

**APPROVED**

Town of Grantham, NH  
Zoning Board of Adjustment  
Minutes  
July 23, 2009

Chairman Conrad Frey called the ZBA meeting to order at 7:00 p.m. Thursday, July 23, 2009. 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.

PRESENT

Chairman Conrad Frey  
Richard Mansfield  
Tanya McIntire  
Margery Bostrom, Alt.  
Myron Cummings, Alt.  
Martha Menard, Clerk

ABSENT

Peter Gardiner  
John Clayton

Members of the public: Town Administrator, Becky Newton; T.J. Alexander; Christopher Bocash; Ernest Collier; Richard Kramer; Robert & Pat MacNeil; Selectmen, Warren Kimball; Andrew & Joann Purdy.

Frey stated that with members Gardiner and Clayton absent this evening that he would appoint Alternates Bostrom and Cummings as voting members.

Frey asked the Board members if they had reviewed the minutes from March 26, 2009 and were there any corrections, being none a motion was made by Margery Bostrom and seconded by Richard Mansfield.

*Approved by Unanimous Vote.*

**CORRESPONDENCE**

The Board received a letter from abutters Richard & Nancy Kramer concerning the Christopher Bocash application for an Auto Repair Shop on 1205 Route 114.

**NEW BUSINESS**

Ernest Collier / Owner / 1205 Route 114; Map 235 Lot 017  
Christopher Bocash / Applicant / Auto Repair & Inspection Station  
**Special Exception/Auto Repair Shop**

Frey stated he would give an introduction as to why this application was being heard this evening. Frey said that the need for a Special Exception was brought to light after he had received a letter from Department of Transportation in response to request for an Auto Inspection Station. This application included a checklist that had the question whether or not the applicant had met all the zoning requirements. Frey said after looking into this that Collier had been before the Planning Board with a Site Plan application for an Auto

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Service Station and had been approved October 2, 2008. Frey said somehow it was overlooked by the Planning Board to have final approval from Zoning on this matter because an Auto Service Station is a permitted use in the BLI District but only after meeting the criteria of a Special Exception.

Frey then asked C. Bocash how long he had been working at this location. Bocash stated that he had been open for approximately a month or so. Frey asked Bocash was he then in operation? Bocash stated not really, just doing work to get the business up and running, in other words doing work but not promoting his business. Frey then asked Bocash & Collier for their presentation.

Collier showed the Board members and members of the public the large drawing with photographs of the buildings and area. Collier also explained the history of the property with regards to the lighting, entranceway etc. Mansfield asked Collier the size of the original building and Collier stated 52 feet by 96 feet and the second building 52 feet by 80 feet including the attached storage shed.

Frey stated that the Board would continue on with further questioning and then allow members of the public/abutters to ask questions before the Board would make any decisions with regards to voting on this matter. Frey went on to remind everyone that this property is in the Business Light Industrial District, which went into effect on March 13, 1990 and read from the Zoning Ordinance the various permitted uses that do not require any Zoning review as well as those requiring a Special Exception review.

Frey asked Collier when the buildings were originally built. Collier stated he believed the first building was built in 2000 and the second was built in 2006. Frey asked Collier if the site was properly fitted for septic, well and parking. Collier said yes. Frey then asked Collier if anyone else was using the buildings. Collier stated yes and that he was renting some of the storage units. Collier then went on to explain to the Board some of the company's that he leases space to.

Frey asked Board members of any further questions. Cummings asked Bocash if he was going to be changing oil, where would he be putting the used oil. Bocash stated that he had 55-gallon drums inside the building and will have someone that comes and removes it from the property when full. Frey asked if that was regulated by the state? Bocash said not at this time, but the disposal is done through Safety Clean, which in turn is regulated by Federal State laws. Frey asked about the pollution concern that one would have with an auto service station is being taken care of. Bocash stated yes. Mansfield asked if transmission oils are also disposed of properly. Bocash stated that all types of oils/gasoline/diesels are combustibles and will be disposed of properly.

