

# Town of Salisbury

## *Zoning Board of Adjustment*

---

### *Zoning Board of Adjustment Meeting Summary September 10, 2013*

Arthur Garvin	Chairperson	Present
Mark Hutchins	ZBA-Vice Chairperson	Present
Ken Mailloux	ZBA Member	Present
David Merwin	ZBA Member	Present
Rose Fife	ZBA Member	Absent
Ken Ross-Raymond	ZBA-Alternate/Selectman	Present/left early
Gary Clark	ZBA-Alternate	Absent
Vacant	ZBA-Alternate	
Vacant	ZBA-Alternate	
Vacant	ZBA-Alternate	
April Rollins	ZBA - Assistant	Present

**Visitors:** Ben Jones and Elaine Kinne.

**Public Hearing for a Special Exception for a Major Home Occupation to operate a “Nano” Brewery in the Agricultural Zone, applied for by Ben Jones & Heather Parker located at 24 Robie Road. (Tax Map 247, Lot 8)** – Chair Garvin swore-in Ben Jones and asked him to explain his application because it is simplistic in nature. Mr. Jones explained he is proposing to produce beer at his residence in his garage and would not be distributing the beer from home but selling it to retail stores. Mr. Jones stated he would be producing 2-3 barrels a week or 150-200 barrels a year, which would be brewed outside then bottled & stored in the garage. Chair Garvin stated a site plan drawing was submitted but no improvements are being proposed to the property and the area being set aside for storage is eight feet by twenty-four feet (8’ x 24’), which is not tremendously large. Chair Garvin asked if tours would be given and Mr. Jones replied yes, under the State’s license they have to be. Chair Garvin asked where the beer substances would be coming from and Mr. Jones replied he buys the supplies on-line in bulk. Ken Mailloux asked what the barrel size is and Mr. Jones replied fifty (50) gallons. Ken Mailloux asked if Robie Road was a Class VI road and Chair Garvin replied yes. Mr. Jones noted the road’s culvert was recently replaced due to a few logging operations. Chair Garvin raised the question as whether this application should be deemed to be that of a minor or major home occupation. Vice Chair Hutchins replied he feels this is a minor home occupation with a special exception. Chair Garvin stated the Board amends the application “sua sponte” to be that of a Minor Home Occupation with Special Exception, the troublesome area in the ordinance is the “no on-site sale of goods unless grown on-site” and this is a limited use of the property. Chair Garvin read the Special exception criteria from the RSA’s. Chair Garvin asked when people come to the property, how many do you expect and Mr. Jones replied he was unsure but wants to stay small. Chair Garvin

asked if there would be adequate parking and Mr. Jones replied yes. Selectman Ross-Raymond asked if there would be a sign and Mr. Jones replied yes but it would be on his Father in-law's property.

Chair Garvin opened the Public Hearing at 8:21 p.m. Elaine Kinne (abutter) stated she was present just to know what was being proposed. The Public Hearing was closed at 8:22 p.m.

Ken Mailloux made a **motion** to approve the Jones/Parker Minor Home Occupation application under Special Exception. Dave Merwin **seconded** the motion. Discussion; Vice Chair Hutchins asked if the Board would consider conditional approval upon review by Town Counsel because the road is a Class VI, which is a liability and fire trucks may refuse to go down the road. Ken Mailloux replied they are not changing anything but he would think differently if it were a new home. Chair Garvin stated it might well be different if the application was for a variance for four new buildings but this application doesn't rise to that level. Vice Chair Hutchins noted that residents living on Class VI roads have to sign a "Waiver of Liability" with the Selectmen. The **motion passed unanimously.**

**Discussion Re: Treatment of Home Occupations** – Ken Mailloux stated he feels the re-draft is pretty straight forward. Vice Chair Hutchins stated there is less specifying in the new version and thought the permitted use had to be specifically listed or the Board would be powerless to grant anything. Chair Garvin reviewed RSA 674:33 and noted it is consistent with the ordinance. ZA Rollins provided the ZBA Members with the PB's proposed amendments to the Zoning Ordinance's permitted uses section. Tabled until the Planning Board reviews and comments.

**Review of Zoning Board's 2014 Budget** – No increases will be recommended.

**Review and Approval of Draft meeting minutes 8/13/13** – Ken Mailloux made a **motion** to accept the May 14, 2013 draft meeting minutes with changes. Vice Chair Hutchins **seconded** the motion. The **motion passed unanimously.**

**Equitable Waiver of Dimensional Requirements** – ZA Rollins reported she has drafted a form for the Town to use and will have a final draft for the next meeting.

**Searles Hill – Discussion of New Cellular Tower** – ZA Rollins stated she had a preliminary discussion with a potential property owner. ZA Rollins provided the person with all of the necessary information to move forward. ZA Rollins stated the Selectmen's Office would need a meeting first because it is a Class VI road, then a joint meeting with the PB & ZB for a Site Plan Review. ZA Rollins noted the Town currently does not have any existing cell towers but if there were, the Town does not at present have a "Conditional Use Permit" provision within its Zoning Ordinance.

### **ADJOURNMENT**

Dave Merwin made a **motion** to adjourn the meeting at 8:08 p.m. Ken Mailloux **seconded** the motion. **Motion passed unanimously.**

Respectfully submitted by,  
April Rollins, Zoning Assistant