



# TOWN OF NEW IPSWICH

661 Turnpike Rd, New Ipswich, NH 03071

## ZONING BOARD OF ADJUSTMENTS



### Meeting Minutes September 7, 2023

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

#### 1) Call to Order and Seating of Alternates

Chairman Walker Farrey called the meeting to order at 7:03 PM.

Present at the meeting were Chair Walker Farrey, Member David Lage, Alternates Dwayne White, Jay Hopkins, and Brett Kivela. Staff present included Land Use Clerk Jennifer Worth.

Chairman activated alternates Dwayne, Jay, and Brett to fill seats of Danielle S, Jeff M, and Lou A.

#### 2) New Business

##### a. Case ZBA-2023-11: Benjamin and Chelsea Hatcher – Special Exception

Dwayne White recused himself from application review.

Benjamin and Chelsea Hatcher request a special exception regarding the property at 159 Greenville Road, to construct an event pavilion on the property. Benjamin Hatcher states that there is a farm on the property. The problem with farming is that there is no profit to be made. This is the reason why the intent for the event pavilion is to provide sustainability for generations to come. One of the Hatcher's ideas to bring extra income to the farm is to build this pavilion to start hosting events, such as, weddings. The farm would not host events every day or weekly, would only be interested in hosting events on the weekend once a month. Chelsea Hatcher adds to this, by mentioning, in the future the pavilion could be made to host farmer's markets, low-key concerts, company picnics, "Prom on the Farm", and other local community events. The pavilion is a 40 x 80 structure and open to the air. It will have a roof, but no walls. Parking would not be an issue. There are multiple fields on the property that could provide for the events. The farm hosted a grand opening last year with a large crowd present. This was handled efficiently and all went smoothly during that event. The goal is to open the pavilion in 2024. Dave Lage asked the Hatcher's to provide the board with full size sketch of the site plan with drawing of where the future pavilion will be with details of this property. Meridian Land Services has been to the property. It has been approved for septic. The Chair advises to prepare documentation when it comes time

to review this. The board decided that a variance application form needs to be filed before this case can move forward. Chair states that financial hardship is not an allowable criteria standard. To keep this in mind when submitting variance.

#### **b. Case ZBA-2023-09: Jane Elwell – Variance**

Case will not be heard. Will be rescheduled to Thursday, September 21, 2023 at 6:05 p.m.

### **3) Other Business - Public**

Jim Coffey asks, “If you bring a complaint to the Selectmen about zoning enforcement and you don’t receive a decision letter about that complaint, what are you to do next?” He asks this because he feels there is a business in town that is registered with the NH State Businesses that has not applied for a special exception or variance in front of the ZBA board, as all registered businesses must do in rural districts in New Ipswich. He brought this complaint to the board of selectmen, but never heard a decision about if they would enforce or decline his request. Mr. Coffey wants to know if this is a reason or not to apply for an administrative appeal of decision. He states that he made the complaint 11 years ago, never received an answer, and has now brought the concern to the current BOS. David Lage explains, Mr. Coffey would need to go back to the Selectmen to request a written decision. If there was a written decision, then Mr. Coffey could bring this to the ZBA board. Mr. Coffey asks, what if there was never a written decision. Chair says there has to be a decision, as legally the board is obligated to provide a written decision. Two abutters (Earl and Timothy Somero) are also in the audience and state their complaints with this registered business and the property owner’s actions. One of the main concerns, is this property owner is dumping materials into wetlands. Mr. Coffey provides the board with documentation of past code enforcements on this matter. Abutters state the DES was sent out to access the property but, they never heard back from DES. Timothy states that back in 2012 there was a cease and desist on this property, but it was not enforced. Walker states that if this was true, the town could be accountable for that in court. He suggests that this conversation should be brought back to the Selectmen so they understand the magnitude of this request and the importance of a written decision. If they then refuse to provide a written decision, Mr. Coffey could take this matter to Housing Board of Appeals. Land Use Clerk also informed abutter’s that the Town did receive a letter from DES stating a complaint was received on this property (445 Turnpike Rd).

### **4) Approval of Minutes**

Mr. David Lage moved to approve the August 3, 2023 meeting minutes. Chair Walker Farrey seconded the motion. The motion passed unanimously.

### **Adjournment**

There being no further business to come before the ZBA Board, Mr. Farrey motioned to adjourn the meeting at 8:10 p.m. Mr. Hopkins seconded the motion. The motion passed unanimously.

*Respectfully Submitted, Jennifer Worth - Land Use Clerk*