Frey went on to speak of Sign Ordinances. Collier stated that was one of the reasons they had waited, was to get approval from the Zoning Board before going back to Planning for the sign approval. Frey read from the Zoning Ordinance about permissible signs for the area in question and also the glare lighting ordinance. Frey then asked Collier what his plans were for lighting. Collier stated that the floodlights that are installed now he

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basically tries to point away from the road and have them directed toward the parking area. Mansfield asked how far was the building set back from the road. Collier stated he believed one of the buildings was 45 feet and the other building was 64 feet.

Frey asked Collier about security issues being a remote site where the property is located. Collier said that he has been very fortunate to have the local police patrol on his property from time to time and has encouraged Bocash to have his own private security system for his own individual unit. Collier went on to state that there use to be gates on the property that closed and since has had them removed.

Frey asked Bocash how many vehicles a day did he feel that he could handle that would be going in/out of the business. Bocash stated six (6) to eight (8) per day. Frey went on to discuss issues with noise and fumes/odors. Frey asked if there would be any sort of electrical impulses at the business that would interfere with area resident's televisions etc. Bocash stated no.

Collier said to the Board that he would like to apologize for not noting the difference between a service station and a repair station when originally putting in the application. Bostrom stated that she was wondering if the storage for the waste material was going to be above ground. Bocash said that all waste material would be stored in the 55gallon drums are sealed and have vent holes and will be stored inside on the cement floor until they are picked up. Collier brought to the Boards attention that they should be aware of the original Planning Board application restrictions that they were not allowed having any gas tanks in the ground.

Frey asked if there were any abutters and/or public that would like to speak. Richard Kramer stood up and introduced himself and explained to the Board that he had sent them a letter and went on to discuss with the Board his concerns. Kramer had voiced his opinion at other meetings with regards to the Collier property in the past. McIntire stated during the conversation that she understood what Kramer was talking about. Kramer mentioned to the Board that there have been a lot of trucks coming/going on the property in the last two years. Frey asked Collier what that was all about. Collier stated that he had rented storage space to this person at one time but is no longer doing so. Collier went on to say sometime back he had given a temporary easement to his neighbor, which was extended, that is why there are trucks coming and going on his property as Kramer mentioned. Mansfield asked if this person has applied for access off the highway to the State? Collier said that he believed that his neighbor was making arrangements to.

There was further discussion with Board members, abutters Kramer and Purdy, resident MacNeil and Collier with regards to Zoning Board of Adjustment regulations. Frey reminded the abutters they all were aware that they were moving into the Business Light Industrial District when they moved there. Cummings also reminded Mr. Kramer that he had knowingly moved into the BLI District, as did Robert MacNeil (from the floor). Frey asked Town Administrator Newton if she wanted to say anything. Newton stated that she only had a few questions with regards to State laws and asked Collier/Bocash if there were going to be or are there now any floor drains? Collier stated no. Newton then

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asked if they plan on having any un-registered vehicles on the property. Collier said no, but as far as people renting storage units and having any vehicles of such, being undercover is permissible, as long there are not two or more un-registered vehicles out in the open. Newton went on to ask if Collier was planning on having an expanded driveway permit because usually Department of Transportation requires it. Collier stated they actually have a permit, which is based on that. Newton said those were her questions and thanked the Board and Collier.

McIntire addressed Kramer with his immediate concerns with the de-valuation of his property and then the larger concern with the principles of a Special Exception within this particular area. McIntire said to Kramer that the Board would be addressing these concerns with conditions on this application. McIntire went on to say that she realizes the decision is not up to her but the entire Board. Frey stated that the Board does place conditions quite often.

