

**Town of Sandown
Zoning Board of Adjustment
Minutes 4/25/13**

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6 **Meeting Date:** April 25, 2013
7 **Type of Meeting:** Public Hearing
8 **Method of Notification:** Public Posting - Sandown Town Hall, Sandown Post Office,
9 Sandown Website, *Eagle Tribune*
10 **Meeting Location:** Sandown Town Hall
11 **Members present:** Chairman - Steve Meisner, Vice Chair - BJ Richardson,
12 Lauren Cairns, Dave Ardolino, Donna Green - Alternate,
13 Christopher True - Alternate, Tom Tombarello –
14 Selectman’s Liaison
15 **Absent:** Curt Sweet
16
17

18 **Opening:** Mr. Meisner opened the meeting at 7:05 p.m.

19
20 Mr. Meisner noted there would be a full board for both cases. There would be different members
21 appointed for each case.
22

23 **Review of 3/28/13 Minutes**

24 The approval of the 3/28/13 minutes is deferred to the next meeting because Mr. Sweet wasn’t
25 present.
26

27 **Review of 4/3/13 Minutes**

28 **MOTION:** Ms. Green made a motion to approve the 4/3/13 minutes. Mr. Richardson seconded
29 the motion. Ms. Green, Mr. Richardson, and Mr. Meisner voted in favor. Ms. L. Cairns, Mr. True
30 and Mr. Ardolino abstained. The motion passed.
31

32 Mr. Meisner asked the board if they would consider switching the order of cases putting the
33 Ryder case first. Ms. Green felt it would be appropriate since they had attorney’s present. The
34 Board agreed. Mr. Loader, the other applicant, had no objection going second.
35

36 Mr. Meisner noted the Board members for the Ryders case would be Mr. Ardolino, Mr. Meisner,
37 Ms. L. Cairns, Mr. Richardson and Ms. Green.
38

39 **Case # 01 – M5 L22-03, 1 Rowell Lane**

40 *James and Catherine Ryder are requesting a variance from Article II, Section B of the Town of*
41 *Sandown Zoning Ordinance to permit relocation of Yogamatters LLC to a different location*
42 *within dwelling with no other changes to the business. The property currently has a special*
43 *exception which was granted in 2004. The variance application is being reheard as a result of the*
44 *ZBA’s March 7, 2013 vote.*
45

46 Mr. Meisner asked that the Ryders and their representative step forward. Mr. Meisner asked that
47 they confine their arguments to new information since it is a rehearing and they have all the
48 information from the previous hearing.
49

50 ***Mr. John Ratigan from Donahue, Tucker & Ciandella, PLLC was representing for the Ryders.***
51 ***James and Catherine Ryder were also present.***

52

53 Mr. Meisner confirmed the Board received his letter requesting the rehearing which also
54 addressed the new answers to the variance criteria questions.

55

56 Mr. Ratigan requested that the photographs and map of the home be incorporated into the new
57 case as well as the minutes from the prior meetings.

58

59 Mr. Ratigan gave a history of the property and the case. He discussed the limits imposed as a
60 result of the special exception. He noted that functionally the use of the yoga studio will be the
61 same and will be subject to the same conditions imposed with their previous special exception.
62 He included a set of conditions that he believes mirror the conditions imposed by the Board. They
63 don't propose that any differences be imposed to the function of the business with the exception
64 of the space to be used.

65

66 Mr. Ratigan reviewed his letter dated March 20, 2013, which addressed the variance criteria. He
67 feels the Board has the authority to grant the variance and asked that they do grant the variance.

68

69 Mr. Meisner asked if the Board had questions for the applicant.

70

71 Ms. Green questioned their statement for the "unnecessary hardship" question that their property
72 was distinguished from other properties in the area because they had a special exception. Mr.
73 Ratigan noted that was correct. He noted RSA 674:33 which defined the hardship criteria. He
74 noted that the legislature rewrote the law and used the term "property." If they had used the term
75 "land" it would have meant the parcel of property, but because they used the term "property" it
76 incorporates the physicality of the land and all structures used on that land. So he feels the special
77 exception distinguishes them in the way they are able to use their property.

