

Town of Westmoreland
Zoning Board of Adjustment
Approved minutes of April 17, 2013 Meeting

Present: Peter Remy, Chairman, Brian Merry, Russ Huntley, Barry Shonbeck.

Chairman Remy convened the meeting at 7:00 pm. The Board reviewed the final draft of the Rules of Procedure. Barry Shonbeck made a motion to accept the document as written and Russ Huntley seconded. All voted in favor. Chairman Remy requested that the document be posted somewhere and the clerk said they can be posted on the town website.

A motion was made by Barry Shonbeck to nominate Peter Remy as Chairman of the Zoning Board for the year 2013 and the motion was seconded by Brian Merry. All voted in favor.

Russ Huntley made a motion to nominate Barry Shonbeck as Vice-Chairman for the year 2013 and this was seconded by Brian Merry. All voted in favor.

There was a short discussion about filling the positions for two alternate Board members. Chairman Remy said he knew that one name had been submitted to the Selectmen but as yet the appointment had not been made.

Graves Hearing

Chairman Remy called for the first hearing to begin at 7:30pm. The clerk read the application of Graves Trucking which is as follows:

Graves Trucking, Inc. requests a Special Exception concerning Article III, Section 305.1 and Article V, Sections 501.A and 501.D and Tables 502 and 505; and Variances concerning Article IV, Sections 402, 414, and 445 and Article V, Tables 502 and 505 of the Westmoreland Zoning Ordinances. The applicant proposes to establish and operate a quarry to excavate bedrock at the property located off Old Route 12 North, Map 17 Lots 28/29 in the Commercial/Industrial and Rural Residential zones.

The clerk reported that all the abutters had received a notice of the hearing by certified mail and that notices had been posted at the town hall and in the Westmoreland Post office and published in the Keene Sentinel within the legal time frame.

The abutters are The State of New Hampshire, Wesley Staples, George Graves, and The Town of Walpole.

Richard Fraser of One Source Properties and Permitting, LLC in Keene, represented the property owner, Tim Graves, at the hearing. Chairman Remy explained that since there were only four Board members present, the applicant had the option of continuing the hearing until the next meeting, when it was expected that the Board would have five voting members. Mr. Graves said that he would like to have a continuance and hoped the continued hearing could be held a week later than the Zoning Board's regularly scheduled meeting. Barry Shonbeck made a motion to approve the request, seconded by Russ Huntley and all voted in favor of hearing the application on Wednesday, May 22, at 7:30 pm at the Westmoreland Town Hall.

Pioneer Junior Academy

Chairman Remy called for the clerk to read the second application which was as follows: Pioneer Junior Academy requests a Variance concerning Article 421 Section 1 of the Ordinances of the Town of Westmoreland. The applicant proposes to build a 12'by12' greenhouse (a moveable structure) on the south side of the school building and to post a new 4'by4' sign at the property located at 13 Mt. Gilboa Road, Map U-2 Lot 9 in the Commercial/Industrial Zone.

All the abutters received notice of the hearing by certified mail, and a Public Notice was published in the Keene Sentinel on April 5, 2013 and notices were placed at the Westmoreland Town Hall and Westmoreland Post Office within the legal time frame. The abutters are Lincoln Gilboa LLC, John Hammond and Mary deGonzaldi, Winfred and Yvette Savard, and The Town of Westmoreland.

Mr. Ken Brummel, principal and teacher, representing the school, was invited to speak to the application.

Mr. Brummel said that the school had been approached by a person who was willing to donate and build a moveable greenhouse structure on the school property. Mr. Merry inquired about the appearance of the structure. Was there a picture? No picture but it is his understanding that it will be shaped like a Quonset hut, a double plastic enclosure with windows that open and close automatically according to the inside temperature. It is not a kit, but designed and built by a man who works for the city of Keene.

Mr. Remy asked to see a map of the property with the proposed location of the greenhouse. Mr. Brummel indicated the structure would be along the southern side of the school lot, the side adjoining a town field. Mr. Brummel believes that it would be approximately 10 feet short of the required 20 foot setback. He is not exactly sure where the line is so he can't be exact.

The lot is a small one and the remainder of the lot is shaded by trees and does not get direct southern exposure and even if it did the setback distance would still not be enough. The school's septic system is actually on town property.

