

MINUTES OF THE ZONING BOARD OF ADJUSTMENT MEETING

May 9, 2013

7:00 PM

Meeting called to order by Electra Alessio, present Ray Donald, Jay Alberts, Daryl Branch, Peter Coffin, John Whittier, and Tammy Bakie. Ms. Alessio stated the board needed to elect a Chair and Vice Chairperson. Mr. Donald made a motion to retain the board as it stands. Mr. Coffin seconded, all in favor. Ms. Alessio stated she had received emails from Mr. Martin Orio and a letter addressed to Chief Briggs and the Board of Selectmen from Mr. Timothy Shea. Mr. Donald made a motion to approve the March minutes, Mr. Alberts seconded. Mr. Orio stated the minutes contained a number of inconsistencies and omissions and formally requested the audio records. Ms. Alessio stated he could call her to set up a time and place where he could have access to the tape but she could not release the tapes. Mr. Orio asked Ms. Alessio where Ms. Bakie was employed. Ms. Alessio stated she was sure he was aware of where Ms. Bakie worked at the Kingston Police Department. Mr. Shea requested to point out that Mr. Brown is a NH State Certified Real Estate Assessor and was displeased that his entire testimony was reduced to one sentence, when Mr. Provenchers testimony in support of the applicant was 16 lines. Mr. Shea stated there was an obvious bias. Ms. Alessio stated she realized Mr. Shea and others feel there was a bias and she would agree to disagree. Mr. Shea stated this was not a personal attack but a perceived bias towards the applicant. Mr. Shea stated he disagreed with a past comment that was made regarding the applicant having the right to open a business on 125. Mr. Shea stated the applicant was obligated to meet requirements. Mr. Shea stated it is the board's job to uphold ordinances. Mr. Alberts stated the 30 day time limit for appeal had lapsed, but the decision could be appealed to superior court. Mr. Alberts stated it is not required to transcribe word for word and felt the minutes were fine. A vote was taken to approve the minutes all in favor, with Mr. Whittier abstaining. Mr. Alberts made a motion to ask town for a new tape recorder, Mr. Donald seconded, Mr. Coffin stated the Planning Board had already requested, all in favor.

Ryan & Jenesi Denver Tax Map R-19, Lot 27-3

Mr. Ryan Denver stated that he is building a barn that is 520 feet off the road, sits down grade and will not block anyone's view. Mr. Denver shared photos and plans. Mr. Alberts asked how tall the barn will be. Mr. Denver stated 29.3 to ridge, has changed the pitch from 12 ft to 10 ft, and has agreed to install sprinklers. Mr. Denver stated he has spoken to Chief Seaman who has no problem with the cupola. Mr. Denver stated the barn would add to the value of the property. Mr. Denver stated he owns 8 acres and read a letter of support from neighbor Miles Cook. Ms. Alessio stated she had received a letter from Chief Seaman stating he had no concerns. A discussion followed regarding how much of a variance would be needed; Mr. Denver decided to stay with the ten foot variance requested. Mr. Alberts asked if the cupola would be functional or decorative. Mr. Denver replied decorative. A discussion followed regarding the plans. Mr. Coffin stated that barns look better with cupolas, the ordinance was in place because of fires, but

with Chief Seaman's letter that wasn't an issue. Mr. Joseph Wilson a property owner on Small Pox, stated the barn with cupola would be aesthetically pleasing. Mr. Jason Steritt stated he was in the process of building a home that would abut Mr. Denver's property and has absolutely no problem with the cupola and it would be a shame if it was not on the barn. A vote was taken all 5 criteria passed, Mr. Donald made a motion to grant a 10 foot variance, Mr. Alberts seconded, all in favor. Ms. Alessio explained 30 day waiting period.

