

**Westmoreland Zoning Board of Adjustment**  
**Draft Minutes of December 18, 2013 Meeting**  
**These minutes are unapproved until voted on by the Board**

Present: Chairman Peter Remy, Barry Shonbeck, Brian Merry, Nancy Ranson, Russ Huntley, Ernie Perham.

Chairman Remy convened the meeting at 7:10Pm and asked the Board members to review the minutes of the November 18, 2013 meeting. A correction was made to the date of the September meeting. Barry Shonbeck moved to accept the minutes with that correction and Nancy Ranson seconded. All voted in favor.

At 7:30 PM Chairman Remy opened the hearing on an application submitted by Chris Croteau for a Special Exception for a property on Hurricane road, R-14 Lot 57. The property is owned by Mr. Akbar Ashoury and the applicant would be leasing a building on the property. Mr. Ashoury was not present and Mr. Croteau did not have a signed statement from Mr. Ashoury acknowledging that he was aware of and supported Mr. Croteau's application.

The Board agreed to hear the application on the condition that such a letter from Mr. Ashoury would be forthcoming.

Chairman Remy asked Mr. Croteau to describe his proposal.

Mr. Croteau said he had developed a business called 'No Job Too Odd' and out of it he was specializing in clearing out houses and selling the usable pieces of furniture at a good price. This required a large amount of storage space. Presently he has an assortment of storage spaces around Keene but the building on Mr. Ashoury's property was perfect for having all of his merchandise in one space. The building he wants to rent is large, 220 feet long by 33 feet wide. The upper floor would house a store for selling the furniture. The lower floor was divided into 21 bays of 10x20 feet and 5x10 feet. He proposed to rent out these bays to individuals as storage units, allotting some for his own use. The building already has a loading dock, perfect for his needs.

Chairman Remy produced a map of the property from its file and Mr. Croteau identified which building he was referring to. The property had been a part of Hubbard Farms and originally was a chicken coop.

Mr. Shonbeck asked about employees and parking. Mr. Croteau has two employees. There are some parking spaces next to the building but Mr. Croteau could put in more as he also delivers hardpack as part of his business.

He said that the building in question cannot be seen from Hurricane Road and Mr. Ashoury wants to put a gate at the bottom of the long driveway which accesses all the buildings on the property.

Mr. Remy asked about the hours of operation. Mr. Croteau explained that he does his clearing outs and unloading beginning at 7am and is finished by 3:30 pm. After that he would open the store to customers. He proposed the hours for the store to be 3PM to 7PM. The store would be open seven days a week. Access to the storage units would also be seven days a week from 9 am to 7PM.

Mr. Shonbeck asked about lighting for the building. Mr. Croteau said he would need to put some lighting on it and he will also put a sign on it and a sign near the driveway entrance. The Board directed him to the sign ordinance and mentioned that changes will be voted on at the March town meeting and he might want to wait until then before designing his sign.

Mr. Shonbeck asked about the other aspects of Mr. Croteau's business such as the hardpack and sand and gravel deliveries. Would these materials be stored at the property? Mr. Croteau said no materials or equipment would be stored there except for the furniture.

Mr. Croteau asked if he would need to provide a bathroom of some kind. Mr. Remy said that he would since he has employees regularly there at the building and also retail customers. It could be anything from a porta-potty, to a complete septic system. Mr. Huntley said that a holding tank was no longer allowed by the state.

Ms. Ranson asked about the storage of hazardous waste materials by himself or by anyone one renting a storage unit. Mr. Croteau said he does not handle anything that requires haz-mat training and procedures and he would have a lawyer draw up a storage unit lease that excluded such materials.

Mr. Remy asked abutters if they had any questions or comments. The only abutters present were Janet and Woody Shook who live directly across the street from the property. Their main concern was how much traffic would be generated on this essentially rural road.

Mr. Shook said that at one time in 2003 there was a plan to take the commercial property on Hurricane out of the commercial Zone. Whatever happened to that? Mr. Remy said that is a question for the Planning Board.

Mr. Shonbeck said that there is a Master Plan committee working right now on a new Master Plan under the auspices of the Planning board.

Mr. Shook asked if the Zoning board had the power to interpret the zones. Mr. Shonbeck said the Board had no power to do that. The boundaries are clear and well established right now.

