

**SWANZEY ZONING BOARD OF ADJUSTMENT MEETING  
AUGUST 16, 2010**

*Minutes are not final until reviewed and approved by the Board. Review and approval of minutes generally takes place at the next regularly scheduled meeting of the Board.*

**ATTENDANCE**

William Hutwelker, Chair; Charles Beauregard, Sr., Jerry Walker, Bob Mitchell. Alternates John Arnone, Jim Vitous, Bob Smith and Charles R Beauregard, Jr. Town Planner Carbonneau also was present.

Chairman Hutwelker called the meeting to order at 7:00 p.m. Noting the length of the agenda, Hutwelker explained the Board's practice of reserving the option to not commence a public hearing after 9:00 p.m., and the Board's preference of ending consideration of an application by 10:00 p.m. If necessary, Hutwelker said, public hearings on remaining applications would be postponed until a later meeting. The Board addressed the following items.

**MINUTES**

**Motion** by Beauregard, Sr. to approve the minutes of the July 19, 2010 site visit. Second by Walker. All in favor.

Correction proposed by Hutwelker to the minutes of the July 19, 2010 regular meeting, at the bottom of Page 5:

Those present discussed definitions of "professional" and "business office." Hutwelker observed the absence of a definition of "~~professional~~" definitions of "business," "office" and "business office" in the Ordinance and argued that, lacking such a definition, definitions, any business office could be considered professional.

**Motion** by Mitchell to approve the minutes of the July 19, 2010 meeting, as corrected. Second by Vitous. All in favor.

**1. (Public Hearing) Special Exception**

Applicant: Mohammed W. Ali

Property owner: Mohammed W. Ali & Alyia Din

Property location: 115/117 Monadnock Highway Tax Map 18, Lot 87

Zoning District(s): Business District

Request: Special exception from Section V.B.2.e. to permit a portion of the existing structure to be utilized as a one-family dwelling.

Members seated: Hutwelker, Beauregard, Walker, Mitchell. Arnone was seated for Thibault.

Representing the application: Mohammed Ali

Abutters present: none

Hutwelker called the public hearing to order at 7:07.

#### DISCUSSION

On August 16, 2010, members received an application summary from Town Planner Carbonneau detailing notice history for the public hearing, stating that the parcel is connected to public water and sewer, and stating that the area proposed for conversion into residential use is approximately 1,250 square feet. Carbonneau told members that, according to a letter from Fire Chief Skantze requested by Carbonneau after the July 19 site visit, it does not appear that a sprinkler system is required for the proposed single family residence. Because of this correction of previous representations, Carbonneau said, Ali was given the opportunity to re-submit his application (with application fees waived).

Ali presented an overview of the proposal, referred members to what they had observed during the July 19 site visit, and stated that all plans were documented in his application.

Board members acknowledged that applications for special exceptions to permit single family residences in the Business District are fairly common, and noted existing and past examples of mixed residential and retail use in the vicinity. Members discussed their concerns regarding safety issues for children (the applicant's family, or subsequent families) who might live in the proposed three-bedroom home. Carbonneau advised the Board that access to the northerly driveway was a requirement of site plan approval. Members considered fencing the approximately 40' x 20' grassed area at the rear of the structure.

Ali stated that the northerly driveway sees only rare vehicular use. His children's safety was his priority, Ali stated; he said that the rear of the building is open and has ample visibility, should a vehicle ever use the driveway.

Hearing no further comments or questions, Hutwelker closed the public hearing at 7:21. Members reviewed the criteria for granting the requested special exception.

1. Is the exception allowed by the ordinance?

Members agreed in the affirmative.

2. Are specified conditions present under which the exception may be granted?

- a. Is the proposed use similar to one or more of the uses already authorized in that District and is it an appropriate location for such use?

Mitchell and Arnone spoke about their concerns for children's safety, and the group discussed a fence. Some members felt that the use would be appropriate only with some means to protect children from traffic. At 7:30 Hutwelker re-opened the public hearing to ask Carbonneau how a fence requirement might affect the existing site plan. Carbonneau stated that the Planning Board would have to approve any modification of the site plan. Hutwelker closed the public hearing at 7:32. Arguing that the location is not appropriate for a single family dwelling, several members stated that a fence would not contain a child who was determined to escape.

