

**MINUTES - SPECIAL MEETING
HAMPTON PLANNING AND ZONING COMMISSION
JULY 8, 2010**

Present: Chairman Kevin Grindle, Gloria Langer, Bob Burgoyne, Gary DeCesare, Wayne DeCarli, Alternate Randy Thompson, Alternate Ev Hyde.

Staff: Martha Fraenkel, Zoning Official and Acting Recording Clerk

CALL TO ORDER

Chairman Kevin Grindle called the meeting to order at 7:35PM. Regular members were seated and alternate members withdrew from the table.

OLD BUSINESS

1. Special permit for a home business for an antiques shop in an existing structure at 133 Old Town Pound Rd., RA-80 Zone; Marc Ayotte, owner/Marc and Naomi Ayotte, applicants.

The public hearing for this item was closed on June 28, 2010.

Members reviewed a town attorney opinion dated 7/6/10 on the use of a lease to fulfill the requirements for residential use of the property on the lot and on interpretation of the definition of home business.

Discussion ensued. Langer reminded the Commission of the pledge made by the applicant to start construction in the near future. The Commission's right to condition its approvals was considered. Fraenkel commented that the Commission can modify and approve applications. Burgoyne said that conditions imposed on past applicants were fulfilled before the approved activity commenced, not after or at some point in the future. Grindle commented on the difficulty of revocation of an approval. Members noted the uniqueness of the situation, with adjacent lots owned by family members.

DeCesare moved to approve the application with conditions, as follows:

Approve the application of Naomi and Marc Ayotte for an antiques shop in an existing structure at 133 Old Town Pound Road, RA-80 Zone, with the following conditions:

1. The home occupation permit is valid for one year and subject to annual renewal following the submittal of a written request for renewal from the applicants. The permit is valid for these applicants/property owners at the current locations only and does not transfer to subsequent property owners of either 133 Old Town Pound or 150 Cedar Swamp Road. Within twelve months of this approval, a Certificate of Occupancy shall be issued for the subject property, and there shall be legal residential use of the premises.
2. The antiques business is limited to the area shown on the submitted application.

3. Items offered for sale shall be limited to those authorized by the zoning regulations according to the definition of Home Occupation in Section 2.2: "Retail uses are limited to the sale of antiques, fine art, and crafts **made on the premises.**"
4. Parking must be provided off the street at all times, and a turnaround shall be maintained to keep customers from backing into the street. The area developed for vehicles shall be the minimum needed to accommodate the business and ensure safe conditions so as to minimize the visual impact of the business on the neighborhood.
5. The activity shall not change the residential/agricultural character of the property or neighborhood. Landscaping may be required by the commission to protect the adjacent dwelling on the east, and a plan must be approved by the commission or its agent prior to the start of business or upon renewal.
6. The activity shall not result in objectionable noise, light, or unsightly conditions noticeable from off premises. Any exterior lighting shall be directed downward, shall not illuminate offsite properties, and shall not remain on when not in operation.
7. There shall be no outside storage of business related items without approval of the Commission.
8. The amount of traffic generated by the business shall not be measurably greater than that of a usual residence.
9. There shall be no more than 2 nonresident employees.
10. The business shall operate at all times in compliance with applicable zoning, building, health and fire codes.
11. One unlit sign may be erected on the premises in compliance with Section 6.16.A, Signs, limited to 4 square feet. Any directional sign shall not exceed 3 feet long by 6 inches wide.

Burgoyne cautioned against acting against advice of counsel.

Voting in favor of the motion were DeCesare, Langer and DeCarli.

Voting against the motion were Burgoyne and Grindle.

The motion to approve the application carried by a vote of 3-2. The home business application was approved.

The meeting was adjourned at 8:26PM.

Respectfully submitted,

Martha Fraenkel, Acting Recording Clerk