

**SOMERSWORTH ZONING BOARD OF ADJUSTMENT**  
**MINUTES OF MEETING**  
**OCTOBER 3, 2018**

**MEMBERS PRESENT:** Matt Keiser, Donald Routhier, Richard Brooks, Coty Donohue, Brad Fredette

**MEMBERS ABSENT:** Shawn Kinneavy,

**STAFF PRESENT:** Shanna Saunders, Director of Planning and Community Development and Christien DuBois, Assessing/Code Clerk

The meeting was called to order at 7:00 pm.

Keiser appointed Fredette as a full board member as Shawn Kinneavy was absent,

**1) APPROVAL OF THE MINUTES OF THE MEETING OF SEPTEMBER 5, 2018.**

Brooks moved to accept the minutes as presented, seconded by Donohue, motion carried 5-0.

**2) OLD BUSINESS**

B) Any other old business that may come before the Board.

There was none.

**3) NEW BUSINESS**

- A) Khaleej Real Estate, LLC is seeking a variance from Section 21 of the Zoning Ordinance for new residential units without required onsite parking on property located at 65 Green Street in the Residential Multi Family (R3) District. Assessor's Map 10 Lot 24 ZBA #11-2018-PUBLIC HEARING.

Saunders provided an overview of a memorandum that was included in the Board's packet. She stated that typically the Board will not hear the same variance request for a property more than once. However, this request was substantially different than what has previously been proposed and ought to be heard tonight. Saunders stated that this building is built from property line to property line and does not have on-site parking.

Keiser asked the purpose of requiring onsite parking lot.

Saunders stated the requirement is to ensure adequate space to park in a multi-family situation and so that tenants are not parking up and down the street.

Routhier asked if residential is a permitted use on the bottom floor and asked if they are allowed to convert the commercial spaces into residential.

Saunders stated that is correct that the bottom floors can be made residential, but the property lacks the on-site parking.

Mark Davenport, the applicant, stated that this case is unique because there are leased parking spaces in the surrounding area to accommodate the parking requirement for the property. Davenport stated that he understands the parking need, especially during snow time parking bans. Davenport stated that the store front units have been vacant for many years and there is no commercial activity in that area on Green Street. Davenport distributed draft leases for the parking spots.

Routhier asked who the manager of the LLC is. Davenport stated that he and his wife own the LLC and they purchased the property at the end of June.

Routhier asked what they would use the bottom floor for.

Davenport said to convert them into one or two bedroom apartments.

Routhier asked what happens after the leases expire.

Davenport stated that he is unsure at this point and stated he is willing to secure longer term leases if that becomes a requirement.

Routhier asked what the occupancy status is on the second floor.

Davenport stated they were occupied.

Routhier asked where the people now park.

Davenport stated 67 Green Street is where the tenants currently park. Davenport stated that he currently has an agreement for 5 spaces.

Routhier asked if on street parking is available.

Davenport stated he believed parking on the street was generally available.

Fredette asked how much extra space the other property has for parking.

Davenport stated he is not totally sure but believed with his leased spaces it is close to capacity.

Routhier asked if 99 Green Street and 67 Green Street are the only properties in the area with extra parking.

Davenport stated there is one other property in the area with extra parking that could be inquired about. However, he chose those two properties due to the proximity to his property.

Keiser asked if he specifically asked for a 1 year lease or if the company offered a 1 year lease.

Davenport stated that is what the company offered.

Routhier asked why, being from New York, the applicant chose to buy property in Somersworth.

Davenport stated that his wife is from New Hampshire and that there are many opportunities in Somersworth. There are many properties in Somersworth that are available for a reasonable price and only needs a small amount of work.

Keiser closed the public hearing at 7:14pm

Routhier stated that this property is an interesting corner in Somersworth. Routhier provided a history of the property and stated the area was full of commercial development due to the proximity of the Catholic Church that was there. Routhier commented on how small the units are on the first floor. Routhier stated that he doesn't see a huge amount of more burden on parking in the area than what's already there. Routhier stated that residential use is permitted for this area. Routhier stated currently, the property is hardly being used at all.

Fredette stated that if the variance is granted and the lease runs out, parking would become a problem. Fredette asked Saunders about possibilities if the lease runs out.

Saunders stated it could be a requirement of the variance that there be leased parking available.

Routhier asks if that would be fair and provided an example of a property in the area that also doesn't have parking available. Routhier stated that could become a hardship for the property owner.

Keiser stated this parking requirement is for new properties.

Brooks asked if he only needed to provide four spots

Saunders stated that was correct.

Brooks stated he does see a hardship because there is no parking available.

Keiser asked if his hardship is different than other properties in the area.

Routhier stated that is the only remaining commercial property there and that converting the property to residential is keeping with the spirit of the zoning ordinance and converting the commercial units into residential would raise the surrounding property values.

Keiser stated it would have to be a condition to meet the spirit of the ordinance.

Routhier agreed.

Keiser asked how easy it would be to enforce the condition.

Saunders stated it would be fairly difficult and the only way the City would know is if a parking issue arises.

Keiser reviewed the 5 criteria with the Board to ensure the criteria had been met.

Donohue stated the condition ought to require 4 parking spots.

Brooks moved to approve the variance due to all 5 criteria had been met as discussed on the condition that there be a minimum of 4 parking spots with active leases throughout the tenancy of the two bottom units.

The motion was seconded by Fredette.

The motion passed 5-0.

B) Any other new business that may come before the board

Saunders provided an overview of a handout given to the Board that addressed new laws that have gone into effect. Saunders stated that some communities hold a vote for each specific criteria, and some do not. Saunders stated that the new law requires the municipality to have consistency in which way the Board votes. The second law states that there needs to be 3 affirmative votes for any action. Whether that be approval or denial of a variance request. Saunders stated if there is a situation where the Board does not have 3 affirmative votes; the Board should probably table the application until the Board has consulted legal opinion on the matter.

Keiser updated the Board on the court case before the Board and that the Board is waiting for the judge to make a decision.

**Motion:** Fredette moved to adjourn the meeting.

The motion was seconded by Brooks.

Motion carried 5-0 and the meeting adjourned at 7:31pm.

Respectfully submitted:



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Christien DuBois Assessing/Code Clerk  
Somersworth Zoning Board of Adjustment