

APPROVED

Town of Grantham
Zoning Board of Adjustment
Minutes
September 25, 2014

Chair Conrad Frey called the Zoning Board meeting to order at 7:00p.m. Thursday, September 25, 2014. The meeting was held in the Jerry Whitney Memorial Conference Room located at the Town Hall, 300 Route 10 South in Grantham, NH.

Present: Chair Conrad Frey; members: Myron Cummings; Richard (Dick) Mansfield; Margery Bostrom; Alternates: Peter Guillette and Sheridan T. Brown; Selectmen Representative Constance (Connie) Jones.

Absent: Tanya McIntire

Public: James & Luran Steinmetz; C. Peter James; Daniel Gurin; Nathaniel Gurin; Thain Allan; Cathleen Narowitz; Jan L. Bradeen.

Chair Frey stated since member Tanya McIntire was absent this evening he would like to appoint Alternate Sheridan T. Brown as a voting member this evening.

Approval of Minutes

Chair Conrad Frey asked the Board members if they had reviewed the minutes from July 17, 2014 were there any corrections. There being none motion was made by Myron Cummings and seconded by Richard Mansfield to approve the minutes as written. ***Unanimously Approved***

Correspondence

Selectman Jones handed out information with regards to "Signage" to Zoning Board members.

New Business

Article VIII/Special Exception of the Zoning Ordinance: Home Business.
James & Luran Steinmetz M/L 236-054

APPROVED

Chair Frey started off saying that this application was to have originally taken place last month on August 28, 2014 and since the Steinmetzs' were unable to attend the meeting and could not have someone else stand in for them due to questions on the application, that he (Frey) apologized for such short notice by not being able to notify the abutters in time of the cancelation.

Before starting the application Chair Frey explained to the applicants and the abutters the definitions of a Special Exception/Home Business. After doing this Chair Frey next asked James (Jamie) Steinmetz to explain his application.

J. Steinmetz stated that he and his wife Lauran would like to start a home business (Gym) in their two-bay garage for training people. The classes would be small in size with the average of three (3) to four (4) people at a time per class. Steinmetz said that classes would be structured and there would only be a couple of classes in the mornings and the same in the afternoon. He also said they would like to do some things outside such as put up a "pull up bar" that would not interfere with traffic or people's daily routines. Parking would be on their property so as not to hinder the road especially during plowing season and that he plow's his own driveway.

J. Steinmetz continued they had also decided not to put any signage up, that their business is more "word of mouth" and they would not be changing any of the structure of the building and continued that he felt they would not have a lot of traffic coming to their house because there is just not enough room and again reiterated there would not be a lot of people coming and going all the time.

J. Steinmetz said that they will have music playing inside the building and that it would not be heard outside because the structure was well insulated and will also be heated when needed.

L. Steinmetz said this is going to be a five (5) year plan for their business and they are starting this business in their garage because one of their biggest concerns at this time was going out and renting a space and having a huge overhead and not having any followers as of yet. She went on to say that once they have built up a clientele of at least 3 to 4 people in each class then they can consider looking for another location to move their business into, and also wanted her neighbors to know that they (her and Jamie) are just as much concerned about the traffic, the

APPROVED

noise levels as they are. L. Steinmetz said that they have enough room in their driveway to include an additional four (4) cars.

Chair Frey stated that under the "Home Business" rules in the zoning ordinance they would only be allowed to have additional three (3) cars and a 2 foot x 2 foot sign also.

Mansfield asked how many classes a day they thought they would run and J. Steinmetz stated that about four (4), two in the morning and two in the afternoon. Bostrom asked what the nature of the training was and J. Steinmetz said this would be a fitness, strength conditioning and wellness training and there would be weights, barbells etc. J. Steinmetz mentioned that his wife was a Nutritionist and would do one on one counseling. L. Steinmetz stated the only thing on the outside they might do is to walk down to the end of the road to warm up before/after classes. Mansfield mentioned that he had driven by their property and it looked like they would have plenty of parking and L. Steinmetz said yes.

Chair Frey asked if it would only be the two of them as instructors and they both stated yes and asked them if they would be selling anything retail and they said no. Steinmetz stated that he would like to mention that they or anyone else would not be driving down Stocker Pond road to turn around. L. Steinmetz said that their house is the first accessible house on the right coming onto Stocker Pond Road and clients would only be pulling into their driveway as soon as they turned onto the road and J. Steinmetz said they would let their client's know. Chair Frey then asked if anyone else had questions.

