

DRAFT MINUTES
ZONING BOARD OF ADJUSTMENT MEETING
SEPTEMBER 5, 2013

PRESENT: Wendy Freeman, Chairman, Becky Doyle, David Lage, Marianne Graham, Clark Baldwin, Joanne Meshna

The meeting was called to order at 7:30 p.m. at the Town Office. Clark was appointed as a regular member for this evening's meeting.

7:30 p.m. Floyd Backes and Laura Bridge - Submission of a variance application:

The applicants own lot 10/5 located on Boynton Hill Road. They submitted a variance application to Article X, Section D. 3b, 4-b-1 and c. of the Zoning Ordinance to permit the construction of a driveway impacting the wetlands 50' setback and the wetlands 25' buffer to gain access to the rear 38 acres of their 39 acre parcel to construct a single family home as well as to manage the back area. There will be two crossings of wetlands.

Marianne made a motion to accept the application as complete. David seconded the motion and it passed unanimously. The public hearing was scheduled for October 3, 2013 at 7:45 p.m. A site visit will be held on September 28, 2013 at 9:00 a.m. The Board requested that the applicant provide an overall plot plan for the entire lot at the public hearing.

7:45 p.m. Karen Haskett - Public hearing for a special exception:

The applicant owns lot 13/61 located at 374 Ashby Road. She submitted an application for a special exception from Article VI.C. of the Zoning Ordinance to permit an antique shop on the first floor of her home. Ms. Haskett submitted a plan showing the first floor and the rooms that would be used for the shop. She also submitted a sketch of her proposed 3'x2' sign. Six parking spaces are required. There are two parking spaces located in front of the house, one across the street and there is an area by the barn that can be used for parking. The area by the barn will need a driveway permit for access onto Willard Road. The applicant was reminded that if there is wetlands behind that area, the parking lot must be 50 feet from the wetlands.

The variance criteria were reviewed:

1. The specific site is an appropriate location for such use - The home is located between Ashby and Willard Roads and the shop will be located on the first floor of the historic house. The driveway in front of the house will have enter and exit signs which will provide for a smooth traffic flow. It is within keeping with the Master Plan and the rural character of the town. There will be no changes to the exterior of the house.

2. The use as developed will not adversely affect the adjacent area - There is an acre of land to the right between the applicant and her neighbor on Ashby Road and Willard Road and the house is separated from the neighbor on the left. In the back there is about three-quarters of an acre of land that serves as a buffer.
3. There will be no nuisance or serious hazard to vehicles or pedestrians - There will be no loud noise. There will be solar lights on the sign. The hours of operation are anticipated to be Tuesday through Saturday from 10-6 and on Thursday night possibly open until 7. Wendy advised that the applicant pay attention to the sign ordinance for location and type of lighting.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use - There will be adequate parking and signage as to how to enter and exit. There is a front and back exit. The building is not handicapped accessible.
5. Such approval should be consistent with the intent of the Master Plan...-It is an antique gift shop in a historic house. It is consistent with the intent of Master Plan in the rural area and character of the town. There will be no changes to the exterior of the house.

The Board noted that gravel will have to be put down on the grassy parking area to make it a parking lot.

Lois Pekkala, an abutter at 189 Willard Road, expressed her concern for the parking. She stated that the berm that the Town placed at the corner of Willard and Ashby Roads makes passing cars difficult and that it should be removed. She did not want to see parking on the roads. The Board directed Ms. Pekkala to speak to the Selectmen regarding the berm. Also, Ms. Pekkala expressed concern for people parking and having to cross Willard Road to get to the shop.

David made a motion to continue the hearing to October 3, 2013 at 8:30 p.m. Marianne seconded the motion and it passed unanimously. At that time, Ms. Haskett is to have a final plan showing the six required parking spaces.

8:30 p.m. Mosshill Realty, LLC - Public hearing for a special exception application:

Carol and Robert Romeril and their attorney Will Phillips were present for Mosshill Realty. The applicant submitted a special exception application from Article VI.C. of the Zoning Ordinance to permit a multi-use of commercial office space and two one-bedroom apartments in an existing building at 712 Turnpike Road.

Mrs. Romeril submitted a document to the Board entitled "Correction to Application for Special Exception" and explained that since submitting the application they have found that the septic system is not adequate for the proposed use. They need to prepare a new septic design and have it approved by the State; they are permitted to continue using the current system until it fails and then the new designed system would be installed. Attorney Phillips stated that the demand is approximately 40% less than the former tenant Wee Dreams. Wee Dreams would have required a system of 110,000

gallons/day, the system is designed for 500 gallons/day and the proposed mixed use will require a system of 600 gallons/day.

