

**ATKINSON ZONING BOARD OF ADJUSTMENT
21 Academy Avenue
Atkinson, New Hampshire 03811**

**Public Hearing Meeting Town Hall
Wednesday, January 14, 2015**

Members Present

Glenn Saba, Chair
Sam Zannini, Vice Chair
Dick Paquin
David Farris
Shane Keating

Others Present

Sue Killam, Planning and Zoning Admin

Workshop - 7:00 PM

Call to Order: Chairman Saba called the meeting to order at 7:07 PM.

Correspondence: See below

Approval of Minutes: August 13, 2014

- page 2, second paragraph - It should be no closer than 75 feet from the right of way. The parking line comes to a point that is closer than 75 feet to the building.
- page 2, third paragraph - add "an" before "old barn"; add "activity" after "industrial"
- page 3, first paragraph should say "Mr. Saba asked Ms. Cornelius"
- Global search: Ferris should be Farris and Keaton should be Keating

Member Dick Paquin made a Motion to accept the minutes of the August 13, 2014 meeting of the Town of Atkinson Zoning Board of Adjustment as amended. Member Dave Farris seconded the Motion. All members present at the August 13, 2014 meeting, Chairman Glenn Saba, Vice Chairman Sam Zannini and Member Dick Paquin, Member David Farris and Member Shane Keating voted in favor. Vote: 5/0.

Public Hearing – Chair Saba opened the public hearing of the Atkinson Zoning Board of Adjustment at 7:30 PM

1)Home Business Renewal: Joseph Guischar, Brushwood Veterinary Clinic, 6 Jericho Road, Map 2 Lot 12

Chair Saba reviewed the criteria: The applicant is not present. This is a renewal for a home business. The Board will follow the criteria and if it is met, the business can be renewed. The application has the owner's name, it is filled out entirely. It is a veterinary clinic, and Home Business Renewal, Section 450:2-c places no limit on aggregate work hours in a veterinary

practice. This business has been in operation for 25 years. No one in the audience spoke against the renewal.

Ms. Killam informed the Board it is not necessary to go through the criteria. Chair Saba summarized the application:

- it is a veterinary clinic;
- there are no changes;
- physical information is noted,
- the sign falls within the criteria;
- chemicals are listed, mainly vaccines and there is an x-ray machine; and
- there is no excessive vehicular parking.

Chair Saba asked for discussion.

Sue Killam informed the audience that any business in town where customers come and go daily are inspected yearly by the Fire Department for life safety.

Chair Saba requested a motion.

Vice Chair Sam Zannini made a motion to approve the renewal. Member Shane Keating seconded the motion. All members of the Atkinson Zoning Board of Adjustment present voted in favor. Vote: 5/0. Renewed for two years.

2)Auto Wholesale Dealer, (new) “Kamm Auto”, Michael and Kathleen Chambers, 54 Main Street, Map 4 Lot 13

Mr. Michael Chambers appeared before the Board.

Chair Saba read a letter from the State of New Hampshire dated November 25, 2014 requesting the review of the application under RSA 541-A:39 (I).

Discussion: Chair Saba asked if there would be a sign or any traffic coming and going from the business. Mr. Chambers replied that there would not be a sign; the business would be invisible to the community; there would be no activity coming and going; there would be no more than one or two vehicles on the property at a time and they would be registered; and there are no employees.

Chair Saba questioned if the approval of the application is necessary under RSA 450:5a and reviewed the criteria. Vice Chair Zannini informed the Board that based on applicant testimony, the applicant is exempt from the processing of a home business permit. All members of the Atkinson Zoning Board of Adjustment present agreed.

Chair Saba read through the criteria for approval or disapproval.

- Application complies with local ordinances or requirements or does it have a variance to operate

The Atkinson Zoning Board of Adjustment agreed unanimously that the application complies or can obtain a variance.

