



**Stratham Zoning Board of Adjustment  
Meeting Minutes  
June 25, 2013  
Municipal Center, Selectmen's Meeting Room  
10 Bunker Hill Avenue  
Time: 7:00 PM**

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**Members Present:** Arol Charbonneau, Chairman  
Kirk Scamman, Full Time Member  
Garrett Dolan, Full Time Member  
Mike Smith, Alternate

**Members Absent:** Chris Brett, Alternate

**Staff Present:** Terry Barnes, Building Inspector  
Lincoln Daley, Town Planner

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**1. Call to Order/Roll Call.**

The Chairman took roll call and then explained the procedure for tonight's meeting.

**2. Approval of Minutes.**

**a. May 28, 2013**

Mr. Scamman made a motion to approve the minutes from May 28, 2013 as presented. Mr. Dolan seconded the motion. Motion carried unanimously.

**3. Public Hearing(s)**

**a. Case # 581: Douglas Simmons and Pamela Strong, 9A Lovell Road, Stratham, NH, Tax Map 22, Lot 51 within the Manufactured Housing/Mobile Home District.** A request for a variance from Section 4.2 Dimensional Requirements of the Stratham Zoning Ordinance to locate a structure within the thirty foot front property dimensional setback.

Mr. Scamman made a motion to accept Case # 581 Douglas Simmons and Pamela Strong, 9A Lovell Road as a completed application. Motion seconded by Mr. Nolan. Motion carried unanimously.

1 Mr. Charbonneau read out the application before Mr. Simmons, applicant took the floor.  
2 Mr. Simmons said he had brought along a presentation to aid his application. He started  
3 by saying that originally they had a construction trailer on the property. He then showed  
4 everybody the property and how it is located on the lot which is not in a way it would be  
5 located today with the current zoning ordinance. He referred to the grade and how it  
6 drops off and showed the pitch down to the road. If they had to move the hoop house,  
7 they would need a lot more fill to bring the grade up which would be very costly. Mr.  
8 Simmons has been renovating the house for 4 years and it still requires a lot of work. He  
9 continued that the reason the property looks so good is because they have been able to  
10 store all the relevant tools in the hoop house.  
11

12 Mr. Simmons turned the topic to the problem with running water. They brought in 450  
13 yards of fill and crush to raise their driveway to combat the problem of water running  
14 down the hill across Lovell Road and onto their property. In 2011 when the lots were  
15 cleared across the road, the water problem really increased thanks to an increase of  
16 impervious surface on a 22 degree slope. They located the hoop house on this higher  
17 ground as everything in it is kept dry and it provides a place to work nearer the house no  
18 matter what the weather is. He said he had read the Zoning Ordinance and would never  
19 have guessed that it would have been considered a permanent structure. He didn't  
20 understand how it could have an adverse effect on neighboring property owners either.  
21

22 Mr. Simmons posed the question also why the setbacks for the Manufacturing Housing  
23 zone (MAH) are the same as the Residential Agricultural (R/A) zone when MAH zone  
24 requires 1 acre, but the R/A requires 2 acres. He said they could return to using the ugly  
25 construction trailer but the hoop house looks much better. He then proceeded to show  
26 slides of the house and the renovation that has taken place to date as well as the water  
27 problem. He showed a short film also to show how bad the water run off used to be.  
28

29 Mr. Scamman asked how close the hoop house is to the road. Mr. Simmons said he  
30 didn't know for sure. They had a survey done, but he knows it is wrong as the survey is  
31 based on previous surveys. Mr. Simmons said he measured the distance himself and he  
32 believes it to be around 16 – 18 feet. Mr. Barnes said the measurement needs to be from  
33 the property line. Mr. Simmons said it is about 18 feet and reiterated that the survey is  
34 not accurate.  
35

36 Mr. Smith asked what Mr. Simmons' long term intent for the hoop house was. Mr.  
37 Simmons replied that the reason they got it is because it's rugged and portable and to put  
38 it close to the house for storage and construction. Mr. Smith repeated his question. Mr.  
39 Simmons said he didn't want a hoop house there for ever. Mr. Smith inquired if it would  
40 be replaced by something else eventually. Mr. Simmons said that in the long term  
41 somewhere in the same area, they would like to have a permanent structure which they  
42 still won't want to have 30' back from the right of way. Mr. Smith confirmed that he  
43 couldn't relocate the hoop house elsewhere without using significant fill. Mr. Simmons  
44 said he could move it to the back yard, but it wouldn't be usable.  
45

