

**TOWN OF WEBSTER, NEW HAMPSHIRE**

*Zoning Board*

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**Zoning Board of Adjustment Minutes April 14, 2009**

Present: Chairman Marty Bender, Secretary Pat Inman and members Don Koberski, Dave Barnes, Bobby Drown and Shawn Smith

**7:00 pm** Chairman Marty Bender opened the meeting. Secretary Pat Inman took attendance. This hearing has been continued from November 18, 2008. The applicants, Shawn Laliberte and Holly-Beth LaDuke, complied with the Board's request to have a voluntary inspection done by DES and shared the report with the Board.

Some of the items checked by DES include chemical storage and labeling, spill kits, and battery storage. The yard and electrical boxes were inspected.

Mr. Laliberte was asked what he would do with the waste material if he no longer worked for Concord Nissan. He does have a second source and can always bring it to the Town Hazardous Waste Collection. One of the Board's concerns was how many cars would be sitting around at any given time. There are 3 licensed drivers living at the home, each of whom has at least one registered vehicle that is parked outside the garages. He will not be going out of his way to look for cars to sell. The State says that each licensed driver can sell no more than 5 cars per year. The process to be allowed by the State to sell any more is too involved, and he does not intend to do that.

Ms. Linda Mai spoke in favor of the application. The yard is always neat and is not an eyesore; there are no junk cars lying around.

Abutter Gerry Phelps stated that, while not necessarily opposed, she is concerned about the potential for the property becoming "commercial appearing". She pays a view tax and looks directly down onto the applicant's property.

The applicant was asked if he intended to do any body work. He responded that he would only do undercoating, not painting.

Abutter Priscilla Carter spoke in opposition. She questioned what would happen to the Commercial Exception if the house is sold. The Exception remains with the property unless it is not used for the intended purpose for one year.

Chairman of the Selectmen, Tom Mullins, was in attendance and reported in the place of Fire Chief Adam Pouliot, that the State fire code states that a building permit is required when a change of occupancy occurs.

When asked, Mr. Laliberte stated that approximately 90% of the cars he works on belong to family members.

7:40 pm Chairman Bender closed the testimony and opened the Board's discussion. The following conditions were discussed:

1. Setting a maximum of five (5) car sales per year.
2. No more than one (1) car for sale at a time.
3. Vehicles may not be parked in the road's right of way which for that section of Battle St. is 50 feet from the center line.
4. Must apply for Building Permit to allow for inspection to meet life and safety codes required by Fire Code.
5. Must fulfill DES requirement for "self-certification".
6. Maximum storage for waste oil and anti-freeze is 10 gallons of each.
7. Hours of operation: Monday through Saturday no later than 10:00pm Sunday noon to 10:00pm.
8. No sign.
9. Site Plan approval by Planning Board.

Secretary Pat Inman made a motion to approve the application with the aforementioned nine (9) conditions. Member Dave Barnes seconded the motion. The motion passed unanimously.

8:00p.m. Hearing closed.

8:07p.m. Chairman Bender opened the second hearing. The applicant, Don Koberski, is a member of the Zoning Board. Therefore, the explanation of the proceedings was dispensed with. Member Bobby Drown recused himself from the proceedings since his parents are abutters to the property in question.

The applicant wishes to install a garage/carport 25 feet from the rear property line. It will be a metal building with a covered 20'x12' garage area and an open 20'x18' carport area. Member Inman asked the applicant if he had any future plans to enclose the open area. He replied that he did not. Chairman Bender asked what the base of the building will be. It will be mounted on a double layer of 2'x6' pressure treated boards.

No one spoke either in favor or opposition of the applicant.

8:15p.m. Chairman Bender closed the testimony and opened the Board discussion. Having no further questions, Selectman Representative Dave Klumb made a motion to approve the application. The motion was seconded by Member Smith. The vote was unanimous to approve the application.

8:25p.m. Hearing closed.

Respectfully Submitted,

Patricia Inman  
Secretary

PI/ms

