

**Board of Adjustment
Canterbury, NH
Minutes of Hearing
4 December 2013**

Case No. 2013-5 Special Exception (C)

Present: Chairman Joe Halla, Web Stout, Gary Spaulding, Jim Wieck and Alternates Christopher Evans, Lisa Carlson. Chairman Halla presented a description of the application and gave a detailed explanation as to the conduct of the hearing. ZBA member Gary Spaulding spoke to say he had done considerable work for one of the consultants present for tonight's hearing and thought it best to recuse himself. Chairman Halla concurred as did the Board. Three members and two Alternate members will be voting.

Tim Bernier spoke representing Mourning Dove Holdings, LLC. noting 5.3.C, Table of Uses allows campgrounds in this zone. He read the narrative submitted with their application (see file). They went and had a pre-conceptual discussion with the Planning Board. One of the things they wanted them to consider is maintaining an existing gravel road that connects where this access road comes into Harmony Lane. The Planning Board wants them to make sure that is maintained for emergency access. Also primarily the residents on Harmony Lane, the outlet of Rocky Pond crosses right at Harmony Lane into the Soucook River. It's likely there could be problems there at some time with weather conditions. They are going to maintain that emergency access. Their campers will only use Harmony Lane in the event of an emergency if for some reason they cannot get out onto Route 106. There is no proposed use of Harmony Lane for access to this project at all. The access is on Route 106. There is a driveway directly across the street which is Rocky Pond Campground which is actually in Loudon. The Soucook River is actually the town line between Loudon and Canterbury. (Mr. Bernier throughout the presentation referred to a large map depicting the proposed campground, access roadways, abutters and boundaries). He showed where the access would be and that it came up into the rural district. He showed what they are proposing with 299 campsites. Throughout the property there will be a lot of open space. The other special exception that will be talked about later has to do with the natural resource reserve zone and the store which is in the commercial zone in the third special exception. The use is permitted by special exception under 5.3.C Table of Uses. It requires that they meet seven general conditions for the special exception. He went through the seven to describe how they conform:

1. Granting the permit would be in the public interest. The design of the park and its operation was modeled after the most successful parks in New Hampshire and the industry as a whole insuring that the park will be successful and a positive member of the business community in Canterbury. The park density is one of the lowest in New Hampshire and probably of this type of park. This is more upscale RV resort than just a campground park that you see typically in New Hampshire. It's modeled after more recreational activities onsite, more things to do onsite. And of that park, it's probably the lowest density with 263 acres of the total tract that is involved here. The park will create local jobs and increase the tax base for the Town of Canterbury bringing outside dollars into local businesses. The people that would come are campers, vacationers; they are looking for things to do. The Master Plan of the town talks about tourism as well as recreation. These people bring a lot of dollars to the businesses in a town while they are here. A lot of these things match up with other criteria. It will expand the business community in Canterbury and the associated charitable causes of no impact on the

Canterbury school system. There would be minimal or no impact on town roads and other community services. It's consistent with the 2010 Master Plan which promotes recreation and tourism.

2. The proposed use would not adversely affect the property values in the district. They did quite a bit of work on this. Jane Cohen spoke who is a real estate broker. She will detail the investigations that were undertaken to demonstrate how they meet this criteria. Ms. Cohen introduced herself saying she has been in the campground business for 35 years. She and her family have owned Jellystone Park in New Hampton and where she met Gary Spaulding who did engineering work for the many septic systems they had in their park. In many ways their park was a resort park which is what this proposed park is. Her expertise is in the campground business and she offered her assistance to this project. She is a licensed New Hampshire real estate broker. She and another licensed broker, Mary Ann Schmidt, researched the affect that a campground would have on abutting property values. They went out in a couple mile radius around campgrounds that they used as examples. One of the campgrounds that they used as an example was her park as well as one in Weare and a brand new campground that was built in Alton. Through the research that they did they found that campgrounds in general and in particular with the new campground had no effect as far as diminishing the value of real estate whether being an abutter or being within a 2-2 ½ radius of the property. She spoke with the NH Campground Association and found there has not been an instance where values in real estate have diminished because of a campground.

3. The specific site is an appropriate location for the proposed use. They looked at this site for other options when he met with the Schmidt's, the owners of Mourning Dove Holdings, LLC. The thought of a campground really jumped out at everybody involved to be probably one of the best uses of the property. It has access to a state highway which will be used for its access. They plan a long driveway up into the property which gets it away from 106 and everyone else. It has good access. The site is 263 acres (a little bit more than that) with extensive recreational activities onsite and substantial buffers to the abutting uses. In the park they propose to have several playgrounds scattered throughout the park, several pools as well. They will have one central recreational area that will include a large pool, a water park and a pavilion for events (he pointed out two pavilions in an area on the map), plenty of parking, a snack bar and other things as well. They will have other recreational facilities, pointing out another pavilion, large playground and pool. They are spreading it around to everybody to have a lot of activities onsite. There are four miles of hiking trails that are proposed throughout the property for the people to use. There is a 117 acre conservation easement on the abutting property that is currently open to the public for hiking and bird watching. That works out well and hopefully the two uses can work together. There are two other campgrounds on Route 106, one directly across the street and one down on the south end of Canterbury, the south end of Loudon as well as a lot of camping that goes on in association with the speedway. The speedway only has two major events a year. That is not going to make this a successful campground. That is not their operating or design criteria or what they are proposing. That just won't support this type of campground. They are going to need to attract seasonal campers that rent the site for the entire season. That is the market they are going after, people that are camping for the sake of camping, not for the sake of the racetrack. However, if the campground is completely full two weekends out of the year that won't hurt either. They really plan on promoting this as a campground for vacationers and people who like to camp. Compared to other uses permitted on property, this use is more consistent with the Master Plan promoting recreation and tourism. It is low impact on town services which is a real part of the Master Plan measuring developments compared to the demand on town services. They looked at this site in relationship to other things. There are a lot of activities for these people to take advantage of right in Canterbury and the surrounding communities: the Emerson Conservation Easement, six miles away by road has numerous walking trails, sightseeing, Old Ways Tradition Museum, Shaker Village 5 ½ miles away from the site, the Loudon Farm and Flea Market 4 miles down on 106, Fox's Smokehouse is 9 miles away, you have two 18

hole golf courses within 13 miles (Canterbury Woods, 13 miles, Loudon Country Club, 4 miles down 106), NH Motor Speedway, 2 miles down on 106, Hackleboro Orchard is 10 miles by road and even the Lakes Region, Weirs Beach is only 19 miles up 106. It's a pretty good location, centrally located with lots to do. He thinks it will work well in the community. Going through Canterbury's Master Plan you are going to have a lot of tourists looking for things to do and Canterbury has a lot of in home businesses that manufacture products for sale and museums that he thinks this will fit in very well with.

