

Town of Grantham NH  
Zoning Board of Adjustment  
Minutes  
January 22, 2009  
**APPROVED**

Chairman Conrad Frey called the ZBA meeting to order on Thursday, January 22, 2009 at 7:00 p.m. The meeting was held in the lower level Grantham Town Hall located at 300 Route 10 South in Grantham. Frey asked the clerk for a roll call.

| <u>PRESENT</u>          | <u>ABSENT</u>         |
|-------------------------|-----------------------|
| Chairman Conrad Frey    | Myron Cummings (Alt.) |
| Peter Gardiner          |                       |
| Tanya McIntire          |                       |
| John Clayton            |                       |
| Richard Mansfield       |                       |
| Margery Bostrom (Alt.)  |                       |
| Martha M. Menard, Clerk |                       |

Members of the public: Selectmen, Warren Kimball; Margaret Duford; Angi Beaulieu; Jessica /Justin Bitler.

Frey asked the Board members if they had reviewed the minutes from November 20, 2008 and if there were any corrections. After a few corrections a motion was made by John Clayton and seconded by Richard Mansfield. *Approved by Unanimous Vote.*

**Correspondence**

Frey stated the most recent approval letter received from Department of Environmental Services with Grantham Indoor Realty Trust/Grantham Indoor application (which is one of many approval necessary) and would be put in their file with the Town.

**NEW BUSINESS**

Margaret Duford / Owner/Applicant / 5 Learning Drive; Map/Lot 233-083  
*Home Business/Special Exception*

Frey asked M. Duford to step forward to present her application for moving her Commercial Business from the Business District into her home as a Home Business. Frey explained to M. Duford the article pertaining to home businesses were in the Zoning Board of Adjustment Ordinance.

M. Duford stated that she had opened her business “MyArtery” a year ago and had found that this filled a need for the community. Originally this was only going to be an Art Gallery and also lessons for adults, but as time went on the greater part of the business in the community was the children’s programs she now offers. As for the retail end of the business, it has not progressed enough to warrant her staying there with the economy being the way it is.

M. Duford said the community and the parents have been greatly supportive with the classes she offers for after school programs and currently has 32 students ranging from

five years of age to high school at her current location, and that they are transported by parents or school. M. Duford said that she would now like to move this business to her home. She discussed with the School Board the educational aspects of living right next to Grantham Village School. The art classes would be held from 3 p.m. – 5 p.m. for the children during the weekdays and a few mornings a week for the adults. M. Duford stated to the Board the transition would work ideally for her and the students.

Frey stated he had several questions to ask M. Duford based on the Zoning Board of Adjustment Article on Home Business with regards to location; square footage of her home; retail sales and parking issues. Frey said that his interpretation of retail sales pertaining to supplies that would be needed by the students did not constitute retail sales, but was M. Duford going to be selling these items for other than student use in the classes? M. Duford stated she would not be selling supplies. M. Duford stated that the classroom section of her house would be 400 square feet and would be subordinate in size to the residential portion of the home.

Frey asked with regards to fundraisers/art shows where would people park? M. Duford stated she only had added the suggestion of these events to take place during the summer and not sure as of yet if this would work or not. Frey said his only concern was with traffic and this could possibly work out as long as school was out as well as discussing the usage of signs. M. Duford stated she had spoken with her neighbors concerning traffic and that they seemed comfortable with the idea. Frey asked if she had talked to the School Board about the parking issues and bringing the children from over there. M. Duford explained not specifically, but she had been in touch with the principal and that everyone knew of her ideas. There was also discussion on the limitation of signage for a home business as well as the meaning and use of temporary signs.

Frey mentioned the selling of paintings and M. Duford stated that she was not as concerned about this as she had been before at the business center. Gardiner said sale of paintings was retail and didn't know how she was going to look at that now. Frey read from the ZBA Ordinance, which pertained to retail sales only permitted as being incidental. M. Duford stated she would have her paintings/work displayed on the walls at her home as an inspiration to the students, and that if someone were to be interested in one of them or more she would of course sell them. Frey asked if that would still be incidental and M. Duford agreed.

Mansfield stated he had a question to do with Art Shows and how many people would they draw. M. Duford said she couldn't say how many that would be and that the art show would be with the students and the parents/grandparents coming to them. M. Duford stated that would typically be on Friday/Saturday nights to show off the students' artwork, have pizza and then everyone leaves. M. Duford said people could possibly park at the school property and walk over for the two-hour event? Mansfield said his thought would be similar to yard sale/fundraiser regulations as stated in the ZBA Ordinance, which only allowed three per year. Frey asked if there would be any possible problem with her neighbors concerning traffic and M. Duford felt it would not be a problem.

