

Call to order at 6:10 p.m.

Introduction of Board Members: Timothy Kinnon-Chairman, Timothy Morgan-Vice Chairman, Stephen Hurst, Marcella Perry, David Schaeffner-Alternate, Stacey Ames-Planning Assistant, Jennifer Fortin-Planning Secretary

Appointment of Alternates – David Schaeffner for Paul Monziona.

Statement of Appeal Process

The purpose of this hearing is to allow anyone concerned with an Appeal to the Board of Adjustment to present evidence for or against the Appeal. This evidence may be in the form of an opinion rather than an established fact, however, it should support the grounds which the Board must consider when making a determination. The purpose of the hearing is not to gage the sentiment of the public or to hear personal reasons why individuals are for or against an appeal but all facts and opinions based on reasonable assumptions will be considered. In the case an appeal for a variance, the Board must determine facts bearing upon the five criteria as set forth in the State's Statutes. For a special exception the Board must ascertain whether each of the standards set forth in the Zoning Ordinance has been or will be met.

Continued Case

Case #Z07-21

Map 5, Lot 72

Special Exception

Jody Persson

Route 28

Application submitted by Jody Persson to request a Special Exception from the Town of Alton Zoning Ordinance Article 400, Section 450 to allow a motor sports park. This property is located in the Rural Zone. Continued from January 3, 2008 meeting.

T. Kinnon spoke of the last meeting with regard to the application submitting their application and public input for or against. Noted we are opening tonight with rebuttal from the applicant. More than likely there will be new evidence submitted tonight and the public will get the opportunity to respond to that new evidence. If no new evidence is presented the Board will go into deliberation.

Present tonight: Jody Persson, Julie Persson, and Matt Scott.

J. Persson address issues from last meeting. Traffic concern. Breakdown lanes are widened to already accommodate large vehicles entering and exiting the gravel pit. Entrance is not on a corner. Practice days will approximately take 20 cars. Will not impact traffic flow. Event days will be approximately 12 and traffic control will be hired out. Heavy traffic will be on mornings of event days. There is also ½ mile into property from the road. Impact of wildlife: most wildlife is nocturnal. Hours will be closing after dusk. Noted in Maine deer graze while they are practicing and a woodchuck lives on the side of the track (20-30 feet from track). Some of the opposition would rather see other allowable uses in this zone. This project would have the most minimal impact on the property.

Dust is a hazard for riders on the track and this will be controlled by water on the track. Track will be approximately 40 feet wide and will be dirt and gravel and will be groomed and maintained.

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Air pollution – must meet strict requirements by the EPA and they are using 4 stroke engines as 2 stroke engines are being phased out.

Fuel spills – difference between 100 5-gallons of gas as opposed to 1 100 tank of gas. The difference is that spillage of 5 gallons is incomparable to 100 gallons of gas spilled. Spill kits on site. Waste disposal – trash cans throughout property and dumpster service. Chemical toilets will be throughout the grounds with concrete pads

Working with DJ Septic to determine the proper amounts during practice days and event days.
Serviced by DJ Septic

Abutting Conservation Easements – meeting all requirements of setbacks for conservation easements. Working with conservation committee and possible conservation projects could be planned.

Coffin Brook is over 500 feet from the property line where they are proposing the track. Runs along the front of the property on the road.

Noise from the track. At the last meeting noted conversation being heard from a ½ mile away when in this meeting people could not hear from the back of the room.

Sound barriers – planned and are proven to work. Sound issues are being addressed by sound barriers, Should not be compared to rock concerts and gunshots.

Job openings for Alton residents and surrounding towns. Safe place to practice and ride. Help to stop some of the illegal riding on property and conservation land. Schools and courses will be offered to help instruction of safe riding. Income for the town of Alton.

Snowmobile activity. Asset for town and also the State of New Hampshire.

