

TOWN OF HENNIKER
ZONING BOARD OF ADJUSTMENT

***VARIANCE APPLICATION for
Mountain Operations Facility***

Received by
TOWN OF HENNIKER
New Hampshire

MAY 26 2021

Selectmen's Office



PATS PEAK
686 Flanders Road
Henniker, NH 03242

TOWN OF HENNIKER
ZONING BOARD OF ADJUSTMENT
VARIANCE APPLICATION

Revised 1-17-18

CASE NO. _____

Name of Applicant Pats Peak Ski Area

Address 686 Flanders Road (P.O. Box 2448) Henniker, NH 03242

Telephone 603- 428-3245 Ext 107 Fax 603-428-7821

E-mail Address kris@patspeak.com

Owner of Property Pats Peak Inc.

Location of Property 686 Flanders Road Map 001 Lot 588-B1

Zoning District where Property is Located Commercial Recreation and Rural Residential

Signature of Owner of Property See attached Letter of Authorization

If the property owner is not the applicant, the property owner **MUST** provide a notarized letter (original) authorizing the applicant to file an application.

You are applying to use your property in a way that is prohibited by the requirements in the Zoning Ordinance. Please state the **Article VII and Section 133-26** of the Zoning Ordinance that you are requesting a variance from.

Please give a detailed description of your proposal below:

Pats Peak is proposing to construct a new mountain operations facility slightly to the west of its existing facility which will be much better than the existing one as far as environment, logistics, and safety standards are concerned. The existing building at 6,000 sq. ft. (built in the early 1960's) will be demolished and replaced by a 12,000 sq. ft. facility. The extra size will also allow us to store more equipment indoors (not outdoors) and will therefore make the whole site look better. Additionally, there is currently maturing landscaping which serves as a buffer on the western boundary and we intend to, not only keep, but to augment.

Has this property received a Special Exception or Variance in the past? No

If "YES", please provide copies of past Zoning Board of Adjustment Notices of Decision.

Please provide copies of the Property Tax Card, Plot Plan, and any other information that you feel would be helpful for the Zoning Board to have when reviewing the application. If you cite case law in your argument, please provide a copy of the case with your filing.

1. Granting the variance would not be contrary to the public interest because:

This will be an improvement to the ski area that has been at this location for close to 60 years and will not be contrary to the public interest. During those years, we believe that we have existed peacefully with our neighbors on all borders. In fact a number of our employees and season pass holders reside on Stonehenge Drive. Pats Peak is willing to invest in a state of the art facility that will provide our employees who work in Mts Ops with the newest, latest, and safest facilities as it relates to carrying out the difficult work of Mt Operations. The facility will not generate additional traffic. There will be a buffer of vegetation for the residences. In addition, the proposed building will constructed below grade hiding most of the facility from public view. This lot lies parallel to the property and has been in the shadow of existing commercial operations for many years and existing commercial uses exist up to the Peak's lot line.

2. Describe how the spirit of the ordinance would be observed by granting the variance:

This is not a new activity that will be occurring. The current facility has housed the same activities for the last 5 plus decades. The proposed new structure has been carefully designed to lessen any impacts that our Mt Ops yard may have been producing. Be it light, noise, view or traffic.

For example, currently garage doors of the old facility open out towards the neighbors (on the west). The new facility will be recessed into the land contours of lot 588-B1 and a garage doors will open up towards the Pats Peak parking lots (on the east). From a view perspective, preliminary estimates are less than 10-15' of the roofline in the back will be above existing grade. There will be no additional traffic, a higher percentage of outdoor equipment will be relocated inside, and any lighting upgraded will be Dark Sky Compliant (<https://www.darksky.org/our-work/lighting/>) Given the location of this lot, it is already heavily burdened by Pats Peak operations, as such the use of a portion of the property for commercial operations will not violate the spirit of the ordinance. A substantial buffer will remain as open space on the subject site. Given the properties shape and location so closely adjacent to this commercial area would create substantial issues for a homeowner given the existing 24/7 winter operations can occur in this area of the Peak's property.

