

Zoning Board of Adjustments

May 29, 2018

Members: Mike Hern, John Colony, Don Boissonneault, Rick Christoffersen, Amy Venezia

Guests: Shad Lawton, Janel Lawton, Elizabeth Lawton, Joe Ransmeier, Jim Drew

Chairman Mike Hern called the meeting to order at 5:30PM on Tuesday, May 29, 2018. On a motion made by Mike, seconded by Rick Christoffersen the minutes from the April 4, 2017, June 13, 2017, and May 8, 2018 were moved to be accepted. **PASSED UNANIMOUSLY**

Chairman Hern announced that we were missing 2 members of the Board and that Amy Venezia would be sitting in as a full member for tonight's meeting.

Case 18-02

Special Exception

Shad & Janel Lawton

Shad & Janel Lawton are in the process of purchasing the property on Dyke Road and would like to have a home office in the home and use of the carriage barn for storage of tools and extra building materials. Mr. Lawton stated that they do not own any heavy equipment for the company. They own 2 box trailers and a cargo trailer. He stated that for the most part the box trailers are stored at the work site but there could be times in which the trailers were brought back to the property between jobs. He noted that deliveries of materials would not happen at the property and would be done at the job sites so there was no anticipation of any additional traffic of heavy trucks on the road. He noted that there is an old foundation from one of the barns that burned down and it could be used for storage of the trailers when needed.

Jim Drew, abutter, questioned additional traffic and noise. Mr. Lawton stated that he did not anticipate any additional traffic as employees report to the job site directly and deliveries would go directly to the job sites as well.

Joe Ransmeier, Attorney representing the Gaitskill 2005 Revocable Trust (Russ and Linda Gaitskill Trustees) and the Steele Family Realty Trust (Matthew and John Steele Trustees) presented a letter on behalf of his clients listing out their concerns with the special exception. Specifically, they object to the storage of construction materials on site as this will increase the traffic of heavy trucks on and off the property. Mr. Lawton stated that the storage of building materials would be if they have extra building materials from a job when finished they would bring these materials back to the property for storage. He stated that this happens infrequently as most of the time they use all of the materials purchased at the job site. Mr. Lawton reiterated that deliveries of building materials would be delivered to the actual job site and not to the property. Attorney Ransmeier presented a hard copy of the letter to the Board to be included in the minutes.

A lengthy discussion ensued between the Board members and audience members. Mr. Drew expressed his concern for storage of building materials and it obstructing his view. Discussed signage for business and the Lawton's intent is to have a small sign directing clients to the entrance. They do hold the majority of the meeting with clients offsite and do not anticipate a lot of traffic with clients coming to the house. It was noted that there is more than enough parking to accommodate clients coming to the house for a meeting. There will be no hazardous materials stored on site. Chairman Hern reviewed the requirements of a home occupation in the zoning ordinance but it was determined that it did not fit with the home occupation and light commercial was where the business fit best. With no more discussion, Chairman Hern closed the public hearing portion of the meeting for the Board to review and vote.

The Board discussed the special exception. The Board reviewed the following:

- Is the use prohibited – no allowed by special exception
- Is the use allowed by special exception - yes
- Are the conditions met - yes

The special exception shall not adversely affect:

- The character of the area in which the proposed use will be placed
- The highway and sidewalks or use thereof located in the area
- Town services and facilities

On a motion made by Mike Hern, seconded by Rick Christoffersen the special exception was moved to be accepted with the following conditions: **PASSED UNANIMOUSLY**

- All building supplies and materials will be stored out of sight.
- A maximum of 8 construction vehicles, with a maximum of 2 axels, will be stored outside overnight

Chairman Hern explained that a letter of decision would be posted tomorrow. During the next 30 days any abutter could contest the decision. If after 30 days, there has been no contest the decision is set and they are free to move forward with plans for a light commercial business.

With no more business, the meeting was adjourned at 7:45PM.

Submitted by:



Amy Venezia

Secretary to the Zoning Board

LAW OFFICE OF
MICHAEL M. RANSMEIER, P.C.

ATTORNEYS AT LAW

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May 29, 2018

Zoning Board of Adjustment
Town of Sugar Hill, New Hampshire
Mike Hern, Chairman
1411 Route 117
Sugar Hill, NH 03586

By Hand Delivery

Re: Case 18-02--Application of Shad and Janelle Lawson

Dear Board Members:

I represent the Gaitskill 2005 Revocable Trust (Russ Gaitskill and Linda Gaitskill, Trustees) and the Steele Family Realty Trust (Matthew Steele and John Steele, Trustees). The Gaitskill trust owns property located at 12 Dyke Road, while the Steele trust owns two properties located on Easton Road (1161 and an undeveloped lot). My clients welcome Mr. and Mrs. Lawton to the Sugar Hill community and look forward to interacting with them as neighbors.