The Board questioned the use of the system for the proposed use and that it was not the required size. Attorney Phillips handed out information on the State requirements for septic systems, in particular ENV-Wq 1003.12, Env-Wq 1004.18 and Env-Wq 1008.03. An existing system cannot be repaired or expanded when it fails but must be replaced. The proposed use is an expanded use and the existing septic system may be used until it fails as long as there is an approved septic system design on file with the DES.

Attorney Phillips noted that the legal status of 712 Turnpike Road is as condominiums. The applicant does not intend to use it as condos.

There is an existing shed on the property and Mr. Romeril stated they were not able to locate the boundary line in that area. The Board noted if the shed is within the 20 foot setback it will need to be moved.

The variance criteria were reviewed:

- 1) The specific site is an appropriate location for such use - The property was originally designed, approved and built as a six unit office and light industrial condominium, all 6 units being subsequently owned by one owner, and formerly operated/approved as a day care facility. The property is located on Turnpike Road in an area consisting almost equally of residential and commercial properties. The developed portion of the lot is set back on a hill overlooking Route 123/124 and there is an existing driveway with good sight lines along the state highway. The proposed use of offices and apartments is in keeping with how it has been previously used.
- 2) The use as developed will not adversely affect the adjacent areas - The proposed use is well suited for the area given the mixed commercial and residential uses in that area of Route 123/124. The site has ample buffers from abutters and only one abutter can be seen from the building. There is plenty of on-site parking. There are two parking lots not visible to the public way or abutters. The use will be less than the previous business use and by having residential and commercial, the use will be equalized between weekdays and weekends.
- 3) There will be no nuisance or serious hazard to vehicles or pedestrians - The existing driveway has good sight lines and was designed for simultaneous use by 6 businesses. The proposed use will create less traffic than that associated with the original 6 business uses. An approved septic plan for a septic system will be on file.
- 4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use - The existing parking lot has 32 spaces which is ample for the proposed mixed use of two one-bedroom apartments and the four offices. Nineteen spaces are required. David asked if there was any intent of outside storage. There will not be any storage trailers. Wendy noted

that the proposal is for commercial office space and two apartments and that would be what the Board would approve; any change in use would require application to the Zoning Board.

- 5) The proposed use is consistent with the intent of the Master Plan...- The proposed mixed use is consistent with the Master Plan in that the commercial/residential use will provide two single family dwelling units with no impact on existing open space or the Town's existing rural character. There will be no impact on the Town's historic resources, it will encourage and facilitate small business growth and not extend the Town's existing road system. There is a need for more apartments in New Ipswich so this would be a benefit to the Town.

At 9:30 p.m. David made a motion to close the public hearing and enter into deliberations. Marianne seconded the motion and it passed unanimously.

The Board reviewed the variance criteria:

- 1) The specific site is an appropriate location for such use: Marianne - like the mixed use; Wendy agreed.
- 2) The use as developed will not adversely affect the adjacent areas: David - the building has gone through cycles of various business uses and residences would not cause an impact; Marianne - location is such that it is unnoticed; no impact to abutters; access to major road.
- 3) There will be no nuisance or serious hazard to vehicles or pedestrians: David - driveway is steep but no knowledge of any problems.
- 4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use: Wendy - was previously unaware of the regulations for septic systems and not being able to expand them; the system has to be designed properly and be approved by the State; Marianne - would like to see a date certain for the approval of a septic system design.
- 5) The proposed use is consistent with the intent of the Master Plan...: David - promotes small business.

David made a motion to approve the application for a multi-use building of commercial office space and two one-bedroom apartments subject to the following conditions:

- a) Applicant must provide a NH Department of Environmental Services septic system design approval prior to November 30, 2013.
- b) If the existing shed is found to be within the side setback of the property line, the shed will be either removed or relocated.

Marianne seconded the motion and it passed unanimously.

9:45 p.m.:

Joanne distributed information on the upcoming Law Lecture Series.

The budget for 2014-15 was determined by the Board. Wendy made a motion approve a budget of \$702.00. Becky seconded the motion and it passed unanimously.

Joanne explained that audio tapes are being kept from 1985 and as space is always an issue, asked if they could be destroyed. The minutes are the official record. Clark made a motion to destroy the tapes. David seconded the motion and it passed unanimously.

The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Joanne Meshna, Land Use Manager