

**APPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
June 23, 2020**

Present: Mark Wright, Chairman. Mike DiPietro, Vice-Chairman, Stephen Carroll, Kevin Stuart & Dennis Vieira, Members of the Board. Shawn Matte, Alternate. Minutes recorded and prepared by Denise Royce.

Also, Present: Carrie Rouleau-Cote, Building Inspector/Code Enforcement Officer. William Herman, Town Administrator.

Absent: Dale Phillips, Alternate.

Mr. Wright called the meeting to order at 7:02 p.m.

Mr. Wright began by reading the Meeting Preamble During COVID-19 Emergency which is as follows:

MEETING PREAMBLE DURING COVID-19 EMERGENCY

Good Evening, as Chairman of the Zoning Board of Adjustment, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19 and is reinforced by Emergency Order #16 issued by the Governor on March 23rd. In concurring with their determination, I also find that this meeting is imperative to the continued operation of Town government and services, which are vital to public safety and confidence during this emergency.

Governor Sununu issued Emergency Order #12 on March 23rd which provides local government boards the ability to conduct business using technology to hold remote meetings and not provide a public place of meeting but provide for the public's ability to listen to the meeting. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote as required by RSA 91-A:2, III (e).

Let's start the meeting by taking a Roll Call attendance. When each member is called please state your name, and also please state whether you are physically attending the meeting or are remotely attending the meeting. If you are remotely in attendance, is there is anyone in the room with you during this meeting, which is required under the Right-to-Know law (RSA 91-A:2, III (c)).

Mr. Wright moved on to the roll call of attendees and began with the Board members as follows:

Mr. Wright introduced himself as Chairman of the Zoning Board of Adjustment and indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Wright moved on to call on Mr. Michael DiPietro. Mr. DiPietro indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Wright called on Mr. Stephen Carroll. Mr. Carroll indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Wright called on Mr. Kevin Stuart. Mr. Stuart indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Wright called on Mr. Dennis Vieira. Mr. Vieira indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Wright called on Mr. Shawn Matte. Mr. Matte indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mrs. Phillips was not available.

Mr. Wright called on Mrs. Carrie Rouleau-Cote. Mrs. Rouleau-Cote stated that she was at Town Hall with Ms. Denise Royce and that she consented to this meeting being recorded.

Mr. Wright called on Ms. Denise Royce. Ms. Royce indicated that she was with Mrs. Rouleau-Cote at Town Hall and consented to this meeting being recorded.

Mr. Wright went on to say that, this is was the third time conducting the meeting via teleconference and thanked everyone for their patience during this difficult time. Mr. Wright moved on to the applicant, Wayne Ingersoll to see if he was present for the teleconference. Mr. Ingersoll indicated that he was present and that he was by himself and that he consented to this meeting being recorded.

Mr. Wright moved on to abutters and asked if they would state their name and whether or not they consent to be recorded. Mrs. Tammy Murray of 491 Hooksett Road was in a car by herself and she consented to be recorded.

Mr. Wright asked if there was anyone else present. Mr. Bill Herman, Town Administrator for the Town of Auburn stated that, he was at home by himself and that he consented to be recorded.

Mr. Wright asked if there was anyone else that would like to announce themselves. None were noted.

Mr. Wright explained that, they would proceed forward by having Ms. Royce read the case into the minutes for the record. Mr. Wright went on to say that, after the case is read into the minutes that he would ask the applicant to present his case. Mr. Wright explained the procedure to Mr. Ingersoll and directed him to start on page #2 for the request for Special Exception. After he presents his case, he will give abutters an opportunity to ask questions or make comments. Mr. Wright went on to say that, he would then move on to the Board members seeking their questions or comments. Mr. Wright also explained that, if the Board does enter into deliberation then everyone can hear what the Board is discussing but cannot ask questions at this time. Mr. Wright went on to explain that, there are alternates on the Board and they may ask questions and participate in the discussion but when it comes time to vote, only the members would be allowed to vote on the application.

Mr. Wright moved on to get right into the case before the Board tonight and asked Ms. Royce to read the first case which was Case #20-08. Ms. Royce read the first case into the minutes for the record.

