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Call to order at 6:30 p.m.

Introduction of Board Members: Timothy Kinnon-Chairman, Timothy Morgan-Vice Chairman, Stephen Hurst, Marcella Perry, David Schaeffner-Alternate, Sharon Penney-Planner, Jennifer Fortin-Planning Secretary

Appointment of Alternates – David Schaeffner for Paul Monzione.

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 24, 2008 meeting.

T. Kinnon –A few points of order before we begin. We did close the public input at the last meeting, so there will be no public input tonight. Nobody is allowed to ask questions during deliberations. Basically this is the same thing as a jury deliberating only we do it in public so everybody that is concerned can hear what we are saying. We will talk amongst ourselves and render a decision tonight at the end of discussion. Would anyone like to begin?

M. Perry – I absolutely agree that this is an outdoor recreational use. It is true that the Town of Alton has done surveys and community service surveys and in the surveys they talk about recreational surveys and how important it is to the Town of Alton. This activity I think is a great activity for families and I think we need to encourage more of this. It is good to see folks with their children enjoying themselves and I think this is a good recreation. Another point is that the lot itself is in an area on Route 28 that I think could handle the traffic because of the acceleration and deceleration lanes, the amount of additional traffic would be minimal. The issues I have with this particular lot in question is the amount of wetlands, the area surrounding that is protected by an easement. This is on an aquifer. I have walked this lot four times in different seasons. It is a very wet lot, even in the spring and summer times. Over the years it has been used for gravel pits so it has been harvested and treed and there is minimal vegetation. There is vegetation around the perimeter, but over the years in different places they have been, it has been logged so there is minimal vegetation. That is a big concern to me. With the amount of wetlands and the applicant's talking about not having regulations on petroleum products being brought onto the lot, even though they said they would take care of this, I have concerns with run-off on that.

T. Morgan –I would like to start by just personally congratulating everybody who participated on both sides in this discussion over the last several meetings. This is a very emotional issue and with just a very few exceptions everybody was polite and I think it reflects well on Alton and the people in the Town of Alton to handle an issue like this in a manner in which we did. With regard to the testimony I think we heard compelling testimony about the value of motocross as an activity, a sport particularly a family activity. I think we also heard credible testimony about the applicant, Mr. Persson, as an ethical man who will do what he says and will respect the wishes of the town and respect the environment. I believe those things are probably true. We also heard a lot of input from residents of the town, abutters and other who voiced their concerns about this site and whether it was an appropriate site and/or

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probably substantially more people from the town objected than there were people who were in support. Unfortunately, this is not something that comes down to a vote. The State Supreme Court, the New Hampshire Supreme Court has set forth very specific criteria, which the Zoning Board must consider when making a decision and one of the reasons our Chairman, Mr. Kinnon was asking people to please talk about facts when they came up and made their presentation was to the State Supreme Court requirement for the Zoning Board apply the facts that are presented to it both by the applicant and by interested parties during the presentation period and in just a moment that is what we will have to do, we will have to take these criteria and apply the facts as we heard them to those criteria to see whether this special exception in fact is appropriate.

D. Schaeffner – I would agree with Marcy with just about everything but the only thing I think as far as the fuel storage, I have been to a couple of motocross races and I didn't see any fuel being stored or sold at the track, usually everybody comes with their own cans, very similar to 5 gallon jugs. I have seen a million people go down to Wayside and fill up 5 gallon jugs and then fuel their boat. I know it is allowable but people who do that and don't put a regulation on that I don't see a real danger to the wetlands. If you have seen some of these tracks, I know watching on ESPN they are natural environment. (inaudible) They try to keep it as natural as possible with the exception of the track and that is part of recreation being out there and being outdoors. One of the other things that could happen which was mentioned by Mr. Hussey is a 36-Lot subdivision, now think of that as 36 houses, 36 septic systems, 36 roofs, and 36 driveways. I am a developer so that is something I have to deal with and would a development be the best thing in there, part me says yes and part of me says no. I think the natural state will improve if it isn't mined for gravel. I think this would help keep it in its natural state that would be my opinion.

