

**Zoning Board of Adjustment Public Meeting  
Richmond Veterans Hall**

**November 12, 2014**

**7:00 PM**

**Members Present**

Mark Beauregard, Vice Chair  
Lloyd Condon  
Jean Tandy  
Chris Daughtery, Alternate

**Members Absent**

Alan Schmidt, Chairman  
Sandy Perry

Public: Tom Tague, Judith Tague, Chris Bause, Pamela Bause and Jerald Merrifield.

Meeting called to order @ 7:03 PM.

**1. Meeting called to order/roll call:**

Jean Tandy seated as she was not seated in the past for Map 412 Lot 033...  
Chris Daughtery seated for Alan Schmidt.

With the absence of two board members the applicants were asked if they wanted to continue with their hearing or move to the next meeting as this meant two votes would not be cast and could create a denial. Both the Tague's and Bause's agreed that they wanted to continue with their public hearing.

**2. Public Hearing, Map 412 Lot 033:**

Vice Chairman Beauregard continued the Public Hearing for Map 412 Lot 033 regarding a Special Exception from Article 6 Section 604.1 Wetland Setbacks.

The Zoning Board of Adjustment at their October 15, 2014 public hearing conditionally approve the Special Exception request to receive findings and review from the Conservation Commission.

The ZBA received the Conservation Commission findings in accordance with Richmond Zoning Ordinance 604 Special Exception under section 604.1.

Mr. Tague asked if he could speak first as he felt it would be useful to give his opinion on the Conservation Commission findings. Mr. Tague was concerned that the two people that did the assessment from the Conservation Commission were not qualified and this created precedence. Mr. Tague's opinion was in the future the applicant should have to pay for a qualified Wetlands Scientist to do the walk and produce their findings at the applicants' expense. If this involved a lot line then the applicant should pay for a Certified Surveyor. He added at this late of date the flooring and construction of the building can not be done until next year.

The Conservation Commission's review of 10.30.14 showed that the north wall of the proposed structure is approximately 27 +/- feet from the center of a stream and the northwest corner of the building is located 60 +/- feet uphill from a small pond. Mr. Tague's structure was found to be completely within the Wetlands Conservation District buffer of 75'.

THESE MINUTES MAY BE APPROVED AND/OR AMENDED AT THE FOLLOWING MEETING

The recommendations of the Conservation Commission

1. Apply appropriate erosion control devices which will remain in place during construction activities until such time that the excavated building site is complete and the disturbed soil is stabilized by seeding. Temporary erosion control devices would include staked hay bales, hay waddles, or siltation fabric fencing placed around the down sloping perimeter.
2. A spill containment structure with a sump pump was recommended to be poured into the cement slab to help prevent the unintentional leak or spill of fluids from out of the structure. The capacity of the catch basin should be sufficient to contain the average volume of fluids stored in vehicles or other containers stored in the structure.

Mr. Tague suggested that in reference to the erosion control recommendations they should be stricken from the suggestions. As this was an unnecessary precaution to take.

He continued that the sump-type catch basin was outrageous and would add an additional \$25,000 to the cost of the foundation.

At this time the board discussed that the first recommendation is standard common practice and should be present at anytime excavation takes place near wetlands or slopping areas. This is accomplished at a very minimal cost and is extremely important for the environment.

The discussion continued in reference to the second recommendation. As the board read the recommendation from the Conservation Commission and figuring the average volume of fluids stored in a vehicle it would require close to a 50 gallon drum placed in the floor as a catch basin considering there would be two vehicles parked at one time in the structure.

The applicants have parked their vehicles in the proposed area for years and the hardship of not having any other location for the structure due to the slope of the land and placement of the septic system it seemed a mutual solution could be reached.

The board discussed that an Alaskan slab would be poured for the floor of the structure which has no curb on the outside of the foundation preventing containment of liquids which may be spilled from gaining access to the outside. If the applicant had a rim poured around the outside walls considering that the proposed structure is 20 X 24 it would contain a large volume of fluids which then could be pumped out commercially by a certified company. Then to assure if this did happen the fluids would not drain through the cement floor a minimum 6 mil plastic can be placed under the foundation before it's poured.

Mr. Tague assured the Zoning Board that adding a rim or lip onto the Alaskan slab would be a minimal cost to him and a mutual solution to the situation.

Motion made by Lloyd Condon to see the erosion control suggested by the Conservation Commission is followed. The Alaskan slab would be constructed with a curbing around the entire perimeter. Three (3) sides would have a 4" curb and the front entrance would have a 2" speed bump. A minimum of six (6) mil plastic will be placed under the slab before pouring.

Seconded by Jean Tandy. All in favor. None opposed. Motion carries.

THESE MINUTES MAY BE APPROVED AND/OR AMENDED AT THE FOLLOWING MEETING

Notice of decision will be created signed and sent in the mail. The building permit will have to be extended and updated. The Land Use Assistant will discuss the status of the building permit with the Selectmen and Mr. Tague will be contacted by the Selectmen's office.

