



TOWN OF NEW IPSWICH

661 Turnpike Rd, New Ipswich, NH 03071

ZONING BOARD OF ADJUSTMENTS



Meeting Minutes November 2, 2023

The Zoning Board of Adjustments held its regular monthly meeting at the Town Office, 661 Turnpike Road, New Ipswich, New Hampshire, on Thursday, November 2, 2023 at 7:00 p.m.

1.) Call to Order and Seating of Alternates

Chairman Walker Farrey called the meeting to order at 7:14 PM.

Present at the meeting were Chair Walker Farrey, Vice Chair Danielle Sikkila, Member David Lage, Jeff Muhonen, Lou Alvarez, Alternates Dwayne White, and Brett Kivela. Staff present included Land Use Clerk Jennifer Worth.

2.) Other Business

- a. Finalize the Zoning Board of Adjustments Rules of Procedure Handbook and forms.

David Lage motions to approve and accept the Zoning Board of Adjustments Rules of Procedure Handbook including the attached applications with the minor modifications needed. Revised date of November 2, 2023. Effective date January 2, 2024. Lou Alvarez seconds. The motion passed unanimously. Alternates will not act as affirmative members. Alternates had no comments.

3.) Public Hearings

- a. **Case ZBA-2023-11:** Benjamin and Chelsea Hatcher requesting a Variance in accordance with Article VI – Section B for the property at 159 Greenville Road to allow the operation of an events venue to supplement their agricultural business.

Dwayne White, Lou Alvarez, and Danielle Sikkila recuse themselves as affirmative members.

Affirmative members sitting were; Chair Walker Farrey, David Lage, Jeff Muhonen, and Brett Kivela.

The floor was opened for Benjamin and Chelsea Hatcher's opening statement. The board was provided with a site plan with the proposed pavilion location on the

parcel. This parcel is an 86.6 acre lot known as, Old Homestead Farm. The farm is a registered agriculture business at 159 Greenville Road. Mr. Hatcher describes the parcel in detail with the board. The proposed location of the event pavilion was pointed out on the map. The driveway is 1,025 feet long to the existing barn, and approximately half a mile to the proposed pavilion location. The first 50 feet of the driveway is paved.

Mr. and Mrs. Hatcher speak about the intended uses of the event pavilion. The Farm will continue its daily agricultural uses while supplementing income with community focused events at the pavilion from the hours of 10 AM to 10 PM. Such events would include weddings (weddings would not take place more than once a week), birthday parties, baby showers, wedding showers, family celebrations, line dancing, corporate events, field trips, graduations, proms, ice skating, snow tubing, sledding, DIY craft nights, and farm to table meals. Chair asks the applicants to describe what a line dancing event would look like. Applicants respond that it is a fun event with a handful of guests that is hosted by a one woman show who brings her own audio equipment and walks guests through learning how to line dance while using a headset. The noise levels are reasonably low with music and instructions through a microphone. There is no special lighting for this event.

Applicants present facts in support of granting the variance:

1. *The proposed use would not be contrary to public interest because there is no public event space in New Ipswich for community events. Residents must either rent a privately-owned space or look outside our community.*
2. *The use is not contrary to the spirit of the ordinance because having this space reserved for special events will deter development and allow visitors to enjoy the beauty of the farm.*
3. *Granting the variance would do substantial justice because the community members would be able to rent and enjoy this space. Local vendors will be able to utilize space that would bring more business to local photographers, food trucks, bakers, musicians, florists, etc.*
4. *The proposed use would not diminish property values because the acreage is large enough that any crowds would not be visible from other properties, cars would not be near the road, and noise ordinances would be followed.*
5. *Literal enforcement of the ordinance would result in unnecessary hardship to the owner because the following special conditions of the property distinguish it from other properties in the area; beautiful views that make backdrop for events, large property to manage people and vehicles with ease, and true working farm.*
 - a. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because the property is currently used for agricultural uses and stables, making it a picturesque place to host an event. Limiting recreational usage to private does not allow the farm to utilize this space to its fullest potential.*

- b. *The proposed is a reasonable one because* public events have been hosted at the farm in the past that the community has enjoyed. Applicants would like to continue to do so in a more legitimate, structured way.