78

79 Mr. Meisner pointed the Board to the area in the NH Board of Adjustment Handbook where they
80 explain the questions in detail.

81

82 Mr. Richardson noted that when the Ryders applied for the special exception to put on the
83 addition, they were asked if they would use that property for the business and they answered no.
84 He doesn't see how there would be hardship when they already have an existing space to operate
85 the business in. Mr. Ratigan noted that the new space is better with more heat, better windows, no
86 poles or obstructions and a higher ceiling. Their request is simply to flip from one side of the
87 basement to the other and they feel it is a reasonable request.

88

89 Mr. Richardson questioned the consent decree which restricted the space where the business was
90 to be operated. Mr. Meisner read from the consent decree noting that the basement space to be
91 used is 18x22 (395 sq. ft.). Mr. Ratigan agreed that was accurate, but reminded them of
92 paragraph 12 which stated they could go to the ZBA to seek modifications. They are lawfully
93 executing their right to seek modification; being sensitive to the consent decree, they are
94 imposing all the other conditions from that consent decree onto the variance for the new space.

95

96 Mr. Richardson questioned if the Ryders would only utilize the 18x22 area of the basement or the
97 entire basement. Mr. Ratigan noted they would relinquish their right to use the 18x22 space for
98 the business and would restrict the business to only the new space.

99

100 Mr. Richardson questioned was what currently being used for the business. The Ryders noted that
101 only the 18x22 room was being used. Mr. Richardson asked if there was an additional waiting
102 room area. The Ryders noted only that room was being used.

103

104 Mr. Meisner reviewed the differences between the conditions on the consent decree and the
105 conditions proposed in Mr. Ratigan's letter.

106

107 Mr. Meisner noted that number 4 on the consent decree which states "all events/services shall be
108 led/provided by a resident of the home" was not in Mr. Ratigan's letter. Mr. Ratigan noted they
109 would agree to add that condition. Mr. Meisner confirmed that the commercial sign was gone.
110 Mr. Ratigan confirmed it was.

111

112 Mr. Meisner read number 6 on the consent decree which requires the Ryders to complete and file
113 annual renewal applications under the provisions of the In-Home Occupation sections of the
114 Sandown Zoning Ordinance so long as said provisions are in the Ordinance and require annual
115 filings. He noted that wasn't something the 2004 special exception imposed and asked if the
116 Ryder's want that to be included as well. The Ryders noted they were willing to still do that.

117

118 Ms. Green asked if there was a provision being carried over from the consent decree regarding
119 the fine for not complying with the terms of the consent decree. Mr. Meisner noted that was up to
120 the town and Code Enforcement Officer to enforce and not part of the Zoning Regulations for a
121 variance.

122

123 Ms. Green asked if the consent decree would be voided if the variance was granted. Mr. Meisner
124 felt that in his opinion, it would be. Ms. Green wanted to make sure they were doing justice to the
125 original consent decree. Mr. Meisner noted that the 2004 special exception and they consent
126 decree would be null and void if the variance were granted because the Ryders would be giving
127 up the 2004 special exception. He added that they could impose conditions on the variance.

128

129 Ms. Green asked if it was correct that they were not allowed to enlarge a non-conforming use.
130 Mr. Meisner felt, in his opinion, that it was not considered an enlargement of a non-conforming
131 use, but an entirely new application.

132

133 Mr. Tombarello noted that in terms of the fines and monitoring of the property, the Board of
134 Selectman has inspected the site and was granted permission by the Ryders to go there any time
135 to see if there are violations. The Selectmen have gone there approximately 10 times to inspect
136 the space and has no intention of going back there at this time.