3. Describe how substantial justice would be done by granting the variance:

Pats Peak was established in 1962 well before zoning districts were adopted. We have a proven track record of operating a good clean ski area for the last 59 plus years. Our current facility is now 59 years old and needs updating. The employees will actually have a better work experience and sound, light, views and traffic will be mitigated by the new design. This will be more attractive to the neighbors. There is no public gain by have the existing lot developed as a residential property, as this use will

most likely lead to conflicts being created with the existing permitted commercial use.

4. Describe how values of surrounding properties would not be diminished:

The activities in question (Mt Ops functions such as snowmaking, grooming, snowmobiles, lift maintenance, etc.) have been occurring in the same physical location for the past 5 plus decades, even before the zoning district was established.

The nearest property – Lot 588-B2 sold above listed tax appraisal in 2019 by more than 12%. This is even before the current real estate trends have elevated values. We are not introducing a new “use” into the area. Those wanting to buy the neighboring houses know that they are buying next to a ski area and will perceive it as part of the ski area, which has been there for over 50 years. This will modernize the ski area and can only enhance property values of the neighborhood. The use will be mitigated as much of the building will be below grade, obscuring the building from adjoining residential properties. In addition, landscaping is proposed. Given the residential property’s location, adjoining and overlooking the existing commercial operation, values of other properties will not be impacted.

5. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship¹ because:

The property is unique because it is adjacent to and part of a 58 year-old ski area, which has served as a landmark in the Town, and provides jobs and revenue.

- a. no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

There will be view shed screening. The new building will be much more attractive than the existing building(s) and will allow more equipment to be stored inside and out of sight. There is no other good location to put the new facility and increase necessary parking. The Mt Ops facility is a support role to our snowmaking and grooming operations which occur in other buildings adjacent to this proposed site. The existing narrow residential lot is unique as its shape exposes the entire

¹ The definition of “unnecessary hardship” set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

property to the existing commercial use along its entire side where other lots nearby have their backyards facing the Peak property, providing a greater opportunity to buffer the adjoining uses. Given this unique situation, it would be inappropriate to develop this property for residential uses givens its exposed location to an active commercial use.

- b. the proposed use is a reasonable one because:

The lot is immediately adjacent to the area that the activity has occurred for the last 58 plus years. There is a road to the north that cannot be moved, to the east is a parking lot and Pats Peak is already parking challenged and to the south there are ski slopes and equipment storage areas. This lot abuts the commercial zone. The proposed facility will improve the situation for the neighbors as it relates to noise, view, traffic, and lights. This proposal is a natural expansion of the historic use of the property, located in a corner of the existing operation which will have minimal negative impacts on adjoining residential properties.

- c. If the criteria in subparagraph 5(a) and (b) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

ABUTTER LIST

An abutter list and three (3) sets of 1" x 2 5/8" mailing labels containing names and addresses of those on the mailing notification list, including abutters, property owners, agents, prospective Applicants, easement (conservation, preservation, agricultural) holders, and any professional whose seal appears on the plan **202-9.A**

An abutter is defined as any person whose property is located in NH and adjoins or is directly across the street or stream from the land under consideration by the Zoning Board of Adjustment. The term abutter includes all holders of conservation, preservation, or agricultural easements; the officers of a condominium or other collective form of ownership; the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the Zoning Board of Adjustment; and any professionals hired by the applicant/property owner (surveyors, engineers, etc.). See NH RSA 672:3.

Information for the abutters list can be obtained at the Town Hall during regular business hours. Abutter information must be obtained no more than 1 month prior to application submittal.

FEES

Application Fee	\$125.00
Newspaper Notice Fee	\$125.00
Abutter Notice Fee	\$10.00 per abutter

<u>Amount enclosed with application:</u>	
Application Fee	\$ _____
Newspaper Notice	\$ _____
Abutters	\$ _____
Total	\$ _____

Fees **MUST** be paid at the time the application is submitted or the application will not be accepted. Fees can be paid in cash or by check made out to the "Town of Henniker".