Keynotes on hearing:

Applicants work with a port-a-potty company, as well as tested soil with Meridian for future septic system. The maximum number of attendees including employees and guests would be 250 people in total. Food would not be prepared on site. Any food at events would be catered or cooked inside food trailers. The farm would only provide the ingredients for meals for certain events. The event pavilion would be open year round and only host one to two events per week. Some of these events have been hosted at the farm before, but in the garage that is on the property. If the variance is approved, applicants would no longer host in the garage. All future events will be held under the pavilion. Events in the past never had traffic or safety issues. At the grand opening, guests of 1,000 people were in and out, safety was never an issue. Applicants pay to have local enforcement detail at events when needed. Applicants have never heard of any complaints from surrounding neighbors about events hosted in the past at the farm. Applicants were advised by the Chair that as for parking, a site plan review from the Planning Board will be necessary.

The floor was opened to abutters.

Steve Riggs of 201 Temple Road, asks if this event pavilion would be used like Marty's Driving Range in Mason, New Hampshire (nearby music venue) for large outdoor concerts. Applicants do not plan to use the pavilion for large outdoor concerts. If anything, a one man band with an acoustic guitar may entertain guests, but no concert, no ticket sales.

Tim Jones of 55 Old Tenney Road states that Mrs. Hatcher's maternal family have always been generous community members of New Ipswich and well known for their work in the Town of New Ipswich. The Hatcher's have always supported the local fire station and local farmers. Mr. Jones is in support of approving the variance.

Al Jenks spoke about how for 48 years he had a use that was similar at Wind Blown as an adjunct to cross country skiing. He commends the Hatcher's for initiating an event center like this because it takes young people to get something organized and stick with the process. It takes a lot of good energy to host weddings. Good energy will spread around.

David Lage motions to close public comment and open the board for deliberations. Brett Kivela seconds. The motion passes unanimously.

Summary of the facts of the case discussed at the above public hearing:

1. *The proposed use would not be contrary to public interest because* the Town of New Ipswich is a right to farm community, and this is in alignment with that goal and serves the public interest. The agricultural use is allowable and is encouraged in the Master Plan. The parcel has an adequate buffer.

2. *The use is not contrary to the spirit of the ordinance because it meets the Master Plan to promote agriculture. Without the supplemental uses for agriculture, the industry itself would dwindle. The event space would deter future developments in the rural area.*
3. *Granting the variance would do substantial justice because it would supply activities to the community and surrounding towns that would be drawn in by these events. The activities would benefit local businesses.*
4. *The proposed use would not diminish property values because the event pavilion is remote from the nearest residences and there would be no effect to the adjacent property values. The pavilion venue events will not be viewable or heard from road or surrounding neighbors. There are adequate buffers. Greenville Road is currently a heavy trafficked road. The use should not add to this traffic pattern.*
5. *Literal enforcement of the ordinance would result in unnecessary hardship to the owner because the following special conditions of the property distinguish it from other properties in the area; beautiful views that make backdrop for events, large property to manage people and vehicles with ease, and a true working farm.*
 - a. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because the property is an agricultural farm, in order to continue the support of the farming community this use should be granted. If not granted, it would be a hardship to town, for the town would not have the uses proposed by applicants. The parcel is unique and open to the public currently. If the Town is not in support, it will lose it.*
 - b. *The proposed is a reasonable one because other communities already hosting similar events to create supplemental income. There is no negative impact on the Town's district zones. It will add more business to the Town, which the Town will collect taxes on. No affect on town services and is a reasonable use of the property.*

Conditions:

1. Approved uses for the event pavilion on 159 Greenville Road; Weddings, showers, birthdays, family celebrations, line dancing, corporate events, field trips, Farmer's market, community events, graduations, proms and/or dances, DIY nights, farm to table meals, ice skating, sledding, and snow tubing.
2. Events are only to supplement the farming operation, not to replace it.
3. Events with attendees (including employees) of 100 or more not to exceed two events per week.
4. Events will not exceed 250 attendees, including employees at one time.
5. Weddings will not exceed one per week.
6. Hours of operation will be 10:00 AM to 10:00 PM.
7. All events will be held to pavilion area.
8. No concerts.
9. No on-site meal preparation facilities.
10. Apply for and receive site plan approval from the Planning Board.