Vice Chair made a motion to close the public hearing. Seconded by Chris Daughtery. All in favor. None opposed. Motion carries.

**3. Public Hearing, Map 301 Lot 019**

Motion made by Lloyd Condon to open the public hearing for Map 201 Lot 019 for a Special Exception from Article 4, Section 403.4 Home Occupations. Seconded by Chris Daughtery. All in favor. None opposed. Motion carries.

Vice Chair Beaugard explained the procedure for a Public Hearing. After his explanation there were no questions from the applicant or the public.

Certified mailing with no return receipt went to all abutters on 11.01.2014, Public posting inside and outside of the Town Hall and outside of the Veterans Hall 10.30.2014, Legal section of the Keene Sentinel 11.1.14.

The applicant Chris Bause addressed his request stating that he wished to sell from his home on the internet. No changes will be made to his present dwelling or the property. No one would know that his is doing business from an outward appearance. No sign will be posted and direct purchases will not create traffic as no selling will be done from his home. The only traffic would be limited deliveries from US Mail, UPS or Fed Ex, his home is located at 75 Fitzwilliam Road which is a state highway. He was required by the ATF to receive paper work from the Town allowing him to have his mail order business.

Jerry Merrifield an abutter to the property had no problem with allowing Mr. Bause to have his home occupation.

Motion made by Vice Chair Beaugard to close the public part of the hearing. Seconded by Jean Tandy. All in favor. None opposed. Motion carries.

Findings of Facts:

**1005.1 General Provisions**

**1005.1.1** Yes, the proposed use is designated as a special exception use.

**1005.1.2** Yes, The location of the proposed home occupation is in an appropriate location considering the location is on a state highway and everything will be done inside the present home with no outward changes.

**1005.1.3** The proposed use will not affect the surrounding properties. No signs or lighting will be needed. The traffic will be confined to delivery companies on occasion.

**1005.1.4** It is the board's opinion that at this time no recommendations from the Planning Board are needed.

**1005.3 Home Occupations:**

**1005.3.1** Yes, the activity shall be conducted by the resident of the property only.

**1005.3.2** All activity will be conducted within the residents dwelling. No other structure of building on the property will be used.

THESE MINUTES MAY BE APPROVED AND/OR AMENDED AT THE FOLLOWING MEETING

- 1005.3.3** The proposed home occupation will not change the outward appearance of the dwelling located at 75 Fitzwilliam Road and will not be noticeable from the neighborhood.
- 1005.3.4** There will be no private sales so parking is not a concern. All sales will be via internet.
- 1005.3.5** Traffic generated by the proposed home occupation will be limited. No private sales.
- 1005.3.6** There will be no signage.
- 1005.3.7** At this time there will be no person to person retail sales from the property. The sales will be limited over internet correspondence and mail delivery.

The applicant is aware that if his situation changes he needs to come back in front of the ZBA or the Planning Board for a site plan review.

Motion made by Lloyd Condon to accept the request for a Special Exception for Map 201 Lot 019 as required by Article 4, Section 403.4 Home Occupations. Seconded by Chris Daughtery.

There was no further discussion or questions from the board.

All in favor. None opposed. Motion carries.

A notice of decision will be signed and sent to Chris Bause. Mr. Bause was made aware that there is a 30 day appeal period and it was recommended that he wait that appeal time out.

Motion made by Vice Chair Beauregard to close the public hearing. Seconded by Lloyd Condon. All in favor. None opposed. Motion carries.

**4. Public:**

Discussion from the public having concerns about junkyards located in town. It was understood that junkyards are illegal in the Town of Richmond according to our Zoning? The Board briefly discussed what steps are being taken to bring junkyards into compliance but further and more complete information can be received from the Selectman's office.

**5. Minutes October 15, 2014:**

Motion made by Lloyd Condon to accept the minutes as written. Seconded by Jean Tandy. All in favor. None opposed. Motion carries.

**6. Application update:**

An updated Plot Plan and application was handed out to the members to take home and work on. Many ideas from the boards October 15, 2014 meeting had been incorporated with the continued effort to make appeal process simplified.

**7. Conservation Commission meeting:**

Land Use Assistant Kim Mattson met with the Conservation Commission to discuss what some of the hurdles have been with the continued process of simplifying the Special Exception and Variance paperwork. The Conservation

THESE MINUTES MAY BE APPROVED AND/OR AMENDED AT THE FOLLOWING MEETING

Commission will review our final paperwork and help to incorporate sections which will help with the process in the future. It could be that findings from the Conservation Commission could hold up an applicant by as much as 8 weeks.

**8. Other:**

**1. Zoning Ordinance changes:**

The board was asked to review sections of the Richmond Zoning Ordinances for any changes that may need to be updated. The deadline for the process of putting the changes on the ballot for March 2015 will be coming up very quickly.

Motion made by Lloyd Condon to adjourn the meeting. Seconded by Jean Tandy. All in favor. None opposed. Motion carries.

Meeting adjourned @ 8:15 PM

Respectfully Submitted:

Kandace Mattson