

**Town of Harrisville Zoning Board of Adjustment
Minutes of Meeting held on January 18, 2012**

Members present: Sue Brown, Charles Sorenson, Hal Grant, Charles Michael, Charles Owusu and Jeff Trudelle

Members Absent: Richard Grant

Public present: Ranae and David O'Neil, Sherry and Winston Sims, Donna Stone, Alan Sarri, Seth Kallman, Barbara Watson, Jay Jacobs

Meeting was called to order @ 7:10PM

Agenda: Ranae, David & Matthew O'Neil -45 Prospect Street –

Request for a Special Exception- Article IV – Section 4.1.19

For a dwelling and garage to be built and used as a Home Based Business at Jacquith Road property – Tax Map 10 Lot 31

The O'Neil's stated that they have put together three applications – one to be presented to the Selectmen for a building permit, the Zoning Board for a Special Exception for Earth Excavation and the Planning Board. They were hoping that the matter of the excavation could be taken up tonight or a Zoning Board meeting be held before the next Planning Board meeting. The Selectmen instructed them to apply to the Planning Board for an earth excavation permit and the Zoning Board for a home based business. It brought to their attention that the Master Plan stated that excavation can only be done in the commercial area which is the store and mill area. A Special Exception for Excavation must be approved by the Zoning Board and then a request must be presented to the Planning Board for a permit.

Members the Board discussed that there is no ordinance or regulations with regards to a Special Exception for Earth Excavation. The Board doesn't have any specifics or parameters to go on. The State does have regulations regarding a Special Exception for Earth Excavations RSA 155 E. Keith Kallman has received a Special Exception about 20 years ago for earth excavation. The Special Exception was approved by the Zoning Board and he then proceeded to the Planning Board for approval. Charles Sorenson read the State Statue 155E and that it is not required and it is open to interpretation. Charles Michal stated that the Selectmen realized that this is not going to be a gravel pit but excavation for a home base business. We told the O'Neil's that you not only need a Special Exception for Home Based Business but also for the amount of gravel (19,000 cubic yds.) to removed.

The Chair moved that we take up the matter that the O'Neil's applied for and discuss the earth excavation latter. They are here for a home based business on Jacquith Road – to build an apartment with a three bay garage.

Several members of the public raised concerns with regards to: noise, dust by trucks coming and going, what would be stored on the premises and envirmetal concerns with what type of fuel and oil would be stored. Charles Michal stated that conditions could be added to the Special Exception if approved.

It was suggested that the conditions by listed on the deed. Mrs. O'Neil objected to this procedure since these conditions were on the home based business and not the property. Also by putting these conditions in the deed it will restrict them from getting financing. It was agreed that the conditions were on the business and not the property.

The Chair asked if the members wanted to go one by one and add any condition to each of the sections of Article IV. All voted to take each section and add conditions if need.

Motion by C.Michal- Second by Sue Brown

Section 4.1.19.1 - Regarding number of residents and non residents

O'Neil: 1 resident – 1 non resident

Motion by C. Owusu –Second by C.Michal

Section 4.1.19.2 - Not have an adverse effect on the environment & water resource supplies or the surrounding properties, etc.

Condition of 4.1.19.2 - No storage or disposal of fuel, oil or other toxic substance at the site. Dust suppression on the road. No expansion of the non-residential aspects of the structure.

Motion by C. Owusu – Second by Sue Brown

Section 4.1.19.3 Shall have no outdoor display of goods, and no outdoor storage of material or equipment unless screened from road and surrounding properties, etc.

Condition of 4.1.19.3 Maintenance of the 50 ft. tree buffer – No heavy equipment be parked or stored within 150 feet from the road

Motion by C. Sorenson –Second by C. Michal

4.1.19.4 – Section regarding a sign –

O'Neil – no sign will be posted

Motion by C. Sorenson –Second by C. Owusu

4.1.19.5 not applicable

Motion by C. Sorenson –Second by S. Brown

4.1.19.6 not applicable

All members voted in favor of granting the O'Neil's a Special Exception for a Home Based Business with the above conditions.

It was suggested that the O'Neil's go back to the Selectmen with the approval of the Home Based Business approval and ask for a new decision regarding the earth excavation.

Hal Grant, Chair

Rosemary Cifrino, Recording Secretary