

**Town of Boscawen NH
ZONING BOARD OF ADJUSTMENT
Boscawen Municipal Complex**

**MEETING MINUTES
Tuesday, July 27, 2021 at 7:00 PM**

Members Present: Dr. Gail Devoid, Chair, Tracy Jo Bartlett, Scott Maltzie, Ed Cherian, and Roger Sanborn

Absent: Ann Dominguez, Tama Tillman

Others present: Kellee Jo Easler, Planning and Community Development Director, Kearsten O'Brien, Planning & Community Development Assistant, Rose Fife, Recording Secretary.

Guests: Brad Marshall, Daniel Remillard, Joe Wichert, LLS, Paul Dickey, Selectmen

Call to Order by Chair – 7:00 p.m.

Roll Call done by Secretary

A **motion** to accept Ed Cherian as a member was made by Dr. Devoid, seconded by Maltzie and passed by a unanimous vote.

Open the Public Meeting – by Dr. Devoid.

Election of Board Members: A **motion** to have Scott Maltzie as Vice Chair was made by Devoid, seconded by Cherian and passed by 4-0 vote with Maltzie abstaining.

A **motion** to have Roger Sanborn as Chair was made by Bartlett, seconded by Maltzie and passed by a 4-0 vote with Sanborn abstaining. The Board would like to thank Dr. Devoid for her many years as their Chair.

Review and Acceptance of Draft Minutes of September 22, 2020. – An amendment to line 86 was requested. The sentence will read: ‘Chair Devoid praised the YMCA for putting together this community solution.’ A **motion** to approve the Minutes as amended was made by Maltzie, seconded by Bartlett and passed by a 4-0 vote with Cherian abstaining.

Designate members for action items: Easler explained that this Board does not need to do that as the Recording Secretary has been taking this one. A **motion** to Table the request was made by Devoid, seconded by Maltzie and passed by a unanimous vote.

Old Business: none.

New Business:

The Board will take the variance request and special exception request separately for action.

A request for a **variance** seeking relief from **Article XII: Definitions, Home Business-Major** to build a **5,000 s.f. garage/barn** where the ordinance only allows for a **500 s.f. accessory building**, submitted and owned by Shaker Heights Land Trust LLC, 13 Knowlton Road, Boscawen NH 03303 with a property address of **Water Street, Corn Hill and Knowlton Road, Boscawen NH 03303, Map 45, Lot 30**, located in an **R1 zone**.

Testified: Joe Wichert, Land Surveyor. Dan Remillard was also available to testify. Mr. Remillard owns Shaker Heights Land Trust LLC Map 45 Lot 30. The property is in current use and it will remain as such. Its 23.0952 acres. The property has 50 feet of frontage on Water Street

and 160 feet on Knowlton Road. They also have another 50 feet of frontage on Corn Hill Road. Mr. Remillard purchased the property as a builder but is now looking to build his house, and an agricultural barn for his business. The zoning ordinance defines this as a Home Business-Major. The maximum allowed size for an accessory building is 500 s.f. and they are asking for 5,000 s.f. more for a total of 5,500 s.f. for the barn. The building will be designed to look like a barn. The front will be facing Corn Hill Road. The purpose of the barn is to store equipment, materials, an excavator, and other construction equipment and materials. This will reduce the chances of vandalism or theft. They submitted exhibits as to why they thought they should be approved.

Dr. Devoid is concern with the impact on the area as they are requesting a building 10 times the size allowed. Mr. Wichert explained that it is a 23 acre parcel. The nearest abutter is over 240 feet away. They will be building well within the required setbacks. The house will be to the left of the barn. There will be an area for a leach field and lawn. The ordinance would only allow them to have a 24 x 24 garage size building. But because of Mr. Remillard's business, a 2 car garage will not serve the purpose. Their preference is to house the equipment inside. Mr. Remillard intends to have an agricultural field. To the north would be a 3 sided barn, which will be built in the future, and area for grazing, etc. It is only larger due to the use. They are only before the Board because they want to use the building for Mr. Remillard's home business. Dr. Devoid asked if it is along 3 roads. Mr. Wichert answered it is along Corn Hill, Water and Knowlton Roads. Dr. Devoid asked if they had 200 feet of road frontage on any of these roads. Mr. Wichert said they did not. This lot was created 2 or 3 years ago so the lot is complying. They may be using on-site septic and well. Easler explained they are limited to 25% lot coverage. Mr. Wichert felt that they were well under that percentage. Bartlett asked where the access to the property would be. Mr. Wichert said they would access the property off of Corn Hill Road.

Sanborn asked if any construction had been started. Mr. Wichert answered there had not been. Maltzie asked if the home were going to be 10,000 s.f. as noted on the plans. Mr. Wichert explained that they do not know the size of the house yet. Cherian asked if the purpose of the barn was to store equipment or do maintenance. Mr. Remillard explained he would like to store the equipment in there and during the winter months do maintenance. Cherian asked if other vehicles will be in and out of there to go onto job sites. Mr. Remillard stated that during the construction season most of the equipment will be on job sites. Mostly during the fall and winter months would the equipment be stored inside? Cherian asked if they would be storing gravel or other construction materials in the barn. Mr. Remillard explained that they would not store earth materials, but items like plywood and shingles. Dr. Devoid asked if he had spoken with his abutters. Mr. Remillard has spoken with his abutters. There are two of them in attendance. If there is a complaint the abutters come to speak to him. He hasn't had any issues. He will increase the size of pond on the property for the fire department. He will open recreation trails that used to go through the property once he has set the location for his home. Dr. Devoid asked if he was referring to hiking trails. Mr. Remillard explained it would be for snowmobiles, horseback riders, mountain bikes, etc.

