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Town of Grantham Zoning Board of Adjustment Minutes July 17, 2014

Chair Conrad Frey called the Zoning Board meeting to order at 6:57p.m. Thursday, July 17, 2014. The meeting was held in the Jerry Whitney Memorial Conference Room located at the Town Hall, 300 Route 10 South in Grantham, NH.

Present: Chair Conrad Frey; members: Myron Cummings; Richard (Dick) Mansfield; Tanya McIntire; Alternates: Peter Guillette and Sheridan T. Brown; Selectmen Representative Warren Kimball.

Absent: Margery Bostrom (Family matter)

Public: Ernest (Ernie) Collier; James Steinmetz; Mary Hutchins, Planning Board Member.

Chair Conrad Frey started the meeting off by introducing new alternate member Peter Guillette to Zoning Board members. Peter Guillette addressed the board and explained his past history and involvement with other communities and boards prior to moving from Claremont to Grantham this past April along with his wife Jackie Guillette who has been the Grantham Village School / SAU75 Superintendent for the past two (2) years and current boards he has currently joined in Grantham.

Approval of Minutes

Chair Conrad Frey asked the Board members if they had reviewed the minutes from November 21, 2013 and were there any corrections. There being only one (1) typo error and no further corrections, motion was made by Chair Conrad Frey and seconded by Myron Cummings to approve the minutes as amended.

Unanimously Approved

Correspondence

None

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New Business

Conceptual / Home Business – Map 236 Lot 054 / Stocker Pond Road
James Steinmetz, property owner

Chair Frey asked Steinmetz to present his ideas to the Board.

James Steinmetz stated that he and his wife would like to start up a home business/fitness gym in their two-bay garage that is attached to their house that could hold up to approximately three (3) to four (4) athletes at a time, and there would be plenty of parking in their driveway/property so no vehicles would be parked on the street/roadway. Steinmetz continued to say that they are currently still in the planning stages of this and their garage/gym is already outfitted with some equipment, access to bathrooms and showers and when needed there is heat and the current dimensions of this floor area are 23' feet x 24.5' feet and they are in the process of getting some more equipment. Steinmetz stated this is what he and his wife are trying to achieve.

Frey explained to Steinmetz the application process for a home business and that he could come before the board next month and also advised Steinmetz to read Article VIII of the Zoning Board of Adjustment Ordinance prior to coming in with his Special Exception application that he can receive from Clerk Norris for the next meeting in August.

M. Cummings asked if the zoning were commercial or residential where Steinmetz resides. Chair Frey said residential. There being no further questions Steinmetz thanked the Board for their time.

Old Business

Conceptual / Commercial Business – Map 226 Lot 020 / 151 Route 10 North
Ernest Collier, property owner

Chair Frey explained to the Board that Collier had been at the last meeting that took place last year November 21, 2013 as a Conceptual/ referred from the Planning Board, and had been asked to come back in approximately six (6)

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months to inform the Zoning Board of how the changes were working out regarding rental use of the building in question. Collier said he thought he had already applied with the Zoning Board for the Special Exception application and Frey said that he (Collier) had only come to the Zoning Board back in November with a Conceptual and that he (Collier) had gone to Planning Board first with his Site Plan Review Application, and they sent him to the Zoning Board for zoning approval. Mansfield said that he remembered the board had talked about what Collier had wanted to do but no formal action was taken at the meeting in November.

Collier stated originally the Women's Auxiliary had wanted to rent the space for at least one day a week, but because of regulations with the state they ended up going to Claremont. He said that he has had a few small functions held there but without a "main tenant" there it has not been to his advantage to promote it the way it is. Frey asked Collier if was going to pursue this any further and Collier stated no. Frey told Collier that if he were to pursue this any further he would need a variance and also asked if there were restroom facilities, Collier stated yes.

Cummings asked Collier what was going on with the other part of his property where new building is taking place and Collier said that he had subdivided his lot and a new business was going in called the "Yoga Connection" owned and operated by Janice Vien.

Brown asked if it had been discussed at the last meeting if the business was zoned Business Light Industrial District and was it a permitted use under Article VI of the zoning ordinance; service businesses such as; and read aloud from that article to the members and asked would that be consistent with that section of the permitted uses. Frey said that it could fit in that line and asked Collier how many people would be at these functions, Collier said that the room was large enough for 100 or less and that the Fire Chief had given approval. Mansfield stated that there should be some sort of size, frequency and type of functions that will occur there. Collier said that he is going to finish out the few minor commitments (small groups of 30 or less) he has scheduled there and will

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look into other alternatives for future use of the building and will come back at that time for the special exception if needed.

Collier continued with further questions to the board with regards to “Uncle Joe’s” ice-cream parlor and after being in the business for a year and a half they would like to possibly expand the menu and asked the board what the next step would be. Frey said that would be a permitted use under “Special Exception” and that he (Collier) would have to come before the board again with that application request. Collier said that the business would still remain an Ice cream parlor, but they would like to expand it with food such as hotdogs and mentioned other ice-cream parlors that sell food. Cummings asked if this would turn into a year round business where as now it’s just seasonal. Collier said he didn’t believe so and it would have to be justifiable to have it year round. Frey asked Collier how business has been going and Collier said better than last year.

