

ZBA Minutes 04/26/10

Contributed by Lisa Fellows-Weaver
Tuesday, 22 June 2010

Zoning Board of Adjustment

Minutes

April 26, 2010

Official as of June 14, 2010

Chairman Bruce Farr calls the meeting to order at 7:00 p.m.

PRESENT: Chairman Bruce Farr, Vice-Chairman Roy Pender, Tom Lavigne, Bob Bailey, Nona Holmes, Doug Pollock, Alternate Jean Lane, Alternate Curtis Naleid, Board Administrator Linda Smith, and Board Secretary Lisa Fellows-Weaver.

VOTING MEMBERS: Bruce Farr, Nona Holmes, Doug Pollock, Tom Lavigne, and Roy Pender.

MINUTES

Ms. Holmes makes a motion, second by Mr. Pollock, to approve the minutes of February 22, 2010, as written. Motion passes by general consent.

ELECTION of OFFICERS

Mr. Pender makes a motion, second by Mr. Lavigne, to move Election of Officers to the last item on the agenda. Motion passes unanimously; 5/0.

VOTING MEMBERS: Roy Pender, Tom Lavigne, Doug Pollock, Nona Holmes, and Alternate Curtis Naleid.

Case #10-03: Coe Brown Northwood Academy (CBNA), 907 First NH Tpke. Map 217; Lot 65 & 66. Applicant is seeking a Special Exception for Section VI, Article (A)(4)(b) & (A)(5)(b) to permit construction of a parking area with manmade surface within a wetland and its setback.

Bruce Farr, Bob Bailey, and Jean Lane have recused themselves for this case.

Representing Coe Brown Northwood Academy is Geoff Aleva and Neil Repoza, both of Civil Consultants.

Mr. Aleva explains that CBNA is seeking a special exception from Section VI, Article (A)(4)(b) & (A)(5)(b) to install a handicapped, paved parking lot in a wetland, on top of the baseball field. He refers to Sheet C11 of the plan for board members to review.

Mr. Aleva explains that there are other wetland impacts throughout the project. He states that they have met with NHDES who has required them to consider all future wetland impacts that may occur over the next 5 to 10 years. He explains that they added this section of work to the project within the last two months. The proposal is to revise the gravel parking area and add a paved handicapped access parking at the top of the field. Presently, there is no parking in the area of the baseball field and track for handicapped use.. He explains that they plan to fill in the wetland that is in this area and the parking lot will be paved. The wetland fill will be converted into an infiltration basin. Underdrains will capture the storm water flow as it flows around the field inlets and this will discharge down through the system. He explains that the wetland was created when the ball fields were created. There are underdrains there now that collect the drainage from the fields and discharge into this wetland area, which help create the wetland.

Mr. Pender notes that there are no abutters present.

Mr. Aleva explains that as part of this project, NHDES is requiring CBNA to account for impacts that have occurred over the past 20 years. As a result, they are working on a mitigation plan to which includes placing the 53 acre Mead lot, adjacent to the Northwood Meadows State Park, into a conservation easement. Additionally, He notes that some existing culverts are being adjusted to allow easier access for wildlife. The main culvert, over the driveway that runs uphill, will be replaced with an 8 ft. wide box culvert, per the request of NHDES and NH Fish and Game.

Mr. Aleva explains that under current NHDES standards, the ratio for mitigation is usually 10:1 based on the impact. He states that this current project has approximately 14,000 sq. ft. of impact and NHDES is also requiring that 15,000 sq. ft.

of impacts that have occurred over the past 20 years be included, for a total of approximately 30,000 sq. ft. Mr. Aleva states that they are exceeding the minimum 10:1 ratio with the 53 acre parcel, the Mead lot.

Mr. Pollock states that the area will be completely paved and asks how many handicapped spaces will be added. Mr. Aleva replies that they are proposing 4 regular spaces and 4 handicapped spaces. He adds that these spaces will only be used during athletic events and the existing gate will remain in place and closed. He added that CBNA does not plan to maintain this section of driveway during the winter months.

Mr. Naleid asks how the amount of handicapped spaces was determined. Mr. Aleva explains that there is a minimum ratio and usually it is 1 or 2 handicapped parking spaces for every 50 regular spaces. He states that there is a large attendance of grandparents that come to these games and therefore there is a higher demand than normal so they felt that 4 would be sufficient for the campus. Mr. Naleid states that he does not feel that 4 is very many. Mr. Aleva adds that in total there are 8 spaces and these spaces will not be used for daily student parking.

Mr. Pollock asks if this is a wise investment at this time. Mr. Aleva states that CBNA is a private academy and site improvements come from a capital improvement fund. He adds that it is his understanding that it is not based on taxpayer dollars.

Mr. Aleva states that this area collects a lot of debris, which ends up in the wetland that is fed by the underdrains of the ball field.

Mr. Pender reads the conditions that must be met of Section VI, Article (A)(4)(b) and (A)(5)(b), in order for the special exception to be granted.

(4) USES ALLOWED BY SPECIAL EXCEPTIONS

Special exceptions may be granted by the Board of Adjustment, upon notice and hearing as prescribed in RSA Chapter 676, for the following uses within the Wetlands Conservation Overlay District and its setbacks:

(b) The undertaking of a use permitted by this Ordinance but not otherwise permitted in the Wetlands Conservation Overlay District shall be allowed provided the following conditions are met:

[1] after the applicant meets with the Conservation Commission, findings by the Northwood Conservation Commission regarding the proposal are submitted with the Special Exception application, are reviewed by the ZBA, and are made part of the record of the case;

Mr. Pender asks if there has been a meeting with the Northwood Conservation Commission. Mr. Aleva states that they met with NCC and a letter has been provided in the file noting their comments supporting the special exception be allowed.

