

## BOARD OF ADJUSTMENT

September 21, 2006

## MEMORIAL BUILDING

6:30 P.M.

*The following are to be considered draft minutes only until approved by the Board at their next meeting.*

**Present: ZBA Members:** Bernard Manning, Chairman Cynthia Hayes, Mark O'Halloran, Andy D'Amico, and John Graham, and .Alternate Gene Hayes

**Planning Board Members:** Kevin Lee, Chairman, Linda Welch, Darrin Patten, and Ken Jacques, Andy D'Amico, and Alternate Peter Keene

**Selectmen Representative:** Absent: Neal Huntoon and Bob Anderson

The meeting was called to order at 6:30 P.M

### **Minutes:**

B. Manning opened the meeting by stating that this meeting was to reconvene an earlier session of the Zoning Board in reference to the Special Exception for Alan and Marie MacDonald for 383 Hogg Hill Road. B. asked if everyone had a chance to go over the minutes of the previous minutes.

B. addressed the Board by discussing the expectations for minutes being taken. B. said that some of the Board members felt the minutes should represent the detail found in a court situation. B. went on to explain that Town does not have the transcription equipment, and the requirement for the minutes is not that they be verbatim. B. said that the requirements listed in the New Hampshire Planning and Land Use Regulation manual was to list those Board Members in attendance, the names of people that spoke, a generalization of what was said, and the decision made.

Cynthia Hayes said that at this point, she would like to go over the minutes of the previous meeting of September 6, 2006. She said that Bob Anderson should have been included as a Selectmen Representative absent at the meeting. On page one "to see" should be inserted to state "waiting to see if the Special Exception" and "if so" should be inserted to mean "and if so, then the Planning Board would do a Site Plan Review." On page 3, "if approved" should be added to the end of the sentence to say "for the Site Plan Review if approved." In the second paragraph, "and Staff members" should be inserted to say the "Town Counsel and staff members at the Local Government Center." On page 4, "SC" should be

changed to "SE" and "the latter" should be inserted after "found to be the later." On page 7, "would the" should be inserted and weren't "be inserted to read, "how would the road frontage issue affect their decision and weren't there 30 days to appeal?" On page 8, the "combined" should be removed leaving the sentence to say "that some of the Board members had met on the site." Page 9 should have the "if" removed and "if they" inserted to change the sentence to say "the Boards if they had any ideas." On page 10, the last sentence should be removed replacing it with "If only the garage were smaller and their son lived there, otherwise that would be the only issue." In last paragraph, Cynthia said that "i.e." should be inserted to clarify that she was referring to "limiting another business."

**B. Manning requested that the minutes be accepted as changed and were unanimously approved.**

B. Manning spoke to the Board about a discussion he'd had with the Local Government Center about the possibility of reopening the public hearing and was told that that could cause more problems. During previous meetings, the abutters and neighbors had a chance to voice their opinions. B. brought to the Boards attention that they had received four more letters Expressing their concern should this Special Exception be approved. B. asked if any of the Board members wanted to discuss these new letters and Cynthia said no. B. Manning wanted to address one very important concern expressed in one of the letters as to whether it is legal to grant this SE without the abutters' approval. Cynthia said that she felt that the Board should not talk about the letters because the two letters she had seen were from people that had attended previous meeting about this SE and had the opportunity to express their concerns at that time. Andy, John, and Mark agreed and all expressed that if the letters sent were read and discussed that the Board would be going backwards.

Cynthia asked if the Board could move ahead and address the issue of the MacDonald's request for SE. At the last meeting the Board had made a motion to accept their application and it passed specifying that there would be a continuance allowing time for the Board to ask for assistance from Town Counsel, Dan Smith, on the wording. B. said that he and Janet Roberts had drafted the terms of the Special Exception and submitted it to Dan Smith. B. said that the Boards original opinion was based on the similarities to a Home Business and based the conditions on this information. There was some confusion that the Town Attorney, Dan Smith, by the fact that the conditions were so close to HB and had some suggestions as to how to tailor the SE to address those issues.

B. Manning read the Notice of Decision to the Board and they addressed

each stipulation line by line.

In the opening paragraph, the Board felt that “home” should be removed as there is not a home on the property at present.

**Condition (1.)** should have the existing SE date changed to 1996. Also, an emphasis should be made that existing SE operating on the premises shall be **discontinued completely and permanently prior** to the commencement of any business activity relating to the timber frame business.

**Condition (2.)** There were no changes.

**Condition (3.)** relates to eliminating “h” and “g” from the Ordinance regulations for a Home Business referring to a home and regulation of employees.

**Condition (4.)** the word “barn” should be removed and replaced with “building”; the rest of the condition addresses the neighbors concerns of possible additions.

