

**Zoning Board of Adjustment  
Fuller Public Library  
HILLSBOROUGH, NH  
June 9, 2025**

**DATE APPROVED: 6/14/25**

**TIME:** 6:00 p.m. – 6:38

**CHAIRPERSON:** Chairman Larry Baker

**VICE CHAIRPERSON:** Keith Cobbett

**MEMBERS:** David N. Fullerton, Shaun Kelley, Michael Schamel

**PLANNING DIRECTOR:** Robyn Payson

**ALTERNATES:**

**EXCUSED:** None

**Public Present:** Feank Malinoski, Charles Eastley III, Charly Eastley, Stee Criner

**CALL TO ORDER:**

Chairman Larry Baker called the meeting to order at 6:00 pm

**Pledge of Allegiance**

**Meeting Minutes 4/14/25**

Keith Cobbett made a motion to approve the minutes. David Fullerton seconded the motion. The motion carried unanimously.

**Appointing Alternate**

Frank Malinoski introduced himself and expressed his interest in becoming an alternate. Keith Cobbett made a motion to appoint Mr. Malinoski as an alternate. David Fullerton seconded the motion. The motion carried unanimously.

**Public Hearing**

**Variance**

94 Hall Road  
Charles Paul Eastley III

Charles Eastley introduced his application to have a used car dealership on the property.

Chairman Larry Baker asked how many vehicles he anticipated would be on the property.

Mr. Eastley said approximately 35 vehicles.

Chairman Larry Baker asked the Board if they had any questions for the applicant.

The Board had none.

**A. Granting the proposed Variance will not be contrary to the public interest because:**

Mr. Eastley said this is an online business with very little street traffic. Most cars are not visible from the road. Abutting property already has existing variance, (Map 10 Lot 22).

Larry Baker asked the Board if they had any questions.

David Fullerton said he thought this business would be helpful. There are a number of used car dealerships in town and at Walmart down in Keene there is a real need for low-cost cars. He said he thinks this business is needed.

Shaun Kelley asked if Mr. Eastley had spoken to his neighbors.

Mr. Eastley said he said no one has been against it and that LJM Construction is right behind him.

Shawn Kelley said he was concerned about waste disposal.

Mr. Eastley said there will be no cars worked on at the lot.

**B. Granting of the proposed Variance will observe the spirit of the Hillsborough Zoning Ordinance because:**

Mr. Eastley said the dealership location would provide affordable rent for business start up.

Chairman Larry Baker said he had a little bit of a challenge with that because the Master Plan specifically prohibits this type of business in the Rural Zone. He asked Robyn Payson if that was right and she said it was.

Shaun Kelley said he didn't now how rent creates hardship.

Dave Fullerton said the Master Plan has made Hillsborough unfriendly to business and we have to get away from that.

Chairman Larry Baker said this is specifically in the Rural Zone. If this was in the Commercial Zone he wouldn't even be here tonight. The reason why he is here is because it is specifically prohibited.

David Fullerton said he took a drive up there and it is way in the woods and isn't going to bother anyone.

Chairman Larry Baker said the challenge for him is that the Master Plan doesn't address that it is out in the woods and isn't bothering anyone. The Master Plan is governing the town's development based on the zones that have been established and voted on by the Town.

Keith Cobbett said the Master Plan addressed this by prohibiting it.

Robyn Payson retrieved her copy of the Master Plan, and she was looking up whether or not it was prohibited.

Robyn Payson said it was prohibited in the Zoning Ordinance.

**C. Granting the proposed Variance will do substantial justice because:**

Mr. Eastley said it helps him start a business and there is already a variance in the area for a construction company abutting the property.

Chairman Larry Baker said this was a great point for him. He said he agrees with the point that it is helping him start a business, but he was interested in what the variance was for on the other property.

Robyn Payson said she looked for a file but could not find a variance in the records.

Chairman Larry Baker said part of “substantial justice” is that everyone is treated fairly. So he said he thought they would need to find that variance and really look at it to see when it was granted, what the terms of the variance are and why because doing “justice” means that you are treated fairly just as they were.

