

DUNBARTON ZONING BOARD OF ADJUSTMENT Monday, July 11, 2022 7:00 p.m. – Town Office**MINUTES OF MEETING**

Chair John Trottier called the meeting to order at 7:00 p.m.

Attendance: Chair John Trottier, Secretary Alison Vallieres, Dan Dal Pra, Jim Soucy, and Alternates Derrick Labranche and Matthew Delude

Derrick Labranche was appointed as a Voting member in the absence John Herlihy.

Approval of previous meeting minutes: **Dan Dal Pra made a motion to approve the minutes of the June 13, 2022 meeting as written; Alison Vallieres seconded the motion. Jim Soucy abstained as he was not present at that meeting, all others in favor.**

Application #2022-ZBA-002, Karl & Jessica Bailey, 10 Samuels Court – (G3-01-12, Medium-Density Residential District) Request a special exception to Article 4, Section 1, Table of Uses, C. Commercial – to allow the use of an existing detached garage for storage of gutter materials and home office space. Matthew Delude recused himself from this matter as he has an interest as a neighbor.

Karl Bailey stated that they started their gutter business in 2011, building it from nothing to the successful small business it is today. They were in Hopkinton for seven years, until purchasing this house three years ago. He said they purchased the property because of the garage, assuming it was approved for business use since the previous owner had a business to repair/replace windshields/glass. Mr. Bailey said they use the building as a warehouse for the materials used in their business. He said they have three employees that arrive at 8:00am, two full-time and one three days a week; they leave between 3:00 and 4:00pm. They also have two office people who are there from 9:00am until 4:00pm every day. Mr. Bailey said there is ample parking in the driveway. He stated that they have a box truck and a couple of trailers that are used for the business, which is a family business and their sole source of income. He explained that they have two sons living there and working with them in the business. Mr. Bailey said they did not realize the property was not approved for business use and are here to correct the situation. He said some family lives there and others come to the site. There are no customers coming to the shop and no work is done there. Mr. Bailey said they load material every morning for that day's job. Trash is picked up by Pinard Waste, and waste materials are recycled at Schnitzer in Concord. John Trottier said he would like to see everything on the plan, the dumpster, second driveway, where scrap is stored, etc., representing everything that is on the parcel in totality. This would allow the members to get an entire overview. Derrick Labranche asked about the trailers mentioned. Mr. Bailey said they have two enclosed trailers that are 12' and 14'. The 14' trailer holds their gutter machine. He said they also have two flatbed trailers, but those are not technically for the business. John Trottier said the applicants' responses could be put more in a narrative. Dan Dal Pra suggested as in a business plan. Dan asked about deliveries. Mr. Bailey said they have a weekly delivery from their aluminum supplier and other supplies delivered every two weeks. Mr. Dal Pra asked what type of truck they have. Mr. Bailey said it is a box truck. Mrs. Bailey said their ABC delivery is by a flatbed with a forklift, and gutter covers are delivered once or twice a month. John Trottier noted that Samuels Court is a hammerhead, not a cul de sac.

Jim Soucy said it would be good to have all the information in writing. He spoke about an aerial view of the road that he printed, noting there are differences between that and the plan that was submitted. Mrs. Bailey said they have parking areas and a green carport that the former owner used for an RV. Mr. Soucy asked if

those coming to the property park to the left of the garage. Mrs. Bailey said there are three or four spaces in front of the garage and four or five to the left of the garage. Dan Dal Pra asked if there is any outdoor storage. Mr. Bailey said the material to be recycled is kept in an enclosed trailer to go to Schnitzer. Mrs. Bailey said she will take some pictures of the property. Mr. Bailey said they have a Ford Econoline van, similar to a U-Haul type truck, and it is parked down back when not in use. Mrs. Bailey said they have a pickup truck and trailer that is used daily.

Dan Dal Pra said property values are a concern mentioned in letters from abutters/neighbors, noting the potential of monetary impact on the value of adjacent properties. He said the board typically asks applicants to provide a letter from a real estate person to assess the concern. Alison Vallieres asked if there are covenants on the subdivision. Mr. Bailey said he was not sure; he would do some research.

The chair read a letter submitted by abutter Steve Alexakos (copy in file) and asked Donna to get a copy to the applicants. The chair read a letter submitted by abutter Evan Lange (copy in file) and asked Donna to get a copy to the applicants. Matt Delude stated that he has lived at the end of the street since 2013, and everyone you saw on the street was someone who lived there. He said the Baileys are great neighbors, very nice people, so he has no issue there and did have reservations about speaking on the matter, however, it does not fit the character of the neighborhood. Mr. Delude did agree that the business cannot really be seen from the road. He said RSA 674:33, IV states that a special exception must be in keeping with the purpose of the Zoning Ordinance, and this use is not in keeping with a residential neighborhood. He said commercial use applies no matter where they are providing services. Mr. Delude said he feels the aspect of this business has changed the feel of the neighborhood. Sean Baker-Cromwell of 99 Stinson Drive said he is concerned about the amount of traffic that is affiliated with the business and the safety of kids and animals on the road. Ashling LaMarque of 104 Stinson Drive said she echoes the letters read and what has been said by Mr. Delude and Mr. Baker-Cromwell. She said the police have been called for a speeder that turned out to be an employee of this business. Ms. Lamarque said she is concerned for the safety of kids on their bikes. She said she is not sure of employee vetting and background history of the people coming into the neighborhood for this business.

Dan Dal Pra asked what use the applicant is applying for. Donna said the code enforcement officer was viewing it as a commercial entity, but no particular category has been applied. The chair asked that the code enforcement officer make a determination of what category would apply to this business. He reviewed the list of items the applicants need to address; site plan showing topography, tree lines, second driveway, parking and dumpsters; check on subdivision covenants; assessment of impact of property values; and the code enforcement officer's determination of use. He explained the process to the public.

Jim Soucy made a motion to continue Application #2022-ZBA-002, Karl & Jessica Bailey, 10 Samuels Court – (G3-01-12, Medium-Density Residential District) Request a special exception to Article 4, Section 1, Table of Uses, C. Commercial – to allow the use of an existing detached garage for storage of gutter materials and home office space to the meeting of August 8, 2022 at 7:00pm. Dan Dal Pra seconded the motion. All were in favor. The applicants were asked to have all additional materials to Donna by the end of July, and if they cannot meet that timeframe, to request a continuation to the September meeting.

Adjournment: Having no further business, **Dan Dal Pra made a motion to adjourn the meeting at 8:08 p.m. Jim Soucy seconded the motion. All were in favor.**

Respectfully submitted,

Donna White, Office Administrator