

TOWN OF THORNTON

Approved on: 5/5/15
ZBA Initials: [Signature]
Rec'd by Town Clerk on: 5/6/15
Town Clerk Initials: TJ2

ZONING BOARD OF ADJUSTMENT MEETING MINUTES Wednesday, December 3, 2014

CALL TO ORDER:

J. Demeritt called the meeting to order at 6:32PM.

ROLL CALL:

The following members were present:

Jim Demeritt

David Gravel

Dennis Day

William Rose

J. Marshall

Chris Hodges, Alternate

C. Hodges was appointed a voting member for the meeting as he was a voting member for the initial public hearing on the application.

UNFINISHED BUSINESS: None

Continued PUBLIC HEARING:

J. Demeritt opened the Public Hearing at 6:32pm and read the following Notice of Public Hearing:

Public Hearing to consider the application submitted by property owners E. Pope and R. Tice for a Variance from *Article V Permitted Uses in Various Zones: B. General Residence Zone* to allow them to operate as a NH Retail Auto Dealer in the General Residence Zone on property identified as Tax Map 16 Lot 7-6 located at 28 Pope Drive and Tax Map 16 Lot 7-62 located on NH Rt. 175.

J. Demeritt closed the public hearing at 6:35pm as no members of the public were present and the Board began to deliberate.

J. Demeritt reported that he and D. Gravel as well as the applicants, E. Pope and R. Tice attended the Planning Board meeting on November 20, 2014.

J. Demeritt stated that when zoning was being implemented a list of businesses existing in 1970 was created and that Pope Auto Sales is on the list.

J. Demeritt stated that one concern is that the existing nonconforming use can not be expanded.

J. Demeritt stated that the applicant has stated the use of the garage is only to prepare cars for sale on the Pope Auto Sales lot and is not open to the public.

C. Hodges asked if the list that designates Pope Auto Sales as being in existence in 1970 included any detail as to the scope of the business.

J. Demeritt responded that only the names of the businesses were included on that list.

W. Rose asked for clarification on the Planning Board's request to have the Planning Director look into the issue.

N. Decoteau reported that nothing was submitted by the Planning Director for review at this evening's meeting.

W. Rose stated his concern that there is a concurrence of opinion with the Planning Board and Board of Selectmen regarding the fact that it has been represented to us and demonstrated through documentation that Pope Auto Sales is a nonconforming use in that zone dating back prior to 1970.

J. Marshall questioned whether the garage can be included as part of the nonconforming use as it is difficult to establish the fact that it was included in the business that existed in 1970.

W. Rose referred to the 1997 document with Selectmen signatures indicating that the Pope Auto Sales was in compliance with the zoning ordinance.

W. Rose stated that the 1997 document establishes that Pope Auto Sales at that time was in compliance with the zoning ordinance and that it has been represented to the Zoning Board that the garage was in use at that time.

MOTION: "To deny the application submitted by property owners E. Pope and R. Tice for a Variance from Article V Permitted Uses in Various Zones: B. General Residence Zone to allow them to operate as a NH Retail Auto Dealer in the General Residence Zone on property identified as Tax Map 16 Lot 7-6 located at 28 Pope Drive and Tax Map 16 Lot 7-62 located on NH Rt. 175 based on the documentation presented which indicates that the use is a nonconforming use under the Thornton Zoning Ordinance. Therefore the relief of a variance is not necessary."

Motion: W. Rose

Seconded: D. Gravel

Discussion: None

Motion Passes: 5 – Yes, 0 - No

NEW BUSINESS:

J. Demeritt stated he will write the Zoning Board of Adjustment Annual Report for 2014.

APPROVAL OF MINUTES:

MOTION: "To approve the minutes of November 19, 2014 as presented."

Motion: W. Rose

Seconded: D. Gravel

Discussion: None

Motion Passes: 5 – Yes, 0 – No

COMMUNICATIONS AND MISCELLANEOUS: None

OTHER BUSINESS: None

ADJOURNMENT:

The following motion was made at 6:50pm:

MOTION: "To adjourn."

Motion: D. Gravel

Seconded: C. Hodges

Discussion: None

Motion Passes: 5 – Yes, 0 – No

Respectively Submitted,
Nancy Decoteau