

**DRAFT MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**OCTOBER 5, 2017**

PRESENT: Wendy Juchnevics-Freeman, Chairman, David Lage, Edwin Somero, Stan Long, Walker Farrey, Lori Rautiola

PUBLIC: Ed Rogers, Attorney Silas Little, David Cotzin

Wendy announced Marianne Graham has resigned from the Board. The Board of Selectmen have appointed Walker Farrey as a full member.

7:00 p.m. Joseph and Winifred Edwards – Public Hearing for a special exception: The public hearing was continued from September 7, 2017. The applicants own lot 16A/19, 3 Peterson Road, Rural District. A special exception application has been submitted from Article VI C.2 of the Zoning Ordinance to allow a general auto repair and welding fabrication business.

Wendy stated she would like to see Mr. Edward's plan for hazardous waste. Attorney Little stated he was representing Mr. and Mrs. Edwards. In response to Wendy's concern for hazardous waste he stated Mr. Edwards will not generate hazardous waste; he does not do oil changes or lubrications of any sort nor does he conduct radiator flushing. The work space will be enclosed and the bulk of work will consist of metal work and rebuilding/welding on frames and garden/farm equipment. Wendy referred to the application where it states "general auto repair". Attorney Little responded he is aware of that; however, Mr. Edward's work will be solely welding and working with metal on the frames and floor board of vehicles as well as brake and exhaust work. David noted brake jobs would require brake fluid being drained and stated the Board would like clarification on how the applicant will handle/dispose of the waste. Wendy questioned the waste of brake pads and Attorney Little responded there is no hazardous waste in brake pads anymore. Wendy stated the proper disposal of items coming off vehicles needs to be handled and best management practices need to be followed. David asked the applicant if he was still planning on doing brake work and Mr. Edwards stated he would like to be able to do brake work as well as the welding. If the Board allows this, Mr. Edwards would dispose of any fluids by following proper waste disposal procedures.

Mr. Rogers presented the revised site plan for the Edwards. He noted some major changes which included a proposed pavement location for Peterson Road if the subdivision in Greenville ever went through. The location of the previous garage was added to the plan and the loamed/seeded area at the base of the driveway to gain the front setback requirement. The location of a dumpster and proposed septic system were also added to the plan. The septic system would be in a central area where the house and garage could be tied into for a future bathroom in the garage if needed. The protective well radius was also added to the plan. There was discussion on bathroom facilities. David noted according to the building code public facilities for employees is required. Attorney Little mentioned the applicant would not have any employees at this time; however, they have made provisions for future employees. David responded an approval of the special exception would go with the property.

Wendy asked the applicant if he would be willing to install the proper facilities in the garage if he were to have employees in the future and Mr. Edwards stated he would be willing to do so. Wendy noted if the Board places conditions upon approval of the special exception then it is because of the nature of the business and property. Wendy stated her concern if the business was sold as they would have a commercial property. Attorney Little stated if the property was ever sold, it would revert to residential with a large garage and if the new owners ever wanted to run a business out of it they would most likely need a site plan review. The applicant is seeking approval for a welding and metal fabrication business so if that person was not going to use it for metal fabrication and welding they would have to apply for something else.

Wendy asked Attorney Little to read his submittal of the special exception into the record (See attached). Wendy questioned Attorney Little after criteria #1 was read. She asked if the applicant could amend the application to say metal fabrication/welding and not general auto repair. Mr. Little responded yes and the applicants agreed. There was discussion of Peterson Road. David questioned how there will not be any more traffic on the road if Mr. Edwards is running a business as people will need to drop off a vehicle or piece of equipment. Attorney Little stated it will not be a retail business so there will not be people going in and out all day long. Mr. Edwards noted the entrance and exit are on the site plan. Attorney Little continued reading the submittal.

There was discussion on criteria #4. Attorney Little stated there are adequate and appropriate facilities for the proper operation of the proposed use. There would be minimal consumer traffic and there is sufficient parking should the need arise on occasion. The work will be conducted indoors. The structure has no floor drains and the proposed use does not handle liquid based petroleum products. If brake work is done, it will be properly disposed of. The structure has no indoor plumbing and no need for provision of sanitary facilities. David stated he disagreed with Attorney Little's comment regarding the need for sanitary facilities and Stan agreed. Attorney Little added Mr. Edwards will be the only person working.

The Board asked for clarification regarding the "general auto repair" that was stated on the application. Attorney Little responded the specific use Mr. Edwards is engaged in is related to the repair of metal parts of motor vehicles and accessories to motor vehicles, such as farm equipment, snow plows and trailers and he is not proposing transmission repair, engine repair, or common and ordinary maintenance such as lubrication and oil changes. David asked Mr. Edwards if he will be performing general auto repair such as brake work and Mr. Edwards responded he will be doing brake work. He added 90% of the work performed will be frame work, 10% will be brake work, replacing struts etc. It was decided to keep the application the way it was presented which stated "general auto repair".

Wendy questioned there not being a bathroom within the structure. She asked the applicant if this was a requirement by building code could Mr. Edwards install a bathroom. The applicant and Mr. Rogers stated it could be done.

Attorney Little added Mr. Edwards business would fit in with the Master Plan as there are many businesses along Turnpike Road. David questioned if the mobile home would remain on the property and Mr. Edwards stated it would remain for the time being. Mr. Cotzin made a comment that the Master Plan strongly encourages small business.

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

The criteria was discussed. Wendy stated she no longer had concerns with Peterson Road since they had clarification on where the right of way was located and she believes the location is appropriate. Walker noted the visibility is good pulling onto the highway. David agreed it is an appropriate location for a business. The use will not adversely affect the area because there are adequate facilities and best management practices will be practiced. Wendy continued there will be no nuisance or serious hazard to vehicles or pedestrians. David noted the Town needs to check and see there a stop sign is at the end of Peterson Road to ensure safety. Wendy stated she was hoping for more discussion on the best management practices from the applicant and feels there was a lack of awareness on those practices however, she believes they can be overcome. She added if a bathroom is required by the building code, this would need to be installed. She stated this application would not be a traditional home occupation, it is a commercial use. David agreed with Wendy adding it is required by NH State building code to have a bathroom facility based on occupants. Wendy noted she would like to see the area that is being loomed and seeded done as soon as possible and according to the plans. Wendy stated she agreed with Mr. Cotzin on the fact that we do encourage these types of businesses in the master plan and she believes it would be a benefit to the community as long as it is properly maintained.

The Board agreed on the following conditions:

- 1) Sanitary facilities be installed according to NH State Building Code
- 2) The front setback area be loomed and seeded according as shown on plan
- 3) NHDES Best management practices are followed on any work performed at the facility

David made a motion to approve the application with the above conditions. Stan seconded the motion and it passed unanimously.

The September 7, 2017 minutes were reviewed. Stan made a motion to approve the minutes. David seconded the motion and it passed unanimously.

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Lori Rautiola