

SOMERSWORTH ZONING BOARD OF ADJUSTMENTS
MINUTES OF MEETING
February 3, 2021

MEMBERS PRESENT: Matt Keiser Chair, Glenn Garvin-Alternate, Keith Perkins, Brad Fredette and Richard Brooks, Kenneth Vincent, Alternate, Coty Donohue

STAFF PRESENT: Michelle Mears, Director of Development Services, and Dana Crossley Planning Secretary

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

Keiser stated due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. The public has access to watch to this meeting through the Local Government Cable Access Ch. 22 (Comcast), and streamed live through the City's website at www.somersworth.com. Although this is a public meeting, the public is encouraged not to attend and instead to leave comments or concerns at the following phone number # 1-603-692-9519, by emailing ZBA@somersworth.com or by sending written comment to Zoning Board of Adjustment, 1 Government Way, Somersworth NH 03878. Comments must be received no later than 4pm the day of the meeting. The public can access the meeting and listen live by telephone and then adding the webinar I.D.

Roll call attendance was taken. **Perkins and Brooks** were in attendance in City Council Chambers. **Fredette, Keiser, Garvin, Vincent and Donohue** were in attendance remotely and alone. Director Mears was also in attendance remotely. Secretary Crossley were also in attendance in City Council Chambers.

1) Approval of the minutes:

Donohue **MOVED** to accept the January 6, 2021 minutes as presented.

Brooks seconded the motion.

The **MOTION CARRIED** by a 5-0 roll call vote.

2) OLD BUSINESS

- A) Request for Clarification of Decision: Daniel Vincent & Assiah Russell are seeking a variance from Section 19.6.C.1a to allow the expansion of a non-conforming structure on a property located at 21 Linden Street, in the Residential Single Family/A (RIAH) District, Assessor's Map 11 Lot 118, ZBA#12-2020**

Brooks stated he would recuse himself as a direct abutter.

K. Vincent stated he would be recusing himself as the applicant is family.

Mears stated the applicant submitted a request for clarification on the decision the Zoning Board made at the January 6 meeting in regards to the square footage that was approved.

Keiser stated there is a no public hearing, it is a request for clarification on what the Board decided at the last meeting. He stated the Board would come to a consensus of agreement to what was approved at the last meeting and the applicant could take up the follow up steps as they deem necessary.

Donohue stated he feels the decision was specific to the 466 sf. and the as presented incorporated the verbal presentation, which was clear from his recall, minutes and video, that the Board was told it was 466 sf. He stated the Board was told the request was for a 466 sf. addition.

Fredette stated the Board was told the request was for 466 sf. addition. He stated the applicant's representative, verified with the applicant that the request was for 466 sf. He stated he does not think there is need for clarification. He stated 466 sf. was presented and it was approved based upon the applicant's information. He stated the Board approved 466 sf. based on the submitted written application and the information verified by the applicant's representative with the applicant.

Perkins noted that Garvin should be promoted as a full voting member for this item.

Keiser stated Garvin would be a full voting member for this item.

Keiser stated he is in agreement with the discussion. He stated the representative clearly stated the request was for 466 sf. In the submitted drawing the blue square clearly labels the area as 13' x 22'. He stated he was under the impression the 13' x 22' was the entire square and that totaled to 466 sf. He stated he is in agreement with the other Board members that the Board approved was a total of 466 sf and the area of expansion in blue was 13' x 22'.

Garvin stated that was his recall as well that they approved the 466 sf. request.

There was a brief discussion of the appropriate way to record a clear clarification of the decision.

Fredette clarified it would be to verify the 466 sf. because the 466 sf was the ask of the applicant.

Keiser stated it would be a consensus of the Board because there was some confusion on the drawing, to confirm the Board approved a 466 sf. addition. It would be up to the applicant the route they wish to take afterwards, they could appeal the decision made at the January 6 meeting, submit a new request or do nothing and move forward with a building permit.

