

**TOWN OF CHESTERFIELD, NH
ZONING BOARD OF ADJUSTMENT**

**MINUTES
February 9, 2010**

Present: Chairman Burt Riendeau, Harriet Davenport, Renee Fales, John Perkowski, Andy Cay, Alternate Jim Larkin, Selectboard representative Cliff Emery and Code Enforcement Officer Chet Greenwood.

The Zoning Board of Adjustment met at the Chesterfield Town Office on February 9, 2010. Riendeau called the meeting to order at 7:30 pm. The following agenda items were discussed.

1. Elwin & Betty Higley request a Special Exception under Article 402.3 Home Occupation, to permit a woodstove sales and service business. The property is located at 11 Higley Rd, Chesterfield (Map 4B Lot A.28) Residential zone.

The Higleys advised they have a wood stove repair and rebuild business. They restore antiques and cook stoves. No new stoves are sold; only refurbished stoves. Higley advised he used to have Spofford Sharpening Home Business and sold that. He didn't realize he needed another Home Occupation permit.

The Board reviewed the application. There are no hazardous materials on the site. All stoves are stored within the garage. His busier time is September, October and November. They take appointments and might have 3 customers on a Saturday. Higley advised they advertise on Craig's list.

Riendeau stated this looks like it should be considered under Article 402.2 Home Business by definition. This does not require a permit from the Board; however, they can get one if they wanted to.

The Board asked what size sign the Higleys wanted. It was noted that the Home Business ordinance only allows for a 6 sq ft. Higley stated they would like a larger sign because that size would not be noticed driving down Route 9. She also stated they are located between 2 commercial uses. The Board recommended they get pictures of the surrounding businesses for their variance application.

The Board advised they should actually be looking for a Variance for the signage. Higley stated she was told they needed a Special Exception to get their sign. They advised they would come in with a Variance application. The Board waived the application fee for the variance.

2. Paul Saba requests a Variance from Article 203.5A, Front Setback, to permit the existing gas pumps be moved to a more conforming location, expanded and add a canopy. The property is located at 1474 Route 9, Spofford (Map 11A Lot B1) Residential zone.

Scott Oeschger, oil company representative, was present with Paul Saba. Oeschger advised they propose moving the existing tanks away from the front of the store toward the west. They propose having 4 gas pumps with a 36 x 48 ft canopy and 1 diesel pump. Presently there are 2 gas pumps and 1 diesel pump with 3-6,000 gallon tanks; one of which is compromised and shut down.

They propose 3 new tanks 11,000 and 4,000 gallon for gas and 10,000 gallon for diesel. Oeschger advised they have received NHDES approval for the project.

The existing dispensers are very close to the front of the store causing a safety issue with cars pulling into and away from the tanks and people entering and exiting the store.

Plans were reviewed showing the existing pumps and the proposed location. A survey shows that the existing pumps are on the front property line. Saba advised that the parking area is on the State's property. The proposed pumps would also be at the property line. Oeschger asked if the setback was from the center of Route 9; as this is where the dispensers sit. The Board advised that the setback is calculated from the property lines.

Riendeau asked about expanding the non-conforming use. It was noted that 25% expansion is allowed for a non-conforming use. The Board agreed that without calculations being made as to what is there and what is proposed they cannot determine if the expansion is beyond the 25%.

It was noted that this is a 20 acre lot. Saba stated the store is 10,000 sq ft. The land drops off toward the pond behind the building.

Riendeau asked at what point you go to have it rezoned to its actual use. He believes it has been expanded beyond its 25% over the years. He wants to see the numbers showing the percentage of increase.

Cay advised that the assessment card shows the store as 8,700 sq ft. He stated the entire lot should be on the plot plan to see what the limitations are.

Saba stated he cannot keep the pumps where they are now; it is dangerous. Riendeau stated that the calculations need to be done before the Board can make a decision. It was noted that the house is a residential use and the rest is non-conforming use. The non-conforming aspects would be the calculations needed. If they are increasing beyond the 25% they would need a variance. The submitted plan should have the existing sq ft with the expansion showing what the net increase would be. Oeschger asked if the parking pavement would be used in the calculations. Riendeau stated that the size of the tanks and cement pads should be used also.

Cay advised they should use the ordinance and might consider having an attorney represent them because it's not an easy case to make. Riendeau stated we need the calculations and a topographical map.

Cay moves to continue the meeting to March 2, 2010. Davenport seconded the motion, which carried unanimously.

3. Review December 8, 2009 Meeting Minutes.

Larkin moves to approve the December 8, 2009 meeting minutes. Fales seconded the motion, which carried.

4. Other

- The Board decided to meeting on the first Tuesday in March, March 2nd, due to the Town Meeting being held on the second Tuesday. The deadline for applications for this meeting will be February 11th.
- Riendeau advised he had received a letter from Goulet asking for his response to Goulet's original letter of October 26, 2009. Riendeau stated he had referred the letter to the Selectboard. Riendeau recently received another letter from Goulet looking for his response. Riendeau read his response to Goulet. The Selectboard had also responded to Goulet.

5. Adjournment: The Board adjourned at 9:20 pm.

Respectfully submitted,

Carol Ross
Secretary

Approved:

Burt Riendeau
Chairman, Zoning Board of Adjustment

Date:_____