

Draft

Zoning Board of Adjustment

January 30, 2006

Members Present: Tom Vannatta (Chair), Betsy Soper (Vice-Chair), Katheryn Holmes, Tanya McIntire, Alex Azodi (Alternate), Bill Cluff (Alternate) and Helen Wright (Alternate)

Mr. Vannatta called the meeting to order at 7:15 p.m.

Old Business: ballot deadline Friday Feb 3.
April 1, 2006 Zoning and Planning Seminar

Chairman Vannatta appoints Mr. Cluff voting member.

Notice was read as follows:

Notice is hereby given that the Newbury Zoning Board of Adjustment will conduct a public hearing on the following proposal on Monday, January 30, 2006 at the Town Office Building at 937 Route 103 in Newbury, NH:

At 7:15 p.m., Steven and Ruth Fleming, for property located at 229 Old Post Road, Newbury, NH will seek a Special Exception as provided in Paragraph 5.4.3 of the Newbury Zoning Ordinance to permit the following: convert an existing barn into a church function hall. Newbury Tax Map 032-271-352.

Copies of the application are available for review at the Newbury Town Office building.

TV explains procedure:

1. present case
2. question period
3. public comment
4. close
5. Deliberate
6. vote

Ruth Fleming presents her request for a Special Exception to convert her barn, Residential District into a Church/Function Hall. She has a septic design that allows for 25 people at any gathering involving food, and/or 100 people at a gathering with out food. Mrs. Fleming shows she has 20 Parking spaces and has provided for handicapped and elderly parking, and she says she will be building a wheelchair ramp and an upstairs exit. Her thought is that she would not want more then 60 people at any given time on her property. The capacity of the barn

was yet to be determined by the fire chief. Mrs. Fleming would like to use the Barn for other small gathering and possibly an after school program if there is interest. Mrs. Fleming states that if the church exceeds 60 they would need to go else where.

The board members ask for clarification on the septic capacity difference and the capacity numbers.

Mrs. Soper points out article 5.5.3 that church is an acceptable use in the residential District.

Mrs. Wright questions the Function Hall and determines this is a business in the Residential District.

Mr. Azodi points out Article 16.6.4.5 and 16.6.4.8 that the Board is allowed to place restriction on times of operation etc.

Mrs. Fleming explains to the Board that the septic code refers to a Church as a Function Hall, and that she used both words in her application to be consistant in terminology.

The meeting is opened to public comment.

Wayne Wilford, Colburn Farm Rd is concerned about noise and increased use.

Brad Sherman stated his concern about traffic on the Old Post Rd, and questioned how do we stop it from getting out of hand?

Bob Berhan opposed to a Function Hall

Gene Gruning, Questioned about a Church or a Function Hall, and when does it become a business, He wanted to know if they were doing all for free, and was not happy with the idea of a Function Hall.

John XXXXX Explained the new Septic System was designed to accommodate a "Function Hall" was a small commercial system. 25 with food, 100 without.

Mrs. Fleming reiterated that the building square footage would only allow for approximately 60 maximum, and that she didn't want more then that, and that her parking was only for twenty cars.

Mrs. McIntire: suggest that Mrs. Fleming drop the request for a function hall and just ask for the church, if after the church leaves she wants a commercial Function Hall she would need to come back and make application for that usage.

The Board discussed and agreed that the wording in the Codes pertained to building usage and the wording in the Newbury Zoning Ordinance pertained to Residential or Commercial building usage, and therefore was non transferable.

Mr. Azodi asked about time of operation.

Currently, Church times are Sunday 10-1 and Tues 7-9. There is a possibility for an after school program.

The Board closes public input and goes to Deliberation.

The Board agrees that Traffic on the Old Post Rd is a concern, and that it needs to be addressed, however for this proposal the additional traffic is only at specific times.

Mr. Cluff: Wants a clarification between Church and Function Hall.

Ms. Holmes: Wants a condition stating this is not a commercial endeavor, and she suggest the board limits times and number of meetings.

Ms. Soper: States that Ruth is doing the community a service by allowing the church to use her barn, and that the Special Exception should be limited to Church and related functions.

Mrs. McIntire: Agrees with Ms. Soper and thinks here wording is good and address the concerns.

Ms. Soper makes a motion to vote on the Special Exception to allow Mrs. Flemming to use her barn for a Church assembly and the related activities.

Ms. Holmes proposes an amendment to the motion. The use will not be commercial.

Ms. Soper makes an amended motion to vote on the Special Exception for Mrs. Flemming to convert her barn so that it can be used as a church and non-commercial related activities.

Mrs. McIntire seconds the motion.

The board votes as Follows:

Mr.Cluff; grant; Ms. Holmes, grant; Ms. Soper, grant; Mrs. McIntire, grant; Mr. Vannatta, grant.

8:00 the notice is read as follows:

Notice is hereby given that the Newbury Zoning Board of Adjustment will conduct a public hearing on the following proposal on Monday, December 19, 2005 at the Town Office Building at 937 Route 103 in Newbury, NH:

At 8:15 p.m., Sarah Bullis, property located at 159 Cheney Road, Newbury, NH will seek a Variance as provided in 5.12.4 of the Newbury Zoning Ordinance to permit the following: to waive the density requirement for a proposed 2 lot subdivision. Newbury Tax Map 042-287-426.

Copies of the application are available for review at the Newbury Town Office building.

Mr. Vannatta explained that this hearing was continued from December 19, 2005 and explained the procedure as follows:

1. present case
2. question period
3. public comment
4. close
5. Deliberate
6. vote

David Eckman from Eckman engineers begins his presentation. The Bullis' own an 11.7 acre parcel they propose to divide into two lot of over 5 acres each. Due to wetland and steep slopes that do not meet the 2 acre contiguous acre requirement for each new lot.

He reads from the application (Please see file).

Ms. Holmes asks where Ring Brook flows? Ring Brook flows into Lake Todd.

Mrs. Bullis points out there are culverts that drain onto her land.

Mr. Eckman explains there is a special condition on this parcel because a thousand feet of stream flows through it. Thus the 75ft. setback requirement reduced the buildable area.

There was a question about driveway access. Mr. Eckman explained he thought there was plenty of room; that the scale on our maps was one to 100, so the driveway area looked small.

Mrs. McIntire asked if they had thought of any other options then subdivision. Mr. Eckman says there is no other method then subdivision.

The Bullis' explain they desire to sell one lot to help defray the cost of their new house.

TV - asks about the placement of the property line. Mr. Eckman explains that the property line was sighted to make each lot relatively equal.

The Bullis claim that if they can not sell the land it will create a financial hardship.

It is pointed out by Ms. Freeman that Mr. Eckman's calculations might be wrong.

BS, made a motion to continue the hearing.

KH seconded

The meeting was continued until Feb, 27 2006 @7:15. all where in favor.

**A motion was made to adjourn. It was seconded. All were in favor.
Meeting was adjourned at 9:50**

Respectfully Submitted,

Tanya McIntire