T. Kinnon – A couple of things concern me, we were presented with a lot of research on noise but nothing that was site specific and I think aside from the fact that there are a lot of wetlands on the lot, that to me was the biggest concern was the noise. I don't feel that we really received anything that was site specific. I know the applicant said they would work with the Planning Board and would do a sound design and all that. The problem we have as a Zoning Board is that once we grant an application we have no control over even though the Planning Board does a good job to make sure all the regulations are met and everything is satisfied, the bottom line is that there is no regulation for noise aside from the 96 decibel, which is going to be self imposed. There is no state law or regulation that can force anybody to hold to the 96 decibels. While I do feel Mr. Persson's and his co-applicant's are ethical people and would do the right thing, the problems is any granting of a special exception we make tonight would exist in perpetuity to other owners. As far as motocross as a sport itself I hope Alton does get a motocross track at some point, I think the sport itself is a very good sport and I think accepting motocross is like accepting NASCAR. The reality is most NASCAR fans and motocross sports enthusiasts are well educated and they do make a good living. It is not an inexpensive sport by any imagination and they are very well self-policing. Overall I would really like to see it because there are very few activities for families in Alton, but my biggest concern with this particular site is the noise and there are existing homes and my concern is with those existing homes. I kind have equated it to an airport. If someone moves by an airport and then complains about it I don't have much sympathy for that, but these folks have moved to an area that has been relatively quiet. The gravel pit has been relatively quiet for the past few years and Mr. Hussey has the perfect right to continue mining it and put in a subdivision afterwards, but those things we can't take into consideration. Our consideration is

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with the application for the motor sports park and lacking any concrete noise study I really have serious concerns about it at this location.

M. Perry –I think having 8hours per day for 2 months of the year would be unacceptable.

T. Kinnon – The other thing that was brought up tonight I do want to touch on is the outdoor recreation. I do feel that this is an outdoor recreation. I do feel that it would be supported by a town ordinance and with the spirit of the Master Plan. The analogy was made to a shooting range and in my opinion a shooting range is constructed much like a motor sports park where earth is moved into mounds and small structures put up. I think the noise from a shooting range would be intrusive also. A noise that is started and continues for a while, people tend to get use to it where a shooting range the noise is very intermittent and extremely loud. I think the analogy of it as far as the construction is concerned is the same but as far as the noise I think probably the motocross would be less intrusive than a shooting range. I agree with Marcy too, the hours of operation, but even if it was limited to just Saturday's and Sunday's I feel that those days are most important to people that live in that neighborhood.

S. Hurst – Noise is a big concern for me to. It is not going to be anymore noise that what you hear on the lake. Most of the people here bought into the properties around the lake knowing that there was going to be noise. This is the total opposite, it is a nice quiet area and people moved there for that particular reason and now somebody wants to change it.

T. Kinnon – (inaudible)

M. Perry - (inaudible) I think they need to look at other areas in town for the track with more vegetation.

T. Kinnon – I think the lot size is sufficient I think it is the location.

M. Perry – (inaudible)

T. Kinnon – Not necessarily a larger lot it is just the location.

D. Schaeffner – The people equate it to Loudon (inaudible)

M. Perry – (inaudible)

T. Kinnon – I don't think it would adversely affect the value of homes necessarily, but I do feel that the folks that own the homes know the value to them would decrease. People who buy homes, there is always going to be a market value of homes but my concern with the existing owners I think with them their value would decrease. It wouldn't be the same neighborhood that they bought into and there is a significant number of people too.

Statement

D. Schaeffner - A plat has been accepted by the Planner in accordance with the Alton Zoning Section 520B and a recommendation has been made.

T. Kinnon – I agree

T. Morgan – I agree, based on what the Town Planner has told us this plat is acceptable in its most recent iteration.

M. Perry – I agree

S. Hurst – I agree

T. Kinnon – The specific site is not an appropriate location for the use. In my opinion it is not an appropriate location for the use because of the existing homes that are in close proximity to the site and lacking any site specific noise study or demonstration I feel that it would be very intrusive to a great number of homes in the area.

T. Morgan – I agree that it is not an appropriate location but for a different reason. The reason I think it is not appropriate is it abuts a conservation area and the Conservation Committee recognized that and they made a recommendation to this board that it is not an appropriate location. I think it is too environmentally sensitive with the wetlands and the conservation area it abuts.

M. Perry – I agree that there is a significant amount of wetlands on the property and that it is near a conservation land and the amount of vegetation on the property.

S. Hurst – I agree also.

D. Schaeffner – I agree, it could be if proper evidence was brought forth about noise reduction but right now it is not appropriate.