- b. Will such approval reduce the value of any property within the district, or otherwise be injurious, obnoxious, or offensive to the neighborhood?

Members agreed that an approval would not be injurious, obnoxious or offensive to the neighborhood.

c. Will there be a nuisance or serious hazard to vehicles or pedestrians?

Members agreed that granting the special exception could pose a hazard, either to resident children or to drivers trying to avoid an accident.

d. Will adequate and appropriate facilities be provided for the operation of the proposed use?

Members agreed that safety concerns led them to conclude that facilities would not be adequate and appropriate for the proposed use.

**Motion** by Mitchell to deny the requested special exception from Section V.B.2.e. to permit a portion of the existing structure to be utilized as a one-family dwelling. Second by Walker. All in favor.

Hutwelker advised the applicant that he has 30 days in which to request a re-hearing.

## **2. (Public Hearing) Special Exception**

Applicant: Vincent Hanscom

Property owner: Vincent Hanscom

Property location: 170 Atkinson Hill Rd Tax Map 68, Lot 3

Zoning District(s): Rural/Agricultural

Request: Special exception pursuant to Section IV.A.2.m. to permit the construction of an accessory building (garage).

Members seated: Hutwelker, Beauregard, Walker, Mitchell. Beauregard, Jr. was seated for Thibault.

Representing the application: Vincent Hanscom

Abutters present: none

Hutwelker called the public hearing to order at 7:42.

### DISCUSSION

Members received an August 16, 2010 application summary from Town Planner Carbonneau. Reviewing the summary with the Board, Carbonneau stated that the ZBA had granted a variance on July 19, 1993 for the replacement of an existing septic system located 125' from wetlands; the 41.3-acre parcel also received a wetlands permit in 1993 for modifications to impoundment for fire protection and agricultural purposes. Carbonneau stated that she had received no negative feedback or concerns from heads of Town departments.

Representing the application, Hanscom stated that the proposed garage/barn/utility building/storage structure would be 25' tall, would be used for storing family vehicles. Members reviewed the building dimension plans, taking a 2-minute recess at 7:45 to make additional copies.

Hearing no further comments or questions, Hutwelker closed the public hearing at 7:53. Members reviewed the criteria for granting the requested special exception.

1. Is the exception allowed by the ordinance?

Members agreed in the affirmative.

2. Are specified conditions present under which the exception may be granted?  
a. Is the proposed use similar to one or more of the uses already authorized in that District and is it an appropriate location for such use?

Members agreed in the affirmative, noting the large lot size and the existence of barns in the vicinity.

- b. Will such approval reduce the value of any property within the district, or otherwise be injurious, obnoxious, or offensive to the neighborhood?

Members agreed that the approval would not be injurious, obnoxious or offensive to the neighborhood.

- c. Will there be a nuisance or serious hazard to vehicles or pedestrians?

Members agreed that granting the special exception would pose no hazard.

- d. Will adequate and appropriate facilities be provided for the operation of the proposed use?

Members agreed in the affirmative.

**Motion** by Beauregard, Sr. to grant the requested special exception pursuant to Section IV.A.2.m. to permit the construction of an accessory building (garage). Second by Beauregard, Jr. All in favor.

### **3. (Public Hearing) Special Exception**

Applicant: Gregory Getty

Property owner: Gregory Getty

Property location: 20 Base Hill Rd Tax Map 52, Lot 1-2

Zoning District(s): Commercial/Industrial

Request: Special exception from Section XI.A.2 to permit the expansion of a non-conforming use by constructing an accessory garage.

Members seated: Hutwelker, Beauregard, Walker, Mitchell. Bob Smith was seated for Thibault.

Representing the application: Gregory Getty

Abutters present: Kevin Flynn

Hutwelker called the public hearing to order at 7:56.

#### DISCUSSION

Members received an August 16, 2010 application summary from Town Planner Carbonneau, who reported that she had received no negative feedback or concerns from heads of Town departments. Reviewing the summary with the Board, Carbonneau stated that the house was constructed in 1973, prior to adoption of the Commercial/Industrial zone.