4. The proposed use would not adversely affect the health and safety of the residents and others in the area and would not be detrimental to the use or development adjacent or neighboring properties. The proposed project provides a substantial buffer and will have no detrimental effect on the permitted uses or development of abutting properties. He did an aerial photograph overlay map which he showed those present. The closest campsite to the closest residence is 725 horizontal feet, but vertically it is quite a bit. There is quite a bit of vertical difference between where the campground would be going. It is all up hill. It definitely won't be visible from anybody. He pointed out a property on the map with a conservation easement on it, Ames Road, a class six road and Harmony Lane. He pointed out Rocky Pond Campground across the street. He thinks this is the only other use in the commercial zone that he is aware of; it's off the gravel pit. The resort will be accessed by its own driveway off the state highway. It will not utilize Harmony Lane or Ames Road for access resulting in no increased traffic on local roads. Route 106 is state maintained. They are going to preserve and improve the emergency access road that will provide a second means of access to the residents of Harmony Lane. They will keep that gated or have some sort of a barricade that can easily be removed in an emergency but will prevent anybody from coming onto Harmony Lane with a vehicle. The resort will provide fulltime trained staff and rangers to monitor and enforce the facility's rules and ensure a healthy and safe environment for everybody. There will be in excess of 30 employees when this gets built out. Many of those will be rangers whose sole job it will be to enforce the rules and make sure everybody abides, makes sure trash is put away and everybody is functioning properly. The project can encourage other development that is consistent with the Master Plan. Once this occurs you have people that are looking to spend money and do things. This may encourage other tourism things to get started because of this.

5. The proposed use would not constitute a nuisance because of offensive noise, vibration, smoke, dust, odors, heat, glare or unsightliness. All of these would be inconsistent with the campground. These people who are coming here are coming for peace, quiet, tranquility and a relaxing vacation. It is in their best interest to keep unruliness and offensive noise out of the campground. Seasonal campers are what you are looking for who will rent the sight for the entire season. Most people are not going to come back if the campground is noisy or offensive. And they are much closer to each other than the nearest abutter, so it's really not going to happen. There are rules in place as he mentioned in the narrative. It is quiet hours from 11 PM to 8 AM that are enforced by the rangers. You can imagine if you have ever been to a campground. You are not going to put up with something that is offensive to someone 725 feet away is going to be really offensive to somebody that is 50 feet away. It is just inconsistent with the proposed use. There will be animal proof garbage containers around to insure that the site stays clean. There will be 30-40 employees picking up the trash regularly; there will be a commercial trash hauler that will pick up the trash after it is picked up by staff. It's in the park's best interest to keep it as clean and attractive as possible. This is what will make it successful.

6. The granting of the permit would be in the spirit of the ordinance. The recreational nature of a family campground is consistent with rural recreational terms and recommendations made repeatedly throughout the Master Plan. The property is not a field or agricultural property and is not suited for agricultural uses. The Master Plan and the ordinances talk about preserving agricultural lands and fields. This land has virtually no stone walls or very few and there is no interior evidence

that it was ever farmed. It's very steep and rocky. It does not lend itself to agricultural use. The proposed resort will result in a minimal to no increase demand for public facilities. It will generate significant tax revenue for the town. The 2010 Master Plan again discusses improving the town's economic, recreational and intellectual resources. The proposed facility will support a wide range of the town's existing base by providing support to existing businesses throughout town. One of the things when they started looking at campgrounds...he referenced Google Earth...a campground in Weare, New Hampshire jumped out at him. Cold Springs Campground has a 38 lot residential subdivision just under 200 acres and the 400 unit campground on 180 acres right next to the subdivision. The way a campground is constructed, it is a lot less of an impact on the environment than a single family residential development. There are a lot of engineering reasons for that. These are public roads that have to be designed by design standards for 30-35 MPH speed limits. People want a big yard when you own your house; they each have their own individual skeptics and wells. There are no community utilities so you end up with a much, much more impacted situation. In the campground the idea is to save as many trees as possible. You fit things in around the trees. The speed limit for the roads is 5 MPH so there is no real strict design criteria that they have to follow so they are able to fit the project into the land much better. It leaves a much smaller footprint on the ground. He referred to the maps for those present. The Master Plan also talks about the importance of recreational activities for the Town of Canterbury. It specifically talks about walking, hiking, biking riding, kayaking, canoeing, swimming all of which their proposal is part of this.

7. The proposed use would not constitute a hazard because of traffic, hazardous materials, or other conditions. This site would be accessed by a state approved driveway onto a state highway. The proposal will result in a minimal impact on local streets, no access here. Any traffic entering will be going to visit other businesses in town. The entrance access on Route 106, the sight distances here is very, very good. The road is flat and very straight and has excellent sight distance. It exceeds the requirements of the state. The American Association of State Highway and Traffic Officials requirement....there is no production of hazardous wastes, only residential waste. This will all be picked up by a commercial hauler.

Chairman Halla asked if there were any questions from the Board. Christopher Evans noted Mr. Bernier referenced the nearest abutter at 725 feet. He asked him to point on the map where that is. Mr. Bernier did so. Christopher asked about the green line and whether it was a boundary or a road. Green represents hiking trails on the map. He asked what requirements campgrounds are subject to in terms of emergency vehicle access. Mr. Bernier noted it is obviously very important. One of the things in looking at campgrounds throughout the country, the biggest thing is RV's. Everyone has them. In trying to attract the people who are going to pay the rights to pay for the water park and all the other facilities there, they cost a lot of money to produce. They are going to need to make room for that. So all of the sites depicted as he pointed out on the map could support a Class A motor home towing a car. So all of the access roads throughout the park are going to have to be designed with curve radiuses to accommodate them. They have a horrible turn radius. If these can get in there will be no trouble getting a fire truck in there. Ms. Cohen stated the size of some of the coaches will be the equivalent of a fire truck. There will be plenty of room to get a fire truck in if there is an emergency. Jim Wieck noted there is a lot of trails and paths in that area, would there be folks who would want to use those trails for motorized all-terrain vehicles? How do you plan to deal with that? Mr. Bernier advised they would not be allowed. The Planning Board had the same concern. They will probably have a golf cart as a seasonal vehicle. They are real popular with folks who are growing older. ATV vehicles will be disallowed in the park. Web Stout asked for clarification about seasonal sites being the bread

and butter of the campground. Could all of these be considered seasonal sites? Jane Cohen responded that there will be a mix of campers from opening till the park closes. There will be "betweeners", folks coming up for a week's vacation as well as overnighers and weekenders. There will be a good mix. Mr. Bernier advised based upon the terrain they want to build pull through camp sites. Where they could with grade and terrain issues they felt they could design a pull through site. Those would probably not be seasonal. In others areas they are trying to put the vacationers together, seasonal folks together. Web asked if trailers would be staying there through the winter or would it be empty? Ms. Cohen advised if a person is seasonal they may leave their unit at the campground in the wintertime in a dry storage type of mode. There would not be access to the unit off season to stay overnight. It is very common that when you have a seasonal site and provided you have renewed for the upcoming season that you would be allowed to leave your camper on that site for the next season. The park will be shut down for the winter and there will be no access for them to camp. There are very few campgrounds that allow ATV's and the decision has been made not to allow them. Chairman Halla asked what the beginning and ending of the season will be. Ms. Cohen and Mr. Bernier both advised they will open early May and close late October and then be completely closed during the off months. The offices (in the other special exception application) will have 8 to 12 year-round fulltime staff. The water lines will need to be blown out, repairs to the facility made, maintenance work done. The campground will be closed and no one will be staying there as a camper. Web asked if it is going to be built all at once or phased. Mr. Bernier advised it will be phased. There is going to be too much construction to do it all at once. He also wanted to point out the biggest thing now are cabins. They have reserved a small area for some rustic and other cabins. They picked locations where they would be built and have some views. They are really small (12x12, 16x24 with a deck). It gives people who cannot afford or who don't want to commit to a camper the opportunity to try camping. Cold Springs, an older campground has just installed a bunch of them. Chairman Halla asked if the cabins are part of the 299 campsites. They are. They plan to start with a total of 30 cabins....demand driven. They may have to convert what they anticipate to be seasonal to be changed. But the high number of what they are proposing is 299. Web asked if they have frontage on Rocky Pond. Yes, 435 feet on the lower lot. This is the zoning district battery, so there are no campsites proposed there in the reserve zone. Web asked for clarification about something on the map. Mr. Bernier advised in the other special exception they are requesting, there would be just recreational uses on that parcel. Chairman Halla asked if the Board had any additional questions. He asked if anyone wished to speak in favor. No one spoke.