Fredette stated the 466 sf. was approved based on the presentation.

There was a brief discussion on the submitted request for clarification.

Donohue stated he did not think they needed a formal motion.

Mears stated there needed to be a Board consensus.

Keiser stated they would go through a roll call consensus to see if the Board was in agreement of the January 6 approval was for 466 sf. as discussed at the meeting.

Keiser stated yes that is what the Board approved.

Donohue stated yes that is what the Board approved.

Fredette stated yes he agreed that is what the Board approved based on what was presented and verified.

Perkins stated yes that is what the Board approved.

Garvin stated yes he would also agree.

Mears stated the applicant is still within the 30 day window to appeal the decision until Friday 2/5. She stated they could submit a new variance request or take no action and move forward with the approval as issued on January 6.

There was a brief discussion on the appeal process.

Brooks and Vincent returned to the Board, Brooks as the full voting member and Garvin stepped down to alternate.

Attorney FX Bruton representing Mark Harrington , requested to have the appeal of administrative decision heard before the request for a variance. The Board allowed the adjustment in the agenda.

A) Mark Harrington is seeking an Appeal of an Administrative Decision for a property located at Enterprise Drive, in the Commercial Industrial (CI) District, Assessor's Map 48 Lots 24D & 24H, ZBA#01-2021 PUBLIC HEARING

Keiser opened the public hearing.

Attorney FX Bruton, Mark Harrington and Andy Ward were in attendance remotely to represent the application.

Mears stated the property is located at Enterprise Drive in the Commercial/Industrial District the applicant is seeking to locate a "Pods" moving storage business. The business will deliver "Pods" to a specific customer location with the purpose to be filled with commercial or personal items. Once filled the Pods will be transported to the building to be built on premises and stacked within the building. The business will also provide moving services to the business. The applicant is stating that the moving business will provide temporary storage to its customers on stacked pallets. The customers will not have access to the building. The applicant is seeking appeal of administrative decision for the use classified as a mini-warehouse.

Mears stated the applicant states the business use should be considered permitted use pursuant Use#1 set forth in Table 4.A.5 of the Table of Uses: retail, wholesale and rental trades, commercial service and repair facilities excluding motor vehicles.

Vincent clarified a storage facility is prohibited in this Zoning District, such as a structure that people go there to pick up/drop off their stuff.

Mears stated correct.

Vincent inquired why this appeal was before them.

Mears stated she has interpreted the proposed use as a mini warehouse, Per Zoning Chapter 19.25.VV. the definition of MINI-WAREHOUSE is a structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

Fredette stated his understanding for this is that the applicant wants to build a storage building and is not leasing the individual spaces.

Applicant statement: Bruton stated they have requested to have the appeal heard before the variance request because their hope is that the Board finds in agreement with them that the proposed use is an allowed use. He stated if the Board grants in their favor they would then withdraw the variance request.

Bruton stated there was a general sense that this was something that could be permitted and the applicant had been at the SRTC meeting with engineered plans when question was brought up on the use. He stated at that point is when he came on board with this project.

Bruton stated the applicant would like to construct the building, as indicated by Director Mears, this is a large scale commercial building. He stated it is different than what might be associated as the structures that are set up as a self-storage use. He stated he feels the ordinance is speaking to self-storage use, the building does not

lease storage space. He stated it is a commercial large scale building. He explained there is no public access to the interior of the building rather staff is inside moving things around. He clarified the business would provide a sporadic or emergency access the PODS. He stated the definition of mini warehouse says 'a structure containing separate storage spaces' and it can reasonably and generally determined that means defined space within the building that is set aside for a lease. He stated that is not the case, the PODS are moved around as needed inside of the building. The location of the PODS inside of the building is at the discretion of the staff and not the client. He stated PODS are filled off site at the client's location and brought to the facility as a commercial service. He stated this site is across the street from a distribution center and is more of a distribution center than a mini warehouse.

