

DUNBARTON ZONING BOARD OF ADJUSTMENT
Monday, February 12, 2024 ~ 7:00 p.m. ~ Town Office

MINUTES OF MEETING

Chair John Trottier called the meeting to order at 7:00 p.m. He confirmed that notices have been posted in two public places, in the Concord Monitor, and on the Town's website.

Attendance: Vice Chair Jim Soucy, Dan Dal Pra, Chair John Trottier, and Secretary Alison Vallieres. Matthew Delude was unable to make the meeting; had he attended, he had planned to recuse himself from the hearing due to an association with the applicant.

Approval of previous meeting minutes: **Alison Vallieres made a motion to approve the minutes of August 14, 2023 as written; Dan Dal Pra seconded the motion. All were in favor.**

Application #2024-ZBA-001, Rapid Rentals (SMC School Street LLC) – Special Exception to Section 4, II Table of Uses; Allow the rental of equipment, Lot E3-05-06, 1007 School Street.
Jacques Belanger of Belanger Land Surveying represented the applicants.

Mr. Belanger said the applicants wish to rent out small equipment and small dumpsters. He showed the parcel on a plot plan, outlining the area of the apartments/café in the main building, two ponds, a two-story home, and a metal frame building behind the main building. Mr. Belanger stated that Bruce Vaal had a curbing business in the metal frame building years ago. He said Rapid Rentals have a skid steer, a mini excavator, and 15-yard dumpsters on trailers. He showed a picture of the dumpster set-up. Mr. Belanger said the equipment would be stored onsite between rentals, and the equipment would go inside the building. He said there would be no changes to the site; there is an existing gravel pad. The previous business had 18-wheel trucks bringing in the curbing. Mr. Belanger said the entrance would be through the café parking lot, noting there is a second access at the other end of the main building.

John Trottier asked to confirm that this would be the rental of three dumpsters, a skid steer, and a mini excavator. Sean Baker-Cromwell, one of the owners, said that is what they currently have, and they will put everything they can in the warehouse. Dan Dal Pra asked about the access, which Mr. Belanger pointed out on the plan. He then asked about the current use of the existing building. Mr. Baker-Cromwell said it is used for storage. He said they have three trailers and the equipment. Tyson Campbell, also an owner, clarified that customers would not be going down there; the business would be delivering the rented items. Mr. Baker-Cromwell said there is plenty of room. They would each use a trailer and deliver to a site. Dan Dal Pra asked about the number of trips per week. Mr. Campbell said this is a new business, so they are not sure of the numbers at this point.

Jim Soucy asked the purpose of the dumpster rentals. Mr. Baker-Cromwell said they would be rented for household clean-outs, construction materials, etc. Mr. Campbell said there would be no waste stored at their site. Mr. Soucy noted there would be no control of materials put in the dumpsters. Mr. Baker-Cromwell said they have a list of acceptable materials and would not take

anything that is not accepted at the dump. Mr. Soucy asked how they would ensure the dumpsters being clean once picked up. Mr. Baker-Cromwell said they could pressure wash the dumpsters if need be. Mr. Soucy asked what the building is being used for now. Mr. Baker-Cromwell said they each have a boat in the building; those would come out for the summer. He said there is no equipment there, just the dumpsters. Jacques Belanger explained that he placed three rectangles on the plan for a visual. Alison Vallieres asked about the size of the dumpsters. Mr. Campbell said they are 12' long x 7' wide x 4' tall.

The chair went through the application criteria with Mr. Belanger.

1. No detriment to property values in the vicinity of the proposed development will result on account of: the location or scale of buildings, structures, parking areas or other accessways; the emission of odors, smoke, gas, dust, noise, glare, heat, vibration, or other pollutants; or the unsightly outdoor storage of equipment, vehicles of other materials.

The proposed location of the rental equipment will not be visible to neighbors from the north and partially visible from neighbors to the south. Rental equipment will not emit odors, smoke, gas, dust, glare, heat, vibration, or other pollutants. The rental equipment will be stored in an orderly fashion within the existing warehouse building.

