

MINUTES APPROVED April 3, 2008

Call to Order: by Chairman Timothy Kinnon at 6:05 p.m.

Members Present: Timothy Kinnon-Chairman, Timothy Morgan-Vice Chairman, Marcella Perry, Steve Hurst, David Schaeffner,-Alternate, Sharon Penney-Town Planner, Jennifer Fortin-Planning Secretary, Stacey Ames-Planning Assistant.

Appointment of Alternates: David Schaeffner appointed for Paul Monziona.

Statement of the Appeal Process:

The Chairman read a brief statement of the 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.

Approval of Agenda: Motion by M. Perry to approve the agenda as presented. Second by T. Morgan. No discussion. Vote unanimous.

T. Kinnon noted to the public that the Zoning Board is short alternates and encouraged inquiring in the Planning Office for anyone interested. Also noted this meeting will not go past 10 p.m.

Continued Applications

**Case Z07-21 Persson
Jody Persson**

Map 5, Lot 72

**Special Exception
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 December 6, 2007.

S. Penney stated she had no concerns and additional information was submitted.

T. Kinnon noted concern the Planning Office received a large amount of paper received at 4:30 today. Testimony will be heard this evening and documents will be further examined after this meeting.

T. Morgan noted attorney Hoover's dated December 11th, letter regarding public input before the application is accepted and if this is done, would the testimony be on the record.

T. Kinnon has discussed this with Attorney Sessler and the ZBA has not accepted testimony in the past (before a case has been accepted).

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T. Morgan asked if Special Exception (definition that has been used in accepting this application) appropriate for this application. Also is further advice needed from town counsel and the planning board with regard to this definition.

T. Kinnon noted that an application should be considered as submitted to the Board. It is not the Board's prerogative to determine whether or not the application is legally accurate.

S. Penney noted there is an issue on semantics to the word "acceptance". What they are looking at is the proper receipt of the application to the town's standard of filling out the forms.

M. Perry noted question and whether this is a Variance and Special Exception and it has been submitted as a Special Exception and should be considered as such.

T. Kinnon noted he has received some guidance on whether this should be a special exception or a variance and they have been given legal advise in the past to look at the application as to its completeness and if it is complete, and to use a better word than acceptance, but to receive the application.

T. Morgan noted if it is defined as to what they are doing now as receipt then he would not have any objection to the receipt of the application.

T. Kinnon asked the Board for any other concerns.

Motion by M. Perry to accept the application as complete. Second by D. Schaeffner. No discussion. Vote unanimous.

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Map 5, Lot 72

**Special Exception
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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 December 6, 2007.

T. Kinnon noted procedure: hearing the applicant and opening up to public input, then rebuttal from the applicant at the end.

Present for this case: Jody Persson, Julie Persson, Eric Piper, and Matt Scott.

J. Persson noted all four are in this as a venture. They have been involved in the sport of motor cross and out around New England and have wanted to set up a place like this. Came across this gravel pit and felt it was set up well for their need. Feels strong in trying the represent himself. Feels, after research, area is rural, according to Zoning Ordinance, number 37, Outdoor recreation with a minimum of 20 acres and feel they qualify for a Special Exception for this property. Not building structures on property. They fall under the 7 criteria for special exception. 1. Plat has been submitted as required. 2. special site appropriate for use. Site is existing gravel pit (still in operation) approximately 1/2 mile from any home and from the main road. Plan for limit 96 DB sound limit. Park will be built and

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designed to keep sound from traveling. Roadway and track will be watered to reduce dust. Track will not be seen from any home or highway. For factual evidence he called Canon NH and talked with town appraiser and asked if homes were considered any lower and he stated no. Same with Southbridge appraiser in MA and affirmed that property values were not devalued by being by the track. 3. No valid objection from abutters from demonstrable fact. Has seen no valid objections. 4. No undue nuisance. Property has it's own ½ mile on to the property. During most practice days approximately 40 cars would be entering. Currently 6800 average on 28 past entrance. Spoke with Officer Heath and felt it was adequate. 5. Facility appropriate – chemical toilets will be used. A large event will have appropriate amount for weekend. Handicapped and others. 6. Adequate area for safe and sanitary. Again, chemical toilet services. Manmade pond for watering track and driveway, 7. Proposed use and Master Plan. Goal 2 encourage development of tourism. Goal 5 continue to expand recreational facilities. Stated number of responses that encourage expansion of tourism in Alton.

