

**APPROVED**

TOWN OF GRANTHAM  
ZONING BOARD OF ADJUSTMENT MINUTES  
JULY 26, 2018

Chairman Conrad Frey called the meeting to order at 7:00p.m., July 26, 2018 in the Jerry Whitney Memorial Conference Room located at 300 Route 10 South.

Present: Zoning Board Chair Conrad Frey; Members Peter Guillette; Myron Cummings  
Selectmen's Representative Constance Jones and Clerk Martha Norris.

Absent: Members Tanya McIntire and Peter Gardiner.

Public: Joseph (Jeff) Figley.

**Approval of Minutes**

Chair Frey asked the board if there were any corrections or additions required of the minutes from June 26, 2018. There being none, Myron Cummings made motion to accept the minutes as written and second by Peter Guillette.

***Unanimously Approved***

**New Business**

Conceptual: Joseph (Jeff) Figley - ZBA Case # 2018-07 Application #01

Proposed Apartment in Barn - Dunbar Hill Road - Map 233 Lot 105

Chair Frey asked Figley to explain his ideas. Figley stated that in his barn which is currently his workshop for his cabinets and guitars that he makes, and an office. He said that he never finished the upstairs or added a bathroom. In recent years he has had inquiries about renting his farm for weddings, and agritourism. He said that agritourism is when people come to the farm and actually pay the property owner to work on the farm thus needing a place to stay. If he had weddings there, the wedding party would need a place to change and get ready for the wedding. Figley told the board that what he is asking for is to have an apartment/studio apt. in the space that would be for these events that would have a bathroom, bedroom and kitchenette in his barn.

Cummings asked what the size of the space would be. Figley stated that the building size is 30' x 70' and his office area upstairs takes up 24' x 24' square of that space and the rest of the upstairs would be 24' x 48'. Guillette asked if he would be putting in a studio type apartment and Figley stated yes. Figley continued that he would not want people staying in his home and this way people would stay in the apartment and have their privacy and the Figley's would have theirs.

Chair Frey stated that Figley's case is very similar to a case that was argued before the Supreme Court in 2014 when an owner of a tree farm (agricultural land use) wanted to have weddings on his property. The court ruled in favor of the Town of Henniker stating that weddings were not an agricultural use of the land. Frey continued that he had spoken to the town's lawyer who

**APPROVED**

**TOWN OF GRANTHAM  
ZONING BOARD OF ADJUSTMENT MINUTES  
JULY 26, 2018**

had represented the Town of Henniker and repeated weddings are not considered as an agricultural use. Figley asked if that was a state law and Frey said yes and next read aloud RSA 21:34 from the NH Planning and Land Use Regulations. Figley asked Frey if zoning for his property allowed for the apartment in his barn and Frey told him that only one dwelling per lot was allowed if not attached to the first dwelling. Frey told Figley that he would have to subdivide his land if he wished to have two dwellings. Frey stated the first steps would be to come back to zoning for a variance for his road frontage in order to sub divide his lot (since one lot would not have the 200 feet of frontage) and a special exception for a Bed & Breakfast first, and then if approved to seek approval to hold weddings on his property. He would require planning board approval for the subdivision of his land. Figley asked the board if they could give him some direction. Frey told Figley that he would need to get an idea of how he would split his lot and have the proper road frontage.

Frey said that if it was for zoning agritourism only that would be fine, but where he (Figley) wants to have weddings and possibly a caretaker later on as he gets older it would be a completely different use of the land. Figley stated that he never thought that doing any of this was not permissible.

At this time Clerk Norris asked Chair Frey if she could say something. Norris informed Figley that if he could attach an enclosed breezeway between the house and barn he then could have an apartment, but the distance is to great, so he could possibly subdivide. Frey said yes, he could subdivide since he has just over 5.3 acres. Figley asked Frey if this process would be amenable if he came back with such a request and Frey informed Figley if he came back to the zoning board he could "ask" for anything. Figley stated that he had gotten this far in the process never dreaming that all of this would not be permitted for a whole lot of reasons. Figley next stated that no one ever said anything, that you (meaning Norris never said anything), Allen Wilson (his surveyor) never said anything and when he gave Figley a whole new set of septic plans. Figley continued that he has neighbors on both sides of him that have detached apartments on their land and reiterated that he never dreamed that any of this would be an issue and now that he has spent over \$2000.00 for something that he cannot do unless given permission.

Norris interrupted and stated that when Figley came to the office that all she explained to him that if it was an older type septic system and he was adding any bedrooms he would need to check with Department of Environmental Services (DES) to see if he would need to have a new septic system installed. Norris stated that the first time Figley came into the office he never mentioned to her that he wanted to put an apartment in and when he came in the second time he mentioned to her that was what he wanted to do. Figley said when he came in the second

**APPROVED**

TOWN OF GRANTHAM  
ZONING BOARD OF ADJUSTMENT MINUTES  
JULY 26, 2018

time to get a building permit that he told Norris he wanted to put an apartment in his barn. Figley stated that this was his recollection and that he held no hard feelings.

At this time Frey repeated the next steps to Figley of getting a variance for the road frontage/setbacks and a special exception for weddings to be held there if he were to subdivide and then the final application would be to get a site plan to divide his land with planning board. Frey continued there would be fees that would have to be paid for such applications. Figley stated as far as his neighbors having apartments he now understands because one is grandfathered and the other property has a breezeway. Figley stated that he does know farms in the state that have weddings and asked Frey what was the difference. Frey said that those towns might have had provision for other than agricultural use on a farm, but Grantham's ordinance does not provide for such extraneous uses.

Figley asked if his cabinet shop was permitted being there in the barn and Frey stated yes because that was already there before zoning came into effect in 1990 so therefore it is grandfathered. Guillette agreed. Frey asked Figley if his barn were more than 10 feet from the side property line and Figley stated that it was about that. Frey told Figley to call him with any further questions. Guillette informed Figley that site plan applications for subdivision are usually approved as long as all the requirements are complete. Figley thanked the board for their time.

**Adjournment**

Chair Frey stated that there being no further business a motion was made by Cummings and second by Guillette to adjourn the meeting at 7:40p.m.

The next meeting of the Zoning board will take place on August 23, 2018 at 7:00p.m. in the Jerry Whitney Memorial Conference Room of the Grantham Town Hall.

Respectfully Submitted,  
Martha Norris, ZBA Clerk