Representing the application, Getty stated that he proposed the 26' x 28' detached garage to store vehicles and tools. Getty indicated the proposed location of the structure on his septic system plan, and stated that he would remove three dilapidated 10' x 10' sheds prior to constructing the proposed garage.

Abutter Flynn stated that he had no objections to the proposal.

Hearing no further comments or questions, Hutwelker closed the public hearing at 8:00. Members reviewed the criteria for granting the requested special exception.

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1. Is the exception allowed by the ordinance?

Members agreed in the affirmative.

2. Are specified conditions present under which the exception may be granted?

a. Is the proposed use similar to one or more of the uses already authorized in that District and is it an appropriate location for such use?

Members agreed in the affirmative.

b. Will such approval reduce the value of any property within the district, or otherwise be injurious, obnoxious, or offensive to the neighborhood?

Members agreed that the approval would not be injurious, obnoxious or offensive to the neighborhood.

c. Will there be a nuisance or serious hazard to vehicles or pedestrians?

Members agreed that granting the special exception would pose no hazard.

d. Will adequate and appropriate facilities be provided for the operation of the proposed use?

Members agreed in the affirmative.

**Motion** by Smith to grant the requested special exception from Section XI.A.2 to permit the expansion of a non-conforming use by constructing an accessory garage, with the condition that three 10' x 10' sheds be removed prior to construction. Second by Walker. All in favor.

#### **4. (Public Hearing) Special Exceptions (2) & Variance**

Applicant: Jen Wyman

Property owner: Jen Wyman

Property location: 51 Pasture Rd Tax Map 18, Lot 98

Zoning District(s): Business

Requests: (#1) Special exception pursuant to Section V.B.2.e. to permit the use of the premises as a one-family dwelling. (#2) Special exception pursuant to Section V.B.2.a. to permit the property to be utilized for a daycare facility. (#3) Variance from Section XI.B.1. to permit the construction of an addition (dormer) to an existing non-conforming structure.

Members seated: Hutwelker, Beauregard, Walker, Mitchell. Vitous was seated for Thibault.

Representing the application: Jen Wyman

Abutters present: none

(Request #1) Hutwelker called the public hearing to order at 8:05.

#### DISCUSSION

Members received an August 16, 2010 application summary from Town Planner Carbonneau. Reviewing the summary with the Board, Carbonneau stated that she had received no negative feedback or concerns from heads of Town departments regarding requests #1 and #3 (the Town had not yet received supporting documentation for the request #2). Carbonneau said that the parcel is served by public water and sewer, and is clearly in a residential neighborhood.

Representing the application, Wyman stated that she has lived at the

premises for eight years. Hutwelker said that likely the home was established when housing was allowed of right in the district, and advised the applicant that businesses could move into the neighborhood.

Hearing no further comments or questions, Hutwelker closed the public hearing at 8:10. Members reviewed the criteria for granting the requested special exception to permit the use of the premises as a one-family dwelling.

1. Is the exception allowed by the ordinance?

Members agreed in the affirmative.

2. Are specified conditions present under which the exception may be granted?

- a. Is the proposed use similar to one or more of the uses already authorized in that District and is it an appropriate location for such use?

Members agreed in the affirmative.

- b. Will such approval reduce the value of any property within the district, or otherwise be injurious, obnoxious, or offensive to the neighborhood?

Members agreed that the approval would not be injurious, obnoxious or offensive to the neighborhood.

- c. Will there be a nuisance or serious hazard to vehicles or pedestrians?

Members agreed that granting the special exception would pose no hazard.

- d. Will adequate and appropriate facilities be provided for the operation of the proposed use?

Members agreed in the affirmative.

**Motion** by Vitous to grant the requested special exception pursuant to Section V.B.2.e. to permit the use of the premises as a one-family dwelling. Second by Beauregard, Sr. All in favor.

(Request #2) **Motion** by Beauregard, Sr. to continue, at the request of the applicant, to September 20, 2010 the request for a special exception pursuant to Section V.B.2.a. to permit the property to be utilized for a daycare facility. Second by Walker. All in favor.

(Request #3) Hutwelker opened the public hearing at 8:12.

Carbonneau said that the house is non-conforming because it is less than 75' from the road. Carbonneau said that construction of the dormer, now complete, had been undertaken without a building permit. Wyman said that the dormer was designed to remedy limited ceiling height for stairs that access the second floor of the structure. Beauregard, Jr. (speaking as a former owner of the property) agreed with Carbonneau that the dormer makes the stairway much safer.

Hearing no further comments or questions, Hutwelker closed the public hearing at 8:16. Members reviewed the criteria for granting the requested variance from Section XI.B.1. to permit the construction of an addition (dormer) to an existing non-conforming structure.

1. Could the variance be granted without the proposed use being contrary to the public interest?

Members agreed in the affirmative.

2. Would the spirit of the ordinance be observed if the variance is granted?

Members agreed in the affirmative.

3. Would granting the variance do substantial justice?

Members agreed in the affirmative.

4. Could the variance be granted without diminishing surrounding property values?

Members agreed in the affirmative.

5. Do special conditions of the property distinguish it from other properties in the area?

Members agreed, citing the existence of the dangerous stairway.

a.i. Owing to the property's distinguishing special conditions, is there a fair a substantial relationship between the general purposes of the ordinance and the specific application of that provision to the property?

Members agreed in the affirmative.

a.ii. Is the proposed use is a reasonable one?

Members agreed in the affirmative.

**Motion** by Beauregard, Sr. to approve the variance from Section XI.B.2. to permit the construction of an addition (dormer) to an existing non-conforming structure. Second by Vitous. All in favor.

## **5. (Public Hearings) 8 Special Exception Requests**

Applicant: Homestead Woolen Mills, Inc.

Property owner: Homestead Woolen Mills, Inc.

Property location: 5, 7 & 9 South Winchester St Tax Map 72, Lot 31

Zoning District(s): Village Business District

Request: Variances from Section V.A.2. to permit the following uses in the Village Business District: "manufacturing" and "wholesaling" and associated offices, submitted as 8 special exception applications.

Members seated: Hutwelker, Beauregard, Walker, Mitchell. Alternates (see individual public hearings, below) were seated for Thibault.

Representing the application: Bruce Treat

Abutters present: none

### DISCUSSION

Members received an August 16, 2010 application summary from Town Planner Carbonneau. Carbonneau stated that she had received no negative feedback or comments about any of the applications from heads of Town departments. Those present agreed that proposed uses are limited to manufacture and wholesale.

### Tree Free Greetings (wholesale with office)

Hutwelker opened the public hearing at 8:23, and seated Arnone for Thibault.

Treat said that the business, permitted for manufacturing, now has expanded into wholesale. Treat said that the company has a graphic design department, and has sends materials out for printing.

Those present discussed the ZBA's response to expansion of businesses in

the Mill. Given that manufacturing has always taken place in the Mill, Mitchell asked, why not leave the specifics to the Planning Board? Carbonneau said that, when both ZBA and Planning Board approvals have been required, a substantive change to an original application submitted to either board requires presentation of the proposed change to the other board as well. In addition to Planning Board or ZBA review, Carbonneau said, this requirement creates an opportunity for heads of Town departments to evaluate proposed changes for possible health and safety issues. For example, Carbonneau said, a Homestead Woolen Mill use that doubled in size could create an impact on area roads, the nearby Cutler Elementary School, and other tenants in the Mill.

Those present discussed the threshold for “substantive” expansion. To avoid the need to return to land use boards for approval with every change in a business’s needs for space or location, some ZBA members argued in favor of granting the applicants the option of expanding by up to 20% the space occupied by the business.

Carbonneau said that the expansion of a Homestead Woolen Mill use could create an impact on area roads, the nearby Cutler Elementary School, and other tenants in the Mill. Land use boards are charged with and responsible for considering and evaluating such potential impacts, Carbonneau said. Carbonneau advised against granting an unknown and undefined expansion.