No questions from the Board at this time.

J. Persson responded to some questions and concerns from community. Noted letter from commissioner of DES. They are working with small businesses to make sure they are compliant and permits, etc. Fuel on the property regulations. DES requires any above 5 gallons requires a permit for containment. Question about air pollution. Currently emissions in State of NH – nothing for NH currently. Alternation of terrain – permit for disturbance of more than 100,000 sq ft. They are conscious that they meet all requirements from DES.

T. Kinnon questioned if there is a DES specific permit for motor sports park.

J. Persson – no permit is required for the state of NH. Noted that Loudon does not have a permit to run the facility. They just have to register as a business. But they do not compare themselves to Loudon park.

J. Persson addressed question of ground water on the property. People are concern about spills and contamination building up with gas, oil. Spill kits will be on the property. Will have signs for spills and proper clean up. Bio-remediation cleans up gas spills under small amounts. Noted about swales that will handle small bio-remediation and the natural process can keep up with that and take care of this problem.

Hours of operation – proposing certain times of the year where the facility will be able to be used and in the transition of fall to winter. Peak operation will be summer months – 7 days a week. Monday through Saturday 11 a.m. through 1 hour before dusk and Sunday noon to 4. Events 9 a.m. until 1 hour before dusk. Always with event 1 hour before dusk. Would like 8 hours a day for hours of operation. Tuesday Thursday and weekends. Peak usage during the summer months. Winter – weekends only for snowmobiles. 190 day a year – approximately.

Sound and noise – not required to implement the 96 DBA that they are willing to put in. The EPA is starting to implement this requirement. This is required on a state trail. 96 DBA is done with a test done by SAE used nationwide with special equipment. If bikes do not meet the requirement there are inserts for the exhaust, which will take 10 decibels out. Have tried it and it works. With regard to the

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noise issue they feel they can keep the noise from traveling with sound birms and have submitted an student's essay on how they work and they do work. Need to be built by an engineer. Noted abutter properties are within a good elevation for using these designed sound birms. Have a man from Plaistow that works with this. Referred to a chart for sound barriers. Noted flat land to wooded takes out 10 DBA of sound. $\frac{3}{4}$ of this property has trees and vegetation and natural sound birms. Added to engineered sound birms it will reduce more DBAs. Taking 10 decibels out it is perceived as half the sound.

S. Hurt asked about how you police the sound.

J. Persson noted you will be able to tell once they start this up and give them the option of the insert or come back another time with it corrected.

There will be somebody checking every bike. Another device for the 2 stroke machines. Noted about the packing on mufflers and teaching how to change muffler packing.

T. Morgan asked about the DBA calculation. Ask about comparable levels of 96 DBA is.

J. Persson 96 DBA in the range of a heavy truck at 15 meters, lawn mower, busy traffic intersection.

T. Morgan a machine both at 96 would only add 3 to the decibels.

Start of race is the only time the decibels would increase dramatically. They are designing the start area to be acoustically absorbing the sound. Once they begin they are all at different places on the course.

Noted from diagram. At 60 DB and 320 feet – equal to normal speech or a ringing telephone. One bike. Again no barriers on property – flat no trees. 650 feet considered a quiet office.

Noted that people say you can hear everything in that area. Gunshot comes in a 130 DBA and up. 155 for a handgun.

T Kinnon asked what the closest residence would be.

Nearest property Mr. Farrell. They have not determined where the track will be located on the property. Noted where other property owners are around the property.

Large event would be approximately 1000 with about 300 riders. About 35 maximum riders in each class with as little as three. Balance of spectators are mostly family but also some general spectators. Practice day may be 40 on a good day of trucks and trailers. All different age groups with different size bikes. They are not all out at once. Each size would be out for a certain amount of time. It's not safe to mix sizes of bikes.

Outdoor recreation – pamphlets from State OHRV. Commercial venture to purchase this property.