The ZBA may require the establishment of an escrow account to pay for independent consultants to assist the ZBA in their review of the application. If you wish to proactively establish this escrow account prior to meeting with the ZBA, contact the Planning Consultant.

APPLICATION SUBMISSION

Submissions must be made in accordance with the adopted Zoning Board of Adjustment submission deadline, which is posted at the Town Hall. All applicants are encouraged to meet with the Town Planner prior to submitting an application to avoid delays due to incomplete information.

S:\Zoning Board\Member Binder\ZBA Application2018 -Variance.docx



PATS PEAK

P.O. Box 2448 ■ Henniker, New Hampshire 03242

May 12, 2021

Town of Henniker
2 Depot Hill Road
Henniker, NH 03242

To Whom It May Concern:

This letter authorizes Kris Blomback, and various contractors and consultants, he deems appropriate, to act on behalf of Pats Peak Ski Area to appear before any boards in pursuit of Town of Henniker, State of New Hampshire, and Federal permits and approvals. This authorization will remain in force until terminated by me.

Regards,

Wayne Patenaude

Wayne Patenaude
Owner

Signed before me: *Wayne Patenaude* Date 5-12-2021

Signature of Notary: *Julianne R. Dionne*

JULIANNE R. DIONNE
Notary Public - New Hampshire
My Commission Expires October 2, 2024



316 FLANDERS ROAD

Location 616 FLANDERS ROAD

Mblu 1 / / 588/B 1/

Acct#

Owner PATS PEAK INC

Assessment \$60,200

Appraisal \$60,200

PID 950

Building Count 1

Current Value

Appraisal

Valuation Year	Improvements	Land	Total
2020	\$0	\$60,200	\$60,200

Assessment

Valuation Year	Improvements	Land	Total
2020	\$0	\$60,200	\$60,200

Owner of Record

Owner PATS PEAK INC
Co-Owner
Address PO BOX 2448
HENNIKER, NH 03242

Sale Price \$30,000
Certificate
Book & Page 3345/0203
Sale Date 10/18/2012
Instrument 00

Ownership History

Ownership History

Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
PATS PEAK INC	\$30,000		3345/0203	00	10/18/2012
TROCKI FAMILY INVEST. TRUST	\$0		2033/0650	1A	09/03/1996
TROCKI THOMAS C	\$0		/0		

Building Information

Building 1 : Section 1

Year Built:
Living Area: 0
Replacement Cost: \$0
Building Percent Good:

Replacement Cost

Less Depreciation: \$0

Building Attributes	
Field	Description
Style	Vacant Land
Model	
Grade:	
Stories:	
Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure:	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior Flr 1	
Interior Flr 2	
Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bthrms:	
Total Half Baths:	
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	
Num Kitchens	
Cndtn	
Usrflid 103	
Usrflid 104	
Usrflid 105	
Usrflid 106	
Usrflid 107	
Num Park	
Fireplaces	
Usrflid 108	
Usrflid 101	
Usrflid 102	
Usrflid 100	
Usrflid 300	

Building Photo

(<http://images.vgsi.com/photos/HennikerNHPhotos/default.jpg>)

Building Layout

Building Sub-Areas (sq ft)	Legend
No Data for Building Sub-Areas	

Extra Features

Extra Features	<u>Legend</u>
No Data for Extra Features	

Land

Land Use

Use Code 1300
Description VACANT LAND
Zone RR
Neighborhood
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 1.25
Frontage 0
Depth 0
Assessed Value \$60,200
Appraised Value \$60,200

Outbuildings

Outbuildings	<u>Legend</u>
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$0	\$63,900	\$63,900
2018	\$0	\$63,900	\$63,900
2017	\$0	\$63,900	\$63,900

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$0	\$63,900	\$63,900
2018	\$0	\$63,900	\$63,900
2017	\$0	\$63,900	\$63,900