Mr. Aaron Roy asked for a clarification of the map to the side of the room whose view was obstructed during previous speaking. Mr. Bernier showed Route, 106, Ames Road, Harmony Lane, the zoning district battery, the proposed driveway entrance on Route 106, the office location, (and if the other special exceptions go through) the convenience store and laundry facilities, where people will check in and how they will drive in up the long two-way road to get to their campsite. The relationship to other uses: the closest house involves an 80 foot vertical contour grade change, 125 feet horizontally between it and the nearest campsite. He showed where they plan to locate the public water supply which is required and state approved, tested. The whole system is watched and regulated by a licensed operator. The wells have to be carefully and professionally maintained. He continued to describe where various types of campsite will be located and why. No one spoke in favor.

Chairman Halla asked if anyone wished to speak in opposition. Elizabeth Boles spoke saying she believes she is the nearest abutter being referenced. She is concerned about safety and campfires. She is questioning what town would be

responsible if there is a fire. Would Canterbury or Belmont, which is much closer, respond? When they have had emergencies on Rocky Pond Belmont was dispersed. Would Canterbury have to reimburse Belmont each time? This is their backyard and the safety of children living on her road. To have 200 strangers behind them in the woods, not residents of our town, not coming in to be our neighbors is of concern. They are staying for a short period of time and then they are leaving. They can control who is in their yards, where their children are, but it's hard to control all these visitors to the area. Safety is huge concern for her. Noise is a big factor for her. They have the racetrack and their events and they kind of hunker down for the two huge race events. The Rocky Pond community realizes what it is doing for the economy and they "suck it up". Two times a year it's what they have to put up with, but it's not just the actual race and the traffic, it's the noise from the weekend of people that stay there. They are 2 ½ miles away from those campers that weekend and they can hear a lot. You talk about events in your pavilion, there's noise. She wondered if it's because the water carries it, but it's very, very loud. They have to shut their doors and windows even on those hot summer nights. It can be very disruptive. She said it may start out to look nice, but if it's not successful, what can this property turn into. She is concerned about the lots and the roads and who could end up in there. She also added about the pond that if a kid is staying in a camp site on that lot and he can go for unlimited times down the water slide down into the pool, he is much rather going to go to the rope swing on Rocky Pond and party and have a good time there because that is what they do. They have been lucky because the property has been private and they have had a few people come to visit. They have welcomed people who come to fish; nobody makes a big stint about people who come to use the pond, especially local families in Canterbury. But if there were that many people what's to stop them from coming to put their boat in at the boat launch or just kids coming down and being rowdy. There is not going to be the supervision on the pond that you have in a camp site. If the parents are over in the camp site relaxing, those teenagers are going to find that pond and she is very concerned about how they are going to affect the people that live around the pond. Although it's nice to share the pond, it's not very big. So, for the taxpayers that live on the pond, it could really impact them as residents of Canterbury and what they pay for and how they use the property there.

Chairman Halla spoke saying if there is a change of use for the property, they would have to come back to the Zoning Board, back to the Planning Board. If they were too close to RV Park and somebody was to try to do something else, they would have to reapply, start all over again. This initially started out with over-55 houses that were approved by the Planning Board. That is why they are coming here. They bought the land and now must go through the approval process. If it got sold, someone else with a different use would have to come before the boards. He asked Fire Chief Pete Angwin to describe who is responsible for fire protection. The chief advised Canterbury has mutual aid agreements with the towns of Belmont and Loudon. They would respond first and Canterbury would come along behind them to assist. They have an interest in this whole thing too. Fire wise if it gets approved, he is certain they are going to have to sit down and talk the three towns together as far as permitting and emergency responses. Belmont usually comes down to cover to the Gilmanton town line. Loudon goes automatically to heart attack calls, etc. A lady asked about bonfire rules. The chief advised bonfire permits fall under state regulations. They do not issue blanket permits. They would have to go around and inspect each and every campsite. If they completed 40 sites the first year, those would require individual inspections. Someone asked about red flag days where no fires of any kind would be allowed. The chief disclosed that he has designed a campground so has some experience with this. This is how the fire departments work...it is a mutual aid system.

Joe McKeon spoke saying he is one of two residents on Ames Road. They are the first house on the left. He was here before for the previous proposed development. He understands they are in a Reserve Natural zone. Chairman Halla interrupted him saying they are not in that zone for what this proposed application is about. This is in the rural zone. He should wait to speak about that at the next special exception hearing. One of the concerns they have is lighting. Chairman Halla advised he will note the concern and ask about the lighting question. He is also concerned about land protection easements. Chairman Halla advised this special exception is a hearing about 299 proposed units.

Ralph Boles lives on Harmony Lane and he is very concerned about this. He thinks the cabins sound like houses. What about building permits? Nobody else could build a house even if only 12x12 and rent it out even if they are 20x20. You need regular roads and all kinds of things that are not being talked about here. He is also concerned about the amount of land (260 acres in the rural zone)? Chairman Halla spoke saying he did not think it was the entire amount. Mr. Bernier spoke saying if both special exceptions were granted it would be the land in the Resource Reserve and Rural zones. The Rural zone is 216 acres. He thinks 299 campsites is a lot.

Aaron Roy spoke who lives on Rocky Pond. He said there was a comment about blocking off Harmony Lane. What efforts would be made to block foot traffic from Harmony Lane and to the pond? Ms. Cohen talked about a research report on real estate values. Will they have access to that real estate report? He is interested in the quality and depth of the research report. She said property values go up? He wants to know if there is something to look at. There was a comment about a pavilion and events. What kind of events would be at the pavilion? What does the water park involve and who has access to that...only the campers or daily visitors? He wondered if it was reasonable to request expansion plans. Is it irrelevant at this time? What about an environmental impact study? Chairman Halla advised that would come at site plan review by the Planning Board. If they are approved, they have to go through a process of site plan review with the Planning Board that would discuss issues such as the quality of the road, the driveway going in, deal with the cabins and if they feel they need an environmental report of some kind they would do that. Mr. Roy said that was not what he was thinking of. He is concerned about possible contamination of Rocky Pond. The Planning Board would also deal with that. There are a couple of creeks that run year round and drain into Rocky Pond which is an issue not only for people living on Rocky Pond that pay taxes in Canterbury, but also those that live in Gilmanton and Loudon and pay their taxes there. He too is concerned about frontage on Rocky Pond. 299 units...he is curious about what they would expect the average number of people per unit that would be using the facilities to get an idea of the volume of people.