137

138 Mr. Ratigan noted that it is a new request and they would not be expanding a non-conforming
139 use. They would be relinquishing their special exception. To address the concerns of their
140 neighbors, they would maintain the current operations of the business with all prior conditions in
141 place.

142

143 Mr. Richardson noted that one of the conditions was that classes would be conducted by the
144 Ryders. The Ryders confirmed that Ms. Ryder as well as their daughter, who lives in the home,
145 were the only people conducting classes.

146

147 Mr. Richardson questioned if they were relinquishing the special exception, weren't they
148 removing the allowance for the business in the non-conforming space. Mr. Meisner clarified that
149 if they were taking the existing room they are in now and expanding that room, they would be
150 expanding the non-conforming use. Instead, they are applying for a variance for a whole new

151 space. Mr. Richardson feels they expanded the home to allow for the business. Mr. Meisner
152 clarified they expanded the space to allow for the accessory apartment.

153

154 Mr. Ratigan noted that there is no restriction on how many sq. ft. can be used for a business
155 within the variance criteria.

156

157 Mr. Meisner noted that the Board can put reasonable restrictions on the variance. Mr. Richardson
158 noted restrictions were on paper and whether they are enforced or abided by is something
159 different. He noted that the Board of Selectmen are not going to revisit the space and the Code
160 Enforcement Officer is already taxed. He doesn't feel that putting restrictions on this case is
161 going to alleviate the greater good of the neighborhood or the town.

162

163 Mr. Meisner opened the meeting to the public at 8:03 p.m.

164

165 ***Bernard Campbell, attorney with Beaumont & Campbell Prof. Ass'n, Salem, NH***

166 Mr. Campbell was representing Brian and Cynthia St. Amand.

167

168 Mr. Campbell requested that all of the testimony and records from the January hearing be
169 incorporated into that hearing.

170

171 Mr. Campbell noted that less than three months ago this board voted unanimously that the criteria
172 had not been met and they have heard nothing that evening to change any of the facts. He felt the
173 issue is one of compliance and the expansion of use. He feels it is clearly expansion of the use.
174 He went back to the minutes of the 2004 hearing and noted that the Ryders stated they would only
175 hold one class per day, but in the consent decree they stipulated two classes. The Ryders would
176 not simply be swapping rooms since they would still use the existing space to walk through and
177 would also use the bathrooms. His clients feel the waiting area and registration area were likely
178 not going to be moved into the new area. They feel there is no effective way to enforce that the
179 Ryders would not use the existing space. The Amands have provided video evidence to the town
180 for review. They do not feel the current stipulations are being upheld and feel the best way to
181 prevent further expansion and further impact on the neighborhood, is to keep the business in the
182 current space.

183

184 Mr. Campbell addressed the five criteria outlined in his memo.

185

186 The Amands feel it would alter the essential character of the neighborhood. Granting the request
187 would make it possible for them to have a maximum of 12 people in class at all times. They feel
188 it would not do substantial justice to allow that business to expand and thrive in a residential area.
189 The town has already gone through significant expense and there would be continued cost to the
190 town due to enforcement. Mr. Campbell feels the abutters are qualified to determine if their
191 property values have been diminished. He also feels it is an expansion of non-conforming use,
192 which NH law is trying to eliminate.

193

194 Mr. Campbell noted that he feels hardship is associated with the characteristics of the land. The
195 fact that there is a special exception should be disregarded when determining when a property is
196 unique. If they got a special exception through their own actions, they can't use that to say their
197 property is unique. He feels there is nothing different about the Ryder's property. It fails to meet
198 all the statutory requirements for a variance, but particularly the hardship, substantial justice and
199 the intent requirements.

200

201 Mr. Campbell noted that the Board did make a technical error in making a motion to approve the
202 variance. Mr. Campbell noted they were asking the Board to make a motion to deny the request.

203

204 ***Brian and Cynthia St. Amand – 2 Rowell Lane***

205 Mr. St. Amand clarified where the business operates out of and noted they are already using the
206 new room. He noted they have violations on film and have asked the Board of Selectman to
207 review it.