Frey then asked Bocash how early in the day would the first person be coming in and dropping off a vehicle. Bocash said sometime the cars would be dropped off in the evening around 5p.m. occasionally a little later. Frey then asked Bocash if it would be feasible to have the time set at 7a.m. to 7p.m. and/or what would best work for him. Cummings asked if setting time limits would interfere with any other future uses for property owner Collier. Collier and Bocash were concerned about a tow truck dropping off damaged vehicles off hours, especially during winter when vehicles go off the road. Collier stated that if limiting hours are set that it could hamper Bocash's ability with this business. Frey said that Collier did have a point. Bocash stated that he doesn't have a tow truck at this time but occasionally a tow truck would be dropping off a vehicle.

Frey then asked the Board to go through the Special Exception criteria. After the Board discussed each question pertaining to this application it was **UNANIMOUSLY APPROVED** with the following conditions:

1. Sign ordinance must be followed.
2. Glare Lighting shall be followed per Article IV
3. Parking shall be followed per Article IV
4. Except for extenuating circumstances there will be no vehicles entering before 7am or after 9pm.
5. If removing any trees in the buffer zone they must be replaced as not to take away from the area.

After conditions were approved there was further discussion between Board members and Collier/Bocash. Frey stated that he would get the proper paperwork to the Town Administrator for her to sign that had been received from Department of Transportation regarding this application. Bocash/Collier thanked the Board for their time.

At this time Frey asked Board members and the public to take a break for a few minutes.

**NEW BUSINESS**

Robert MacNeil /Owner /Yankee Barn Road; Map226 Lot018 /Grantham Indoor

## **APPROVED**

Erin Darrow / Applicant / Darrow Civil Engineering, PLLC

### **Dimensional Variance / Road Setback**

Frey stated that the Board had an application from Grantham Indoor, applying for a Dimensional Variance for a road that would intrude on a frontal setback of the property. Darrow stated that the front road setback based on Article III: C:c(1) of the Zoning Board of Adjustment Ordinance is 35 feet from the road, but because of topography, they could only manage a fifteen foot setback unless they went into considerable expense for filling and shoring a roadway further east on the property. Darrow said that the new road would be built to Town specifications so the Town could take over the responsibility for maintaining the road. Darrow went on to say that over the past several years MacNeil has met and been working on this project with the Selectmen and the towns engineer, Peter Blakeman to design a way to make the road perform to town standards. Darrow showed the Board a detailed drawing of the changes that they wished to do if approved.

Mansfield asked if the 15feet was to the roadbed or the right a way? Darrow stated the right-of-way and that the actual length from the building to the roadbed is 25-27feet and that it is far enough away that it would still work. Frey stated that technically that is the front of the building. Darrow stated yes. Frey then asked Darrow if they have approval from the Town to take over this road if this is done deal as far as approval from the Town. MacNeil said that in his opinion that it is because he has pain stakingly gone through everything step by step. MacNeil stated that he would not build any road without the Town's authority.

There was further discussion to do with the original building of Grantham Indoor and the future of the road.

Frey asked about abutters and MacNeil stated only the highway (I89) on the east side and New Aldrich Road. MacNeil said that the road would not constrict anybody. Cummings asked about plowing and MacNeil stated that he has been plowing it for over 10 years now and believed Road Agent Newcomb is very capable of plowing when this becomes a town road. Frey asked if that was the end of questioning, and MacNeil said that the "pitch point" is that it's come down to remove part of the building if approval is not given.

There was more talk between MacNeil and Board members to do with past and present issues. MacNeil also stated that he would be responsible for the paving of the road as the property owner. Frey asked the Board to vote on the criteria for the Dimensional Variance. The Board voted on the dimensional variance for the rerouting of the road and it was **UNANIMOUSLY APPROVED with no conditions.**

Frey asked the Board if there was any further questions/discussion, there being none a motion was made by Richard Mansfield and seconded by Margery Bostrom to adjourn the meeting. **Approved by Unanimous Vote** to adjourn at 8:35 p.m. The next Zoning Board meeting will take place on August 27, 2009 if there are any applications.

*Respectfully Submitted,*

*Martha M. Menard*

*ZBA Clerk*

*July 24, 2009*