2021 Pats Peak Abutters Mailing List

Parcel Number	GIS Number	Cama Number	Property Address	Owner Name	Co-Owner Name	Owner Address	Owner City	Owner State	Owner Zip
539-C	539-C	1-539-C	104 TEMPLE ROAD	PATENAUDE PROPERTIES		PO BOX 48	HENNIKER	NH	03242
586	586	1-586	27 CRANEY HILL ROAD	COHEN BENJAMIN J		620 WEST 252 STREET	BRONX	NY	10471
586-A	586-A	1-586-A	285 CRANEY HILL ROAD	DOWNES MARTHA		142 WASHINGTON STREET	NEWTON	MA	02458
586-C5	586-C5	1-586-C5	209 CRANEY HILL ROAD	BATES JANINE Y		209 CRANEY HILL ROAD	HENNIKER	NH	03242
587-A	587-A	1-587-A	449 FLANDERS ROAD	CONSTRUCTI ON AGGREGATE S INC		PO BOX 870	HENNIKER	NH	03242
587-F	587-F	1-587-F	FLANDERS ROAD	HESKETH PAUL J MD		72 FEARING DRIVE	WESTWOOD	MA	02090
588	588	1-588	556 FLANDERS ROAD	WAGNER THOMAS WALTER		556 FLANDERS ROAD	HENNIKER	NH	03242
588-B1	588-B1	1-588-B1	616 FLANDERS ROAD	PATS PEAK INC		PO BOX 2448	HENNIKER	NH	03242
588-B2			35 Stonehenge Drive	Kevin Gallagher			Henniker	NH	03242
588-B5	588-B5	1-588-B5	59 STONEHENG E DRIVE	FETZER SUSAN J		59 STONEHENGE DRIVE	HENNIKER	NH	03242

588-B6	588-B6	1-588-B6	81	KNUDSEN PAUL	81 STONEHENGE DRIVE	HENNIKER NH	03242-3431
588-B7	588-B7	1-588-B7	82	GRAPPONE ANTHONY	20 ALGONQUIN AVENUE	ANDOVER MA	01810
588-B8	588-B8	1-588-B8	80	ALBERS GEORGE W	80 STONGEHENGE DRIVE	HENNIKER NH	03242
589	589	1-589	711	PATENAUDE MEETING HOUSE LLC	87 GARRISON LANE	HOPKINTON NH	03229
589-D	589-D	1-589-D	841	GOSS LUMBER CO INC	841 FLANDERS ROAD	HENNIKER NH	03242
589-H	589-H	1-589-H	749	ROUSSEAU DAVID J	749 FLANDERS ROAD	HENNIKER NH	03242
590	590	1-590	752	NASH TRUST OF 2011	752 FLANDERS ROAD	HENNIKER NH	03242
590-A	590-A	1-590-A	103	AIRGOOD JAMES G	103 CRANEY POND ROAD	HENNIKER NH	03242
590-EA	590-EA	1-590-EA	59	SUNSET VISTAS LODGING LLC	61 CRANEY POND ROAD	HENNIKER NH	03242
590-EB	590-EB	1-590-EB	61	SUNSET VISTAS LODGING LLC	61 CRANEY POND ROAD	HENNIKER NH	03242

