



ZONING BOARD OF ADJUSTMENT

Town of Greenland • Greenland, NH 03840

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MINUTES OF THE BOARD OF ADJUSTMENT PUBLIC HEARING

Tuesday, February 17, 2015 – 7:00 p.m. – Town Hall Conference Room

Members Present: Liz Cummings, Ron Gross, Brian Hutchinson, John Samonas

Members Absent: Chris Halligan

Staff: Myrick Bunker – Building Inspector

Vice Chair Samonas opened the Board of Adjustment meeting at 7:00 p.m. and a roll call was taken. The Vice Chair explained the procedures of the Zoning Board of Adjustment, stating that a quorum was present and the meeting was being recorded.

1. Application for a Special Exception: 45-47 Alden Avenue [Map R20, 58 – Commercial B]
Owner: DML Realty Trust
Applicant: John Morgante, International Auto Brokers
The owner and applicant propose to operate a wholesale internet-based automobile dealership. There will not be any cars on site, and will be office space only. Zoning Ordinance Article III, Section 3.6, Subsection CB M 1, allows this type of business by Special Exception only.

John Morgante addressed the Board. He is applying for a wholesale license through the State. There will be no retail sales; it will be dealer-to-dealer only. The small internet-based office will be located in back of the pet crematory; no cars or employees will be on site. If a dealer bought a car on the internet, J. Morgante would ship it directly to the buyer; paperwork could be done by fax, in person or online. He assured the Board there would be no vehicles physically on site. Inventory is held in different locations (example: Philadelphia, Rhode Island, Massachusetts).

Asked why he needed an office in New Hampshire, J. Morgante responded that Massachusetts doesn't offer a wholesale dealers license. In Massachusetts, there is only retail which requires a full dealership. The State of New Hampshire requirements for a wholesale license includes a \$25,000 surety bond, a sign on the building, the application, fee, lease and approval from the Town.

There was a lengthy discussion regarding RSA 259.5-a (Auto Wholesale Dealer). R. Gross stated that according to the RSA, an auto wholesale dealer could do some retail. Although J. Morgante takes title to the vehicles sold, it's immediately transferred to the dealer. R. Gross clarified that the State defines an auto wholesale dealer as someone who does wholesale and less than five retail cars in a year. Vice Chair Samonas further clarified that if a Special Exception was granted by the Board, it could be approved with the contingency that no retail sales take place at the location on Alden Avenue. There was concern among some Board members that they were making more restrictive rules than the RSA. Vice Chair Samonas felt the Board could grant the Special Exception with restrictions of no retail sales or inventory and only during the term of his tenancy at that building, while protecting the ordinance.

DRAFT: SUBJECT TO CHANGE

R. Gross stated that the applicant must be at his office 37.5 hours per month according to the State. Signage space is available because the area is a double unit. There being no further comments, Vice Chair Samonas closed the public hearing and returned to the Board for discussion.

MOTION: *L. Cummings moved to grant a Special Exception for the property located at 45-47 Alden Avenue [Map R20, 58, John Morgante, International Auto Brokers] to allow wholesale activity in accordance with Zoning Ordinance Article III, Section 3.6, Subsection Commercial B - M 1. No retail sales shall occur at this site; the approval of the Special Exception is good only during the tenancy of John Morgante, International Auto Brokers. Second – B. Hutchinson*

DISCUSSION: Responding to R. Gross, L. Cummings stated that the Board was limiting the wholesale activity not the wholesale vehicle side. She continued that the applicant met the requirements for a Special Exception as outlined in the application. The applicant indicated that there will be no effect on the items listed and reinforced there will be no vehicles on site. The requirements for a Special Exception were not as specific as a Request for a Variance. If it were a Request for a Variance, L. Cummings stated that she would have been stricter in the requirements.

MOTION: *L. Cummings moved to grant a Special Exception for the property located at 45-47 Alden Avenue [Map R20, 58, John Morgante, International Auto Brokers] to allow wholesale activity in accordance with Zoning Ordinance Article III, Section 3.6, Subsection Commercial B - M 1. No retail sales shall occur at this site; the approval of the Special Exception is good only during the tenancy of John Morgante, International Auto Brokers. Second – B. Hutchinson; all in favor. MOTION CARRIED*

2. Approval of Minutes: Tuesday, December 16, 2014

MOTION: *L. Cummings moved to approve the minutes of Tuesday, December 16, 2014. Second – R. Gross; all in favor. MOTION CARRIED*

3. Other Business

The warrant article for live streaming was discussed.

4. Adjournment

MOTION: *L. Cummings moved to adjourn at 7:42 p.m. Second – R. Gross; all in favor. MOTION CARRIED*

NEXT MEETING

Tuesday, March 17, 2015 – Town Hall Conference Room

Respectfully Submitted: Charlotte Hussey, Secretary to the Boards

Approved: