

**TOWN OF NORTHFIELD
ZONING BOARD OF ADJUSTMENT
March 24, 2014**

MINUTES

Members present: Brian Brown, Phil Cain, Keith Murray, Kent Finemore and Kevin Waldron. Chairman Finemore appointed Brian Brown and Kevin Waldron as voting members for this meeting.

Minutes: Keith Murray moved, seconded by Phil Cain to approve the minutes of November 25, 2013 as read. Motion passed.

Mark J. Geremia: Application for a variance from Article 6.2 section 7 of the Northfield Zoning Ordinance to permit the operation of an automotive repairs and internet automotive sales facility at 13 Cottage Street (Tax Map U8 Lot 50) in the R2 zone. After review of the application and abutter's list, Keith Murray moved, seconded by Phil Cain to accept the application as complete. Motion passed 4-0.

Mark Geremia explained that he currently operates an internet sales business for vehicles. He currently does repairs on the vehicles because he can't sell a car that can't pass inspection. These repairs had been done off site previously, but that has become too expensive so that he is now doing those repairs on site. He currently has a NH Bonded Dealer's License which will not be renewed by the state. He will now be required to update his license to a full retail license allowing him to sell vehicles on site, handling titles, etc. Mr. Geremia stated that he simply wants to continue his business as he has since 2006 and will only be doing repairs on his internet sale vehicles. He would want the ability to repair a friend's vehicle however. Phil Cain asked if Mr. Geremia currently has full facilities on site. Mr. Geremia responded that he has a storage facility for vehicles off site and that his yard does not look like a junk yard. He brings the cars to 13 Cottage St. from the storage site to clean, repair and photograph. He has no more than 2 unregistered cars on the property at one time. Kevin Waldron asked if he is currently in compliance with all regulations. Mr. Geremia responded that he is in compliance, that he was granted a variance for internet sales in 2007. Keith Murray asked how fluids are handled. Mr. Geremia responded that he has a catch receptacle and the oil is taken off the property. He also has two lifts on site. The foundation is a monolithic slab with a 12" foundation.

Kevin Waldron asked Board members if it is relevant that the site is currently in or out of compliance or is a nuisance. He added that the lean to attached to the garage appears to direct runoff onto the abutter's property, that there are rafters attached to the rear abutter's fence and the left lean to appears to be new. These additions were addressed by the ZBA in 2007. Kent Finemore reminded members that the application is seeking relief from the Groundwater Protection Ordinance which does not allow automotive sales or repair. Retail sales and automotive repair are allowed in the R2 zone, but this particular area is also located within the Groundwater Protection zone. Kevin Waldron questioned

why the Board would allow this business to expand when it is already a use that is not allowed. Keith Murray explained that Mr. Geremia was granted a variance for both the Internet Sales and the additional shed, but these were granted before the Groundwater Protection Ordinance was adopted. Kevin Waldron noted that Mr. Geremia stated he did not plan to expand his business, but if the variance is granted a new owner of the property could in fact expand. Kent Finemore responded that the Board could restrict the number of vehicles allowed at any one time, but then it becomes an enforcement issue. It was noted that there is another automotive repair shop in the neighborhood, but it predates the Groundwater Protection Ordinance.

Public Hearing: Dick Stevens stated that there are 9 families living beyond 13 Cottage Street, the road is very narrow, particularly with snow banks and there are always cars parked in the road making it difficult to pass. He added that there is no other outlet for the street making access difficult. Mr. Stevens stated that a box truck delivers parts on a regular basis, blocking the road. Lewis Marsh commented that the road issues are worse in the summer time as Mr. Geremia parks his car carrier in front of a neighbor's house and the road is too narrow. Mr. Marsh added that there are at least 4 cars in the yard right now. Mr. Geremia responded that the box truck only delivers parts perhaps twice in a season and that he now parks the car carrier in a neighbor's yard with permission. He also stated that he has two registered vehicles in the yard, plus two unregistered. Those vehicles in the garage do not have to be registered. Public hearing closed.

Kent Finemore again reminded the Board that this application is for relief from the Groundwater Protection Ordinance and this discussion has not addressed potential pollution, etc. Keith Murray commented that most of the town's Comm/Ind zone is within the Groundwater Protection zone but he would not be inclined to approve auto repairs on a primary aquifer. Kevin Waldron stated that he has trouble denying what a person can do on his property, but the current impact is significant and that the lot is not large enough to allow retail sales with customers, car repair, car sales, body painting, etc. Phil Cain responded that if Mr. Geremia is only doing minor repair there's no reason to stop him. Brian Brown stated that allowing the business to get larger within the Groundwater Protection Zone is not a good idea. Kevin Waldron asked if Mr. Geremia has a paint booth. Mr. Geremia stated he has an aspirated filtered system for paint. He does not paint whole cars, only what is needed to clean up the car.

Members considered the criteria for granting a variance. Keith Murray stated that granting the variance would be contrary to public interest as the business does impact the neighbors currently and expansion would have more impact. He added that such expansion would have a negative effect on property values. Keith Murray also did not believe this application meets the spirit of the ordinance as the business has the potential for petroleum leaks. Kevin Waldron commented that the potential is already there from everyday traffic and parked vehicles, but this is about managing the risk.

Kevin Waldron moved, seconded by Brian Brown to deny the application for a variance from Article 6.2 section 7 of the Northfield Zoning Ordinance to permit the operation of an automotive repairs and internet automotive sales facility at 13 Cottage Street (Tax

Map U8 Lot 50) in the R2 zone because expansion of the auto sales and repairs facility within the Groundwater Protection Zone is contrary to the public interest and the spirit of the ordinance. Motion passed 3-1.

Meeting adjourned at 8:15 PM.

Respectfully submitted,

Eliza Conde, Secretary

Minutes approved May 12, 2014