- Application affects land use, land development, or transportation

The Atkinson Zoning Board of Adjustment agreed unanimously that the application does not affect land use, land development or transportation.

- Application affects fiscal costs or municipal services

The Atkinson Zoning Board of Adjustment agreed unanimously that the application does not affect fiscal costs or municipal services.

- Application complies with the signage requirements as stated in RSA 259:29-a III

The Atkinson Zoning Board of Adjustment agreed unanimously that the application complies, there is no signage.

The Atkinson Zoning Board of Adjustment agreed unanimously that the application complies with all requirements and recommended approval. There was no vote.

Ms. Killam informed the Board that the application also complies with "New Hampshire Title XXI, Chapter 259:29-a II; Established Place of Business for a Wholesale Dealer". Ms. Killam pointed out that approval of signage is for Retail Dealers under Chapter 259:29-a III. Chair Saba will sign the application and Ms. Killam will forward the paperwork recommending approval to the New Hampshire Division of Motor Vehicles, Bureau of Registration.

3) Auto Retail Dealer (relocating to Atkinson) "A-1 Repairable Wrecks", Beverly Cofske, 9 KipCam Road, Map 20 Lot 11

The applicant is not present. No abutters are present. There is no one in the audience for or against the application.

Chair Saba read a letter from the State dated January 5, 2015, requesting the application be reviewed for approval and he also read the definition of a retail dealer under New Hampshire RSA 259:89-a.

Discussion: The proposed auto retail dealership is in the commercial/industrial zone. The applicant has a license, he is moving to Atkinson from another town. There was previously an auto retail dealership on this site. Ms. Killam added that there is an existing site plan. Also, the applicant has filled out a business application with the fire department. There is a building permit pending for renovations inside the property.

There was no more discussion. Member Dick Paquin moved to approve the application. Vice Chair Zannini requested to review the criteria.

Chair Saba reviewed the criteria for the Board and the audience.

- Application complies with local ordinances or requirements or does it have a variance to operate

The Board agreed that the application complies with the above.

- Application affects land use, land development, or transportation.

The Board agreed that the application does not affect land use, land development or transportation.

- Application affects fiscal costs or municipal services

The Board agreed that the application does not affect fiscal costs or municipal services

- Application complies with the signage requirements as stated in RSA 259:29-a III.

Discussion: There is no information on signage in the application. Chair Saba read the RSA. Ms. Killam informed the Board that they are representing to the State that the requirements are met. Ms. Killam stated that there has not been a sign application. The last tenant had a sign, but it was removed. The applicant has pulled a demolition permit but has not pulled a sign permit or a building permit. The Board discussed whether they should approve and mention that there is no information on the sign in the comments or defer approval. Ms. Killam suggested that the Board does not have information on the sign so the application can wait - defer until RSA 259-29-a III has been complied with. He has a demolition permit to remove interior structures. He needs a building permit for his spray booth and a sign permit for a sign. He cannot operate until the Town sends in the approval for the application. Member Dick Paquin stated the Board should approve the application with a comment that applicant must meet signage requirements. Ms. Killam informed Board that they can delegate approval of the application to the zoning inspector and approval can wait until the zoning inspectors confirm. The Board continued to discuss whether or not to defer and wait until the application complies or approve with a comment that the code enforcement officer will enforce RSA 259:29-a II and Atkinson Zoning Regulation Section 470.

Chair Saba stated that he would recommend deferring approval until the local code enforcement officer has determined that the application complies with RSA 259:29-a III and Atkinson Zoning Regulation Section 470. The Board agreed. There was no motion.

Chairman Saba requested a motion to adjourn.

Vice Chairman Sam Zannini made a motion to adjourn the Wednesday, January 14, 2015 meeting of the Atkinson Zoning Board of Adjustment. Member David Farris seconded the motion. All members present voted in favor to adjourn. Vote: 5/0.

The next regular Zoning Board Meeting is scheduled February 11, 2015.