Matthew Dworman, Tax Map R-19, Lot 10

Attorney John Daly representing Mr. Dworman shared the plan from a former applicant (Sad Café). Attorney Daly stated they were engaging the same engineers. A discussion followed regarding zoning and the plan. Mr. Dworman stated he has a small wood working business, the furniture is built custom, very high end, one at a time. Mr. Dworman stated he has one full time employee and 3 subcontractors, and would like to relocate closer to home. Mr. Dworman stated this would have a positive impact on the community. Mr. Dworman stated it would not be high traffic location the primary supplier being Northland Forest Products 1 mile away and Highland Hardwoods 4 miles away. Mr. Dworman stated he would expect a delivery once a week and ship worldwide every two weeks. Mr. Dworman stated the business would be transparent; the existing building would stay the same. Ms. Alessio asked if the purposed building is bigger than what he was currently using. Mr. Dworman stated the current building is 165 square feet he occupies 12 square feet the majority is used by tenants. Ms. Amy Leach asked if there would be a loading dock and what chemicals would be used. Ms. Kristen Arnold asked if there were any plans for the business to have a retail shop, what the hours of operation would be and in the future if the business is sold would location always be commercial. Mr. Robert Birch stated he was concerned about the traffic and at this time trucks parking overnight. Mr. Birch stated when he purchased his property it was in single family zone. Mr. Birch stated the street was short and busy and this business would bring down the value of his property. Mr. Bill Letourneau stated he was concerned about the noise, materials and waste disposal and what employees would be doing during lunch, security issues. Mr. Dworman stated business hours would be Monday – Saturday 8-5 or 7-6. Attorney Daly stated they would be more prepared to answer these types of questions at site plan review. Ms. Alessio stated they would have to go before planning board but would like a general idea of what is purposed. Mr. Donald spoke about granting a variance to Sad Café and the building never being a single family home. Mr. Dworman spoke about finishing chemicals, no disposal issues, nothing would go into septic, no external fumes, and intention is for building to look the same he is considering a garage door but hasn't met with engineer. Mr. Dworman stated woodworking equipment makes noise but he wouldn't be operating a mill but a table saw, shaper and planer and would not much would be heard from the street. Mr. Dworman stated he would comply with noise ordinance and would be working during the day. Mr. Dworman stated very little waste would be generated; looking into a press for sawdust pellets and lumber scraps would be used for heat. Mr. Dworman stated there were places to go for lunch, his employees were skilled laborers and were paid between \$17.00 and \$40.00 per hours, not factory workers roaming the countryside. A discussion followed regarding change of

use. Mr. Whittier asked about paint booth ventilation and woodchips. Mr. Dworman stated they had a dust collection system. Mr. Whittier stated the basement is wet and both the well and septic is shared. Mr. Dworman stated he spoke with the Aherns who had no objections. Mr. Whittier asked if the lumber would be previously dried or would a kiln be on property. Mr. Dworman stated no kiln. Mr. Coffin asked what type of dust collection would be used. Mr. Dworman stated interior. Mr. Coffin stated the Sad Café was a non-profit with limited events and a commercial manufacturer was a major leap from original use as church. Mr. Dworman stated he had no current plans for expansion and realized he would have to go before planning board. Ms. Joanne Dworman stated the wood shop noise would not be louder than a lawn mower. Mr. Alessio stated the business wasn't a manufacturing plant like at Granite Fields but would be under same constraints. Ms. Alessio stated the shared septic would be a challenge. Mr. Dworman stated it was a 1000 gallon tank and would be more than adequate for both, but down the road would be willing to put in separate septic. Mr. Alberts asked Attorney Daly to elaborate on items in his memorandum, Attorney Daly complied. A discussion followed regarding location of property and what else is on the street and how it is zoned. Mr. Letourneau requested the board deny the variance. The 30 day appeal process was discussed. A vote was taken, all five criteria passed. Mr. Donald made a motion to grant variance for purpose of operating a small high end furniture manufacturing business within the existing structure, which could include a display showroom, Mr. Alberts seconded, four in favor, one against. Ms. Alessio explained the 30 day waiting period.

Ms. Alessio adjourned the meeting at 9:02

Respectfully submitted,

Tammy L. Bakie
Secretary
Zoning Board of Adjustment