

APPROVED

Town of Grantham Zoning Board of Adjustment Minutes November 21, 2013

Chair Conrad Frey called the Zoning Board meeting to order at 7:05p.m. Thursday, November 21, 2013. The meeting was held in the Jerry Whitney Memorial Conference Room located at Town Hall, 300 Route 10 South in Grantham.

Present: Chair Conrad Frey; members: Tanya McIntire; Richard (Dick) Mansfield; Myron Cummings; Margery Bostrom; alternate: Sheridan Brown.

Members of the public: Selectman Constance (Connie) Jones; Ernie Collier; Bob and Pat Mac Neil.

Chair Conrad Frey started the meeting by introducing new alternate Sheridan Brown to Zoning Board members.

Correspondence

None

Approval of Minutes

Chair Frey asked the Board members if they had reviewed the minutes from August 29, 2013 were there any corrections. Mansfield stated that on page 2, 5th line down “was not suppose to be a resident” should read: “was not supposed to be a resident”. With no further corrections motion was made by Tanya McIntire and second Myron Cummings to approve the minutes with changes.

Approved by Unanimous Vote

Chair Frey stated that before we begin with the application for the variance, business owner Ernie Collier was here for a conceptual and he had already been before the Planning Board and received conditional approval to permit “Functions”. Planning Board members suggested that he come before the Zoning Board of Adjustment in case further approval was needed for zoning.

Collier explained that he had been before the Planning Board to get permission to turn the brown building into a function hall which probably would be 75% to 80% retail and plans to add functions such as weddings, craft fairs, birthday parties and a fundraising organization looking to rent space from him to support scholarships for students as well as the local fire department. Collier said in the past he had already dealt with fundraisers for the Boy Scouts and different organizations.

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Mansfield asked Collier how much area he would have for the functions. Collier stated roughly about 2400 square feet and the Planning Board already gave restrictions as to the number of people that would be allowed at one time along with the Fire Department as well.

Chair Frey said that he had talked to Collier earlier and informed him to come in and see if he would need a variance and to go over page 10, Article IV-B in the Business Light Industrial District in the Zoning Ordinance under "a. Permitted Uses." The Board could not find a specific permitted use in the Ordinance that would cover this. Frey at this time asked members if they had any thoughts on this topic. Chair Frey continued to read from different articles under Permitted Uses.

Cummings asked Collier if he was doing any renovating. Collier stated no and went on to say that there are other area business that do this sort of thing so this was really going to be a six (6) months trial basis to see how it works out. Chair Frey said that the Eastman Center is grandfathered and the municipal building (referring to the town hall) is exempt from Zoning.

Mansfield read some of the zoning ordinances allowances for "Permitted Uses" to Board members. Cummings at this time stated he felt to let Collier try this for a trial period for six (6) months. Chair Frey said that he agreed as long as this doesn't strictly become a function hall. Collier said he will be hold some functions in the brown building and would also be selling Christmas trees.

Chair Frey told Collier to come back in June/July and talk to the Board for a possible variance and let them know at that time how the events went and what his experiences have been with retail versus function.

Brown asked Collier if he planned to do any food preparation or were these events going to be catered. Collier stated that if someone wanted the event to be catered that would be up to them, he would just be renting them the space. Collier also said that the only time it may change given the time period would be with the ice cream shop next door they were hoping to attract some of the birthday party end of it and if that's the case it would be a separate business that has already been approved. Brown said would there be a kitchen in the function area and Collier said no but if they did decide to do something like that they would come before the Boards accordingly. Brown went on to ask Collier any sense on the average numbers of attendees for these functions and Collier said the Planning Board essentially said 100 and he had met with the Fire Department and they were more variable not knowing the function and that the numbers were less if there were to be tables/chairs set up. Collier said this would be something he would have to check with the Fire Department for each function. Brown said that is why he asked this question because with the capacity of 100, that makes it very much analogous to the small theater of 100 seats (Referring to the Zoning Ordinance). Collier said their goal is 60 to 70 is what their aiming for.

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At the close of this conceptual discussion Chair Frey asked clerk Norris to notify Collier towards the end of June with regards to the "Function Hall" to come before the Board.

Collier at this time thanked the Board for their time.

New Business

Variance – application #11 – 2013; Map 226 Lot 018-001
Bob & Patty MacNeil

Chair Frey asked MacNeil to present his application.

