

SOMERSWORTH ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
AUGUST 25, 2016

MEMBERS PRESENT: Paul Maskwa, Chair, Matt Keiser, Vice Chair, Roland Dumont and Don Routhier.

MEMBERS ABSENT: None.

STAFF PRESENT: Shanna Saunders, Director of Planning and Community Development and Tracy Gora, Planning Secretary.

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

1) OLD BUSINESS

A) Any old business that may come before the Board.

2) NEW BUSINESS

Maskwa informed the applicants that there are only four Board members present tonight and that a motion needs three affirmative votes to pass. Stated that they have the option to defer to the next ZBA meeting hoping there will be a full Board.

A) MRH Meters, LLC is seeking a variance from Section 20.D of the Zoning Ordinance regarding allowable signage for property located at 130 Main Street, in the Millyard (MY) District, Assessor's Map 10, Lot 196, ZBA #18-2016.

Saunders reviewed her memo (see attached) and stated that this is an odd case because when the Millyard (MY) District was created in 2011, most of the Zoning Ordinance was updated for the new District but Section 20 for signs was not. Stated that this property abuts the Business (B) District so they used those regulations for reference. Stated that because of the size of the building, they also used the Commercial Industrial (CI) District regulations for reference.

Carol Bugbee with TAGR Corporation represented the applicant and addressed the Board and stated that Keith, the facilities manager with Aclara is also present tonight. Thanked the Board for having the extra meeting and stated that her client greatly appreciates it. Stated that the variance is for signs for Aclara, which purchased the property from GE. Stated that the building is in the Millyard (MY) District. Stated that they would like to have channel letters on the upper left corner of the building and review the size of the sign and the logo. Stated that they would also like to reface the existing freestanding sign and that both signs will be internally illuminated. Stated that the building is setback a distance from Main Street and has significant frontage. Stated that the height of the building makes it unique. Stated that if they had to comply is MY District regulations then they would not have visibility and that would be a hardship. Stated that because of the size and building setback, they would benefit from this without detriment to the greater good. Stated that this does not go against the spirit and intent of the Ordinance.

Routhier asked about which sign is being replaced.

Keith Beyea, facilities manager for Aclara addressed the Board and stated that basically it will be the same thing but will now say Aclara.

Routhier asked if they are using the same frame for the freestanding sign.

Beyea replied yes and stated that they are just changing the panel.

Routhier asked why zoning approval is needed.

Saunders stated that the sign section of the Zoning Ordinance doesn't speak to the MY District.

Routhier asked if the new sign will have the same lettering.

Beyea replied yes.

Public hearing opened 7:11 pm.

Public hearing closed 7:11 pm.

Dumont stated that it is pretty much the same size and that all they are changing is the name.

Maskwa stated that he is on the Planning Board and worked with them on creating the MY District and this issue was never brought up. Stated that this is a commercial area for the most part and that this is simple for him and he will vote to approve.

Keiser stated that the commercial regulations allow for a 100 square foot sign and the proposal is for less. Stated that it will not diminish property values, it is unique to the building and will do justice. Stated that the sign will be seen from the roadway and will be large enough to show a presence. Stated that it is not contrary to the Zoning Ordinance.

Motion made by Keiser: After review of the application, the file and all the information presented to the Board, I feel that all five criteria have been satisfied and I move that the request of MRH Meters, LLC for a variance from Section 20.D of the Zoning Ordinance regarding allowable signage be **GRANTED**.

Seconded by Dumont. Motion carried with a 4-0 vote.

- B) The Tin Shed, LLC is seeking a variance from Table 4.A.1 of the Zoning Ordinance for a dwelling unit and from Table 4.A.3 of the Zoning Ordinance for the parking of recreational vehicles on property located at Willand Drive and Lilac Lane, in the Commercial Industrial (CI) District, Assessor's Map 43, Lot 1L, ZBA #19-2016.

Saunders reviewed her memo (see attached) and stated that there was a variance granted in 2014 for the mini-warehouse use and one granted in 2015 for the lack of frontage. Stated that at that time the parking of recreational vehicles was approved and does not need to be addressed tonight. Stated that tonight they are only looking for relief to allow a dwelling unit in the Commercial Industrial (CI) District.

Public hearing opened 7:15 pm.

Mark Philips, business owner addressed the Board and stated that he has been to this Board for other approvals for this property. Stated that he has spoken with Public Works Director Mike Bobinsky who has informed him that there is a lot of activity by there at night. Thought it may be a good idea to have an on-site apartment. Stated that there are other facilities in state that have an on-site apartment. Stated that the apartment would be used for a facility manager and will not be rented out to anyone that is not part of the facility. Stated that the proposal hasn't gotten Planning Board approval yet but that it is in the process. Stated that he just wants to have an on-site manager like at Atlantic Mini Storage. Stated that the rental unit would be where the office is shown on the existing plan.