2. No hazard will be caused to the public or adjacent property on account of potential fire, explosion, or release of toxic materials.

Rental equipment does not pose a threat of fire, explosion, or release of toxic materials. All rental equipment that runs on diesel, gasoline. And/or hydraulics will be monitored closely for any discharge of fuels. We are confident that no hazards will be caused to the public.

3. No creation of a traffic safety hazard or substantial traffic congestion in the vicinity of the proposed development.

The existing driveway and entrance to School Street should be adequate for customer traffic. Trips from customers will be minimal due to a pick up and return policy. We do not believe that customer traffic will have an impact on School street or to NH Route 13 congestion.

Mr. Belanger noted that this was an incorrect statement; upon further discussion with the applicants, it was clarified that the owners will be doing the transport, not customers.

4. No excessive demand on municipal services and facilities, including, but not limited to waste disposal, police and fire protection and schools.

There will be no waste on site. If customers rent a dumpster, it will be empty when picked up by the customer and empty when returned. The impact foreseen could be if a Dunbarton resident was a customer and then took the material to the town's Transfer Station. But that individual would most likely be using the Dunbarton Transfer Station to dispose of their debris even if they did not have the use of a dumpster. No impact is foreseen on the police and fire department and the present Dunbarton Elementary School grounds.

5. The proposed use will not result in the degradation of existing surface and groundwater water quality standards, nor will it have adverse effects on the natural functions of wetlands on the site which would result in the loss of

significant habitat or flood control protection.

There would be no impact on existing surface and groundwater water quality standards. The rental equipment will be placed either in the existing warehouse or in a designated area where it will have no impact on the existing wetland habitat or flood control protection. Any rental equipment with engines will be well monitored for any degradation of existing surface and groundwater quality.

6. In addition to the standards specified above, special exceptions may be subject to appropriate conditions Including the following: (RSA 674:33-IV):
 - a. Front, side, or rear yards in excess of the minimum requirements of this Ordinance;
 - b. Screening of the premises from the street or adjacent property by walls, fences, or other devices;
 - c. Limitations on the size of buildings and other structures more stringent than the minimum or maximum requirements of the Dunbarton Zoning Ordinance;
 - d. Limitations on the number of occupants and methods and times of operation;
 - e. Regulation of the design and location of access drives, sidewalks, and other traffic features;
 - f. Location and amount of parking and loading spaces in excess of existing standards;
 - g. Regulation of the number, size, and lighting of signs in excess of existing standards.

The chair opened the public hearing.

Abutters were called as follows:

Kenneth & Susan Koerber – not present

William & Anne Zeller – Anne Zeller said she had several concerns. She said she understood the owner to say there was no equipment there currently, yet there was a delivery of a skid steer and excavator today. Sean Baker-Cromwell said the delivery was not supposed to be made until the day after the meeting but was changed due to the impending snow. Mrs. Zeller spoke about her concerns about the increase in traffic and how much expansion could happen. She said she was not sure she wanted to see heavy equipment in a small area with driveway limitations. She said the character of the Center is of concern. Mrs. Zeller said once permission is given, it cannot be taken back so she would like some guarantee of a limit for the business. Jacques Belanger said it would be just two guys moving the equipment so would not be a large traffic increase. Mr. Baker-Cromwell said they thought they could store the dumpsters at the site because storage had been part of a previous approval for the property.

Bill Zeller said he understood that each dumpster would go in and out on a trailer. Tyson Campbell said they might go from one customer's site to another, not necessarily back to the yard each time. Mr. Zeller noted a previous question about washing the dumpsters. Alison Vallieres asked where they would dump the materials. Sean Baker-Cromwell said they go to Zero Waste in Bow. Bill Zeller said he would not like to see the business grow a lot.

Peter & Barbara Weeks Revocable Trust – Barbara Weeks said she has concerns about the noise level as it seems to have been noisier the last few years. She also had concerns about traffic through the café lot. Mrs. Weeks asked who monitors this and decides if it is getting too big.