MacNeil addressed the Board with his application for the variance and stated that he would like to negate the 15,000 square foot limitations BLD (Building Light Industrial) for the building that is a 40,000 square foot building. MacNeil stated back in 2010 he had asked for similar exemption for warehousing. MacNeil said that is why he was here this evening to ask for the exemption for the 15,000 square feet and knowing fully that if anything did develop he would go before Planning Board. MacNeil at this time referred to his cover letter with his application regarding hardship. The building has been on the market for quite some time and due to the 15,000 square foot restrictions on a 40,000 square foot building it has been difficult to market.

MacNeil went on to say that what he is asking specifically for the limitation of the 15,000 square foot in light industrial and was not addressing the retail. MacNeil said that he did not believe that if he did more than 15,000 square feet of retail there he felt it would be a burden to the town, so he was not asking for a variance for retail, only for light industrial manufacturing and that coincides with the variance was granted back in 2010 to expand footage for a warehouse.

At this time Chair Frey explained to new alternate member Sheridan Brown variance applications of past through the present from Bob Mac Neil; Yankee Barn Road Realty Trust / Grantham Indoors and asked Brown if he would like to ask any questions. Brown stated that the only primary issue at this time he had was determining under the hardship criteria what the special conditions of the property were that would justify this application and told Chair Frey he had just explained them to him. Brown also asked if there were other buildings there of this size with similar circumstances and Chair Frey said no, that this building was grandfathered as a horseback riding/training facility.

Chair Frey asked Board members if they had any further thoughts and McIntire said she did not, Cummings simply stated that he would like to see the building being occupied and paying taxes. Mac Neil remarked that he has had a wonderful relationship with the town over the years with what he has been doing with the commercial aspect of the business and has certainly paid his share of taxes and willing to do so. Mansfield asked Mac Neil did he intend to rent/lease the

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building and MacNeil stated that it all depends on who the customer is and if he had a customer that wanted to buy, he certainly would talk to them and the same would go if someone was interested in leasing. Mansfield went on to tell MacNeil that he didn't have any concerns as what his plans were to do with the building, but did have concerns that if he sold it that they could do anything industrial and might not be as considerate as he (MacNeil) was. Chair Frey stated that it would be up to Planning Board to approve of any use of the building once the Zoning issue was addressed.

MacNeil stated that he had concerns as well with the 140 acres they have there and his intent is to continue to expand it and that he wouldn't do anything with the blue building that would jeopardize the rest of the property. MacNeil said concerns that might come up would all be things handled through the Planning Board with a site plan application.

Chair Frey asked Bostrom if she had anything to say and she stated no. Brown said he had the answer to his question and the other thing is Mansfield's point if there were particular offensive use here that the Board would be concerned about maybe something to consider a condition with anything that the Board would not allow, as this would run with the land, so this would open up that possibility for a future owner doing something different with the property.

Chair Frey went on to read from the Zoning Board Ordinance the information pertaining to BLD (Business Light Industrial District) on page 64 under "Light Industrial Enterprise" and explained to the MacNeil's just what their options could be with not having to come back to the Board again. MacNeil stated his concerns were with restrictions and that he was trying to avoid any obstacles'. MacNeil went on to say that this was their fifteenth year of operation and proud of it and now they simply have to look at different options at this point.

Brown stated that he just wanted to clarify his earlier questioning in considering a use that might work at 15,000 square foot or under that the Board would not like at the larger scale and he made this statement because whatever is granted would run with the land.

With no further questioning Chair Frey went on to read the criteria from the Zoning Board Ordinance for MacNeil's variance. After going through each one and the Board's approval Mac Neil was granted approval with the following condition:

Article IV-B / Light Industrial Enterprise

A commercial or non-commercial business which engages in the manufacture, production, assembly, fabrication or finishing work of goods or products in such a manner that all resulting cinders, dust, fumes, gas, odors, smoke, and vapor are effectively confined to the premises or disposed of so as to avoid any air or water pollution and which is conducted in such a manner that the noise level at the property like will not exceed eighty (80) decibels and that objectionable flashing and vibration will not occur.

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MacNeil thanked the Board for their approval.

Other

None

Adjournment

Chair Frey asked the Board if there were any further question/discussions. There being none a motion was made by Richard (Dick) Mansfield and second Myron Cummings to adjourn the meeting at 7:55 p.m.

Approved by Unanimous Vote

Respectively Submitted,

Martha M. Norris
ZBA Clerk

