

DRAFT TOWN OF WEBSTER, NEW HAMPSHIRE
Zoning Board of Adjustment
945 Battle Street/Rte. 127
Webster, NH 03303
Tel. (603) 648-2272
PUBLIC HEARING
Zoning Board of Adjustment
February 19, 2019

Present:

ZBA Members and Alternates: Chairman Martin Bender, Robert Drown, Jr., Barbara Corliss and Alternate Member Guy LaRochelle;

Public in attendance: Chris Schadler, Bill & Linda Tracy (applicants), Maxine & Charles Petruccelli and Sue Rauth.

ZBA Case No. 19-01 Commercial Exception:

Petition for a Commercial Exception to Article V. Section 1.F. of the Webster Zoning Ordinance from William Tracy, 83 Deer Meadow Road, Webster, NH 03303, NH Map 9 lot 14. Applicant proposes an alteration to current Commercial Exception of repairing motorcycles to repairing trucks in addition to motorcycles and to be a NH Motor Vehicle Inspection Station at the address as stated, in the residential/agricultural zone.

7:05 pm Chairman Bender opened the meeting by having Member Corliss take attendance due to the absence of the ZBA Secretary, Jaye Bowe. Member Corliss then read the application. Chairman Bender explained to Mr. & Mrs. Tracy that due to only having four board members in attendance, the applicants will have to have three unanimous votes for approval or they could postpone the hearing until next month. The Tracys decided to continue with the public hearing as planned.

7:07 pm Chairman Bender opened the hearing by explaining the public hearing procedure after which he invited Mr. Tracy to make his presentation. Mr. Tracy stated that he had his own heavy trucks and equipment business in Bow for many years which he had just sold in order to retire. He added that he had a state inspection station and had been a NH State Inspector for over 30 years. Mr. Tracy stated he always had a garage at his home and currently has a commercial business that had been approved in 2004 for the repair, building and selling of motorcycles. He also restores antique motorcycles. He informed the Board that he had a conversation with a state inspector who asked him what he was going to do now that he was retired. The inspector told Mr. Tracy he could have a state motor vehicle inspection station at his home as long as it was approved by the town. So, that was why Mr. Tracy had applied for this commercial exception. Mr. Tracy stated the business would be by appointment only. He would be the sole proprietor with perhaps one employee, but more than likely no one other than himself. Mr. Tracy stated the reason why he wants to do this is because there are a lot of local people in Webster and the surrounding towns that he could help out by being able to legally inspect large trucks and heavy equipment including agricultural, logging and tractor trailers because he has the required garage size to conduct the inspections. He stated it would not be a full-time job; he does not want that – he has done it for over 50 years. He reiterated the business would be by appointment only. Mr. Tracy stated he would not be advertising or towing people in– basically his customers would be ones he already has from the business in Bow and residents of Webster. He stated he would not be tearing trucks down and fixing them every day.

Chairman Bender questioned Mr. Tracy as to how truckers would get to his business from Concord because of the city's "No Through Trucking" ordinance. Mr. Tracy stated they would drive there. They would find a different route. Mr. Tracy stated his business would not strictly be 18 wheelers. It would include all vehicles including pick-up trucks, 6-wheelers, 10-wheelers, farm equipment, etc. Mr. Tracy made the point that if someone orders

cement, how does it get to the residence? Mr. Tracy stated that “No Through Trucking” meant that if the truck is not delivering something or providing a service on that particular road, it would not be allowed to just travel through.

Alternate Member LaRochelle wanted Mr. Tracy to clarify that, theoretically Mr. Tracy would not have loaded trucks coming to the inspection station. Mr. Tracy agreed and he stated they would be empty. Alternate LaRochelle asked Mr. Tracy what the hours of operation would be. Mr. Tracy stated no nights or weekends; 8 am to 4 pm by appointment only. Alternate LaRochelle wanted to be clear that Mr. Tracy would not be open late at night doing major repairs on loaded trucks. Mr. Tracy stated absolutely not – just minor repairs and inspections. Mr. Tracy added his business will service mostly local people. Alternate LaRochelle asked Mr. Tracy about the number of vehicles that would be in the yard that would not belong to Mr. Tracy; how many would be unregistered? Mr. Tracy stated maybe one or two. After a brief discussion, Mr. Tracy reiterated that he was not in the business as a full-time job – he is retired and does not want to work full-time; he stated he was doing it for a convenience for the local customers.

At this time, Member Corliss asked to see the 2004 Commercial Exception file regarding Mr. Tracy’s original application for his current business. Mrs. Larson retrieved the file. Member Corliss asked about the hazardous materials that would be on site. Mr. Tracy stated motor oil is brought to a friend of his who burns it; maybe some gasoline or diesel fuel. Alternate LaRochelle inquired as to the amount on site of these materials. Mr. Tracy keeps 10 -15 gallons of gasoline for his own use – lawnmower – generator, etc.; 20 gallons of diesel to use for his tractor; maybe 5 gallons of oil for his own use. Mr. Tracy stated he does not intend to be changing oil – only in his own vehicles. Alternate LaRochelle was concerned about large storage tanks, which Mr. Tracy does not have and will not have. Alternate LaRochelle brought up the subjects of signs and lighting. Mr. Tracy does not have any signs; the only one he will need is for the State of NH Motor Vehicle Inspection Station and the lettering size would be according to state statute. Mr. Tracy will only have lighting in the garage and motion sensor lights which he has now. Member Drown pointed out to the Board that Mr. Tracy’s garage is 250 feet from the road and his property is fenced all around.