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Break at 7:15 p.m. reconvened at 7:30 p.m.

T. Kinnon - discussion on the new applications on the agenda. Noted that realistically that these case will not be heard tonight. Asked applicants if they wish to continue to the February 7 meeting. If continued would be the first on the agenda as all continued cases are first on the agenda.

Motion by T. Kinnon to continue Case 08-01 and 08-03 to the February 7, 2008 Zoning Board meeting to be held at the town hall beginning at 7 p.m. Second by M. Perry. No discussion. Vote unanimous.

Tom Varney here representing Case Z08-02 and is in agreement to continue.

Motion by T. Kinnon to continue Case Z08-02 to the February 7, 2008 Zoning Board meeting to be held at the town hall beginning at 7 p.m. Second by T. Morgan. No discussion. Vote unanimous.

Mr. Persson presented a pictures of the property and examples of other parks and video to the Board.

J. Persson stated they are working with a motor sports insurance company – one item mentioned that is required is fencing from the track for protection. Showed on pictures where they will develop parking. Plan to hydro seed. Grass has been proven to be a natural sound barrier. Will be leaving as much tree and vegetation as possible on the track. Noted they also plan to have a kids track (smaller area as well). Noted a 50 cc smaller bike and the smaller sound level. Noting protective gear that is worn. Snow cross will be something done in the winter. Smaller course. Divided by machine size. Noted the motor cross bike and discussed it's extensive design with suspension and brakes.

Closing – there are a lot of issues with a project like this. Personally races and rides and enjoys doing this because is something he find productive to do to relax. It is a physical sport and is a great recreation and it helps him to enjoy life and what it has to offer.

T. Kinnon noted again the process for hearing an application and the public input. Asked them to state what they have prepared but if what they have has already been stated, please keep comment brief with regard to repeating information.

M. Perry asked about the plan presented and is there some idea as to some possible placements of the track.

J. Persson indicated on a map. Noted rolling hills area would be a ideal location but will be within 50 feet to property lines. Noted the wetlands almost splits the property and will be applying for a wetlands crossing permit.

D. Schaeffner indicated on the map where a potential track looks like it is on the property line.

J. Persson noted this was an approximation placement for the track before they met with Cynthia Balcius as she was delineating the wetlands.

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Cynthia Balcius, wetland scientist from Stoneybridge Environmental. Noted front portion of property in conservation easement. Wetland divides back section of the property. Noted a wetland buffer has been planned. Noted the track on the plan was lined out before the wetlands were noted. Also noted the applicant has intentions in developing this in an environmentally responsible way.

S. Hurst asked if camping will be allowed.

J. Persson stated no camping is planned at this time.

S. Hurst asked if this will be in the future.

J. Persson noted there may be a campground planned in the future.

S. Hurst asked about snow machine sound restrictions.

J. Persson noted they would be subject to same restrictions.

T. Kinnon asked about fuel containers 5 gallon or under and if they would be required to have special fueling areas?

J. Persson stated not for 5 gallon and under there are no special areas required.

T. Kinnon noted that realistically you could have 30-35 5 gallon gas cans on the grounds.

J. Persson stated yes but oil changes will not be allowed. Only tire fix, etc. allowed.

J. Persson spoke on Practice days – Memberships for individual or family – day passes available. No spectator fees on practice days. Event days - admission fee and class fees. There will be requirements of bike inspections. Proper gear will be required for each rider. There will always be a representative on the grounds when the gates are open. Area to pay fees, sign waivers, rules, etc. There is no going off the course.

S. Hurst asked about a PA system.

J. Persson noted there will not be a pa system – if anything down the road, a small system that transmits to a small radio or a car radio.

Closed presentation.

T. Kinnon noted again the process for hearing an application and the public input. Asked them to state what they have prepared but if what they have has already been stated, please keep comment brief with regard to repeating information. Encouraged anyone to come and speak.

Open to the public input – for anyone in favor of the application.

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Deborah Frasier – referred to letter dated November 28. Has 4 children that participate in this sport. Submitted a letter and read her letter in support.