Bartlett asked if the direct abutters have children and if they may want fencing put up. Mr. Remillard explained that no one has said anything, but he is willing to work with them. A truck may leave in the morning and come back at night. It is him and his 2 sons. He doesn't have a ton of employees. He's trying to present the entire plan to the Board ahead of time so the town knows what the entire project will be.

Maltzie has concerns about the future use of the property. Mr. Remillard explained that the business is his two sons and himself. His two sons work for him and when he is gone, the business will be his 2 sons and/or his grandsons. Discussion amongst the Board regarding how the variance will apply to the property. Dr. Devoid felt that the variance can end if the Board places a condition

that the variance will be null and void if the property transfers from the current owner. Cherian explained that a variance would not be just for the size, but the use as a storage barn as well. Easler explained that the next step is that Mr. Remillard will need to go before the Planning Board for his Home Business – Major. They will get into more specifics on the site at their meetings. Mr. Wichert explained the variance is only for the size of the building for their storage. If the use were to change, they would need to come back before the board.

A **motion** to approve the variance as presented was made by Sanborn. The motion was put on pause until they heard from the abutters.

Abutters in favor: Paul Hickey, 36 Corn Hill Road. His back yard looks out onto the property. He has a pool in his back yard and he's out there all the time. He has no concern with Mr. Remillard building it. When the property was cleared Mr. Remillard left a huge buffer. You cannot see into his property now. When leaves fall off it may be a little bit more open. Cherian wanted to clarify that statements regarding setbacks or vegetation do not apply to what the board is considering. Those issues will be taken up at the Planning Board.

Brad Marshall spoke. He is the abutter to the east. He has questions about the footprint of the barn. Mr. Remillard explained that the barn may be 50 x 100, but he may build smaller. Mr. Marshall asked how high the building would be. Mr. Remillard answered that from the floor to the ridge would be 27 feet. He'd like the building not to look like a commercial building, but an agricultural barn.

Abutters in opposition: none.

Public in favor: none.

Public in opposition: none.

Chair Devoid closed the public hearing.

DECISION: Dr. Devoid thought it was a well-planned out project. A **motion** to approve the request, as presented for a building structure not to exceed 5,000 s.f. in the area as noted on the plan submitted, was made by Sanborn. Discussion as to whether or not the property were sold to a nonfamily member, the variance would expire. Cherian noted that a new owner who would use it for the same purpose would be able to use it. Maltzie was concerned that if there were more activity there with a new owner, the abutters may have an issue. Cherian explained that a traffic flow issue would go before the Planning Board. The Zoning Board, however, can give suggestions, comments or concerns to the Planning Board. **Motion** was seconded by Maltzie and passed by a unanimous vote.

A request for a **special exception** for **Article IV: Table of Uses, Home Business-Major**, submitted and owned by Shaker Heights Land Trust LLC, 13 Knowlton Road, Boscawen NH 03303 with a property address of **Water Street, Corn Hill and Knowlton Road, Boscawen NH 03303, Map 45, Lot 30**, located in an **R1 zone**.

Joe Wichert LLS testified. He is Dan Remillard who owns Shaker Heights Land Trust LLC and is the builder. Mr. Remillard purchased the property a few years back. The property will have his home, the barn and an agricultural barn on the property. This is a home business major in according to the Ordinance. Easler read the criteria of the home business major. The use is

subordinate to a single family dwelling. Not more than 25% of habitable floor area and 500 s.f. for accessory building is allowed. The business owner occupies the residence. Not more than 4 people employed, etc. Long term storage of vehicles is prohibited: Mr. Wichert explained that they only have occasional deliveries. It's not retail. An occasional delivery may happen. Deliveries mostly go to the job site. Mr. Remillard testified that it is just he and his 2 sons for a total of 3 employees. They feel they meet the special exception criteria. It is a large property. The site is an appropriate location. It's a uniquely shaped property. They have over 225 feet to the nearest abutter's house. There will be no diminution of value to surrounding properties. No unreasonable hazards will result. One of his sons lives across Knowlton Road. There is not a huge amount of traffic in and out of the site. Adequate facilities will be provided. They will get a state septic approval. There will be one for the barn but not sure if it will tie into house or not. The lot was approved by the Planning Board.

Bartlett asked if there would be office space in the barn. Mr. Wichert explained that there would not be in the barn as he will have an office in the house. Cherian asked if it would be a metal building. Mr. Remillard stated the building would be a wood structure. It will have high bay doors because it will be heated. Those doors won't be visible from Corn Hill Road. Easler explained the 35' height limitation. Bartlett recalls Mr. Remillard testified it would be 27 feet high. Cherian asked if he would have water, sewer by way of septic and drilled well. Mr. Remillard said that was correct. Cherian asked if he would obtain power off of Corn Hill Road. Mr. Remillard said yes.

A **motion** to approve the special exception was made by Cherian, seconded by Sanborn and passed by a unanimous vote.

Reappoint Tracy Jo Bartlett - Due October 2021. A **motion** to reappoint Tracy Jo Bartlett was made by Dr. Devoid, seconded by Sanborn and passed by a unanimous vote.

A **motion** to adjourn at 7:43 pm was made by Sanborn, seconded by Bartlett and passed by a unanimous vote. The Board again thanked Dr. Devoid for her years of being Chair of the Zoning Board of Adjustment.

*Respectfully submitted,
Rose Fife Recording Secretary*