

**Zoning Board of Adjustment
Hillsborough Deering High School
12 Hillcat Drive
HILLSBOROUGH, NH
July 12, 2021**

DATE APPROVED: September 13, 2021

TIME: 7:00 p.m. – 9:50 p.m.

CHAIRPERSON: Robert Hansen

VICE CHAIRPERSON: Meg Curtis-Sauer

MEMBERS: Russell Galpin, Roger Racette

PLANNING DIRECTOR: Robyn Payson

ALTERNATES: Lucy Pivonka, Katherine Charrette, Mark Bodanza

EXCUSED Katherine Charrette

Public Present: See attached sign in sheets

CALL TO ORDER:

Chairman Bob Hansen called the meeting to order at 7:07 p.m.

Bob Hansen called the roll and appointed Alternate Lucy Pivonka to fill the vacant ZBA seat.

He asked the room to rise and recite the Pledge of Allegiance.

Minutes

06/14/21

Roger Racette pointed out a typo. Bob Hansen made a motion to accept the minutes as amended. Roger Racette seconded the motion. The motion passed unanimously.

06/28/21

Roger Racette made a motion to accept the minutes. Meg Curtis-Sauer seconded the motion. Motion passed with Russ Galpin Abstaining because he was not present.

Public Hearing

Variance-A

10 Tasker Road (Map 20 Lot 25)

Scott Schulman

Represented by Sharon Monahan

This application has been continued from June 14, 2021. Earlier in the day the Board attended a site walk at the applicant's property.

Ms Monahan made her presentation (see attached).

Ms Monahan said she wanted to add the proposed increase in impervious surface for the garage is within the 250 shore land protection area is 326 square feet. Of the 326 square feet 90 square feet is less than 75 feet from the high water mark and it is this that is being requested in the variance application. Her suggested conditions for this variance are:

1. Vegetation: Shrub plantings in the fill impact area of the proposed garage for soil stability, as erosion and run off control; that will protect future water quality of Franklin Pierce Lake.
2. Roof Runoff to be controlled by rain gutters on the garage directing runoff into a rain barrel or dry well. This is to be determined by the ZBA / Conservation Commission's recommendations.

After Ms. Monahan finished her presentation Chairman Hansen asked the Board if they had any questions.

Roger Racette asked if the 20ft access was recommended by the Hillsborough Fire Department. She said she understood it was state code. Roger then asked if there would be any need to receive further approval from anywhere to reduce it to 16 ft. Ms. Monahan said she didn't think so and it was more of a recommendation, it is not in the building code.

Lucy Pivonka asked if there would be any plumbing in the garage? Ms. Monahan said there would be. It is an office and he intends to have a bathroom. The septic system is approved as a two bedroom and the house has only one bedroom so the septic system is sufficient for an office.

Ms. Pivonka asked if there would be a drain in the floor for antifreeze or oil that might leak from the vehicles. Monahan said nothing had been proposed.

Chairman Hansen asked if there were any other questions from the Board. There being none he opened up the hearing for public comment. Chairman Hansen read the Public Hearing Ground Rules (attached).

Richard Head, Chairman of the Conservation Commission said the Conservation Commission had reviewed the updated application. They found nothing in the updated application that would change their opinion that a variance for a three car garage was not appropriate in this case. He said that the applicant had not answered the five criteria sufficiently or proven hardship. He emphasized the impact of additional impervious surface on the lake.

Roger Racette said that one of the things the ZBA looks for as a proposes is will it be out of character with the neighborhood. He asked if there were other examples of three car garages in the neighborhood. Sharon Monahan said on Morgan Road there is a huge storage garage for his business within 75feet of the high water mark. He received a variance. That is much larger than is what is being proposed.

Lucy Pivonka asked if they needed three stalls.

Ms. Monahan said he needs this because he is retired and he needs a three car garage for two cars and one place to put their boat.

Ms. Pivonka asked what was in the storage shed at the back of the property. Ms. Monahan said it is an 8x10 ft shed was a place to store life jackets and buoys and things like that.

Lucy Pivonka asked if that shed would be taken down and those things moved in to the garage? Ms. Monahan said he intended to keep the shed.

Chairman Hansen asked for any additional public comment. There being none he closed the public hearing and the Board entered in to deliberations.

Bob Hansen said the only concern he had was the drainage which was supported by the applicant. He asked for a motion to have the drainage requirements be included in the decision.

Roger Racette made a motion to the approval be subject to the

1. Vegetation: Shrub plantings in the fill impact area of the proposed garage for soil stability, as erosion and run off control; that will protect future water quality of Franklin Pierce Lake.
2. Roof Runoff to be controlled by rain gutters on the garage directing runoff into a rain barrel or dry well. This is to be determined by the ZBA / Conservation Commission's recommendations.

Meg Curtis seconded the motion.

Roger said that this second condition was to be determined by the ZBA / Conservation Commission's recommendations. He said they needed to give the Conservation Commission the opportunity to make recommendations.

Richard Head was called on to comment.

Richard Head said the Conservation Commission had no recommendation on what drainage method would be appropriate. He did recommend that in the previous variance the water would be directed in to a dry well. He suggested the garage be directed in to the dry well as well.

Roger Racette said he had one more question. He asked how a two car garage would create a hardship as opposed to a three car garage. Ms. Monahan had said it was because he needed the space for all of his vehicles. It is for the protection of his personal property. This will be his year round home in retirement within five years.

Roger said if the garage were two cars it could be completely out of the setback. Ms. Monahan said there is only one corner of the requested garage less than 75ft. It is because of the shape of the property that makes it necessary for that corner to be in the setback. The shape of the property is a peninsula which is why it is being placed the way it is. She also said she didn't see the public benefit of reducing it to a two car garage exceeded the benefit to the property owner.

After further discussion:

Roger Racette made a motion to APPROVE the appeal of Scott Schulman for a variance on property located at 10 Tasker Road (Map 20 Lot 25), from section 229-10 Stream and Shoreline Protection Ordinance and 229-36 Waterfront Development Ordinance-C to permit the construction of a three car garage with an office within 65 feet of the average high water level of Franklin Pierce Lake when 75 feet is required in accordance with the revised plan submitted by Sharon Monahan of Site Succor Design LLC as a part of this hearing with the following conditions:

1. Vegetation: Shrub plantings in the fill impact area of the proposed garage for soil stability, as erosion and run off control; that will protect future water quality of Franklin Pierce Lake.
2. Roof Runoff to be controlled by rain gutters on the garage directing runoff into a rain barrel or dry well.

Russ Galpin seconded the motion.

Roll Call Vote: Robert Hansen-Y, Meg Curtis-Sauer-Y, Roger Racette-Y, Russ Galpin-Y, Lucy Pivonka-Y. The variance was granted.

Special Exception

Kevin T. McCauley

25 & 31 Carr Rd (Map 1 Lot 21-1 & 27)

RV Campground in the Rural Zone

Attorney Bob Carey of Orr and Reno presented the application for the Special Exception submitted by Kevin and Erik McCauley for a seasonal 34 site RV Park on their property. Attorney Carey was joined by Ron Bell-Engineer on the project, Peter Mellen-Surveyor, and Stephen Haas-Traffic Engineer.

This project had been previously denied without prejudice for lack of information in November of 2020. Subsequently, the applicant went to the Planning Board and had multiple hearings. They met with the Conservation Commission, the project was reviewed by the Town Engineer, a Traffic Study by Mr. Haas was submitted, they received input from the Town of Washington and abutters. That process resulted in an approved Site Plan with 26 conditions. (see attached). There is much more information before the Board now than there was in November.

