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5 **Stratham Zoning Board of Adjustment**
6 **Meeting Minutes**
7 **March 20, 2012**
8 **Municipal Center, Selectmen's Meeting Room**
9 **10 Bunker Hill Avenue**
10 **Time: 7:00 PM**
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13 **Members Present:** Arol Charbonneau, Chairman
14 Jeffrey Karam, Secretary
15 Bruce Barker, Full Time Member
16 Kirk Scamman, Full Time Member
17 Mike Smith, Alternate
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19 **Members Absent:** John Dold, Alternate
20 Dave Short, Vice Chairman
21 Chris Brett, Alternate
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23 **Staff Present:** Terry Barnes, Building Inspector
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27 **1. Call to Order/Roll Call:**
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29 The Chairman took roll call and explained the procedure of the meeting for those present.
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31 **2. Approval of Minutes:**
32 December 13, 2011
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34 There was one amendment to be made to the minutes under Agenda Item 3.a. It was Mr.
35 Karam who read out Case # 567 and not Mr. Dold. Mr. Smith made a motion to accept the
36 minutes as amended. The motion was seconded by Mr. Karam. The motion was approved
37 unanimously.
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39 **3. Public Hearing:**

40 **a.** Case # 568 Peter Grey, 20 Squamscott Road, Map # 21 Lot # 8, Residential/Agricultural
41 Zoning District. This is a public hearing whereby the applicant requests a Special Exception
42 from Article V: Supplementary Regulations, Section 5.13: Home Occupations of the
43 Stratham Zoning Ordinance to allow the applicant to sell reconditioned instruments and run a
44 piano repair business.
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1 Mr. Karam read through case # 568. The Applicant, Mr. Grey introduced himself. He
2 explained that they have had the business since 2003 when they bought the property. He was
3 recently informed that he needed to come into compliance with the current Zoning Ordinance
4 which he was not aware of. Mr. Grey became aware that he needed a home occupation
5 permit when he applied to build a barn and Mr. Barnes, the Code Enforcement Officer
6 informed him of it then.
7

8 The Chairman asked if the business is always operated out of the one space that Mr. Grey
9 mentioned. Mr. Grey said that it was. The Board members looked at the plan and asked Mr.
10 Grey to show them the building where his business is located. Mr. Grey informed the Board
11 that he and his wife sell reconditioned furniture also. Mr. Grey uses approximately 720
12 square feet of the building for his business which is slightly over the 25% of the total floor
13 area of the finished floor space as required by the Zoning Ordinance. The Board took time to
14 work out the total floor area from the Property Card.
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16 Mr. Smith asked the applicant if he had many customers visiting the shop and what the traffic
17 is like. Mr. Grey said it isn't very often. Mr. Smith confirmed that the applicant had no
18 plans to expand his business. Mr. Scamman confirmed the applicant just fixes pianos. Mrs.
19 Grey replied in the affirmative and mentioned that she reconditions furniture. Mr. Smith
20 inquired about the kinds of materials the Greys use for their business. The Greys said they
21 use solvents, lacquer thinner, acetone and glue sometimes, but not in excessive amounts.
22

23 The Chairman said his calculations for the dwelling space is 2816 square feet which means
24 720 square feet represents a little more than 25% of that figure. 704 square feet would
25 represent 25%.
26

27 Mr. Barnes referred to the barn the Applicant is hoping to build and requested that a
28 condition be added that allows for the barn to be used for personal storage only. Mr.
29 Scamman asked Mrs. Grey if she was intending to use the barn for personal use. Mrs. Grey
30 said yes. Discussion followed about Mrs. Grey's business and the space used in the garage
31 for that business as it means more square footage is being used above what is permitted in the
32 Zoning Ordinance.
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34 Mr. Smith commented that the Applicant is saying they use 720 square feet, but the
35 Ordinance allows for 704 square feet which means they have been using 16 square feet more
36 for the last eight to ten years. His understanding is that the Board can't approve this
37 application knowing that. However, he continued the Board has had other cases in the past
38 that don't comply and the Board has looked at the totality of the application and voted
39 whether or not to approve it. Mr. Smith said he looks at the 720 square feet and
40 acknowledges that it is close to the permitted amount and he also looks at the intent of that
41 condition and he has heard from Mr. Barnes that everything is in order. All of those things
42 make Mr. Smith think it is close enough to allow. He then discussed with other members the
43 meaning of 5.13.2a. of the Ordinance. Mr. Smith feels that it assumes the business is going
44 to be part of the main dwelling and not an accessory building.
45

