

**ATKINSON ZONING BOARD OF ADJUSTMENT
21 Academy Avenue
Atkinson, New Hampshire 03811
Public Hearing Meeting Town Hall
Wednesday, September 9, 2020**

Members Present

Glenn Saba, Chair
Sam Zannini, Vice Chair
Kevin Wade (not voting)

Bob Connors
Art Leondires
Dave Farris

Others Present

Workshop 7:00 PM

Call to Order: Chair Glenn Saba called the meeting to order at 7:10 PM.

Chair Saba read a statement into the minutes regarding electronic meetings. This meeting will be conducted via Zoom. The applicant and all Board of Adjustment members will be attending by Zoom.

Roll Call Attendance: Chair Saba, present and alone; Vice Chair Zannini, present and alone; Member Connors, present and alone; Member Farris, present and alone; and Member Leondires, present and alone; of The Atkinson Zoning Board of Adjustment are present

Other Business: Member Farris is leaving the Board and Alternate Leondires will become a member.

Correspondence: none

Approval of Minutes: July 8, 2020

Chair Saba, Member Connors, Member Farris and Member Wade of The Atkinson Zoning Board of Adjustment were present at the July 8, 2020 meeting. Chair Saba, Member Connors, and Member Farris are present at the September 9, 2020 meeting, reviewed the July 8, 2020 minutes, made corrections and amendments.

Member Connors made a motion to accept the minutes of the Town of Atkinson Zoning Board of Adjustment, Wednesday, July 8, 2020 meeting as amended. The motion was seconded by Member Farris. Roll Call: Member Connors, Chair Saba, and Member Farris, the members of the Atkinson Zoning Board of Adjustment present and who were at the July 8, 2020 meeting voted in favor. Vote: 3/0/0. The vote is unanimous.

Public Hearing – 7:30 P.M.

Chair Saba opened the public hearing at 7:30 PM, September 9, 2020.

Jodi Bedard, request for Special Exception/Home Business as specified in the Zoning Ordinance, Article IV, Section 450 to operate “Jodi’s Hair Cottage” at property located at 3 Island Pond Rd, Map 17 Lot 16, RR2 Zone.

Abutters: Anderson, Arthur, Trustee, Saco Realty Trust, Thomas, Christopher and Elizabeth, Wood, Richard B. and Karen Ann Trabucco, Richard C. and Gail F., Bedard (present), Thomas A. and Jodi C., Keenan, Erin, Hagerty, Hernandez, Tracey J. and Osvaldo, Jr., Sullivan, Daniel J.

Chair Saba explained that the Special Exception/Home Business is allowed by right if it meets all the criteria under the Zoning Ordinance.

Ms. Bedard explained that she would like a small hair studio, in an existing space in her house. She has an existing clientele. The business will be open about 20 hours a week and will consist of hair cutting, hair styling and coloring. She has a separate entrance for her clients and plenty of off-street parking. It will be completely separated from her living space.

Chair Saba asked if she would have a 3’ by 5’ sign. The applicant stated no, she will have a small sign on her mail box either 12” x12” or 18” by 10”. There will be no walk-in services. The business will be completely private and prebooked. The sign will just be a marking to inform clients where the driveway is. Her phone number will not be on it.

The Board had no further questions. Chair Saba opened participation in the hearing to the general public.

Chair Saba stated he would go through the criteria with the applicant. The applicant is not exempt under Section 450:5, a permit is required. A permit for a home occupation shall be allowed in residential zones by special exception from the Board of Adjustment if the occupation complies with the following:

- a) A proposed occupation shall be incidental and secondary to the use of the property as a dwelling and shall not consume more than 20% of the gross residential building space, and not change the residential character of the premises thereof. (1992)

Discussion: The applicant stated the business will occupy about 10% of the dwelling. The applicant explained that the business will be about 241 square feet and her house is about 2500 square feet.