Mansfield's stated that in the zoning ordinance it states that anything going on for home business can only be conducted in the home, not outside. Both the Steinmetzs' said that only another pull up bar was going to be installed outside and that they have them inside as well and obviously it is cold here most part of the year.

Brown said that he was concerned with the same issues of outdoor activities not looking at paragraph six (6) but paragraph three (3) and read from the Zoning Ordinance under Article VIII; Home Businesses - paragraph three (3) "The permitted occupation, avocation, profession or service shall be conducted wholly

APPROVED

within or from the principle building (dwelling unit) and shall clearly be secondary and incidental to the use of the structure for dwelling purposes and shall not alter the residential character of the structure,” and that he did not see a way of getting around that. Both the Steinmetzs’ asked that meant only from the inside of the garage and nothing outside and Chair Frey stated yes unless they wanted to try for a variance. L. Steinmetz said the most they might do outside is to stretch and walk before a class and there was not going to be that many people. Chair Frey said that walking up/down their driveway wasn’t the point, the point is if they were to have other things going on outside.

Mansfield asked if they (Steinmetzs’) planned on putting anything out back of the house and J. Steinmetz said yes, a pull up bar. Chair Frey reiterated that they need to conform to the “home business.” Brown questioned with regards to the classes the total number of people in each class they might have. L. Steinmetz said depending on how popular this becomes, anywhere from two (2) classes in the morning and two (2) in the evening and that when they start out they will probably only have one (1) class in the morning and one (1) at night. She said it all depends on how the business grows. Brown continued with if they envision how many days a week this would be and L. Steinmetz stated it would be five (5) days a week, Monday – Friday and possibly a Saturday morning class only.

Brown asked if they happened to know the parking area size of their driveway and informed them that it was 200 square feet allowed per car as stated in the zoning ordinance manual under “Parking Space” page 65. L. Steinmetz stated that they could have anywhere from five (5) to six (6) cars plus they also had a turn-around. Guillette stated that he had driven by there and didn’t see any problems with their (Steinmetz’s) driveway/parking area, that there was ample parking based on his Planning Board experience. Brown stated that he was just checking the provision of the ordinance so as to have it on record. Chair Frey stated that all of the board members had driven by to see at different times for themselves the parking situation.

Abutters son Daniel Gurin said that he understands that his neighbors want to have a business and he would like to see them be successful but felt it was not appropriate to have it in a residential area. He stated that he was raised here and his primary concern was the traffic over the years and when he was a child could recall playing on the road and hanging out at the bottom on the pillars and he

APPROVED

now has a toddler and has concerns for children in the area along with the air quality. D. Gurin continued that there is also the noise factor associated with this also and thought that the zoning should be commercial not residential and that would be negative impact on people's property values. Chair Frey stated this was a home business in the residential district as per the Zoning Ordinance and is a permitted use.

Abutter Thain Allan stated that a business is an important one and to still keep in mind that this is a residential neighborhood. He said that his first practical concern was that there is more than ample parking on the Steinmetzs' lot and that's an absolute given and it appears to park more vehicles they would have to stack the cars one right after the other in their driveway, his concerns were that in between classes ending and beginning that there might be a need to park on the road. Allan stated that he saw this as a risk and felt that the town and/or the owners should be responsible because during the winter months Stocker Pond Road does get narrower and those cars on the street can become a safety hazard for all of Stocker Pond residents as well as the children. Allan said that he has shared concerns as well as others might with the property values.

Allan continued that in his property deed dating back before the zoning ordinance came into effect it specifically states that in the Stocker Pond subdivision no home businesses were to be allowed. Chair Frey asked if Stocker Pond had an association. Allan said yes. Chair Frey asked if there were bylaws and Allan stated yes. Chair Frey asked Allan if the bylaws said anything about a home business. Allan said that he was almost certain that there was nothing in the associations bylaws with regards to having a home business. Allan said the point is that there was a vision for Stocker Pond residents and felt it was important to think about that. At this time L. Steinmetz stated for the record they are not part of the Stocker Pond Association and there were other businesses on this road.