Mansfield asked if the business were to become take-out, it would have to be incidental and insubordinate to the business. Collier said it would not be take out. Frey asked Collier if he would have to go back to the Planning Board for further approval for the changes he’s proposing and Collier said no and neither with the state, and that the Planning Board indicated that was part of his approval with them for the ice cream parlor.

Frey asked the board members if they felt Collier should come back in for a “Special Exception” or just say that it’s incidental and insubordinate to his ice cream business. McIntire stated that it was fine with her and that he should be able to do what he needs to do to stay in business. Mansfield felt it was not a problem either. Cummings said he didn’t see a problem and Guillette said he wasn’t yet familiar with the Zoning Ordinance, and that it seemed reasonable to him and didn’t see any problem either and that Colliers primary business was an ice-cream parlor, so if he were to sell a hotdog or cup of coffee/hot chocolate that was fine with him too. Brown said his only concern was that he hadn’t seen the conditions, if any, from the Planning Board approval for the original application back in 2013. At this time Clerk Norris went and pulled the file for Brown to review. After reviewing the file and finding no conditions had been placed,

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Frey said that in the future should the restaurant business become greater than the ice-cream business that Collier would have to come to the Zoning Board for the Special Exception. Collier stated that they are just “testing the waters” and in time if they can make the numbers work it would be worthwhile. Collier continued saying that he also would like to have a “customer appreciation day” and have a cook out with hamburgers/hotdogs etc. and he assumed that would be allowed as long he stayed in the guidelines of the state. Frey said he didn’t think there would be a problem with that since it wasn’t an ongoing thing. With no further questions for Collier the Zoning Board moved onto their next discussion.

Other

Frey stated that he had a few things he wanted to discuss with the Board, one being the Saw Mill located on Route 114. Hutchins (member of the Planning Board attending the meeting) said the reason for her being here at the meeting was that she had thought the owner of the saw mill was possibly going to be at the Zoning Board meeting tonight since it was suggested at the last Planning Board meeting for him to go to zoning next with regards to the noise levels. Frey said he thought the owner had recanted and will stay within the Planning Board conditions.

Frey explained to the members what had been going on with the new owners of the sawmill operating beyond the hours of operation they had asked for and beyond the noise level that should be, that had been set with the Planning Board. Frey stated there had been some talk of bringing this up with zoning and he had since corresponded with Town Administrator Melissa White regarding these issues. Selectman Kimball reiterated that there have not been any real issues and Planning Board Chair Carl Hanson had told sawmill owner Mr. Evarts that it was essentially his problem to straighten out, and to come back to the Planning Board with a solution when he had done so.

Next Frey said that he had been contacted by someone who wanted to know if they could expand a building that had been grandfathered and he explained to her you cannot unless you come back to the Zoning Board and apply for a variance. The person continued to say she was running a business there and

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was not specific if it was in the business or residential district. At this time he had not heard back from her.

Frey said the second contact he had received was from a man on Miller Pond Road who was buying a piece of property and wanted to know if the lot was grandfathered with less than one (1) acre could he put a camp on it and mentioned a well and septic and Frey referred the man to speak with the building inspector. Next the man asked about putting an RV/Motor Home on the property and Frey told the man that would probably be against zoning and that was the last he had heard from him.

Frey said the last email he had received was from someone inquiring about a cannabis facility (marijuana) where as Home Bill # 573 allows for medicinal dispensation in the state of New Hampshire and he had read the 26 page article on this topic. Frey said that the woman wanted to know if zoning allowed for this. Frey said that in the material he had read regarding the laws he had mentioned to her. Frey has not heard from this person since.

Frey mentioned about the motor home on Route 10 South across the road from the former office of Shepherd Realty. Hutchins said that someone was living in it and Frey said that he had noticed this also, and this was not allowed. Cummings said this was a problem for the Selectmen to take care of. Kimball stated that he believed there was a time limit on this referring to the Motor Home parked on Route 10 South.

Brown mentioned the small trailer home on Dunbar Hill Road parked in the woods and when out walking with his wife has noticed a couple of middle aged people sitting out there with a campfire. Guillette said that he has observed walking by there in the evening with his dog (on Dunbar Hill) and that it looks like an unsightly camp and Frey agreed. Brown stated there are laws relating to the camp/trailer on Dunbar Hill that can be dealt with.

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Adjournment

Chair Frey asked the Board if there were any further questions. There being none motion was made by Richard Mansfield and seconded by Myron Cummings to approve the minutes as amended.

Unanimously Approved

The meeting adjourned at 7:45 p.m. The next Zoning Board meeting will take place Thursday, August 28, 2014 at 7:00 p.m. in the Jerry Whitney Memorial Conference Room.

Deadline to receive applications for this meeting is August 7, 2014.

Respectively Submitted,

Martha M. Norris
ZBA Clerk