Should the ZBA approve the applications, Carbonneau said, Planning Board approval of multi-tenant applications would be required, as well as building code and Fire Department approval. Carbonneau said that Code Enforcement Office Weston and Fire Chief Skantze have walked through the Mill, but have not inspected individual businesses.

Hearing no further comments or questions, Hutwelker closed the public hearing at 8:47. Members reviewed the criteria for granting the requested special exception.

1. Is the exception allowed by the ordinance?

Members agreed in the affirmative.

2. Are specified conditions present under which the exception may be granted?

a. Is the proposed use similar to one or more of the uses already authorized in that District and is it an appropriate location for such use?

Members agreed in the affirmative.

b. Will such approval reduce the value of any property within the district, or otherwise be injurious, obnoxious, or offensive to the neighborhood?

Members agreed that the approval would not be injurious, obnoxious or offensive to the neighborhood.

b. Will there be a nuisance or serious hazard to vehicles or pedestrians?

Members agreed that granting the special exception would pose no hazard.

c. Will adequate and appropriate facilities be provided for the operation of the proposed use?

Members agreed in the affirmative.

**Motion** by Walker to grant the requested special exception pursuant to Section V.B.2. to permit the property to be utilized for wholesale (with office). Second by Beauregard, Sr. Beauregard, Sr., Walker and Arnone in favor. Hutwelker and Mitchell opposed. Motion passes.

Hutwelker and Mitchell explained that they had voted against the motion because they sought to permit the option of expanding the business's space by up to 20%, to accommodate potential business growth without requiring return trips to the ZBA. Mitchell said that a 20% increase is a reasonable margin for flexibility, and would not create an impact on abutters. Hutwelker said that Tree Free Greetings previously had occupied 50,000 sf of space and had not generated any complaints; subsequently, the business had contracted, but might expand once again. Hutwelker and Mitchell led a discussion of a re-vote. Walker asked why members were going out on a limb, when the positive vote had granted the applicant what was requested, and said that he had no interest in changing his vote. Beauregard, Sr. also expressed no interest in changing his vote.

**Motion** by Arnone to reconsider the original question with a re-vote. Second by Mitchell. Mitchell, Hutwelker and Arnone in favor. Beauregard, Sr. and Walker opposed. Motion carries.

**Motion** by Mitchell to grant the requested special exception pursuant to Section V.B.2. to permit the property to be utilized for wholesale (with office), with an allowance of an additional 5,000 sf or 20% additional space, of an unspecified location within the Mill building. Second by Arnone. Hutwelker, Mitchell, and Arnone in favor; Walker opposed, Beauregard, Sr. abstaining. Motion passes.

#### KAM Machine (manufacturing)

Hutwelker opened the public hearing at 9:14. Charles Beauregard, Jr. was seated for Thibault.

Treat stated that the business will have no change in operation, but wishes to expand the space it occupies from 2,000 to 4000 sf.

Hearing no further comments or questions, Hutwelker closed the public hearing at 9:15. Members reviewed the criteria for granting the requested special exception.

1. Is the exception allowed by the ordinance?

Members agreed in the affirmative.

2. Are specified conditions present under which the exception may be granted?

- a. Is the proposed use similar to one or more of the uses already authorized in that District and is it an appropriate location for such use?

Members agreed in the affirmative, stating that they have heard no complaints about existing operation.

- b. Will such approval reduce the value of any property within the district, or otherwise be injurious, obnoxious, or offensive to the neighborhood?

Members agreed that the approval would not be injurious, obnoxious or offensive to the neighborhood.

- c. Will there be a nuisance or serious hazard to vehicles or pedestrians?

Members agreed that granting the special exception would pose no hazard.

- d. Will adequate and appropriate facilities be provided for the operation of the proposed use?

Members agreed in the affirmative.

**Motion** by Beauregard, Jr. to grant the requested special exception pursuant to Section V.B.2. to permit the property to be utilized for manufacturing, with an allowance of an additional 800 sf or 20% of additional space, of an unspecified location within the Mill building. Second by Mitchell. Beauregard, Jr., Hutwelker, Mitchell, and Beauregard, Sr. in favor. Walker opposed. Motion passes.

Graphic Vision (manufacturing).