208

209 Ms. St. Amand noted the business has grown continuously and feels it is going to continue to
210 grow.

211

212 Mr. Campbell requested the homes plans from Attorney Gorrow. He read a letter he received
213 from Ms. Gorrow dated March 28, 2013 which accompanied the plans he requested.

214

215 ***Fred Murray, 3 Rowell Lane***

216 Mr. Murray feels it would definitely be an expansion of the business and it will diminish their
217 property values even more.

218

219 ***Richard Funai, 4 Rowell Lane***

220 Mr. Funai questioned why the special exception for an in-home business was removed from the
221 town's zoning regulations. Mr. Meisner explained that in its place came a new in-home business
222 regulation, which has more restrictions in some respects and less in others. He is not aware of
223 why they removed the special exception criteria though.

224

225 Mr. Funai noted that the space would be doubling, which in itself would be an expansion. He
226 feels the sign-in and waiting area would still be utilized.

227

228 Mr. Funai also noted that he feels there are safety concerns. There are more cars entering and
229 exiting the neighborhood. He and his son were playing in the cul-de-sac and had to move several
230 times because of cars turning around.

231

232 ***Jim Ryder Jr. – 258 Kent Farm Road, Hampstead***

233 He doesn't understand how house values can go down because of yoga. He noted that the home is
234 the first house on the right, so traffic shouldn't travel down the road. He also noted they are going
235 to have the same amount of classes, so switching to another room would not impact the traffic.

236

237 ***Jennifer Stackard – 1 Rowell Lane***

238 Ms. Stackard noted the addition was built for her and her family to live in. She grew up on the
239 street and has young children and doesn't feel there are any safety concerns. She questioned at
240 what point it should be considered harassment since the St. Amans have cameras on their home
241 24/7.

242

243 8:39 p.m. – Mr. Meisner closed the hearing to the public

244

245 Ms. Green questioned what percentage of the square footage is the new room to the entire
246 residence. The Ryders couldn't answer that question. She noted that their business fits the criteria
247 of an in-home occupation except for the creation of pedestrian and vehicular traffic. Members
248 discussed whether they would qualify.

249

250 Mr. Richardson asked if they applied for the in-home occupation permit this year. The Ryders
251 noted they have done it every year, but have not done it this year yet.

252 Mr. Richardson questioned why the Ryders would relinquish the special exception when it
253 grandfathers them. Mr. Ratigan noted they are voluntarily relinquishing the special exception
254 because they don't need it anymore if they get the variance. They can apply for the variance
255 because the law allows them to do so. Ms. Ryder clarified that they were giving up the special
256 exception so they didn't have permission to run two businesses.
257

258 Ms. Green noted the Ryders agreed to import the need for them to apply for the in-home business
259 every year. Mr. Meisner noted that they are likely required to do that so town officials could keep
260 track of the business. Just by submitting the application, it makes the town aware, once a year,
261 that there is a business being run there.
262

263 Mr. Meisner noted that the Board contacted LGC to determine if the Ryders could readdress the
264 criteria questions and LGC stated that they could.
265

266 Ms. L. Cairns questioned if they should base their decision on the new answers since they are
267 different than what was previously submitted. Mr. Meisner noted that was correct, they should
268 base their decision on the new answers to the criteria questions.
269

270 Mr. Meisner closed the hearing to the public at 9:06 p.m.
271

272 Mr. Meisner noted that one of the reasons there is a rehearing is because the Board made a minor
273 mistake in making a motion to approve the variance and that motion was not passed, so the Board
274 took it to mean no. They need to make two motions, one to approve and one to deny, and the
275 motion needs to pass with a majority of three votes.
276

277 Ms. Green requested more time to read through the material. Mr. Meisner noted they did not need
278 to render a decision that evening and they could postpone their decision. He reminded the Board
279 that they needed to be together in a public meeting to discuss the case. He also reminded the
280 Board that they will need to explain why they voted the way they did.
281

