

Town of Farmington  
Zoning Board of Adjustment Meeting Minutes  
Thursday, October 6, 2022  
356 Main Street-Farmington, NH 03835

**Board Members Present:**

John David Aylard, Chairman  
Joe Pitre, Vice Chairman  
Bill Fisher, Clerk/Secretary  
Bob Morgan

**Others Present:**

Kyle Pimental, Planning Dept. Director  
Amber Hall, applicant

**Board Members Absent:**

John Scruton

**BUSINESS BEFORE THE BOARD:**

**1). Call to Order:**

Chairman Aylard called the meeting to order at 7:05 p.m.

**2). Pledge of Allegiance:**

All present stood for the Pledge of Allegiance.

**3). Review of Minutes:**

**August 4, 2022-** No errors or omissions

**Motion:** (Pitre, second Morgan) to accept the minutes as written passed 4-0.

**4). Public Hearings:**

**NEW CASES:**

**Public Hearing for a Variance by Samuel and Amber Hall, Tax Map R61, Lot 48:** A request has been made for a Variance under Section 2.00 Base Zoning Districts, Letter (E) Principal Uses. The applicant is requesting a Variance to add a second principal use to the property. The existing use is residential and the applicant is seeking to add a commercial use. The property is located on Silver Street in the Rural Residential District.

Chairman Aylard opened the public hearing and read aloud the above notice.

Applicant Amber Hall of 105 Silver Street came forward to discuss their request with the board.

Mr. Pitre asked for the size of this lot.

Mrs. Hall said it is about 12.5 acres.

Mr. Pimental suggested they ask the applicant to walk the board through what they want to do and then open it up for discussion.

Chairman Aylard said that a full board is not present and that she is entitled to have 5 members

present and they need to have 3 members present at a minimum and asked Mrs. Hall if she would like to proceed with the 4 members that are here.

Mrs. Hall said "Sure" and then thanked the board for hearing their proposal. She said their proposal is the utilization of their residential property as an event rental venue. She said this came about when she and her husband Sam got married at their property last fall.

Unfortunately he can't be here this evening he is aboard a Merchant Mariner ship in the Gulf of Mexico she said.

She said several of their guests and vendors during their wedding commented on the beauty of their property and the set-up of their event and they put a significant amount of time and effort into the beautification and restoration of their landscape.

She said they believe that providing this even rental venue in a rural setting with fields, gardens and wooded trails is a unique and natural setting for these events. She said they chose to have their special day in nature surrounded by beautiful scenery and wish to provide this opportunity to others. We believe granting this variance and special exception for this purpose will attract business to the town and we hope to achieve this by partnering with local businesses for these events she said.

Mrs. Hall said the proposal will not burden the Town's services because their property is in a rural location situated on a 12.5 acre wooded lot. She said the events' parking and amenities will be located within their property and landscape buffers separate the abutters from their lot. She said their intent is to rent the property for events during the warmer months of the year on weekends and although they are requesting a commercial use the primary use will remain residential as this is their home.

Mr. Aylard said they mean the intent of the commercial use is you're going to do this for a profit.

Mrs. Hall agreed the commercial use would be but they still plan to live there and that would be the primary use.

Mr. Aylard said he thought it meant there wouldn't be any extra structures.

Mr. Pimental said he would provide the staff comments and then the board should take each of the criteria one at a time and then open the public hearing part of it, close it and then discuss it. He said he didn't have a ton of comments on the variance application and what is important for the board to consider going through the criteria is that this request is based on the ordinance stating there can only be one principal use on the property and any more than one principal use requires relief from the ZBA. He said for the Planning Dept. because the principal use right now is residential and there is going to be a commercial use too they tried to look at if it would be a home business or home occupation but it didn't fit the Town's criteria because of the standards that are listed in there. He said administratively to move this forward they had to come up with a use and that is the commercial uses not specified which is a principal use so the relief she is seeking is the 2 principal uses.

He said they are categorizing that because there is really no other way at the Planning Dept. because of the way that the zoning is written but he would caution or advise that the board consider that even though this is a principal use it is only going to be operating in a very small amount throughout the year so this is not something that's 40 hours a week every day. It's sort of boxed in between let's say Memorial Day and Labor Day with somewhere between 25 events per year. He said while it is a principal use in the spirit and intent of the ordinance but asked the board if in their minds if that really meets a principal use.

He said it is important to think about how this principal use is going to be used and that it is going to be minimized and is not a commercial venture like adding a restaurant or a retail store as a commercial use. He advised the board as they go through the criteria to keep in mind that while they are categorizing it as a principal use the applicability is not really going to be used in that same way. He said as they go through each of the criteria voting on them and then providing some form of justification for either approving or denying each of the criteria so they can capture that in the minutes.