Feel they have met the 7 criteria. No factual evidence has been presented by abutters to the project. No night time or early morning activity. Have and will continue to work with abutters and neighbors. Property is ideal location for this type of sport on this land. Minimal impact on the land. “Not in my backyard” mentality not valid reason for not allowing this project.

T. Kinnon asked the applicant if he had any other another persons that are going to testify tonight?

J. Persson stated no.

Closed public input as there was no new evidence presented.

Point of order – A. Hoover noted at the last meeting the board voted to receive the application and not accept it and he is still wanting the question to be answered regarding receiving and accepting the application. Also to remind the board of his question as to whether this application is appropriate for a special exception or variance. This is not been addressed. Also to remind the board they submitted a Findings of Fact that he would like addressed.

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J. Persson added that updated plans have been submitted that show a 50 ft woodland buffer between the track and property line.

T. Kinnon noted to public that he would like for them to have the opportunity to view these plans and after that the public may address only the new plans.

Brief recess for public to view the new plans.

T. Kinnon opened meeting to public input for questions on the new plans only submitted tonight.

Peter Farrell – Stated that when they left the meeting last week that the public hearing was not done and that people were standing in line to speak.

T. Kinnon noted that he asked several times at the end of the meeting if there was anyone else that wanted to speak in favor or opposition to before the close of the meeting.

M. Perry noted that if there is anything else that people would like to add that the board will hear this but not just repeating what others have said.

T. Kinnon stated they were going to deal with the new plans first.

P. Farrell – Stated he was not familiar with the process. It was his understanding that the applicant was to bring in a detailed drawing to this meeting tonight showing exactly what they were planning on doing. Not to bring in a new map. Feels this is not an interactive process where the ZBA tells them to go do changes and come back with changes. Wanted to go on the record saying it was the Board's responsibility to examine the plot plan that clearly stated what the use would be and where it would occur.

T. Kinnon responded that the applicant has done as the Board has asked. He encouraged the public to come to the meetings monthly to see how the Board does handle these applications and be familiar with the process. There is always interactions, and there is always revisions unless it is a very simple case.

M. Perry – matter of ongoing process of questions and coming back with new plans.

T. Kinnon noted this is typical of every case.

P. Farrell – concern with the 50 ft buffer of trees. Has knowledge of what a 50 foot buffer can handle. Still does not feel that the noise from the bikes are a dramatic difference from chainsaws and he clearing of land. Does not feel the board has the proper experience or knowledge on sound to evaluate the type of sound issue that is being presented.

Came tonight with new information that is relevant and would like to present it.

T. Kinnon reiterated his original statement about asking several times for any other public input at the last meeting. He will also stick to what he said originally, that everyone will have a chance to speak if

you have new information that you would like to submit. Be sure, tonight, when he asks, that public input will be closed.

P. Farrell noted at the last meeting the applicant presented a video and would like permission to show a video that gives a more realistic picture that shows the type of activity that is being proposed for this property.

Video was shown.

T. Kinnon noted hearing a lot of subjective testimony on noise. Any more testimony evidence presented on they would like to know the person's background or report that this is taken from. Any more testimony needs to be taken from facts and not feelings.

P. Farrell noted that the video showed close up of track and bikes going by and what the noise is like. Note the video was taken on the track. Passing out documents to the Board with regard to noise – reports. Collection of information that his wife put together on various aspects. Expert testimony would be necessary before any fair judgment should be made on this sports track. Did research on conservation easement on the Hussey property and be on the record that a conservation easement constitutes Zoning Board Ordinance 676.7 public hearing notice. Abutter have say on property holding a conservation easement. Quoted from letter by Cynthia Balcius. Habitat is influenced by the gravel pit. Overall wetlands provides a number of functions and values. Feels there is a casual dismissal of wildlife.

Made a comment that the professionals that could answer questions on the site walk were “apparently instructed not to show up.”

