

TOWN OF FRANCESTOWN
OFFICE OF SELECTMEN
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FRANCESTOWN, NEW HAMPSHIRE 03043-0005

ZONING BOARD OF ADJUSTMENT MEETING MINUTES

September 12, 2013

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

Also present: Scott Carbee, BJ Carbee, Betsy Hardwick, Pat Terry, Fred Ward, Larry Laber, Robert Murphy, Keenan Wilson, Ben Watson, Linda Kunhardt, Bruce Harrington, Danielle Harrington, Erik Fey, Tony Laber, Vic Reno, Erica Bingham, Scott Blackburn, Kevin O'Connell, Alan, Midai, Keenan Wilson, Mark Stall, Ray Moritz, Dennis Calcutt, Jessica Timmons, Ned Birmingham, Lauren Salko, Ron Baptiste, Susan Wadsworth, Ted Blank, John Young, 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 September 16, 2013 at 7:30 p.m. at the Town Offices, lower level, 27 Main Street, Francestown, NH.

The Board agreed to meet until 10:00 p.m.

Silas read the portion of the zoning ordinance that SNH Development is requesting a variance from. He asked that anyone addressing the Board do so with the criteria in mind.

Silas stated that the minutes from the meeting of August 8, 2013 were fine aside from the part describing a notice to abutting towns was to be to all including Antrim and his recollection is it was to not include Antrim.

MOTION: Silas made a motion to approve the minutes from August 8, 2013 as amended, seconded by Charlie. All in favor.

Silas stated regional impact notifications were sent to regional towns and Southwest Regional Planning Commission.

Silas read the current portion of the Francestown Zoning Ordinance that covers recreational lighting.

Pat Terry, General Manager of Crotched Mountain, summarized the variance application, stating that the lighting is only used and a regional impact from November to March. He also stated

night time skiing is critical to the Mountain's sustainability and property values around the mountain have not diminished. Pat said their main concern is the safety of everyone at the mountain and that their insurance company is not comfortable with them attaching anything extra to the lights. Robert Murphy stated the specific request is a variance from the shielding provision. Silas asked if the lights were horizontal and Robert Murphy said he understood they were.

Vic Reno, lighting engineer, talked about the Frankestown zoning ordinance and the lights at the ski mountain. He stated uniformity with the lights is critical and the mountain is asking to use recommend guidelines and practice to light the ski area, because if they do not, they cannot have night skiing. Vic said that the Frankestown current regulations do not address ski areas specifically.

Silas asked the applicant which lights on the ski area are you requesting a variance from the horizontal plane and which specific fixtures. After discussion it was concluded that what was needed was a range of degree that the lights will be off the horizontal plane because this is the part of the ordinance the variance is being asked for. Silas asked when the information would be available and Vic Reno answered a week or two.

Ben Watson, former chair of Frankestown Planning Board, asked if the ZBA would address a condition from the 2003 decision involving Crotched Mountain following the zoning ordinance which was never complied with.

Silas asked if there was anyone present who wanted to speak in favor of the application.

John Young, stated property values at Mountainside at Crotched are tied to the success of the mountain.

Erica Bingham, from Antrim, asked if because the lights on the mountain are old is this situation grandfathered? She stated since the mountain has had lights since the 1970's people knew the mountain would be there when they moved to the area. There was a discussion about economic hardship.

Scott Blackburn, from Pepperell, MA, talked about the history of skiing at Crotched Mountain.

Kevin O'Connell, from Greenfield, questioned why the ZBA was limiting comment to the criteria of the variance.

Alan Midai, from Mont Vernon, talked about his and his daughter's experiences as ski instructors at Crotched Mountain.

Keenan Wilson, from Hancock, stated he did not feel there is light pollution except on the nights the mountain holds midnight madness.

Silas asked if the lights in question were only on during midnight madness and Pat stated they are on when the mountain is open, when snow is being made, and when repairs need to be made.

Ben Watson discussed the 2003 Planning Board decision.

Sue Jonas asked if the lights could be dimmed during grooming and snow making and Pat stated they do try to have the minimum lighting for usage.

Mark Stall, from Bennington, stated he supports the variance application because he and the community have their quality of life improved by the existence of the mountain.

Ray Moritz, from the Condos at Mountain 1, asked if the Town had considered revising the zoning ordinance to specifically address ski mountains.

Dennis Calcutt, from Frankestown, stated he was disappointed with the process but supported the variance.

Jessica Timmons, from Greenfield, stated she had worked in the ski industry and feels ski worker safety is important.

Ned Birmingham, from Amherst, stated he supported the variance and thought other towns with ski mountains must have ordinances that address lighting. Sue Jonas stated most other mountains are not open as late as Crotched.

Lauren Salko stated she attends St. Anselm's College and she skis and works at Crotched. Skiing is an important part of her quality of life and the people she works with.

Ron Baptiste, from Frankestown, stated he is a skier and he has doubts about the fact that the lights cannot be shielded and he hopes a compromise can be reached.

Susan Wadsworth, from Rindge, states she works at Crotched Mountain and appreciates that thanks to the lights people can ski at Crotched Mountain during sunset.

Silas asked if there were any abutters that wanted to speak against the application. Tony Labor stated he lives on Back Mountain Road and because of the impact of the lights he knows that he would not be able to sell his home. He stated he has to keep his shades drawn and that the lights have an impact on his quality of life.

Ted Blank, from the NH Astrological Society, stated that his organization has a telescope in Hillsborough that is negatively impacted by the lighting. He states he supports the ski mountain, but agrees a compromise should be made.

Larry Laber, from Bennington Road asked if the mountain agreed to install the shields and Pat Terry stated they were not installed, they do not meet industry standards. Larry stated the lights and music at the mountain are a negative impact. Larry stated that he does not believe the argument that shields will make the lights a spotlight is valid.

Mr. Ward, from Stoddard, stated he thought the Board should hire its own lighting expert to come up with possible solutions. He stated there is an article that discusses the medical issues related to night time lighting and he presented it to the Board.

Silas asked and Mr. Reno responded that the lights are metal halide.

Silas asked the Board if they want to employ an independent expert to review the situation at the applicant's expense? Mr. Reno stated he was not being paid by Crotched Mountain. Charlie stated no one was questioning Mr. Reno's credentials but he thought an additional expert would be helpful.

MOTION: Tom made a motion to retain an expert to review the information provided and advise the Board, seconded by Silas. All in favor.

MOTION: Silas made a motion to continue the hearing to September 25, 2013 at 7:30 p.m., seconded by Charlie. All in Favor.

ADJOURNMENT: Silas made a motion to adjourn the meeting at 10:08 p.m., seconded by Charlie. All in favor.

Respectfully Submitted by Michael Branley