

Town of Salisbury

Zoning Board of Adjustment

Zoning Board of Adjustment Meeting Summary

October 8, 2020

Arthur Garvin	Chairperson	Present
Michael Stromsnes	ZBA-Vice Chairperson	Absent
Tricia Thompson	ZBA Member	Present
David Merwin	ZBA Member	Present
David Kelley	ZBA Member	Absent
Loretta Razin	ZBA-Alternate	Present
Vacant	ZBA-Alternate	
Vacant	ZBA-Alternate	
Vacant	ZBA-Alternate	
Vacant	ZBA-Alternate	
Katherine Wilson	ZBA – Recording Secretary	Absent

Visitors: Jennifer (a.k.a. O'Brien) and Thomas Thibeault.

Arthur Garvin opened the meeting at 7:00 p.m. and appointed Loretta Razin a voting member.

Use Variance Public Hearing – Jennifer O'Brien, 618 Kearsarge Mountain Road, in order to operate an Auto Repair & Inspection Facility in the Agricultural Zone (Tax Map 208,

Lot 3) – Zoning Assistant (ZA) Rollins took a roll call. Chair Garvin swore-in Tom Thibeault. Chair Garvin asked Mr. Thibeault to provide an explanation of the proposed operation. Mr. Thibeault stated the shop would be located within a garage made up of three (3) existing bays. Mr. Thibeault testified that he has been a Mechanic his whole life and has decided to go out on his own. Mr. Thibeault noted the daily operations will not be 30-40 vehicles per day, he currently contracts with J&B Landscaping to work on their vehicles as well as a few others. Mr. Thibeault noted that there are two other inspection stations nearby but one of them will be going out of business soon. Mr. Thibeault stated you can not see his home from the road or his neighbor's house. Chair Garvin asked if there were any other out buildings on the property. Mr. Thibeault replied just the garage which was two (2) bays but he added another one and it was being used for his personal use only because he has a lot of "toys". Dave Merwin asked if the driveway was shared with the neighbor and how close the neighbor's house was to his? Mr. Thibeault replied he can not see the neighbor's house and he maintains the driveway year round (grades & plows). Tricia Thompson asked if they informed the neighbors of the proposed operation. Mr. Thibeault stated no because they do not really get along. Tricia asked if there was a plan for the vehicle waste. Mr. Thibeault replied he has a fifty-five (55) gallon drum for the oil which gets pumped out and reused and the anti-freeze gets picked up by another person every six (6) months. Chair Garvin stated there is a communication from the Packards expressing concern in regards to the width of the driveway for business purposes. Tricia asked if there was an agreement to maintain

the driveway. Mr. Thibeault replied it is supposed to be a split of the responsibilities but he just takes care of it.

Chair Garvin opened the public hearing at 7:09 p.m. and with no public being present the public hearing was immediately closed. Chair Garvin stated he has researched to the best of his ability, the issue of having two principle uses on one single-family property and his belief is that the issue is resolved by the local municipal body but is not addressed in our Town's zoning ordinance. Chair Garvin stated as a matter of law we need to look at the municipal land law RSA 674:33, which was read aloud. Chair Garvin informed the Thibeaults that the Zoning Board is a quasi-judicial board and is not like the Planning Board. Chair Garvin asked how they felt their application justifies approval particularly with regard to unnecessary hardship. Chair Garvin read the definition of the Agricultural District from the Zoning Ordinance. Tricia Thompson asked if they had considered buying a smaller lot in Town that would be located in the Retail Village District/Overlay? Mr. Thibeault replied yes but this proposal would save him some overhead. Tricia Thompson applauded Mr. Thibeault on what he is trying to accomplish but the board has to rule based on the law. Mr. Thibeault left the meeting. Chair Garvin entertained a motion. Mrs. Thibeault stated this proposal is also for her children who are learning the trade and she feels it would be hardship to not approve it.

Tricia Thompson made a **motion** to deny the Thibeault's Use Variance Application to operate an Auto Inspection & Repair Station/Facility at 618 Kearsarge Mountain Road. Dave Merwin **seconded** the motion and the **motion passed unanimously**.

Review & Approve meeting minutes of March 12, 2020 – Tricia Thompson made a **motion** to approve the draft minutes of March 12, 2020 without corrections. Dave Merwin **seconded** the motion and the **motion passed unanimously**.

Other Business – None at this time.

ADJOURNMENT

Tricia Thompson made a **motion** to adjourn the meeting at 7:34 p.m. Loretta Razin **seconded** the motion and the **motion passed unanimously**.

Respectfully submitted by,
April Rollins, Zoning Assistant