

Zoning Board Of Adjustment
Unapproved Meeting Minutes
17 September 2025

Board present: Peter Remy, Nancy Ranson, Ernie Perham, John Harris, JJ Prior

Alternate: Susan Alejandro

Supporting Staff: Kaelyn Willette; Clerk

Public Present: Matthew Lilly, Justin Berger, Michelle Crouse, Anthony Conway, and others.

Minutes

6:50pm Mrs. Ranson moved to approve the minutes with correction being made to add where the property is located on River Road, Mr. Perham seconded the board unanimously agreed.

Chairman Remy opened the public hearing at 7:00pm and invited Matthew Lilly to discuss his special exception application. His property is located at 1024 Rt.12 Westmoreland NH (Map U2-Lot 7). Mr. Lilly began discussing his application, he was looking to have seasonal sign put in the front yard similar but not limited to the ice cream cone and changed out at his discretion. Mr. Perham noted that it could be a possible distraction alongside the highway. There was discussion about how fast people drive on route 12 already and nothing changed while having the cone up. Chairman Remy explained the 4 requirements for a special exception. Which are:

1. The specific site is an appropriate location for such use.
2. Such approval would not reduce the value of any property within the district, or otherwise be injurious, obnoxious or offensive to the neighborhood.
3. There will be no nuisance or hazard to vehicles or pedestrians.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Chairman Remy asked if anyone from the public would like to make any comments.

Mickey Russell asked who makes the decision about what is a sign and not a sign?

Chairman Remy said that there is an ordinance in the Town of Westmoreland Ordinance book explaining it. Mr. Russell also noted that the cone has not been impacted by the cone.

Forest Bell also asked why Mr. Lilly cannot have the sign. Chairman Remy said because it was not up to regulation and that is what we will be figuring out tonight.

Candance St. John: what's the difference is between Santa and the Ice cream cone, there has been no accidents where these are located.

Carlson Barrett commented that Mr. Lilly has checked with the state and is meeting the standards. He also discussed the speed issue Route 12 has.

The definition of a sign per state RSA 236:70 was read aloud. Chairman Remy asked those in attendance to the hearing if anyone had a problem or concern with the ice cream cone sign and no one did.

At 7:30pm the board went through the 4 requirements for a special exception. The board found:

1. The site is an appropriate location for the sign.
2. Such approval will not reduce the value of any property within the district, or otherwise be injurious, obnoxious or offensive to the neighborhood.
3. There will be no nuisance or hazard to vehicles or pedestrians.

Mr. Harris was concerned with the illumination being a distraction to drivers. There was discussion about possibly turning the light off at 6pm when it gets dark. There was concern that if there is an accident could the town be liable.

4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

There was continued discussion about the illumination of the ice cream cone sign. Mr. Prior views the cone not so much as a distraction but a possible thing to slow people down. It is only the ice cream cone that will be illuminated. Discussion of a possible condition being the illuminated ice cream cone only during summertime and illuminated half hour past sunset. Chairman Remy will ask the Town Council if the town is liable if there is an accident near the ice cream cone. If the Town Council does not think the town could be held responsible Mr. Lilly will be able to have it illuminated when he wants.

At 8:13pm Mr. Prior made the motion to approve the special exception of the signs at 1024 Route 12 Westmoreland NH (Map U2-Lot 7) provided that the illumination is only in the cone during daylight hours, that the business complies with all state DOT regulations and until the confirmation with town council that the town could not be found liable in the event of any type of accident resulting from the distraction caused from this sign due to approving this special exception, Mr. Perham seconded. The motion passed with 4 votes in favor and 1 abstained.

At 8:21pm Chairman Remy invited Anthony Conway of 88 Butterfield Hill Rd (Map R8- Lot 40) to discuss his application for a variance. Mr. Conway discussed why he is looking for a variance to put his barn 40' from the front yard setback instead of 50'. Chairman Remy asked Mr. Conway to go through the 5 requirements for a variance.

The existing barn is setback 29'. The new barn setback he would like it to be 40'. The change would be visually minimal. Granting the request would allow for the best use of the new structure and allow for the continued use of the existing barn. The new barn will be used for storage of art. Chairman Remy explained that there has to be something unique with the land itself to approve a variance. There was discussion about other ways that he could place the barn. After much discussion Mr. Conway decided to withdraw his request for the variance.

At 8:45pm Chairman Remy invited Michelle Crouse property located at 1017 Route 12-unit A5 (Map U2- Lot 3) to discuss her application for a change of use. Michelle Crouse, owner of Eller LLC, Eller Handmade & Eller Alterations, is looking to rent office space. I will use this space mainly for alterations, customers will come for fittings by appointment and there will be a small alcove space for clothing drop off and pick-ups. I have a limited number of clients. I am also making handmade fiber items (mainly kids clothing/bags) that I am looking to have displayed on a little shelf/clothing rack. I currently make only made to order clothing but am looking to build an inventory for display. Mrs. Crouse went through the 4 requirements for a special exception.

- 1) The specific site is an appropriate location for such use.
There has been a store there before, parking space for clients.
- 2) Such approval would not reduce the value of any property within the district, or otherwise be injurious, obnoxious or offensive to the neighborhood.
No, Eller LLC does alterations and handmade clothing/art.
- 3) There will be no nuisance or hazard to vehicles or pedestrians.
Limited number of clients per month, individual appointments.
- 4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
Yes, there is an alcove for customer drop- off and pick-up.

Property owner Jacob Freedman added that there is already hours for the site. The property already has set hours to keep and the Mr. Freedman who is the landlord will provide appropriate facilities and parking. Lisa Moddy asked about the noise. There will be no new noise compared to what is already there.

The board reviewed the 4 requirements. The board found that the:
Specific site is an appropriate location for such use. Such approval would not reduce the value of any property within the district, or otherwise be injurious, obnoxious or offensive to the neighborhood. There will be no nuisance or hazard to vehicles or pedestrians. There will be adequate and appropriate facilities will be provided for the proper operation of the proposed use.

8:58pm Mr. Harris made the motion to approve the special exception for Michelle Crouse at unit A5 1017 Route 12 for a change of use specified as an office, retail, alteration, sewing, customer pickup and fitting with 7 days a week and hours determined by the property owner, Mrs. Ranson seconded, the board unanimously agreed.

At 9:00pm Chairman Remy invited Justin Berger Co-Owner of Lulu's Brew to discuss his application for property 1017 Route 12 of a special exception for a mobile food truck in the Mill Brook Storage parking lot.

The food truck will meet all setback regulations and all state regulations. Lisa Moody asked where he is getting electric. There will be a power pole and meter added. Mr. Berger will refer to property owner for hours but is looking to be open 6am-2pm, 7 days a week. Appropriate

facilities will be added. They are looking to test septic if not then they will get porta potty and have it pumped.

Mr. Berger asked if the meeting could be continued to the next regular hearing. Mr. Prior moved to continue the hearing for October 15th at 6:30pm at the Westmoreland Town Hall, Mr. Perham seconded the board unanimously agreed.

9:13pm Mrs. Ranson moved to adjourn the meeting, Mr. Harris seconded the board unanimously agreed and the hearing concluded.