Verbatim

“As an abutter, I think, in the town’s best interest, I am here speaking for as a citizens because nobody in the town has taken it to this degree and I am absolutely shocked that I have not heard from the Selectmen and it seems that everywhere I go there is a gag order, and people can’t talk about anything, not as individual’s or as a representative and I am a little puzzled by that. Forgive me for my ignorance of the process but, in any case the fact is the town is the owner easement.”

Feels that the Board needs to get independent and expert advise before they can make a decision.

T. Kinnon asked Mr. Farrell if he had a specific set of questions for the applicant.

P. Farrell noted he can prepare as such.

T. Kinnon noted at this point in the process this should not be coming up.

P. Farrell town resource that belongs to the city of Alton. The values that are in conservations easements of the town are under a threat.

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Martha O'Connor – abutter. Stated she was told this track would be approximately ½ mile from the property line former plans shown, shows it will be approximately 1300 feet from her property. Feels her home will no longer be her sanctuary. Concern for people trespassing.

T. Kinnon noted control on trespassing would be a self policing type of issue.

Scott Button – Coffin Brook Road. Stated fact that he lives on Coffin Brook Road and can here logging on another road. Noted the 15-foot buffer is not going to work. Feels this will have a negative impact on his property, rural setting. Says he hears Loudon races from his property.

Leo Belanger – Abednego road. Approximately 3/10 of a mile from entrance. Concern about the traffic once this is really established. Feel on the tax payers of Alton should not have a say of what is being put in on this property. Made aware from tonight that there is land for sale across from the Loudon Race Track.

Jeane Furber – Gilman's Corner Road. Appreciate opening up to the public. Concern – against track as citizen of Alton. Contradiction of testimony tonight. 20 cars per day vs. Booming industry. No facts presented against it. Fact of persons present is a fact that are against it. Feels it is a fact that there is some place that this will be welcome and they should find a place where it is. Does not want to see this in any community where it will harm a community.

Earl Bagley on conservation commission – commission opposes this application. Was told there was going to be a study on the effects of the wildlife in this area and impact. Does not feel the applicant is qualified to make the decision on the impact of the wildlife.

Arthur Hoover – remind the Board to respond on his submittal for Finding of Facts.

Sandy Esposito – end of Pine Street. Lived here for 8 or 9 years and move. Has called the police many times about the sound of the 4-wheelers in the pit.

Mike Brown – Stockbridge Corner Road. Not an expert but lived behind a 200 ft mountain and could hear a raceway. Does not feel that people will benefit from this project.

Mary Soucy – Coffin Brook Road. Near 140 and will hear the sound that this track will make. Feels this will make the traffic on 140 and Stockbridge Corner Road even worse. Does not feel the man-made pond will keep the dust down.

T. Kinnon – noted the pond on the site now is spring fed.

Linda Santaswaso – Abednego Road. Against the project. Racetrack has not even opened yet and cause the residents of Alton a large amount of stress. Concern for stress if this gets approved. Read factual findings from a town in Ohio (also one in Montana and Texas). 104 individuals as Plaintiffs Conclusion of the law was found that the track was closed. Noise was so plaintiffs could not use the outside property of neighboring homes. Asks that the board take into consideration her concern. Also that the applicant is not an Alton resident.

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James Fontaine lives on 140 near Coffin Brook Road. Against Jody's statement that wildlife is nocturnal and that means they are sleeping during the day. Concern for the probability there will be gas spills. Negative impact. Not opposed to the sport but opposed to the location

David Hussey – owns the Land. Read paragraph from the easement stating that the Town of Alton supports the development of the property. The wording of the easement supports conservation easement. Still has 750,000 yards of gravel out there which will take 50 trucks a day for 10 years will be going out of there with crushers. Feels he can build a track as a private citizen. The issue is not if he can build a track on this property, the issue is, is it in fact recreation. ATV, motor bikes are considered outdoor recreation. This is in the State statutes. He could put a housing development but will be removing the gravel first that is not. Feels this will be a benefit for youth. He has 100s of acres of land. Hopes this will get rid of trespassers on his land.