1 Mr. Charbonneau asked Mr. Daley if the difference between the permanent structure and  
2 the construction trailer is that the trailer could be there for ever. Mr. Daley said that was  
3 correct. Mr. Barnes pointed out that a construction trailer is usually registered. Mr.  
4 Daley explained that tonight was about obtaining a variance for a structure which doesn't  
5 meet set backs and that it has become more than just a hoop house now. He added that  
6 the applicant has indicated that the hoop house will be there for quite some time also.  
7 Mr. Daley said that the applicant has indicated it is his intent to have a permanent  
8 structure at a later date and granting the variance would allow that to occur. Mr. Nolan  
9 asked if it was within the power of the Board to make the variance conditional. Mr.  
10 Daley said the variance goes with the property.

11  
12 Mr. Simmons mentioned the survey again. Mr. Daley said that even if the survey is off  
13 by 3 or 4 feet, the structure still won't meet the set back which is what the variance would  
14 be for. It is not a Board issue. Mr. Simmons asked the Board how many properties they  
15 knew of in Town with unique factors such as the slope or that the house has been at its  
16 location for over 120 years and it's jammed up into the far corner of the property and  
17 only has a 10' setback from the side line? The Board replied none. Mr. Simmons  
18 responded that as that is the case, in his opinion, it would not be setting a precedent to  
19 allow a variance for the setback issue. Mr. Barnes said there are other properties in Town  
20 with similar circumstances but that was not the issue tonight. Mr. Simmons said that they  
21 could be move the hoop house, but it wouldn't be where they need it to be and repeated  
22 that they would have to return to using the construction trailer. He argued that a hoop  
23 house isn't the same as a permanent structure such as a garage. Mr. Daley said the  
24 origins for the classification of what is considered a permanent structure is the visual  
25 impact a structure has on abutting properties especially when placed right on setbacks.  
26 Mr. Simmons argued that if he put it back 20 feet, the visual impact would be far greater  
27 than now. Ms. Strong said they had checked with the neighbors to see if it bothered  
28 them and it didn't. Mr. Daley referred to the cost that the applicant had put into the  
29 property, but the improvements were done without being in compliance of the zoning  
30 ordinance so the Board has to react to that. Mr. Simmons returned to the topic of visual  
31 impact and argued his hoop house wasn't really a visual impact on the neighborhood.

32  
33 Mr. Scamman reminded the applicant that they can only review what is there now which  
34 is a permanent structure. Mr. Simmons said he is there looking for a variance because he  
35 has no other practical place to put the hoop house.

36  
37 Mr. Charbonneau opened the floor to the public. Mr. Phoenix, 7 Lovell Road, abutter  
38 said he is not in favor of the hoop house. His first concern is the visual impact especially  
39 when the sun comes up in the morning as it is a very bright white and it doesn't fit  
40 aesthetically on the property. He has another neighbor with a hoop house but he can't  
41 see it and it is small in comparison to Mr. Simmons' hoop house. Mr. Phoenix said he  
42 wouldn't have a problem if it was a garage. He added that Mr. Simmons put it up  
43 without obtaining a permit to do so and he put it up without researching the Town's  
44 regulations first. In Mr. Phoenix's opinion, Mr. Simmons should have done some  
45 planning before investing money.

1 Next, Mr. Tim Murphy, resident spoke. He agreed that the applicant had put a lot of  
2 work into the house, but his issue is the property value issue. He feels that if he were to  
3 sell his house now, it's such an eyesore on the street that it will affect the property value  
4 of his house. He is also concerned that if he does stay but the applicant sells his house,  
5 what if the next owner builds something that is worse. Mr. Murphy said that in his  
6 opinion, the trailer looked better than the hoop house.  
7

8 Mr. Simmons said he used to be a property appraiser, and addressed the issue of property  
9 value. He said that currently there is a property opposite Mr. Murphy's with a lawn that  
10 hasn't been mowed in a year and it has all kinds of accessory structures on it which is a  
11 much bigger problem than his hoop house which can't even be seen from Mr. Murphy's  
12 house. He added that the 3 property owners up on the hill who overlook Lovell Road are  
13 not bothered by the view either.  
14

