

October 4, 2016

APPROVED WITH CORRECTIONS 11/1/2016

Case # 466 continued from September 20, 2016

Tom Wood, Bob Theve, Alicia Gettman, Mark Howard and Tom Swift were present.

Approximately 25 interested observers also present.

Mark opened the hearing by going over the procedure of a Special Exception and why the hearing had been continued.

Jeff Lewis representing the applicant stated that they had some modifications and would answer some of the criteria questions. He then proceeded with aerial photos of the neighborhood. He also listed all the uses that are allowed in our zoning with special exception in the same location as this proposed storage unit. He felt that many of the other uses would be more detrimental. With the aerial photo's he showed that Hammer's property is a commercial gravel pit. Rogers home faces SE in the neighborhood. There are 3 existing businesses right in the area. It is a mixed use neighborhood, yes it is residential but within 1 mile there is Spider Web Gardens, Town Office, Library, School and the Fire Station is next to this property. This property is now a vacant 3 acre lot. There is already a vegetative buffer for the properties across the street and the adjacent property is hidden. He gave the board copies of the photo's ( filed) There is a new plan, just 2 buildings instead of the 4. ½ the amount of units. The 2 buildings would be in the front as were on the first plan. Mr Zimmerman felt the size of the proposal was a legitimate concern and scaled it back. The total would be 10,400 square feet and with the pavement it would be under the 25% lot coverage. This change would eliminate the need for wetland permits as they would not be filling any wetland. There would only be one access with good site visibility. He showed a perspective of what the unit would look like on the lot with pine trees along the roadway on a small berm that would hide the pavement.

He showed the Wolfeboro buildings with the lights that go down to the pavement. The building would be 12' high with 8' doors so the lights would be about 10' above the ground.

Lewis then went through the criteria for a special exception.

# 1 Yes it is an allowed use.

# 2 The question had been asked about storage of hazardous materials. He presented a copy of the self-storage contract that clearly states that hazardous and toxic materials are prohibited. There will be security camera's to help monitor the site. There will be no on site caretaker. No self storage facilities have monitoring just a signed contract. The units basically are the same as homeowners garage with storing items. Bob Theve is very concerned about very hazardous materials ( nuclear) and that the Town should be held harmless, the owner could have insurance or a bond. Lewis thought Zimmerman would have insurance. The ordinance does not ask this of the special exception and as per the contract the landlord does have the right to enter a unit. Bob wanted something indemnifying the town.

# 3 Detriment to property values on account of location, scale, odor etc. Lewis felt this was an inert use and should not be a concern. It will not generate any on- going issues. Mark asked about outside storage? There will be none. Lewis felt the scale of the project is appropriate the fire station next door is

much larger. Should not be any noise, no pole lights just lights on the buildings, about 10' high so should not be any glare. Any other commercial use would have more lighting. There would be a photo metric plan with much more detail for the Planning board. Much more criteria for the planning board to look at. Basically no nighttime use because of no interior lighting so you would have to have a flashlight to see into the unit. No security fence available the operation would be 24/7 for any of the 60 tenants. This is considered a small scale facility and would think there would not be any nighttime use. Bob Theve asked about the grade of the driveway. About 7%. Porous pavement is no longer needed.

# 4 Traffic safety. Low traffic impact.

# 5 Demand on municipal services. No demand what so ever.

# 6 Storm water runoff. They will adhere to the standard and meet all the criteria for the Planning Board.

Lewis introduced Randy Parker a local realtor to talk about property values. Parker gave some local background and what matters to a residential buyer. M.V. is a dense area of town and continues to grow with a mix of businesses. There are 9 to 10 commercial businesses from Blue Ridge to the Center Store in a span of 2 plus miles. None of those impact traffic on 109A ( Middle Rd.). The average value of homes now in that area is \$148,000. The market had fluctuated in the past 10 years. This property was listed as a tear down and purchased in 2011 for \$52,000. Now it is just land and is assessed for 105,000. Parkers personal opinion is that this land would be a hard sell for a residential home right next to the fire department. He felt it would not make a negative impact and that with this facility it would be assessed for at least \$200,000. More than any neighboring property. It would not be a negative impact on the neighborhood.

Mark asked if the lighting would be motion sensitive. Probably not but a possibility.

Bob asked if he thought the construction traffic wise would be a hazard to the school. Lewis felt it was no concern.

Garry Hammer asked about a plan reduction was that ok? Mark replied it is the use of the facility the board is considering, not the fact the plan has been reduced. Hammer also asked about other commercial uses in the zone. Yes, there are many see the list in the zoning ordinance. Hammer did feel it would change the character of the neighborhood. He referred to

the Master Plan and that Middle Rd. is the gateway to Tuftonboro, the Town bought an easement to the Cheney farm so that there would be no further development and that would help keep the rural character. This business would provide no jobs after it is built. The Town Office was built to look like a farm house to fit the rural character. Storage unit is not in keeping with the town. The Master plan prohibits street lights.

Chris Sawyer, chairman of the planning board, was asked if the recent MP survey had the same tone as the previous one. Yes.

Scott Standard, Middle Rd. 194 Middle Rd. Commended Mr Lewis on the good job presenting with aerial views etc. He felt that everyone in the area have different families and do different jobs from their properties to make a living and for the most it is invisible to neighbors. He felt it would be a change in character of the neighborhood.

