.

Criteria 3: Board agrees that they have reviewed the road access extensively with no additional information to add.

Mr. Boudreau pointed out that the applicant stated they spoke to many entities about water and sewer but they never presented anything to the Board about the adequacy of those systems, so he felt this is hearsay. The Board has documents from water and sewer approving the use as a commercial or industrial use and evidence that, as built, these systems are likely not good enough for residential use.

Criteria 4: Mr. Boudreau noted that that board was informed that this criteria is not legal based on the applicant's attorney. Board agreed to skip this criteria.

Thorne/Boudreau moved to deny the application for Lakes Region Community Developers dated January 7, 2022 based on the criteria's not being met as so noted at this meeting and each prior meeting. **Motion Passed 3-1.**

- **Matthew McDowell** – Application for a Variance to construct an addition to the existing home and relocate two outbuildings located at 50 Ski Hill Drive (Map R17, Lot 46K) in the Conservation Zone.

Matthew McDowell and Kimberly McDowell explained that he lives on a private road and would like to install a garage with living space above the garage. He would also like to move the existing buildings to a new location to make room for this addition. They added the current home is 862 sq feet and they are adding an additional 300-400 sq feet. Mr. McDowell stated that the current home has erosion issues coming off of Elliot Rd and feels by doing the addition it will give him time to deal with the erosion from the old part of the house.

Mr. Honer asked for a reason as to why he is moving the outbuilding and not doing the addition in a different location. Mr. McDowell stated

he needed to move the existing outbuilding to do the addition because of the location of the leach field and the wetland area coming off of Ski Hill Drive.

Board reviewed each criteria...

Criteria 1: No comments, questions, concerns

Criteria 2: No comments, questions, concerns

Criteria 3: No comments, questions, concerns

Criteria 4: No comments, questions, concerns

Criteria 5-i: No comments, questions, concerns

Criteria 5-ii: No comments, questions, concerns

Chairman Pimentel opened the floor for discussion at 7:54pm

There being none, closed the floor at 7:55pm

Honer/Boudreau moved to approved the application as submitted with the condition that the setbacks be met as submitted. Motion Passed.

- **Minutes:**

Thorne/Boudreau moved to approve the meeting minutes of April 25, 2022 as written. Motion Passed

- **Appointments:**

Boudreau/Thorne moved to appoint Manny Pimentel as Chairman. Motion Passed

Honer/Boudreau moved to appoint Lisa Thorne as Vice Chairman. Motion Passed

There being no other business meeting adjourned at 7:56 PM

Minutes Approved June 27, 2022