At 9:17 Hutwelker called the public hearing to order and seated Beauregard, Jr. for Thibault.

Treat stated that this company formerly had occupied 3,500 sf, and had moved to a different section (now on the lower level) of the building with 100% expansion in use. Due to its generation of ammonia fumes, Treat said that he didn't want this business close to office areas. Treat said that the business uses exhaust hoods.

Speaking as Town Planner, Carbonneau advised the Board of her strong objection to the Board granting approval of square footage in excess of that requested by the applicant. Carbonneau advised the Board of her strong objection to the Board placing no limitation on the location of this square footage within the building. Carbonneau said that she objects to these actions as irresponsible, and failing to consider the potential impact on the Town, abutters, and neighbors. Carbonneau said that the ZBA should be considering evidence presented in applications, and should not base decisions on unknowns.

Hutwelker said that problems could be addressed at the Planning Board level. Carbonneau said that the Planning Board's options are limited after the ZBA has granted a special exception. Hutwelker said that, given the lack of public attendance at the meeting, the public appears to be unconcerned and supportive of the Mill operation. He said that approving excess square footage is an opportunity to create flexibility for Mill tenants.

Treat said that he sometimes gives Mill tenants use of other warehouse space to allow them to amass sufficient material to fill a shipping container. Carbonneau said that such practices should be part of the business's application: To responsibly consider ramifications for fire and police protection, materials interactions, ingress and egress, etc., the ZBA, Planning Board, and heads of Town departments should have knowledge of this practice.

Hearing no further comments or questions, Hutwelker closed the public hearing at 9:37. Members reviewed the criteria for granting the requested special exception.

1. Is the exception allowed by the ordinance?

Members agreed in the affirmative.

2. Are specified conditions present under which the exception may be granted?

a. Is the proposed use similar to one or more of the uses already authorized in that District and is it an appropriate location for such use?

Members agreed in the affirmative.

b. Will such approval reduce the value of any property within the district, or otherwise be injurious, obnoxious, or offensive to the neighborhood?

Members agreed that the approval would not be injurious, obnoxious

or offensive to the neighborhood.

- c. Will there be a nuisance or serious hazard to vehicles or pedestrians?

Members agreed that granting the special exception would pose no hazard.

- d. Will adequate and appropriate facilities be provided for the operation of the proposed use?

Members agreed in the affirmative, citing the hood and containment of the business.

**Motion** by Beauregard, Sr. to grant the requested special exception pursuant to Section V.B.2. to permit the property to be utilized for manufacturing. Second by Beauregard, Jr. All in favor.

William Layman Woodworking (manufacturing)

Hutwelker opened the public hearing at 9:30 and seated Bob Smith for Thibault.

Treat stated that the business is located in a 600 sf garage area that is sealed off from rest of the free-standing office building adjacent to the Mill. The space has a separate entrance, and a double concrete wall separates the self-contained space from abutting space, Treat said. The business will use an interior dust collection system and is limited to paintbrush-applied water-based finishes, Treat said, with no more than one gallon of finish to be stored at the premises at any time.

For the record, and speaking as Town Planner, Carbonneau reiterated her objection to ZBA approval of use of space in excess of that requested by the applicant, and her objection to ZBA approval of use of undesignated space.

Hearing no further comments or questions, Hutwelker closed the public hearing at 9:47. Members reviewed the criteria for granting the requested special exception.

1. Is the exception allowed by the ordinance?

Members agreed in the affirmative.

2. Are specified conditions present under which the exception may be granted?

- a. Is the proposed use similar to one or more of the uses already authorized in that District and is it an appropriate location for such use?

Members agreed in the affirmative.

- b. Will such approval reduce the value of any property within the district, or otherwise be injurious, obnoxious, or offensive to the neighborhood?

Members agreed that the approval would not be injurious, obnoxious or offensive to the neighborhood.

- c. Will there be a nuisance or serious hazard to vehicles or pedestrians?

Members agreed that granting the special exception would pose no hazard.

- d. Will adequate and appropriate facilities be provided for the operation of the proposed use?

Members agreed in the affirmative, given the specificity of use.