Abutter Cathleen Narowitz stated that she was very concerned about this home business and back in 1990-1991 there were only nine (9) homes on Stocker Pond Road and now can count 27 residents today. Narowitz said with the increase in population and more cars, mail deliveries etc. she has witnessed herself the congestion at the junction of Sanbourn Hill and Stocker Pond Roads when the school bus arrives. She continued that if this is approved, how many more applications will there be of this nature and then become a business district.

APPROVED

Chair Frey stated that a "Home Business" is to be totally within the home or garage and read a few articles from the zoning ordinance manual.

Abutter Nathaniel Gurin (father of Daniel Gurin) stated that he felt the sense of property values, privacy etc. were threatened. N. Gurin said that the Steinmetzs' were their neighbors and friends and had heard through the grapevine that if the business is a success they were planning on adding on an addition. Chair Frey said that would not be possible since a second structure on their lot would not be allowed.

Abutter Jan L. Bradeen stated that she agreed with C. Narowitz' statement and she had also been under the impression that "NO" businesses would be allowed on Stocker Pond Road as was in their deed as well, and she had put a lot into their property and did not want to see the property values go down.

Abutter Thain Allan stated that the difference between the other home businesses on the street is that they do not have customers coming and going from their residence, that they basically work out of their house and he has confirmed this. Allan said that in his opinion this business is not like the other businesses, referring to the Steinmetzs'. Allan stated the Steinmetzs' business is more like retail and depends on customers/clientele coming to their home and parking to be successful and as they grow. Allan's next question was as the business grows do they (the residents of Stocker Pond Road) have to come back to the Zoning Board and he felt this was really the beginning of a retail thing. Again Chair Frey stated that in the Zoning Ordinance this was allowed and gave different examples and said that if the Zoning Board gave approval for this and they go beyond what is allowed then there is a problem.

L. Steinmetz stated that she hears everybody's concerns and that they (Resident's of Stocker Pond Road) all have value to her and it is something they (she and her husband) have discussed. She agreed with Mr. Allan that in order to grow you have to have more clientele and the only problem with that theory is they don't have that clientele or the space, and when they do, they would be looking into the commercial district. L. Steinmetz said that once they have reached that four (4) to five (5) person maximum per class (including the instructor) that is when they would start looking for the commercial real estate, they would leave Stocker

APPROVED

Pond all together as far as the business is concerned and had never planned on putting another building on the property. L. Steinmetz said that their five year plan was to reach out to Rum Brook Plaza and have put in a building for them.

Abutter Cathleen Narowitz said she had concerns for the children getting on/off the buses in the morning and afternoon and J. Bradeen agreed that there is a lot of congestion with the families & siblings there to pick up the children. They both agreed that having the home business classes during these times could interfere with the traffic situation and safety of the children especially during the winter months. Chair Frey stated that he understood their concerns.

L. Steinmetz said to address this concern they would not be offering classes during these times and J. Steinmetz reiterated they would have the afternoon classes take place from 1:00p.m. – 2p.m. and again 4:00p.m. – 5:00p.m. Chair Frey said conditions would be put in place if approved.

Mansfield stated that a lot of valid concerns have been expressed with this application and the board members should be very specific about the requirements of the ordinance to be obeyed. He said as an example there should not be allowed anything outside i.e. pull up bars or more than three (3) cars other than their (Steinmetzs') cars. He said with the concerns of the abutters in mind.

Bostrom stated that it was true, valid concerns had been raised and echoed by other neighbors and agreed with Mansfield that limits/parameters should be clear.

Cummings stated that he also agreed with Mansfield and added classes should not have more than four (4) students per class and no parking on the road. Cummings continued that as for property value concerns he expressed he didn't see any concern because everything's inside (referring to the proposed home business).

Guillette agreed with Cummings as far as outside equipment goes and if he was able to vote this evening he would vote in their favor. He also expressed that the Steinmetzs' met all the criteria in the zoning ordinance.

APPROVED

Chair Frey stated that he understands the concerns of everybody and he also knows that there is the ordinance to go by for conforming to this home business and if conditions are added this will be acceptable. L. Steinmetz interrupted and said that she just wanted the board to know there are three (3) vehicles parked in the driveway, two (2) of them are their personal vehicles and that one is the State Trooper work vehicle. Mansfield said to the abutters that if all the special exception articles are met that the Zoning Board does not have any alternative but to go through with this application.

Brown stated that he was gathering information for conditions to help strike a balance that would allow the Steinmetzs' to accomplish what they are doing and to consistently apply the Ordinance criteria.