Mr. Aylard said it will be seasonal and asked Mrs. Hall if she has a problem with that.

Mrs. Hall said their intent is host a few weddings and that they were envisioning weddings or bridal or baby showers during weekends during the warmer months of the year and not every weekend.

Mr. Pitre asked if they have the case for the Thayer property and the minutes to that.

Mr. Pimental said he could probably get the minutes for that and that was essentially the same case. He said the only difference is in that particular case it was actually 2 variances that she received.

Mr. Pitre said it was the idea of hosting weddings and the like.

Mr. Pimental said the 2 variances were for 2 principal uses because it's a residential and the commercial side of the event planning and second and this has changed in the zoning, at the time commercial uses not specified were prohibited. He said they are now allowed by special exception so that's the difference between 2 years ago and the case now-instead of 2 variances it's one and a special exception.

He said in his notes in the memo he looked at the Thayer property and some of the stipulations and conditions they put on their approval then are included in here for their consideration. He said it doesn't apply to the variance but it does to the special exception if they wanted to put specific conditions on and he did look at the Notice of Decision from that meeting.

Mr. Pitre said one of the findings of fact they should come up with is there are 12 acres there and they should be listing the findings of fact. He said it is quite rural and asked Mrs. Hall for her closest neighbor.

Mrs. Hall said she thought it was 800 ft. and then said the sides were 600-700 ft. depending on either side. She said there is a house across the street to the left but he is not directly across from their house and is about 300 ft. across the road from them. She said she has spoken with

all of the neighbors as well.

Mr. Aylard said they didn't get a picture of it and asked if this would be in the center of their property and he wasn't really picturing their property.

Mrs. Hall said where their house and 2 barns are located are right on the center of the driveway and there is a field on either side of the house. She said how their wedding was set up was the field to the right of the house would be where everyone would be parking and there is an opening where people can access that field. The other field is where tents or whatever they wanted for their events would be located.

Mr. Aylard asked if they are primarily dry for most of the time.

Mrs. Hall said yes.

Mr. Pimental said if this does move forward the applicant would be required to submit some form of site plan to the Planning Board so they would be getting into more of the details about the parking, tents, etc.

Mr. Aylard he wasn't going to go anywhere with that other than it needs to be feasible.

Mr. Fisher said this is very similar to what was previously approved for the Thayer property although just because they did it for the Thayer's doesn't necessarily mean they have to do it for her and each case stands on its own. But I don't see any problems he said.

Mr. Morgan asked if all of the abutters have been notified.

Mr. Aylard said that is what Mr. Pimental wrote in his notes that he clarified and swore and signed his name that they've all been accepted and checked and re-checked.

Mr. Morgan asked how specific they should be getting into this aspect of it because he was curious about if they were going to have security, is drinking allowed, bathrooms, etc.

Mr. Fisher said that would be part of the Planning Board decision when she does her site plan review.

Mr. Pimental said those types of conversations with the applicant may make more sense for the special exception because they could put some of those conditions on there but for the variance he would just focus in on the 2 principal uses. He said when they get to the special exception he would agree they could probably have those.

Chairman Aylard asked Mrs. Hall to step back and closed her session with the board and that the board had asked their questions for this particular variance.

He then opened the hearing to the general public and seeing that no abutters or members of the public were present he closed the public comment portion of the hearing. He then asked the board to discuss the variance criteria.

Mr. Pimental read aloud each of the facts supporting this request and the applicant's response submitted with the variance application as follows:

**1). The variance will not be contrary to the public interest:**

Applicant Response: (see attached)

Board Response: **Motion:** (Pitre, second) to approve;

**Discussion:** Mr. Aylard said his understanding is they have to give a good solid reason why they believe this to be true.

Mr. Pitre said for the reasons stated it would not be contrary to the public interest.

Mr. Aylard said as they have presented their wishes on this question he does not feel that this would be contrary.

Mr. Pimental asked if Mr. Pitre had the motion to agree that the variance met the public interest and there was no second to the motion.

Mr. Morgan seconded the motion.

Mr. Fisher asked if they really need a motion on each of these.

Mr. Pimental said yes with the new law they need to go through each one of these.

Mr. Aylard asked if he was wrong in thinking they have to have a solid reason.

Mr. Pimental said in his opinion when something is going to be a vote that fails it's more important to really solidify that. He said if the motion is going to pass they could make a more general statement that based on the comments provided by the applicant the board feels that it would not be contrary to the public interest.

