

TOWN OF WEBSTER, NEW HAMPSHIRE
Zoning Board
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Zoning Board of Adjustment Minutes October 11, 2011

Case No.: 11-03 JMJ Resort Properties (Cozy Pond Campground)
541 Battle St., Map 5 Lot 54

Present for the Board were: Chairman Martin Bender, Members: Barbara Corliss, Don Koberski, and David Barnes; Alternates: Secretary Jaye Bowe, Normandie Blake and Guy Larochelle. Also in attendance were Therese Larson, PB/ZBA Secretary, applicant Joe DiPrima of JMJ Resort Properties and owner of Cozy Pond Campground; James Higgins, abutter and George Cummings, resident

7:02 p.m.: Chairman Bender opened the meeting. Secretary Bowe took attendance. Chairman Bender appointed Secretary Bowe to sit as a voting member due to the absence of Member Robert Drown, Jr.

Before starting the hearing, Chairman Bender asked the Board to review the minutes from the last Zoning Board meeting of May 10, 2011. Member Koberski made a motion to accept the minutes as written. The motion was seconded by Secretary Bowe and approved unanimously by the Board with Member Corliss abstaining because she was not at the May 10th meeting.

7:10 p.m.: Chairman Bender opened the hearing. Secretary Bowe read the application. Chairman Bender explained the procedure to the applicant and invited him to proceed.

Mr. DiPrima stated business was going really well so far for the season. Then, around Labor Day, a neighboring campground in Franklin closed and the new owners were not going to use the land for a campground anymore. This closure resulted in an increase in Mr. DiPrima's seasonal renters. This situation has prompted Mr. DiPrima to apply for opening ten additional campsites in the E-section which originally had twenty-five sites. The other item being applied for was a swimming pool for the campground only. At this point, Mr. DiPrima stated that was about it as far as the application.

Chairman Bender asked for questions from the Board. Alternate LaRochelle had questions. As he was an abutter, he was instructed by Chairman Bender to sit in the audience and wait until the hearing was opened for abutters' comments.

Mr. DiPrima addressed the Board and referred to a site plan with the proposed campsites and swimming pool locations highlighted. Secretary Bowe and Member Corliss raised several questions regarding the location of the pool.

- He stated that the approximate location for the swimming pool will be at least 100 feet from the nearest boundary. Mr. DiPrima stated he had a lot of land in that area and could place the pool wherever the Board would like him to; the drawing was just an approximation. It will be an in-ground pool about 25 feet by 50 feet; three to five feet deep; built to all State and Federal regulations regarding commercial swimming pools. Current Federal regulations require any pools built commercially must have chairlifts for the disabled.

- Member Corliss brought up questions regarding fencing, decking and safety concerns. Mr. DiPrima responded that he would fulfill all of the State requirements, i.e., there must be at least a four foot high fence all around the pool area. The decking will be at least ten to fifteen feet wide made of concrete or paved.
- Secretary Bowe also raised the question about having an alarm system at the pool. Mr. DiPrima stated that he did plan to have an alarm system put in.
- In response to a question regarding the number of people using the pool, he stated perhaps 20 – 30. He mentioned that the campground also has the pond that the campers use for swimming, kayaking, canoeing, and fishing. Some people like pools, some like ponds. There are no lifeguards. Per Mr. DiPrima's insurance company, he has met the requirements by putting in signage for "Swim at Own Risk"; "Children Under 12 Must Be Accompanied By An Adult", etc.
- Discussion continued regarding the closing time for the pool be around "dusk", eight or nine o'clock at night during the summer. There won't be any lights for nighttime use; only for security purposes.
- Pool use will be for campers only – not open to the general public.
- Member Koberski questioned whether or not there was a full septic system set up for the ten proposed sites. Mr. DiPrima responded that there is an approved septic system on file with the State. He will get copies of the documents.
- Secretary Bowe asked if there was going to be any shrubbery planted near the pool to absorb sound. Mr. DiPrima pointed out the barrier of pine trees along Battle Street. Member Koberski also pointed out that one cannot even see through those trees.

Chairman Bender opened the hearing to those in favor of the application.