Sergio Barata - in favor of the motor park – because growing in Lowell Ma seen friends get involved in drugs, etc. and this sport has kept him from getting involved in bad things. Noted they are athletes and train as such. This is very passionate to a lot of people. Feels that Jody is doing this the right way, environmentally and safely and within the decibels. Noted the quality of character of the applicant.

George Stewart (Bill) – involved in motor cross since 1969. Raced personally, children have raced. Own a motor cross track in Maine and would like to address the abutters. Most abutters are closer than in Alton. Renewed permits in his town last night. Went from a three-year period to now an undefined period. Noted the character of the applicant. This is not Loudon, smaller operation. Benefit the immediate area. Noise is an issue but can be addressed and managed if you are dealing with honest people. All is being put on the table and upfront. Hears concerns for environmental issues and they are non-existent (oil spills). Not a sand pit – run with rules and regulations. Big difference with what is done in a sand pit and what is done on an organized track. Although MX207 in Lyman Maine. Although this may take away his business he supports this fully.

Shane Lovering – Wolfeboro area – riding since he has been 5. Biggest problem is there is nothing in the area to practice beside sandpits. Giving people a place to go where it is legal, safe, etc.

Mike Hanson – Wolfeboro grew up now living in Northboro. Been racing since about 5. No place to legally practice. Has a 21 year old son who races. Members of MX207 in Lyman. It is a good sport. A place such as presented is a good thing. Machines have to be in good running condition and don't leak oil as stated. Great for this area. Noise issue – nothing in comparison to boats and snowmobiles.

Craig St. Hilaire from Barrington in support of this application. Been in this for about 6 years. Began at Canaan NH. Feels you can't see the true picture of motor cross until you attend an event. If you don't know motor cross you can't make a true judgment. Noted the character of the applicant.

Open public input in opposition to the application.

Attorney Arthur Hoover – representing Peter Farrell. Not here to challenge the sport or integrity of the applicant. Issue before the board is permitted by special exception and qualify. Noting the receiving of the plan as opposed to accepting this plan. Property in rural zone. Not allowed in the table of uses as being permitted. Outdoor recreation use. Conducted in a natural or semi-natural setting. Referred to set hours to be a natural setting. Plat plan must meet site plan review regulations. Feels this does not comply with the plat plan or site plan review. No request for waivers. No appropriate criteria. Abutting property is a conservation area. This is to protect natural habitat, Coffin Brook. Concern that events as stated bringing in approximately 1000, concern for servicing these people. Concern for accidents and spillage near the conservation area no matter how meritorious the applicant may be. Feels this is not a good site for this particular use. Noise level, land abuse and contamination. Concern for interference with Coffin Brook. No dumpster location. Traffic concern for large event days. Concern for sanitary, safe sewer, etc. does not feel applicant has approached this.

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Peter Farrell – property abuts directly this land. Apologized for submitting information at 4:30 this afternoon. This is important to him as a landowner, resident, and businessman. This will be located within feet of his property that he intended to keep as open property. What has been said that people from all over NE will come to Alton because there are very places, more and more for this type of activity and he asks why, because this is a nuisance. Showed a map that they have in a folder. There are over 150 residences with a mile and a half radius of this proposed park. Feels sound levels need to be not taken from a high school report. His property is uphill from the proposed property. Does not question Mr. Persson's and his personal activity. Feels what he is asking is for an intense use of the property. Referred to a chain saw at approximately 100 DBA. Noted that the applicant's statement saying there are no homes within ½ mile of the proposed track. Noted there are homes within 1800 feet. Abednego Road to be included. At the core of the activity there is no vegetation. question of soil conservation.

Stephanie Verdile Phillibotte owns property line approximately 1500 feet from property line. Concern for noise level to garden in the quiet and enjoy their property. This is not against Motor Cross it is against the in appropriate location of this park. Has talked with other towns and for example, Gilford decreases property values around Meadowbrook at a minimum of 10% Feels the Board is bound by the definition of Outdoor recreation. Noted the dangerous intersection at Stockbridge and Route 28. Feels there are valid objections of the abutters. Location is inappropriate. Feels they need to meet with all the criteria. Concern for run-off. If this is an active grave pit how does this fit with RSA 155E. Feels it does not meet with the definition of Special Exception.