Roll Call: Vice Chair Zannini, Member Connors, Member Farris, Alternate Leondires and Chair Saba voted in favor. The Atkinson Zoning Board of Adjustment agreed unanimously that the application meets this criterion as stated. Vote: 5/0/0.

- b) Unless exempted by Section 450:5-a, no home occupation shall take place in a multi-family dwelling.

Discussion: It is a single-family home.

Roll Call: Vice Chair Zannini, Member Connors, Member Farris, Alternate Leondires and Chair Saba voted in favor. The Atkinson Zoning Board of Adjustment agreed unanimously that the application meets this criterion as stated. Vote: 5/0/0.

- c) The occupation may be carried on by the occupant's immediate family residing at that location and by one or more additional employees whose aggregate hours of work at that location do not exceed eighty hours per week (80 hours/week). The foregoing limitations on the aggregate hours of work per week by additional employees shall not apply in the case of medical, dental or veterinarian.

Discussion: There will be no employees. The applicant may have her 16-year-old daughter answer the phone. There will be no outside employees

Roll Call: Vice Chair Zannini, Member Connors, Member Farris, Alternate Leondires and Chair Saba voted in favor. The Atkinson Zoning Board of Adjustment agreed unanimously that the application meets this criterion as stated. Vote: 5/0/0.

- d) There shall be no physical evidence of equipment or materials outside the dwelling.

Discussion: The applicant stated there will be nothing outside the building.

Roll Call: Vice Chair Zannini, Member Connors, Member Farris, Alternate Leondires and Chair Saba voted in favor. The Atkinson Zoning Board of Adjustment agreed unanimously that the application meets this criterion as stated. Vote: 5/0/0.

- e) Adequate off-street parking areas must be provided. Parking areas in excess of those necessary for normal residential purposes may be allowed in side and rear yards only provided the residential character of the environment is preserved. (1992)

Discussion: Chair Saba noted that the applicant has a lot of vehicles. There will be no commercial vehicle for the business. The applicant explained that there are two very large driveways with sections off to the side. Member Connors stated satellite imagery shows a long driveway with a section off to the side.

Roll Call: Vice Chair Zannini, Member Connors, Member Farris, Alternate Leondires and Chair Saba voted in favor. The Atkinson Zoning Board of Adjustment agreed unanimously that the application meets this criterion as stated. Vote: 5/0/0.

- f) When necessary, further restrictions shall be placed on the occupation in order to comply fully with Article IV, Section 400:2 of this ordinance which is noxious or injurious behaviors.

Discussion: The applicant stated that there will be none. There were no questions.

Roll Call: Vice Chair Zannini, Member Connors, Member Farris, Alternate Leondires and Chair Saba voted in favor. The Atkinson Zoning Board of Adjustment agreed unanimously that the application meets this criterion as stated. Vote: 5/0/0.

- g) A permit to operate a home occupation shall be issued to the owner/occupant only and is not transferable to a subsequent owner. A permit to operate a home occupation shall be issued to the owner/occupant only. It is transferable to a subsequent owner who will certify to the Zoning Board in writing that he or she will continue the home occupation on the same terms and conditions as the previous owner/occupant.

Discussion: The applicant understands.

Roll Call: Vice Chair Zannini, Member Connors, Member Farris, Alternate Leondires and Chair Saba voted in favor. The Atkinson Zoning Board of Adjustment agreed unanimously that the application meets this criterion as stated. Vote: 5/0/0.

- h) The applicant shall complete and sign a form that sets forth the nature of the home occupation and provides details of the business and its scope of operation.

Discussion: The applicant agrees. There were no questions.

Roll Call: Vice Chair Zannini, Member Connors, Member Farris, Alternate Leondires and Chair Saba voted in favor. The Atkinson Zoning Board of Adjustment agreed unanimously that the application meets this criterion as stated. Vote: 5/0/0.

- i) No home occupation that will result in heavy truck use in excess of 20,000 lbs. gross vehicle weight shall be allowed. (1992).