1 Mr. Grey asked how “finished” space is defined. He commented that the building he uses for
2 his business is sheet rocked and paneled. It has heat, ceiling, lights and water. Mr. Smith
3 stressed that he is looking at the home occupation as a whole. He argued that if the building
4 was attached to the dwelling space, that would increase the overall square footage by 1100
5 square feet so 720 square feet would meet the 25% criteria.
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7 Mr. Barnes said what Mr. Smith said was good, but not to forget they are dealing with two
8 businesses there.
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10 The Chairman looked at the total square footage provided by the Applicant which was
11 declared at 2830 square feet. If the Applicant’s measurements are correct then the 720
12 square feet would amount to 25.4% of that total which the Board would round down to 25%.
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14 Mr. Barker suggested the Applicant could amend his application to show 704 square feet.
15 Mr. Barnes reiterated that he would like a condition added to the Notice of Decision stating
16 that if they add a barn, that it can only be used for personal use. The Board members agreed
17 it would be better to add the 704 square feet as a condition. Before the Chairman closed the
18 public session, Mr. Scamman asked if they were going to include the barn as a condition as
19 Mr. Barnes requested. The Board members also discussed the issue of the garage being used
20 for storage. Mr. Smith asked the Greys how much of the garage is being used currently to
21 store business related items. The Greys said about 75%. Mr. Smith added that would take
22 the application well over the permitted square footage. Mr. Barnes commented that the area
23 in the garage is not a finished area. Mr. Smith said they need to decide how to interpret the
24 Zoning Ordinance as to whether that storage should count towards the permitted 25% of
25 dwelling space.
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27 The members then discussed whether the barn should be included as part of the application
28 as it hasn’t been built yet. The Chairman expressed the opinion that the Board should just
29 deal with the Home Occupation element and not the barn. Mr. Karam commented that they
30 do have to deal with the fact that the garage is being used to store things related to the
31 business. Mr. Scamman asked if a condition could be added that when they build the barn,
32 they move the business related items from the 23 square feet by 26 square feet garage into
33 the barn, but must not exceed the storage space they were using in the garage. Mr. Barnes
34 said he would be satisfied with that condition and reminded everybody that the barn could
35 not be rented out.
36

37 The Chairman closed the public session so the Board could review the criteria for satisfying
38 Section 5.13 Home Occupation of the Zoning Ordinance. The Board agreed that the
39 Applicant met all the conditions.
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41 The Board then went through the criteria for Section 5.13.3 Application for Special
42 Exception and Home Occupation Permit: Inspections of the Zoning Ordinance. Mr. Karam
43 observed that the wording of 5.13.3.ii indicates that storage is over and above the permitted
44 25%. The Chairman noted that a deed had not been submitted as required by 5.13.3.iii. but
45 said it could be added as a condition.
46

1 The last section reviewed by the Board was Section 17.8.2 Scope of Review for Special
2 Exceptions. The Board agreed that the Applicant met all of the criteria.

3
4 Mr. Scamman made a motion to approve Case #568 Peter Grey, Squamscott Road, Map #21
5 Lot # 8, to allow the first condition of 704 square feet in the workshop. The second condition
6 Mr. Scamman wanted to make is that Mr. Grey must submit a copy of the deed to the Town
7 which is required for the Town's files, and the third condition is that the Applicant may use
8 600 square feet of their business storage in either their garage or if the barn if built, the
9 Applicant may switch the 600 square feet to the barn. The motion was seconded by Mr.
10 Smith. The motion was approved unanimously.

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12 The Chairman declared the motion passed and informed the Applicant that there is a 30 day
13 appeal period, when no additions must be erected or any changes made to allow somebody
14 the opportunity to appeal during that period. If the Applicant goes ahead and makes the
15 changes, he will be doing so at his own risk.

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17 The Chairman closed Case # 568

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19 Case# 569: Wayne Williams, 37 Squamscott Road, Map # 21, Lot # 102 within
20 Residential/Agricultural Zoning District. This is a public hearing whereby the applicant is
21 requesting a Special Exception from Article V. Supplementary Regulations, Section 5.4.
22 Accessory Apartments of the Stratham Zoning Ordinance to construct an accessory
23 apartment to the existing single family dwelling.

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25 Mr. Karam read Case # 569 to those present. The Chairman invited the Applicant Mr.
26 Williams to take the floor. Mr. Williams explained that the addition is already built, but is
27 currently being utilized as a family room. He would like to change it into an accessory
28 apartment for himself as there are now three people living in the house. He would like his
29 own private living space.

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31 The Chairman asked what size the accessory apartment was. Mr. Williams said it was 956
32 square feet. The Chairman referred to the plan of the apartment and noted that the apartment
33 is bigger than 956 square feet, but the remainder of the space is actually dead storage space.
34 Mr. Smith asked what changes were being made to turn it from a family room to an
35 accessory apartment. Mr. Smith was told it would need an electric stove and a kitchen sink,
36 plus a partition to make a room for storage.

37
38 Mr. Scamman asked where Mr. Williams enters into the accessory apartment. The
39 Applicant's sister, Marsha Williams explained that it is a separate entrance. The Board
40 members looked at the square footage to make sure the apartment wouldn't exceed one third
41 of the living area in accordance with the Zoning Ordinance.

42
43 Mr. Smith said the septic plan is only for two bedrooms so that would need to be addressed.
44 The Board members discussed again how much square footage was allowed. They
45 concluded that only 650 square feet was permitted. Mr. Barnes asked if it would be
46 acceptable if he put in a wall to partition across the family room so 300 or so square feet

1 could be a living room for the main house. That would leave 650 square feet for the
2 apartment area. The Chairman felt that would work. Mr. Barnes advised the Board to put
3 the wall in as a condition. The Board told Mr. Williams he would need to submit a new plan
4 reflecting the 650 square feet, a foundation plan showing setbacks plus an approved septic
5 plan for the extra bedroom in the accessory apartment or a letter stating that the current septic
6 is large enough to handle an extra bedroom. The Applicant was told to provide proof of
7 potable water too.

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9 Mr. Smith made a motion to continue this case to give the Applicant the opportunity to pull
10 together additional plans, approval for septic and proof of potable water. The meeting will
11 be continued to May 8, 2012. The motion was seconded by Mr. Barker. The motion was
12 approved unanimously.

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14 Mr. Barnes informed the Board that there will be two cases coming before them that involve
15 wetland issues.

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17 The Chairman closed the meeting at 9.18pm.
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