

Town of Groton – Zoning Board

June 24, 2020

Meeting commenced at 2:09 PM.

All Members Present: Glen Hansen, Gary Easson Ann Joyce, Barrie Sawyer & Pete Smith.

Old Business:

Meeting minutes from January 14, 2019 were reviewed, motioned to accept by Ann Joyce as written, so voted by Glen Hansen, Gary Easson & Ann Joyce who were members of the zoning board from 2019.

Meeting minutes from April 1, 2020 were reviewed, motioned to accept as written by Barrie Sawyer, so voted by Glen Hansen, Ann Joyce, Barrie Sawyer & Pete Smith. Gary Easson abstained as he was absent from April 1, 2020 meeting.

Research to be done on why you cannot vote when absent from a meeting.

New Business:

Erik Ljunggren was present at this meeting. Application received for a special exception by Erik Ljunggren for a mechanics business, storage of vehicles & parts outside of proposed garage.

A question was raised regarding ownership of land for 434 North Groton Road, Map 6, Lot 15. The land is jointly owned by Arvid Ljunggren, Diane Ljunggren & Erik Ljunggren. Erik & Diane Ljunggren were present at the planning board meeting of May 27, 2020. Diane gave her verbal agreement for the proposed mechanics garage. Glen Hansen was present at the planning board meeting to verify this information. The planning board directed Erik Ljunggren to the zoning board.

The mechanics garage will be an engineered steel building 24 x 34, replacing the soft sided structure with attached wooden shed. The building will have electricity, no running water & heated by propane with modene heaters. The tanks will be installed outside by a licensed propane contractor. A fire suppression system due to welding, acetylene cutting & plasma cutting will be installed. It was suggested he contact Hebron Fire Department either Tony Albert or John Fischer regarding the fire suppression system needed for this business as there is currently no Fire Chief in Groton. He will have a 55 gallon waste oil drum or concrete drum if required. The business will have a lift & tire balancing machine. The hours of operation will be 9 am -5 pm, four days a week when fully operational. Currently while he is employed elsewhere, the business will be run on a part time basis on weekends & evening until 10 pm. The lot size is 40 by 26 so there will be adequate parking for four vehicles outside & two inside the building. Two of the four abutters, Paul Smalley, Map 6 Lot 14 & Peter Newton, Map 6 Lot 66 have signed documents they are aware of Mr. Ljunggren's intention to run an automotive service garage. The remaining two William & Lydia Thompson, Map 6 Lot 67 & Society for the Protection of NH Forests, Map 6, Lot 21 have not been notified.

Reviewing the APPLICATION FOR SPECIAL EXCEPTION FOR Erik Ljunggren, Map 6 Lot 15, 434 N Groton Rd.

1. **Description of proposed use which requires a special exception as specified in the Town of Groton zoning ordinance.** Special exception due to mechanics business & the storage of vehicles & parts outside of proposed garage because of the vehicle service work. **No questions from zoning board.**
2. **Explain how the proposal meets the special exception criteria as set forth in the ordinance.** My mechanics business will be in compliance as set forth in the ordinance with no disruption to the town. Please see my answers below. **Question from the zoning board regarding why a special exception is needed because Groton allows home businesses. Home businesses are allowed in Groton, the key word is in the "home". This will be in a separate building, a garage which requires a special exception. This falls under the Zoning Ordinance # 6. "No person shall undertake any commercial use or construct or cause to be constructed any structure, within the town, except in compliance with this regulation. "**
3. **The use will not be detrimental to the character of the neighborhood.** The garage that the business will be ran out of will be well maintained and clean so no neighborhood damage. **No questions from zoning board.**
4. **The use will not be injurious, noxious, or offensive to the neighborhood and no nuisance or unreasonable hazard will result.** There will be no business activities that will be noxious to the neighborhood due to set business times. **There will be no ground contamination. There will be a waste oil recovery system. If there was a spill, it would become a DES issue. There will be no waste oil burner, Mr. Ljunggren has no interest in this. If there are violations to the special exception, the zoning board can revoke the special exception until the medium is met. We as members of the Zoning Board can attach a statement that additional conditions are met & forward to the planning board.**
5. **The use will not be contrary to the public health, safety, or welfare of the Town by reason of undue or adverse traffic impacts, undue risk to life or property, or unsanitary, or unhealthful, and will not create other adverse conditions.** All business will be conducted from the property. You will not create any nuisance at all, no backing out into public right of way. This is not legal. **No zoning board questions.**
6. **The specific site is appropriate for the use and the location and size of the use and the nature and intensity of the operation involved will be in harmony with the orderly development of the neighborhood. There exists adequate water, sewer, or septic service and adequate access to the site and parking.** The home adjacent to the garage meets all criteria ... water, septic and the garage can house two vehicles and the parking for four customers. **In the special exception, the water, sewer or septic services will be struck from the special exception because he has access to his house for water & septic services and no employees. Under the junkyard ordinance, you can not have more than two unregistered vehicles on the property. The zoning board will recommend that two vehicles can be inside the garage, two vehicles can be stored outside not including the three personal vehicles. Fencing would be an impediment and is not recommended. If the zoning board recommends two outside vehicles & you need to store additional vehicles you can reapply to the zoning board. The building would be sixteen feet from the house to the garage with a thirty foot set back from the road. The**

building will be built on an Alaskan slab with no frost walls, professionally built by building contractors.

Do we need to hold a public hearing or do we need to hear from the remaining two abutters, William & Lydia Thompson, Map 6, Lot 67 and the Society for the protection of NH Forests, Map 6, Lot 21? Mr. Erik Ljunggren will notify the two remaining abutters by certified mail with a deadline of seven business days to respond with the same letter he had Mr. Peter Newton & Mr. Paul Smalley sign. The people can respond to Erik Ljunggren & if there is an issue a public hearing will need to be scheduled. All responses received need to be in writing good or bad. If respondents do not answer within seven days, they will be in default.

The letter forwarded to the abutters reads: I, Erik Ljunggren am notifying abutting land and or home owners of the proposed business, I intend to run on the property of 434 N Groton Road. The business will entail a 24 x 34 garage that I intend to perform automotive service in. Proposals will be held at the town office in the meetings that the town has scheduled. Thank you and please contact me with any questions or comments. Please sign & return.

This will be tabled until the two remaining abutters have replied. Motioned to table the application by Barrie Sawyer, so voted.

Next item: MIT application for special exception. A walk through visit has been scheduled on July 21 at 5 PM with the planning board, zoning board & select board with the MIT applicants. All zoning board members will attend.

Motion to adjourn by Barrie Sawyer so voted at 3:13 pm.

Addendum: Research completed on why you cannot vote on prior minutes if absent:

91-A:2 Meetings Open to Public. –

I. For the purpose of this chapter, a "meeting" means the convening of a quorum of the membership of a public body, as defined in RSA 91-A:1-a, VI, or the majority of the members of such public body if the rules of that body define "quorum" as more than a majority of its members, whether in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously, subject to the provisions set forth in RSA 91-A:2, III, for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.

The Zoning Board of Adjustment in New Hampshire- A handbook for local officials, November 2019:

Members must reside in the community and are expected to attend each meeting of the board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the chairperson as soon as possible. Members, including the chairperson and all officers, shall participate in the decision-making process and vote to approve or disapprove all motions under consideration.