

APPROVED
ANDOVER ZONING BOARD OF ADJUSTMENT
January 15, 2019

Members present: Duncan Coolidge, Vice-Chair; Jeff Newcomb; Julia Rector; Todd Goings and Jeff Bushey, Alternate appointed to Dan Coolidge's position. Dan Coolidge was present; however, could not be a voting member as he was not present at the public hearings and did not participate in the deliberations.

Also present for duration of appropriate item: John & Cheryl Bentley; Keith Babb; James Tatkovsky; Jon Champagne; Jeff Raymond; and Chris Seufert, attorney for Jon Champagne

Work Session and deliberation: A request from Todd & Tara Jackson for a Variance under Article VI Section F to construct a garage. The property is 19 Ives Road and is Tax Map 20, Lot 008,410 in the Village Zone

The board reviewed the criteria for a variance. It was determined that the previous non-conforming building was abandoned is not grandfathered into a non-conforming building. Goings stated that there is enough property behind the existing foundation to construct a garage. Duncan made a motion to deny the application for variance as the foundation does not meet the setback requirement. Bushey seconded the motion and the board voted four (4) in favor of denying the variance and one (1) in favor of granting the variance.

Work session and deliberation: A request from Jon & Joanne Champagne, Chris Champagne and Jeff & Kelly Raymond for a Special Exception under the Andover Excavation Regulations adopted June 25, 2002 and under NH RSA:155-E to allow gravel and stone excavation. The properties are 235 Salisbury Highway and 242 Bay Road, Tax Map 20, Lot 443,037; Tax Map 4, Lot 507,061; and Tax Map 4 Lot 493,037 in the Forest / Agricultural Zone

Newcomb stated that the board received input from the applicant and there was input and information from an abutter who had valid concerns; however, none of the information were left for the board to review. Newcomb read the site suitability notice from the Planning Board. Newcomb stated that a lot of the concerns that were brought forth at the public hearing are items that the Planning Board will address during a site plan review should this application be granted. Duncan agreed that there were valid concerns pertaining to property value, noise and traffic; however, the board does not have any conclusive evidence of this impacting or not impacting property values through his own research. Goings stated he has also researched whether property values could be impacted should this be approved and is concerned that should abutters attempt to sell their homes in the future that the values could potentially decrease. He also stated that in the 2007 survey for the Master Plan, 56% of the residents responding were not in favor of gravel pits. Rector asked where the aquifer is located that was mentioned and the response was this would be addressed during the Planning Board Site Plan Review if this application is granted. Rector also stated that the abutter's quality of life needs to be taken into consideration and asked what a fair balance for hours of operation, blasting and crushing. Newcomb replied that Saturday hours are typical for crushing. Dan Coolidge stated that it needs to be taken into consideration how any conditions that may be applied if this application is approved would be enforced. Goings stated that dust creation would need to be monitored. Newcomb replied that MSHA and the

state and air pollution department) would come for any complaints. Newcomb also stated that since this would be a short-term proposal (10 – 15 years) he is not concerned with property values and that if this application is approved, the property would become a commercial property and commercial operation which would mean more taxes from the property owner so this would be a financial positive to the town. Bushey stated he is concerned with the Planning Board possibly overlooking some of the condition / stipulations that the Zoning Board is discussing especially if they are not addressed by the Zoning Board through conditions if this application is approved. Duncan stated that one of the conditions could indicate crushing not happen on weekends. Goings asked if this would add much more noise / traffic to his current operation. Goings also asked if this would set a precedent if it was approved and Newcomb replied that each application would be addressed on its own. Duncan asked Newcomb if the crushing operation could be screened and the reply was yes. Newcomb also stated that by limiting this to weekdays, the educational aspect of this could be missed out on.

The board reviewed the criteria of RSA155:E and determined that there was not enough data available to support diminishing values to surrounding properties; however, the applicants property would increase in value due to being commercial. As there is access onto Route 4 which is already commercially used, there would be no impact to town roads.

As the board determined that they did not have enough data regarding property values with this type of operation, the board consulted with the applicant and his attorney and they agreed to continue the meeting to January 28, 2019 in order for the board to do more research on property values being impacted. Rector made a motion to continue the deliberation to January 28, 2019. Goings seconded the motion and the board voted unanimously in favor of continuing the deliberation to January 28, 2019.

There being no further discussion, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Lisa Meier, Secretary
Andover Zoning Board of Adjustment