The McCauley property is 120+ acres approximately 16 acres are where the are 34 RV sites planned. This is reduced from the 39 sites that were originally proposed. The property is thickly wooded on three sides. Possibly four of the RV sites might be visible from the road which is about 1000 feet away.

The Master Plan addresses this kind of project in Objective #3 in Existing and Future Land Use “Promoting appropriate levels of development and density in the Rural District. Specifically uses that are permitted by Special Exception.” Attorney Carey said that a camp ground open half a year is at the minimal extent of a commercial use. So it is something the Master Plan has spoken to.

Special Exception Criteria

A. The ZBA shall hear and decide requests for Special Exceptions that are specifically authorized in Table 4 Chart of Uses:

This campground is authorized in the Table 4 Chart of Uses under a Special Exception.

B. The requested use will not create undue traffic congestion or unduly impair pedestrian safety:

The traffic study by Stephen Haas was reviewed by the Town Engineer through the Planning Board process.

These are large RV’s that tow cars behind them for use. People park the RV’s and use the cars on the local roads for shopping and sight-seeing etc.

Some of the traffic is RV’s coming and going when they arrive and leave but most of it is small cars that would normally be on that road.

The roads are already used by cars and trucks sometimes with boats.

Using State data, it was determined that 85% of the traffic is going to be coming from the south. That is important because that traffic can be guided to the campground through RTE 31 and Coolidge and just briefly on East Washington Road. So it will stay primarily on larger roads.

The traffic study concluded there would be no impact on roadway capacity. He looked at the data available and what the road is designed to take. He determined the roadway capacity during the morning peak hours might be an additional eight cars. In the evening peak hours, it might add twelve cars to the roadway. He estimated there might be another car every five minutes or so.

The other thing to think about when it comes to roadway capacity is this is a half a year operation. The Planning Board conditioned May 15-October 15. The other half of the year, the campground is closed. Another condition was that there would be no “Park Model” RV’s that would be at the campground year round.

The Traffic Study concluded that there would be no impact on safety. RV’s are slow vehicles on slow roads. Coolidge and East Washington Roads have very few accidents. The data reviewed

from the local police department was that Coolidge had about two accidents a year and East Washington had one and a half accidents. None of those accidents involved pedestrians. The involved fixed objects and they involved wild animals. Because it is seasonal, travel will be when it is safest with daylight, dry pavement and no snow or ice and hazards that hit us in the wintertime. When the campground is open and the roads are being used the roads are at their safest.

Another question is how to direct people to use RTE 31 and Coolidge Road. The data shows the drivers are coming from the south more than they are coming from the north. RV GPS is designed to avoid trouble spots. The McCauley's are experienced RV-ers and have the informational software systems that they use to give directions. There will also be someone at the park 24/7 to remind people of how to get around town.

C. The requested use will not overload any public or private water, drainage, or sewer system or any other municipal system, nor will there be any significant increase in storm water runoff onto adjacent property or streets.:

The sewage and the drainage and water runoff has been designed by Ron Bell. This has been reviewed by the Town Engineer. This is private water. The seven sites that are 1000 feet from the road do not have hookup to the sewage system that the park has been designed for. They would go to a pump station to deposit their sewage. The other sites have direct access to the parks water and sewage system.

The waste will be disposed of by a private contractor. As this is a half a year operation it is expected the waste will be very low. The sewage systems are over designed over capacity. The seven sites that don't have sewage hookup are more than 250ft away from Beard Brook. In terms of drainage and runoff there are a number of infiltration pools. The roadways are gravel, the pads for the RV's are gravel to minimize and control runoff.

Rob Bell of Bell Engineering from Spofford NH reviewed and explained the drainage system.

D. The requested use will not create excessive demand for municipal police, fire protection, schools, or solid waste disposal services.

Water and sewage is private and not using the municipal system. The RV sites will not contribute to the school system. Ms. Payson solicited comments from the Fire Chief and his comment was that as long as the roads were 18' wide that was good for him. Attorney Cary asked Ms. Payson if she had received any comment from the police chief. She said she had not. There will be a caretaker on the property 24/7 to deal with any emergencies should they come up. It is expected that a seasonal campground would not have a great need for emergency services. The Planning Board process in the conditions help make this a safe operation. Among the conditions are no ATV's, no shooting, no fireworks, no one staying overnight that is not a paying guest. Quiet hours from 10:00pm to 6:00am. The activities that might provide a need for municipal services have been outlawed and prohibited. Also attached in the packet is a letter from the Hopkinton Police Department. They have 150 site campground called "Sandy Beach" the police say they have no trouble with the campground.

E. Any requirements and standards for the specific use as set forth in the Zoning Ordinance are fulfilled;

The Zoning Ordinance does not have any specific criteria for a Campground. This is a very small campground.

F. The requested use will not create hazards to the health, safety, or general welfare of the public, nor be detrimental to or out of character with the adjacent neighborhood.

The Zoning Ordinance allows this use by Special Exception in the district. The Zoning Ordinance contemplates that this is where this use is most appropriate. This campground is set in more than 100 acres, and it is densely wooded. The campground will be landscaped to improve the aesthetics. One condition from the Planning Board was that the lighting be “Dark Skies Compliant”. The campground can’t be seen on three sides and barely seen from the road. It is not generating much noise with no ATV’s or shooting or fireworks. This is the perfect spot for this kind of proposal.

G. The requested use is consistent with the spirit and intent of this Ordinance and the Master Plan

In the Zoning Ordinance this is where campgrounds are allowed by Special Exception. It is where this use is meant to be.

It has less impact than alternate uses in the Rural Zone. You could have a two family house or a nursing home, by Special Exception you could have a four family house. And by a Conditional Use Permit you could have a Cluster Development. All things that are permanent and generate much more activity, traffic, noise, and much more demand on services. This is a minimal impact project.

Included in the packet is a letter from the New Hampshire Campground Owners Association. Camping is the second largest business in New Hampshire. In 2018 the revenue generated by campers was over a billion dollars. That is not just the camping fees that are charged that is the restaurants they go out to, its gas stations and stores clothing and art galleries etc. It’s all the indirect impacts that flow from the tourism that New Hampshire depends on. In the Master Plan in Chapter 9 Land Use section there is a questionnaire which asked which commercial enterprises would people like to see. 69.6% of Hillsborough residents wanted to see tourism related businesses. It’s hard to attract business to town. It is much easier to encourage home grown businesses. In the Town’s 2020 Annual Report Land Use and Economic Development report said that in 2020 the Economic Development Commission did not meet because of Covid, but they will resume work promoting the town by supporting existing businesses and attracting new ones to town. This is an opportunity that the town has. It is a minimalist commercial activity. It’s a half year activity, it’s an activity with the safeguards the Planning Board conditioned its approval on. If the numbers are true about the rest of the state regarding tourism and how camping especially helps support the economy this campground will contribute and help out the businesses in Hillsborough.

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Finally, he submitted a letter from Amy Healey who is an across the street abutter and is in favor of the project.

It was accepted for the record.

Meg Curtis asked Attorney Carey if he had ever driven down Coolidge Road or through old Hillsborough Center to East Washington Road? Attorney Carey said he had.

Roger Racette said the only thing he is still unclear about is if there were an occasion where there was some drunkenness or really rowdy people how is that going to be addressed? Attorney Carey said there will be a caretaker on site 24/7. He said that the demographic that this is catering to is an older demographic there are no fireworks allowed no ATV's to attract that other activity. If something gets out of control or needs attention it can be addressed. He deferred to Mr. Erik McCauley.

