

**Zoning Board of Adjustment
Fuller Public Library
HILLSBOROUGH, NH
July 14, 2025**

DATE APPROVED: 9/8/25

TIME: 6:00 p.m. – 6:45

CHAIRPERSON: Chairman Larry Baker

VICE CHAIRPERSON: Keith Cobbett

MEMBERS: David N. Fullerton, Shawn Kelley, Michael Schamel

PLANNING DIRECTOR: Robyn Payson

ALTERNATES: Frank Malinoski

EXCUSED: Frank Malanoski

Public Present: William McDonald, Pamela Powers

CALL TO ORDER:

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

Pledge of Allegiance

Meeting Minutes 6/09/25

Michael Schamel made a motion to approve the minutes. Keith Cobbett seconded the motion. The motion carried unanimously.

Dave Fullerton

Chairman Larry Baker asked David Fullerton if he was a resident of Hillsborough. Dave Fullerton said he was.

Public Hearing

Variance

39 School Street (Map 24 Lot 41)
William McDonald

Mr. McDonald is applying for a variance for a motorcycle repair (Motor Vehicle Repair) business in the Village Residential Zone.

Robyn Payson explained that this business would be located within an existing business on the property. This will be one motorcycle at a time by appointment only.

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

Mr. MacDonald said it's all inside work with all residuals being recycled in accordance with the law.

Dave Fullerton asked if Mr. McDonald had spoken with his neighbors about this business.

Mr. McDonald said there were no issues whatsoever.

Chairman Larry Baker said if any of the neighbors had issues, they would be present at the meeting.

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

Mr. McDonald said it is a small business with a local start up.

Chairman Larry Baker the Zoning Ordinance is telling us "what we want where". So how does your proposed business support that?

Mr. MacDonald said some of the people he has talked to about the shop have been ecstatic.

Keith Cobbett said there is already a business there and one across the street, so there are already businesses in that immediate vicinity.

Chairman Larry Baker asked what the other business was in the building.

Robyn Payson said it was retail.

Keith Cobbett said it was the Earth Magic shop that had crystals and healing.

Robyn Payson said this was going to be a quiet business.

Mr. McDonald said he used no pneumatic tools. They were all hand tools.

Michael Schamel said it is less the individual and more about growing the town.

Dave Fullerton said it is important to bring businesses into town. He asked about an air compressor.

Chairman Larry Baker said there would be no pneumatic tools.

Dave Fullerton asked how he was going to inflate tires?

Mr. McDonald said that would be an air compressor during business hours that would be 11:00am to 5:00pm. Anything after 5:00pm the shop is closed. And if he has to do tires, the tires

go out. He doesn't have a tire machine; he has to send the tires out. The only thing he would use a compressor for would be for to air a tire but that would be during normal operations.

Dave Fullerton said he was concerned because there is a person in the area that has a disability and sleeps during the day.

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

Mr. MacDonald said it helps a small businessman and a small business starting up.

Chairman Larry Baker said starting a small business isn't substantial justice. Chairman Baker asked if the applicant had looked into other locations in the Commercial Zone for his business?

Mr. McDonald said the only space that is available is so exorbitant that a start up business can't afford it.

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

Mr. McDonald said the business will operate from 11:00am to 5:00pm so there won't be any impact on the neighbors. No pneumatic tools will be used.

Chairman Larry Baker said he would add to this he is going to be subletting from the existing business.

Mr. McDonald said he owns the property and the business existing in it.

Chairman Larry Baker said you are going to be operating within the hours of the existing business that already has retail traffic. He said the existing business will have more traffic than this business.

Michael Shamel said he didn't see how this could diminish the property values. There is no work that will be done to the property to change it.

Chairman Larry Baker said he is going to be working in a space that is already a part of the existing business.

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. McDonald said there is lack of rental space in the Commercial Zone.

Michel Shamel asked if there being an existing business on the property.

Chairman Larry Baker said he didn't think the applicant's response fit but the point of the public hearing is to discuss it with the applicant and see if he meets it in another way.

Michael Shamel said it is different because there is already a commercial property there. But he can't see where it is much different.

Chairman Larry Baker said the purpose of the business is different.

Chairman Larry Baker said he is going to move on to the second part which asks is the proposed use reasonable. He thinks that the proposed use is reasonable.

Keith Cobbett said it would be easier to get an answer on E2 as opposed to E1.

Chairman Larry Baker said if we follow the spirit of the way this is written we have to say can we meet E1 or not before we talk about E2. He said he doesn't think anyone is going to disagree with the second part of E1.

There was further discussion about whether or not they should move on to E2.

Keith Cobbett said there has already been a variance granted for the other business. So it's hard to say that a variance for the same property would not be acceptable except if there was a true questionable business. This is a second variance for the same property.

Chairman Larry Baker said he would agree with that.

Larry Baker asked the Board if they thought E1 had been established.

Michael Shamel asked Keith Cobbett to explain his answer again.

Keith Cobbett said we are asking for a variance for a property that has a variance already to place a second variance on a property that has already received a variance. He said he didn't see why that wouldn't be fair and substantial because it's already been granted in the past.

Larry Baker said the variance follows the land not the people.

The consensus of the majority of the Board that the applicant had satisfied E1

Larry Baker opened the public hearing.

Pamela Powers, who is a neighbor, said she was not opposed to the business she likes that it is appointment only with no employees but was concerned about motorcycles "peeling down the street" during funeral services at the funeral home across the street.

Mr. McDonald said the business will be under the barn and it's a one-man operation. He can't have multiple bikes and multiple employees, it wouldn't work, there is not enough room. If he has work to be done that is excessively loud, he will be sending it out. As for the funeral home itself, since he's lived in town, he has seen that most of the funerals occur during the evening hours and that is right around closing time. He will be respectful of the neighbors and the funeral home is a neighbor. He said he understands motorcycles are loud and if there is a funeral going on he will not be going up and down the road.

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

There was a brief discussion about having carbon monoxide detectors in the shop. That is addressed by the Planning Board.

Keith Cobbett made a motion to approve the variance submitted by William McDonald to allow a Motorcycle Repair Shop at 39 School Street a presented. Michael Shamel 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 on the applicant's property.
3. The business is a sole proprietorship with no employees.
4. A variance for commercial use has already been granted on the property.
5. Starting this business in another Commercial property is cost prohibitive.

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

Meeting adjourned at 6:45 pm

Respectfully Submitted,
Robyn Payson, Planning Director