

**TOWN OF FRANCESTOWN**  
OFFICE OF SELECTMEN  
27 MAIN STREET • P.O. BOX 5  
FRANCESTOWN, NEW HAMPSHIRE 03043-0005

**ZONING BOARD OF ADJUSTMENT MEETING MINUTES**

**August 8, 2013**

Zoning Board of Adjustment Members Present: Chair Silas Little, Vice Chair Charlie Pyle, Sue Jonas, Tom Lowery, and Michael Jones

Staff Present: Town Administrator Michael Branley

Also present: Scott Carbee, BJ Carbee, Betsy Hardwick, Pat Terry, Abigail Arnold, Fred Ward, Larry Laber, Robert Murphy, Dylan West, Bob Lindgren, Shelly Nelkens, Paul Marshall, Fletcher Wilson, Tom Cochran, Nelson Biers, Keenan Wilson, Polly Freese, Tony Laber, and others unknown to the minute taker.

**CALL TO ORDER:** Silas called the meeting to order at 7:30 p.m.

Francestown Zoning Board of Adjustment met Thursday August 8, 2013 at 7:30 p.m. at the Town Offices, lower level, 27 Main Street, Francestown, NH.

Silas Little stated the item on the Board's agenda is a variance application by SNH Development Inc. also known as Crotched Mountain Ski Area. Silas stated the first matter of business was for the Board to determine if application has a regional impact. Silas stated he sent notice of the meeting to Southwest Regional Planning Commission, Antrim Bennington, Deering, Greenfield, and Hancock. If the Board determines the application has a regional impact the Board must send complete copies of the application to the impacted towns. Silas read a letter from the Antrim Planning Board that encouraged the Francestown ZBA to determine that the application had a regional impact. Tom Lowery stated the Board had received a letter from a resident in Greenfield and Silas stated we had also received other letters from residents of other towns. Michael Jones and Sue Jonas stated that because the lights can be viewed from other towns it appears to have a regional impact. Tom Lowery asked how long the lights had been causing an issue. There was a discussion about a 2009 lighting study.

Robert Murphy addressed the Board and stated that this variance application related to the lights in the area where the ski mountain expanded last year. He showed the Board on a map where the expansion took place. Sue Jonas asked if the lights in the existing areas had been changed during the expansion and Pat Terry stated that the lights are the same but the towers had been made higher. Fred Ward from Stoddard stated that the Planning Board in Stoddard is very interested in this matter based on how bright the lights are in Stoddard. Scott Carbee stated that in 2009 the lighting issue was related to the parking lot and had nothing to do with the trails. Larry Laber from Bennington Road stated he had filed a complaint with the Board of Selectmen's office

several years ago and this issue dates back prior to the changes in 2012. Shelly Nelkens from Antrim stated that the impact to viewing the stars in Antrim is ludicrous. Paul Marshall from Francestown asked if whether the matter is determined to have a regional impact based on a response from the Town officially or by residents in the towns; Silas Little stated that as one board member he could not make the determination that the matter had a regional impact so he had only sent notice of the meeting to the town offices. Fletcher Wilson from Hancock asked if the Board had considered the regional impact of jobs in the area; Silas Little stated he did not feel the Board could use economics as a criteria based on state statute. The Board continued to discuss whether the matter has a regional impact. Tom Lowery stated he had concern regarding whether the Francestown Zoning Ordinance was designed to regulate lights at a ski mountain. Tom Cochran from Antrim asked if the Town's ordinance does not accommodate a ski area should the town create a standard that allows a ski area? Nelson Biers from Amherst stated he is a ski patroller and that while on some nights the mountain is bright, on other night's he feels there is not enough light. Polly Freese from Francestown asked how the lights could be shielded so the people looking up at the mountain could not see them? Keenan Wilson from Hancock stated on weeknights the lights on the mountain are shut off at 9 p.m. and there are not many nights that the lights are on for midnight madness. Tony Laber from Back Mountain Road stated based on his experience the situation is of regional impact. Pat Terry stated that lights on the mountain have dated back to the 1960s and that lights were taken off the slopes during the expansion. Paul Marshall stated he makes an effort to attend meetings where he has an opinion and he feels that the lack of letters from other towns indicates that they are not interested in the matter; Silas stated that the Board has received letters from residents in some neighboring towns. Fred Ward stated at least in Stoddard letters to the Town officially do not necessarily reach residents. Shelly Nelkens stated in Antrim she had not heard about this matter other than from the newspaper. Keenan Wilson stated he has not noticed a change in the lights or how they impact the night sky and that most people are asleep when the lights are on late for midnight madness. Silas Little closed off public discussion on the matter of regional impact.

Charlie Pyle stated based on the letters the Board has received and the people speaking tonight that the application appears to have a regional impact. Charlie asked if the matter is determined to have a regional impact and the meeting is extended does it make sense to hire a consultant to inspect the lights prior to the meeting. The Board agreed unanimously that the matter has a regional impact.

Silas Little stated that the Board will properly notice surrounding towns and take up the matter again on September 12<sup>th</sup> at 7:30 p.m. Silas asked the Board if they felt they should hire a consultant to inspect the lights and report back to the Board and the Board discussed the matter. Charlie discussed the history of the mountain reopening in 2003 and the planning board approvals related to the mountain reopening. Michael Jones stated he thought it made sense, but the Board needed to decide what questions it wants answered. Tom Lowery stated he thought based on the Town's ordinance it is a great idea to hire an expert. Pat Terry stated he did not think the mountain should have to hire a consultant before he had a chance to present his information to the Board. Silas asked if the Board wanted to have the consultant in place prior to the next hearing since the Board members are not lighting experts. Tom Lowery asked and Pat Terry responded that the lights in the expansion area are the same as the lights on the rest of the mountain. The Board agreed to wait until the next hearing to consider hiring a consultant. Tom

Lowery stated he thought it would make sense to get a statement from the mountain's lighting expert stating that the lights comply and Silas thought it made sense to know if they exceeded what is necessary. Abigail Arnold stated that the mountain would start making snow in November so she thought it would make sense for everyone to get the matter resolved sooner rather than later; she also stated that Pat Terry volunteered to install shields on the lights. Pat Terry stated that he had stated that shields could be installed but they have not been installed. The Board continued to discuss whether it wanted to hire a consultant at this time. Michael Jones stated he thought it made sense to identify a consultant prior to the next meeting. Scott Carbee asked if the Board could meet more frequently than once per month so the process did not drag on too long and the Board agreed they could consider that. Tom Cochran asked if the Town could identify a definite list of towns to notify of the subsequent meeting. The Board discussed which towns should be notified. Bob Lindgren stated that the lights from the mountain can be seen in Weare and that for a recent cell tower application all towns within a forty mile radius were notified; Silas stated notifications for cell towers are specifically spelled out in statute. The Board agreed to notify New Boston, Weare, Lyndeborough, Greenfield, Bennington, Deering, and the Southwest Regional Planning Commission.

**ADJOURNMENT:** Silas made a motion to adjourn the meeting at 8:40 p.m., seconded by Charlie. All in favor.

Respectfully Submitted by Michael Branley