Bruton stated they ask that the Board determine this is a commercial service and a permitted use to allow them to continue with the planning process.

Abutter Comments: Keiser stated no abutter comments were received via mail, email or phone regarding this application.

Board Questions: Keiser clarified the applicant feels this use would fit in Table 4.A.5 item #1. Retail, wholesale and rental trades, commercial service and repair facilities excluding motor vehicles. Bruton stated yes.

Keiser asked if the business offers a palletized service. Bruton stated he also meant to explain this would be the base for a moving company as well. He stated at times a person's articles that have been picked up would be stored on a pallet. He stated that would be for the process of the moving storage itself, temporary and nothing to do with the items being stored for the benefit of the customer but rather the operator in the moving to another house.

Fredette asked for more information on the customer access based on emergency need. Bruton stated there would be staff on site and if there is an 'emergency need' for access to the POD, the customer would schedule a time to get access to the POD and pay an extra fee. He stated this would not be the normal construct of the business. He stated there is not a door for the customer to easily access the POD as in a typical storage unit.

Vincent clarified this would be a big building. Bruton stated it would be a large scale commercial building. Vincent stated the intent of the zoning restriction is because the City was being bombarded with storage facility units. He clarified it would not look like the expected outside storage facility. Bruton stated that is correct.

Vincent stated he owns commercial property near this lot and feels this is a business corridor. He inquired if this had been discussed with the previous Planner.

Keiser stated the proposal has been around for a while and there was discussion with Director Saunders in the past.

Vincent clarified that the use would not look like an outside storage facility. Bruton stated correct, the two lots will be merged and one large commercial building would be constructed.

Brooks stated this sounds like a moving and storage business as described. He inquired if this would be similar to some moving businesses that have been in surrounding communities where the company moves the person's 'things' from one location to the next and might in transit sit in the warehouse. Bruton stated yes that is a fair description.

Brooks stated in this case they are using PODS, which are similar to a shipping container, it is brought to the location, filled, stored for as long as needed, until it is brought to another site to be unloaded.

Harrington stated it could stay for as little as a month or longer.

Bruton stated there would be no customer access to the PODS. He stated the design of the building is to have parking for the employees and no intent of general public to come into the building.

Brooks clarified the PODS could be stacked up to say 7 tall and unable to be accessed unless moved by the fork lift.

Bruton stated yes.

Brooks asked if the business would also be delivering goods, sold on line or catalog. He stated other businesses have worked with companies that the online orders are shipped to the location and then from there distributed to the purchasers location.

Bruton stated no, the applicant does not anticipate doing that.

Brooks stated to him it sounds like this use is a moving and temporary storage. He stated he sees this use as an industrial/light industrial or warehousing use. He stated he agrees it is not a mini-warehouse.

Donohue stated he has not heard of the term 'mini-warehouse' outside of this definition and can only go off of what is in the City's Zoning Ordinance. He stated to him it sounds like the POD structure meets this definition, but acknowledges that there a lot of differences between this business and a self-storage facility. He stated the Zoning Ordinance does not mention self-storage and has a hard time pegging mini warehouse as self-storage.

Mears stated in review of historic files, self-storage units are considered as mini warehouses.

Bruton stated that is why they have made the distinction and find that the use fits better described as a commercial service. He stated that definition exists in the ordinance and feels the use is permitted as right under that listed use. He stated mini warehouse is very specific in being leased out space (physical, defined, unmovable space inside a building). He stated in their case they are provided a commercial service similar to a moving company.

Bruton stated the use of this commercial service is because the customer does not want to utilize a self-storage, in the mini warehouse concept. He stated they are providing commercial service.