Anne Zeller added that traffic is a big concern, with kids in the road and business at the library, town offices, and café.

Town of Dunbarton – Donna said the selectmen were in receipt of the notice, had mentioned some

concerns to the town administrator during their meeting, but nothing had been submitted for this hearing.

Alison Vallieres stated that site plan review is required in addition to the special exception and many items would be addressed as part of that process. Sean Baker-Cromwell said any noise that has been heard since they bought the property would be when they were plowing or hooking up their trailers.

Tyson Campbell, in addressing Mrs. Zeller's concern of large trucks, explained that their trailers are 14' long in comparison to his pickup truck being 19' long. He said it would be their preference to have the dumpsters out on sites. When asked about the size of the existing building, Mr. Campbell explained that the shop is 40' x 60' with a second floor of 20' x 40'. He said there is no office there right now, but there had been some talk about one in the future. Mr. Campbell said the equipment would be stored there.

The chair closed the public hearing and brought it back to the Board.

John Trottier said he had a big problem with what is being proposed, saying the application is all over the place. He said when an applicant comes to the Zoning Board, they should have a plan. He noted that the response to item #1 does not address the detriment to other properties. Mr. Trottier said the equipment is being stored outside, and it should be noted how any detriment would be rectified. Jim Soucy said it may be an incremental detriment, based on a limited number of dumpsters and trailers. He said the higher the number, the higher the chance of detriment. Mr. Soucy said the business owners want the business to do well, and if it does, it could grow. Dan Dal Pra asked what is to prevent them from storing other equipment there, noting that more could be unsightly.

John Trottier, addressing item #2, said fuels are hazardous and there should be a containment area mentioned. He went on to item #3. Dan Dal Pra said there are kids in the area, coming and going to school. He thought the applicants should reasonably project the number of trips. John Trottier said if the owners decide to get into other pieces of equipment, there could be more of an impact. Jim Soucy again said this could have an incremental impact, one that may not be a problem now but could grow in the future.

John Trottier said he was unclear on the response to item #4. Jim Soucy said the applicants mentioned going to Bow. He said they must have to back up a ramp or something and dump. He said he does not necessarily see this item as a problem up or down.

Addressing item #5, John Trottier said by the time they detect degradation of surface water, it is too late. He said the dumpsters would come back to the yard, be open to the elements, and he feels this would be detrimental.

John Trottier said standards in item #6, such as screening, access, and identification of where the storage would be, were not addressed.

Jim Soucy read from the top of the application: In order to secure a special exception, the Zoning Board of Adjustment must determine that your request is in harmony with the general purpose and intent of this Ordinance. Noting that the application was for a Special Exception under General Service Establishments, Mr. Soucy asked if this is a service business. He referred to the definition of General Service Establishments in the Zoning Ordinance, which includes, but is not limited to, several examples. He said this use does not seem like a fit and is not in harmony with the Zoning Ordinance. Dan Dal Pra said he would like to understand how they would monitor things like the number of employees and lighting. John Trottier said he feels the application is not complete or well defined. Alison Vallieres said it feels like it is a lot of activity with the six apartments, café, etc.

Jim Soucy made a motion to deny Application #2024-ZBA-001, Rapid Rentals (SMC School Street LLC), Lot E3-05-06, 1007 School Street, request for a Special Exception to Article 4, Section 1, Paragraph C: Commercial – General Service Establishments to allow equipment rental due to the fact that the applied for, or requested, use and activity in connection with the application is not in harmony with the general purpose and intent of the Ordinance, and that the

application and intended use does not satisfy, and the applicant has not shown that it would satisfy, Criteria #1, Criteria #2, Criteria #3, unclear on Criteria #4 and #5, and nothing presented with respect to the last part #6, and based on testimony heard during the public hearing and discussion of the Board. Dan Dal Pra seconded the motion. All were in favor; application DENIED.

Adjournment: Having no further business, Dan Dal Pra moved to adjourn the meeting at 8:00 p.m.; seconded by Alison Vallieres. All were in favor.

Respectfully submitted,
Donna White, Office Administrator