15 Another abutter mentioned that the hoop house was put up after the properties were  
16 bought up on the hill. Mr. Simmons said he had spoken with the property owners and  
17 they had no problem with it.  
18

19 Mr. Simmons confirmed that if he moved the hoop house, and it met the setbacks and he  
20 got a permit it would be permitted regardless of the color. The Board and Mr. Barnes  
21 confirmed he was correct.  
22

23 Mr. Dolan made a motion that they close the public commentary portion of the hearing  
24 on Case # 581 Douglas Simmons and Pamela Strong, 9A Lovell Road, Stratham. Motion  
25 seconded by Mr. Scamman. Motion carried unanimously.  
26

27 Mr. Scamman said his major issue was not having an accurate measurement from the  
28 hoop house to the road and if they award a variance it is in perpetuity with the property.  
29 He continued that he feels they don't have enough information to make a decision. Mr.  
30 Daley said that the Board has to make a decision based on the plan presented to them. If  
31 the Board isn't comfortable with that, they could request more information from the  
32 applicant. Mr. Scamman said if it was a case of a few feet from the setback he would be  
33 in favor of a variance but between 12 and 18 feet is a different matter especially listening  
34 to the abutters. Mr. Daley asked if there was a middle ground the Board would be willing  
35 to reach. Mr. Smith said that point is mute as it still wouldn't meet the setbacks. For him  
36 it is the point that once the variance is granted it remains with the property for ever. The  
37 Board discussed suggesting Mr. Simmons pay for an accurate survey. Mr. Smith said he  
38 wasn't convinced it would sway his decision and then Mr. Simmons would have gone to  
39 considerable expense only to be denied the variance anyway.  
40

41 Mr. Nolan asked Mr. Daley if the Board decides to put restrictions on this variance such  
42 as stating the setback has to meet a minimum distance from the center of the road, can the  
43 Board do that. Mr. Daley said the Board can specify the location of that structure within  
44 the dimensional set back. Mr. Nolan asked if the Highway Agent or Building Inspector  
45 could go to the property and place a pin where the structure should go. Mr. Barnes said a  
46 professional has to do that.

1  
2 The Board went through the criteria in accordance with Section 17.8.3 of the Ordinance.  
3

4 There was discussion about 17.8.3.b.i. the variance will not be contrary to the public  
5 interest. Mr. Scamman said that they had heard from some of the abutters who believe  
6 the visual impact affects their properties so he sees a conflict. Mr. Charbonneau said that  
7 was one of the reasons there are setbacks. All the members of the Board agreed that the  
8 application did not satisfy this condition.  
9

10 The Board discussed Section 17.8.3.b.ii next. Mr. Scamman said the applicant didn't  
11 meet this condition as the hoop house is only 12 feet off the road; it is less than half the  
12 allowed setback. All members agreed that the spirit of the ordinance was not being  
13 observed.  
14

15 The Board discussed Section 17.8.3.b.iii. "Substantial justice is done". Mr. Charbonneau  
16 said the underlying issue was the water running down which caused the applicant to  
17 spend lots of money but that is separate from the hoop house. Mr. Scamman and Mr.  
18 Dolan agreed that that was a separate issue. All members agreed that substantial justice  
19 was not done in accordance with Section 17.8.3.b.iii.  
20

21 Section 17.8.3.b.iv "the values of surrounding properties are not diminished" was  
22 discussed next. Mr. Scamman said according to Tim Murphy, he believes they are and as  
23 he has no knowledge of real estate he feels he has to listen to the abutter and believe that.  
24 Mr. Charbonneau said he agreed with what the abutter was saying, but that stuff can  
25 rarely be proven. Mr. Scamman said it is hard to prove either way. Mr. Charbonneau  
26 said the abutters are about position so in their opinion anyway values are diminished.  
27 Mr. Dolan agreed that if you had 2 real estate agent appraisers together, you wouldn't get  
28 them to agree. He continued that as far as being detrimental to the property values, he  
29 would have to defer to the possibly affected abutters and agree with them that it would  
30 affect their property values. Mr. Smith said considering what else is up and down Lovell  
31 Road, he wasn't sure he agreed, but he didn't want to minimize the opinion of the  
32 applicant or abutters. He added that he felt the hoop house had improved the appearance  
33 of the applicant's house when compared to the construction trailer that was there  
34 previously. Mr. Smith said that long term the hoop house would diminish the property  
35 value, but not necessarily short term. Mr. Charbonneau said he kind of agreed with Mr.  
36 Smith as it can't be proven. 2 of the members agreed with Section 17.8.3.b.iv and 2 did  
37 not.  
38