The Gaitskills and Steeles have no objection to the Lawtons' proposed specially excepted use of the property at 32 Dyke Road ("subject premises" hereinafter) for a home office. They do, however, object to the proposed specially excepted use of the subject premises for on-site storage of building materials.

Under Section 1102.3 of the Sugar Hill Zoning Ordinance ("Section 1102.3" hereinafter):

"[a]ny Light Commercial use which may result in an increase in traffic volume or an increase in the weight of vehicles shall be restricted to frontage on a state maintained highway and a Special Exception shall not be granted for a Light Commercial use fronting on a Class Five highway if there is a possibility that these increases may result."

Since Dyke Road is a Class Five highway, Section 1102.3 applies to proposed light commercial uses of the subject premises. Should the subject premises be used for storage of building materials, it will be necessary for those materials to be transported to and from the subject premises, likely by loaded trucks. Accordingly,

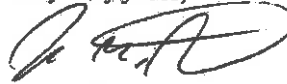
there is more than a "possibility" that Dyke Road will experience an increase in both traffic volume and the weight of vehicles travelling upon it as a result of the subject premises being used for such storage. As shown by Sugar Hill's Ordinance Regulating Hauling Over Town Highways, Class Five highways are susceptible to damage when they are used by heavy vehicles.

The Zoning Board of Adjustment previously denied a proposed light commercial use of the subject premises in September 2006 on the basis that the same was prohibited by Section 1102.3 (see Case No. 06-06). It would be well-served to do so again in the instant case.

Additionally, Section 306.1A of the Sugar Hill Zoning Ordinance provides that any proposed use by special exception "shall not adversely affect . . . [t]he character of the area in which the proposed use will be placed." Any storage of construction materials on the subject premises would be out of character with the surrounding upscale residences and bucolic landscape. For all the reasons discussed above, storage of construction materials on the subject premises would also "adversely affect" Dyke Road and put an increased burden on Town services related thereto (see Section 306.1B-C of the Sugar Hill Zoning Ordinance).

I thank you for your time and consideration in this matter.

Very truly yours,



Joseph M. Ransmeier

JMR

Cc: Shad and Janelle Lawton (by hand delivery if present at 5/29/18 ZBA Meeting)



May 29, 2018

The Board of Adjustment
Town of Sugar Hill, NH 03586

To the Board of Adjustment,

Thank you for your consideration of the special exception for 32 Dyke Road. We are excited about the possibility of relocating our business to Sugar Hill as well as calling it our home again.

The following information is for your consideration.

1. The special exception is not contrary to public interest. Light Commercial business have existed for years in Sugar Hill without any concern or issue, including Dan Kennerson's business on Lafayette Road and Doug Amesbary's business on Easton Rd (which is located .2 miles away from Mr. Steele and Mr. Gaitskill's properties). Both of these residential based construction operations are a perfect example of how our company operates.
2. This special exception is consistent with the spirit of Article 11. We provide services and employment opportunities for Town residents and have built multiple homes in the town of Sugar Hill. We will be raising our children at the property and the rural, quiet, scenic features of the property will be maintained. The house will be used for the family and a small office. The barn will be used for storage of construction tools and building materials that are left over from projects. No additional parking, roadways or site improvements are required for the business, beyond what is already in existence on the property.
3. The value of the surrounding properties will not be negatively affected by having a high-end custom home builder in the neighborhood. Our continued improvement and rehabilitation of the property should aid in the increase of surrounding properties value, if anything. We hope to be able to re-build the timber barn that burned, in the future.
4. We operate our business in many towns with road ordinances and always make sure that we comply to these ordinances, both ourselves and our subcontractors. This will not be any different for our personal residence/business. When required, we work with Doug Glover to ensure our vendor's and subcontractor's shipments or hauling needs are in compliance for our Sugar Hill job sites. It is not our business practice to receive lumber packages at our office. These deliveries go directly to the job site. We subcontract our heavy equipment work and do not own heavy equipment or dump trucks of our own. We do have two cargo trailers, a flatbed and an all-terrain fork lift. All of these are regularly used for farming/agriculture which is the most common, original use for that area of Sugar Hill.

Again, we thank you for your time and consideration.

Regards,

Shad & Janel Lawton
Shad and Janel Lawton

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