

ZONING BOARD OF ADJUSTMENT
September 5, 2019

PRESENT: Wendy Juchnevics-Freeman, Chairman, Walker Farrey, Vice Chairman, David Lage, Stan Long, Danielle Sikkila, Lori Rautiola, Secretary

The meeting was called to order at the Town Office at 7:00 p.m. Wendy appointed Danielle as a full member.

7:00 p.m. – Prime Roofing Corp., Map 11/96, Turnpike Rd. – Public hearing for a special exception: The public hearing was continued from August 1, 2019. Attorney Roy Tilsley, Mr. Tyler Seppala, Mr. Garrett Seppala and Mr. Kirk Stenerson were present on behalf of Prime Roofing, Corp. Selectmen Lage stated Prime Roofing was approached by the Board of Selectmen last month with a proposal to swap the parcel of land for a town owned parcel located on the west side of town behind the transfer station. Prime Roofing did not accept the offer and wished to continue with the hearing.

Attorney Tilsley gave a brief description of the land. He stated the applicant is seeking a special exception to Article VI.C of the Zoning Ordinance to allow a commercial building which would provide Prime Roofing with office space and warehouse storage and three additional spaces for rent/lease. The building is proposed to be 12,787 square feet. He continued stating Kirk Stenerson, Higher Design made some changes to the site plan in regards to some of the Board's suggestions from the last hearing. Mr. Stenerson stated he moved the building further back to meet all setback requirements, added the parking spaces to the site plan to include 16 spaces out back and 16 in the front of the building for a total of 32 parking spaces, which would meet parking requirements. The applicant removed the additional building in the rear of the lot to allow room for trucks to pull in and out. He also provided a landscaping plan for the front of the building. A plan with updated elevations and a design of the front of the building was also submitted.

Attorney Tilsley reminded the Board the special exception request is allowed as a matter of right providing the applicant meets the 5 criteria. He continued stating the applicant has changed the design of the building to demonstrate a much less industrial look that fits more in line with the rural character of the town. He also reminded the Board the parcel is close to the Village District, however it is zoned rural.

Wendy stated the Board was hoping to come to an agreement with the applicant on the design of the building that would fit with the rural character of the town, adding the site is the first thing one sees when driving into town and the aesthetics of the building are very important for that reason.

David questioned if the berm would be placed in front of the building. Mr. Stenerson stated the current plan did not show the height of the berm however, the building would be up at an elevation around 105 ft. with a berm out front. He explained from the road you would see the top half of the building. David questioned if the applicant could cut the site down in order to bring the building down. Mr. Stenerson responded that would not be possible without adding a pump system for the septic, adding the first 70 feet out front cannot be touched due to the State ROW and setback requirements. The drainage was discussed and it was determined the applicant would cut the site down as much as possible without having to add a pump system.

David stated he had no doubt the site could look nice however, the Board is looking for confirmation the site will fit within the rural character of the town; adding the site is at the gateway to town. Wendy added she did not want it to look like an eye sore. Mr. Seppala responded he did not want an ugly building or want his business to look like an eye sore, adding the fire station, old highway garage and some of the old houses in the Village District are not very nice looking. He stated he does not want to ruin property values for residents and does not see this building diminishing property values. It would be a vast improvement over what has been there over the last few years. David agreed mentioning the salt area is going to be removed and hopefully the building will be demolished; adding as part of a long term plan the Select Board would like to tie the property in with the parcel on Tricnit Road to make a "green" area for the Town.

Discussion continued on the berm out front of the proposed building. It was noted the applicant would plant trees out front, as well as shrubs and landscaping. David stated to try and minimize the "massiveness" of the building as much as possible. Wendy questioned if drainage would be installed or the parking sloped. Mr. Stenerson noted due to the size of the building drains would most likely need to be installed; adding a retention pond with storm water treatment would be located on the east side of the building. Mr. Tilsley reminded the Board upon approval, the proposal would need a site plan review; adding if there is a better plan which is feasible, the applicant is not opposed to it. David stated the Board was seeking answers before it gets to the Planning Board.

The aesthetics of the building were discussed. David questioned if the applicant would be able to break up the front part of the building by extending the fascia on the two gable ends above the roofline. Mr. Seppala agreed to do so. It was noted hardie plank siding will cover the front and sides of the building.

The five criteria for a special exception were reviewed:

- 1) Attorney Tilsley stated the site is an appropriate site and is consistent with the surrounding properties. The design of the building is well thought and the use would be an improvement from what is there currently.
- 2) The use as developed will not adversely affect the adjacent area as it will be an improvement from what is there now. Similar properties surround the area. The applicant has given the Board written proof from a local realtor which states the proposed building would not diminish property values.
- 3) There will be no nuisance or serious hazard to vehicles or pedestrians. There is ample parking and the access is appropriate from a State road.
- 4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use. It is a commercial operation with good access to the highway and septic and well are on site.
- 5) Such approval should be consistent with the master plan... the master plan encourages light industry that will not detract from the rural character of the town. This proposal is favorable to the master plan. This is a local business that has been here for many years.

Wendy questioned what the signage would be. Mr. Seppala stated the sign will be very small and simple if any at all. There will be no sign on the building except possibly small lettering on the front and/or doors of the offices. Wendy questioned if the applicant would agree to a condition regarding signage. Mr. Seppala agreed.