Mr. Erik McCauley said when you are managing a campground, if you have a group of folks that are acting suspicious you engage in a conversation with them. Prior to that everyone has to sign the campground rules at check in. Assuming we see someone causing trouble we talk to them and remind them of the rules. If it escalates from there, then we call the authorities. Normally if people know they are being watched there is good behavior.

Roger said he just didn't want anyone impaired getting behind the wheel of a car.

Lucy Pivonka asked to be shown where the nearest houses were. Attorney Carey pointed them out.

Lucy Pivonka asked if there were any future expansion plans because the septic system was described as being "over capacity". Attorney Carey said there were not. The Planning Board said there could be no expansion without further approval from them. Ron Bell was asked how far overcapacity the septic system was designed and he said 20% over capacity as a full time year round system.

Kevin McCauley said they own 3200 feet of frontage on Beards Brook which is the natural boundary between them and their neighbors. It's a floodplain that has the stream running through the middle of it and all of his property is isolated from the East Washington Road by Beards Brook and about 500ft on one side of Beards Brook are some of the houses on East Washington Road but on the back side there's another 500ft on his side of the stream before 600 or 700ft from his side of the stream to the edge of the campground. That first area is what we call "over run" so if the park is full there might be somebody in those front spaces.

Bob Hansen said some people may remember him on the Planning Board Site Walk because at that time he was a member of the Planning Board so he is familiar with the lay out. He accepted a position on the Zoning Board after his Planning Board term expired so that is probably why he is familiar with the site. He said he didn't see in the conditions the requirement for trees to be planted to obscure the view from East Washington Road. Erik McCauley said it was not a condition but a landscaping plan showing trees was submitted as part of the application to the Planning Board. The plantings in the Landscaping Plan were pointed out to Mr. Hansen.

Bob Hansen asked if there were any other questions from the Board members. There being none the hearing was opened for public comment.

Donna Andersen of 43 Sleeper Road read a statement (see attached)

Marian Baker of Crosby Road read a statement (see attached)

Bob Hansen said 229-13 Camping Ordinance had nothing to do with allowing a Recreational Campground in the Rural Zone.

Marilyn Jost of 295 Sleeper Road submitted a statement (see attached). She said the entire length of her property abuts the McCauley property. She said they purchased their property on Sleeper Road 15 years ago from a woman from Philadelphia who wanted to put in a 30 house development. It went through the town process and she gave up because everybody said no because that is not the kind of thing that goes in to this area. They only put one house on it and they love it there and the proposed RV park is going to create a small city in an area that is currently rural. If you have 34 RV's with 200 people, I don't care what kind of lighting you have it is going to make noise. You are going to hear voices and music, they are right up the hill and sound travels up. She said she could not emphasize enough how much she requests that the Board votes no to this exception. She thanked the Board for their time.

Rodney Phipps 955 East Washington Road He said he was not in favor of the project. He said the campground is out of character for the area. He said he believes there is a sewerage problem. He said he didn't care how many wonderful things are built in this sewerage system, sewerage systems overflow. Beards Brook used to be known as the Hillsborough River. If there is a problem with the overflow and it goes in to the river, it's going to show up in Hillsborough.

We went through the nuclear dump thing in 1985 and people talked until somebody figured if that dump had a problem Boston would be a target for the water that would drain down. That ended it right there. I feel that the sewerage is a problem I have seen water in that valley and I have lived there since 1984 the water comes up and goes down and its controlled by the dam up in East Washington Pond. And there is some talk about that dam being taken out and everything being returned to its natural state. But I can't put that in concrete.

There's a fire hazard there. He said he has spent some time in California and we lost a whole city in northern California because there was only one way out. In this particular project there is only one way out. There should be at least two ways out to be safe. He said he used to be in the navy and has done work with fire and there is a fire hazard because those are burnable fields between the site and the road.

Noises, I can hear people talk up in Mr. McCauley's area right now at night from my house. He said he has just done a recent survey of East Washington Road and I note it is 20ft wide. A Class A motorhome is 8 ½ ft. wide. Passing in the night, if they are passing and they have mirrors hanging out you've got a collision. There is no shoulder and it is black out there and if two of those units pass there is going to be a problem. He asked if the ZBA has done a site walk. Bob

Hansen said they hadn't and Mr. Phipps asked if they were planning to. Mr. Hansen said they were going to finish with what they are doing right now.

Joan Phipps of 955 East Washington Road. She said she farms across the street on Buzzlle's property. She said she has an extensive garden. She feeds her family, she contributes to the Buzzle's family and to my grandchildren and I also sell my produce at the Washington Farmer's Market. She said she has done this for a number of years. It's a flood plain that floods all the time. She said she has to have drainage areas because whenever there is heavy rain that whole valley floods. That whole field floods. She said she was concerned about any contamination in that flood area. This year she only planted one row and not the whole garden. Because she can't sell things if she does not know about the purity of the water.

Harry Andersen of 57 Sleeper Road. Mr. Andersen said the (Harris?) and Andersen family has lived on Sleeper Road for 85 years he said he is an abutter to the land being proposed as a seasonal RV Campground. He said he has no desire to see that happen. My reasons for opposing any approval of this venture are found in the Hillsborough Master Plan Implementation Plan and the Hillsborough Conservation Plan. Specifically noted in his letter of 2/1/21 (see attached) to the Planning Director Ms. Payson. (He is providing a copy of that letter for the record). He said he wanted to quote from the Zoning Board Handbook for Local Officials regarding Cormier v Danville 1998.

Mr Andersen quoted:

“The board denied a special exception finding that the use would be detrimental to the historic and natural character of Tuckertown Road. The decision was appealed and upheld by the superior court. The supreme court reversed the ZBA, finding that there was nothing in the record to support the ZBA's conclusion that the proposal would have an adverse impact on the road. The court reminded the board that “the law demands that findings be more specific than a mere recitation of conclusions.” Board members should be sure that factual conclusions like “adverse impact” are supported by factual findings contained in the record, whether from testimony, evidence, or board members' personal knowledge of the area. If you determine that there WILL be something (adverse impact, detrimental effect, etc.), you should next ask yourself, and make sure the record reflects, WHY you came to that conclusion, i.e., “We find that there will be an adverse impact because of x, y, z.”

Finally, from the Zoning Board Handbook;

The board of adjustment, after conducting the hearing, could simply vote to approve or disapprove the application. General fairness to all parties concerned, however, reinforced by New Hampshire Supreme Court decisions, strongly indicates that the board should prepare a statement of its reasons. Since the decision of the board of adjustment is so important, it is necessary for both the appealing party and the municipality to have a clear record of what occurred.

Mr. Andersen continued; thus the Cormier case differs from this submission in that the Board of Adjustment denied the application. However, the court's reasoning applied to the level of what the court determined the reason for the overturning the decision applies in this case.

It follows that the abutters who respond today to this application, (should you choose to approve this application) hope you will extend the courtesy to us by providing us with your thoughtful rationale for not accepting our first knowledge of the locality on each of the criteria that the applicants must meet.

Finally, is it not oxymoronic that the approval of a seasonal RV campground with its large septic system on land that is a watershed and on the largest aquifer in Hillsborough?