**Condition (5.)** The Board limited the amount of timbers to be stored as no more than 30 or 40 timbers.

**Condition (6.)** This original draft only mentioned morning deliveries. The Board referred to an earlier discussion including bus schedule information given by Cody Scherer. The Board wanted this condition to state that there would be no commercial deliveries before 8a.m.

B. read the description of a Special Exception relating to the Town Attorney’s difficulties with how it related to a Home Business. B. and Dan Smith discussed the current SE that will be valid for 1 year unless substantial construction (which can’t happen until Metric Motors moves out), advertising or other incurred costs and proved to the Board to be Substantial costs incurred. Cynthia asked B. why he liked the idea of 1 year limitation on the existing SE. B. said that he felt that 1 year seemed to be consistent with a discontinuance of described SE with a deadline date to be set by Alan MacDonald and Steve Touchette.

Gene Hayes asked why the building of a house was not conditional to this new Special Exception. B said that a house is not conditional to this SE as it is not a Home Business, but a Special Exception. B. stated that a home is the MacDonald’s intention, but not a requirement.

Cynthia brought up the intended lease agreement between Metric Motors and the MacDonald’s for Steve Touchette to continue his auto repair business. The date stated in the MacDonald’s proposal was March 2007. The Board agreed that 1 year is a sufficient amount of time to allow Metric Motors to continue its Special Exception before the new SE for the

MacDonald's TimberFrame business. The Board discussed that the MacDonalDs' will not be able to bring in timber or any other supplies until Metric Motors is entirely removed from the premises and the Special Exception for Metric Motors is removed and replaced by the new SE for Timberframe LLC.

The Board decided that the 1 year time will be set from the date of recording which will be next week.

## **Springfield Zoning Board of Adjustment**

### **Notice of Decision**

Having considered the application by the applicant, **Alan McDonald**, for a Special Exception to operate a timber frame business as described in the application at 383 Hogg Hill Road, Tax Map 10, Lot 0390-171, the Zoning Board of Adjustment finds that the application and proposed use meet all the Special Exception requirements set forth in Article X, D. 2. of the Zoning Ordinance. As such, the application for A Special Exception is granted subject to the following conditions:

- 1.) The existing motor vehicle repair business, granted by Special Exception in 1996, currently operating on the **premises shall be discontinued completely and permanently, prior to the commencement of any business activity relating to the timber frame business.**
- 2.) Any and all motor vehicles both registered or unregistered, motor vehicle parts and other equipment that will not be utilized in the timber frame business must be removed from the lot prior to the commencement of any activity relating to the timber frame business.
- 3.) The timber frame business shall operate within the limits of a Home Business as described in Article V, Section B(2) "a.-f". and "i.-o" of the Zoning Ordinance.
- 4.) The barn in which the timber frame business will be conducted is approximately 1,920 sq. ft. in size (48ft. x 40 ft.) The size of the existing barn shall not be increased, and no additional structure for use in the business shall be erected, with the exception that a shed, not to exceed 25 feet by 10 feet in size, may be built off the back side of the barn.
- 5.) The timber frame business as described by the applicant may include limited outside activities and storage of materials or products. Outside storage and activities shall be limited as described in the application.
- 6.) The delivery of timbers to the site on commercial vehicles will not be permitted mornings until after the scheduled school bus has left Hogg Hill Road (currently 7:00 a.m.).
- 7.) This Special Exception shall expire and be void 1 year following issuance

unless a substantial investment has been incurred.

**B. Manning made a motion to accept this Notice of Decision as changed. Mark 2<sup>nd</sup> the motion and was unanimously approved.**

Before the closing of the Zoning Board portion of this meeting, B. Manning wanted to once again address the matter of the letters sent to the Board by abutters and neighbors. B. said that he has been on the other side of the fence as an abutter and he is empathetic to the concerns expressed by these letters. B. said that he tried to place himself in the mind set of an abutter as well as a Board member. He agreed that it might be ideal to Create the neighborhood entirely residential, but as it currently has a SE for an automotive business, the Board cannot limit its use to only automotive use. B. expressed that this was a difficult and time consuming task to go through the process of changing or creating a new special exception before the old one had expired. The Board has to take in all information put forth to them by the Ordinances of the Town, the applicant, and the abutters and neighbors to the property.

B. thanked the people for writing their letters expressing their concerns, and thanked the Board for their participation of this process.

B made a motion to adjourn the meeting and Mark 2<sup>nd</sup> the motion. All in favor and the meeting adjourned at 7:20p.m.

Respectfully Submitted,

Randie Lee Peterson  
Assisting Recording Secretary.