590-FX	590-FX	1-590-FX	S/S FLANDERS ROAD	GRANT WALTER A	20 OLD ALFRED ROAD	BIDDEFORD ME	04005
653	653	1-653	CRANEY HILL ROAD	MCWADE HARRIS K	31 PAGE HILL RD	NEW IPSWICH	03071
654-II	654-II	1-654-II	E/S TOWER ROAD	H GOBIND KHORANA FAMILY REALTY TRUST	JULIA KHORANA	STOW	01775
654-JJ	654-JJ	1-654-JJ	134 TOWER ROAD	HODGES ALAN	134 TOWER ROAD	HENNIKER NH	03242
654-Z	654-Z	1-654-Z	TOWER ROAD	H GOBIND KHORANA FAMILY TRUST	C/O JULIA KHORANA	STOW	01775
657	657	1-657	753 CRANEY POND ROAD	LIDDLE MARGARET JANE	315 EAST SURF ROAD	OCEAN CITY	08226
658	658	1-658	E/S CRANEY POND ROAD	PATENAUDE THOMAS	PO BOX 1	HENNIKER NH	03242
735	735	1-735	S/S CRANEY POND ROAD	HENNIKER TOWN OF	18 DEPOT HILL ROAD	HENNIKER NH	03242
736	736	1-736	E/S CRANEY POND ROAD	ROMANO JOSEPH J	20015 CASTLEMAINE AVENUE	ESTERO FL	33928
737	737	1-737	W/S CRANEY POND ROAD	PAT'S PEAK, INC.	PO BOX 2448	HENNIKER NH	03242
738	738	1-738	E/S CRANEY POND ROAD	BROWN ALAN SANBORN	1206 EDGE CUMBE DRIVE APT A	SITKA AK	99835
Additional				Kurt Lauer	118 Paige Hill Road	Goffstown NH	03045

Mailings				Higginson Land	78 Patterson Hill Road	Henniker	NH	03242
				Dan Higginson Contoocook Valley Telephone	525 Junction Road	Madison	WI	53717
				Chris Wells	Piscataquog Land Conserancy	New Boston	NH	3070
				Thomas Patenaude	PO Box 1	Henniker	NH	3242



The data on this map has been compiled from a variety of sources granted voluntarily by private owners and official sources and is not to be considered legal location of property boundary lines. The Town of Heniker assumes no responsibility for the accuracy of individual parcels.

