

## **ZONING BOARD OF ADJUSTMENT**

**SEPTEMBER 3, 2019**

## **MEMORIAL BUILDING**

**7:00 P.M.**

*The following are to be considered draft minutes until approved by the Board.*

Zoning members present: Susan Chiarella, Chair; Bryan O'Day, Justin Hastings, Cody Patten Peter Abair and Alternates Tanner Jacques and Poul Heilmann.

Others present: Susan and Keith Cutting, Mike Lawlor, George McCusker, Whit Smith and Ryan Peterson.

Susan called the meeting to order at 7:00 p.m.

Minutes of July 2, 2019: Bryan moved to approve as written, seconded by Cody and unanimously approved.

Minutes of July 18, 2019: Justin moved to approve as written, seconded by Tanner. Motion passed. Susan abstained as she was not at the meeting.

At 7:10 p.m. Susan opened the public hearing concerning a request from Ryan M. Peterson, d/b/a RMP Heating, for a Special Exception to continue his plumbing service business; maintenance, storage of equipment and inventory related to the business operating at 756 Town Farm Road, Map 35, Lot 630-315 prior to 2010. Peter Abair, an abutter stepped down. Tanner Jacques was asked to step in. Ryan stated that he doesn't do a lot at his property, and he doesn't plan on doing anything different than what is stated in his application. Most of his business is done off-site. Deliveries for his business are mostly delivered at the job site, with up to two or three deliveries a week at his home. When roads are posted, he has deliveries done elsewhere. He has no employees. Susan asked why he felt he needs a Special Exception? Ryan stated, he feels he is a home business, but the size of his out-building is just over the maximum square footage of 750 sq. ft. in the definitions of a home business, moving him to the next level to a commercial activity. He does not want to be made to stop what he is doing, so he has applied for a Special Exception. Lengthy discussion followed regarding how to determine when a special exception is required and the requirements for site plan, home occupation, home business, commercial activity and agricultural, with many interpretations, questions, and suggestions made about all of them. Susan stated she would like to have the Planning Board to amend the Ordinance to define what a commercial activity is. Janet pointed out it is late in the year to begin working on amending the Zoning Ordinance. A work session with the Planning Board was suggested. The Board then turned their attention back to the hearing. Selectman, George McCusker, pointed out that Ryan is here of his own doing so he can continue to operate on his property and have his approvals in place. In the past, applicants have been asked to have an idea of where their business may be in a few years. Ryan may want to add a small excavator, and dump truck for use in his plumbing business. Ryan stated he wants the protection having the approvals in place offers him.

Justin moved to grant the Special Exception for Ryan to continue conducting his commercial activity as he has been on his property, Map 35, Lot 630-315, at 756 Town Farm Road. The motion was seconded by Tanner. Discussion followed. Susan asked what happens if as Selectman McCusker stated that Ryan might want to add an excavator, what happens then? When would a special exception need to be amended? Bryan and Justin stated that a change of that nature would be dealt with at the Site Plan Review process and an amended special exception would not be required. Whit discussed the site plan review process. The Planning Board can determine when a Special Exception or amendment is needed. He has been trying to get a clearer definition of what happens with electricians, painters, etc. that only operate out of a vehicle, with no employees. Susan stated, as a citizen, she is concerned with business being allowed to grow or change without requiring an amended special exception. The vote was called for. Susan, Bryan, Justin, Cody, and Tanner all voted in favor of granting the Special Exception for Ryan.

The Board discussed a work session with the Planning Board. Susan suggested the Board attend the September 19<sup>th</sup> meeting for a quick visit to make that request.

At 7:50 p.m. Susan opened the hearing concerning a request from Alison and Kurt Conlon for a variance to build deck additions attached to the existing cottage (being remodeled). Property located at 22 Lamson Lane. A written request was received from the Conlons, asking for continuation of their hearing. They are in the process of reworking their design to come up with a plan for less impact to the property. Susan noted she had talked to the NH Municipal Association about request for continuation. Granting a continuation is at the Board's discretion since there is nothing about this in the rules of procedure. There was discussion whether the hearing could be continued until November, or if it had to be continued to October and then continued again if the Conlons are not ready. Bryan moved to continue the Conlon Variance hearing to the October 1, 2019 meeting. The motion was seconded by Justin and unanimously approved.

The meeting adjourned at 7:58 p.m.

Submitted by,

Janet Roberts,  
Administrative Assistant