Case #20-08
Wayne & Adrienne Ingersoll
488 Hooksett Road, Tax Map 9, Lot 19
Zoned Residential One

Applicant is requesting a Special Exception to allow a Home Shop – Auto Mechanic Tradesperson to be conducted within the attached garage to a single-family home in a Residential One zone. Article 4, Section 4.06(3)(b).

Mr. Wright asked Mr. Ingersoll to read his case into the minutes for the record. Mr. Ingersoll began by saying that primarily what he is proposing to do is to run a home shop for motorcycle repair with some auto repair. It would be by appointment only and all work would be done inside the garage. At this time, Mr. Ingersoll read his application into the minutes for the record. Mr. Ingersoll explained that, he lives in the neighborhood and would not want to change the character of the neighborhood. Mr. Ingersoll went on to say that, this has been something that he has always wanted to go and this Covid 19 Virus did cost him his job and therefore this would be a good time to start doing this to obtain some income.

Mr. Wright asked Mrs. Tammy Murray if she had any questions or comments as an abutter to this case. Mrs. Murray indicated that, she and her husband Eric do not have any problem with what Mr. Ingersoll is proposing and they are okay with it. Mr. Wright thanked Mrs. Murray for her input.

Mr. Wright had a few questions for the applicant but before he did that, asked Mrs. Rouleau-Cote if she had any comments or input on this case. Mrs. Rouleau-Cote stated that her only comment would be that, any condition of approval that the Board would have as the applicant stated, that the work would be done within the confines of the attached garage so that it meets the spirit and intent of the Home Shop which is to keep it within the existing garage. Mrs. Rouleau-Cote went on to mention that, if the applicant wanted to obtain signage that, it would have to comply with the Town of Auburn's Zoning requirements or anything beyond that, that he would have to go back before the Zoning Board. Mr. Wright asked Mrs. Rouleau-Cote if she would recommend a site plan review through the Planning Board. Mrs. Rouleau-Cote believed that the scope of this seems small enough or less intense and if he is truly doing by appointment only that she did not believe that it needed a site plan review as she did not believe there would be a parking issue or a storage issue. Mrs. Rouleau-Cote was under the impression that, one car would be pulled into the garage and once it was complete that it would be pulled out and another one would come in. Mrs. Rouleau-Cote did not believe there was any sales of vehicles and that all work would be done within the confines of his garage.

Mr. Carroll had a question and wanted to ask the applicant if the repairs would be done within the garage or would it be done within the open barn area. Mr. Ingersoll stated that all the work would be done within the garage. Mr. Carroll indicated that he was looking at the photos presented to the Board. Mr. Ingersoll pointed out that it was just a shed that he keeps his lawnmowers and stuff in. Mr. Carroll asked if he had any plans to put on a

bigger garage. Mr. Ingersoll said, right now no as he could not afford it at this time and #2, if it moved up to requiring something like that, that he would move to a different location because this is his residence and would not want to do that to his neighbors or himself as they have to live there. Mr. Carroll thanked the applicant for his response.

Mr. Wright asked Mr. Ingersoll if there would be sales of vehicles where he would have cars for sale in front. Mr. Ingersoll stated that, he does sell an occasional car for himself as it's just his wife and himself and they have four (4) vehicles and that he is a car collector. Mr. Ingersoll added that, when he does sell one of his own cars that he does not put them in front to sell as he has other ways to sell them. Mr. Wright wanted to clarify that, he would not have vehicles or motorcycles outside in front for sale with for sale signs. Mr. Ingersoll commented "absolutely not." Mrs. Rouleau-Cote wanted to ask the applicant that, it was not his intention to obtain a dealer license correct. Mr. Ingersoll stated that, that was correct. Mr. Wright asked if there would be any unregistered vehicles. Mr. Ingersoll said no unless it was one of his own personal vehicles. Mr. Wright understood and added that, they could only have one or two unregistered vehicles correct. Mrs. Rouleau-Cote said correct that you are allowed up to two (2) unregistered vehicles on a property. Mr. Wright had one more question and asked, how the vehicles would be delivered and then picked up and what the timeframe would be that, that would occur. Mr. Ingersoll commented that, currently he has family and friends that drop them off and then they pick them up. Mr. Ingersoll did mention that, there has been an occasion where, his vehicle included gets dropped off by a tow truck because the car just would not run. A brief discussion ensued with vehicles staying for any length of time. Mr. Ingersoll commented that, it might be a day or two (2) waiting for a part but mostly they are driven in and then driven out.