Chairman Halla said he was going to try to get through these many questions as quickly as they could. He asked about lighting first. Ms. Cohen responded there will be outdoor lighting for safety reasons. If the concern is it will be lit up like a football field, absolutely not. Their campers do not want to be camping under bright lights. It will only be lighting sufficient for safety reasons. It will not be offensive. Foot traffic on Harmony Lane? The only access to Harmony Lane would be if the other special exception gets approved. They lots would be merged; Harmony Lane is a private road. If in the event the other special exception did not get approved. They are anticipating the other will be approved and they will merge the lots. If not, then the only other of that property would be for walking trails. Walking trails could come close to Harmony Lane, but it is a private road. There is a lot of communication between the operator of the campground and the campers. If there are issues between the hikers and the campers and the residents it can be addressed. Is there an actual real estate

report that he asked for....a written report about property values? Ms. Cohen said there is. She did it in conjunction with Mary Ann Schmidt. She provided a copy of the report. He asked what will go on in the pavilion. At this point in the hearing the Schmidt's introduced themselves. Ms. Cohen advised in the pavilions they might do arts and crafts, pancake breakfasts, game tournaments, candy bar bingo. They will be having a full activity program so children arts and crafts, perhaps movies under a pavilion. Web asked if this is just for the campers. Ms. Cohen concurred, just for the registered guests. Web asked same for the water park? Yes, same for the water park, just for registered guests. Web asked if they ever do day guests there. They have not discussed that at length amongst themselves. Some campgrounds will allow day guests only if they have 20 sites open. Then they would allow 20 day guests in so as not to go past that capacity at the campground. Chairman Halla asked if then at some point all the sites were filled, they would not allow any day guests. That is correct; they would not want to overwhelm the facilities. It would not be in the best interests of the campers or the owners. He asked if they have 299 RV units, have they any idea the number of people. Does it average, 2,3,4? Ms. Cohen said it's hard to say, but it's usually couples, a family (average of four) nowadays.

Chairman Halla asked for anyone else who wished to speak in opposition. Kelly Clark lives near the bridge near Rocky Road campground. One of her concerns is if you travel Route 106 everyone knows the speed limit is 55 MPH, we all know people don't do 55. There is a little knoll and she would have an issue with RV's, fire trucks trying to pull out in front of people traveling on 106. It even happens in two lanes when they are driving out on a Sunday morning after a race. You've got those campers pulling out and they swing wide. As far as she knows 106 is not going to be expanded within 5 years. It's been on the books for consideration for 15 years. She is an EMT and has concerns both living there and having to respond to these types of accidents. People pulling out of there and cutting off traffic, there's no control as far as speed. It's predominantly Loudon there and she does not see Canterbury out there a lot. Her main concern is traffic in that area, getting in and out if that is the main access. Her other issue of concern is what is going to control people from using Rocky Pond? She lives in the house she grew up in. She has seen the number of non-residents bringing their boats in and going down to the pond. What is going to prevent these people from popping their kayaks or canoes on their cars, driving down and utilizing Rocky Pond? The pond dumps into a brook behind her house. With animals and whatnot she has concerns about how this is going to be controlled and how are emergency services going to get down there? Chairman Halla said he is thinking they will be trying to get people to use their water park, their pools, etc., rather than going elsewhere. Ms. Clark said that may be the assumption, but herself she would rather be on a pond. Chairman Halla asked if there is public access on Rocky Pond. There is not. He asked how then are they going to do it. They are going on their private property. Milfoil was introduced to the pond several years ago by someone from the outside. Christopher Evans said he has a question about privately owned ponds. Rocky Pond is state owned, but there is no public access to it. In order for someone to use it they would have to break the law. Everyone concurred that it happens all the time. Ron Beauchesne spoke offering clarification there is what they call a boat ramp which is privately owned by the Moore's. It's open that people use, but it's still privately owned. Everybody knows that piece of land is privately owned. Ms. Clark said she is also concerned about the lighting. Even the lighting from the track glows at night, regularly, especially now with the Christmas lighting and race weekends as well. You can go to the end of the driveway and see a glow of light. This is in her back yard so has concerns about a glow of light throughout the night. But, overall her main concern is she wants to be able to get to work in the morning. She does not want to get stuck behind some camper that cuts her off and backs up traffic. Route 106 isn't built for that purpose.

Edna Beauchesne who lives on Harmony Lane saying her complaint is basically the same as Liz. He said they were going to be bustling/walking past, but what he hasn't said is they are cutting off all that land back there for all the people that live there that use it now and it's going to be restricted strictly for the campers. There are many people back there with four wheelers, dirt bikes that use that land up there. The minute this campground comes in we might as well sell our machines. If you look at that map real good, that entire area up there is brooks, swamps, marshes. There is going to be a lot of filling in. He mentioned birds, well the birds live up there in the swamps and the marshes and they are going to be filling them in. Where are they going to go? Chairman Halla advised when they go to site plan review all of those issues will be dealt with. Ms. Beauchesne said there is a maze of brooks up there. Chairman Halla replied, to fill in brooks and fill in things like that they are going to have to go to he doesn't know how many state agencies. They cannot go in and just do anything willy-nilly. Those issues will be dealt with by the Planning Board at site plan review. It is unreasonable to expect, this is private property, not public property, if they decide they don't want ATV's it's like anybody else's....Ms. Beauchesne stated she and Liz are the two houses almost exactly across the street. Their two families, their properties are going to have the biggest impact by the campground. The number of feet he quoted is spitting distance. You can walk through Liz's or their back yard and right into the camping area. So if they can go that way, they can come this way and they are going downhill, we have to go uphill which is easier. This means they are going to have how many hundreds of strangers a weekend in their backyards? Chairman Halla asked for clarification about the distance footage. It is 725 feet. Ms. Beauchesne continued, it's walking distance. A lot of the opinions here that aren't being said is we don't want it there because we don't want these weekly 1200 people, 299 campsites in their back yard. None of us want it.

Rocco Bagone III owner of Rocky Road Campground across the street spoke saying he is almost an abutter. He asked if the real estate report is going to be available to abutters. Chairman Halla it will be a part of the record of this hearing and will be available at the Sam Lake House in the public file. The ratio of seasonal compared to travelers, on weekends there is potentially hundreds of people there, but if they are seasonal they can come 24/7, 7 days a week, so he would like to know what kind of ratio they will have between travelers and is it someday going to have 299 seasonal sites that are there from early May to late October? Believe it or not, I am not for or against it. He does own a campground. In a way he is for it because he can privatize, they can take all the NASSCAR " ____ ". The pavilions, bands, he has his problems. The water park, that's up to the Board obviously, but part of this special exception for a campground, but adding a water park in there someday is kind of vague. He does not know, you want to address that. Chairman Halla said he will ask about that. They also spoke of rangers whether it be patrolling or working the property. Are they free or is it 30 park rangers that the state is paying for? Chairman Halla responded, they would be private and paid for by the campground. They will be employees of the company. Eight to twelve winter employees like Mr. Boles brought up, are they staying in these cabins or are they staying in campers or are they just traveling to work every day? Chairman Halla thought they would be traveling to work every day. As far as winter access, are people coming to remove snow from the roofs of the campers? They said absolutely nobody is coming into the campground during the winter if they have a camper there. It is quite common to have 3-4 feet of snow in the winter...Chairman Halla advised that would be part of the maintenance people. What they are saying is they are not going to have anybody coming in to use the camper or to stay in it. The distance to 106: They talked about the nearest house, he is not sure whether his neighbor Mary Lou Miner, she is actually all in Loudon, lives at Canterbury Hall so may not have been invited. How far away is the nearest campsite to Route 106? As several other people have noted the Rocky Pond usage: are they going to be renting row or paddle boats or are they totally non-accessible to Rocky Pond?