There was discussion on lighting. David suggested the applicant refer to the zoning ordinance for the lighting requirements. Mr. Seppala stated the lighting will be very limited and will not affect the abutters.

David made a motion to close the public hearing and enter into deliberations. Stan seconded the motion and it passed unanimously.

The Board discussed the criteria for granting a special exception. Members agreed the site was appropriate for the use. Wendy stated she was concerned with use affecting the adjacent area however, with the new design of the building and the conditions in place she is more comfortable it will not affect the adjacent area. David, Walker and Danielle agreed it would be an improvement from what is there now. The use is consistent with the Master Plan.

Stan made a motion to approve the special exception application with the following conditions:

- 1) The front, left and right side exterior of the building will be hardie plank siding or equivalent.
- 2) The two larger gables will be extended above the flat roofline.
- 3) Signage will be limited to a minimum: a small sign out front, business lettering on door or next to the office doors.
- 4) Limited lighting not to impact abutters and must meet the lighting requirements
- 5) Reduce building elevation as much as possible without going to a pump system for the septic.

David seconded the motion and it passed unanimously.

8:00 p.m. - Sue Evon, 116 Ashby Road, Map 8/76- Submission of a special exception application: Mr. and Mrs. Robert and Sue Evon have submitted a special exception application to Article VI c.2 of the Zoning Ordinance. Mrs. Evon stated she received a letter from the former Town Administrator, Carlotta Pini, stating she was in violation of the Zoning Ordinance and in need of a special exception in order to operate her business.

Mr. Evon explained gave an overview of what their business entailed. He explained they have alpacas on site. They sell yarn, hand knit items, hand woven rugs and items they purchase from the fiber pool they belong to. The applicant displays the items in the family room of their home. Mrs. Evon stated they use to attend outside events but they have slowed down and have been selling a lot online. Some of the products the applicant sells come from a distributor in Peru. Mrs. Evon stated this would be the only thing that could be classified as retail in her opinion.

Mr. Evon stated he did not understand why they needed a special exception and other business' in town that are similar to his did not require one. David stated the difference is you are buying products and selling them which is considered retail. Wendy stated there is all different types of farms in New Hampshire and unless that farm is taking the product and turn it into something a consumer would purchase it is impossible to have a lot of these "local NH farms". It is rare these days for the farmer to do everything themselves without sending things out to be processed. Wendy continued stating most farmers have some type of process that has to happen between the time they harvest to the time they sell; adding she did not see a difference in the applicants process compared to surrounding local farms. Wendy stated if the town is going to encourage farming, like the master plan does, then people need to understand more clearly the way farms are operated.

David stated the difference between the applicants shop being considered retail is they send their fibers out but do not necessarily receive their own fibers back. They get products from Peru or some other distributor, adding this is small retail and according to the Zoning Ordinance one needs a special exception. Wendy disagreed stating a farm stand does not require a special exception. David responded the applicant's business is not just a farm stand. Mrs. Evon stated the first letter sent by the Selectmen stated it was a gift shop, it did not state retail. She considers her farm/gift shop to be an agricultural use which is allowed in that district.

The five criteria for granting a special exception were reviewed:

- 1) The specific site is an appropriate location for such use. Mrs. Evon stated the site is located in the rural district which is appropriate. The retail shop is located in a 14x26 area within the dwelling.
- 2) The use as developed will not adversely affect the adjacent area. The farm has been there since 2002 and has not had a complaint yet. Parking is sufficient with room for at least 6 cars.
- 3) There will be no nuisance or serious hazard to vehicles or pedestrians as parking is provided on site.
- 4) Adequate and appropriate facilities will be provided for the proper operation as the shop it's located within the dwelling.
- 5) Such approval should be consistent with the intent of the Master Plan... it is consistent with the master plan as it is an agricultural use which is encouraged in the Master Plan.

Abutters were asked to speak: David Brine, 105 Ashby Road, questioned why is a special exception needed now and it wasn't required years ago. David explained once the retail shop went into effect a special exception was needed. Mr. Brine was concerned about the additional traffic. Mrs. Evon stated the business will continue as it has in the past. There will be no additional traffic. It is a low key business with as little as 2 people a week to as much as 10, unless a special event is held which would happen 2-3 times a year. Mr. Brine noted there is not a lot of room on Ashby Road for parking. It was noted the owners shall encourage visitors to park in the driveway and not on the road.

Walker made a motion to close the public hearing and enter into deliberations. David seconded the motion and it passed unanimously.

The Board reviewed the five criteria for granting a special exception: Members agreed the site was appropriate and the area will not affect the adjacent area. Wendy stated there is adequate parking and the facilities are appropriate for the use. Members agreed the use is consistent with the Master Plan as agricultural uses are allowed.

Walker made a motion to approve the special exception. David requested to place a condition on the approval that the business stays within the structure that is currently there. There were no objections. David seconded the motion and it passed unanimously.

The minutes of the June 6, 2019 meeting were reviewed. Wendy made a motion to approve the minutes as written. Walker seconded the motion and it passed unanimously.

The minutes of the August 1, 2019 meeting were reviewed. David made a motion to approve the minutes as written. Walker seconded the motion and it passed unanimously.

Respectfully submitted,

Lori Rautiola
Secretary