

MID-STATE HEALTH VARIANCE continued:

Ms. Beaty added that they do \$500,000 worth of charity care and 9% of their patients are self-insured. The rest carry insurance through their employers.

Ms. McCourt put up a plan for all to see and explained the location. She stated that the lot is to be subdivided, leaving them with 2 acres. She then covered the 5 criteria needed for a variance:

1. Not Contrary to the Public Interest – It will not remove any current taxable land from the tax base and it would not be in current use. It would not cause an adverse effect on the population nor the abutters and it is in the public interest to improve access to health services. It will not interfere with any existing or proposed permitted uses of the surrounding properties.
2. Spirit of the Ordinance – The project would not occupy land that would be used for manufacturing or other industrial purposes since it is family-owned farm land that would not likely be sold for such a purpose at any time in the foreseeable future. The use is in keeping with permitted uses of office building and veterinary hospital.
3. Substantial Justice – It would provide access to primary care medical services and behavioral health services with the hope that dental services might be added as soon as possible. A survey by the Central NH Health Partnership indicated a high need for these services. Since Mid-State’s mission is to provide care regardless of ability to pay, uninsured and underinsured families would have access to these services as well.
4. Values of Surrounding Properties would not be Diminished - Two sides of the property are bordered by farm land, the other two sides are public roadways. The property across Robie Road has been approved for a commercial retail development and the hours that their building would be open would not exceed the hours of the retail neighbor. Any traffic generated would be inconsequential compared to the traffic on Pleasant St. (Highway 104). The building will be attractive and fit in with the New England architectural preferences to prevent any devaluation of surrounding properties.
5. Unnecessary Hardship – Any reasons for the exclusion of medical facilities in the Industrial zone are not relevant to the proposed use of the property for professional healthcare offices since it would not have the implications of medical facilities that might have been considered when the ordinance excluding them was adopted. There will be no emergency department, will not have 24-hour access, will not generate significant medical nor radioactive waste, will have no helicopter traffic and no significant emergency vehicle traffic. The use of the site for industrial purposes would be highly unlikely.

MID-STATE HEALTH VARIANCE, Criteria #5 continued:

It will support improved access to local health care services that are much needed for the health and welfare of the community. It is not likely to be sold for other purposes that are allowed under the ordinance, thus a variance is necessary to allow the much needed facility to be constructed. The community would suffer hardship for lack of adequate healthcare facilities if they are unable to complete this project. No other suitable property is available that has safe access and reasonable development costs.

Ms. McCourt went on to say that this project is basically an office building. The hours of staff operation will be 7:30am to 6:00pm and client hours will be a little less. The rest of the land will remain a corn field and they have agreed to allow the snowmobile trail to continue. It has not been simple to find a location that meets their needs.

Mr. Denton asked about the current site location and Ms. Beaty answered that it is on Lake Street and is owned by Speare Hospital. Mr. Denton then asked if they expect their patient clientele to be expanded. Ms. Beaty stated that it would as they intend on adding another physician. They try to plan for a period of 5 years. Mr. DeStefano asked how they have come to feel that the property would not be sold to an allowed use and Lucille Keegan, owner of the property in question, stated that they had no intention to sell but felt that a medical facility is a need of the Town.

Mr. DeStefano then opened the hearing to public comment:

Dr. John Lloyd stated that he is for the project as they are funning out of room. They cannot add to the present site and this project is good for both Mid-State and the Town.

Michelle McKeon, CEO of the Plymouth facility, is for the project as they cannot expand where they are presently located and this is the most viable lot.

With no other comments for, Mr. DeStefano asked for any opposed to the project. No-one wished to oppose.

MID-STATE HEALTH CENTER VARIANCE continued:

At this time, Mr. DeStefano read the Department Head comments in which Fire Chief, Steve Yannuzzi, states that the project falls under a business occupancy and will not require a sprinkler system. Water/Sewer Superintendent, Jeff Chartier, has concerns with the water/septic service; he is under the impression that they would like to tie into the Town's water/sewer. Highway Superintendent, Mark Bucklin, needs to see drainage plans. There is a culvert that crosses Robie Road that, at times, can dump a lot of water and the plan shows no pickup on Mid-State Health's side of the road. There is a drainage area indicated, but he needs to know what the plan is, whether it will sit in pond style or fashion or not. A driveway permit for Robie Road is required. Once approvals of hearings are received, a building permit and, if applicable, a sign permit will be required.

Mr. DeStefano then read the 2 letters received. Both letters, from Peabody & Smith Realty and from John & Kathleen Reid, are in favor, as well. Ms. McCourt stated that the Department Head comments will be addressed when they go to Planning (Site Plan). With no other comments, Mr. DeStefano gave a summary of the project and criteria points. He then closed the public portion of the hearing.