Fredette stated his points of concern after listening to the testimony is, if a building is constructed for storage if it is better off with a variance in the long run to specify restrictions to ensure it does not become retail storage space. He stated he reviewed legal definitions of a mini-warehouse, one could make an argument it is a mini-warehouse because it is a building in which it will be broken up in small sections via the PODS and people are going to be able to rent small sections via the PODS. He stated it is not a perfect fit but sees how the argument could be made. He stated a variance follows the land and constructing a huge box and concerned about it becoming big storage inside.

Bruton stated they are not trying to do self-storage. He stated if there was a condition to this approval of the appeal it could be said this use is permitted and shall not be used as self-storage.

Keiser stated it is also based on the presentation, and a POD business has been presented to the Board.

Brooks stated in review of this application he reviewed the definitions provided in our Ordinance to find where he would place this use. He stated he came across warehouse: *Terminal facilities for handling and storage of freight with or without maintenance facilities*. He inquired if the applicant felt this was an accurate description of their use. He stated he does not see it in the table of uses specifically but in the definitions and feels it would fall in line with a distribution facility.

Bruton stated the trucking facility is not what they are looking for to define themselves. He stated they view their use as a commercial service to customers within the area and all the trucks would be associated with the use inside the building. He stated trucking is also only allowed in the Industrial district which is not where they are.

Brooks stated he would agree and does not feel this is a trucking terminal either. He stated based on his research he feels the industrial/light industrial use and warehousing use is the best fit for the description provided in evidence and testimony.

Donohue stated he would agree to that statement.

Mears noted if it was just the moving business they would not be here tonight but the PODS make it a bit tricky to place into a definition.

Garvin requested clarification on the target business demographic.

Bruton stated it is residential or commercial, whomever might need the service to move or store goods.

There was a brief discussion to why this application was before the Board.

Brooks questioned if a customer would be allowed to fill a POD on site.

Bruton stated no.

Brooks stated he feels this is in line with the evolution of a moving company, PODS in lieu of crates.

Bruton stated that is accurate from their perspective.

Keiser closed the public hearing at 7:48PM.

Board Discussion: Vincent stated he is in favor of this. He stated this use is not the same as a typical self-storage, as described as a mini-warehouse. He stated he feels this large scale building is permissible. He stated the product is taken off site, dealt with and brought back. There is not traffic coming and going at all hours of the night like a self-storage unit. He stated the ordinance was to restrict the unsightly architecture of a typical self-storage/mini-warehouse.

Garvin noted there has been discussion of customer access to the building. He clarified if this was because the City does not want people in this zone/area.

Keiser stated he would disagree since retail sales is an allowed use in the Commercial/Industrial District.

There was a brief discussion of the public access to the building.

Fredette stated he is in favor of this as presented as an appeal of an administrative decision.

Donohue stated he agrees with Brooks' statement in regards to the warehousing definition and the principal use being industrial/light industrial: *Those uses involving the assembling, fabricating, finishing, manufacturing, packaging, processing or warehousing of any goods or materials. Included in industrial uses are laboratories, research and testing facilities and those laundry/linen services which cater to commercial, industrial or institutional establishments.* He noted that is an allowed use. He stated in his interpretation is that it is a permitted use and meets the definition of industrial/light industrial.

Brooks stated in his opinion he feels the primary use is a moving company that is using larger pallets than the typical. He stated he feels it falls into warehousing/processing/moving, processing is whenever something is handled. He stated that is an allowed use and does not feel a variance is needed for this use in this zone.

Keiser stated he understands the City reviewed the Ordinance to find where they felt the use best fit. He stated in review of the strict definition and historic interpretation of a mini-warehouse, that is meant to be a self-storage unit. He stated he would agree with the applicant that this use does not fit in with the mini-warehouse definition. He stated in review of Table of Uses, it would fit under commercial services. He stated he feels it is allowed in this District. He does not think this is a trucking terminal. He stated he would be in support of the applicant to grant the appeal and void the need for a variance.

