

TOWN OF WEBSTER, New Hampshire
Zoning Board of Adjustment
945 Battle Street/Rte 127
Webster, NH 03303
Tel. (603) 648-2272

MINUTES FROM ZBA HEARING 03/18/2008

Members present: Chairman Marty Bender, Secretary Pat Inman, Members Bobby Drown, Dave Barnes, and Linda Hook.

7:04 Chairman Bender opened the hearing. Secretary Inman took attendance and read the public notice. Chairman Bender then explained the hearing process to the applicant. He directed Mr. Austin to proceed with his request.

Mr. Austin stated that he would like to open a winery in one bay of his three car garage. He has been making wine as a hobby for years. Mr. Austin contacted Dick Uncles at the Department of Agriculture who said that he shouldn't need a Special Exception since his residence is located in a "Residential/Agricultural District". In response to questions from Chairman Bender, Mr. Austin stated that he will use herbs, berries, vegetable and flowers to make the wine – no grapes will be used. He will either grow these items himself or buy them locally.

Member Hook asked how much wine will be produced. The permit from the State would be for a maximum of 1,000 cases per year (one case is approximately 3 gallons).

Chairman Bender stated that this meets the definition of "agriculture" as stated in RSA21:34.

Mr. Austin was questioned about state liquor commission regulations as far as any future plans. Once the Town gives permission for the winery, any future changes e.g. an on-premise license are at their discretion.

When asked what percentage of product would be made with purchased concentrate as opposed to home-grown ingredients, Mr. Austin could not give a definitive number.

No one else spoke in favor or in opposition to the application.

7:20pm Chairman Bender closed the testimony. After much discussion, it was decided that the Board needs clarification on some legal points before a decision can be made. Chairman Bender will contact town counsel and Dick Uncles at the Department of Agriculture for clarification.

Mr. Austin will return to the ZBA hearing on April 8 at 7:00pm.

7:35pm Chairman Bender closed the first hearing.

7:40pm Second hearing opened. Secretary Inman took attendance (as above) and read the public notice. Chairman Bender explained the hearing procedure to the applicants and directed them to begin.

Mr. Longver explained that he would like to extend his existing garage to add an accessory apartment for his daughter and son-in-law. He will add to the existing leach field (copy of plan presented) and add an artesian well. Mr. Longver's daughter and son-in-law live with them to assist them as they age. They actually have a bedroom over the garage because there is not enough room for sleeping in the main residence. However, they would like to convert the garage to a full apartment to give them some privacy. Member Hook asked a question regarding compliance with the new Shoreline Protection Act, but it will not be in effect until April 1.

Chairman Bender read and Mr. Longver agreed to the stipulations for an accessory apartment.

No one else spoke in favor or opposition.

7:55pm. Chairman Bender closed the testimony and opened the hearing to questions by the Board. One of the main oppositions to the apartment was that since it sits on a separate lot from the main dwelling it could be sold individually in the future. The definition of an accessory apartment actually states that it must be on the same lot. The Board proposes to Mr. Longver that he merge the two lots. He agreed to this.

A motion was made at this time, but was not seconded so further discussion ensued.

Discussion followed concerning regulations on adding a new dwelling on a Class VI or private road per RSA 674:41. Since the garage is already there, this does not appear to be in conflict.

Dave Barnes made a motion to grant the exception with two conditions (1) all accessory apartment conditions are met including meeting all relevant life safety and sanitary codes (2) the two lots are merged into one. Bob Drown seconded the motion. The vote passed with a count of four for and one against.

9:00pm Chairman Bender closed the hearing.

Respectfully submitted,

Patricia Inman
Secretary