Mrs. Shook read from a Master Plan that stated that one of its goals was to 'remove the Commercial/Industrial property on Hurricane road because it was inconsistent with preserving the rural character of the town'. She is concerned that since this was never done, uses of that property might increase the commercial aspect which is not consistent with maintaining its rural character. She hopes that the Zoning Board will be helpful in that regard.

Mr. Remy said that the fact of the matter is that the property is in a Commercial Zone. It has never been rezoned so the commercial regulations apply to that piece of property.

The Shooks were concerned about Mr. Croteaus's hours of operation. Mrs. Shook said that she would like peace and quiet when she gets home from work.

Mr. Shook asked why a Special Exception is needed? Mr. Remy explained that in a Commercial Zone every use is only by a Special Exception. He and Mr. Shonbeck agreed that the Master Plan cannot spell out every detail of every property use. It is more of a guide line. So the Special Exception hearings are an opportunity to make sure new uses conform to the guidelines.

Mr. Shook said that he understands that the Zoning Board must work with what is the present reality, that the property is in a Commercial Zone.

Mr. Croteau said that he would be more than willing to adapt his hours so that his business would not be offensive to the neighborhood.

Mr. Huntley remarked that in Mr. Croteau's proposed use most of the work is being done off-site. He is not even on the property for most of the day. Mr. Croteau explained that he does not have large noisy trucks making multiple trips per day. Mr. Croteau said that that he uses an enclosed trailer for the things he wants to save and a dump truck and a dump

trailer when he does a clear out. The things for the dump never even go to his storage facilities. They are taken straight to the Keene dump which allows commercial businesses to use it, while most town dumps do not. He has already spent \$30,000.00 in dump fees. But he really needs the store to be open until 7PM because people will be coming after work to look at his furniture. He would lose business if he were closed earlier. Mr. Perham suggested that he could have different hours for different days. Ms. Ranson asked how much traffic he expected on an average day. Mr. Croteau said that once people found him he expected to be quite busy.

Mr. Shonbeck cleared up that during store hours the only loading would be of furniture that has been sold through his store.

Mrs. Shook asked what recourse they might have if things got too busy. Mr. Remy said they could talk to the selectmen and ask for relief. As far as asking for a zoning change they can go to the Planning Board and they can put a warrant article on Town Meeting agenda.

Mr. Croteau said that he would plan not to be open on Sunday except for access to the storage units and that he would limit his Saturday hours to 9am to 3pm.

Mr. Shook asked again about the need for a Special Exception. It might be that the previous use was not permitted by any board and the Zoning Administrator must begin a new permitting process. Mr. Remy said that Westmoreland's Commercial Zones are surrounded by residential districts and the Special Exception hearings are an opportunity for the town and the neighborhood to consider the business proposals and refine the proposals to accommodate the neighborhood concerns. He read off the criteria for a Special Exception which will determine whether it will be granted or not.

Mr. Remy asked for any other questions or comments. There being none he closed the public session and the Board deliberated and voted on the criteria for granting the Special Exception.

1. Is the site appropriate for such a use? All agreed that it was.
2. There would be no diminution of surrounding property values and it would not be offensive, obnoxious, or injurious to the neighborhood. All agreed.
3. It would not be a nuisance or hazardous to pedestrians or other vehicles. All agreed.

4. There are adequate and appropriate facilities for such a use. It was noted that presently there are no sanitary facilities so any approval for a Special Exception would be conditional to installing a sanitary facility. All agreed.

5. The applicant will seek approval from the Planning Board.

Chairman Remy called for a motion.

Mr. Huntley made a motion to grant the Special Exception with the following conditions:

1. The hours would be:

Store:	3-7PM Monday-Friday and 9am-3pm Saturday.
Overall operation:	Monday-Friday 9am-7pm
Storage units access:	Seven days a week, 7am-7pm

2. New lighting should be downward facing.

3. There will be a letter from the landlord acknowledging this application.

4. All storage will be inside the building.

5. A sanitary facility will be provided; at a minimum a port-a-potty.

The Board made a recommendation to the Planning Board to look at parking facilities.

Mr. Shonbeck seconded the motion and all regular members voted in favor.

Mr. Huntley made a motion to adjourn at 8:25 PM, seconded by Mr. Merry. All voted in favor.

Respectfully submitted by Jackie Cleary, Zoning Board Clerk