

**Danville Zoning Board of Adjustment**  
**July 22, 2014**  
**7:45 pm**

**Members present:** Chris Stafford-chairman, Tara Burkhart-vice chairman, Joe Luna, Roger Denison, Curt Springer, Janet Denison-clerk

**Excused members:** Michelle Cooper-selectmen's rep

**Others present:** Craig Stowell

**Case # 2014-3** for Craig Stowell, 2 Hampstead Road, Tax Map and Lot 3-129 and 3-131-A, request for variance from Zoning Ordinance article IV.B.2 to permit a NH dealer's license.

The Board discussed that the application only cited one parcel but the applicant intends to use both parcels. Mr. Stowell stated it was his intent to use both and it was agreed the application would be modified. All abutter's had been notified for both parcels and re-noticing the meeting was unnecessary.

A worksheet was provided to use in conjunction with the five criteria.

The board discussed concern for the wetlands and the right-of-way. It was agreed the ROW is old and the building is now blocking the ROW. Access to the parcels to the north is along Bergeron Way, making the ROW in front of the building unnecessary. It was pointed out that ROWs are sometimes forgotten or blocked over time as other access points become more convenient.

The building is within the 75' wetland setback and the closest the building comes to the wetlands appears to be about 16-17'. Chris mentioned that a restriction could be that no vehicles or storage can be closer than this distance to the wetlands.

Mr. Stowell said he plans to remove the parked car that is to the north of the building. He said the stairs outside on the north are the only access to the attic which is used for storage. There were tires and other car parts seen in the wetlands that will need to be removed. Mr. Stowell said they were there before he purchased the property. He also said he wants to have the entire area be a positive addition to the town and plans to clean up the property all over. To do this he will need access to all sides of the building. He agreed he won't park vehicles on the north side of the building.

Curt pointed out that a large portion of the parking lot is not owned by Mr. Stowell. He explained that government property can only be used for governmental purposes, but the ownership of this portion of land is nebulous. It was agreed this board can only grant a variance on the parcels owned by Mr. Stowell.

The line of sight was discussed briefly. It was mentioned again that larger vehicle parked in the no-man's-land can block the view for vehicles entering Main Street from Hampstead Road. Mr. Stowell said he plans to sell larger vehicles but will not park them where they impede the safety

of travelers. Parking vehicles on his parcels will not block line-of-sight. It was also mentioned that the line-of-sight should not be blocked for those on Bergeron Way.

There was a discussion of possible restrictions for this application. These should be tied to the reasons for having the Village District. Chris said the restrictions will follow the property. Mr. Stowell pointed out there are no restrictions now but granting the variance will allow restrictions.

Roger asked about cars waiting to go into the shop. Mr. Stowell said he has been able to schedule the garage such that cars needing repair can go directly into the bays. He will only take in the number of vehicles that can be sold and not double park vehicles on the property. Parking will be available for customers also.

There was a lengthy discussion about the number of vehicles that can be placed on the two lots owned by Mr. Stowell. It was agreed that 12 vehicles is the limit. Joe asked if the unpaved area will be paved in the future. Mr. Stowell said he has no plans to do this at this time.

The Board reviewed the five criteria.

The Board discussed whether the applicant will need to see the Planning Board, but as the applicant is not proposing a change to the building, there is no need for a site plan review. The proposal is for an existing non-conforming use. It was pointed out that if the lot were unimproved, this application and discussion would be entirely different.

Chris made and Roger seconded a **motion to grant the variance with the following restrictions:**

1. allow one row of vehicles along the route 111A side of the building and no closer to the wetlands than the back side of the building
2. the junk behind the building will be removed
3. no vehicles will be stored on the wetlands side of the building
4. the number of vehicles will be limited to 12 at any time for both lots
5. if the parking surface is improved, it will be sloped away from the wetlands or an improved drainage plan will be made
6. there will be no outside storage

After discussion, Chris made and Roger seconded a **motion to withdraw the motion**. The motion **passed** unanimously. Joe made and Curt seconded **the motion to revise the restrictions such that #2 will say “any and all” instead of “junk.”** The motion **passed** unanimously.

After further discussion regarding outside storage of equipment and the north east corner of the building being close to the wetlands. The Board agreed that nothing should be parked closer than the distance created by that corner of the building. Chris made and Roger seconded a motion to revise the six restrictions further. This motion was also withdrawn.

Chris made and Roger seconded a **motion to grant the variance with the following restrictions:**

1. **Allow only one row of cars on the Route 111A side of the building and no car shall be close to the wetlands than the backside of the building.**

2. Any and all tires, parts, vehicles, etc. located behind the building should be removed.
  3. No motor vehicles will be stored on the wetlands side of the property.
  4. Limit the number of motor vehicles on Map 3-129 and 3-131A to twelve motor vehicles at any one time.
  5. If the parking surface is improved, surface should be sloped away from the wetlands or have an approve drainage plan.
  6. Any display of goods for sale will be in accordance with Zoning Ordinance IV.B.3.a.
- The motion **passed** unanimously.

At 9pm Tara made and Curt seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,

Janet S. Denison-clerk