John Segedy of East Washington Road said: He lives across the street. There is a second right of way access to the property and he is across from that. He said he can see the property diagonally. He urged the ZBA to support this proposal. The McCauleys have jumped through an unbelievable number of hoops to make this project palatable for everyone. By right they could probably put 30-40 homes in a development on that property. This is very low impact in terms of how it will affect the neighborhood. This project is very minimal in terms of what could be put there by right. He wanted to make a couple of points:

He wanted to speak about the project being on Beard Brook aquifer. If you refer to the Town's Conservation Commissions Natural Resource Inventory map of aquifers, the aquifer does not go up to where the project is. Beard Brook aquifer is along the river but their project is not on top of that. This was discussed by the Conservation Commission when it reviewed this project because that concern was raised. He said he was not speaking for the Conservation Commission.

As far as traffic goes, the few times that these vehicles have been on the road they will probably slow down traffic. Right now you do have cars zipping along on East Washington Road and Coolidge Road. Somebody who is driving a vehicle like that with the amount of money they have invested in a vehicle like that is not going to be zipping along at 50 miles per hour on a back country road like some of our residents and neighbors. The roads handle a minimal amount of large vehicles already. We see logging trucks frequently, the farm trucks from Eckhart Farm go down most days. A lot of the neighbor's property on East Washington Road and Coolidge Road, even down as far as Center Road.

As far as a view of the park, yes you might be able to see a couple of them until the trees and vegetation grows up but even at this point if I wanted to see if Mr. McCauley was there because he has his own RV that he parks there, I would probably have to drive up Carr Road to see.

I just think this is the exact kind of project that our town wants. We've had people on Economic Development Committees trying to attract businesses that will drive people to other businesses. One of the reasons given maybe we can bring people to our other businesses that have a hard time surviving. If they are driving these vehicles they have a lot of money that they can spend in town. This is the kind of business we want to bring to town.

Bob Hansen asked if there were any further comments from the public. There being none, he asked if there were any comments from the Board.

Roger Racette said a number of residents that spoke up said that this use was out of character. He asked Attorney Carey to address that.

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He said the place you start with that analysis is with what the zoning ordinance tells you. Table 4 tells you where uses are appropriate. A campground is a low intensity use and more appropriate to a rural district. There are all types of people who camp. In terms of how it fits in with the area it is not year round, its seasonal. It is not something that is going to be visible to everyone all the time. It is a use that is not going to create a lot of noise because of the conditions imposed by the Planning Board. Anything new is going to have an impact but just because it has an impact doesn't mean it can't happen. You have to balance all of the factors. It is a low impact seasonal use and all of the things that could possibly be done to reduce the impact has been the conditions.

He also pointed out that the traffic study was not based on COVID Data it was on pre-COVID state data. Its real numbers with real data.

Roger Racette the people have spoken up are in single family homes. It will be a mixture of the campground and single family homes. How do we make that work?

The impact is going to be minimal. These are longer term stays with the RV's staying on site. It is not going to be constant use. It is a seasonal use. You have families that want to come to the site use the site in a reasonable way.

Lucy Pivonka asked is the property in the flood plain? Is it near where the septic is?

Kevin McCauley said there is flood plain on the property but not where the camp is. The septic is not in the flood plain.

Lucy Pivonka asked if there was any historical significance to the land?

Kevin McCauley said about the character of the property, everybody remembers the Hillsborough Girls Camp. That was a camp that he saw when he was a student at New England College. You would see 100 cars in the parking lot and people around the campfire. Coolidge Road has been a campground area for 100's of years. And it goes back before the Hillsborough Girls Camp. If you go up in to East Washington and take the Bradford road and go a couple of miles up, you will come to a state sign on the side of the road that talks about the Bradford Bog and the White Cedar Swamp which is the head waters of parts of Beard's Brook. That was a place where people went to be cured of all kinds of ailments. There were hot springs there and people came from all over the country.

Lucy Pivonka asked if there had ever been a wildfire there.

Kevin McCauley said there hadn't been.

Roger said he wanted to make a comment. He wanted to explain that a Special Exception is much different than a variance. A Special Exception is much less subjective meaning that what it requires is as a permitted use in a district and as long as the conditions are met the ZBA cannot deny it. You can't expect zero impact and if you do it should be made a prohibited use. That is what the ZBA has to deal with.

Rodney Phipps was recognized. He asked how the 26 conditions would be enforced. Russ Galpin said it was the Building inspector who is also the Code Enforcement Officer.

Bob Hansen said that all of these uses with their permissions were voted on by the town.

Harry Andersen said the one thing that had not been discussed was taxes. It was his understanding that in many of these parks the trailers stay the whole season and the whole year, and the owners drive their cars for fly back to wherever they came from. So there are two tax rates. One for the season which is higher and a lower tax rate for non-season which is probably a little higher because you have property. I contend that the sole reason he wants to have this place there is because they need the money for taxes.

The other thing is it is extremely important to understand the significance of an aquifer. I had the privilege of being in the National Guard and flew helicopters and I spent a week behind a security fence at Seabrook when all the protesters were outside. The nuclear power plant had to have the waste issue resolved. The aquifer came up, and that was one of the primary reasons the decision was made. As for the Hillsborough aquifer. That one is the feed for many towns south of the border. If their septic system bites the bullet, then what happens to the aquifer? It is polluted. In time it will be polluted it is sitting on top of the water table.

And I don't know what anybody else has but I have a sonogram or whatever it is that they take of the subsurface water that his house is over the aquifer. He said he is concerned because he loves this state and he loves the natural beauty of this state that something will happen eventually whether they own it or somebody else owns it but we have an obligation to the current residents of this state and to the people of the United States to protect this water.

Bob Hansen said hi home sits on top of an aquifer an adequately built waste water treatment far exceeds what the state standards were 20 years ago.

John Segedy said taxes were mentioned. A big part of the taxes are the schools. This project will expand the tax base while not burdening the schools.

Bob Hansen closed the public hearing and asked if the Board felt they needed to do a site visit. He said he saw the conditions the Planning Board imposed and he thought they were more than sufficient

Russ Galpin said he thought there should be a vote.

Russ Galpin made a motion to APPROVE the application of Kevin McCauley for a Special Exception for a Recreational Campground as specified in the Table 4 Chart of Uses in the Rural Zone at 25 and 31 Carr Road (Map 1 Lots 21-1 and 27), as shown on the plan "Rocky Valley RV Resort" revised February 7, 2021 and submitted by the applicant as part of this hearing.

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Lucy Pivonka seconded the motion.

Roger Racette wanted to point out that this is the second time the ZBA met on this issue. The first time he was asked to provide more information. He has complied with that requirement quite well.

Roll Call Vote: Robert Hansen-Y, Meg Curtis-Sauer-N, Roger Racette-Y, Russ Galpin-Y, Lucy Pivonka-Y. The special exception was granted.

Russ Galpin made a motion to adjourn

Meeting Adjourned 9:50 pm

Respectfully Submitted,

Robyn Payson
Planning Director

July 12, 2021 ZBA Meeting Minutes-Draft

Date: July 12, 2021

To: Town of Hillsborough
Land Use Office
Attn Robyn Payson and Zoning Board of Adjustment

From: Sharon Monahan, CWS
Agent for Scott Shulman, owner 10 Tasker Road

RE: 10 Tasker Road Variance Application Case 2021-01 A Garage Variance

Dear Town of Hillsborough Zoning Board of Adjustment:

Please Amend the Variance Application to be a variance from Section 229-10 only. The Shoreland Application has been revised to no longer request a reduction in the side setback (Table 3).

The Variance Application should be amended to be: “to build a 3 car garage with an office above within 65’ of the high water level of Franklin Pierce Lake.”