Frey stated that before any vote on the Special Exception, it would be necessary to obtain a granting of a Use Variance to overcome some of the conflicts with the Home Business Article. Clayton asked M. Duford how many students per class are there. M. Duford stated most classes only have at the most five to seven. Clayton asked M. Duford would

she have 32 students at any one time for these weekday classes and M. Duford said no. McIntire said her concerns were only with the parking/ traffic in/out of the driveway of the school and if parents could pick up the students at the school parking lot possibly. M. Duford said there is lots of possibilities to do with all of these issues and that right now with winter and school construction going on there is a orange plastic netting separating her property from the school property, so at this time the students cannot come through that way even if she is keeping it shoveled out. Frey also said his concerns were that this would not interfere with the school traffic and asked Selectmen Kimball about the orange plastic netting/fencing. Kimball stated that he believed this was only temporary and that area of the parking would be one of the earliest things finished, and felt this would have to be checked out/approved with the soil scientists as to when this plastic fencing would be removed for safety issues at this time. Frey stated that this is only a temporary thing this would be more trouble then it was worth.

Frey asked the Board if there were any further questions. There being none the Board voted to **UNANIMOUSLY APPROVE** the application for a Use Variance and then voted on the application for a Special Exception which was also **UNANIMOUSLY APPROVED**. The following conditions for approval were set:

1. Aside from regular classes during the weekdays, any fundraisers, art shows and special events, with the cumulative limit of three per year, may be allowed and may only be held on weekends or school vacations/holidays.
2. The applicant shall comply with both the sign regulations of the Zoning Board Ordinance, only one sign of no more than two by two feet and any temporary signs for special events; art shows or fundraisers are allowed, shall not be displayed more than one-week duration per event.
3. Fundraisers, Art Shows and Special Events parking shall be at the Grantham Village School parking lot with permission from the school principal.

Members of the Board also suggested some non-zoning items that M. Duford should investigate such as insurance since she will be dealing with students in her home as well as serving food and beverages as snacks, which may be a health issue.

M. Duford thanked the Board for their time.

### **NEW BUSINESS**

Angi Beaulieu /Jessica Bitler / Owner/Applicant /368 Route 10 South; Map233 Lot092  
*Use Variance*

Angi Beaulieu introduced herself and stated to the Board that she had been before the Board in December 2005 with her application to start her retail flooring (show room) business. A. Beaulieu stated that what she would like to do is bring in a kitchen/cabinetry designer to the store three days a week to be located in an existing kitchen area. A. Beaulieu said that she is currently opened Tuesday-Saturdays and that if the application is approved the cabinetry designer would be there Mon/Tues. and Thursdays and that they would somewhat over-lap.

A. Beaulieu explained to the Board that the kitchen display part of the business would be on the same floor and would constitute only 300 square feet of the total showrooms' 1600 square feet.

Gardiner asked if there would be bath articles added in as well since the application had stated they would be adding a kitchen / bath showroom. A. Beaulieu stated that their plans were for cabinets / kitchen use only, no bath / shower items would be added. A. Beaulieu stated that she and J. Bitler had worked together for the past four years with J. Bitler referring customers to her for flooring from her previous location with a kitchen cabinet company. A. Beaulieu said these two businesses go hand in hand.

Frey asked if these new business products would strictly be for display only and J. Bitler said yes. She would be selling cabinetry and countertops and that she realized with the traffic situation items that orders would go directly to the customers from the dealers warehouses. Frey asked if there would be an increase in the traffic and A. Beaulieu said that she was already dealing with many of J. Bitlers' customers so the impact would not be significant.

Mansfield asked if there were any other employees. A. Beaulieu explained she does work with sub-contractors that are usually out in the field with her husband, but they are not at the showroom location.

Frey and Board members further discussed with A. Beaulieu and J. Bitler the same non-conforming use issues would apply as they had first applied in December 2005 with this application as well. Frey and the Board discussed proposed sign usage and indicated the ZBA Ordinance articles pertaining to signage (The combined businesses would be permitted one sign no larger than the 18 square feet sign as well as the small existing sign at the front of the store).

Frey and Board members went on to vote and **UNANIMOUSLY APPROVED** this Use Variance application for addition totally within an existing non-conforming use with the following conditions:

1. No outdoors advertising or signage other than existing.
2. No window advertising.
3. No parking on Route 10 South
4. No expansion of exterior of building, no enclosure of front porch and no addition of any buildings.

A. Beaulieu and J. Bitler thanked the Board.

Frey asked the Board if there was any further discussion/questions, there being none a motion was made by John Clayton and seconded by Peter Gardiner.

**Approved Unanimously** to adjourn at 8:40 p.m. The next Zoning Board meeting will take place on February 26, 2009.

Respectfully Submitted,  
*Martha M. Menard*  
ZBA Clerk  
January 23, 2009