

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
January 5, 2023**

PRESENT: Walker Farrey, Vice Chairman; David Lage; Danielle Sikkila; Susan Mallett, Secretary

Walker Farrey called the meeting to order at the Town Office at 7:00 p.m. and did roll call.

HEARING: Joseph Edwards, 3 Peterson Road, Map 16A, Lot 19, Special Exception to allow garage and welding business

Ed Rogers spoke on behalf of Mr. Edwards, who is reapplying for Special Exception that has expired. Mr. Rogers noted they were not clear what constitutes “exercise” the approval. Mr. Rogers explained the background of the application and the site which is located on Peterson Road at Turnpike Road near Greenville line. Garage structure was built within the same footprint as a structure that had been removed about 5 years ago.

He plans to do automotive repairs, vehicle frames, and welding.

They have connected a bathroom to the septic. There will be no hazardous materials except brake fluid which will be going back to AutoZone for disposal; he won’t be doing antifreeze or oil changes.

Walker asked to review the original request to see what the criteria and if there are any changes to what is being asked for now.

David asked about hazardous liquids, Ed explained that the only thing is the brake fluid which is captured and returned to AutoZone.

Ed went on to review the Applications and criteria.

Repairs would be limited to brakes, exhaust and structural repairs.

1) The specific site is an appropriate location for proposed use.

The site is easily accessible with frontage on Turnpike Road, many businesses are also located on Turnpike Road.

2) The use as developed will not adversely affect the adjacent area.

The site is fairly well screened with existing trees and vegetation along Turnpike Road more so heading North, heading South will be a little more visible. Hours of operation will be limited to 8:00am to 5:00pm Monday thru Friday to reduce any impact on abutting residential uses. No hazardous waste will be generated by operations on the site. Brake fluid is collected and returned to AutoZone.

3) There will be no nuisance or serious hazard to vehicles or pedestrians.

The site has appropriate sight distance in each direction for traffic entering or leaving the property. It is located on a straight section of Turnpike Road so that visibility is good. Customer traffic will be minimal and will likely not exceed 3 to 4 vehicles per day.

4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Areas have been designated for parking while dropping off or waiting, snow storage in the back will not affect any roads, a dumpster pad, and a replacement leach field if necessary. A bathroom was installed in the existing building in case Applicant hires an employee.

5) Such approval should be consistent with the intent of the Master Plan, after having given due consideration to recommendations received from the Planning Board, Conservation Commission and Board of Selectmen, within thirty (30) days of receipt of the petition by the Zoning Board of Adjustment.

The proposed use is the type of small business that is encouraged by the Master Plan, and the location is consistent with the intent where the Master Plan would like to see businesses located.

David asked if the dumpster pad could be relocated so not to be visible from the road. Ed says it's in a section where trees would minimize the visibility. Joe Edwards noted that it would be on the Greenville part of property, but they will see what they can do to put the dumpster pad behind the building without affecting the snow storage area.

Ed noted one change made was to the signage, and added that. He said it would be within setbacks and other requirements. The well is in a location that can be exposed to traffic, so they would like to provide a jersey barrier or something to protect the well head.

Walker asked how many lifts would be in garage, and the response was just one.

There was some discussion about Peterson Road. It's not expected that there would be much traffic in the foreseeable future.

Walker asked if there were any abutter comments. Craig Smeeth (interested party) asking about paving or stone to control the runoff. David said that the Applicant goes to the Planning Board for that type of issue; ZBA only approves the use.

David motioned to close to further Public input and Deliberate among the Board members, Danielle seconded the motion, and all were in agreement. Walker let the attendees know they are welcome to stay and listen, but no more public input is allowed.

1) The specific site is an appropriate location for proposed use.

Walker agrees that it is an appropriate use for this type of business and it is in the rural area and allowed by special exemption.

David noted the Planning board should review what requirements, such as a possible stop sign and the parking area.

All were in agreement and there were no objections.

2) The use as developed will not adversely affect the adjacent area.

Walker noted there were limited abutters that are close enough to see or hear the activity. He also mentioned their typical business hours of 8:00am to 5:00pm, Monday through Friday. There would be no hazardous liquids other than brake fluid which would be captured and returned to AutoZone.

David mentioned that no abutters objected or provided feedback at the original meeting or this one.

All were in agreement and there were no objections.

3) There will be no nuisance or serious hazard to vehicles or pedestrians.