Mr. Fisher said there's not going to be any permanent structures they're just temporary structures coming up and down. He said the primary interest for this area is a rural-type setting which he thinks will be maintained since there are no permanent structures going up. He said it will be of limited use, it's not going to be year round, just during a short period of time and then it's not an everyday occurrence it's only a few times within that period. I believe this does coincide with the public interest for the area. It's remaining a rural residential area and I don't think it will have any effect on the surrounding areas so I'm in favor of it he said.

Mr. Pimental clarified that the motion was made by Mr. Pitre, seconded by Mr. Morgan and the reasons include no permanent structures, the limited use and maintaining the character of the rural residential neighborhood.

**Vote:** The motion passed 4-0.

**2). The spirit of the ordinance is observed:**

**Applicant Response:** (see attached)

**Board Response:** **Motion:** (Fisher, second Pitre) to approve the spirit of the ordinance is observed;

**Discussion:** Mr. Fisher said he feels that this enhances everything her proposed uses because if nothing else they are going to keep the property up more so that prospect renters can look at it. He said if it's buried in 4 ft. tall weeds out there people are going to go someplace else and he thinks they will maintain the property more, keep standards up, it will improve the neighborhood just so that it looks better to prospective clients. So I believe the ordinance will be observed he said.

Mr. Pitre said on Summer St. they used to have a hall there and you have to have places for people to live and do their thing like get married so you're always looking for a venue that's

pleasing and this agri-business-type thing is a great idea.

Mr. Aylard said he sees some drawbacks but the positive outweighs the negative by a long shot.

**Vote:** The motion passed 4-0.

**3). Substantial justice is done:**

**Applicant Response:** (see attached)

**Board Response:** **Motion:** So moved by Mr. Pitre, seconded by Mr. Fisher;

**Discussion:** Mr. Fisher said again for the reasons he previously stated he thinks this will be maintained in a high state of readiness so that it looks good not only for the town but for prospective clients. So I think substantial justice will be done he said.

Mr. Aylard said it allows them to use their property and not hurt anybody else.

Mr. Pitre said those were his feelings exactly.

Mr. Morgan said he agreed with Mr. Aylard.

**Vote:** The motion passed 4-0.

**4). The value of surrounding properties are not diminished:**

**Applicant Response:** (see attached)

**Board Response:** **Motion:** so moved by Mr. Pitre and seconded by Mr. Morgan;

**Discussion:** Mr. Aylard said they don't have somebody here to say one way or the other but he didn't see how not changing the dynamics of the property could affect the other properties and it is seasonal and only temporary.

Mr. Pitre said upkeep of the property is important and it's going to be enhanced because if you increase the looks of your property it's going to affect other properties.

Mr. Pimental asked for the primary reason for the values and if it was just the improvement of the property.

Mr. Aylard said it's temporary, there are no structures, there's no real change to the property, it's seasonal and it's only for certain hours.

Mr. Pitre said if you keep up your property the surrounding properties will be increased also because of the high upkeep.

Vote: the motion passed 4-0.

**5). Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:**

**Applicant Response:** (see attached)

**Board Response:** **Motion:** So moved by Mr. Pitre and seconded by Mr. Fisher.

**Discussion:** Mr. Pitre said that is a large piece of property with no effect on the neighbors and literal enforcement would create a hardship. He said they are not supposed to think about the monetary impact but it is there. He said we want to allow people to do what they want with their property so they don't have to be forced to subdivide their property and he thinks that is important. And we need the service he said.

Mr. Aylard said it would be a hardship to force someone to subdivide their property in order to

do that and that's a big expense.

Mr. Pitre said when you have a bigger piece of property you want to make sure that those are maintained because you can actually by increase in taxes force people to subdivide and that's what happens because of the cost of keeping the property vs. subdividing it.

Mr. Fisher said this is a tough one as always. He said the hardship rule is due to the unique nature of the property and any special features of the property but those 2 definitions really don't apply in this case. He said the hardship in this case is that it's 2 principal uses on one piece of property and it all comes down to definitions.

He asked if this is really a principal use since it's not an everyday occurrence, it's not weekly and it's not 365 days a year. He said he feels it is more of an accessory use than a principal use but accessory use by definition doesn't fit those goals. He said common sense should apply so he didn't think there is any harm in having a second so-called principal use on this property. That would create a hardship even though that is not by definition of what the hardships are and the laws are changing. In my opinion literal enforcement of this would create a hardship even though it doesn't meet the definition so I'm in favor of granting the variance he said.