David Lage motions to approve the applicant's request for a variance in accordance with Article VI – B of the zoning ordinances to permit the operation of an events business on Tax Map 15B, Lot 1 located in a pavilion on the west side of the property in accordance with the plan submitted by applicant titled "Property Exhibit" dated October 25, 2023 by Meridian Land Services, Inc. with the conditions discussed. Brett Kivela seconds. The motion passes unanimously.

- b. **Case ZBA-2023-09:** Richard and Sharin Smeeth requesting an Appeal of Administrative Decision in accordance with Article XIII, Section G(3) of the zoning ordinance in question and Article X, Section D(3)(b) of the zoning ordinance in question.

Jeff Muhonen recuses himself as a voting member.

Chair informs the applicant that there is not a full board present. Applicants have the right to await a full board or can move forward without the full board present. Applicant choose to wait for a full board.

David Lage motions to reschedule Case ZBA-2023-09 at the applicant's request for a full board to Thursday, November 16, 2023 at 6:00 PM. Brett Kivela seconds. The motion passes unanimously.

4. Application Review

Jeff Muhonen, Dwayne White, Lou Alvarez, and Vice Chair step back in as voting members.

- a. **Case ZBA-2023-13:** Application for a special exception from Benjamin Soderstrom, Map3/Lot99, 122 Lower Pratt Pond Road, requested from article 674, section 72-73 of the zoning ordinance to permit a change to an external accessory building previously approved by the building inspector to an external accessory dwelling unit (ADU).

No representation present. Application incomplete. Land Clerk will inform applicant that application was not reviewed.

5. Other Business

- a. Discussion with Peter March – Village Mobil: Nonconforming preexisting sign.

Peter March represents NH Signs who is currently applying for a building permit to change the use of the nonconforming preexisting sign at Village Mobil located at 578 Turnpike Road. NH Sign representing the property owner would like to add a toggle switch to this sign. The sign application triggered the building inspector to inform the applicants that they would need to appeal to the Zoning Board of Adjustments for a variance relief in this change of use because the sign is nonconforming to today's zoning ordinances. The sign is "grandfathered" because it existed before zoning ordinances, but the proposed change in use needs a variance. Peter March explains to the board that in 2019, LED digit lights were approved for a building permit so that

would make the sign legal and therefore, not need a variance relief. The board explains that unfortunately in 2019, the building inspector did not inform the Zoning Board of Adjustments in this use of change. The building permit was approved in error in 2019. The preexisting sign is legal, but any change now needs to conform to today's zoning ordinances. The old sign was slightly larger than the size is now. Chair lets Mr. March know what the options are moving forward. Mr. March can talk to the building inspector and ask for a denied building permit. That then can be contested to the Zoning Board of Adjustments or Mr. March can apply for a variance to the Zoning Board of Adjustments for the change in use. If a variance was approved, the sign would be conforming. If a change to a conforming sign does not meet the zoning ordinance, then a variance would be required (existing sign is non-flashing, but proposal is to add a component that 'changes' the sign which is prohibited). The zoning ordinance that pertains to this matter is Section 13, F-3. The sign would need to comply with this verbiage for a granted use.

b. Registry of Deeds – line item

Land Use Clerk will look into the RSA, but it is the responsibility of the property owner to pay the Registry of Deeds fee. This verbiage is on page 42 of the Town's zoning ordinances. The building inspector is not to give a certificate of occupancy if an ADU has not been recorded with the Registry of Deeds. Land Use Clerk will check with the building inspector if this is a known fact. Land Use Clerk will also inform the building inspector when recorded receipt from Registry of Deeds is received in office.

c. Approval of minutes for October 5, 2023 and October 12, 2023.

David Lage motions to approve minutes for October 5, 2023 and October 12, 2023. Jeff Muhonen seconds. The motion passed unanimously.

6. Adjournment

There being no further business to come before the zoning board of adjustments, Vice Chair Danielle Sikkila motioned to adjourn the meeting at 9:54 p.m. Jeff Muhonen seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Jennifer Worth - Land Use Clerk