Joseph Tuck 72 Abednego Road, 22 years. Concern for water pollution. Who will pay for his property when his land goes down and he cannot drink the water.

T. Kinnon noted there has been no testimony that there will be any pollution to the water.

Fred Lamper – Abednego Road. Feels this will deteriorate his property.

T. Kinnon asked to stick to the facts and not personal attacks. (Response to an off record comment).

Fred Lamper – town will not allow three unregistered cars on land and feels that this will pollute the ground with all the cars trailers and bike activity.

Wayne Frisk – Stockbridge Corner road. Difficult to find large piece of land for something like this that requires a lot of land. Example of PMHS and putting together 4 parcels of land. Feels a willing buyer and a willing seller does not make it right. This is not against the applicant or the merit of the project but for the location of the impact on their property.

T. Kinnon noted Board lives in this community. Keep this to the facts – don't get personal.

John 551 Stockbridge Corner Road. Been involved in the sport and never has had a conflict with the noise of the sport.

T. Kinnon asked if there was anyone else that would like to speak.

Deb Frazier supports the facts. Movie – great presentation. Noted you could still hear the voices talking on the video even with the bikes going by. Technology is changing and noise is a factor and doing away with new mufflers. Traffic - does not feel this will be a problem. Knows that the police and fire will be able to handle this situation. Revenue will be a plus from this project for the town.

Boyd Toddhill – Coffin Brook road. – objects to this project. Rural residential conservation area. Can hear one at is very noticeable when on the proposed property. Feels that many bikes will be enhanced. Feels this is not the appropriate location of this project.

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Pat Flodin – 40 Abednego Road. 3 years ago. 1000 feet from the track. Concern for the noise and the impending traffic. They are not direct abutters but feel they will be directly affected. They moved here to retire.

Dot Lyons – Abednego Road. Retired here from MA. Been coming to Alton for 50 years. They live here because of the peace and quiet. Feels the noise would impact them tremendously as they area behind them is flat. Can hear traffic from 28 (approx ½ mile away).

Randy Couch – in Favor of the track – has faith in the planning Board that they will make sure this is managed properly. Does not feel that the owner is making threats and suggests that if people are that con

Andrew Kier stead – resident of Alton . In favor of this project and would like to participate in this sport.

Break 8:10 p.m.

Reconvened 8:25 p.m.

Carol Collins – Youngstown Road in Alton. Spoke on the logging being done. Believes that the cutting of the trees will allow sound to travel. Has lived here for 21 years for the peace and quiet.

Linda Gossens – Mallard Drive. Commented on study by high school students, would like to know if any other studies have been done. Concern for the future development if Mr. Persson ever sold the property. Asked if the muffler guards could be taken off since they are not required.

T. Kinnon noted everything that has been said is taken into consideration.

George MacDonald. Asked if they are required to come for a change of use.

T. Kinnon added if this is approved and go outside the conditions of approval they would have to come before the Board again.

T. Kinnon asked if there is anyone else that would like to speak

None seen or heard.

Closed public input .

The only way is if new testimony is presented in the rebuttal then public input will be opened again. But if nothing new is presented then public input will not be reopened.

T. Kinnon noted that there is a substantial amount of information given to the Board that they have not been able to read and also to give the applicant a chance read this information.

J. Persson noted the video that was shown he and his son were at that race and had a wonderful time and that he does not want a copy of new information submitted to the board.

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Board enter into deliberations.

T. Kinnon – noted that no further information is now to be submitted to this case. They have information that need to review,

Motion by T. Kinnon to continue Case Z07-21 to January 31 at 6:30 p.m. to be here at the high school if available. This will be posted at the town hall with the confirmed location. Second by S. Hurst. No discussion. Vote unanimous.

Motion by T. Kinnon to adjourn. Second by S. Hurst. No Discussion. Vote unanimous.

Respectfully submitted,
Carolyn Schaeffner