Chairman Halla said there had been no testimony that they are going to rent row boats and canoes on Rocky Pond. Mr. Bagone's concern is if they have 430 feet of frontage on Rocky Pond, that's a valuable asset to a campground.

Chairman Halla said he assumes the winter workers will not be living there. Mr. Bernier stated nobody is going to reside there, it is a campground. No one will be living there claiming residence. Chairman Halla asked if they have any idea of renting boats on Rocky Pond. Mr. Bernier advised as part of their other special exception in another zone, it is part of another application. Chairman Halla asked about how far it is from the nearest campsite to Route 106. Mr. Bernier advised more than 725 feet, probably about 900 feet.

Chris Lane spoke in opposition saying they have a place on Rocky Pond. His concerns are also the traffic from people coming from the campground. He knows from past experiences camping up north, like in Warner there is Moosilauke and they would go there and camp. A lot of the teenage kids would go down off the property to a cliff where they would jump into a river and he knows part of his family took place with that. He is kind of worried about kids coming down about using the rope swing. He questions him not having anything to take of about Harmony Lane. The residents already take care of Harmony Lane. He is not sure if this is going to be some sort of emergency road here. Are they going to use that for emergencies or the existing access road which is the one out behind Kelly Clark's house? Is that going to be the emergency road? Chairman Halla said the applicants spoke an emergency access. Mr. Bernier stated it is the existing gravel road.... Mr. Lane said it is a class six four wheel drive road. Most of his concerns are kids coming from the campground.

Gray True spoke he is an abutter to the abutters. His question is about the cabins. He assumes they are going to have heat, water and electricity? If so will they be subject to the same building code as if you were going to build a house. Chairman Halla replied, if they are indeed, are they going to have heat, no they are not going to have any of those. Ms. Cohen spoke saying they will have electricity. Most of the cabins that are put into campgrounds nowadays are on trailers, on skids. They are moveable units. They are kits. Chairman Halla said they would be subject to building codes. They'd have to get a building permit; they'd have to be inspected, etc., etc. His second concern is about the pavilions and all the quiet activities they are going to have there. Will there be dances and "___" up there? Ms. Cohen responded she anticipates there will be some dancing and entertainment up there, but they will be subject to their quiet hours. The campground will be quiet from 11 o'clock to 8 AM. Mr. True concurred, but before that there could be a lot of loud music. Ms. Cohen said she would not call it "loud" music, there will be music. Ms. Cohen stated you must remember, they've also got campers. If they are having a band in the pavilion, they also have campers around. Some of the campers may want to enjoy to the band, some of the campers don't want to enjoy the band. So, they will have a band at a normal band level subject to within their rules and regulations which will definitely be that the band be quiet by 11 PM. Mr. True concurred, but said on the other hand when the speedway has the races whether we like them or not Ms. Cohen replied the camping that the camping that goes on at the speedway.....Chairman Halla interrupted saying this hearing is not about talking about camping at the speedway. Mr. True said the noise coming from this campground is going to be a lot closer and so is going to be even that much louder. Mr. Bernier asked to clarify what the pavilions are. Meadowbrook calls itself a pavilion. These are just roofs sitting on posts with picnic tables underneath; this is not an auditorium by any means. Mr. True replied so that is worse because it's wide open. Mr. Bernier said it's not enclosed. Chairman Halla stopped the banter and said to Mr. True the important thing is you have voiced your concerns.

Chairman Halla asked for anybody who wishes to speak in opposition that has not spoken yet. Carol True who lives on Harmony Lane spoke saying she is concerned about the foot traffic being able to come down to walk in Harmony Lane. Old Harmony Lane connects to your project. It's very easy to walk down that road. They have people who live in Belmont that ride horses all over that road all the time so they do not need a lot of other people accessing their private property. It is a private road so how are you going to keep them out? Chairman Halla asked how they plan to keep them out or are they not planning to keep them out? Mr. Bernier spoke saying their access to Harmony Lane is through the next special exception, but it's private property. Everybody is going to get a map of the campsite.....they really spent some time on the next one and you can see what they did trying to make clear that Harmony Lane is private and not utilizing that for access. And certainly they can notify everybody that it's private property and not to go down it. Mrs. True replied, but you own it. Mr. Bernier responded, just 400 feet of it. Ms. Cohen spoke saying to also keep in mind that they have four miles of hiking trails that they own and their own roadways that people will walk along. There are plenty of opportunities for walking and hiking within their own property bounds.

Brian Ames spoke saying he is concerned about the traffic on Route 106 and a reoccurring theme. Is there a provision or a proposal that is going to be coming forward that is going to change the speed limit or will they be putting in a traffic light for their entrance to the facility? When they talk about housing and it being a huge distance of 725 feet, it is just a small distance of 400 feet for the pond access, how far down in behind the properties do the trails go? He is not really concerned about campsite distance, but he does want to know how far access is permitted behind these properties. Chairman Halla asked are there hiking trails that are closer. Mr. Bernier said there are. Chairman Halla asked how close. Mr. Bernier responded they have some proposed on the property, right now they are assuming this is all going to get merged. They have trails that run along the boundary lines, that the houses on Rocky Pond pull away from. He showed on the map green lines depicting trails and the house on Rocky Pond. The trails are drawn on the property lines. Mr. Baggone asked about the site sizes. He has heard nothing about the state RSA for campgrounds. Mr. Bernier advised that have not really defined them as lots per se, they are camp sites. On 263 acres the density is 35,000 square feet per site. Based upon other campgrounds they are about 50 feet apart. Chairman Halla said he is assuming the speed limit and the traffic light is a state issue in response to Mr. Ames second inquiry about that. Mr. Bernier stated they will need a state permit for the driveway, any change in use requires it.