MOTION: Donohue stated, after review of the application, the file and all the information presented to the Board, I feel that the appeal should be granted, based on the Board discussion and primarily because the described use in the application and presentation does not meet the definition of a mini-warehouse and I move that the request of Mark Harrington for an appeal of the Director of Development Services determination of use **be GRANTED:**

The MOTION is SECONDED by Brooks.

Discussion: Keiser asked if since the application has the described PODS does it need further restriction.

Mears stated she did not think it would be necessary.

The MOTION CARRIES by a 5-0 roll call vote

- B) Mark Harrington is seeking a variance from Table 4.A.5 to allow a moving & storage business on a property located at Enterprise Drive, in the Commercial/Industrial (CI) District, Assessor's Map 48 Lots 24D & 24H, ZBA#13-2020 PUBLIC HEARING**

Mark Harrington and FX Bruton stated they would like to withdraw the application for a variance.

- C) Any old business that may come before the Board.- NO other old business.**

3) NEW BUSINESS

- A) Samsav Realty LLC, is seeking a variance from Table 4.A.5 to allow a personal service establishment (multi-chair salon with ancillary services) on a property located at 215-217 High Street, in the Residential Duplex (R2) District, Assessor's Map 14 Lot 47, ZBA#02-2021 PUBLIC HEARING**

Keiser opened the public hearing.

Marc Weinstein of Samsav Realty, LLC and Joanna Wilkins, hair salon owner, 104 Green Street Somersworth were in attendance remotely to represent the application.

Mears stated the applicant is seeking a variance to allow a personal service establishment use at the subject property. The 1.92-acre lot is located on High Street with approximately 148 feet of frontage within the Residential Duplex (R2) District. She stated she has enclosed two maps that identify the subject parcel and surrounding area. The maps are the same except that one shows the zoning of the area.

Mears stated this is a mixed-use building on the property that was previously being used an office and two residential apartments. The ZBA granted a variance February 3, 1993 to allow a law office at 215-217 High Street. The Site Plan dated August 1993, titled "Site Plan Proposed Parking Lot High Street for Donald Routhier", prepared by Norway Plains Associates shows 13 parking spaces on the property. This met the parking regulations at that time.

Mears stated as mentioned, the prior use of the building was a law office (1,400 sq. ft.) with three employees and two residential units. The City received an inquiry from the applicant seeking to locate a hair salon. This use is prohibited since the parcel is located in the Residential Duplex (R2) District which prohibits business use. The property did receive a variance in 1993 to allow office uses at the property. However, the ZBA was very specific and listed the allowable uses as a condition of the approval. I have enclosed the 1993 decision letter that lists the allowable use office and several other conditions for your review. The ZBA granted a variance for a one chair hair salon at the January 6, 2021 meeting. The applicant is seeking a variance from Table 4.A.5 to allow for a personal service establishment (multi-chair salon with ancillary services). If the Board grants the Variance request a Minor Site Plan will be required.

Weinstein stated at the January 2021 meeting they were granted an approval to allow a personal service establishment of a 1 chair hair salon. He stated after discussion and review with Wilkins they found it would support additional work. He stated they are not looking to change the use but rather for the Board to grant their request to have multiple chairs in the hair salon. He stated they have submitted a layout of the space and do not plan to make adjustments of the space. He stated this request would allow them to have more salon services inside the building than what was previously approved.

Public Comment: Mears read the public comment received into the record:

James P. Girard, 2 Memorial Drive Somersworth: Apologies if I am in error, my connectivity during the last meeting was not consistent. I remember hearing discussion on hours of operation of the proposed business. However, I don't recall hours of operation being included in the ruling(s). Request hours of operation be included in future discussion and addressed by ruling. Please disregard if the board has already ruled on hours of operation. Thanks for your time.

No other public comments were received via mail, email or phone.

Wilkins stated the intended hours of operation would be Monday-Friday 9am – 8 pm and Saturdays 8am-4pm and closed on Sunday.