Mr. Morgan said since there is no obvious opposition from the neighbors which is very important he thinks that speaks a lot. As long as they don't get carried away with it or get too big I'm not opposed he said.

Mr. Pitre said they have done this before and that's why they're here. He said variances are contrary to what the law says or what our ordinance says so that is something to think about.

Mr. Fisher said they did grant this for the Thayer property and there was no harm to the town or the surrounding properties and everything was enhanced. He said he believes it would be an unnecessary hardship to enforce it because of a conflict in the definitions which is something that needs to be taken care of during the next round of town votes and Planning Board activities.

**Vote:** The motion passed 4-0.

Mr. Pimental said someone should make a motion to approve the variance because all 5 criteria have been met.

**Motion:** (Pitre, second Morgan) to grant the variance as requested;

**Discussion:** Mr. Pitre said the Planning Board will take care of the particulars.

Mr. Aylard said the only thing he would add is that she sticks to the letter where she states the event times.

Mr. Pitre said his motion was "as requested".

Mr. Aylard said he wanted to add that so this doesn't end up being Wednesday night is karaoke night, etc.

Mr. Pimental recommended they put the stipulations on the special exception not the variance.

Mr. Aylard said he meant her letter would stay with the variance.

Mr. Fisher said it should stay with both the variance and the special exception as her reasoning

applies to both.

**Vote:** The motion passed 4-0.

Mr. Aylard said the variance is granted.

**Public Hearing for a Special Exception by Samuel and Amber Hall, Tax Map R61, Lot 48: A request has been made to allow a proposed commercial use by special exception. The proposed use is for an event venue, which would rent the property to individuals for events such as weddings, showers and birthday parties. The use is allowed as a commercial use not specified by special exception. The property is located on Silver Street in the Rural Residential District.**

Mrs. Hall returned to the board and restated her name and address for the record. She said she would reiterate what she said on the variance and that she could re-read that for the record if that needs to be read.

Board members said that would not be necessary.

Mrs. Hall said they understand the special exception is the process they need to go through to do a commercial use non-specified which is as Mr. Pimental said.

Mr. Aylard asked if their intent is to have 2 uses on one property.

Mrs. Hall said yes.

Chairman Aylard then asked her to step back and opened the hearing to public comments.

Seeing no one in the audience Chairman Aylard then closed the public comment portion of the hearing. He asked Mr. Pimental to read aloud the Special Exception General Standards (as set forth in Section 2 (D) 1 of the Zoning Ordinance) and the applicant's responses.

**1). Explain how the proposed use is consistent with the character of other permitted uses within the district:**

**Applicant Response:** (see attached)

Mr. Pimental said he didn't think the board needed to vote on these individually so if the board is okay with it he will go through all 6 and then the board can discuss them or they can discuss them individually.

Consensus of the board was to do them all together.

**2). Explain how no hazard shall be created to the public or adjacent property on account of potential fire explosion or release of toxic materials.**

**Applicant Response:** (see attached)

**3). Explain how no detriment to property values shall be created in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, access ways, odor, smoke, gas, dust or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment or other materials.**

**Applicant Response:** (see attached)

**4). Explain how no traffic hazard or substantial increase in the level of traffic congestion shall**



**be created.**

**Applicant Response:** (see attached)

**5). Explain how there will be no excessive demand on municipal services including but not limited to water, sewer, waste disposal, police and fire protection and schools.**

**Applicant Response:** (see attached)

**6). Explain how no significant increase of storm water runoff onto adjacent property or streets shall be created.**

**Applicant Response:** (see attached)

**Motion:** (Pitre, second Morgan) to grant the Special Exception as requested;

**Discussion:** Mr. Fisher asked if that would be with stipulations and if so which ones.

Mr. Pitre said they should be discussing that and put them additional as an amendment.

Mr. Morgan said the only concern he would have would be human nature and asked if there is going to be any security of any sort.

Mr. Aylard said according to the rules they are not supposed to have any further discussion with the applicant after he closes the meeting.

Mr. Pimental said if the board has questions for the applicant that's okay. He said they could suspend the rules if they wanted to and allow the applicant to respond to the board if they have questions.

Mr. Aylard asked Mrs. Hall to return to the board.

Mr. Pitre said they make the rules as long as they stay within the boundaries of the state law.

Mrs. Hall said the security would be provided by them and they would not leave the property while events are occurring so they will be the ones there monitoring.

Mr. Morgan asked if alcoholic beverages will be served.

Mrs. Hall said any of that would be by a NH state licensed vendor whether that's a beverage company or a restaurant that would be the responsibility of the renter to contract them and bring them in. She said no one would be allowed to bring their own alcohol to the site other than the licensed bartender.