Revised Plans dated 6/24/2021 supporting this variance request have been provided to the Board at the continued hearing on 6/28/2021.

Additional information in support of the variance:

1. The proposed increase in impervious surface area for the proposed garage within DES Shoreland Protection (250’ of Franklin Pierce Lake) is 326 sq ft.
2. Of the 326 sq ft increase in impervious surface area, 90 sq ft is less than 75’ from the high water level and is requested in this variance application from Section 229-10.
3. All Pre Construction and Proposed Post Construction Impervious Surface Area is < 20% of SWQPA requirement for Stormwater Management. However in consideration of the Hillsborough Conservation Commission’s recommendation that all new construction regarding waterfront properties should have stormwater management remedies proposed; In the spirit of the ordinance the Stormwater Management proposed is:
 1. Vegetation: Shrub plantings in the fill impact area of the proposed garage for soil stability, as erosion and run off control; that will protect future water quality of Franklin Pierce Lake.
 2. Roof Runoff to be controlled by rain gutters on the garage directing runoff into a rain barrel or dry well. This is to be determined by the ZBA / Conservation Commission’s recommendations.
4. The proposed location of the Garage cannot be setback any farther due to the following hardships:

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- A) The Wedge shaped lot where the widest part of the lot is lakeside.
- B) The Location of the Existing Nonconforming House and the garage to be within walking distance of
- C) The Existing Impervious Parking Area.
- D) The Existing Septic Tank and Leachfield.
- E) The Existing Driveway is too narrow > 75' from high water.
- F) Recommended Fire Truck access width is 20'. The existing location of the Nonconforming House requires Fire Truck Access for protection of property. The proposed width maintained is 16'.
- G) The parcel is actually 4 tracts of which two are waterfront tracts. The proposed garage is solely on it's own tract and is less impacting than a new residence if the lots were to become unmerged. (If the applicant applied for involuntary lot merging).
- H) Adequate room for vehicle turning is needed for safety. The farther away grassy overflow parking area is actually narrower and is directly across from the abutter's driveway access so is a hardship to the neighbor and owner. Also it is unknown what is driveway and what is Tasker Road in this location.

Respectfully Submitted on behalf of Scott Shulman,

Sharon Monahan, CWS

Public Hearing Ground Rules

There will be no public comment accepted until the Zoning Board of Adjustment Chairman opens the public hearing.

1. Those wishing to speak shall raise their hand and be recognized by the Chair before speaking.
2. Each speaker will have 5 minutes to make their comment or ask their question
3. No one shall speak a second time until everyone has had the opportunity to speak once.
4. Each speaker shall announce their name and address every time they speak.
5. There shall be no speaking out of turn or from the audience.
6. All questions and comments will be directed through the chair.
7. There will be no direct interaction between members of the Zoning Board of Adjustment and the public.

07/12/2021

Hillsborough

Zoning Board of Adjustment

Sign in Sheet

Name (Please Print)	Address (Please Print)
BOB CAREY	CONSUM MIT (ART for McCaulley)
ERIK McCaulley	31A CARR Road Hillsboro NH
Kevin McCaulley	31A carr Road Hillsboro NH
Tim Rager	106 Steeper Rd. Hillsboro NH
Roger Shuml	262 E WASH RD "
Jaune Jupp	590 Center Road
DR. BRANLEY	402 CENTER RD "
Martin Baker	10 Crosby Rd "
Susan Shamel	262 E Washington Rd
Marilyn Jost	295 Steeper Rd, Hillsboro
Donna Andersen	43 Steeper Rd, Hillsboro
Bert & Marvyn Haugli	20 Sequences Rd Hillsboro
Stephen Hoas	150 Dow St Manchester, NH
MARY MOREHOUSE ROGERS	60 SCHOOL ST, HILLSBORO

07/12/2021

Hillsborough

Zoning Board of Adjustment

Sign in Sheet

Name (Please Print)	Address (Please Print)
Ronald Bell	17 Echo Cove Spofford, NH 03462
Elsa Anderson	57 Sleeper Road
Rodney Phipps	955 E. WASHINGTON RD
Katherine Baker	955 E Washington Rd.
Jan Phipps	955 E. Washington Rd.
Amy Healey	57 SLEEPER RD
PETER D. MELLER, US	22 CENTER RD, HILLSBOROUGH
Amy Healey	995 E Washington Rd Hillsboro NH 03244
John Segeby	
Laura Buono	

Rocky Valley Resort Proposed Conditions of Approval
APPROVED by PB 5/5/21

1. No ATV's (including but not limited to Motocross Bikes, UTV's and other similar items) shall be operated on the Rocky Valley RV Resort Property; however, Resort overnight guests arriving on or with State registered motorcycles are allowed to use them on the main Resort roads to go to and from Town maintained roads.
2. No more than two registered automobiles shall be allowed per campsite.
3. Fireworks are prohibited on the Rocky Valley RV Resort property
4. All lighting in the RV Resort shall be "Dark Skies" compliant.
5. Occupancy shall be limited to no more than six people per site at the Rocky Valley RV Resort.
6. No additional RV or camping sites shall be added to the Rocky Valley RV Resort without Planning Board approval.
7. The pad materials will be crushed bluestone and stone dust or the equivalent.
8. Events that attract additional visitors to the Rocky Valley RV Resort are prohibited.
9. Members of the public not staying overnight at the Resort shall not be invited to or allowed to use the amenities at the Rocky Valley RV Resort.
10. No amenities requiring construction other than the planned Bathhouse can be added to the Rocky Valley RV Resort without Planning Board approval.
11. Accessory uses allowed without Site Plan amendment at the Rocky Valley RV Resort are limited to a Bath House, Game Courts, Horseshoe Pits, and Picnic Areas which do not include building of a structure.
12. Annual days of operation of the Rocky Valley RV Resort shall be limited to May 15-October 15
13. Quiet hours at the campground shall be 10:00pm-6:00am each day.
14. "Park Model" Recreational Vehicles or their equivalent are prohibited
15. The wetlands shall be reviewed in the spring of 2021 and the plans shall be stamped with approval from NHDES before issuance of the first building permit.
16. Test pits in relation to the modeled infiltration rate be performed in accordance with Standardized Test Pit / Boring Protocol outlined in Chapter 2-4 of the NH Stormwater Manual, Volume II (dated December 2008) as published by the New Hampshire Department of Environmental Services (NHDES). The results of the test pit information (infiltration rate, depth to ledge and to seasonal high groundwater table) be included within the drainage report and the location of the test pits be graphically illustrated on figures included in the drainage report; and, the updated report be submitted to the Town for review.