Board Questions: Donohue inquired what the anticipated increase they were seeking. Customers expected. Wilkins stated the intent is to start with just her and then add 2 stylists. She stated at times it would be 3 stylists with 3 customers, there is 5 parking spaces in the front and parking in the back.

Brooks asked if she has an existing business or would this be a new business and speculate foot traffic. Wilkins stated she is a stylist at a salon in Dover and has one customer in at a time.

Fredette asked for more information on the services intended to be provided.

Wilkins stated her vision is to have 2 stylists and a nail tech.

Fredette clarified the nail tech would take place of one of the hair chairs.

Wilkins stated yes, because there is a limited amount of space that can be used.

Fredette inquired how many cars they would expect to have on site. He stated with people coming and going to purchase supplies, three employees, three customers and additional customers who are waiting for their appointment. His estimate would be 9-12 cars.

Wilkins stated yes, and there is plenty of parking for that. She stated there are 5 spots in the front and a parking lot in the rear.

Fredette stated it is still a residential zone, the more chairs and traffic generated moves it farther from the residential nature.

Weinstein stated there are 14-15 parking spaces, there are 2 residential units and those parking spaces are empty when the residents leave for the day. He stated the driveway is circular around the building and not looking for congestion at a single area, one exit and one entrance.

Fredette clarified residential units require there be 2 parking spaces.
Mears stated that is correct.

Fredette stated that leaves 10-11 legal parking spots for the commercial use.

Brooks stated he felt that the nature of the conversation was veering towards Planning Board discussions.

Garvin noted there was an abutter comment that expressed concern of hours of operation. He inquired if the tenants have an opportunity for input.

Keiser stated they could talk with their landlord or submit comment as any other resident or party of interest.

Weinstein stated the tenants of the building are aware of this possible commercial tenancy. He stated there is an older couple that live upstairs expressed no issue. He stated the other tenants manage and run a hair salon themselves and was excited about the potential opportunity this presents them.

Garvin inquired if there would be fumes expelled from this use.

Wilkins stated no, the nail tech would not use a drill or acrylic just gel polish manicures.

There was a brief discussion of a building being used for commercial and residential.

Keiser questioned how the applicant would apply criteria 3 to this request.

Weinstein stated as discussed at the meeting where they secured the variance for a single chair hair salon, a hardship is created if they are only allowed to have tenancy of a professional office operation, which prior to that meeting was all they were allowed to put in there, he feels it puts a hardship on them as a building owner regarding the ability to secure tenants from different types of businesses.

Weinstein stated he thinks this is a fantastic opportunity for Wilkins and the City of Somersworth. He stated it is a great opportunity to bring a great business into the City and it will benefit all parties involved.

Wilkins stated she agrees with that statement, she has been in the business for 14 years and has worked in Somersworth in various salons. She stated she feels that she can bring a lot to the City of Somersworth.

Keiser closed the public hearing at 8:23 PM.

Board Discussion: Vincent stated since 2007 there has been a hair salon in the commercial unit next to his business. He stated he felt it was important to address the character of the person that will be running a business, especially in a residential area, Wilkins is a very professional person, and he has no doubt she would do a great job running a salon. He stated his main concern is the parking, but not all beauticians would be working at the same time they may have a varied schedule. He stated even with all of those working there would need to be a combination for the parking and feels the site can accommodate that. He stated they have not heard from the neighbors saying they do not want this use. He stated he is in support of this request because he knows the character of the business operator and nature of the business.

Garvin stated the variance will outlast the business. He stated there was a letter received from an abutter with concern of the hours of work. He stated he knows they can apply conditions, but if they violated they are not always corrected. He stated he has concerns with businesses in residential areas.

Fredette stated parking to him is a way to look at the volume of people coming and going, if there is enough space for impact reasons when being in a residential area. He stated to him a 1 person/chair salon, is very different to someone who is running a business and renting out chairs. He stated it takes it to a different level and the Board had previously approved the 1 chair salon and feels that was in line with the previously approved office use impact and fit the character of a business in a residential area.

