

9 March 2021

Mr. Mark Avery  
Madbury Planning Board Chair  
Town Offices  
13 Town Hall Road  
Madbury, NH 03823

Dear Mr. Avery,

Kahr Automotive Group LLC (the “Company”) is submitting this Conditional Use Permit (CPU) Application to the Town of Madbury Planning Board (the “Board”) for Level II Home Occupation consideration. This CPU is being submitted in accordance with Article IV, Section 9(D) and Article V-B, Section 8 of the Town’s Land Use Regulations.

### **Background Information**

Each dealer, “shall apply for and obtain from the department a dealer license before engaging in any motor vehicle business activity in the state. The department shall prescribe and provide forms to be used for applicants for licenses under the terms and provisions of this chapter and require all new applicants, as a condition precedent to the issuance of a license to submit certification from the appropriate officials of the municipality which contains the dealer’s established place of business that the dealer’s establishment is in compliance with all applicable local zoning ordinances.” (Section 261:103-a)

### **Dealership Type**

The State of New Hampshire provides prospective applicants with several dealer licensing options. The Company intends to apply for an auto wholesale license, defined as any person “in the business of purchasing vehicles...for resale to a retail or wholesale dealer.” This type of license differs from a retail license in that it specifically prohibits the buying or selling of vehicles from the business location and prohibits retail sales to the public.

### **Operations**

The Company will purchase vehicles at dealer auctions for the purpose of resale at the same or similar auction. The Company generates a profit through arbitration of inventory at different dealer auctions and to minimize transportation costs, will not, in the normal course of business, transport vehicles to Madbury. In extenuating circumstances, inventory transported to Madbury will be limited to one (1) vehicle at any given time for a maximum period of (1) month. At such time, the vehicle will be stored and undergo basic reconditioning on inside the garage. In limited circumstances, vehicles will be kept outside of the garage space, but will not be reconditioned outside. The basic reconditioning done to vehicles will be limited in scope to basic

reconditioning (e.g., washing, buffing or cleaning) and will not require the use of hazardous materials, recycling of parts, or any other activities typically found at repair shops. Lastly, the Company's operations would be limited to the hours of 9AM to 5PM.

### **Summary of Request**

The Company, if approved, will use 46 Moharimet Drive, Lot 19, as it's "established place of business." Lot 19 is located within a residential and agricultural district and doesn't overlap or interfere with any overlay districts as defined by the Town's Land Use Regulations.

### **Conditional Use Permit Performance Standards**

The Planning Board may grant a Conditional Use Permit only upon finding that the applicant meets all of the applicable Performance Standards set forth below in addition to all Approval Criteria in Article 4 Section 9 D of this Ordinance.

#### *Principal use of premises*

The buildings total square footage is 4,460; the Company's use of which will be restricted to the garage space, totaling 484 square feet. As such, this meets the "less than one third of the buildings on the lot" requirement.

#### *Employees*

The Company's operations will be conducted, exclusively, by resident Partners and will not employ, at any time, any other individuals.

#### *Traffic volume*

As mentioned above, the Company's objective is to arbitrage vehicles at different dealer auctions throughout the state and will not, in the normal course of business, transport vehicles to Madbury. In the event inventory requires transportation, it will be limited to one (1) vehicle per month. As such, this would satisfy the "not more than 20 vehicle trips per day" requirement set forth in this section.

#### *Trucking*

The Company doesn't foresee a need for trucking.

#### *Parking and storage areas*

Sufficient parking for the Company's operations exists at the location and meet the requirements detailed in this section. Additionally, at no time will any non-occupant-owned vehicle be stored outside.

#### *Vehicular turn-around space*

The driveway provides adequate turnaround space for all vehicles.

### *Traffic safety*

The driveway and public rights-of-way will remain unobstructed.

### *Nuisances*

The Company's limited scope in vehicle basic reconditioning only, combined with regular indoor storage in the garage, will prevent any of the nuisances described in this section. Many members, during the 17 February 2021 preliminary review meeting, expressed concerns about the ability of the Company to limit nuisances; the Company does not expect to generate any nuisances that will be precipitable without instrument.

### *Septic discharge*

The volume of septic discharge will be unchanged.

### *Pollution*

The pollution levels will remain unchanged.

### *Hazardous materials*

The Company will not employ the use of any hazardous materials. Any materials needed to operate the business will be limited to buffing materials and household cleaning supplies.

### *Storm water runoff*

The levels of erosion and surface water will remain unchanged.

### *Visibility*

As mentioned, vehicles, if on the premises at all, will be store inside the garage. In limited circumstances, vehicles will be brought outside the garage space for washing or drying.

### *Aesthetics*

The residence will maintain the appearance of a residential or agricultural land use.