T. Morgan – Factual evidence is not found that the property values in the district will be reduced by incompatible uses. I think this is meant to be an objective measure not subjective measure of the opinion living there. My impression is that how contradictory evidence was presented by both sides and none of it was factual so I don't think this stands against the values.

M. Perry – I feel there wasn't enough factual evidence.

S. Hurst – I also agree, only if you had a licensed appraiser and a study done, I didn't feel it was supported, so in that case if an actual study was done on the effects of the property values.

D. Schaeffner – I would agree.

T. Kinnon – I agree also.

M. Perry – there is valid objection from abutters based on demonstrable fact. I think the abutters living in the area presented their case very well and what the use of the property was before and the amount of noise they heard and their concern about running a track 7 days a week. The concerns the abutters had are valid.

S. Hurst – I will agree with that, noise is a primary concern I have and I think it is a valid objection by the abutters.

D. Schaeffner – I agree.

T. Kinnon – I would agree also that the abutters that did testify to hearing the noise from the gravel pit operation, I believe that to be really factual evidence as first hand source.

T. Morgan – I agree that the abutters did demonstrate with regard to the noise and they also think there objection to the disturbance to the wildlife conservation.

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S. Hurst – There is no undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking. I think Route 28 could handle the traffic.

D. Schaeffner – I agree, the design of the gravel pit took loads of trucks going out and going in and the deceleration lane near the property there was no nuisance.

T. Kinnon – I agree also, I feel that the road going into the site is sufficient length to allow back up cars entering or exiting, there would be any undue hazard on Route 28.

T. Morgan – I disagree, I think there is a nuisance and serious hazard, and I don't think Route 28 is adequate to handle a large number of vehicles arriving almost simultaneously or leaving simultaneously from the site.

M. Perry – I think Route 28 is adequate with the acceleration and deceleration lanes there and I think there is (inaudible).

S. Hurst – I agree

D. Schaeffner – Adequate and appropriate facilities and utilities will be provided to insure proper operation of the proposed use or structure. The applicant was going to use chemical toilets we were told and that seems to be adequate to me, as far as dumpsters.

T. Kinnon – I also think that and safe. Specifically there wouldn't be a septic system that would be going into the aquifer. All waste will be contained and removed from site, so for this particular type of use it would be adequate.

T. Morgan – I would agree.

M. Perry – Even if there was a septic it would have to be approved, I think they would make sure they had other facilities for the number of people at the event.

S. Hurst – I would agree.

T. Kinnon – There is adequate are for safe and sanitary sewage disposal and water supply. The lot is absolutely of sufficient size if they wanted to put a septic system on there and also put a well on there for a water supply.

T. Morgan – I agree.

M. Perry – I also agree.

S. Hurst – I would agree.

D. Schaeffner – I would agree also.

T. Morgan – The proposed use or structure is not consistent with the spirit of this ordinance and the intent of the Master Plan. Citizen surveys in this town for the last number of years and the one most recently 2 years ago have routinely been strongly in favor of preservation of the rural character and the natural environments of Alton and I think this violates that spirit and I think the townsfolk want to limit the commercial uses of the rural zone and they have expressed that in the survey and it is expressed in the town's Master Plan.

M. Perry – I disagree, I feel the proposed is consistent with the Master Plan and in the spirit of the ordinance. The proposed use structure is (inaudible), it the surveys do promote outdoor recreation. (inaudible). I think the use of the lot for a recreation facility would be appropriate if it didn't have wetlands.

S. Hurst – I agree with Marcy, I think it is consistent with the spirit of the ordinance and it is recreation/outdoors sports.

D. Schaeffner – I would agree that it is consistent with the spirit of the ordinance for recreation (inaudible), and it is consistent with the Master Plan.

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T. Kinnon – I feel also that the use is consistent with the Master Plan however, not at this specific site lacking evidence of noise abatement and also lacking evidence on wetlands compliance.

Motion made by T. Kinnon to deny Case Z07-21 the application for the motocross sports park, seconded by T. Morgan. Motion passed with all in favor.

T. Kinnon- Your case has been denied folks and that's it. Thank you for your time and I would like to say also that the process worked the way it was suppose to and we got a lot of input and just come to a monthly meeting issues like this come up every month.

Motion made by T. Kinnon to adjourn at 7:00pm, seconded by T. Morgan. Motion passed with all in favor.

Respectfully Submitted,

Jennifer M. Fortin
Secretary