Member Corliss asked about the types of vehicles Mr. Tracy could inspect, specifically 18-wheelers? Mr. Tracy stated yes he could inspect those. Mr. Tracy pointed out that vehicles only get inspected once per year. He stated most of his truck customers have 6-wheelers or 10-wheelers. Alternate LaRochelle asked how long it takes to inspect a tractor trailer. Mr. Tracy responded 30 minutes. He stated he may have one tractor trailer all week long. Member Corliss asked about the future; would the commercial exception go with the land or with the person. Chairman Bender stated it goes with the land. He added that if the Board approves the application, the Board would have to make sure it would be agreeing to a small, small business.

Alternate LaRochelle asked about how the tractor trailers would get into Mr. Tracy’s garage. Mr. Tracy stated he had enough room in his yard that the tractor trailer could turn around. Alternate LaRochelle asked about how Mr. Tracy would handle a vehicle that might be leaking. Mr. Tracy stated he would put a bucket underneath. He stated that his garage is on a cement pad and is surrounded outside by cement and his entire yard is hot topped. Alternate LaRochelle said he just wanted to know that Mr. Tracy had a plan.

Chairman Bender asked if anyone wished to speak in favor of the application; no one spoke. Chairman Bender asked if anyone wished to speak in opposition. Mr. Charles Petrucelli of Deer Meadow Road stated he had questions. Mr. Petrucelli had concerns about the aquifer that is shared by Deer Meadow residents including Mr. Tracy and possible hazardous waste spills. Mr. Tracy stated his business would not be dealing with chemical tankers; any gasoline or oil spills will be cleaned up immediately. Mr. Petrucelli also had concerns about future owners of the commercial business. Mr. Tracy stated that if he did sell and the new owners wanted to change anything, they would have to go before the ZBA and the Planning Board. Mr. Petrucelli was concerned about

people who might not follow the rules. Member Drown explained that if that did happen and someone filed a complaint, it would be up to the Town to enforce it. A brief discussion followed.

Chairman Bender recognized Chris Schadler, Select Board member and Chairwoman of the Conservation Commission. Ms. Schadler asked Mr. Tracy about what would happen to parts that come off of the trucks after being repaired. Mr. Tracy stated those parts get sent to a metal recycler in Concord. Ms. Schadler asked Mr. Tracy what is his specific strategy for protecting the aquifer. He stated he did not plan on changing a lot of oil; mostly on his own vehicles. He stated that if he did do oil changes, they would be done in the garage and the oil gets put into a container which he then brings to a place in Concord where the oil will be burned. If Mr. Tracy had to change antifreeze, he would bring it to a place in Bow where it gets recycled. Mr. Tracy stated other than those instances, there will be no other real waste. Ms. Schadler thanked Mr. Tracy for answering her questions and concerns.

Alternate LaRochelle asked about changing tires and the possible accumulation of them. He stated if someone had a flat tire, Mr. Tracy would give the flat back to the owner to dispose of.

Member Drown informed the Board that he had visited Mr. Tracy's garage and found it immaculate in pristine condition.

7:55 pm Chairman Bender closed the testimony and the Board discussion began. Member Corliss read the 2004 ZBA Commercial Exception approval restricted to motorcycle repair and restoration: parking – 25 to 30 cars; signage 12 square feet; hours of operation 8 am to 8 pm; and other conditions. Member Corliss was concerned about the number of cars. Mr. Tracy stated that he could fit 50 cars in his yard, but back in 2004, the ZBA asked him how many cars could he park in his yard and he said 25 - 30 so the Board at that time added parking to their conditions. Mr. Tracy stated the only time he had that many cars in his yard was for his daughter's wedding. Member Corliss asked Chairman Bender if the Board could change that 2004 condition. Chairman Bender stated no we cannot. The commercial exception, whatever was previously approved, stands. Today's application is for a new commercial exception, not an alteration to the 2004 one. A brief discussion followed.

Member Corliss made a motion to approve the application for William Tracy for his commercial exception with the stipulation that there would only be one employee and the hours of operation would be 8 am to 4 pm; the lighting would be what exists today; the size of the sign is limited to what exists today; three (3) vehicles per day and that the business comply with all statutes concerning hazardous waste. The motion was seconded by Member Drown. The vote was unanimous: Marty Bender – in favor; Robert Drown, Jr. – in favor and Barbara Corliss – in favor.

8:29 pm Public Hearing closed – ZBA public meeting resumed.

The next order of business was to elect a chairman. Member Drown nominated Marty Bender; seconded by Member Corliss and approved unanimously. The vote for Secretary was tabled until March 19, 2019 as Member Bowe was absent this evening.

Chairman Bender informed the Board that terms for Member Drown and Alternate LaRochelle expire March 31, 2019. He asked them if they would like to be reappointed for three more years; both agreed. Per the Town Clerk, an appointment letter is not on file for Member Blake, but she was re-appointed. So a replacement letter will be done in the near future.

The next order of business was the review of the draft minutes from November 13, 2019. Member Drown made a motion to accept the minutes as written; seconded by Member Corliss and approved unanimously: Chairman Bender – approved; Member Drown – approved and Member Corliss – approved.

Mrs. Larson reminded the Board of a public hearing for a special exception that will be held Tuesday, March 19, 2019 at 7 pm.

8:35 pm meeting adjourned.

These minutes were approved as written at the ZBA meeting of March 19, 2019.

Respectfully,

Jaye T. Bowe, ZBA Secretary

Approved as Written