

Zoning Board of Adjustment
August 13, 2019
7:30pm

Members present: Chris Stafford, Walter Baird, John Russo, Roger Whitehouse, Roger Denison

Others present: Charlie Zilch, Curt Culligan, Carsten Springer, Brian Derrico

Minutes:

Chris made and Roger W. seconded a **motion to approve the June 18, 2019 minutes as amended**. The motion **passed** unanimously.

2019-3:

Charlie Zilch introduced himself and Curt Culligan, trustee of the Raymond Culligan Trust, owner of 320 Main Street, tax map and lot 4-30. This lot has 248' of frontage on the east side of Main Street. A single-family dwelling is on the parcel and has its own septic and well. Portions of the backland were subject to a gravel operation many years ago. The current gravel operation owned by Eastern Materials has access along the northern property line. This access will remain in place. The plan for the property is to subdivide the house onto its own two-acre piece and leave a 60' wide access to the back portion. This would require 400' of frontage for two lots. Mr. Zilch explained there is allowance for pork chop lots needing 250' of frontage to make two lots. For that section of the zoning ordinance they are off by 1.5'.

The proposed 60' right-of-way would allow for future development of the property. There are currently no other structures on the back lot. The ROW leaves an area for a road to be built. If a road is built, the smaller lot with the existing home will have frontage on Main Street and the new road. This ROW will not preclude any agreement with Eastern Materials. Chris reminded the Board that they are here to focus on the application and not any future development. Mr. Zilch said they still would have to go to the Planning Board for a subdivision and any other development.

Mr. Zilch said he walked the property. There is a culvert under one wetland crossing. A dredge and fill permit would not be required at this time. The only state approval needed would be the two-lot subdivision. The existing gravel driveway will be submitted to the state to ensure there are no issues.

The Board agreed that a site walk was not necessary. Kathy Hall, of 302 Main Street, asked about the zoning for this property. This is in the Agricultural/Residential zone.

The Board reviewed the criteria for granting a variance. After a short discussion, and with no other questions from the audience, the public meeting was closed. The Board voted on each criterion, starting with #2:

2-The spirit of the ordinance is observed. All voted yes.

3-Granting the variance would do substantial justice. All voted yes.

4-The proposal does not diminish surrounding property values. All voted yes.

5-Unnecessary hardship. All voted yes.

1-The variance is not contrary to public interest. All voted yes.

The Board agreed that no restrictions are needed for granting the variance. The applicant was informed **the variance was granted** and that he would have a final written decision within five business days.

2019-4:

Brian Derrico explained the nature of his business proposal that will be at his home at 19 Sudbury Road. He has a federal license through the ATF. Chris read an email from Chief Parsons which states he has no issues with the business as long as he checks back with the department for the proper permitting.

Mr. Derrico explained that with his federal license, he just needs to submit a change of address and verify local approval and he continues using the same license.

The Board reviewed the criteria. There will be customers coming to the home. No other employees are involved other than the homeowners. There will not be a firing range on the property. Carsten pointed out the Planning Board has a table of the allowed limits of hazardous materials allowed on the property. This was reviewed and Mr. Derrico confirmed he won't be storing any hazardous material.

There was a short discussion of the amount of ammunition that will be on the property. There are federal limits for personal use that must be followed. Mr. Derrico said he doesn't intend to sell ammunition, but may consider it if he can make a profit. There will be some inventory of equipment. Most sales will be through word-of-mouth advertising. Currently 100% of his sales are face-to-face. All of his sales are logged. A background check is done for each customer and this paperwork has to be kept for 25 years.

Mr. Derrico explained the scope of his business is custom assembly for his customers. Chris said he wasn't sure if this would be classified as a retail or manufacturing operation. Mr. Derrico said he has no plans to smelt metal to make the parts. He pieces them together for the customers and averages less than one sale per week. He explained that smelting metal and threading barrels is considered manufacturing which requires a manufacturers license which he does not have. He said the business is heavily regulated by the ATF. Repairs also falls under gunsmithing.

Mr. Derrico said he will go over options with a customer, piece items together, sight the stock, and adjust the grips. His wife may help him with paperwork. There won't be any changes to the lot and there is adequate parking. All of the work will take place inside the home. There won't be any outside storage and he will not use commercial vehicles. All deliveries require signatures. Items are sent directly from the distributor to him. He said a license is not required to sell ammunition.

The Board discussed possible restrictions for granting the special exception. It was suggested that it be required the firearms are locked. Mr. Derrico said the ATF doesn't require this but strongly recommends it. He locks up the equipment when not in use. He said that as the

licensed holder, if something is stolen, he's required to report it. He uses a safe which is monitored by video.

The Board discussed adding a restriction that no discharge of the weapons can take place as part of the sale. Hours of operation were discussed briefly in conjunction with any noise that may occur. It was agreed that the amount of ammunition stored at the property will be the only restriction.

Mr. Derrico signed a document stating his home occupation will limit the storage of ammunition to the following levels that are consistent with state regulations for personal use: 10k centerfire, 10k rimfire, and 5k shotgun. The Board voted unanimously to **grant the special exception**.

Minutes:

Line 74 of the July 2, 2019 minutes was discussed. It was noted that this Board cannot assign consequences. And consequences for zoning violations will need to be assigned when they happen. Roger W. made and John seconded a **motion to accept the July 2, 2019 minutes as amended**. The motion **passed** unanimously.

It was noted that the Board can now extend the application review period to 45 days rather than the current 30.

At 9:17pm Roger W. made and John seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,
Janet S. Denison