Discussion: There will be no truck use.

Roll Call: Vice Chair Zannini, Member Connors, Member Farris, Alternate Leondires and Chair Saba voted in favor. The Atkinson Zoning Board of Adjustment agreed unanimously that the application meets this criterion as stated. Vote: 5/0/0.

- j) Vehicles registered to a home business or occupation must comply with the provisions of Section 480:1. (1992).

Discussion: There are no vehicles registered to the home business.

Roll Call: Vice Chair Zannini, Member Connors, Member Farris, Alternate Leondires and Chair Saba voted in favor. The Atkinson Zoning Board of Adjustment agreed unanimously that the application meets this criterion as stated. Vote: 5/0/0.

Chair Saba reviewed Section 450:3 – Nature of the Permit for the applicant:

a) Permits shall be issued by the Zoning Board of Adjustment.

Discussion: None.

b) Prior to the issuance of a permit, the Board of Adjustment shall hold a public hearing. Abutters will be notified of the time and date of the hearing by certified mail, such letter to include a description of the home occupation applied for and its location.

Discussion: None.

c) Before a permit is granted, mandatory building inspections shall be made by the Town if it is a Family Group Day-Care Home facility, or if the public is to be served or persons outside the family are to be employed at the proposed location or if hazardous materials are to be stored there. In addition, a formal site plan review may be required if deemed necessary.

Discussion: It is not a day care.

d) No more than one business permit can be in effect for any one location.

Discussion: There is no other home business.

e) A permit is valid only for two (2) years and only for the owner/occupant and location for which it is issued. A renewal permit shall be required after two (2) years.

Discussion: The applicant understood and agreed.

f) Annual inspections of the home occupation/home business premises may be required subsequent to the issuance of a permit in order to confirm compliance with the conditions of the original special exception granted. If, in the opinion of the Board of Selectmen, the business practices originally set forth and defined in the initial approval have changed, it shall revoke the permit that was issued. Permit holders whose permits are revoked may make application to the Board of Adjustment for a new permit based on the changed circumstances of the business.

Discussion: None.

The Chair stated that all criteria had been met and requested a motion.

Member Farris made a motion to approve the request for Special Exception/Home Business for Jodi Bedard, request for Special Exception/Home Business as specified in the Zoning Ordinance, Article IV, Section 450 to operate “Jodi’s Hair Cottage” at property located at 3 Island Pond Rd, Map 17 Lot 16, RR2 Zone and all criteria were met with the stipulation that there would be a sign no larger than 180

square inches, either 18” x10” or 12” x 12”. Member Leondires seconded the motion.

Roll call: Vice Chair Zannini, Member Connors, Member Farris, Alternate Leondires and Chair Saba voted in favor. The Atkinson Zoning Board of Adjustment voted unanimously to approve the request for Special Exception/Home Business for Jodi Bedard, request for Special Exception/Home Business as specified in the Zoning Ordinance, Article IV, Section 450 to operate “Jodi’s Hair Cottage” at property located at 3 Island Pond Rd, Map 17 Lot 16, RR2 Zone and all criteria were met with the stipulation there would be a sign no larger than 180 square inches, either 18” x10” or 12” x 12”. Vote: 5/0/0. The vote is unanimous.

Member Connors made a motion to close the public hearing. Member Leondires seconded the motion.

Roll Call: Vice Chair Zannini, Member Connors, Member Farris and Alternate Leondires and Chair Saba voted in favor. Vote: 5/0/0. The vote is unanimous.

Chair Saba requested a motion to adjourn.

Alternate Leondires made a motion to adjourn the September 9, 2020 meeting of the Atkinson Zoning Board of Adjustment. Vice Chair Zannini seconded the motion.

Roll Call: Vice Chair Zannini, Member Connors, Member Farris Alternate Leondires and Chair Saba all voted in favor. Vote: 5/0/0. The vote is unanimous.

Chair Saba adjourned the meeting at 7:46 pm.