Mr. Aylard said he has some concerns but he knows the Planning Board will take care of them for the most part. He said he knows there will be an increase in traffic and didn't know how many people they will have at an event. He said the traffic will only be from the event it won't be constant but it is a significant amount at one time because supposedly everybody is supposed to show up at the same time. Anytime you have booze you have broken bottles and things of that nature he said.

Mr. Fisher said he had some things he would like to see added as stipulations.

Mr. Pitre asked Mrs. Hall how many people she expects (at an event).

Mrs. Hall said they invited 100 people to their wedding and about 80 showed up and there was plenty of room for parking. She said 100 people seems to be their maximum.

Mr. Pitre asked if they put 200 max if that would work.

Mrs. Hall said that would be a lot.

Mr. Aylard asked if they had an idea of where they wanted to stay for a maximum number of people.

Mrs. Hall said their thought was no more than 100 people.

Mr. Aylard said he believes they can put a stipulation in if it works out well they can come back and revisit the number.

Mr. Pitre suggested they go with a max of 125 people.

Mr. Pimental said one suggestion for the board to consider if they feel it is reasonable is they could do a not to exceed 125 people but anything over 100 would require a police detail if they are concerned about traffic. He said the Planning Board can't require that there be a police detail at the end of events and this board could say that if they concerned about 100 vehicles leaving the site all at the same time. He said anything under 100 they don't need anything, over 100 they would need a police detail and then you're capping the amount of people total as 125 but advised the board to talk to the applicant to see whether that's...

Mr. Pitre asked who made that amendment.

Mr. Morgan said he made the amendment.

Mrs. Hall then got her husband on the phone.

Mr. Fisher said 125 people is roughly 56 cars with 2 people per car and there could be even less than that and he didn't think they need to put that kind of restriction on it. He said this is in a rural area, there's no heavy traffic, and it's going to take 5 or 10 minutes for everybody to leave so why put a limit on it.

He said somebody may want to have 200 people at their wedding where you might get into problems with fire control and things like that but it's not an enclosed space. I don't think it's necessary to put a limit of how many people or even have a police presence he said.

Mr. Morgan said it should have especially when you are talking about human nature and the fact that even if you don't allow it because there's not a licensed provider of alcohol you know that's going to happen.

Mr. Aylard suggested they say if there's no alcohol no police.

Mr. Fisher said they can't say "what ifs" and asked what if these people are responsible enough to control the people that are at their wedding on alcohol and cut them off. He said there are already state laws in effect and if people get drunk the vendor supplying the alcohol is responsible for those people getting drunk and asked why put that restriction on the applicant.

Mr. Aylard said it goes back to human nature and there's 6-pack in their car.

Mr. Fisher said it's the people having the wedding or whatever event responsibility to control the drinking but if they do or not it's not the Town's respect to control the drinking. There are already state laws in effect and to put that restriction on the applicant I feel is unfair. Providing a parking area and no on-street parking that's all part of it which would be towards the applicant but controlling the drinking-I know people are going to get drunk but that's not her

responsibility so why put that restriction on her and her husband. It's the person having the event's responsibility for how their guests act not hers he said.

Mr. Morgan said he agreed with that.

Mr. Fisher said the restrictions they are putting on are for her to rent out her property and that's all. He said what happens once she rents it to the other people that's not on her that's on the people renting it.

Mr. Morgan asked if they have enough water to be able to provide for anything that they may need since they are not on Town water and are on a well.

Mrs. Hall said they are on a well and they have plenty of water for that and plenty of well capacity. She said they would also ask the renters to bring whatever drinks they want to provide for the wedding and the reception and they should bring any water, juice, drinks, teas anything like that.

Mr. Morgan asked if they will have Porta-Potties.

Mrs. Hall said yes.

Mr. Pimental asked for the will of the board on the police detail piece and the maximum number of people. He asked if they were abandoning that or if they still want to keep it maxed at 125.

Mr. Fisher said that is going to be between the event planner and Mrs. Hall. He said to have the Town say you can't have a wedding with 200 people in it that's not right and that's too much control for the Town. He said he didn't think that's a fair restriction to put on the property owner but to say no parking on the street because that's going to affect the neighbors they could say that. They already said there is going to be parking in the field so limiting the amount of people or how much they're going to drink is not the Town's business he said.

He said it would be the Town's business if it was permanent structure because there are fire codes that have to be followed that limit the amount of people inside a structure but this is in an open field and as far as he knows there is no requirement for the number of people you can have in an open field. He said before he moves on to what he would like to see for restrictions they need to iron out if they are going to restrict people and the amount of drinking. In my opinion no he said.