Mr. Brummel said the greenhouse would be incorporated into the school's curricula, giving students hands-on experience and knowledge. The first year would be a practice year, with the hope it would be fully functional by the second year. He is looking for projects that will be more than a year out. He has in mind the possibility of starting an American chestnut tree and hopes to plant asparagus this year. They hope to be able sell some of the produce but it is mainly an educational experience which would also include business principles. Mr. Shonbeck asked if selling produce would require extra parking space but Mr. Brummell did not anticipate a need for more parking space because it is too small to have large amounts for sale. The students will be designing their own experiments such as raising earthworms.

He also is planning to put up a 4 foot by 4 foot sign that will be informational about the school and its ongoing activities. Mr. Remy said the size of the sign is well within the limit of the Westmoreland sign ordinances and does not require a Variance.

Mr. Merry inquired about the appearance of the sign. Mr. Brummel said it would be made of a half sheet of plywood with a small peaked roof at the top and placed near the present picnic table by the road so passersby can see it.

Mr. Merry also asked about the moveability of the greenhouse structure. Mr. Brummell said it would be up year round with PVC pipe to support the structure. But it will be moveable if necessary.

Mr. Shonbeck inquired about electricity. Mr. Brummell said that very little would be needed, only enough for running a fan and that would probably be provided by a cord attached to an outside outlet on the school. There is no plan to have water within the structure. Mr. Shonbeck asked about the windows and the source of their power to open and shut. Mr. Brummel said they operate by a gas filled piston which will move according to the internal temperature of the structure. In summer the greenhouse will be open and run by volunteers from Mr. Brummell's three churches.

Chairman Remy read the ordinance 421:1 which says that a portable structure is allowed by permit and must have at least a twenty foot setback from back and side yards and meet all regulations of the zone in which it is placed. He said the only thing holding this back is the setback requirement. Mr. Shonbeck asked if the zone where the school is located would

make it even more restrictive? The property is in the commercial/Industrial zone and the setback requirement is less restrictive than other zones.

Chairman Remy asked Mr. Brummell to address the five criteria necessary for granting a Variance.

1. Mr. Brummell did not feel that surrounding property values would be affected negatively.
2. Granting the variance is in the public interest because it will result in an enriching, engaging, hands-on experience for the students. The real life experience could also inspire students and others to build their own greenhouses. And it will be open to other kids and adults who find it of interest.
3. The lot is too small to accommodate the greenhouse without the Variance and would deprive the students of the unique educational experience of a working greenhouse.
4. Substantial justice would be done by preparing students to have the skill to grow their own food and to have a basic understanding of economic principles helping them live more successfully in today's world.
5. The project is not contrary to the spirit of the ordinance which is to promote the health, safety, convenience, prosperity, and general welfare of the town of Westmoreland and protect and enhance the value of its properties. The school is interested in being part of the community and the greenhouse structure will be a vehicle for outreach.

Mr. Merry wondered if the school would be worried about vandalism. Mr. Brummell said that he is realistic but doesn't expect it to happen as there has not been any previous trouble and one of his aims with this project is to reach out to the community.

Mr. Shonbeck asked about how the greenhouse would line up with the school building. Mr. Brummell said that the front edges would line up and there would be a three foot gap between the school and the greenhouse so that snow could be shoveled off the school roof and fall to the ground. The greenhouse will extend about halfway toward the back of the school building. The property line between the school lot and the town field is very soft. Some people use the school property, sitting at the picnic table, etc. which the school does not mind and even welcomes.

At that point the public part of the hearing was closed to more comment and the Board began its deliberation.

Mr. Remy read off the criteria and polled the board members on each one.

- 1 No diminution in value of surrounding properties would be suffered.
- 2 Granting the permit would be of benefit to the public interest.
- 3 Granting the permit would result in unnecessary hardship to the owner seeking it because of the unique features of the land.
- 4 By granting the permit substantial justice would be done.
- 5 The use would not be contrary to the spirit of the law.

On each criterion the entire board was in agreement. Mr. Remy asked for a motion which would state a specific number feet for the setback.

Mr. Huntley made a motion to approve the Variance subject to the stated condition that the greenhouse structure be no closer than five feet from the property line. Mr. Shonbeck seconded and all voted in favor of granting the Variance.

Before adjourning Chairman Remy read an anonymous letter written to the Selectmen, and Zoning Board in regard to a property on which recently built a garage, possibly with an apartment above it. The writer was concerned about the danger of carbon monoxide poisoning. Chairman Remy said that the Zoning Administrator determined that it was not in violation of the ordinances as there was no kitchen.

Chairman Remy also called the Board's attention to a workshop on zoning issues being given in May.

Mr. Merry made a motion to adjourn which was seconded by Mr Shonbeck, and all voted in favor.