Herb Jackson – lived in area since 1969. own 4000 feet abutting. Concern with the track on sound, traffic, possible campsite and property values. Noted riding on the back of the property this fall and noting the sound carried to their property. Concern for a traffic problem on Route 28 area of the property. Feels this is not the place for this track. Not against motor cross just the location.

Break at 9:05 reconvened at 9:15 p.m.

Earl Bagley on conservation commission. Just acquired a large parcel next to the gravel pit. Have concern of people in canoes and feels this does park does not fit in with the land and also the approved use of the area. It will affect the wildlife in the area.

Sue Sandborn – resident of Abednego Road. Had applicant in their home with the residents of the road. Does not feel the property is appropriate for this type of sport. The applicant told them they would like three courses with camping, 12 events in the summer. Concern for noise factor. Stated they would allow 50 bikes on the course, everything 15 minutes in the summer. Concern for wildlife.

Keith Abbott – lives in Merry Meeting Estates. Moved there for the quality and quiet life of the area. Concern for what noise level they can expect. What does this do his property?

Bill Gould – owns property across the street from this property. Feels this will effect the property values in the area. Concern for the quality of life, which also effects this brook, which he abuts, and concern for the wildlife. Concern for the reputation of Alton.

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Ron Stevens – Abednego Road. Read a statement of snowmobile and 2 stroke engines.

Paul Sanborn – Abednego Road. Concern for security. Concern for hours of operation. Concern for gasoline and storage of 100 5gallon containers and a one large container.

Joe Phillibotte – concern for the Special Exception definition and outdoor recreation. Occasional gunshot is one thing but cannot be compared to constant bike noise. Does not want to live 1500 feet from a track in use.

David Countway – lives on the Wolfeboro line. Concern about the site and the character of this neighborhood. Noted there are conservation easements on these properties to protect the areas. Concern for the animal habitat. Feels the applicant needs to work with the Alton residents.

William Toddhill – property is located on Coffin Brook Road. Feels his property is setback from the road and quiet. Feels the motor park activity will affect him personally and the value of his property.

Warren Bentley – 393 Coffin Brook Road since 1981. Bought the property because of its tranquility. Lived there before the pit. Can hear all the trucks and activity in the sand pits. Invited the Board to hear the truck that goes in and out of there. Concern for the policing of the noise levels.

Rob Glidden – resident of Pheasant Lane. Concern for traffic. Concern for the entry from both directions. Coffin Brook bridge is narrow and concern for emergency traffic access.

Peter Farrell – one more point with regard to outdoor recreation. NH Fish and Game have no jurisdiction over a private course to regulate sound.

Linda Heart – Mallard Drive. Concern for traffic and people missing the entrance and coming into the subdivision to turn around. Feels it will effect her property values.

Stephanie Phillibotte note there are no parking requirements for this type of use and this will have a negative reason for this exception.

Paul Sandborn – concern for a noise ordinance and it being enforced.

Misty Couch – see that Route 28 is changing and something should be done. She is the realtor on this property. This is rural and where else will you put a racetrack. Alton is all about recreation. Discussed her professional opinion on how this will not effect the property values that surround. Noted there are other people interested in this property and it is

T. Morgan asked about a site visit. Is it still physically possible to visit the site

J. Persson stated yes.

T. Morgan would like to organize a visit before the next session.

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T. Kinnon stated a Saturday would be best.

Motion by M. Perry for a schedule site visit on January 12, 2008 at 9 a.m. until 11 a.m. Second by T. Kinnon. No discussion. Vote unanimous.

Motion by T. Kinnon to continue this case to January 24, 2008 at 6 p.m. at Prospect Mountain High School, if available. Second by T. Morgan. No discussion. Vote unanimous.

S. Penney noted, on another case, a letter that was submitted by Mike Donovan stating that the minutes are not correct that were typed verbatim on the portion where he spoke. The Board cannot act on the minutes tonight due to this letter. Discussion and J. Fortin stated she was verifying the minutes to the tape.

Motion to adjourn by M. Perry. Second by T. Morgan. No discussion. Vote unanimous.

Respectfully submitted,
Carolyn B. Schaeffner
Recording Secretary