Michael Shamel said that if the variance isn’t found we would need to ask the property owner to come forward.

**D. Granting the proposed Variance will not diminish the values of the surrounding properties because:**

Mr. Eastley said most cars and trucks will not be seen from the road and will be in great condition.

Chairman Larry Baker asked for questions from the Board and there were none.

**E. Literal enforcement of the provisions of the ordinance will result in an “unnecessary hardship” because:**

(1). Owing to special conditions of the property that distinguish it from other properties in the area: (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (ii) The proposed use is a reasonable one because:

Mr. Eastley said the property has a building that meets state requirements for obtaining a retail vehicle Dealer’s License.

Chairman Larry Baker said what they need to determine if there are any characteristics of the property that is different from other properties is the area. He asked Mr. Eastley if there was anything about the property that makes it different from the surrounding properties.

(2). If the criteria in subparagraph E(1), immediately above, are not established, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it because:

Mr. Eastley said commercial property is very expensive in Town and he can't afford to pay \$3000.00 to \$5000.00 per month.

Chairman Larry Baker said the variance is necessary because the use is prohibited in the Master Plan.

Robyn Payson said she couldn't find the use being prohibited in the Master Plan.

Chairman Larry Baker said all we have is that Motor Vehicle Sales is only permitted in the Commercial Zone meaning it is prohibited in all other zones. What we have to do is establish E2.

Chairman Larry Baker said Mr. Eastley can't get licensed without a variance and to him that establishes E2. He asked if the rest of the Board agreed with him on that. The Board agreed.

Chairman Larry Baker said he was going to circle back to criteria "B" and "C" to see if they were satisfied.

Chairman Larry Baker said the applicant's response was a challenge.

Keith Cobbett said he didn't have a problem in general with it.

Michel Shamel asked about Building and Service Trades.

Robyn Payson said that Building and Service Trades was a specific use in Table 4 but Automotive Sales was not.

Chairman Larry Baker moved on to a review of criteria "C"

Chairman Larry Baker said he would like to see the variance on the abutter's property.

Robyn Payson said she would need a date so she could look up minutes for the variance because there was nothing in the files.

Chairman Larry Baker looked up the tax card of the property with the variance.

Keith Cobbett said it wouldn't matter anyway.

Chairman Larry Baker said we don't have a copy of the variance, but "substantial justice" a copy of the variance would be helpful.

Robyn Payson said that there had to be something because the whole company is there.

Chairman Larry Baker said he was comfortable because an established business is in the same zone.

Chairman Larry Baker asked if the Board had any other comments.

Dave Fullerton said that it was interesting that the property across the street where someone is living isn't visible from the road, so he isn't going to be seeing anything with this business.

There being no other comments Chairman Larry Baker opened up the hearing to the public.

Steve Criner said he was one of Charlie's teachers. He said Charlie had sold him his truck. He is in a niche business where he has some good contacts and connections where he can get those vehicles and sell them at a really fair price. He said he is a schoolteacher who can't afford an \$80,000 truck. He said he was very happy with the truck he got from Charlie. He said his business plan is mostly focused on internet sales. He has to sell a number of cars in order to get his dealership license. He is ready to take that next step. He said commercial real estate is going for \$5000-\$6000 a month. He said Charlie has a good opportunity where his father is going to sell him the property. He said the retail market for used cars is so high that it has carved out a niche market for him. He said he didn't know how long Charlie is going to be there because he is looking to scale up and move on.

There being no other comments, Chairman Larry Baker closed the public hearing.

Keith Cobbett made a motion to approve the variance application as presented. Dave Fullerton seconded the motion. The motion carried unanimously.

### **Findings of Fact**

1. The benefit to the applicant is not outweighed by a loss to the public.
2. There is another commercial business next door to the applicant's property.

There being no other business, Keith Cobbett made a motion to adjourn. Michal Schamel seconded the motion.

Meeting adjourned at 6:38 pm

Respectfully Submitted,  
Robyn Payson, Planning Director