

BOARD OF ADJUSTMENT

NOVEMBER 2, 2021

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; Tanner Jacques, Vice-Chair; Cody Patten, Bryan O'Day and Justin Hastings.

Also present: Whit Smith and Amity Ollis

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

Minutes of October 5, 2021: Page 1 “All notices have insert been sent and posted.” and “Michael reported last year when he came in to get approval for pressure treating, insert he did not know that CCM was going to sell the property with the building on it. Tanner moved to accept the minutes with corrections, seconded by Bryan. The Board voted in favor with Susan abstaining as she was not at the October 5th meeting.

At 7:05 p.m. Susan opened the Special Exception Hearing concerning a request by Amity Ollis seeking 17' of relief from the 35' setback from the road to construct a garage/upholstery shop on a pre-existing non-conforming lot of 1.2 acres. Property is located at 57 Lorent Drive. Board members introduced themselves.

All notices were posted as required and abutters were noticed. The Board had questions relative to the plans showing the amount of relief Amity is seeking. Justin moved to accept the application as submitted, seconded by Bryan, and unanimously approved.

Amity presented her proposal. Her driveway can fit 22 cars and so there are always cars there. She does automotive upholstery for high-end cars, and she wants to be able to build a building to house the cars. The proposed building to be about 26' x 35'. The cars enter the building from her driveway not from the road. She currently does the upholstery in her basement but is outgrowing the space. She only works on one car at a time. Susan questioned whether this is a home business or home occupation. Whit stated he has been asked that before, and where he has been led in terms of this is to say he does not know. There are indications this is a home business. He went to the Planning Board and talked to them about it briefly, but he was not aware of this case coming up. Technically a home occupation has to occur inside the home, and this is a separate building. On the other hand, there are no employees, and no regular customer visits. There is delivery of materials. He does not know where the Planning Board is on this kind of activity. The ordinance would suggest this is a home business and would require a site plan. He also was not aware this was a garage for the business, the best he had was it is a garage for cars. Whit stated the Planning Board has recently come out with a draft of procedures on how to treat home businesses, as well as other things. The draft of that procedure conflicts with subdivision plan review regulations and that has not yet been addressed. The order of business if this were addressing the garage only, would be a Special Exception for location of the garage only, then it does not need to go to the Planning Board, but if it is a Special Exception covering

the two items, a Special Exception for a non-conforming lot, and a Special Exception because of the use. The Board discussed whether the application is complete if the Board needs to look at the business use. A site plan is needed for a Home Business, but not necessarily a Special Exception. The Board discussed whether this needs to go back to the Planning Board for a consultation to see if a Special Exception is required. The application lacks some details that would be helpful for the Zoning Board. Justin stated his concern is the garage a business use of the property. He would like to look at the site to see where the location of the garage will be. Tanner the application mentioned the upholstery business use of the building, so without any further clarification from the planning board and a consultation there on her direction, he has a conflict where to go with this application. Justin stated the Boards have been working to ensure the process is consistent. The Board discussed that the Planning Board would determine if the business would require a Special Exception. The current application on file for the location of the garage. The Board reviewed the requirements from the Zoning Ordinance and whether this meets the criteria for a home business or commercial activity. The Planning Board will determine that.

Zoning Board members agreed they need clarification whether they are just dealing with a garage location tonight or whether they are dealing with operating an automotive upholstery business in the garage. They prefer to have this go to the Planning Board for consultation as to whether the business needs a Special Exception as well.

Susan recommended the hearing continue until December, and request that Amity go to the Planning Board to present her proposal to them. Susan also would like the application to be a little more explicit as to exactly what Amity does as a business. Justin stated everything will be in writing as to what is granted to her. The information will be on file for what she is approved to do. Whit will work with Amity to prepare materials for a consultation with the Planning Board on November 18th. The Planning Board will lay out what the next steps are for going forward and determining if an additional Special Exception is needed due to the business use. Zoning members will individually go look at the site. Motion by Tanner to continue the hearing to Tuesday, December 7. In the meantime, the Board will visit the site individually to get a better understanding of the layout, and request the applicant meet with the Planning Board for a consultation at the November 18th meeting. The motion was seconded by Cody, and unanimously approved.

The Board voted to adjourn the meeting at 7:47 p.m.

Submitted by,

Janet Roberts
Administrative Assistant