282 **MOTION:** Ms. Green made a motion to defer the decision to a future meeting.
283

284 *Discussion:* Mr. True noted that the same members should be present for that meeting. Members
285 discussed their schedules.
286

287 Ms. Green amended her motion and stated the decision would be deferred until May 9, 2013. Mr.
288 Ardolino seconded the motion.
289

290 *Discussion:* Mr. Meisner polled the board to see if they were all available for May 9, 2013 and
291 everyone was available.
292

293 The Board voted unanimously in favor. The motion passed.
294

295 The Board took a short recess
296

297 **Case # 02 – M7 L17-6, 218 Main Street**

298 *Christopher Loader is requesting a variance from Article II, Part B, Section 2 of the zoning*
299 *ordinance to allow two additional bays to the existing auto repair facility, for a total of four bays*
300 *and display of up to six vehicles for sale on the site.*
301

302 Mr. Meisner stepped down from the case. Mr. Richardson, Mr. Ardolino, Ms. L. Cairns, Mr.
303 True, and Ms. Green were appointed as the voting members.

304

305 *Kevin Hatch a licensed land surveyor and owner of Cornerstone Survey Associates presented the*
306 *application. Chris Loader – Chestnut Hill Auto was also present.*

307

308 Mr. Hatch noted the property has a variance to allow the existing business. They are hoping to
309 add two bays onto the existing facility to create four usable bays and display up to six cars.
310 Adding additional bays will help them be more efficient by allowing them to keep cars in bays
311 while they wait for parts. The business is on a main road in town so it would not alter the rural
312 character of the neighborhood. They are aware they will need to amend the state highway permit
313 for the entrance. Mr. Loader purchased the abutting property. They will need to adjust the lot line
314 and do away with the old structure that is currently there. They plan to clean-up the property. He
315 added that there is no direct abutter view of where the property is to be expanded.

316

317 Mr. Hatch noted that the variance would be the first step in the process. They would then go to
318 the Planning Board for the lot line adjustment and because they would be expanding a
319 commercial property. He noted they were adjusting the lot line because with the addition, the
320 structure would be too close to the abutting lot line. They will also go to the NHDOT since the
321 property is on a state road.

322

323 Ms. Green questioned if the Zoning Board could vote to approve the variance if the lot line
324 adjustment hadn't been approved yet. Mr. Richardson felt they could approve the variance with
325 the condition of gaining the lot line approval from the Planning Board.

326

327 Ms. Green asked if the driveway on the plans was the proposed driveway. Mr. Hatch confirmed it
328 was and noted it had been expanded from what was there. He clarified on the plans where the
329 driveway would go.

330

331 Ms. Green questioned how many cars they currently have on display. Mr. Loader stated there
332 were two. He noted that he doesn't put flags on them, just small green tags and tries to keep the
333 appearance neat and orderly. He doesn't want to look like a giant used lot, but wanted the
334 freedom of displaying up to six cars.

335

336 Mr. Loader noted that they were only adding 1,200 sq. ft to the space. He is doubling the space,
337 but doesn't feel it will double the amount of business they do, it will just make their current
338 business more efficient. He plans to make the addition match the style of the home and garage
339 currently there so there will be a continuous look to the home and maintain the rural area. He has
340 put a lot of energy into the business and making the space look nice.

341

342 Ms. Green asked if the parking area was paved. Mr. Loader noted it was crushed stone and it
343 wouldn't change much.

344

345 Mr. Richardson asked if their lot was zoned commercial. Mr. Hatch noted it was not.

346

347 Mr. Richardson asked how much road frontage there was for lot 7-17. Mr. Hatch estimated it was
348 approximately 220-240'. Mr. Loader noted that his intention was to remove the home that is
349 currently on that lot and eventually sell that lot. He noted that the deed for that lot states the
350 driveway will be moved to Chestnut Hill road.