Walker felt there is very little pedestrian activity, maybe a horse and rider now and then on Peterson Road. (Class VI road)

4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Walker noted the change in location for the dumpster pad, plans for snow storage and parking looks good. Bathroom addition covers facilities.

All were in agreement and there were no objections.

5) Such approval should be consistent with the intent of the Master Plan, after having given due consideration to recommendations received from the Planning Board, Conservation Commission and Board of Selectmen, within thirty (30) days of receipt of the petition by the Zoning Board of Adjustment.

Walker stated it's in line with small business plan and fits in with the Master Plan.

All were in agreement and there were no objections.

David motioned to approve the special exception as submitted with the understanding that:

(1) Hazardous materials are handled in accordance with NH DES best practices,

(2) The dumpster pad be relocated to the Greenville side of the building

Danielle seconded the motion, and all were in favor.

APPLICATION: Craig and Sharin Smeeth et al, regarding 99 River Road, Map 11, Lot 128, Appeal of ZBA Decision to allow tea parties.

Application for Appeal and a Motion for Rehearing.

Nancy Clark is the representative for Craig and Sharin Smeeth and about 12 other clients.

Nancy Clark noted it was not clear what form to use for the appeal.

David feels that Appeal is for other department decision that are being brought to the Zoning Board of Adjustment. Ms. Clark said there is no other form for the rehearing request so she included it in the Appeal request.

Walker will reach out to get clarification from counsel what title it should be under, and if there is a more appropriate boiler plate to use for Rehearing and whether we need to use a separate form for Appeals and Rehearing. Also the property location is confusing on the form, is it for the applicant or the original applicant? David felt it should reflect the subject property and Ms. Clark said it is referenced in the application. Susan to change the original form to show subject property (99 River Road).

David clarified that the appeal is to the Variance for Article IV, Section C on the original application applied for by Ms. Elwell.

*** David then said Article 14, D Variance – what is that in reference to? ***

Robert Fasanella asked if Nancy Clark has another copy of this appeal, she said it was delivered to his house. He was not around to receive it, and asked if she had a copy available for him to review.

David motioned to accept the application for hearing of the Appeal and Rehearing request for the Silver Scones decision. Danielle seconded and all were in favor.

Susan asked Ms. Clark if she is okay with Susan not sending a copy of the Abutter letter to her and Robert Fasanella because she didn't list them on the Abutters list. She didn't feel they needed the letter, but then accepted that it can be sent not certified, but by snail mail or email.

Ms. Clark asked to confirm if the Board is accepting the rehearing or the application for rehearing. David noted that they are accepting for the hearing of the request. This is just accepting the application itself.

Some discussion of the date and time, due to the various members of the Board not being available for the next regularly scheduled meeting in February 2023.

The Hearing will be on January 19th, 2023 at 7:30 for appeal hearing.

HEARING: Craig and Sharin Smeeth et al, regarding 99 River Road, Map 11, Lot 128, Appeal of BOS Decision to allow Driveway Alteration

Ms. Clark made a motion to combine the two appeals for efficiency to save time and cost. She feels it would be one case.

David noted it would have been easier for planning the next meeting, if they knew ahead of time that she wanted to combine the hearings. He also asked if she was prepared to do the hearing and she said she was, but wanted to have as one. She felt when she goes to Superior Court it would be better to combined.

David made a motion to continue to a date certain, at the applicants request the appeal of the Board of Selectmen's decision to allow the Driveway permit to stand until January 19th, 2023 at 7:05pm. Danielle seconded the motion, and all were in favor.

This was moved to date certain of January 19th at 7:05pm at Ms. Clark and the applicants request to have both appeals at the same meeting.

OLD/NEW BUSINESS:

David motioned to adopt for the record, the *Zoning Board of Adjustment in New Hampshire: Handbook for Officials Updated 2021*. Danielle seconded and all were in favor.

Sue to confirm where the Smeeth's property is on Mill St. Will bring tax cards and map to next meeting for review.

David mentioned NHMA and suggested contacting them to see if they have a boiler plate form; do we need separate form for appeal of ZBA decision and rehearing, does the rehearing request and appeal need to have separate forms or can it be one form. It's not clear whether the appellant or the subject property address should be listed, the form could define that better.

Reviewed minutes for December 2022. There were many changes/updates to be made.

A MOTION to adjourn was made by Mr. Lage, and Mr. Farrey SECONDED the motion, all were in favor.

Respectfully Submitted,
Susan Mallett