**Motion** by Mitchell to grant the requested special exception pursuant to Section V.B.2. to permit the property to be utilized for manufacturing, restricted to the footprint of the application. Second by Smith. All in favor.

Swan Lake Construction (manufacturing)

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Hutwelker opened the public hearing at 9:48, and seated Smith for Thibault.

Treat said that the woodworking business is the cabinet-building portion of a house construction business, and has been in the Mill for 1.5 years. Treat said that the space, located next to the boiler room, has brick walls, a concrete floor, and no floor above.

For the record, and speaking as Town Planner, Carbonneau reiterated her objection to ZBA approval of use of space in excess of that requested by the applicant, and her objection to ZBA approval of use of undesignated space.

Hearing no further comments or questions, Hutwelker closed the public hearing at 9:52. Members reviewed the criteria for granting the requested special exception.

1. Is the exception allowed by the ordinance?

Members agreed in the affirmative.

2. Are specified conditions present under which the exception may be granted?

- a. Is the proposed use similar to one or more of the uses already authorized in that District and is it an appropriate location for such use?

Members agreed in the affirmative.

- b. Will such approval reduce the value of any property within the district, or otherwise be injurious, obnoxious, or offensive to the neighborhood?

Members agreed that the approval would not be injurious, obnoxious or offensive to the neighborhood.

- c. Will there be a nuisance or serious hazard to vehicles or pedestrians?

Members agreed that granting the special exception would pose no hazard.

- d. Will adequate and appropriate facilities be provided for the operation of the proposed use?

Members agreed in the affirmative.

**Motion** by Beauregard, Sr. to grant the requested special exception pursuant to Section V.B.2. to permit the property to be utilized for manufacturing. Second by Smith. All in favor.

#### Trikeenan Tileworks (manufacturing)

Hutwelker opened the public hearing at 9:54, and seated Vitious for Thibault.

Treat said that the ceramic tile manufacturing business moved to the Mill in 2004, and several years later doubled in size; it now occupies 24,000 sf. (Treat said that he strives to collect all “dirty” manufacturing in the south end of the Mill, and locate all “clean” operations in the northern portion of the building, near the Thompson Covered Bridge.) The business uses the loading dock by the Ashuelot River, Treat said.

For the record, and speaking as Town Planner, Carbonneau reiterated her objection to ZBA approval of use of space in excess of that requested by the applicant, and her objection to ZBA approval of use of undesignated space.

Hearing no further comments or questions, Hutwelker closed the public hearing at 10:00. Members reviewed the criteria for granting the requested special exception.

1. Is the exception allowed by the ordinance?

Members agreed in the affirmative.

2. Are specified conditions present under which the exception may be granted?
  - a. Is the proposed use similar to one or more of the uses already authorized in that District and is it an appropriate location for such use?  
Members agreed in the affirmative.
  - b. Will such approval reduce the value of any property within the district, or otherwise be injurious, obnoxious, or offensive to the neighborhood?  
Members agreed that the approval would not be injurious, obnoxious or offensive to the neighborhood.
  - c. Will there be a nuisance or serious hazard to vehicles or pedestrians?  
Members agreed that granting the special exception would pose no hazard.
  - d. Will adequate and appropriate facilities be provided for the operation of the proposed use?  
Members agreed in the affirmative.

**Motion** by Beauregard, Sr. to grant the requested special exception pursuant to Section V.B.2. to permit the property to be utilized for manufacturing. Second by Mitchell. All in favor.

David Wagstaff (manufacturing with office)

Hutwelker opened the public hearing at 10:00, and seated Vitious for Thibault.

Treat said that the business, a cabinet shop, has been in the Mill for approximately five years. Treat said that there is no reason to expect a growth spurt in the business, which occupies 800 sf (200 sf for electrical materials; 600 sf for all else). He said that the business does limited spraying, and uses a spray booth that is vented through the roof.

For the record, and speaking as Town Planner, Carbonneau reiterated her objection to ZBA approval of use of space in excess of that requested by the applicant, and her objection to ZBA approval of use of undesignated space.

Hearing no further comments or questions, Hutwelker closed the public hearing at 10:05. Members reviewed the criteria for granting the requested special exception.