Mr. Wright asked Mr. DiPietro if he had any questions. Mr. DiPietro indicated that, he did not have any questions.

Mr. Wright asked Mr. Stuart if he had any questions. Mr. Stuart asked the applicant if he would be doing any small engine repair going on. Mr. Ingersoll stated that, he does work on an occasional tractor to pay the mortgage but again everything would be done inside the garage. Mr. Stuart asked about lawnmowers and snowblowers. Mr. Ingersoll stated that, it's no more than 3 a year and mostly to help out a family member and all work would be done inside the garage.

Mr. Wright asked Mr. Carroll if he had any questions. Mr. Carroll asked the applicant about disposal of hazardous waste and removal of hazardous waste. Mr. Ingersoll responded by saying that, with regard to oil changes which was his biggest problem that he has three (3) places that he can take his recycled oil and that he has three (3) five (5) gallon containers and when they get full he takes them to a dealership in the area and that there is a company almost directly across from the transfer station that is an automotive shop that uses it for heating purposes. Mr. Carroll asked about storing five (5) gallon drums and asked about fire safety that would protect the rest of the house. Mr. Ingersoll stated that, his house was built to code and that the garage has a sheetrock barrier between the house and the garage and that he has fire extinguishers in the garage.

Mr. Ingersoll mentioned that, with regard to new cases of oil that, he usually does not carry more than a case or two (2) of oil at a time. Mr. Carroll asked about sinks for washing parts. Mr. Ingersoll commented that, he does currently have a parts washer that has mineral spirits in it and that he can take it to the same places as the waste oil. Mr. Carroll thanked Mr. Ingersoll and moved on to ask Mrs. Rouleau-Cote about what kinds of safety precautions are needed for this type of business. Mrs. Rouleau-Cote stated that, he believes the applicant had stated that he has fire extinguishers and that he did imply that he had the proper fire separation in the garage between the garage and the house where it is sheet rocked. Mrs. Rouleau-Cote pointed out that, typically when they do inspections of business of this type that they take into account the quantity of materials to determine the fire risk or fire safety aspects. Mrs. Rouleau-Cote did not believe that there was a large quantity here. Mrs. Rouleau-Cote also talked about Mr. Ingersoll possibly having such things as Speedy Dry and that there were no open floor drains that could lead to the water table. Mrs. Rouleau-Cote did not believe that it was large enough to require an environmental review of this property. Mrs. Rouleau-Cote also pointed out that, this house was a ranch style home with an attached garage so fire separation would be the adjoining wall and that there is no second floor living space so they don't have to worry about that but if there were living space above the garage then they would have to look into fire separation on the ceiling and on the walls. Mr. Carroll thanked Mrs. Rouleau-Cote for her comment and explanation. Mr. Ingersoll commented that, with regard to oil that he does have Speedy Dry and that he also has absorbent mats so if there is an oil spill that he does have ways to get it done. Mr. Carroll did not have any further questions.

Mr. Wright asked Mr. Vieira if he had any questions. Mr. Vieira asked about disposal of anti-freeze. Mr. Ingersoll stated that, there is a dealership that he uses, and they take anti-freeze and they recycle it onsite. Mr. Ingersoll also pointed out that, not a lot of bikes use anti-freeze and if they do there is very little of it. Mr. Vieira stated that he had no further questions.

Mr. Wright asked Mr. Matte if he had any questions. Mr. Matte stated that he did not have any further questions.

Mr. Wright pointed out that, this concluded the initial questions from the Zoning Board and stated that, he would entertain a motion and did not believe there was a need to go into deliberation so he would entertain a motion to enter deliberation or a motion to vote on the case.

Mr. Vieira made a motion to vote on the application as presented tonight to allow a Home Shop – Auto Mechanic Tradesperson to be conducted within the attached garage within a single-family home for Case #20-08, 488 Hooksett Road, Tax Map 9, Lot 19. Seconded by Mr. DiPietro.

Mr. Wright stated that a motion has been made and seconded and that Mr. Wright, Chairman will call for a roll call vote.