Julia O'Hare lives in Gilmanton on Route 106. She wondered from the beginning when she heard about this from Mr. Roy, is there any communication with the other communities on Rocky Pond? Chairman Halla advised if they are abutters they have to be notified as well as the public notice in the Concord Monitor. Chairman Halla advised the abutters are those whose property immediately abuts any application property. She asked even though she lives on Rocky Pond and contributes to the Rocky Pond Association she cannot speak? Chairman Halla said she may not be an abutter, but can certainly speak. Ms. O'Hare said it does not hold too much weight, but feels her concerns are just as legitimate as theirs because Rocky Pond is not large. She has forgotten the acreage, it's not Winnepesaukee. The pond is 75 acres. They notice the difference on weekends when people have company who bring their boats. But now she is thinking do you have a trailer for a boat in back of an RV? She knows they love cars, do they love boats? Then they could be looking at more boats and with 299 possible residents and unless somebody is a loner, they have a spouse or kids, even if it's only a row boat. Even if only a third or a quarter of them come, that's a lot. So, is that something that's going to be taken into consideration

like you're only going to have so many people that can use a boat on Rocky Pond? Are the boats going to be inspected for the mill foil that they have been battling for years and paying money for? They are not there yet, they may get be there, but they are doing their best. They have strangers come who don't have the interest or the care that they have, the love for the pond that they have. They are not going to wash their boat or they may say they have and they haven't. It's like your kid when you say have you brushed your teeth, yes, no. You trust that they do, but they don't always. So, although she is from Gilmanton, there are others there on the pond, some other communities that are concerned. Is this something like a community to community like you would tell them even if you don't have to? Chairman Halla explained the noticing policy again. She is referring to the courtesy of telling them. Chairman Halla said probably more on the Planning Board level, if they thought this was appropriate they would talk with them. She knows the Town of Canterbury contributes to keeping the mill foil out of the pond as well as Gilmanton, Belmont and Loudon.

Mary McKenna spoke saying she has very little to say. She lives on Route 106 next to Ms. O'Hare. This summer because logging on both sides of Route 106, in Canterbury because they are logging somewhere over there and on 106, she thinks in Loudon, our lake is turning brown now. To start something like this with all the streams and brooks and everything up there, it's going to contaminate Rocky Pond. This is just her opinion, may be all wet on that, but she sees her lake has turned brown already from logging.

Chairman Halla sked if there was anyone who has not spoken in opposition who wanted to speak. He asked if anyone wished to speak in favor. No one spoke. He asked that no one speak to repeat anything, but new testimony was welcome. He asked if there were any other questions from Board members. Christopher Evans spoke saying irrespective of the other special exception applications, as owners of their property, they still own frontage to Rocky Pond, so therefore your guests would have use of that pond by right. Do you agree with that statement? Mr. Bernier replied because a campground requires Planning Board approval and the special exceptions, it's not the same as single family residences; or something like that. The Town has some authority over the control. Christopher asked him to define that control. Mr. Bernier said they recognize that 299 campsites having access to Rocky Pond is going to be a concern and they designed the site and will go over that in a special exception. Christopher pardoned his interruption, the special exception doesn't really have anything to do with the access, and it has to do with how you wish to use it. But that wouldn't determine access; would you say that's a correct statement? Mr. Bernier concurred. It's public water, everybody has access; you have access. Christopher asked for clarification, no for property owner? (Jumbled conversation about public access by those present). Christopher stated, but there is no public access so therefore it only has private use by abutters, is that a true statement? Mr. Bernier advised it has no public boat launch; the state claims they have some frontage on it. Christopher asked if there are any Class VI roads, are there any public roads that go to the pond. He is trying to ascertain whether or not the public has access to that body of water. Liz Boles spoke saying the public has used it in the past because they trespassed. Chairman Halla said what he wants to know is if it is legal or not. Ms. Boles continued it is not legal, but they have not called them out on it and it hasn't become a serious problem of all the property that they own being private and there haven't been places for people to park. But now that there will be access for them to park....Christopher said he understands. He asked so it is a land locked body of water, is that a correct statement? Yes. Mr. Bernier stated the state does own land that abuts the lake. "____" spoke saying it's a sandpit. It's sitting right in the middle of a swamp at the north end of the lake. It's where the inlets.....Chairman Halla interrupted saying this was getting off track. Christopher said he wants to establish access, rightful access of your property and its inhabitants to the pond regardless of any future development. Chairman Halla said

he has access if he has frontage, he's got to. Now, it would be possible at site plan review for the Planning Board or this Board to say in relation to this special exception or one of the other two, that access has to be limited. You cannot have open access and say 1200 people can go on this four hundred feet of frontage. It might be there is limited access, no access, or whatever to be part of the site plan, to be part of an approval or whatever. Christopher asked a contingency? Yes.

Web Stout said this might touch on Regional Impact. He is not certain that is this Board's venue; he knows that happens at the Planning Board stage. Just because that pond is split, plus it's on a pond and it's very close in proximity to other towns. Chairman Halla asked what regional means, what would that incur? Web said what this woman was talking about that maybe a letter should have, maybe could have been, he's not 100% sure sent to Gilmanton, Belmont, Loudon. Mr. Bernier spoke saying they went to the Planning Board for a conceptual and they said they will notify the abutters. Web is just wondering if this Board had to go through the same thing. Chairman Halla said he did not believe so. We are obliged to post a public notice. He said at the Planning Board level if there is a regional impact, they have to notify them. That isn't going to affect our decision here to grant or not grant, to the best of his knowledge. He asked if the Board had any further questions. He asked for the final time if anyone wished to speak in opposition.

Ralph Boles spoke saying he just wanted to point out that land was never agricultural. It's crisscrossed with stone walls. There was cleared land at one time. The Shakers owned all that land all the way from where Shaker Village is now, all the way down to the lake and they had saw mills and they cleared that land and they also had a granite quarry. The piece of land that is zoned commercial you can still the big granite fence posts. It was at one time, though it's not the kind that any of us would want to farm, they did back then and there is evidence in the stone walls in the woods. There were fields there.

Aaron Roy said he would still like to obtain more information about the water park. He is still confused about daily visitors to the water park. Chairman Halla said he believes what they had said was to the extent that they have constructed, let's say they have 100 sites, daily visitors would be allowed to the extent that sites weren't filled. So, if they had 100 sites and 100 sites were filled, there would be no daily visitors. If there were 50 sites filled and 50 people came they might allow it, as many as 50 daily, but they don't want to go beyond what they have sites for. That is what he thought they said. So there could possibly be on a certain day or week no daily visitors and another week after that there could be 10, 20, 30, whatever. Mr. Roy said then it would be their decision to limit daily visitors. Mr. Roy started so they could.....Chairman Halla clarified they are going to limit them to the extent that they presented to us tonight. That's part of this transcript. If the Board approves it, they are approving it based on what they said. He interpretation is what he just said would be that they would limit it the dailies to the total of the sites that they had built. And if some of the sites were vacant, they would allow dailies that were compared to that. It's not going to be a situation where they have a hundred sites and 400 dailies. That's not what they presented, that type of situation. Mr. Roy concurred that's not what they presented, but would that be possible for them to do? No. They are only possible to do what they are presenting tonight. Mr. Roy said it was stated 750 feet to the nearest site, to the house. There was a statement later that there was 1,000 feet, the property line from the pond? Mr. Bernier spoke saying to 106. Mr. Roy said he is still concerned about the use of the term events which personally he would not label a bingo game or crafts as an event. The term events was used more than once and he is