Steve Hunter, 94 Number Nine Rd. Owner of the property in question. Steve gave background on himself owning property in Tuftonboro and that he built the first storage unit in Wolfeboro. He bought his first piece of property 45 years ago. He owns property in all zones of Town, except Isl. Conservation, and all types of land including current use, farm, forest, lake, medium, commercial and residential. He felt this would have no adverse effect on surrounding property values. He bought this property in 2011

as a distressed sale, the building was condemned, well was contaminated, septic was 20' from the well. He tore the house and barn down cleaned up the area and put a for sale by owner sign up, no realtor. The property value has increased. He thought that this is an interesting proposal. The peak of the building's would be no higher than 20' above Middle Rd. The Fire station is 40', this would have a much lower profile it would be built below the existing back land. He mentioned that the direct abutter got permission to have a contractor's yard and he rents out the house on the property. Most of the surrounding properties are unfinished and have many uses. Seasonal business, hobbieist, home owner's storage, the school is in the vicinity. He felt it would be a useful asset to the Town and didn't think fire or police would be called to the site.

Sue Rogers, 180 Middle Rd, He concern was if there was hazardous materials in the unit and they stopped paying rent who would be responsible for cleanup? She pointed out on the map her property and that there have been numerous auto accidents in the area especially coming down the hill from the Center. She is on a blind corner.

Max LeDoux, Durgin Rd. his opinion was it would be a detriment to surrounding properties, he is/was a residential agent for 7 years. He admitted his experience was in Manhattan real estate market, not rural NH. It will change the nature of the town and will change property values. The property is not zoned commercial that is why they are asking for a special exception. The Fire station should not be used as a comparable because it is the Town and they do not have to follow the rules and it was built within the setbacks. He felt in 20 years we could be Rt. 16.

Mary Hunter, New Rd, There is already a precedent in town of a storage building, Melvin Village Marina boat storage. She felt Zimmerman had good intentions and should have something in writing about no outside storage.

Bill Rollins, Middle Rd. he had traveled that road for many years and did not feel it would change the neighborhood.

Keith Rogers, 180 Middle Rd, had had a visit with Zimmerman about the project and he explained about the lighting, he, Rogers, had been to the Wolfeboro facility and the lights were visible from a far even though they were directed downward. He still felt it could be a hazard, he has a storage unit in Wolfeboro and you can store anything.

Chris Sawyer asked if the contract was a legal document? She wasn't sure about the entering the unit by landlord was legal.

Sandy Standard asked if a business sign was planned? Probably some type of signage. She did not like the color of the proposal something different? Traditional siding maybe. Mark explained that it would be up to the Planning Board not the ZBA. Chris Sawyer reiterated that they still have to come to PB.

Hammer; 7 AM is a busy time for contractors to use the units

LeDoux felt this would have long reaching effects.

Lewis thought if hazardous waste is known then the landlord has the right to go into the unit. Law allows storage of anything you can store in your own garage.

Master Plan is a tool not a requirement, it is a guide and vision of the future of the town. The applicant is here as a permitted use by special exception. Most of the neighborhood has commercial businesses ie Golden Past, Tetherley, Hammer and the fire station as a use. This is a low use compared to other uses that could go in there and they could add a lot of trees for a buffer. Only one or two abutters could see the facility.

No other questions the public session closed.

Mark re-iterated to the board Special Exception criteria.

Discussed the 6 criteria.

# 1 All agreed it was permitted by special exception.

# 2 Hazard to the public. Tom Wood felt the public was vulnerable to the hazardous storage. Bob felt there would be no control over what was stored. No assurance of no explosives or hazardous materials. He knows hazard has been stored in others. Tom Wood concerned if owner doesn't pay and then what. Town does need indemnity. Rebuttal was it could be a rented duplex with a meth lab. Can't control prior.

Alicia commented what is the difference between a hotel room rental that you can't control.

Mark felt the board had to look at this as the storage unit itself being a hazard, not what is stored. We can't restrict other than a contract.

Insurance policy, it could still be a risk. Need to have the town indemnified. Mark reiterated the facility only but that we could add a condition to the facility that the Town be indemnified from any claims.

#3 Detriment to property values. Alicia had a report from Mississippi that storage units have no effect on the real estate, she realizes it is not NH. Tom Swift.: It could even increase values. You can always have competing values. All of the board felt it could affect property values but there was no consensus as to which way values would be affected.

# 4 Traffic hazard. Tom Wood asked about contractor use especially in the AM. All felt it would be low impact. Tom Wood, what about kids walking to school. Mark thought it would be minimum impact and not sold that it that it would be a traffic hazard. The two in Moultonboro don't ever seem to have much traffic. All agreed minimum impact.

# 5 Excessive demand on municipal services. All agreed it was non issue.

# 6 Storm water runoff. Did not think there would be any and the PB takes care of that.

Decided to vote on each one.

# 1 All ok.

# 2 No hazard. Mark, Alicia and Tom Swift felt it was no hazard. Tom Wood and Bob Theve, yes hazard.

# 3 Detriment to property values, Did not want outside storage. Tom Wood, Tom Swift, Alicia and Bob thought it was detriment. Mark no change.

Tom noted that since there had been a majority no vote didn't the conversation end there and it is denied.

Mark said no to continue with each question.

# 4 Substantial increase in traffic. All agreed no traffic increase.

# 5 Demand on municipal services. All agreed no demand

# 6 Storm water runoff. All agreed it was not an issue.

Motion; Tom Wood moved to deny special exception based on # 3 that it will essentially change the characteristic of the neighborhood. It is a residential neighborhood and this would be a visible commercial business. Not compatible with the Master Plan and the future character of the area. It will change the rural character of the area and visibly it would change to a commercial area. Tom Swift 2<sup>nd</sup>. Tom Wood, Tom Swift, Alicia and Bob voted in favor of denial. Mark opposed

Application denied.

Hearing adjourned

Jackie Rollins  
Secretary