Mr. Vieira voted to Grant finding all four (4) factors have been met; Mr. Carroll voted to Deny believing all four (4) factors have NOT been met; Mr. Stuart voted to Grant finding all four (4) factors have been met; Mr. DiPietro voted to Grant as he feels all four (4) factors have been met; and, Mr. Wright also voted to Grant finding all four (4) factors have been met. A vote was taken and, the motion passed by a vote of four (4) in favor and one vote to Deny.

Mr. Wright informed Mr. Ingersoll that the Special Exception has been granted and that there is a 30-day appeal period whereby abutters or interested parties could appeal the ZBA decision. Mr. Wright thanked everyone for their patience this evening while handling this meeting remotely. Mr. Wright further added that, the Board still needed to take care of a few housekeeping items and that the case was over and that they were free to stay on the line as the Board would be taking up last month's meeting minutes. Mr. Ingersoll also wanted to thank the Board members for their time and consideration this evening. Mr. Wright commented, you're welcome and also wanted to thank the abutter for her input and comments. Mrs. Murray also thanked Mr. Wright and the discussion ended.

Minutes

Mr. Wright asked to take up the minutes of May 26, 2020.

Mr. Vieira made a motion to accept the minutes of May 26, 2020 as written, seconded by Mr. DiPietro.

Mr. Wright conducted a roll call vote for the meeting minutes of May 26, 2020 to approve the minutes.

Mr. Matte voted to approve the minutes, Mr. Vieira voted to approve the minutes, Mr. Carroll voted to approve the minutes, Mr. Stuart voted to approve the minutes, Mr. DiPietro voted to approve the minutes, and, Mr. Wright also voted to approve the minutes. A vote was taken and, all were in favor and the motion passed.

Other Business

Mr. Wright asked Ms. Royce if the Board would be having July off and Ms. Royce informed the Board members that they will have the month of July free from meetings. With that said, the next meeting of the Zoning Board of Adjustment would be held on August 25th. Mr. Wright asked Ms. Royce if there were any potential cases coming up within the next month or two. Ms. Royce indicated that she did not foresee any ZBA cases in the works and stated that possibly Mrs. Rouleau-Cote may have come across something. Mrs. Rouleau-Cote stated that, she has had some discussions with people for a potential Accessory Dwelling Unit, but nothing has come in yet and the deadline would be August

3rd for the August hearing. Mrs. Rouleau-Cote also pointed out that, the Planning Board has not held any meeting since March.

Mr. Wright asked Mr. Herman that, as we start thing about August if we were still under the Governor's Emergency Order and since the state has been relaxing the stay at home order was there any sense that we should be thinking about meeting in person in August or will it still be up to the discretion of the Board Chair and members of the Board. Mr. Herman stated that, the State of Emergency is still in effect, Statute allows the Governor to do that for 21-day periods and he can renew it as many times as he feels is appropriate. When he lifted the stay at home order, he had said at that time that, he expected the State of Emergency to be likely to last through the summer and into the fall. Mr. Herman believed that the Board would be good to hold a remote meeting in August and maybe even September. A brief discussion ensued regarding the Emergency Order. Mr. Wright commented that, he was inclined to do this remotely and understood that Mr. Herman has provided the Board with an option for Zoom and if something controversial comes up that possibly the Board would consider Zoom but am inclined to continue to use this.

With that said, Mr. Wright commented that, he had nothing further to add and asked the Board members if they had anything to add and if not, he would entertain a motion to adjourn.

Adjourn

Mr. Vieira made a motion to adjourn, seconded by Mr. Carroll.

Mr. Matte voted to adjourn, Mr. Vieira voted to adjourn, Mr. Carroll voted to adjourn, Mr. Stuart voted to adjourn, Mr. DiPietro voted to adjourn, and, Mr. Wright also voted to adjourn. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 7.53 p.m.

Mr. Wright again thanked Ms. Royce and Mrs. Rouleau-Cote for putting this all together and being there to support the Board in making this process smoother. At this time, the meeting ended.

The Zoning Board of Adjustment will not be holding a meeting during the month of July and the next scheduled meeting would be for August 25, 2020 at 7:00 pm. Due to Governor Sununu's Emergency Order #12 on March 23rd, all meetings will be held via teleconference until further notice.