

Town of Farmington
Zoning Board of Adjustment Meeting Minutes
Thursday, August 3, 2017

Board Members Present:

Elmer Barron, Chairman
John Aylard, Vice Chairman
Joe Pitre
Elise Haig, Alternate
Bill Fisher, Alternate

Board Members Absent:

Paul Parker
Joanne Shomphe, Secretary

Others Present:

Dan DeSantis, Town Planner
George Sacco

PUBLIC HEARING: 7 P.M.

BUSINESS BEFORE THE BOARD:

Call to Order:

Chairman Barron called the meeting to order at 7 p.m.

Review of Meeting Minutes:

July 6, 2017- No errors or omissions

Motion: (Pitre, second Aylard) to accept the minutes as written passed 4-0-1 (Aylard abstained).

Any Other Business to come before the Board: None

CONTINUED CASES:

Recusal- Chairman Barron recused himself because he has performed work on the property for Mr. Sacco and turned control of the meeting over to Vice Chairman Aylard.

Alternates Seated- Vice Chairman Aylard asked Ms. Haig and Mr. Fisher to be seated on the board in place of the absent members Mr. Parker and Ms. Shomphe.

Application for a Special Exemption and a Variance by George Sacco: The applicant seeks a Variance and Special Exemption to the Table of Permitted Uses in the Zoning Ordinance. The Special Exemption is to allow for an auction showroom and area. The Variance would allow retail sales. The parcel is located at 56 Davidson Drive (Map 36, Lot 02) in the Industrial Business District.

Vice Chairman Aylard asked Mr. Sacco if he wished to proceed with only 4 members of the board to hear the case.

Mr. Sacco said he agreed to go forward with the hearing with a 4 member board.

Mr. Sacco said he was seeking a secondary usage of the Paulsen Ave. side of the existing former Davidson Rubber building for the purpose of conducting auctions. He said he felt the use would have low impact on the area and that he did not plan to be open every day. He said that he also owns the Metal Farm recycling facility at the site and wished to get back into the auction trade as

a way to move out some of the items he has taken in. He added that some customers have expressed interest in consigning items for auction.

Mr. DeSantis said representatives of the TV show “American Pickers” visited the facility and discussed possibly including Mr. Sacco’s facility on the show and said this shows the depth and quality of what Mr. Sacco has there. He said Mr. Sacco made a commitment to hold auctions only on the weekends and he felt it was important for him to come to the board and only ask for the Variance and Special Exemption for the auctions. The original application had a lot of “other stuff” with the potential for confusion and is now much more clarified he said.

Mr. Fisher said he visited the facility and found it to be well organized with plenty of parking. He said he felt an auction would help the existing antique shops in town as well as bring more business to Farmington.

Ms. Haig said she has been talking to several antique dealers to gage their opinions on an auction business coming to town. She said each of them was excited about the idea. She said they liked the idea of people coming to town and bringing more money to the area and make the town a destination.

Mr. Pitre noted the proposed use is in the Commercial/Industrial Zone.

Mr. DeSantis said the use requires a Variance and Special Exemption because auction houses are not included in the Table of Permitted Uses.

Mr. Aylard asked what happens to the refuse left over from an auction.

Mr. Sacco said the unsold consigned items go back to their owners and then added that the facility is a scrap yard.

Ms. Haig asked if Mr. Sacco planned to re-open the main entrance of building or if participants will have to go around the building to current opening.

Mr. Sacco said the Paulsen Road side of the building will be opened up and the customers will enter from that side.

Ms. Haig asked if Mr. Sacco owned the whole lot where the auctions would be conducted.

Mr. Sacco said he did not own the property but has a deeded easement for use of the lot.

The board then reviewed the criteria for a Variance as follows:

1). The Variance will not be contrary to the public interest;

Applicant response- Because of the industrial nature of the site and the size of the property and the vacant land surrounding it the proposal would not affect the public.

Consensus of the board- unanimous agreement the variance will not be contrary to the public interest.

2). The spirit of the ordinance is observed;

Applicant response- Auction sales are normally wholesale sales which are permitted in the Industrial Business Zone. Retail sales if conducted, would be part of the approval of a swap shop/showroom/retail store.

Consensus of the board- unanimous agreement that the spirit of the ordinance is observed

3). Substantial justice is done;

Applicant response- because the approval of the above proposal would not affect the surrounding

neighbors and would allow the Variance holder the ability to market items using his auctioneering license.

Consensus of the board- unanimous agreement substantial justice would be done.

4). The values of the surrounding properties are not diminished: and

Applicant response- the building and site has virtually no neighbors for at least one-quarter mile. The parking both onsite and offsite is established and would be minimal due to the short nature of an auction sale.

Consensus of the board- unanimous agreement that the values of the surrounding properties would not be diminished

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

Applicant response- because the use of his auctioneer's license as well as the sheer size of the property under used would cause an unnecessary hardship. He needs to be able to sell 250 to 500 lots per auction and liquidate inventory as well as take in consignments for auction sales.

Auction sales and showroom is a reasonable use as well as low impact.

Consensus of the board- unanimous agreement that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship

Mr. Aylard said the proposal would also need to return to the Planning Board for further review and then asked if there is anything that is prohibited for sale at an auction.

Mr. Sacco said an additional license would be needed to auction off firearms. He noted that he is already bonded by the State of New Hampshire.

Mr. DeSantis said that he would not want to see firearms sold there but otherwise he didn't see anything detrimental to the community about the proposed use.

Motion: (Pitre, second Fisher) to grant the Variance as requested passed 4-0.

Motion: (Pitre, second Fisher) to grant the Special Exception as requested passed 4-0.

New Business: None

Adjournment:

Motion: (Aylard, second Fisher) to adjourn the meeting passed unanimously at 7:35 p.m.

Respectfully submitted

Kathleen Magoon

Recording Secretary

A handwritten signature in black ink, appearing to read 'Elmer Barron', with a stylized, cursive script.

Elmer Barron, Chairman

