

APPROVED  
ANDOVER ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
August 20, 2013

Members present: Dan Coolidge, Chair; Jeff Newcomb; Charlie McCrave; Julia Rector; and Katherine Stearns, alternate appointed to Jim Delaney's position.

Also present for duration of appropriate item: Lenny Caron; Alex Bernhard; Myra Mayman; Mike and Lynn Browall

Minutes of August 25, 2012

Motion to approve – Charlie McCrave  
Second – Katherine Stearns  
Vote – Unanimous

Minutes of June 19, 2013

Motion to approve – Jeff Newcomb  
Second – Charlie McCrave  
Vote - Unanimous

Adoption of ZBA Rules, Schedule of Fees, Discussion of Website

Coolidge previously distributed revised Applicant Instructions and Procedure for Handling Application and Fees and asked board members if there might be any discussion on them. There being no discussion, the board will adopt them at the September 2013 meeting. On motion made and seconded, the rules of the Zoning Board of Adjustment previously made available to the board members were adopted, and will be posted on the website. Upon motion duly made and seconded, Katherine Stearns was elected Vice Chair. The proposed schedule of fees will be put before the board at a public hearing as required by statute at the regular September meeting of the board. The proposed forms for applications and the instructions to applicants and the form for the town hall staff to follow when receiving an application previously made available to the board were discussed. Mr. Newcomb requested that each form include the tax map number of the lot(s) in question. Mr. Coolidge said he had discussed with the town manager and Tatjana Donovan having the applicants prepare the list of abutters. He said that if the town did this and there was an error, the town could be held liable if the applicant were subsequently damaged due to the town's error. Coolidge said he would include directions on how to use the tax map and computer in the instructions to applicants. There being no objection, Coolidge will amend the forms accordingly and make them available at Town Hall and on the

ZBA website.

Public Hearing: A request from Lenny Caron requesting a modification or removal of the conditions imposed by the December 16, 2013 approval for a Special Exception to operate a sand and gravel pit on his property located along Bridge Road

Coolidge explained about changes to the state statute governing powers of ZBAs regarding Variance and Special Exceptions now having a two year limit; therefore, this application should be a new request for a Special Exception to operate a sand and gravel pit rather than amending the previous approval. Rules of procedure were explained to the applicant. A letter from the State DOT denying Mr. Caron's request to use the state owned right of way and bridge, and a letter from Friends of the Northern Rail Trail to the DOT objecting to use by Mr. Caron of the rail trail for his gravel trucks was earlier received from the Selectman and put into the file and posted on the website. After receiving his ZBA approval in 2003, he did not follow through with the Planning Board due to his request to cross State property being denied. Concerns of the board include:

1. Can he use the bridge on Bridge Road? The response is the bridge is posted for 6 ton so he may be able to; however, because it is an E2 bridge, Lenny feels the limit should be 50 ton.
2. A previous Special Exception to remove gravel commercially was granted? The response was yes; however, there were abutters concerned with the route the board prescribed and locked him in to; therefore, this request to amend the conditions of his previous approval.
3. What route would you like to use to remove the gravel? The response was either out Bridge Road or via Depot Street; however, the DOT wants a perpendicular crossing.
4. Are these the only two options? The response was he could go out Proctor's access; however, it would be difficult.
5. Would this be a temporary or permanent situation? The response was permanent
6. What zone is this in and how many acres are there? The response was Forest / Agricultural and there is 185 acres but only 2 acre cubes would be excavated at a time.
7. Coolidge asked if the State granted Mr. Caron use of the state owned right of way and bridge, and the board were to remove the former access / egress requirements, would he agree to a condition that he exit his trucks along the easterly boundary of his property and then left and through Potter Place out to Route 11, not through the residential neighborhood to the right? He said he would agree.
8. What distance would you be driving on the rail trail and has it traditionally been use this way? The response was 150' and yes.
9. Would this be a Special Exception for RSA:155E? The response was yes, then Lenny goes before the Planning Board.

10. Would there be any blasting? The response was Lenny is unsure.

Mr. Bernhard, representing Friends of the Northern Rail Trail, said he did not object to a Special Exception for Mr. Caron to operate a gravel pit, but only objected to any use by Mr. Caron's trucks on the state owned right of way now used by the Rail Trail.

The public hearing was closed at 8:10 p.m. Stearns and Rector would like a site visit and the meeting was continued to August 27, 2013 at 7:00 p.m.

There being no further discussion, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Lisa Meier  
Recording Secretary