

The meeting was called to order at 7:00 p.m. Those attending were: Mike Iafolla, Chair, Bob Field, Russell Jeppesen, Russ McCann, Alternate, Sam Checovich, Alternate, Craig Kelleher, Alternate, and Tina Kinsman, Recording Secretary. There was a court stenographer present recording a transcript of the meeting.

Mike began by saying that Bob Field has a conflict with the Jim Jones issues on the agenda, and would be stepping down; Craig Kelleher would be sitting in his place.

Mike said that he had received a letter from Joe Fitzgerald of Giant Lift, requesting him to recuse himself from the Jones matters; Mike stated that he had considered this very carefully, and that he knows Mr. Fitzgerald and Mr. Jones and has had disagreements with both, but that this would not prevent him from making a fair and impartial judgment on these issues. He then instructed Mr. Jeppesen, on the basis of RSA 673:14, to hold a nonbinding vote of the Board on this issue. Mr. Jeppesen began by asking Mike several questions; did he have a pending business relationship with Mr. Jones, Mike said no; was Mike an abutter to this property; Mike said no, and finally, would he in any way stand to benefit from this decision, Mike again stated no. Mr. Jeppesen then proposed a vote, that Mike Iafolla, Chair, not step down from the issues regarding Jim Jones, seconded by Russ McCann, vote was unanimous.

Minutes from July 17, 2001

Bob Field made a motion to table the minutes until the next meeting because only two members from the July meeting were present at tonight's meeting; seconded by Russ McCann, unanimous.

Case 2001:31 – 187 Lafayette Road, Request for Special Exception, for sale of loam with accessory uses, Jim Jones by his Attorney, Don Crandlemire

Don Crandlemire spoke for the petition; he stated that in June, the Board decided that this was not a permitted use; he would proceed in a new manner, and that they had applied to the Planning Board for a waiver to Site Plan review, and were turned down. He also stated that he wanted guidance from the Board on the use issue; is this a permitted use? Mike Iafolla stated that they would take the issues one at a time, and that the transcript that was being taken, would be submitted as part of the record. Don Crandlemire stated that the disruption, vibration and noise from the screener was the focus of the abutters and the neighbors; a sound study had been done and was submitted for the record. The conclusion of the study was that the screener was not applicable at all as far as the noise factor. Sam Checovich asked if Mr. Baldwin, the author of the study, had other qualifications besides oceanography; Don Crandlemire stated that he does industrial studies also. Jim Jones then answered questions by the Board regarding his proposed use of the property as a landscape depot; he said that there would be 1-2 people loading trucks, and that they would only screen when their supply was low, probably two days per week. The bins could hold 100 yards of material and that the screener could screen 400-500 yards per day with both screeners running. Jim also stated that he planned to have 20 products to sell, similar to North Hill Nursery. Jim was asked how many screeners he had; he said only one.

Mark Sullivan, attorney for Giant Lift, spoke against the petition. He stated that Jim had begun his business without licenses and permits and that Paul Charron, Code Enforcement Officer had issued the Cease & Desist for 187 Lafayette Road. He believes that none of the special exceptions apply and that there is no basis for the special exception and was asking the Board to deny the request. He also asked Mike Iafolla to again reconsider his decision about stepping down; he asked him if he had a preconceived idea on how the Jim Jones special exception would turn out; Mike said he did not.

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Joan Mercier, an abutter, presented a petition signed by 18 residents objecting to the proposal. Joe Fitzgerald stated that he had videos of the site with many dump trucks; **Joe stated that is was in the minutes; Mike stated no, that he meant the transcript, Joe agreed.**

Wes Calder stated that there was a rumor that contaminated soil from Pease had been brought onto the site, Jim Jones said that the only soil he took from Pease was the current site of the Park & Ride, not the area adjacent to the runways. Mike stated that, in his experience, the soil would not be allowed off-site if there was any question of contaminants.

Ron Todd spoke against the petition. He had names and addresses of businesses that were similar to Jim Jones; he then went to take pictures (aerial) of these operations and where the screeners were located on the property; pictures were submitted for the record. Don Crandlemire stated that he believed that this was a permitted use and the accessory uses were trucking, screening, etc. Mike Iafolla read a letter and submitted it for the record; it was from Joe Roy, stating that he did not have a problem with Jim Jones operation at this site. Mike then closed the public portion of the meeting and moved to deliberation.

A motion was made by Russell Jeppesen; to grant the special exception and agree that it is a permitted use, movement of trucks, loaders & machinery to handle products for sale is an accessory use as defined by the ordinance. A list of conditions, including, but not limited to 1. Hours of operation, 2. Volume of material, 3. Days per week of operation, 4. Dust, noise & vibration, 5. Runoff, that the applicant go to the Planning Board at the next meeting for a Site Plan Review and these conditions shall be addressed. Motion was seconded by Russ McCann, 2 in favor, 2 opposed, motion fails. A motion was made by Sam Checovich to deny the special exception, 2 in favor, 2 opposed. The first motion was then restated, and voted on again, vote was unanimous. Anyone contesting this decision, has 20 days to appeal.

Case 2001:32 – Motion for Rehearing, Case 2001:21, 187 Lafayette Road, Jim Jones, from Giant Lift Manufacturing Co., Joe Fitzgerald, objecting to the decision of the Board as published June 7, 2001 Notice of Decision

The Chairman asked Joe Fitzgerald to speak; he agreed that this point was now moot.

Case 2001:30 – Motion for Rehearing, Case 2001:21, 187 Lafayette Road, ZBA's denial of Appeal of Administrative Decision, June 6, 2001, request by Don Crandlemire, Attorney for Jim Jones

There was discussion by Don Crandlemire and the Board; a motion was made to deny the motion for rehearing, seconded by Sam Checovich, unanimous.

At this point, the Chairman, Mike Iafolla, left the meeting. Bob Field made a motion to appoint the senior member, Russell Jeppesen, as the Chair, seconded, unanimous.

Case 2001:34 – J. Merrill & Shelley Lord, 181 Mill Road, Requests a variance to Article IV, Section 406 for a building lot with 80' of frontage where 175' is required.

Susan Manchester, attorney for J. Merrill Lord, asked to be continued to a time and date certain, September 19, 2001 and to readvertise to the abutters.

Meeting adjourned at 10:20 p.m.

Respectfully submitted,

Tina Kinsman

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Recording Secretary