

APPROVED  
ANDOVER ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
August 27, 2013

The meeting was called to order by Chairman Coolidge at 7:03 p.m.

In attendance were: Dan Coolidge; Julia Rector; Charlie McCrave, Jeff Newcomb and alternate Katherine Stearns.

In the absence of the ZBA Secretary Lisa Meier, due to a conflict with the regular meeting of the Planning Board, Coolidge asked Julia Rector to take the minutes.

The draft minutes of the September 20, 2013 meeting were presented. Chairman Coolidge passed out a sheet containing several proposed amendments. Jeff Newcomb requested that the proposed amendments change in paragraph five the words "Mr. Keyser" to Mr. Newcomb. The corrected amendment is attached to these minutes. It was moved that the minutes be accepted as amended, and Jeff Newcomb seconded the motion. The minutes were accepted as amended unanimously.

Under Old Business the board considered the application of Lenny Caron to operate a gravel pit. Coolidge recommended that if the board were to vote in favor of granting an exception that the exception read on its face the limitation imposed by the change to the powers of the ZBA contained in RSA 674:33.IV making Special Exceptions void if not exercised within two years from the date of grant. He also noted the Andover Zoning Ordinance at VIII.D1.2 prohibits the ZBA from issuing an exception until the Planning Board has found the site meets all of the conditions set out in Section VIII.D other than condition 1.

Charlie McCrave moved that a Special Exception be granted to Mr. Caron to operate a gravel pit on his land. Jeff Newcomb seconded the motion.

The board discussed whether this exception would be a nuisance to neighbors. Several board members thought that the board did not have jurisdiction to prescribe a route for trucks operating out of the gravel pit. Coolidge asked if Mr. Caron objected to a limitation that if he obtained permission to use the state owned right of way, his trucks would exit his property on the eastern side and turn left into Potter Place and then to Route 11; avoiding the residential neighborhood.

There was a discussion about the history of the use of the property as a gravel pit.

Mr. Newcomb noted that the Rail Trail people at the hearing supported Mr. Caron operating a gravel pit; however, opposed his use of the Rail Trail.

Coolidge moved that the motion to grant the exception be amended to read subject to provisions of RSA674:33 and that the exception would not issue unless and until Mr. Caron has complied with the provisions of the Andover Zoning Ordinance section VIII.D1.2 and the Planning Board issues a favorable finding.

Coolidge proposed a second amendment that if the applicant received approval from the State DOT to use the state owned right of way and bridge, trucks exiting his property along the proposed eastern side of his property as shown in his application would then turn left into Potter Place and thence to Route 11. After discussion and comments from Mr. Newcomb, he added the proviso that nothing in this provision would prevent Mr. Caron from making deliveries onto any portion of Depot Street. Mr. Coolidge also offered to add that the condition would be void if any other board required a different route.

Mr. Coolidge's second amendment was voted down 4 to 1.

Mr. Coolidge's first amendment (that the exception not issue unless and until a favorable finding by the Planning Board) was approved unanimously.

The main motion (to grant the exception as amended) passed unanimously.

There being no further business, the meeting was adjourned at 7:48 p.m.

Notes by Julia Rector, typed up by Dan Coolidge