39 The Board discussed 17.8.3.v.1.a and b. "Literal enforcement of the provisions of the  
40 ordinance would result in an unnecessary hardship." Mr. Scamman said that the  
41 proposed use of 12' from the right of way is too close. Mr. Charbonneau said he thought  
42 the proposed use was fine and while inconvenient, it could be located elsewhere on the  
43 site. Mr. Scamman said it would be a significant hardship to put it down below. Mr.  
44 Dolan said he disagreed as the applicant has the full use of the rest of the property and  
45 had he pulled a permit he would have the full use of the structure on another location on  
46 the property. Mr. Charbonneau and Mr. Smith agreed with Mr. Dolan. 3 of the members

1 felt that enforcement of the provisions of the ordinance would not result in an  
2 unnecessary hardship. 1 member thought it would result in an unnecessary hardship.  
3

4 Section 17.8.3.v.2 of the Ordinance was discussed next. Mr. Charbonneau said that  
5 overall it was a reasonable use of the property, it's just a question of the hoop house and  
6 the 12'. He asked if there is a hardship that makes that unreasonable. Mr. Scamman said  
7 he guessed not as there are many other places the applicant could put it. Mr. Dolan said  
8 he didn't know what the restrictions would be if he filled the land further out along the  
9 road way to allow him to site the structure on the property. Mr. Dolan said it would be a  
10 substantial cost, but it wouldn't be prohibited. Mr. Scamman said the hardship would go  
11 away with gravel. All the members agreed that there were other possibilities for the hoop  
12 house so therefore the applicant did not meet Section 17.8.3.v.2 of the Ordinance.  
13

14 Mr. Charbonneau read out Section 17.8.3.v.3. to the Board. There was no discussion as  
15 the Board had already discussed the subject matter fully. .  
16

17 Mr. Scamman made a motion to deny the variance for case # 581 due to the conditions  
18 not being met in the Zoning Ordinance. Motion seconded by Mr. Dolan. Motion carried  
19 unanimously.  
20

21 Mr. Charbonneau explained to the applicant that he had 30 days in which to move the  
22 hoop house. Mr. Simmons inquired what the time limit for an appeal was. Mr.  
23 Charbonneau said he had 30 days. Mr. Simmons questioned the role of the ZBA and said  
24 he found it hard to believe they don't think there is a hard ship.  
25

26 Mr. Scamman made a motion to close Case # 581. Motion seconded by Mr. Smith.  
27 Motion carried unanimously.  
28

- 29 **b. Case # 583: Matthew Soper and Aimee DeRoehn, 20 Crestview Terrace, Stratham,**  
30 **NH Tax Map 22, Lot 115.** A request for a Special Exception pursuant to Sections 5.13  
31 Home Occupations and 3.6 Table of Uses of the Stratham Zoning Ordinance to allow a  
32 yoga studio business in the existing single-family residence for a property located in the  
33 Residential / Agricultural Zoning District.  
34

35 Mr. Dolan moved to accept the application. Motion seconded by Mr. Scamman. Motion  
36 carried unanimously.  
37

38 Mr. Smith read out the application. Mr. Chris M??? attorney for the applicant introduced  
39 himself. He explained that Miss DeRoehn is a highly qualified yoga instructor who  
40 currently works in a studio in Manchester, but as she and Mr. Soper have 2 young  
41 children, teaching yoga out of their home would be a more practical proposition. Mr. M  
42 shared some statistics to prove that most yoga participants are respectable people. They  
43 anticipate morning and evening classes lasting typically 1 hour to 1 hour and a half.  
44 Morning classes would start around 9:00 – 9:30 am and early evening classes. They have  
45 580' square in their basement of a 2800 square feet home available for yoga which is  
46 under the 25% allowed for a home occupation. Based on the configuration of the space,

1 they anticipate 8 – 10 students could be taught in there at one time. Mr. M ran through  
2 the criteria for both the special exception and home occupation and how his clients meet  
3 those criteria.

4  
5 Mr. Scamman asked if a special exception goes with the property or the owner. Mr.  
6 Daley said it doesn't stay with the property, just the owner. Mr. Daley said there was a  
7 caveat namely if a new property owner moved in and wanted to continue with a yoga  
8 studio, then they can continue the business under the current home occupation permit.