wondering if bands came up and that's not clear what their plans are for the pavilion to him at least. Maybe the most important comment is as many have said campers and their friends or whomever having access and using the pond. There's been no statement about limiting foot traffic, the paths the hiking trails are away from the pond and he thinks many of them would agree the draw is not up to the hiking trails, but down to the pond. They say that we will pass out rules and regulations and guidelines. If everybody in America followed rules and regulations and guidelines we all know we wouldn't need police which suggests to me that there will be instances, probably many, with this number of people that will be on private property roaming around, exploring the pond area where we all live disregarding the guidelines, the rules and if there is a problem with somebody, we have the problem, we have to contact the campground and then the problem has to be dealt with sooner or later by the campground. The bottom line is we have to deal with the problems before they are dealt with by the campground. He thinks he has to reiterate rules; guidelines are not followed on a regular basis. Chairman Halla responded saying he thinks that why they said they were going to have people to deal with that who work fulltime. Mr. Roy responded, after the problems occur, not before. Chairman Halla does not think their intention is to have what they call rangers who are going to be sitting on a chair waiting for a problem to come up. He thinks they are going to be patrolling the area and they are going to be making the campers conform to the rules that they have. That is his assumption. Mr. Ray state he agreed with him, but look what happened in America when we pass rules and regulations. Chairman Halla said he understands that, it part of society unfortunately. Mr. Roy said he realizes that, but we're discussing a change in the usage of Rocky Pond and that's what they are concerned about. Chairman Halla asked for clarification to something he did not get and answer about the water park thing. Ms. Cohen said when they say water park it's a water park that's being used within a campground. She thinks that maybe they were thinking like water parks that are built in southern New Hampshire and that's the business that they are in. That's not the business they are going to be in. They will be having a water attraction meaning a pool and the pool will have some features that spray water, some slides and so forth that is meant for their campers to use and enjoy. She asked if that helped to explain that a little for him. Another concern was events she recalled him mentioning. Events: they will have activities every day. They will have special events on the weekends at the campground. At campgrounds she previously managed they might have had a Christmas in July theme, or Halloween in August theme which meant their activities for that weekend were geared towards a Halloween or Christmas or chocolate weekend, so things like that. So, when they are saying event, she thinks they are using the wrong word because around here you're thinking like a big event like at Meadowview, or when you say pavilion you're thinking of a big Meadowview pavilion. That's really not the scale they are thinking of. Someone asked what do you mean by bands. Ms. Cohen replied a band they are thinking of two people, three people that come in and play for a couple of hours while people, families enjoy, sing along are dancing, that type of thing, not a band like Metallica or heavy metal. They do not want to disturb their own campers as well. The campground itself is going to be very self-contained, a campground for families, primarily families. Chairman Halla asked if anyone else wished to speak that hasn't already said what they are going to say now.

Elizabeth Boles said she had a quick question and has already spoken. She has a question about the pools and the water park as far as its use. You said it's going to be a gradual, leading up to building it up. So, are you going to start right off with having water attractions in the facility at the same time as the tent/camping sites and then add it as you go on because that's more of a reason to use the pond. Ms. Cohen state definitely a project of this size is going to be built in phases. Ms. Boles asked, so is the water phase in the first phase. Ms. Cohen responded they have not determined the phases yet. If

they obtain the special exception then they go back to the Planning Board and these types of questions you are asking are questions that will be addressed as they deal with the Planning Board. Ms. Boles said so the possibility is that there won't be a pool or water attraction on the campsite when you open? Ms. Cohen said she could give you an idea, maybe they could build one of the smaller pools as they build the campsites and as they get larger then the water attraction goes in, so it's going to be in gradual phases.

Joe McKeon spoke saying Mr. Bernier indicated in his presentation that part of the added value of the campground in location to of some of the conservation area that is up in the back there, he is wondering has there been any consideration or why hasn't there been consideration to placing some of this land in conservation easement? Mr. Bernier spoke saying they have certainly talked with the Planning Board about it. He referred to the maps saying there is nothing proposed other than walking trails which are mostly existing up there now. The Planning Board has asked about that same issue and they talked with them about working up some language for some restrictions that would work for both the campground and for the town. So, it is definitely is in the works and they are talking about it. But nothing is proposed up there, so they would have to come back here if they ever do propose something for up there.

Mr. Ames asked about environmental pertaining to construction building for ground water purpose, for folks at the bottom of the hill who have well water? Chairman Halla advised that would be addressed at the Planning Board at site plan if they need to get water pollution, etc.

Mr. Bagone said again we're here tonight for a special exception for the campground. Chairman Halla concurred, at this point. Mr. Bagone said he just wanted to clear up a couple of things. His campground, the entrance only, is in Canterbury. His whole campground is in Loudon. He pays taxes in both towns. It actually brings him up to about notifying the other towns. He believes it was on the Planning Board level that he did have to go to both towns. It's pretty much his opinion, but the general consensus is the very big concern of these people's neighborhoods being influxed by people staying at the campground. It's a very legitimate thing. Policing it is the problem. Making all the rules and everything is easy. But, having this size of a facility and trying to police all these rules and the pond and everything. This is really what we need to ask ourselves. This special exception has a lot of vague issue on it, like you brought up the use of Rocky Pond. You made it very clear and in his opinion you were correct in saying we could limit the use, deny the use of the pond. It is 430 feet of pond frontage is a considerable amount of real estate, valuable real estate. But again, in his opinion, that area should not even be considered part of the campground because you are going to have literally hundreds of people who have legal access to that pond. So that is another thing of great concern to him about the pond usage. That is a very serious right of the owners. He does not mean to discredit any of the owners, but there are some real issues here that are pretty much out in the open. Policing the whole place, he could tell you stories about policing. He is fortunate not have had too many problems and they always take care of themselves. The State RSA 216 for campgrounds says that each site says that each site should be a minimum of at least 2500 square feet. Chairman Halla stated that will be covered in site plan review. Mr. Bagone wanted the people in the audience to know there is a state statute that can be looked up online, 216 covers campgrounds. The ratio of seasonals to potentially all seasonals once again are 24/7 from May to October and you also talked about you could conceivably have a hundred sites to daily visitors, well again there is nobody to say how full is a site when it's filled and how many people, you aren't going to be counting heads, do you know come in? It's just another

policing concern. You aren't going to be able to tell whether you have 100 or 300 people there basically. The rangers, is that a sole expense? Are they really going to have 20 rangers paid? Are they park rangers or are they just putting on a hat that says ranger on it? He is just pointing out a concern. Chairman Halla responded they are employees of the park. They are not state park rangers. He would just like to get rid of that term rangers. Are they going to carry weapons or are they state trained?

Chris Lane spoke saying he has not spoken about pavilions yet. The pavilions he would just like to know if it is like a three piece band and it's only going to be on weekends. Because they live in Loudon they always have races at the track and he knows they had said quiet time would be eleven o'clock. So, he knows there is not too much racing at the track after it gets dark. So, does that open up the door for the track to have three piece bands which would require a permit for music, because he knows right now the track is not allowed to have concerts of any sort because of the noise on weekends that are not race weekends? So, his concern is would that open up that door to allow the track to have a band of some sort? Chairman Halla stated he does not think anything they do on their property has any relation to what goes on at the racetrack. Mr. Lane, noisewise, related to noise? The pavilion at Meadowbrook if you put speakers, Chairman Halla said, forget about Meadowbrook. Mr. Lane countered they are comparing it to Meadowbrook. Chairman Halla clarified they are trying not to compare it to Meadowbrook. He is talking about a pole building with a roof. He tented at a camping facility up north with a pavilion. It still acts as an amphitheater which the music would still blow out through. It's a pole barn with a roof but it also has sides so that would be his concern.