17. The Applicant's signature, and all professional stamps/signatures (including, but not limited to Land Surveyor, Wetland Scientist, Soil Scientist, and Engineer) be included on the final plans. Which shall be tendered to the Planning Department prior to the issuance of the first building permit.
18. The Applicant is required to obtain all Federal and State approvals on or before May 5, 2022.
19. The Applicant is required to obtain a Special Exception from the Zoning Board of Adjustment for a Campground in the Rural Zone on or before May 5, 2022.
20. Should the NHDES require one, the Applicant will undertake a Wildlife study.
21. A pre-construction meeting with the Applicant, the Applicant's Contractor, the Hillsborough Town Engineer, the Highway Director, Building Inspector and Planning Director to be completed prior to the issuance of any building permit. Topics of discussion will include signage, construction and drainage oversight.
22. The Applicant shall provide the Town a surety (cash or letter of credit, not bond) before issuance of the first building permit (see enclosure) to cover construction costs related toward the drainage infrastructure and erosion control. Gale Associates Inc. has calculated the construction surety estimate of \$60,000.
23. Certification that all Town Engineering Review fees have been paid in full prior to the signing of the Site Plan by the Planning Board Chair.
24. A Lot Line Adjustment Plan shall be prepared for Tax Map 001 / Lot 21-1 and Tax Map 001 / Lot 027 to accommodate an encroachment of the proposed development on Tax Map 001 / Lot 027 to remedy all encroachments and locate the entire development on a single lot. Said Plan must be tendered as soon as practical for review by the Planning Board, which will hold a duly called and noticed public hearing to consider and potentially approve said Plan within 65 days of receipt of the Plan. Assuming that said Plan is approved by the Planning Board, the associated Deeds and Releases of Mortgage must be tendered to the Town within 30 days of the Board's vote to approve so that the Deeds and Releases can be reviewed and approved for the Town's attorney. Said Deeds and Releases shall be then signed by all necessary parties and recorded at the Hillsborough County Registry of Deeds within 30 days of Town attorney's approval.
25. All conditional approvals granted by the Board shall expire eighteen (18) months from the date of conditional approval unless fully implemented by that time in accordance with chapter 185-10, D of the Town of Hillsborough Site Plan Regulations.
26. There shall be no hunting on Map 001 Lot 21-1 and Map 001 Lot 27 by campers or guests of the Rocky Valley RV Resort from May 15-October 15.

Good evening, my name is Donna Andersen. I live with my husband, John, at 43 Sleeper Road.

The Andersen and Hallas families have resided in this area for over 75 years.

I am here tonight to give testimony to the Zoning Board of Adjustment against a special exception for The Development of a Seasonal RV Park.

1. On page 3.14 of the HMP Implementation Plan it states "Maintain densities in the rural areas and reduce the type and intensity of non-residential use to protect rural residential areas and sensitive environmental lands.

2. On page 9.5 under land use on the HMP, a vision statement appears:

"Hillsborough supports an emphasis on future development and redevelopment in the Central Business District and other commercial zones with the continued conservation of existing natural resources and lower densities in the Town's rural areas."

The Rocky Valley Resort RV Park will be a commercial enterprise, located in the northern part of the Town, a rural, agricultural area. It will be constructed on the Beard Brook Aquifer, next to wetland areas with close proximity to a flood zone. The construction of this facility flies in the face of the vision of the HMP.

Density – Supporting lower densities in the Town's rural areas will not happen with this project. The number of individuals allowed per pad is 6 – a total of a possible, additional

204 **192** people if the park is full – and if we stick to the McCauley's estimated occupancy rate of 80% that is still **163**. That number is many more than the current population of all the homes on Sleeper Road, Severance Road and East Washington Road to the Hillsboro/Washington line.

Handwritten calculations:
$$\begin{array}{r} 34 \\ 16 \\ \hline 204 \end{array}$$
$$\begin{array}{r} 34 \\ \times 8 \\ \hline 272 \\ \times 6 \\ \hline 1632 \end{array}$$

Density of vehicles and traffic – Two vehicles will be allowed per pad, not including motocross, ATVs, UTVs. That adds up to a potential 65 additional cars. This will create additional traffic and havoc on the under-maintained country road and impair pedestrian safety. East Washington Road already has to accommodate larger vehicles, heavier farm equipment and town equipment. East Washington Road is a favorite for walkers, cyclists and runners. The road is significantly dangerous at night because of the lack of street lighting. Already highlighted many times are the dangers on the corner of East Washington Road and Mill Pond, on the corner of East Washington Road and Sleeper Road, on Beard Brook Road and on the many narrow sections of all these roads. ATVs, UTVs and motocross can only be used to enter or exit the RV park but Sleeper Road, a town maintained dirt road, is right next door. Sleeper Road will be used by these vehicles to go over the mountain on privately maintained roads and on various woodland paths.

The Hillsborough Zoning Ordinance states clearly that special exception can only be granted if the proposed plan is not **“out of character with the neighborhood”**. The Rocky Valley RV Park is a commercial business, owned and managed by two individuals who live a large part of the year in Florida and certainly not in character with this rural area composed of farmlands and very light residential structures on East Washington Road.

The development of the Rocky Valley Resort RV Park would be providing small spaces for homes on wheels. This is not camping as you may know it – no tents, no pop-ups but fully equipped “houses on wheels”, complete with full kitchens, bathrooms

these are not tents

sophisticated entertainment and communication systems. **The plan is to place possibly 32 fully functional homes in a small space that is contrary to normal house zoning requirements.** The RV is a home – the only difference from the residents of this area and the RV is that the RV is on wheels.

As stated in the HMP, the Zoning Board is given the responsibility to protect the character and integrity of the town's rural areas thus insuring the welfare of the town's residents. **I have a petition here that has been signed by numerous residents and all abutters but two opposing the construction of this project. Please vote no on granting the special exception.**

Occupancy

*Traffic - half year but
the busiest time of
the year - colors*

*Owned a B+B -
gave directions
& people did not use
them*

SAY NO TO THE ROCKY VALLEY RESORT RV

PARK — located on Carr Road, off of East Washington Road, Hillsboro NH

NAME	ADDRESS	EMAIL	ABUTTER
* Harry Andersen	57 SLEEPER RD	harrygandersen@hotmail.com	YES
Dona & John Andersen	43 Sleeper Rd.	djyandersen@outlook.com	testimony only
✓ Art of Prof. M. V.	908 E Washington Rd	Arthuthibault6472@GMAIL	YES
✓ Teal & Mike Baldspro	965 E. Washington Rd	603 Estatesales@gmail.com	Yes
* BILL DONNA	1022 E. WASHINGTON Rd.		
Vicky Holmes	2046 E. Washington	Vholmes59@mygsi.com	NO testimony only
Somes Gilman	2230 E. WASHINGTON RD.		Washington NH 03280
Mary Jo Costello	43. Bear Hill Rd		Washington, NH 03280
ANTHONY COSTELLO	" " " "		" " " "
Benny	540 E Washington Rd		NH YES
Jeanne Murray	17 sleeper Rd		yes by testimony
Joan & Rod Rhipps	955 East Washington Road. Hillsboro		yes by testimony rhipps@gsinet.net

SAY NO TO THE ROCKY VALLEY RESORT RV

PARK — located on Carr Road, off of East Washington
Road, Hillsboro NH

NAME	ADDRESS	EMAIL	ABUTTER
Don and Maury Jost	295 Steep Rd Hillsboro NH 03244	TheFramer@ att.net	yes
Tim Rager - Jill P.	503 Carr Rd 106 Steeper	603-478-1442 presidentialplge@aol.com	
Bill Haigh	20 Severen Rd 859 East Washington	william.haigh@gsi.net	No
Don West	859 East Washington	Sirius1.5@hotmail.com	
Donald West	859 East Washington	birchtrees38@gmail.com	
James West	859 E. Washington Rd	Be.easy.603@gmail.com	
Kimberly Damboise	892 E. Washington Rd.	kimberly.damboise@gmail.com	
Bob Damboise	892 E Washington Rd.	tech2249@gmail.com	
Olivia Lattanzi + Mike Scaramellino	139 Steeper Rd	olattanzi@gmail.com mike.scarmellino@gmail.com	

Town of Hillsborough

5 July, 2021

Zoning Board of Appeal and Planning Board

REF; REASONS WHY THE PROPOSED ROCKY VALLEY RESTORT RV PARK SHOULD NOT BE GIVEN SPECIAL EXEMPTION

The purpose of the town plan. (Sect. 229-4) includes:

promoting the health, safety and general welfare of the community.

give consideration to the character and suitability for particular uses of area

and in particular to:

- A. Lessen congestion in streets.
- G. Provide adequate provision of transportation
- H. Assure proper use of natural resources.