9  
10 Mr. Scamman asked if they had a map of the property so he could see where people's  
11 cars would be located when they came for yoga lessons. He assumed that up to 10 extra  
12 cars would be parked on their property. Mr. M said they had provided an aerial  
13 photograph. Mr. Soper said they can fit 8 cars comfortably on the asphalt and there is a  
14 grassy spot where another 3 -5 cars could be located if necessary.

15  
16 Mr. Scamman referred to the traffic and neighbors trying to get out onto Route 33. He  
17 asked how they thought the extra cars would affect the current traffic for the residents on  
18 Crestview Terrace. Mr. M said there will be a slight increase in traffic but he doesn't  
19 think it would cause a safety issue. Mr. Scamman asked how many houses were on  
20 Crestview. He was told about up to 60 houses with one way in and one way out.

21  
22 Mr. Dolan mentioned the classes lasting for an hour to an hour and a half. He asked what  
23 time lessons would run. Ms. DeRoehm said morning lessons would start around 9:00 –  
24 9:30 am, but she wasn't sure about evening times as it would depend on her children, but  
25 they would be early evening. Mr. Dolan explained he was trying to get a feel for the  
26 neighbors' benefits. Mr. Smith asked what the latest time would be for lessons to end for  
27 the day. Ms. DeRoehm said probably around 7:00 – 7:30 pm at the very latest for about 5  
28 days a week. Mr. Dolan asked about weekends. Ms. DeRoehm said ultimately she  
29 would like to teach on weekends, but for now 5 days a week would be realistic. Mr. M  
30 said they would be happy to do whatever the Board suggests to avoid upsetting abutters.

31  
32 Mr. Nolan then asked how students would access the building if there were to be no  
33 external changes as stated by Mr. M when going through how his clients meet the  
34 necessary criteria. Mr. Soper said there is a finished basement with its own access which  
35 is directly in front of the parking area. Mr. Charbonneau asked if it was above grade.  
36 Mr. Soper said it was practically the same level as the parking area. Mr. Charbonneau  
37 asked if there was a second egress available. Mr. Soper replied that the previous owner  
38 had taken the stair case out, but it was a small space. Mr. Barnes asked if there was no  
39 way to go upstairs. Mr. Soper said there wasn't; Mr. Barnes said he would need to look  
40 at that.

41  
42 Mr. Scamman said he was looking at the driveway on the map Mr. Daley provided. Mr.  
43 Soper said the driveway was wider than it looked on the aerial photograph.

44  
45 The Chairman opened the floor up to the public.

1 Mr. Donald Meeves, direct abutter said he is concerned about traffic. Twice a day there  
2 will be the potential for 10 cars arriving and leaving plus whatever cars the applicants  
3 already have at their property. It could end up looking like a used car parking lot. Mr.  
4 Meeves said where he lives most of the traffic passes by his driveway including 3 buses a  
5 day that turn around. He added that there are also several small kids playing on their  
6 scooters. As far as property value, he said, if he was selling his house, it wouldn't help  
7 the situation if all those cars were on display. Mr. Meeves also asked what is to stop  
8 other homeowners from having small businesses in their homes, should this home  
9 occupation be permitted. His other concern is signage, he doesn't feel it's right in a  
10 residential neighborhood.

11  
12 Mr. Meeves added that Mr. and Mrs. Brown, indirect abutters had asked him to represent  
13 their opinion which is they are against the home occupation.

14  
15 Ms. Cindy Silva, abutter said she had the same concerns. It is a quiet neighborhood with  
16 a good mix of young and old families, but there are no sidewalks so everybody tends to  
17 walk in the road. She feels that the Route 33 can't cope with 10 more cars going on and  
18 off of it from Crestview Drive. Ms Silva also brought up the fact that should an accident  
19 happen at the Seabrook Nuclear Power Station, they would not have a real chance to  
20 getting out of Crestview. She lives diagonally opposite so will see all the cars. The  
21 amount of cars concern her and while she wishes them luck, she would prefer it if they  
22 located their business elsewhere.

23  
24 Mr. Bill Clapp, resident of Crestview Terrace expressed his concerns about traffic.

25  
26 Mr. M said they would like to schedule classes so they are not conflicting with the  
27 standard drive times. He felt that not granting this permit because of Seabrook would not  
28 be a fair reason.