Mr. Pimental said for the drinking piece there's not much that this board can do. He said because it's a special exception the board does have the authority to put a cap on the maximum number of attendees but that is at their discretion. He said if the applicant is saying between 100 and 125 is kind of where their max is anyway it's at the board's discretion on whether or not they want to put that restriction in.

He said the other option is that if they did decide to put a max of 125 that could be something that is lifted if there are no nuisance complaints over the course of a year or something like that and that could be something the Code Enforcement Officer looks at. If there are no issues you could remove that restriction in its entirety he said.

Mr. Aylard said 50 people are only so noisy, 100 people are a little bit more noisy, 150 are that much more noisy and now you are breaking away from the spirit of the ordinance and you are aggravating your neighbors unnecessarily. Two Hundred drunk people-that's loud he said.

Mr. Fisher said they said they are going to provide security and if it gets too noisy in their opinion they can go to the people and say knock down the noise or I'm going to shut it down or they can call in the police. He said there is plenty of property there and there's a lot of distance between the houses even though noise does carry. We already have semi-noise ordinances and they would be shutting them down early and they have time limits they want to post and I think that is enough control over the amount of people. Again, I'm not in favor of limiting the amount of people he said.

Mr. Aylard asked Mr. Morgan what he had for an amendment on that and he said "nothing".

Mr. Pimental said it sounds like that is being removed.

Consensus of the board was to remove the restriction limiting the number of people.

Mr. Fisher then suggested the following amendments: 1). No excess noise which could take care of the amount of people; 2). No dust, smoke or equipment storage; 3). Music must stop by 10 p.m. and the event close by 11 p.m. on Friday's and Saturday's; on Sunday's the music is to stop at 7 p.m. and the event finished by 8 p.m.

Mr. Pitre said that's what she requested and his original motion was to cover that as requested.

Mr. Fisher said it was also recommended that they list each exception not just say as requested. He then added no parking on Silver Street.

Mr. Aylard said he would add the amendment that this is reviewed in one year to make sure that it has worked out like it was supposed to.

Mr. Pimental said they could do that but advised them to be very specific so if they are saying they just want the Planning Dept. and the Code Enforcement Officer to review it for any issues but keeping the stipulations they are putting in here that's fine.

Mr. Aylard said he would want to see what the police reports are and if there are any complaints from the neighbors.

Mr. Pimental suggested if there are complaints they could come back to the board at that time and let them know what they are and they could either ask the applicant to come back in or they could make some recommendations on what to do. He said that would only be if there are significant issues. We'll use our best judgment we don't want to drag you back in here if it's not necessary. If we get "x" amount of police calls and there's multiple accidents or something like that then we would want to revisit it he said.

Chairman Aylard asked if there were any further amendments or discussion.

Mr. Pimental said in the applicants' proposal they said the operation would be from Memorial Day until the end of fall and asked if they wanted to mirror what the applicant is saying in the application and to just put that.

Mr. Aylard said if they want to add that it is going to be like Mr. Pitre said right to the letter of

how she stated it.

Mr. Pimental said he wanted clarification from the applicant and asked Mrs. Hall what she is looking for to ensure that the board is comfortable with what she is looking for.

Mr. Aylard asked if she had changed her mind since she wrote the letter.

Mrs. Hall said no and most people like to get married during warmer months so that was their reasoning for writing down that period of time. She asked if they would be restricted if someone wanted to get married in the middle of Jan.

Mr. Pimental said right now potentially they would be so it's worth having the discussion on whether the board wants to put that in. He said this could be for the first year and then revisit this. This is how you handled the Thayer property-you boxed it in between Memorial Day and Labor Day for the first year of operation and then that you would revisit it he said.

He said they could expand that and do it by months and not necessarily those 2 holidays. He said Labor Day is a little early and they could go to the end of Oct. and maybe start in April or early May. I leave that up to the board if you even want to put that in he said.

**Amendment:** by Mr. Aylard: just the weekends all year round and come back and visit it in a year and see what we have.

Mr. Aylard said it would be year round on the just weekends if she wants and the availability. He asked if somebody wants to freeze their butt off and get married why they should stop them from doing that. I would like to study it for a year and see how we do he said.

Mr. Pitre said there are birthdays too and some of us are birthed in Jan.

Mr. Fisher said he had no objections to that.

Mr. Pitre said he was good with that. He said he has done policing throughout the year at a camping area and there were 2 incidents that really were serious.