Under the definition of a RECREATIONAL VEHICLE (RSA 216)- they are designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

In Article 229-13 The Board of Selectmen, through the Building Inspector may issue a permit to any property owner to accommodate him/herself or nonpaying guests on their property to reside in a single "Recreational Vehicle" as defined in RSA 216-I for a period not exceeding 90 days in any one year. The planning board limits use of resort to May 15-October 15. This is 150 not 90 days, so the people will have to move their recreational vehicle midway through that period. This means increased traffic. (half a year not 1/4 year as legal)

The ZBA shall grant a request for a Special Exception only where a majority of the Board votes that each of the following has been found.

Special exception is authorized if;

f. The requested use will not create hazards to the health, safety, or general welfare of the public, nor be detrimental to or out of character with the adjacent neighborhood;

I ask the Zoning Board of Appeal not to grant this special exemption to this project.

Thank you,

Sincerely,



Marian Baker, year round resident of over 75 years at 10 Crosby Rd. (off E. Washington.Rd).

SAY NO TO THE ROCKY VALLEY RESORT RV

PARK — located on Carr Road, off of East Washington Road, Hillsboro NH

NAME	ADDRESS	EMAIL	ABUTTER
Martin Baker	10 Crosby Rd	quakerbunnet@gmail.com	- off E. Washington Rd.
Linda L. Brown	171 E. Washington Rd.	lindaobf@tds.net	
William Fox	171 E. Washington Rd	Lilwillie30@icloud.com	
S. Hill	262 E. Washington Rd		
Wade Hamner	12 Crosby Rd		off E. Washington
Richard M. Namara	25 County Rd, Hillsboro NH	03244	
Jay Emmerich	568 Center Rd. Hillsboro		
W. Seymour	574 Center Rd		
Sheryl Fox	578 Center Rd Hillsborough		
Janet Byron	28 Crosby Rd		
E. Tunncliffe	759 E. Washington		
Cheryl Christenson	765 E. Washington Rd.		
Bob Christenson	765 E. Washington Rd.		
Bill Hill	544 COOLEGE RD		
Le. Parker	518 Cooleage Rd.		
Mary M. ROGERS	60 SCHOOL ST		
FAT BRADLEY	402 CENTER RD		
Minnie Jutz	590 Center Road		

It is clearly written in both the Planning Board and the Zoning Board Statements of Purpose that their most important consideration is to act in accordance with the Township Master Plan. The clearest requirement stated in that Plan is to *consider and encourage the most appropriate use of land throughout Hillsborough in order to maintain most specifically the Rural Areas.*

Section 229-4 of the Zoning Ordinance includes as part of that plan, to:

- a. Lessen congestion in the streets,
- e. Prevent the overcrowding of land,
- f. Avoid undue concentration of population,
- h. Assure proper use of natural resources and other public requirements.

RSA 674:33 describes as the powers and duties of the board that **NO VARIANCE** shall be granted unless **each of the provisions are met**. These include:

- b. The requested use will not create **undue traffic congestion or unduly impair pedestrian safety**;
- c. The requested use will not create **excessive demand for municipal Police, Fire protection...**
- f. ...will not be **detrimental to or out of character** with the adjacent neighborhood.
- g. That it is consistent with **the spirit and intent of this Ordinance and the Master Plan.**

While the McCauley's continue to assure us that none of this will happen, please take into account that:

- Their study of traffic was done during the Pandemic when very few people were on the roads. Schools and workplaces are now re-opening, and traffic will be increasing dramatically.
- The road is not wide enough or repaired sufficiently for so many large vehicles entering and leaving while people are also walking and riding bikes on that same road.
- Noise, light and trespassing are real concerns for us as neighbors. At full capacity, this RV park will be adding a possible 200+ people while open, which is more than doubling the neighboring residents for miles around. Forgive me if I do not believe there won't be an increase in noise, lighting and trespassing since I abut the entire back section of that property.

- We purchased our property on Sleeper Rd. 15 years ago, from a woman from out-of-state who wanted to put in a housing development as an investment, with no plans to live there. The proposed RV park will similarly create a small city in an area that is currently rural, with owners who will not be living there.

It is stated plainly in your Purpose Statement that your primary duty is to safeguard the welfare of the community. I urge you to meet that obligation and vote NO for this exception.

Thank You.

Sincerely,

Marilyn and Don Jost

295 Sleeper Rd.

Handwritten signatures in blue ink. The first signature is a cursive 'M. Jost' and the second is a cursive 'Don Jost'.

07/12/2021

Amy D. Healey
995 East Washington Road
Hillsboro, NH 03244

Attn: Town of Hillsboro Zoning Board

I am writing this letter on behalf of Kevin McCauley, and his son, Erik McCauley, to share with you my overall views on their plan to develop an RV Park on their property located across from my own property at 995 East Washington Road in Hillsboro, NH. I am in support of this plan.


Kevin has demonstrated, in my view, to be a responsible landowner and neighbor. Kevin McCauley and I have been neighbors since June 1987. He has taken time to answer my questions about how he will oversee the RV Park. Additionally, Kevin has provided me his reassurance that he will personally and promptly address any issues that may come up that involves his campers and/or his RV park/campground in the future. I trust that Kevin will act in a way that will preserve our neighborhood and be respectful of our quiet way of life.

Erik McCauley grew up with my own five children and, because we were neighbors, he spent many hours with my family and he has remained in contact with my children into adulthood.

I sincerely believe Kevin and Erik are highly creative and intelligent individuals who take pride in their work and that they, together, will make the most awesome campground ever.

I fundamentally do not believe it is my place to tell another landowner what he/she can or cannot do with his/her property. I trust that the Zoning Board will act in everyone's best interest.

Thank you.



Amy D. Healey

February 1, 2021

Ms. Robyn Payson
Planning Director
27 School Street
Hillsborough, New Hampshire 03244

RE: Case No. 2020-02, Development of a Seasonal RV Park

The Hillsborough Master Plan (HMP) states on page 2.2 "When asked what residents like about their community, rural character is no doubt one of the most important responses. Preserving this character is very often expressed as the highest priority in community surveys and other public outreach events...(W)hile the definition of rural character is unique to each community, it does highlight one of the most common themes in master plan goals or vision statements. While nearly every New Hampshire community identifies rural character as a value to preserve, it is important to identify which specific elements about a town needs preserving."

Table 3.1 in the HMP Implementation Plan recommends adopting..."An Aquifer Protection Ordinance to protect high value aquifers and establish best management practices to protect private individual water supply wells from contamination..." In Hillsborough, the three most significant water resources are the higher yielding stratified drift aquifers along the Contoocock River, Shed Brook, and Beard Brook. Table 3.1 of the Implementation Plan further recommends "maintaining existing densities in the rural areas and reduce the type and density of non-resident uses to protect rural residential areas and sensitive environmental lands."