Brooks stated the residents on site may not always have a day job. He stated the job of the ZBA is to look out for the City and the residents. He stated traffic in and out of there is a concern, especially with the proximity to Memorial Drive. He stated the 1 chair is appropriate and feels that the increase of chairs makes him reluctant, especially with the details that are outside of the Board's purview.

Fredette stated that one of the items of discussion is the effect on surrounding property values and the larger the scale of the business the more impact it will have on property values. He stated in that respect it is within their purview.

Brooks stated with the hardship criteria, the owner of this could make this 2 residential units and need no variance, could make it 1 residential unit, to be a 3 unit he would need a variance. He stated there are several options they can pursue.

Keiser noted that there are 2 residential units existing today.

Donohue stated in review of the criteria, he does not feel it would diminish the surrounding property values. He stated he does not think it is contrary to the public interest. He stated he does not see how a 1 chair creates the hardship versus the 2-3 chairs. He stated if the ordinance and previous variance granted to allow a 1 chair hair salon would create a hardship. He stated when they granted the 1 chair condition of the previous variance is where the substantial justice was found because of the balance for the need for a variance to operate a hair salon and the need the location of the property in residential zoning but surrounded by other businesses. He stated the space has already been given approval to operate as an office and that is how the building is constructed and oriented. He stated there is a hardship there but feels it was relieved by allowing the 1 chair hair salon as previously approved. He stated that was found in an effort to find a balance of the hardship to the owner and the benefit to the community at large. He stated for the spirit of the ordinance, he can find either side of the fence for that item, but does not think this request meets the criteria overall.

Keiser stated in review of the first request he considered how home occupations are allowed. He stated in review of the home occupancy ordinance, he understands this request is not for one, it states the following: *In the case of a hair stylist, there shall be only one person, the proprietor of the business, employed in the dwelling unit in the conduct of the home occupation.*

Keiser stated the City has already made a stance to single out hair stylist and to maintain a residential neighborhood they do not want more than one chair. He stated in review of the criteria, he does think it could affect surrounding property values if there is high volume of business could have a lot of traffic and affect the surrounding property values. He stated it is not necessarily contrary to public interest there is not proof that the traffic would impact High Street or make a dangerous area. He stated he does not feel it meets the uniqueness criteria for a property to create hardship. He stated there are acceptable or reasonable ways to use the property. He stated it is in a residential neighborhood, does have a variance to allow some business opportunity. He stated substantial justice could go either way. He stated in regards to the spirit of the ordinance, this is a residential neighborhood, he feels keeping business small in a residential neighborhood is the right thing to do, when allowing it to be bigger it goes against the ordinance.

Fredette stated that was well stated. He stated the other thing to consider is that it is a large parcel of land and variances follow the land.

Donohue noted the discussion was centered on the specific business presented tonight but the variance will travel with the land.

MOTION: Fredette stated, after review of the application, the file and all the information presented to the Board, I feel that everything but contrary to public interest, of the five criteria have **NOT** been satisfied and I move that the request of Samsav Realty LLC for a variance from Table 4.A.5 to allow a personal service establishment, multi-chair hair salon with ancillary services **be DENIED**.

The MOTION is SECONDED by Donohue.

The MOTION CARRIES by 5-0 roll call vote.

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

Mears stated she had no new business.

Keiser stated this is the last meeting that Donohue will be a member of the Board. He stated he wanted to thank him for his service and dedication to the City.

The Board thanked Donohue for his service to the City as a Zoning Board of Adjustment member.

Donohue **MOVED** to **ADJOURN** the meeting.

Fredette seconded the Motion.

The **MOTION CARRIED** 5-0 by a roll call vote and the meeting **ADJOURNED** at 8:41 PM.

Respectfully Submitted,

Dana Crossley, Planning Secretary