[2] dredging, filling or other alteration shall be designed to minimize adverse impact on the wetland and its setbacks, even if this requires adjustments in design outside of this overlay district;

Mr. Aleva states that they looked at the entire project and tried to find the best way to minimize impacts on the wetland. The intent was to place the overall projects of the ball fields and access road in this watershed, which has already been disturbed by the buildings. He states that they did not want to move outside and further away to watersheds and wetlands that have not been impacted by construction. He states this is why they have tried to centralize buildings and development into this area.

[3] there shall be provisions made to restore the site as nearly as possible to its original grade and condition; and

Mr. Lavigne asks how this condition is possible to meet as the entire area is being altered. Mr. Pender states that in his opinion with this case, there really is no way to put the property back to its original condition, and it was manmade to begin with. Mr. Repoza states that the main purpose that this wetland serves now is for flow and flood control from the field. He states that this is the main reason for the underground stone storage area. This retains the positive aspects of the wetland and removes the stagnant water, insect breeding, and debris.

Mr. Aleva states that they have tried to have their design mimic what exists for the drainage instead of just adding a catch basin and filling it in, allowing the water to flow. By adding the underground gravel with the under drain pipes, it will help mimic what was there for the treatment for the flow control that the manmade pocket created. Mr. Lavigne states that this sounds like it is a great plan but to say that it will be brought back to its original grade would be impossible.

[4] state wetlands permit shall be obtained when required.

Mr. Aleva states that they are in this process now. He states that NHDES has been reviewing these plans. He states that they are trying to finalize the mitigation plan for the Mead lot and are preparing to meet with Bear Paw Regional Greenways

regarding the easement language, which is part of the mitigation plan.

5(b) Structures shall not be placed within 20 feet of the edge of a wetland unless a Special Exception for the structure and use have been obtained in accordance with §VI(A)(4)(b). The 20 foot setback may be reduced on pre-existing non-conforming lots in accordance with § VII(C)(4). If the setback is reduced in accordance with § VII(C)(4), structures shall not be closer to the wetland than the reduced setback allows unless a Special Exception for the structure and use have been obtained in accordance with § VI(A)(4)(b).

Mr. Pender asks how this section applies. Ms. Smith explains that this applies as this is a manmade surface, which is a structure.

Ms. Smith explains the process that CBNA has been involved in, with the planning board, to this point. She states that this is a small aspect of the site plan approval. Usually the ZBA meets with an applicant first and in this situation the applicant has been meeting with the planning board since last August. This ZBA aspect has come up relative to the mitigation process, which started in the midst of the project. She states that it is not likely that the applicant will receive a final state wetlands permit before their approvals for the mitigation. She suggests that any decision made by the board should include a condition that the state wetlands permit is for the onsite impacts relative to this aspect of the entire project; and indicate whether it is for the state wetland permit, including mitigation, to be approved or specifically for the small parking area.

Mr. Lavigne asks what the square footage of the parking area is. Mr. Aleva replies that the square footage is 3,225 sq. ft. He adds that there are some ancillary areas noted on the plan and the parking area does overlap in some areas. Mr. Pender asks if the paved parking area is 3,225 sq. ft. as well as the wetland. Mr. Repoza states that overall this is about the same footprint.

Mr. Aleva states that there are two portions, the wetland fill and mitigation plan. He states that he has spoken to Dori Wiggin of NHDES who has indicated that she is about ready to approve the plan. He adds that he has spoken to Lori Sommer who is involved with the mitigation portion; there are still a few outstanding items that need to be addressed. One of the items that is outstanding is to complete a boundary survey for the Mead lot.

With no further discussion, Tom Lavigne makes a motion, second by Doug Pollock, to grant the special exception for 3,225 sq. ft. with the condition that the applicant acquire a wetland permit for the on site wetland impact (as reviewed by the zoning board). Motion passes unanimously; 5/0.

Mr. Farr returns to the board along with Ms. Lane. Mr. Farr thanks Mr. Pender for chairing the meeting. In addition, Mr. Farr thanks the board for their diligence in addressing the issues and making decisions in a timely manner.

Internal Business

ZBA Revised Guidebook & Applications

This item is continued to the next meeting.

Election of Officers

A brief discussion is held regarding members terms. Mr. Lavigne makes a motion, second by Mr. Pender to continue the current members in office for the next year. Motion passes unanimously; 5/0.

Correspondence

All correspondence is reviewed and Mr. Lavigne thanks staff for providing additional correspondence from other town boards and commissions to keep the ZBA informed and up to date.

Other

Mr. Pollock asks about the turnout lane for the Docko property, First NH Turnpike site and why it has not been completed. Ms. Smith states that it is her understanding that the turn lane will be for the second phase of the plan and the owner is able to operate the front lot without the turn lane.

Adjournment

Mr. Lavigne makes a motion, second by Mr. Pender, to adjourn. Motion passes unanimously; 5/0.

Respectfully submitted,

Lisa Fellows-Weaver
Board Secretary