Page 30 of the Hillsborough Conservation Plan states that "Land use that continues to fragment Hillsborough landscape, especially those on the outskirts of town, decreases quality, connectivity and longtime viability of wildlife habitats and natural communities." A watershed is the land area that channels rainfalls and snowmelt to a stream, lake or river; it affects the water quality in the water body that it surrounds. Healthy watersheds provide critical services such as clean drinking water, fisheries, and outdoor recreation that support our economy, environment and quality of life. The Beard Brook watershed covers 11,222.7 acres along its 9.4 miles and it is the largest watershed in Hillsborough. The Beard Brook watershed has been designated an ecologically significant area, in part to its biodiversity.

The applicants are seeking approval to construct a seasonal recreational vehicle (RV) campground, a commercial enterprise, of moderate size on their private property. The proposal calls for 32 sites with sewer, water, electric hookups and seven sites with only water and electric hookups. They plan to build an entrance house, a bathhouse, a pump out/dump station and a septic system consisting of 1,250 gallon septic tank, a 1,000 gallon pump chamber and 3,200 square feet leach field. It is presumed that the pump out/dump station, capacity unknown, will ultimately pump into the leach field. The application gives the impression that the proposed campground will be constructed on 7 acres.

Black water tanks (human effluent) and grey water tanks (sinks and shower water) vary on the size of the trailer. On average, black and grey water tanks will hold between 18 to 64 gallons. 5th wheel trailers generally have the largest tanks which are between 39-88 gallons. Class A RVs usually have capacity for 31 to 50 gallons. My wife's 25' Airstream has 39 gallon tanks and

we flush them weekly when camping. Grey water is included here because it is used to flush out the black water pipes before departure from the campground. Campers in full service sites will flush both tanks into the campground's septic system. If they are at the campground for more than a week, they will flush the tanks as necessary, then flush out and rinse before departure. A pump out or dump station is different and is used by campers in a 2 hook-up site. If they are there for an extended time, they would need to move the RV to dump the tanks as necessary and, upon departure, the tanks would be dumped again.

The above tank discussion is provided because it is very likely that the applicant's property is on top of the Beard Brook Stratified Drift Aquifer and within its watershed. It raises the question as to whether due consideration was given to both the impact on the current state of the high value Beard Brook aquifer and the Beard Brook watershed, given it is an ecologically significant area.

It is well known in the Washington Valley that Beard Brook is subjected to late winter/early spring seasonal flooding. This flooding extends along Beard Brook from Mill Pond in East Washington, through the applicant's property and beyond Coolidge Road, which also floods. In fact, heavy flooding occurred in March 2020. Years ago, this applicant was required to replace the existing bridge across Carr Road with a bridge that met state certified flood standards and which would accommodate heavy fire and rescue equipment since the applicant was planning to construct additional houses on his property.

In reviewing the Planning Board Site Plan Review, it is unclear if the applicant is planning to bury the utilities as is done in all RV campgrounds. I assume he will. Although the applicant has addressed the required erosion control details, there is no mention of the high value aquifer beneath his property. This fact needs to be addressed because of the extensive grading and excavation that will be done to facilitate construction.

Review of the questions asked on the Site Plan Review beginning on page 4 of 9, are not necessarily applicable to rural forested/farmland; thus, a no response may be inaccurate. For example,

"4. Will the proposed use increase the septic load of the site beyond that which this site can absorb?" The applicants indicate NO and explained: "A state approved septic system will be installed..." The question remain as to whether any consideration has been given by the state regarding the impact to the aquifer. Does this mean we can avoid our responsibility as citizens to enforce our desires and goals, as set forth in the HMP? Once effluent begins seeping into the water table, the damage begins because the water table sits directly one top of the aquifer.

"5. Will the proposed use cause impact beyond the site boundaries due to:

E. Noise? Many large RVs have powerful entertainment centers which are accessible from the exterior. RV'rs enjoy listening to music, movies and/or TVs outside during the evenings. As previously indicated, the Sleeper Road residents will be hearing it all.

My family has lived on Sleeper Road since 1935 when my grandfather purchased the 1932 farmhouse on the knoll at the base of Stowe Mountain. I have been coming to this old house for 77 years; I inherited the property in 2011 and shortly thereafter it became my residence. It is essential to mention that one of the unique features about Sleeper Road and the vicinity of East

Washington Road Valley is that animal and machinery sounds from the Eccard farm are clearly audible. In fact, most sounds coming from that area flow through the valley. Nowadays, folks living on Sleeper Road may hear shooting, loud music, heavy equipment, fireworks at any random time as well as rifles, shotguns and pistols.

My brother, my sister, my sister-in-law and I have heard for years the sounds of heavy equipment coming from the applicant's property. More recently, we have heard weapon fire coming, it seems, from directly behind my brother's house. During a recent virtual meeting with the Hillsborough Planing Board, one of the applicants was asked by the undersigned about the excessive shooting coming from his area. The applicant's response to this comment was that it was done by his troublesome tenant and that he would not confront the tenant because the tenant paid the rent. This response begs the question that if the applicant does not address the noise problems because of financial interests, then we can expect this issue to be exponentially worse because the applicant would be lax in enforcing the predictable problems coming from paying campground guests.

The Hillsborough Zoning Ordinance amended March 10, 2020, Section 229-50 (Powers and Duties) provides that:

"C. Special Exceptions. To hear and decide Special Exceptions...

"1. The Zoning Board of Adjustments (ZBA) shall hear and decide requests for special exceptions specifically authorized in Table 4 (Chart of Uses).

"2. The ZBA shall grant request for special exceptions only where a majority of the Board votes that each of the following has been found."

A. Table 4 (Chart of Uses) Attachment 4-2, Zoning District, Commercial Uses, *permits a campground in a rural area as long as:*

D. "the requested use will not create excessive demand for police, fire and rescue squad." If the age group is anticipated to be over 50, it may in fact anticipate the use of these municipal first responders, including Rescue.

F. "the requested use when seeking an approval will not create undue traffic congestion or unduly impair pedestrian safety."

As you know, the road in both directions leading to the proposed campground is an unimproved narrow country road, a product of the 1900s. Today the East Washington Road, from Sleeper Road to East Washington Center must regularly accommodate larger cars, bigger and longer trucks, and larger and heavier farm and town equipment. *In addition, that road is a favorite for cyclists, hikers, walkers, runners, bikers and the occasional local equestrians, and wildlife.* Generally, the road is challenging enough when not confronting elderly drivers or speeding vehicles which always seem to be in the center of the road. The road is specifically dangerous at night time because of the lack of street lighting. Finally, one of my neighbors already discussed the increase of traffic on Sleeper Road. There has been a significant increase on Sleeper Road over the past few years

and I believe that traffic will increase substantially if a campground is established. All traffic that goes up Sleeper Road must come down Sleeper Road - it is a dead end.

F. "...or out character with the neighborhood." The construction of a campground is out of character with the adjacent rural neighborhoods, which are composed of farmlands, and very light residential structures on East Washington Road. Since this is a proposed commercial use, the first in the valley, it will be out of character with the neighborhood.

G. " The requested use is consistent with the spirit and intent of the Ordinance and the Master Plan."

I disagree. Both the HMP and the Hillsborough Conservation Plan are masterful documents created in great part by the citizens of Hillsborough. They have spoken: They have expressed their concerns and priorities regarding the future direction of Hillsborough. It is for this reason I believe that the proposed campground should not be permitted. As I indicated earlier, this valley has not changed in any significant way since I was a child. This campground would be an intrusion from the beginning and may very well change the dynamics of the East Washington Road Valley, the Beard Brook Stratified Drift Aquifer, and the Bear Brook watershed.

Sincerely,
/S/

Harry G. Andersen