

# Westmoreland Zoning Board of Adjustment

## Unapproved Meeting Minutes

*17 May 2023*

### Board Members Present

Peter Remy, Nancy Ranson, Brian Merry, Ernie Perham, Alan Bell

### ZBA Support Staff Present

Laurie Burt, Zoning Administrator; Larry Muchmore, Building Inspector; Vicki Reeder, Interim Clerk

### Public Present

Ben Russell, applicant; Tammy Hatt, abutter; Jason Kats, applicant; Katie Sutherland, architect; Janice Muchmore, observer; John Snowdon, observer

### Minutes

At 7:00 p.m., Chairman Remy called the meeting to order. Members reviewed the meeting minutes from 8 March 2023, available on the Town Website. Mr. Merry asked about the status of Elizabeth Kenny's application. Mr. Remy provided details on the Planning Board's decision (please see their meeting minutes from 15 May 2023, available on the Town Website). Mr. Merry then moved to accept the minutes as written, with unanimous agreement.

Mr. Remy noted that the Zoning Board Rules of Procedure are in need of a review and indicated that he had begun his perusal. He asked the other Board members to do the same; the Clerk will download the document and send it to all members for their input. Once an update has been completed, the Rules will be submitted to the Town Attorney for review to ensure the legality of the adjustments.

Chairman Remy opened the Public Hearing at 7:30 p.m. and **Ben Russell's application** for a Special Exception to establish a home business was first on the docket. Mr. Russell described how his plans will adhere to each parameter of the Home Business ordinance (403.2):

- a. No additional mechanics will be employed to work at the business;
- b. The envisioned garage will house all materials and nothing will be outside or visible from an adjacent road or home;
- c. Parking will be inside the garage, with transportation available to customers if needed;
- d. Away from the property, there will be no indications of the business's existence such as noise, light, dust, fumes, or pollutants; and
- e. No signs will be posted at the outset but if the business becomes an authorized NH State Inspection Station, a 2x2 foot sign will have to be attached to the garage.

Mr. Perham inquired about hazardous material disposal plans. Mr. Russell noted that he is already working with Clean Harbors and Safety Clean; these companies are specialists in disposing of any recycling or hazardous materials that may be encountered in automobile repair. Mr. Bell asked if body work will be undertaken and Mr. Russell replied that he does not intend to perform this type of repair. Mr. Merry asked about the hours of operation (8:30 am to 4:30 pm, five days per week) and exterior lighting. Planned lighting will be limited to the area between the garages and the house to allow for safe foot traffic between the buildings. Lights will be downward focused and none will be pointed toward the road or other properties in the area. Mr. Bell inquired about the already-procured loaner cars and where they would be housed. Tammy

Hatt, abutter, asked for and received reassurance that neither the potential sign nor building lighting would be visible from the street.

Mr. Bell moved to grant Mr. Russell's application for a home business; Mr. Perham seconded the motion.

**The Board unanimously approved Mr. Russell's application.**

**Mr. Kats's application** for Special Exception to build an Accessory Dwelling Unit was then addressed with the Board. Mr. Kats noted that the garage was built on his parcel of land (R-11, Lot 1) in 2005. He then asked that his architect, Katie Sutherland of KCS Architects, present the material to the Hearing attendees. Ms. Sutherland displayed the highly detailed architectural drawings associated with the project and identified how all 11 conditions stipulated in Ordinance 407.2 were being met.

Mr. Merry asked if the ADU will have its own septic system. Ms. Sutherland showed attendees the architectural drawing depicting the layout and confirmed that a separate system was planned. Mr. Merry followed up by asking how many people would reside in the ADU. Mr. Kats noted that it was a one bedroom, one bath home and two occupants were envisioned.

Mr. Merry moved to grant Mr. Kats's application for an ADU; Ms. Ranson seconded the motion. **The Board unanimously approved Mr. Kats's application.**

The Public Hearing concluded at 7:53 p.m. and at 7:56 p.m., Ms. Ranson moved to adjourn with Mr. Merry's second. The Board unanimously agreed and the meeting was closed.