

MINUTES OF THE ZONING BOARD OF ADJUSTMENT MEETING
October 9, 2014
7:00 PM

Meeting called to order by Chair Electra Alessio, present, Ray Donald vice chair, Daryl Branch, and Peter Coffin. Mr. Donald made a motion to approve the minutes for the September 11, 2014 meeting, Mr. Branch, seconded, all in favor. Mr. Coffin abstained. Ms. Alessio explained the option of postponing the hearing because of only having a four-person board.

Tax map R-13, Lot 7

Mr. Kelly Ward chose to proceed with the hearing. Mr. Ward reminded the board that a special exception was granted for the same type of business (T & J Manufacturing) in the same zone, on Hunt Road. Mr. Ward stated there was another welding business on Route 125. Mr. Ward stated his business is conducted inside the building and there is no dangerous chemicals used. Mr. Ward stated they don't work with any hazardous metals or anything that would cause hazardous fumes. Mr. Ward stated he would have to go to the Planning Board and he would be compliant with any rules or inspections. Mr. Coffin stated the business at 2 Hunt Road is actually in a Rural Residential District and was not permitted and granted a variance after the fact. A discussion followed regarding the Planning Board determining buffer zones, fumes, and noise. Mr. Donald asked about the location of the property. Mr. Bill Joray stated his father ran a successful welding business in Kingston for thirty years. Mr. Joray stated he does the same type of work on his property, and it causes no detriment to the town. Mr. Coffin asked for a copy of the letter from Donahue Tucker and Cianddella. Mr. Andy DelPozo stated he thought he lived in a residential area. Mr. DelPozo stated Mr. Ward has a business in Plaistow and a home in Sandown where he can't have his business because it is in a residential area. Mr. DelPozo stated Mr. Ward has inherited the property that historically was a residence. Mr. DelPozo stated the street in character is residential, and a quiet rural residential house with a dirt driveway, now with a gate and 'no trespass' signs. Mr. DelPozo stated his concern is the safety of his child and the value of his property. Mr. DelPozo talked about choosing to buy a house next to a welding manufacturing facility. Mr. DelPozo talked about other welding facilities on Route 125. Mr. Bill Joray stated over the last 15 years he has noticed a lot of noise from the Shell Station, but hasn't noticed truck noise from the fuel deliveries. Mr. Joray stated he couldn't see a business operating during normal business hours would cause any conflict. Mr. David Joy spoke about the welding facility on Hunt Road that is different

in character for what is purposed. Ms. Alessio stated that was an assumption since the decisions regarding what the building would look like have not been made. Mr. Joy spoke about the board following the rules and the special exception standards. Mr. Joy reviewed the five criteria. Ms. Alessio explained the function of the ZBA. Ms. Alessio spoke about the Planning Board's placing restrictions on the proposed business. Ms. Alessio stated property values were a legitimate concern, although if you have a business next to you, it actually improves the value because the property has commercial potential. Ms. Alessio spoke about the point the attorney raised in the letter regarding a manufacturing facility requiring permission from the selectmen and the town, and the intent of the requirement. Mr. Donald spoke about the traffic for the listed approved uses. Mr. Donald stated the majority of the concerns raised by the abutters are Planning Board issues. Mr. Coffin stated the exception would be property values. Mr. Coffin asked if any evidence was presented regarding the effect on property values. A discussion followed regarding the property and future use, and the business on Hunt Road in a different zone. Mr. Coffin spoke of traffic on Route 125 slowing to allow vehicles into Meeks Road. Ms. Alessio asked Mr. Ward what type of traffic he had now at his current facility, how many vehicles a day. Mr. Ward responded three or four. Mr. Coffin asked if he had any plans to relocate the driveway. Mr. Ward responded he could not. Mr. Coffin asked about changing it for delivery vehicles. Mr. Ward stated he would do his best to ensure traffic would not be impeded, and that he had spoken to Glen Greenwood regarding this matter. A discussion followed regarding the driveway and traffic impact. Mr. Ward spoke about storage of finished products and the plan to keep part of the original house for office space and build off the back. Ms. Alessio asked the size of the lot. Mr. Ward stated 2.2 acres. Mr. Ward stated he also spoke to Mr. Greenwood about setbacks and noise barriers. Ms. Alessio asked if he would have a home there as well. Mr. Ward responded no just a business. Another discussion followed regarding property values, zones and special exceptions. Mr. Donald made a motion to grant the special exception, Mr. Branch seconded. Mr. Coffin stated he felt it met four of the five criteria. Mr. Branch stated the question was whether it would adjust property values. Mr. Donald stated it would not be more detrimental than a gas station. Further discussion on effect on property values. The special exception was granted, Ms. Alessio explained the thirty- day waiting period.

Tax Map R-6, Lot 8

Mr. Coffin stated that this proposal came before the Planning Board that he was sitting on and sent to the ZBA without prejudice to determine the best course of action. Ms. Alessio explained the option to wait for a five person board. Mr. Daniel Bartley decided to go forward.

Mr. Paul Nichols stated Mr. Bartley owns two parcels on Hunt Road, where he lives now which is 27.5 acres and in front of that he owns a 3.25 acre lot. Mr. Nichols stated Mr. Bartley would like to take 200 feet from the parcel out front and add to the parcel in the rear then subdivide the rear lot into two lots. Mr. Nichols stated the front lot had over 600 feet of frontage. A map was shown and discussed. Mr. Coffin stated the 200 foot frontage would not be used as access because of poorly drained soils. Ms. Alessio asked if there would be access from Hunt Road. Mr. Nichols stated the same driveway would be used and then veer left onto the new lot, to avoid disturbing any wetlands. Mr. Coffin stated the only reason for the 200 foot is to meet the town requirement of 200 foot frontage on an existing road, but the intent was to share a driveway. Mr. Coffin asked if the applicant had requested permits from the town. Mr. Nichols stated no they were trying to avoid filling wetlands. A larger map was provided and discussed. Mr. Coffin stated by dividing it would create a non- conforming situation. Mr. Nichols stated it would be less than 20 feet, and asked if it would be a Planning Board or ZBA issue. Further discussion ensued on the variance and a discrepancy between an ordinance and a regulation.

Mr. Nichols stated he spoke with Dennis Quintal and they had agreed to create a 20 foot easement when they go back before the Planning Board. Mr. Donald stated an easement is different ball game. A discussion followed regarding a contingency of a 20-foot easement or moving the driveway and the fact that the existing driveway was paved incorrectly. Mr. Roger Soucy stated he is currently renting the front lot and has a purchase and sales in place to buy property. Mr. Soucy stated he has worked closely with the applicant and fully supports the proposal which has no detriment or impact in a negative way to his property. Mr. Coffin stated the deed that would be registered when purchase is made would have to show the change in frontage and easement. Mr. Nichols stated the easement is an attempt to go along with the 20 feet setback; no one would ever build on the 200 feet of frontage.

A discussion followed regarding the variance required, and how to word the motion. The five criteria were voted on all five passed unanimously. Mr. Coffin made a motion to grant a variance to article 301.1 such that proposed Lot 10-2 will have access to the shared driveway of Lot 10 instead of that lot's 200 foot frontage. This was being granted to avoid adversely affecting surroundings wetlands. All in favor. Ms. Alessio explained the thirty day waiting period.

Ms. Alessio adjourned the meeting at 8:38pm.

Respectfully submitted,

Tammy L. Bakie
Secretary
Zoning Board of Adjustment

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