Chair Frey read from the Zoning Ordinance Manual Article XV: Zoning Board of Adjustment under conditions to be met #2 Special Exceptions, page 53. After reading all the articles the ***Zoning Board members agreed on the Special Exception Approval and further placed the following conditions with the application:***

1. No More than three (3) cars for patrons allowed per class in the driveway.
2. Patrons shall not park on Stocker Pond Road.
3. No operations during the school year at bus pick up/drop off times for students (6:00a.m. to 8:00a.m. and 3:00p.m. to 4:00p.m.).
4. No outdoor activities.
5. No activities after 7:30 p.m.
6. Operations limited to five (5) classes per day Monday through Friday and one class per day on Saturday.

James & Luran Steinmetz thanked the Board.

Other Business

Peter James, Split Rock Road; M/L 233-094-002

APPROVED

Town Signage

Peter James stated that he lived on Split Rock Road and has noticed for awhile now all the signs posted all over town. He said that he has been to the Planning Board and the Selectmen's meetings to ask what can be done about this and they have told him he needed to come to zoning with his questions. James said that several of these signs are in violation of the zoning ordinance, and from what he understands nobody wants to be "the Heavy" because with that comes hard feelings. Also some signage has been put up on properties without the land owner's permission as far as he understood. James continued that he felt there needs to be some kind of letter drafted or ordinance before this gets worse. He said that he lives in the village and driving through town all the for sale signs would seem to give people the impression that there must be something wrong with Grantham because everyone is selling their homes.

Chair Frey said that in the Zoning Board Ordinance there is an article on signs and proceeded to read aloud from the ordinance the explanation of signage that is allowed and not allowed. Frey asked James if he was the one who lived on the corner lot of Dunbar Hill Road and Route 10 South and he said no, and that he has never met the man. Frey stated there had been discussion on this topic at the last Selectmen's meeting on Sept. 24th and he did not know what happened since he was not present, but he did know that the grey Ledges sign he believed was "grandfathered" since it was there before 1990 when zoning came into effect. Frey continued that the sandwich board signs are legal and there was a petition warrant article for this which was passed at the Town Meeting a few years back to allow these, but according to the ordinance they should be taken down at night.

James said there are signs also over on Yankee Barn Road that are falling apart and what his concerns are is a lot of real estate signs. Frey agreed that there are a lot of signs posted and his opinion was that the town should be taking care of this unless there was a zoning issue. James felt something should be done about this with possibly changing the ordinance.

Selectman Constance (Connie) Jones stated that the property owner on the corner of Dunbar Hill Road came to the Selectmen's meeting on September 24, 2014 and told the board that he was going to write a letter to Gray Ledges asking them to take down their sign and also come in to the Town office to get the

APPROVED

addresses of the other people that have signs up on his property. Jones said that he was also in the process of selling his property and that he had every right to have the signs removed. Jones said that the Selectmen have in the past sent out letters to business owners asking them to take down their sandwich board signs in the evening and they complied for awhile and then went right back to leaving them up all night again as far as the directional signs that's another issue.

Conversation ensued with members and James as follows: Brown stated that if the zoning ordinance is being violated then you're committing a violation and the first step is to put people on notice, Jones said that has been done. Brown said that he wasn't speaking of the sandwich board signs, but the directional signs as well. Jones stated that she has been trying to find a State RSA on this issue and Brown said there is one. Bostrom asked Jones if the Selectmen were charged with enforcement and Jones said yes. James continued that there are so many signs around town that it makes it less desirable looking. Chair Frey stated that in March 2005 Article V; Signs was re-written into the zoning ordinance and proceeded to read some of the article. James thanked the Board for their time after the discussion ended.

Note: The proliferation of signs, legal and illegal is not a concern of the Zoning Board as the Zoning Board does not have the authority to enforce the Ordinance that is the province of the Town Administration.

Adjournment

Chair Frey asked if there were any further questions. There being none motion was made by Myron Cummings and seconded by Richard Mansfield to adjourn the meeting at 9:05 p.m.

Unanimously Approved

The next Zoning Board of Adjustment meeting will take place on October 23, 2014 at 7:00p.m. in the Jerry Whitney Memorial Conference Room.
Deadline to receive applications for this meeting is October 2, 2014.

Respectively Submitted,
Martha M. Norris
ZBA Clerk