Dumont confirmed that they are not constructing another building but using what is already planned.

Philips confirmed and stated that they just want to have the ability to provide the apartment.

Maskwa asked if they would like to avoid having an apartment but that it may be necessary.

Philips confirmed.

Maskwa asked how big the apartment will be.

Philips stated that it would be a typical two bedroom apartment.

Maskwa asked if there are other storage facilities in Somersworth that have an apartment.

Philips stated that Atlantic Mini Storage has an apartment.

Keiser suggested that a two bedroom apartment could mean children could be there.

Philips stated that there could be but that he doesn't anticipate that.

Keiser stated that he is trying to understand the logistics of having an apartment there and asked about school busses and other impacts.

Routhier asked if the apartment would be behind the office.

Philips stated that the apartment would be in front and the office would be behind it.

Routhier asked what assurances they have that the unit won't just be used as a rental unit to anyone. Asked how they can prevent a new building be constructed for an apartment building.

Saunders stated that if the Board doesn't put conditions of approval then it could be used for anyone in the future. Stated that the variance is valid for two years so if they

don't move forward with this then it will expire and need to come back for approval again. Stated that if they would like to add a separate building for the apartment then they would have to go back to the Planning Board. Stated that this Board can have conditions of approval.

Routhier stated that this plan indicates the apartment being in building one so the Board could have a condition of approval that it is in building one.

Keiser asked what the concern is for which building it is in.

Routhier stated that he doesn't want another building built separately to have an apartment. Stated that they can limit it to a one bedroom apartment.

Keiser stated that this Board didn't vote on the number of buildings to be built but decided on the use and the frontage. Stated that the applicant could go to the Planning Board to rearrange the layout of the buildings.

Maskwa stated that the Board could put a condition of approval for a single family and limit it to a one or two bedroom unit. Stated that he is concerned with the variances expiring because the applicant would like to ability to have an apartment but not the obligation.

Dumont stated that it is the applicant's responsibility to act on it or not.

Keiser asked about the hours that the storage units will be accessible. Asked if they are restricted.

Philips stated that his facility in Dover is 24 hours and people seem to like that. Stated that another one is available anytime but there is a gate with a keypad. Stated that the public likes access 24 hours a day.

Routhier asked if this facility will have a fence around the property.

Philips stated that it may not be around the entire property.

Routhier stated that a gate and cameras will provide security and asked how someone in an apartment there will provide added protection. Asked how people will know someone is there. Asked if the protection is just having someone there. Asked if the office will be manned.

Philip stated that having someone in the apartment offers a comfort level.

Public hearing closed 7:34 pm.

Maskwa stated that the fact that there are other facilities in this City that have an apartment makes a difference to him. Stated that he would like limitations on this being for a single family only and that it be a one or two bedroom unit only. Stated that he is amenable to other limitations also.

Dumont suggested conditions of approval regarding the size of the unit and that it can't be just rented out for revenue. Stated that it has to be strictly used by staff.

Routhier stated that he feels the same way and that he is uncomfortable with this. Stated that they are opening this up for any use in this district to say they want an apartment for security. Stated that if they allow for this applicant then they have to for everyone else. Stated that he would want a condition of approval that it can't be used as a rental and that it has to be for staff. Stated that he also doesn't want another building built for the apartment.

Keiser stated that the number of bedrooms will probably limit the size of the apartment. Stated that he feels two bedrooms are reasonable.

Routhier stated that 1200 square feet seems reasonable to him.

Philips stated that he is okay with 850 square feet.

Maskwa stated that conditions would be that the apartment be located in building one, it be a single family unit, it be no greater than 850 square feet and that it is not for public rental but for staff only.

Motion made by Routhier: After review of the application, the file and all the information presented to the Board, I feel that all five criteria have been satisfied and I move that the request of The Tin Shed, LLC for a variance from Table 4.A.1 of the Zoning Ordinance for a dwelling unit be **GRANTED WITH THE FOLLOWING CONDITINS:**

1. The dwelling unit shall be no more than a two bedroom unit, for single family use only and be no more than 850 square feet in size;
2. This approval is limited to one unit;
3. The use must be placed in one of the buildings shown on the proposed plan presented to the ZBA at the meeting; and,
4. The dwelling unit is only for use by the facility manager/staff and is not for public rental.

Seconded by Dumont. Motion carried with a 4-0 vote.

C) Any other new business that may come before the Board.

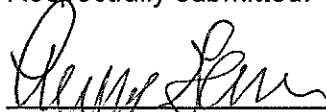
None.

Motion: Dumont moved to adjourn the meeting.

Seconded by Keiser. Motion carried with a 4-0 vote.

Meeting adjourned at 7:43 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Zoning Board of Adjustment