

**Brentwood Board of Adjustment
Minutes November 4, 2019**

Members present: Chairman Ken Christiansen, Andy Artimovich, Doug Cowie, Bruce Stevens, Kathy St. Hilaire, Alternate.

Christiansen opened the meeting at 7:00 pm. The Board introduced themselves. Christiansen noted that the paperwork was in order and that abutters were notified from the list provided by the applicant.

Motion made by Cowie, 2nd by Artimovich, to give alternate St. Hilaire voting rights. All were in favor. Motion carried.

Public Hearing: 7:00 pm: Applicant Justin Prokocimer requests a special exception from Article VI, Section 600.002, page 74 - expansion of non-conforming use. Intent is to use the existing buildings for auto preservation and metal fabrication for antique Volkswagens. Property location: 41B Mill Road, Brentwood, NH 03833; residential/agricultural zone; tax map 217.051.000; owner: Jeffrey Paradis.

Present: Applicant Justin Prokocimer; Meggan Lawson; Abutters Kelly & Walter Eggers; Gordon & Mrs. Wilson; Conrad Marcotte & Magdalena Suarez-Shannon.

Prokocimer gave an overview. He's in the process of purchasing the property at 41B Mill Road, Brentwood, NH with the intent of operating his auto preservation business, Preservation Autowerks, which is currently at 313 Route 125. He restores vintage cars; specializing in air cooled engines and VW's. These are long-term projects; not a repair shop. Customer's cars are with him for a few months. He is growing and only has about 2,000 sq. ft. of space. The Mill Road buildings offer 5,400 sq. ft. & a 2,200 sq. ft. space with storage below and a garage door, which will house 7 vehicles. His commute would be 4/10ths of a mile; as he lives on Middle Road.

Stevens gave an overview of the property's history. The box shop encompassed the footprint that's there now and all operations were inside the building. In the late 70's and early 80's, after a fire, Howard Page bought the building. All the usage of that property is on the interior, a grandfathered non-conforming use of the property. Jeff Paradis purchased it and there was an HVAC company. Then a landscaping company, which was only supposed to be temporary. A lot of things happened beyond the scope of the allowed use which encompasses all the material which is outside the buildings now. In 2015, the Town was concerned about all the outside "material" and sent a letter to Mr. Paradis that it wasn't an allowed use and to clean it up. He was supposed to come back and see the Selectmen once it was cleaned up. It never was. Stevens stopped by the property today and was blown away by the vast array of junk and met the current tenant. No one should be living there, it's not a residence. Prokocimer said it's in court now. Stevens continued this Board could file a request to the Board of Selectmen to do a cease & desist and shut that place down until it's cleaned up. Nothing against Prokocimer if he wants to run a commercial business inside that building. Very clearly, you have a legal right to maintain that non-conforming use, in the way and the manner it was run before the inception of zoning in the early 50's. That use was for operations within the confines of the structure. Period. The Town has let this snowball out of control and will watch it more closely.

Abutters voiced concerns about traffic, work hours and property values. Prokocimer indicated that there isn't a lot of traffic going in and out. He has maybe 1 or 2, maybe 3 customer's a day, if that; it's more on the phone or on-line. Maybe a parts truck; he uses a local parts store and Worldpac. He has a part time helper for 2 days a week and a couple of guys he calls only when he needs them. St. Hilaire thought Prokocimer's business would be a less intense use than previous and current uses. Artimovich asked about hours of operation. Prokocimer

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replied 8 am to 6 pm. St. Hilaire commented that she didn't believe there would be any property values lost once the current owner cleans it out. It's got to be cleaned up before Justin's allowed to go in there but it's a grandfathered commercial use and the use he's proposing is certainly allowed. Marcotte said that piece is landlocked and in order to access it, you have to cross my land. Stevens asked if there was a right to pass in the deed. Suarez-Shannon said no, there was no right of way, it's a locked piece. Prokocimer said he thought there was a right of way in the deed for the driveway. Artimovich said #3 on this map says there's a right of way. Prokocimer was advised to double check the deed language.

Abutters also voiced concerns about his business growing, vehicles accumulating outside the buildings and how the vehicles would get inside the buildings. Stevens said he can only take on what will fit in the building. It can't exceed the interior storage capacity of the building. Period. Prokocimer reiterated Steven's sentiment and that these are long term projects and that he and Jeff are working on a garage door on the back of the building or setting up a ramp to get in the front for access. The Wilson's were concerned about the current 24/7 motorcycle work there now and if this auto use is approved, how would it prevent a Nici type of garage from going in there if Prokocimer moves on. St. Hilaire said this was never an approved use (*motorcycles*). *See Board discussion on possible conditions.*

Christiansen closed public input for board discussion. The Board discussed possible conditions that might be put on a future approval.

- No outside storage, operations or working on vehicles outside.
- Interior use of the buildings only; limited to the interior confines of the building. Inside operation only.
- List the hours of operation.
- Number of potential employees.
- Lighting & Signage.
- Cowie suggested limiting it to special interest or class of vehicles; Automotive restoration.
- No inspections. Not an inspection station.

Stevens told the applicant that the Board needs to know a week before this continued meeting date (*Dec. 9th*) that he's ready for a site walk. If that site walk doesn't occur, then you'd have to come in and request a continuance to January. St. Hilaire added a site walk agenda is posted 24 hours in advance so a couple of days' notice. Abutter Gordon Wilson will be contacted by phone with the date and time of the site walk.

Motion made by Stevens, 2nd by St. Hilaire, to continue this public hearing to December 9th at 7:00 pm. All were in favor. Motion carried.

Board Business:

Motion made by Artimovich, 2nd by Cowie, to approve the minutes from October 21, 2019. All were in favor with Stevens abstaining as he wasn't present. Motion carried.

Motion made by Artimovich, 2nd by Stevens, to adjourn at approximately 7:55 pm. All were in favor. Motion carried.

Respectfully submitted,
Andrea Bickum
Administrative Assistant
Brentwood Zoning Board of Adjustment