Edna Beauchesne said in the same vein, the comment was the little three piece band would not be that noisy. Living in the area they are familiar with. You have a mountain range here; you have a mountain range here. You have to be there during a lightning storm because the thunder bounces off the mountain and bounces off that ridge and that ridge and goes back and forth. It doesn't take much noise right here to bounce off that ridge and go right back and forth. They used to have a set of bagpipes on the lake, loves bagpipes and doesn't have a problem with it, but you can hear them a mile away, so a little noise travels far on water. So even though a flute up there would be heard all over the lake. Chairman Halla asked for anyone else who wished to speak. No one spoke and the testimony portion of the hearing was closed. The Board will take no more testimony and attempt to reach a decision. Ms. Cohen provided the Board with report.

Christopher said he is very sensitive to the use of private property. Chairman Hall countered, but they have private property on the lake. Christopher said, exactly, but that's because of the scale and the quantity of people we're talking that could access that lake, that's where he sees a detrimental of use. The concern he is having is with number four, "detrimental to the use of adjacent or neighboring properties" and only because of the quantity of potential people relative to this frontage. If we had a couple house lots there, we'd have potentially five, six additional people on the lake. But your own testimony we have potentially 1200 people. Mr. Bernier said they never got the opportunity to talk about it. That's the next; this proposal has no access the Rocky Pond, period. Christopher stated as a property owner you do have access to that lake. We're not saying the use of that property; he is talking about access to the pond. The access to the pond and unless he is mistaken and correct him, and this is why he asked him these questions earlier, if in fact you have legal access to the pond and you said yes. So, his concern is the scale relative to the frontage of the pond to what you home owners have, one, two five per home, whatever it is. This property with four hundred odd footage would have potentially 1200

people. He thinks just by that alone is his concern and that's why right now he believes they have not sufficiently addressed item number four. Mr. Bernier stated they've testified that this special exception has no access to Rocky Pond. Chairman Halla reminded that no more testimony is being taken. Christopher asked if he is mistaken in this. Chairman Halla said he thinks with what they have presented tonight, if they do not present because of some special exceptions, they are not going to use Rocky Pond. Christopher asked for clarification, they are not going to use it? Chairman Halla restated, No, they have access to it, but they don't have any plans for saying go down and use the pond. They have access, but that doesn't mean they are going to use it. Jim Wieck said, but they are not saying they are not going to use it. Chairman Halla clarified, he said as far as this special exception, this one, which is just for the campground, not the outdoor recreational use and not the convenience store. This one they are not. That's a whole issue on another special exception. Jim said so for the purpose of this special exception we could put a condition....Chairman Halla stated if he is reading this properly, the Board could approve this with a condition that the campground as it stands with an approval for this cannot use Rocky Pond. That could be done. Web Stout offered a suggestion wondering about what if the Board opened up that other special exception here that deals....Chairman Halla stated he was not going to hear the other two tonight, we'd be here till midnight. Stuff starts to tend to run together and for everybody including the applicant, the Board members and the people that came, he thinks we need to do one at a time. If we try to do them together we'll get mired in a quicksand. We're going to be talking about convenience stores, water pollution, 106, access to Rocky Pond, pavilions, swimming pools, garbage disposal, park rangers, the race track; it's going to get out of control. Jim said if we limit it for this one, we can discuss it under the next one. Web said he thinks we've heard a lot of testimony from the abutters and he didn't hear anything about the store, it was all geared toward the pond. Chairman Halla concurred saying we haven't dealt with the store or the other one. Web agreed, but if the store was such an item too that would have come up in discussion as we were going along because they've seen it or heard it or talked about it. He concurs and thinks the pond is the big issue here. On the other hand, maybe the applicant could do a few studies to find out, the pond is seventy-five acres, and we can't compare this to Winnepesaukee. He is just guessing and has no idea what acre of water will support forty people; he doesn't know...something like that. Jim said, but that will have to be "_____" and tonight we don't have to deal with that. Web concurred and said if we limit this special exception can we overturn that in the next special exception? No. Mr. Bernier said from our regulations standpoint, they cannot access the pond without a special exception. The commercial recreational use in that zone requires a special exception. They already can't do it unless the Board says they can, so that's just a technicality. Chairman Halla said, what he is saying is he wants to have an outdoor recreational use which is different than just having the campground. Christopher said you could have a path going from the campground to Rocky Pond without there being any use on that other property. It could be trail. No, he disagrees with what you say. He completely disagrees with what you say. Mr. Bernier said if they provide kayaks to the guests, then that requires a special exception. Christopher stated we are not talking about kayaking, we're talking about access. Chairman Halla thought the Board was getting way off base. He thinks for this special exception the Board can say no access to Rocky Pond. He thinks the Board can say this and deal with it when it hears another special exception if we even approve this. Chairman Halla said he may be in total disagreement and thinks that they are not going to use Rocky Pond for anything for anything unless they get this outdoor recreational use and he has no idea what that is because we haven't heard that. He thinks that is the one that's going to have an impact on Rocky Pond. He thinks the Board can say because of the abutters' concerns for this special exception the campground cannot use Rocky Pond. They can have access to it, they may have frontage, but they cannot use it. Jim said he can see both sides of what you are saying and he really wants to have clarification about what their

rights are. Web asked if we could rehear this in a week or two, put the two together; start early; he is just making a suggestion. Jim said what you are saying is correct, he'd just be more comfortable which of the two positions that you are saying are correct. Chairman Halla thought they could attach that as a condition to an approval. He can appeal that. Christopher said just playing devil's advocate he does not see how you tell a property owner who has legal frontage on a lake that they do not have a path or the ability to walk to that lake. Chairman Halla replied, you're telling them because they have too many people to use the lake, for whatever reason. Christopher said it would be detrimental to the use of adjacent or neighboring properties. Chairman Halla said he would also entertain what Web said about not making a decision tonight and starting and taking no more testimony on this, to postpone making a decision until we hear the other two special exceptions, primarily the one for the outdoor recreational use. We can table this for tonight, come back in two weeks and start with outdoor recreational use or start with this one which would seem to be less complicated and hear the one for the convenience store. Web doesn't mean just to say the zoning line, we've got three different things going on, but it's really only one use, it's a campground. Chairman Halla concurred, it's a campground, and he's got a commercial zone, rural zone and resource reserve natural. Web said he thinks it behooves this Board to hear it all, at least the pond one together. Jim concurred; it would be a lot simpler. Chairman Halla asked if the Board agreed to coming back rather than going all night. Christopher said he would certainly agree to that. Web suggested we get an earlier start. Chairman Halla stated the Board has heard all the testimony for this special exception. He made a motion to table voting on this special exception, that the Board reconvene in two weeks on Wednesday, 18 December 2013 at 7 PM. The Board will hear the other two special exceptions, hear those and come to vote upon all three. The Board will hear testimony about the other two special exceptions only. The abutters will all be noticed and public postings will be done at the Sam Lake House, the Canterbury Country Store and the Concord Monitor.

Respectfully submitted,

Lisa Carlson, Clerk
Board of Adjustment