1. Is the exception allowed by the ordinance?  
Members agreed in the affirmative.
2. Are specified conditions present under which the exception may be granted?
  - a. Is the proposed use similar to one or more of the uses already authorized in that District and is it an appropriate location for such use?  
Members agreed in the affirmative.
  - b. Will such approval reduce the value of any property within the district, or otherwise be injurious, obnoxious, or offensive to the neighborhood?  
Members agreed that the approval would not be injurious, obnoxious or offensive to the neighborhood.
  - c. Will there be a nuisance or serious hazard to vehicles or pedestrians?  
Members agreed that granting the special exception would pose no hazard.
  - d. Will adequate and appropriate facilities be provided for the operation of the proposed use?  
Members agreed in the affirmative.

**Motion** by Mitchell to grant the requested special exception pursuant to Section

V.B.2. to permit the property to be utilized for manufacturing, as submitted. Second by Beauregard, Sr. All in favor.

**Robert Yantiss (manufacturing)**

Hutwelker opened the public hearing at 10:06, and seated Arnone for Thibault.

Treat said that the cabinet shop occupies the former gas station, a separate building consisting of between 1,200 and 1,800 sf in three rooms. Treat said that finishes are applied only by paintbrush on the premises, and any spraying occurs off site.

For the record, and speaking as Town Planner, Carbonneau reiterated her objection to ZBA approval of use of space in excess of that requested by the applicant, and her objection to ZBA approval of use of undesignated space.

Hearing no further comments or questions, Hutwelker closed the public hearing at 10:09. Members reviewed the criteria for granting the requested special exception.

1. Is the exception allowed by the ordinance?

Members agreed in the affirmative.

2. Are specified conditions present under which the exception may be granted?

a. Is the proposed use similar to one or more of the uses already authorized in that District and is it an appropriate location for such use?

Members agreed in the affirmative.

b. Will such approval reduce the value of any property within the district, or otherwise be injurious, obnoxious, or offensive to the neighborhood?

Members agreed that the approval would not be injurious, obnoxious or offensive to the neighborhood.

c. Will there be a nuisance or serious hazard to vehicles or pedestrians?

Members agreed that granting the special exception would pose no hazard.

d. Will adequate and appropriate facilities be provided for the operation of the proposed use?

Members agreed in the affirmative.

**Motion** by Beauregard, Sr. to grant the requested special exception pursuant to Section V.B.2. to permit the property to be utilized for manufacturing, as submitted. Second by Walker . All in favor.

**6. (Public Hearing) Special Exception**

Applicant: Jonathan Hoden

Property owner: Jonathan Hoden

Property location: 196 East Shore Rd Tax Map 44, Lot 7-7

Zoning District(s): Rural/Agricultural

Request: Special exception pursuant to Section IV.A.2.m. to permit the construction of an accessory building (garage).

**Motion** by Beauregard, Jr. to continue the matter until the September 20, 2010 meeting, at the applicant's request. Second by Mitchell. All in favor.

## **7. Other business as may be required**

Carbonneau advised Board members of her concerns regarding lack in detail in applications submitted by Homestead Woolen Mill. While she understood the Board's desire to be accommodating, Carbonneau said, she felt that it was imprudent for the Board to take action on incomplete applications that lack narratives. Mitchell asked whether the Planning Board wouldn't have a big role in pinning down these details. Carbonneau replied that the ZBA historically has required lots of information; although the Mill was originally a manufacturing facility, new uses may be more environmentally sensitive than historic uses. The surrounding neighborhood has changed as well, Carbonneau said. She advised the Board that re-zoning issues are in the Planning Board's purview and, while the ZBA and others may disagree with the current zoning, the ZBA is obligated to make decisions based on the current zoning.

Carbonneau said that she is working to set up a site visit at the Homestead Woolen Mill on September 15, 2010 for members of the Planning Board, ZBA, Board of Selectmen, and Economic Development Advisory Committee.

## **ADJOURNMENT**

Motion by Beaugard, Sr. to adjourn. Second by Beaugard, Jr. All in favor. The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Victoria Reck Barlow,  
Recording Secretary