Mr. Denton felt that this project would be of less impact than what is allowed in the Industrial District. He is for the project. Mr. LaFlamme is also for it though he added that it will be opposite the Family Dollar store and there will be more traffic flow. Ms. Dolloff felt that they have proven all 5 criteria necessary for a Variance. Mr. DeStefano felt it is good for the Town and it is more of an office building which is allowed.

L. Denton made a MOTION, second by A. Dolloff, to APPROVE THE VARIANCE FOR MID-STATE HEALTH CENTER WHICH WILL ALLOW A MEDICAL FACILITY IN THE INDUSTRIAL ZONE. The motion CARRIED unanimously.

VARIANCE: DON MILBRAND

Mr. Milbrand was not in attendance. Mr. Capone, Town Administrator, offered to give him a call as he knew that Mr. Milbrand intended to be here. While they waited, the Board determined to continue with their other duties.

CORRESPONDENCE:

The Jan. 2012 Town & Country will be available in the office if anyone wishes to read it. A letter of resignation, due to the illness of his wife, was regrettably accepted from Michael Willingham. The Board wishes them well and mentioned that Mr. Willingham was a great asset to the Board.

MINUTES OF DEC. 6, 2011:

R. LaFlamme made a motion, second by L. Denton, to accept the minutes as read. The motion carried.

NEXT MEETING: The next meeting is scheduled for March 6, 2012 at 6:00 pm. As yet, there are no hearings but folks have until Feb. 10th to apply. The secretary will notify the Board via e-mail.

OTHER:

Mr. DeStefano mentioned that we need the Selectmen, and any member, to look into recruitment for our Board. Mr. Capone asked if the Board would like Mr. LaFlamme moved to permanent member. The Board and Mr. LaFlamme agreed to this. Mr. Capone will bring this to the Selectmen this Thursday.

VARIANCE: DON MILBRAND

Mr. Milbrand had arrived and the secretary read the application, list of abutters, where the hearing was advertised and stated that there were no phone calls nor written responses that were received from the public. There are 2 Dept. Head comment e-mails. Mr. DeStefano explained the 30-day appeal process.

Mr. Milbrand stated that they received a Special Exception for their B & B and their residence some time ago. They have 9.3 acres with 3 buildings, their resident cape, the B&B with an attached barn, and a cottage in the back which is a part of the B & B. There is a 35' x 35' room in the lower ell that leads to the barn. Mr. Milbrand would like to turn that into a small Brewpub. The Fire Chief, Steve Yannuzzi, has looked at it and said that it can hold 29 patrons although Mr. Milbrand would only like to have 24. The State requires that anyone who manufactures beer for sale must also have a restaurant in which 50% of the proceeds come from the food. Mr. Milbrand would like to be open until 12:00 pm on Friday and Saturday nights.

Mr. Denton asked where this is located and Mr. Milbrand explained. He added that the parking lot on the north side would be expanded with gravel and there is an existing buffer. Mr. Denton asked if this would be all inclusive in the present building and was told that it would be. Mr. Denton then asked about the sewer system. Mr. Milbrand stated that it was designed in 1988 and implemented in 1989 to allow for 10 bedrooms/1500 gallons. They only need 2 bedrooms for the cape and 6 for the B & B which amounts to a total of 660 gallons. Mr. Milbrand gave copies of his calculations to the Board.

Mr. Laflamme made a MOTION, second by A. DeStefano, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED.

MILBRAND VARIANCE continued:

Mr. Milbrand then addressed the 5 criteria:

1. Public Interest – Restaurants and Taverns are often associated with B & B's. It gives the guests a close non-traveling option for food and drink. It also provides the same for the public. Mr. Milbrand listed several businesses that have this option. He felt that his would be most like Woodstock. However, Woodstock has a capacity of 7 barrels a day (1 barrel equals 31 gallons) and Mr. Milbrand expects to do half a barrel.
2. Spirit of the Ordinance – The B & B is currently allowed by Special Exception and restaurants or taverns are typically associated with B & B's. This Variance would allow a typical use of a use already allowed by Special Exception.
3. Substantial Justice – Small taverns/restaurants are often combined with a B & B. Granting this Variance will allow the current use as a B & B to do the same. Granting the Variance will overcome the oversight of not including restaurant as an allowed or special exception use in this district. A restaurant/tavern is allowed in the adjoining Lake District.
4. Values of the Surrounding Properties would not be Diminished – The increased value of this property will bring up the surrounding properties and not add any additional problems with traffic or noise as a business is currently operating. Having facilities close is a positive advantage to surrounding properties. It will be a small operation.
5. Unnecessary Hardship – Not having a restaurant/tavern use in the Rural District is a limiting factor to the allowed B & B use. Restaurant use is also similar in impact to other allowed uses in the District. It is a complimentary use with the allowed Special Exception use as a B & B. It is no higher an impact than many other allowed uses.