May 6, 2021



SUBJECT PROPERTY



1 inch = 549 Feet

Heniker, NH

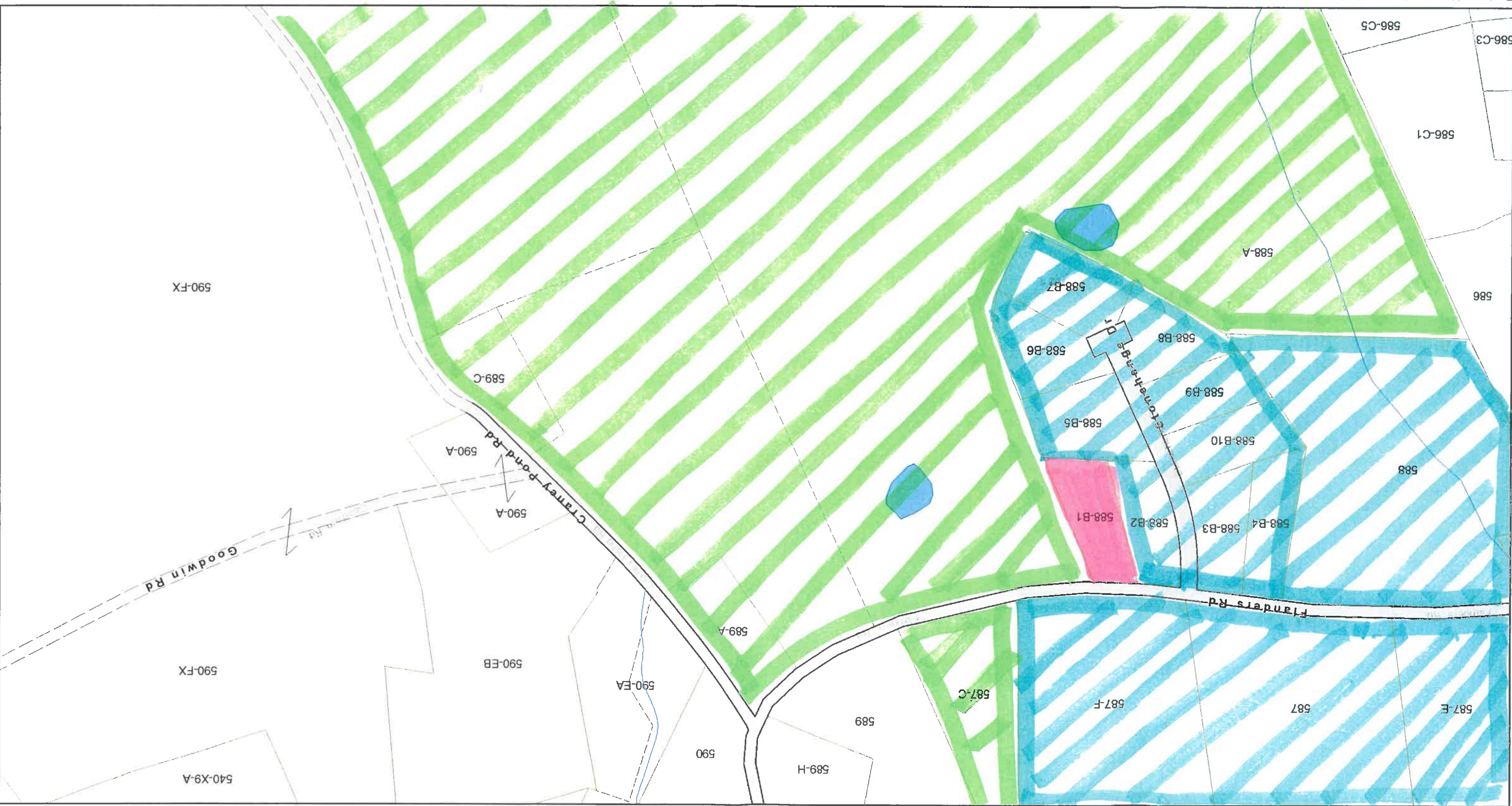
www.cai-tech.com








The data on this map has been compiled from a variety of sources granted voluntarily by private owners and official sources and is not to be considered legal location of property boundary lines. The Town of Heniker assumes no responsibility for the accuracy of individual parcels.

The data on this map has been compiled from a variety of sources granted voluntarily by private owners and official sources and is not to be considered legal location of property boundary lines. The Town of Henniker assumes no responsibility for the accuracy of individual parcels.



Henniker, NH

-  = COMMERCIAL RECREATION
-  = RURAL RESIDENTIAL
-  = LOT 588B1 (RURAL)

www.cai-tech.com



May 6, 2021



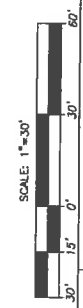


NOTES:
 1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING CONDITIONS WITHIN THE MOUNTAIN OPERATIONS BUILDING AREA
 2. HORIZONTAL ORIENTATION AND VERTICAL DATUM ARE ASSUMED.
 3. THIS EXHIBIT IS BASED ON A FIELD SURVEY PERFORMED BY THIS OFFICE DURING THE MONTH OF AUGUST 2018.

- LEGEND:**
- EXISTING PAVEMENT
 - EXISTING GRAVEL
 - EDGE OF WATER
 - LOT LINE
 - STONE WALL
 - 2' CONTOUR INTERVAL
 - 10' CONTOUR INTERVAL
 - EDGE OF CONCRETE
 - GULVERT
 - TREE LINE
 - ELECTRIC UTILITY POLE

[Green Box] = TO BE CONSTRUCTED
[Pink Box] = TO BE DEMOLISHED

EXISTING CONDITIONS EXHIBIT
 PREPARED FOR:
PATS PEAK SKI AREA
 FLANDERS ROAD
 HENNIKER, NEW HAMPSHIRE



REV	DATE	DESCRIPTION	DRN	BY
A	1/12/18	ADDED TOPO / WORK ROAD	DRH	

MAY 12, 2020
HIGGINSON
LAND SERVICES
 LAND SURVEYING - SEPTIC SYSTEM DESIGNS - PERMITTING
 76 PATTERSON HILL ROAD HENNIKER, NH 03242
 TEL: 603-860-8412 | NOTE BOOK #8 | JOB #230