351

352 Mr. Richardson asked if they had any plans to create a tree buffer at the proposed lot line. Mr.
353 Hatch noted the site plan regulations have buffer requirements and assumes the Planning Board
354 will require some sort of landscaped buffer. Mr. Loader noted he wants to make it an attractive
355 residential lot and his landscape will take that into consideration.

356

357 Mr. Ardolino asked how many mechanics there will be. Mr. Loader noted currently it is himself,
358 one full time and three part time mechanics and they would likely make one of the part time
359 mechanics, full time. He noted his hours of operation are 8 a.m.-5 p.m. Monday through Friday
360 and Saturdays they are open until noon. He has no intention of changing that. He tries to be
361 respectful to the neighbors.

362

363 Mr. Richardson opened the hearing to the public at 9:49 p.m.

364

365 ***Robert Menard – 222 Main Street***

366 Mr. Menard is a neighbor and customer. He feels the property is well maintained, there is no junk
367 or trash. He feels with plans to demolish the house next door it can only enhance the
368 neighborhood and would be great.

369

370 Mr. Menard submitted a written letter to the Board in favor of the project. Mr. Richardson read
371 the letter.

372

373 ***Lisa Sears - 6 Chestnut Hill Drive, M17 L17-8***

374 Ms. Sears will be an abutter when the project goes to the Planning Board for the lot line
375 adjustment. She does not feel Mr. Loader meets the criteria for a variance. She used to sit on the
376 Sandown Zoning Board and used to work for the board and is familiar with the criteria.

377

378 Ms. Sears noted she has no issues with Mr. Loader, but feels allowing a business in a residential
379 neighborhood is contrary to the spirit of the ordinance. She feels the ordinance was intended for
380 someone who has an office in their home. She noted Mr. Loader does not live at the home. She
381 feels 6 cars and 4 bays should not be considered a small business.

382

383 Ms. Sears feels that hardship applies to the physical characteristics of the property and Mr.
384 Loader's property does not meet the physical characteristics.

385

386 She feels the site line from the driveway to the road is unsafe and there will be an increase in
387 traffic coming in and out of the driveway. She understands they will go through the site plan
388 review and they will address that issue with the Planning Board and NHDOT. She noted she often
389 crosses the road there and there is limited visibility. She has tried to get a crosswalk at that
390 location several times.

391

392 She feels it is great that he wants to clean up the house next door but that should have no bearing
393 on the case and shouldn't be considered.

394

395 Ms. Sears noted that the homeowner across the street had a permit to sell items with small
396 engines and he displays them in his front yard. She feels by allowing Mr. Loader to display more
397 cars, it would set precedence within the neighborhood.

398

399 Mr. Hatch noted that NHDOT will address any safety concerns with the driveway and highway.
400 He did note that they met the 400' safe sight distance. He also noted that the reason for not doing
401 a crosswalk is likely because of liability. He noted that in terms of setting precedence for the
402 resident across the street, the two businesses are very different and that resident sets his items on

403 the street in the state right of way. Mr. Loader noted that he has never had any violations with the
404 code enforcement officer.

405

406 Mr. Hatch also added that the state has changed the hardship requirement and it does not need to
407 be inherent in the land and the new variance application reflects the change in legislation. He
408 feels small essential services have always been part of a small town and by incorporating them
409 into residential areas, helps support the rural character. He does not feel the change in Sandown's
410 Zoning Regulations was ever intended to completely exclude business from the town.

411

412 Mr. Richardson read the variance questions and answers submitted by Mr. Loader.

413

414 1. ***Granting the variance would not be contrary to the public interest:*** It will allow
415 the existing auto repair facility to have additional working space to provide a
416 necessary service to the community.

417

418 2. ***If the variance were granted, the spirit of the ordinance would be observed***
419 ***because:*** Granting the Variance will maintain the small New England town
420 character that Sandown's Zoning ordinance promotes. Small local business is the
421 historical basis for rural New Hampshire life.