29  
30 Ms. Silva mentioned the fact that when a microburst occurred in Stratham back in 1991,  
31 they could only use one lane in and out of Crestview and the Route 33 was closed down.  
32 She added most people buy in a residential area because it is residential.

33  
34 Mr. Charbonneau asked how many cars are there now. Mr. Soper said 4, 3 of which are  
35 residents and the other belongs to the nanny.

36  
37 Mr. Daley asked Ms. Silva to show the Board where her house was in relation to the  
38 applicant. Mr. Daley explained that the Board has the purview to set conditions such as  
39 screening measures. Mr. Daley asked the applicants if they intend to hold any outdoor  
40 classes. The applicants said no. Mr. Daley addressed the issue of there possibly being  
41 up to 13 cars parked at their house. Mr. Soper said it could be a problem in winter time,  
42 but there would be no more than 2 or 3 cars on the side and they would only be there for  
43 90 minutes. Mr. Soper said the plan is to build a customer base so that in 2 or 3 years  
44 they can move the business to a commercial space. Ms. DeRoehn added that her  
45 daughter who owns one of the cars in the driveway will be going to college in the winter  
46 which will be one car less and her eldest son who currently is the nanny for their



1 youngest child will only be doing that for another 3 - 6 months. Mr. Soper added that  
2 there is still enough room for up to 12 cars before they need to go on the street. The  
3 Board discussed the parking issue further with the applicants. They were concerned that  
4 there would be double parking which could cause issues when a class finishes. Mr. Smith  
5 said 10 – 12 cars coming and going at the same time seemed excessive to him and there  
6 will always be people who don't want to be blocked in so will park on the street. He  
7 feels too many cars ruins the essence of a residential area. He wondered what the  
8 minimum number of clients would be to make their business viable. Mr. Soper said if  
9 they get 5 students twice a day they will be doing well, but if they do go over that  
10 number, they will look at other premises.

11  
12 Mr. Daley asked if there would be any audible sounds such as music which could be  
13 heard outside of the property. The applicants said at the every most Ms. DeRoehm could  
14 use a small microphone, but the whole nature of yoga revolves around relaxation.

15  
16 Ms. Silva asked about placement of their sign. Mr. M said the Ordinance restricts them  
17 to the sign being located 20' off the property line and it cannot be bigger than 4 square  
18 feet. Mr. Silva was concerned about winter time if any cars are on the road. Mr. Dolan  
19 asked if they had enough room on their property to move snow off of the driveway. The  
20 applicant said they have plenty of room. Mr. Dolan asked if they would be amenable to a  
21 condition being added which states no on street parking allowed. The applicants said  
22 they would be comfortable with that.

23  
24 Mr. Meeves said that even 5 or 6 extra cars is asking a lot of a residential neighborhood.  
25 Mr. Dolan asked Mr. Barnes if each resident is allowed up to 3 unregistered vehicles on  
26 their property. Mr. Barnes said only one unregistered is allowed. Mr. Smith asked if  
27 there were any buffers between their property and abutting properties such as trees,  
28 shrubs etc. The applicants said there are some low lying trees on all sides apart from the  
29 front of the property. Mr. Smith asked that when all the cars are parked in their driveway  
30 will they be visible to all of the abutters. The applicants said they would be partially  
31 visible on one side. Mr. Smith asked if they would be willing to install a good buffer.  
32 Mr. Soper said he would be willing to do that. Mr. Soper mentioned he was intending to  
33 plant some fruit trees anyway, but Mr. Dolan pointed out that as they are deciduous, they  
34 would lose their leaves. The Board suggested evergreen trees, but Ms. Silva said they  
35 always start off small so it takes years before they are big enough to hide anything.

36  
37 Ms. Silva asked that if this home occupation is granted, does it mean others are going to  
38 follow. Mr. Smith explained that there is an ordinance in place and it allows for home  
39 occupations provided certain criteria are met.

40  
41 Mr. Scamman made a motion to close the public session for Case # 583 Matthew Soper  
42 and Aimee DeRoehn, 20 Crestview Terrace. Motion seconded by Mr. Smith. Motion  
43 carried unanimously.

44  
45 The Board went through the criteria for Section 5.13 Home Occupation (Amended 3/10).  
46 The Board agreed that the applicant met 5.13.2.a.