Mr. Aylard said that's why he wants to come back and see if they don't have any excess use of the facilities, fire trucks and things of that nature. He then advised Mrs. Hall to keep the lawn mowed because a hot muffler will cause a fire. He asked if there was any further discussion or anything they needed to add to this.

Mr. Pimental said he wanted to read back the stipulations to make sure they captured them correctly and if there's anything else they wanted to add. They are as follows:

1. The venue may operate year round but only on weekends as defined as Friday, Saturday and Sunday;
2. All music will end by 10 p.m. and events will end by 11 p.m. on Fridays and Saturdays;
3. All music will end by 7 p.m. and events will end by 8 p.m. on Sundays;
4. No parking will be allowed on Silver Street;
5. After the first full year of operation the Planning Dept. will review any nuisance complaints from residents or police activity and present that back to the ZBA.

Mr. Aylard asked Mrs. Hall to give the board some feed back if they need more days. He said the 4<sup>th</sup> of July is never going to end up on a weekend and some holidays don't.

Mrs. Hall said she also works a full time job which is why they are proposing only a few events per year.

Mr. Pimental asked if there was anything else the board wishes to add.

Chairman Aylard asked the board if there was any more discussion and hearing none called for a vote.

**Vote:** The motion passed 4-0 as amended.

Mr. Fisher asked Mrs. Hall to tell her husband from one sailor to another to stay safe out there.

Mrs. Hall said he is on speaker phone and he heard the message and then thanked the board.

#### **5). Bylaws Review and Recommended Revisions:**

Mr. Aylard said the board received a preliminary draft of the proposed revisions to the bylaws and asked if anyone saw anything glaring they didn't like. He said that under Rules of Procedure, #6 Applications it should not say "A. Applications" because it is redundant. He suggested the second "Applications" be removed and to start Section A with "Each application for a hearing..."

Mr. Pitre asked if this has the (start) time.

Mr. Aylard said it's written in here and they changed it from 6:30 p.m. to 7 p.m. (Rules of Procedure, Section 2 Meetings, (A) Regular Meetings).

Mr. Pitre said just as long as it meets what they are doing so they stay out of trouble.

Mr. Aylard said he was a little concerned about requesting things from applicants that is going to cause them to spend more money. He said where it says it doesn't decrease the value of the properties in the surrounding area they could ask for a realtor or agent to come in.

Mr. Pitre said in the past they have also asked for a traffic count.

Mr. Aylard said it also says when they go to a site it can only be one of them at a time.

Mr. Morgan said it can be two (Rules of Procedure #1B Site Visits).

Mr. Fisher said if there are more than 2 members present they have to have a public meeting.

Mr. Aylard said he had a problem with the section on quorums and that he didn't think it was worded right at all (page 3, Rules of Procedure, #4 Quorum and Alternates). He said it should say "A quorum for all business shall require a minimum of 3 regular members".

Mr. Fisher said the RSA says 3 period, not minimum but 3. He said anything over 3 you still have a quorum.

Mr. Pitre said they shouldn't be going to the property anyway and once they come into the meeting then they can go visit if they really want to. He said but they should have enough evidence before them to make it right because some cases will go to several meetings.

Mr. Aylard turned to page 1, Membership #5 and asked if he was supposed to tell everybody their names before they start the meeting. He read aloud "Voting members shall be announced by the Chair prior to the consideration of the agenda item".

Mr. Pitre said they are all identified (by the name cards in front of each member).

Mr. Aylard said it's in the bylaws that he needs to announce them.

Mr. Pimental said if someone is going to be participating like sitting in for Mr. Scruton that is what that intent is and he didn't think he necessarily had to go around and ask everybody to introduce themselves. He said it was just making sure that the public knows if they're all of the voting members or if there's an alternate. It's just to clarify that and it probably won't happen very often he said.

Mr. Pitre said you can seat a person that's not voting and that's what they want to make clear. He said if they had 6 members here they would have to identify the one that's not voting.

Mr. Pimental said he could participate he just can't vote.

Mr. Aylard said they don't have any alternates right now and made a plea for people to come join the Zoning Board because they could use some help.

Mr. Fisher asked if they could change that to "voting members will be identified" and take out "announced by the Chair". He then added "and non-voting members" so it would read "Voting members and non-voting members shall be identified prior to the consideration of the agenda item" because the label plates can be considered as identification. You don't have to say will be identified by who he said.

Mr. Pimental said he would make that change.

Mr. Aylard noted that nowhere in this does it state that they say the Pledge of Allegiance at the beginning of each meeting.

Mr. Pitre said that most of them would do that.

Mr. Fisher said they include it on the agenda and they have to follow the agenda.

Mr. Aylard said someone could remove it and things are removed all the time.