- James Higgins of 513 Battle Street stated he was in favor. Mr. Higgins stated that he lived right next to the campground and hasn't had any problems. Mr. Higgins stated that Mr. DiPrima is going forward the right way.
- Next to speak was Alternate Guy LaRochelle, speaking as an abutter – not a Zoning Board Alternate. Mr. LaRochelle asked if there was going to be some type of security lighting in order to observe the pool at night. Mr. DiPrima responded in the affirmative and added that he is looking into a wireless surveillance system including a camera in order to watch during the day. Mr. LaRochelle asked about the distance between the pool and the other campground buildings. Mr. DiPrima stated that it would be about 300 feet from the store and 400 feet from the arcade. Mr. LaRochelle asked where the drainage from the pool would go. Mr. DiPrima stated that swimming pools generally do not have to be drained. If it had to be drained, a long hose would be used and placed out in the field. Mr. LaRochelle asked about treatment of the pool, whether that is done by the State or inspected by the State. Mr. DiPrima responded that the State does have jurisdiction over the treatment. Mr. LaRochelle continued by asking if the pool had to be approved by the State, which it does because it is a commercial pool as opposed to a pool that is privately owned by a resident. Commercial pools are subject to very specific construction

to ensure safety. Also, Mr. LaRochelle brought up the subject of signage. Mr. DiPrima said he will have similar signage that is posted at the pond and all according to his insurance company's specifications.

Zoning Board Meeting October 11, 2011

Page 3

- Mr. LaRochelle then asked about the location of the proposed campsites and septic system with regards to his property line. Mr. DiPrima proceeded to indicate the sites and the septic system on the site plan which showed very clearly that the sites were not near Mr. LaRochelle's lines. The septic system was shown to be 200 feet away from the brook. Mr. LaRochelle was satisfied with Mr. DiPrima's answers and earnestly expressed his approval.
- At this time, Mr. Higgins brought up the subject of Life Saving equipment. Mr. DiPrima was aware that he does have to have floats and hooks, etc. Chairman Bender inquired as to how often the State does inspections. Mr. DiPrima did not know. He would find out.
- Member Corliss wanted to know how close were the sites to the brook. Mr. DiPrima stated that the sites were about 50 to 100 feet away.

Chairman Bender asked for any opposing opinions; there were none.

7:42 p.m.: Chairman Bender closed the testimony and opened the hearing for Board discussion.

- Member Corliss questioned Mr. DiPrima as to why his application sited Section F. of Article V. of the Zoning Ordinance. He stated that his proposal would increase/enlarge the number of campsites.
- A question was asked as to what were the long range plans for the campground. Mr. DiPrima stated for any future expansion he would come before the Zoning Board just like he has done now and before. He stated he would never add sites without getting an approval from the Town. In the future he would like to add more sites and a baseball field, tennis courts, basketball courts and soccer field.
- Member Corliss asked if there were any more plans for ancillary uses other than additional campsites to which Mr. DiPrima stated he did not.
- Mr. DiPrima asked if he needed approval to construct a small cabin for him to live in during the season of April through October. The Board responded in the affirmative. Mr. DiPrima also mentioned putting up "Camping Cabins". The Board responded that he would have to apply for that, too. These cabins would be in lieu of camping trailers and only used during the season, and they would be on wheels which would not define them as permanent structures. Chairman Bender stated that decisions about these issues cannot be made tonight. So, when Mr. DiPrima gets ready to apply to the Board, Chairman Bender would do some research and perhaps consult with Town Counsel for a more complete understanding.
- Member Koberski stated that if the Board approves the application, it should be contingent upon Mr. DiPrima setting up an alarm system and set a closing time for the pool.
- Member Blake stated that even though it wasn't up to the Zoning Board, her opinion was that Mr. DiPrima should put up a five foot fence around the pool to discourage people from climbing over. After a brief discussion, Mr. DiPrima stated he preferred to have a four foot chain link fence.

7:56 p.m.: Member Koberski made motion to approve the applicant's requests with the following conditions:

1. Installation of an alarm and light security system.

Zoning Board Minutes October 11, 2011

Page 4

2. A set closing time for the pool of 9:00 p.m.

Chairman Bender asked if there were any issues with the ten sites to which Members Koberski and Corliss responded that they had no issues.

7:59 p.m.: Chairman Bender asked for a vote and Secretary Bowe polled the Board and the vote was unanimous in favor of approving the application with the two exceptions as stated above.

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Jaye Bowe

Zoning Board Secretary