1  
2 There was much discussion about 5.13.2.b as to whether the amount of extra cars on the  
3 property would impair the residential character of the premises. Mr. Scamman felt that 5  
4 additional cars to the applicant's own vehicles was an acceptable number. Mr. Smith  
5 said 5 sounded reasonable to him. Mr. Daley suggested encouraging the applicant to park  
6 close to the house during lessons. Mr. Smith said if they park their own cars closer to the  
7 house and put in some foliage that would go a long way to satisfying the abutters.  
8

9 The Board agreed that the applicant fulfilled the criteria of 5.13.2.c. thru 5.13.2.k  
10 Mr. Daley informed the Board that if they feel a site plan review is required for the  
11 parking element, they can reach out to the Planning Board for their input in the process.  
12 Mr. Smith said he thinks that would be a great idea as he has no real feel for the parking  
13 issue. Mr. Daley said there is the opportunity also for staff to help design the parking area  
14 to meet the regulations. Mr. Scamman said going for a site plan review before the  
15 Planning Board is both a lengthy and expensive process. The Board agreed it would be  
16 good if Mr. Daley and Mr. Barnes helped the applicant with the parking and landscaping.  
17 Mr. Dolan asked the applicants if they would be amenable to working with the Town  
18 Planner and Code Enforcement Officer to develop parking and landscaping without  
19 having to go through the expense of a site plan review. The applicants said they were  
20 happy to do so. Mr. Dolan asked if the Town Planner and Code Enforcement Officer  
21 would have the ultimate authority for granting the parking and landscaping design.  
22

23 Next the Board went through the criteria for a Special Exception.

24 Mr. Scamman said his main concerns were the parking and screening and traveling at off  
25 peak hours. Mr. Dolan explained to the applicant they were trying to set hours of  
26 operation.  
27

28 The Board agreed the applicant met 17.8.2.a.i and ii. They agreed 17.8.2.iii was met as  
29 long as cars were limited to 5 cars, there is some screening and sessions are at off peak  
30 hours.  
31

32 The Board decided to set the conditions when they discussed 17.8.2.a.iii. Firstly they  
33 decided on setting hours from no earlier than 9:00 am and finishing no later than 7:30 pm  
34 for Mondays thru Friday. For Saturday they decided no earlier than 9:00 am and  
35 finishing no later than noon. No sessions to be held on Sundays. Next they set a  
36 condition that there should be no more than an additional 5 cars and no on street parking.  
37 Mr. Daley said that as part of working with the staff for the site plan, a site plan will be  
38 produced that the applicants will agree to adhere to; parking will be located close to the  
39 house, off the lawn and off the street. Mr. Daley added the parking will be restricted to  
40 the 5 areas as illustrated on the site plan to be developed with staff and the applicant.

41 Mr. Scamman said when it comes to screening, he would like it to say evergreen trees.  
42 The Board voted on the conditions 3:1. Mr. Charbonneau felt that 5 cars were too many  
43 extra vehicles for a residential neighborhood.  
44

45 The criteria for 17.8.2.a.iv., v. and vi. were discussed next. The Board agreed the  
46 applicant met these conditions.

1  
2 Mr. Dolan made a motion to approve the special exception with the following conditions  
3 as discussed in Section 17.8.2.a.iii:  
4

- 5 • The hours of operation are not to be before 9:00 am and they shall end by 7:30 pm.  
6 On weekends it will be Saturday only and also not before 9:00 am and end by noon.
- 7 • No more than 5 additional cars
- 8 • No on street parking
- 9 • Restrict the parking area to the upper end of the lot and defined areas developed by  
10 the staff of the Town Planning department.
- 11 • Screening will also be by the Town Planning department and by evergreen  
12 vegetation.

13  
14 Motion seconded by Mr. Scamman. The motion was carried 3:1. Mr. Charbonneau  
15 opposed the motion.  
16

17 Mr. Charbonneau made the applicant aware that there is a 30 day appeal period. He said  
18 they could work with the Town Planner to address the conditions.  
19

20 Mr. Scamman made a motion to close Case # 583. Motion seconded by Mr. Smith.  
21 Motion carried unanimously.  
22 .

#### 23 **4. Miscellaneous.**

24 There were no miscellaneous items to report.

#### 25 **5. Adjournment**

26  
27 Mr. Charbonneau made a motion to adjourn the meeting at 10: 17 pm. Motion seconded by  
28 Mr. Dolan. Motion carried unanimously.