Mr. Milbrand added that the next step is Site Plan where he will address various details of the plan.

Mr. Denton questioned whether this will cause more traffic or only a little more. Mr. Milbrand stated that it would eliminate the B & B guests from having to travel out again in order to eat. This would negate some of the additional traffic coming from the public.

Mr. DeStefano read the Dept. Head e-mails: Water/Sewer Superintendent, Jeff Chartier, had only one concern – that this property is in the wellhead protection area. Mr. Milbrand provided him with the septic design and calculations which satisfy the wellhead protection area's best management practices. Fire Dept. Chief Yannuzzi will have future comments. Once all approvals are received, a building permit and, if applicable, a sign permit will be required.

MILBRAND VARIANCE continued:

Mr. DeStefano opened the public comment portion of the hearing. There were no comments in favor of the project.

Speaking against the project, Bill Barrett, neighbor, asked if there will be an odor from the brewing. Mr. Milbrand answered that it is required that it be vented but there will be no more odor than you get from cooking. Mr. Barrett also had a concern with noise and traffic.

Connie Tanguay, speaking for her son, stated that she is concerned for the safety of her grandchildren (people speed up that hill) and for her handicapped son. They feel that this should be kept rural.

Victor Field, neighbor, felt that it is out of character with the neighborhood. He has a concern of future expansion, of entertainment noise. He also sees that going from 6 cars to 24 is a 400% increase. Commercial businesses in NH may stay open until 1:00 am, Such establishments are often located on a major road where this is not. Other businesses are not located on a rural road. It will have an adverse affect on the neighborhood. He is also concerned that it's use will be continued rather than a once in awhile event. He does not see that it is necessary to change what is there – it is not a hardship.

Andy O'Hara, neighbor, is concerned with the impact on real estate and also on the traffic. With 24 seats and the B & B, cars will come and go. It will create a lot more traffic.

Lisa Ford, 140 Hemphill, felt that the septic would not cover a Brewpub, residence, and a B & B. She asked if there will be hard liquor or just beer. She added that she feels that property values will be affected. She also asked if a variance is transferable. Mr. DeStefano stated that the Planning Board will deal with the septic issues. Mr. Milbrand stated that he has a reserve capacity of 250 gallons. State licensing requires a restaurant. He would be allowed to sell wine and liquor but he has no intention to sell beyond beer and wine.

An unidentified person stated that there would be nothing to stop a future owner and Mr. DeStefano agreed and said that a variance is transferable. They could put a restriction on the variance but who knows if anyone would realize that in 20 years. Enforcement would be hard.

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MILBRAND VARIANCE continued:

Susan Peterson, 94 Hemphill, stated that people tend to fly up over the hill. This project is out of character and there are a lot of children on the street. She asked if Mr. Milbrand has experience in brewing. Mr. Milbrand stated that he has been brewing his own for some time.

Dot O'Hara, neighbor, stated that on weekends the sign mostly says "no vacancy". The hill is not lit up at night and she does not feel that this is good for the neighborhood. Mr. Milbrand explained that he does not intend on having live entertainment.

With no other comments, the public portion of the hearing was closed and Mr. DeStefano gave a summary.

Mr. Denton stated that he feels that a business should be allowed to expand but is not sure that it fits with this neighborhood. Mr. LaFlamme felt that most of the concerns expressed come under the jurisdiction of the Planning Board. He lives near the Whipple House B & B on route 104. There are lots of kids and lots of traffic. Mr. Milbrand already has a B & B given by Special Exception. Mr. DeStefano felt that this does not give an automatic right to have a restaurant. It is a residential area with a B & B. It could morph into more, especially on the weekends. There could be a large impact, he added. A lot is for Planning but the ZBA has to take these things into account in order to make a decision. Ms. Dolloff stated that she has a problem with hardship. Mr. LaFlamme agreed and Mr. Denton added that he already has been allowed to have a business there. Mr. DeStefano had a problem with criteria #1 Contrary to Public Interest as well.

L. Denton made a MOTION, second by R. LaFlamme, to DENY THE APPLICATION FOR DONALD MILBRAND TO ADD A BREWPUB TO THE PROPERTY. The motion CARRIED.

With no other business, the meeting adjourned at 7:40 p.m.

Respectfully submitted,
Jan Laferriere, secretary