Mr. Pimental said right now it is in there on page 2 under #2 Meetings B Order of Business. He said he just put how they have been conducting business now which is Call to Order and then the Pledge of Allegiance.

He said one thing that needs a little discussion is right now it calls for a Clerk/Secretary (page 2, Officers #4) and that is really the Recording Secretary.

Mr. Pitre said it is not and there is a reason why they put that in there and asked Mr. Pimental to research that and find out why.

Mr. Aylard said he thought it was because if the Vice Chair wasn't here and the Chair had to move the Clerk would move up.

Mr. Pimental said they can make it clear it's just the role and responsibility of that Clerk is maintaining all record of meetings, transactions, findings and provide such duties as the board directs.

Mr. Pitre said she is a Recording Secretary and is not part of the board per se. She's lucky she's the only one that gets paid he said.

Mr. Pimental asked if the write-up for the Clerk/Secretary as it's written here still apply.

Mr. Pitre said they need to research that because he can't remember the reason they did that.

Mr. Pimental said it could be that that person was the next in line to serve as the Chair or the

Vice Chair. He said if that is what the board wants that is fine but he didn't know who the Clerk/Secretary is right now and asked if it is Mr. Fisher.

Mr. Fisher said he thinks so.

Mr. Pimental said he wanted to be clear about what the duties are because right now it says he should be recording all meetings, transactions and findings of the board.

Mr. Fisher said in the bylaws for the other boards they basically have the same paragraph except there is sentence saying a Recording Secretary may be hired to fulfill this position as required.

Mr. Pitre said he used to be the Chair and the Clerk at the same time and he was responsible for all the mailings, verifying that the abutters were correct, etc. and it took a lot of time.

Mr. Pimental asked if they wanted to revise this and he could add the language suggested by Mr. Fisher but if the will of the board is that the Clerk just shifts to either the Vice Chair or Chair when needed, they can do that. The way that this is written is putting responsibilities on that person that they are not really doing right now he said.

Mr. Fisher said in paragraph #3 it says if the Chair and Vice Chair are not present or cannot sit on a case due to a conflict of interest then the board shall select a temporary Chair from its members for that particular case or meeting. He said that doesn't mean the Secretary automatically slides in and the Secretary stays the Secretary and the board chooses the Chair and they may choose a Secretary if they so wish.

He said with the other boards the Secretary moves in and takes the Chairman's or the Vice Chairman's place if they are not there but not in accordance with the ZBA bylaws. He said they should just add the sentence that he stated that a Recording Secretary may be appointed to fulfill this position as required and that way she is covered.

He said if the Recording Secretary is not here or it's not being recorded via the media, which is something that's not in anybody's bylaws saying it's being recorded via the media because that is an official public record or in case they have to make a road trip and the Recording Secretary doesn't go along with them then the Secretary needs to take the minutes. I think it's good the way it's written just add the extra sentence or that these requirements may be fulfilled by a Recording Secretary or appointed personnel because the mailings go out via the Town Secretary he said.

Mr. Aylard asked about the fines and penalties mentioned in the bylaws and that he didn't think they could do any of that.

Mr. Fisher said the fees are discussed on page 4, under #6 Applications, Section B.

Mr. Pimental said there is some information about the fees but he did a quick search and didn't find anything about penalties.

Mr. Fisher said he believes the fines and penalties are assigned by the state or the Selectmen. He read that any fees or expenses from consultant services or investigative studies as authorized by RSA 676:5 IV (shall be borne by the applicant) unless waived by the board for



reason of special circumstance upon written request of the applicant.

**Motion:** (Fisher, second Pitre) to accept the bylaws as amended;

**Discussion:** Mr. Pimental said they need to read these at 2 meetings.

Mr. Aylard said it says (page 4, #7 Public Hearings A) that he must read the public notice and the application and asked to have that removed.

Mr. Pimental said they changed that to the Chair or their designee so he could designate that out to anybody he would like.

Mr. Fisher then amended his motion as follows:

**Motion:** (Fisher, second Pitre) for the staff to revise the bylaws as amended and present them for a second read at our next meeting

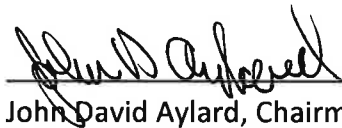
**Vote:** The motion passed 4-0.

**6). Any Other Business to Come Before the Board:** None

**7). Adjournment:**

**Motion:** (Pitre, second Fisher) to adjourn the meeting passed 4-0 at 8:36 p.m.

Kathleen Magoon  
Recording Secretary

  
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John David Aylard, Chairman