422

423 3. ***Granting the variance would do substantial justice because:*** It will allow a local
424 business owner to keep his business in town providing services to people in town
425 without any detrimental impact.

426

427 4. ***If the variance were granted, the values of the surrounding properties would***
428 ***not be diminished:*** This is a well maintained shop located on a state road. The
429 shop is existing and the additional bays will have no effect on surrounding values.
430 The current business has the ability to display two cars for sale and the additional
431 parking will allow up to four more to be displayed with no adverse effects.

432

433 5. ***Unnecessary Hardship***

434

435 a. ***Owing to special conditions of the property that distinguish it from other***
436 ***properties in the area, denial of the variance would result in***
437 ***unnecessary hardship because:***

438

439 i. ***No fair and substantial relationship exists between the general***
440 ***public purposes of the ordinance provision and the specific***
441 ***application of that provision to the property because:*** Sandown
442 has no desire for large commercial operations in a residential area,
443 but preventing small local business from providing service to local
444 residents was not the intent of the ordinance.

445

446

And

447

448 ii. *The proposed use is a reasonable one because:* It will allow a
449 local resident to continue providing a necessary service on his
450 property with no negative impact to the surrounding neighborhood.

451

452 b. *Explain how, if the criteria in subparagraph (A) are not established, an*
453 *unnecessary hardship will be deemed to exist if, and only if, owing to*
454 *special condition of the property that distinguish it from other properties*
455 *in the area, the property cannot be reasonably used in strict*
456 *conformance with the ordinance, and a variance is therefore necessary*
457 *to enable a reasonable use of it:* This property is located on a state road
458 with no traffic, noise, or visual impact on the surrounding properties. It is
459 currently permitted to operate as an auto repair facility, and is ideally
460 suited for the use, unlike most other properties in town. Not allowing the
461 owner a reasonable expansion of his business would be an unnecessary
462 hardship.

463

464 Ms. Sears noted that she has lived there for three years. She has no issues with Mr. Loader or his
465 property but has concerns if someone else was to buy the property and may not be as responsible.

466

467 Mr. Hatch noted that they are just at the beginning of the process. They still needed to go before
468 the Planning Board. The Zoning Board could approve with conditions and include whatever they
469 feel is necessary for the use of the property. Those conditions would have to be followed
470 regardless of the owner of the business.

471

472 Mr. Richardson closed the hearing to the public at 10:11 p.m.

473

474 Ms. Green noted that the public pushback is mostly concerning the display of six cars and
475 questioned if it was possible to limit the number of cars on display, she also noted they could
476 limit the hours of operation.

477

478 Mr. Meisner noted that the original variance has restrictions on hours and all business in town
479 have the same restrictions for hours of operation.

480

481 Ms. Green asked if the parking area would expand. Mr. Richardson noted that the Planning Board
482 would determine that. Members discussed how many vehicles could be there.

483

484 Mr. True noted that he has concerns about that section of the road and doubling the size of the
485 business potentially increasing the number of cars that would enter and exit the facility. He feels
486 there are safety issues.

487

488 Members discussed the process of voting and whether they needed to fill out the forms first or
489 vote first. Mr. Meisner noted that they could do either, but the forms did need to be filled out and
490 they needed to give a brief explanation as to why they voted the way they did.

491

492 **MOTION:** Mr. True made a motion to postpone the decision until May 9, 2013. Ms. L. Cairns
493 seconded the motion. Ms. Green, Mr. True, Ms. L. Cairns and Mr. Ardolino voted in favor. Mr.
494 Richardson opposed. The motion passed.

495

496 **MOTION:** Ms. Green made a motion to adjourn, Mr. True seconded that motion.
497 Meeting adjourned at 10:25 p.m.

498

499 Respectfully submitted,

A handwritten signature in cursive script that reads "Andrea Cairns".

500

501 Andrea Cairns, Recording Secretary