

SOMERSWORTH ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
May 3, 2023

MEMBERS PRESENT: Matt Keiser – Chair, Richard Brooks, Ken Vincent, Brad Fredette, Anthony Jones

EXCUSED MEMBERS: Keith Perkins, Ken Hilton

STAFF PRESENT: Michelle Mears, Director of Planning and Community Development
Dana Crossley, Planning Technician
Anna Stockman, Planning Secretary

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

1) Approval of the minutes:

Brooks MOVED to approve the April 5th, 2023 minutes.

Vincent SECONDED the MOTION.

The MOTION CARRIED 3-0-2, with Keiser and Fredette in abstention.

2) OLD BUSINESS

A) CONTINUED: Jeff Wituszynski, Vincent Kulickowski, Donald Howde, Vsevolod Korogod, and Kristen Korogod are seeking an Appeal of an Administrative Decision made by the Planning Board for a property located at 35 Coles Pond Road in the Residential/Single Family (R1) District, Assessor's Map 49 Lot 14, ZBA#01-2023. PUBLIC HEARING

Keiser recused himself. Brooks stepped in as Vice Chair.

Mears stated this is a continued item. She provided an overview of the staff memo that was provided to ZBA members. She said the request was continued from the ZBA meeting on April 5th to allow staff to seek legal opinion on the Board's jurisdiction. Based on the legal advice provided, conditional use permits granted by the Planning Board are required to be appealed to the court as the ZBA does not have any jurisdiction to hear appeals because of the Innovative Land Use Permits as per RSA 676:5 III... that if the Zoning Ordinance contains an innovative land use control adopted pursuant to RSA 674:21, which delegates administrative, including the granting of additional or special use permits, to the Planning Board, then the Planning Board's decision made pursuant to that delegation cannot be appealed to the board of adjustment, but may be appealed to the superior court as provided by RSA 677:15. She said the applicant has submitted a request to amend the administrative appeal to the Somersworth Code Enforcement Officer's promise (since it may not have been issued yet) to issue a building permit. At this time, no building permit has been submitted to the Building Inspector to make a decision on.

She stated based on legal advice, Staff recommends the Board does not open the public hearing and make a determination on jurisdiction first.

She stated if a building permit is submitted and a decision is made to issue/or require a variance that written decision can be appealed within 30 days from which the decision has been made. At this time, an appeal is pre-mature as there has been no written decision made.

Brooks provided a brief summary of the process the Zoning Board has followed regarding this case so far. He stated the Board heard the applicant of the appeal as well as the property owner. The Board then discussed whether they should grant the appeal which resulted in the Board deciding to continue the item until this meeting to seek legal counsel. He invited the Board to have a discussion or to make a motion.

Vincent asked about the process and whether the legal opinion means the Board will not hear the appeal.

Jones clarified that the Board would not have a public hearing on the merits, however, they would discuss jurisdiction.

MOTION: After review of the information, Jones MOVED that the ZBA does not have jurisdiction over the appeal of the Planning Board decision to grant the CUP, innovative land use, nor an appeal of the building permit at this time since there has been no decision made by an administrator.

Vincent SECONDED.

Motion CARRIES 4-0.

- B)** Any other old business that may come before the Board.
There was none.

3) **NEW BUSINESS**

- A)** **Bucephalus, LLC is seeking a Variance from Table 4.A.5 to allow Principle Use No.'s 1 – Retail, wholesale and rental trades, commercial service and repair facilities excluding motor vehicles, 10 – Trade and craft establishment, 26 – Artisan Production Shop, and 27 – Artist Studio, within the Residential/Single Family (R1) zoned portion of the subject property located at 451 High Street in the Residential/Single Family (R1) District and Residential/Commercial (R/C) District, Assessor's Map 42 Lot 01, ZBA#04-2023.**
PUBLIC HEARING

Keiser opened the public hearing.

Crossley stated the applicant is seeking variances to allow four principle uses on a portion of a lot that's within the Residential/Single Family District. She stated the lot is located on High Street and split between the Residential/Commercial District, which is the first five hundred feet of the lot and the Residential/Single Family District which is at the rear. If variances are granted to allow these uses within the R-1 District, site plan approval will be required for development per the Site Plan Review Regulations. She said based on the Planning Department's research, there has been no other zoning relief sought for this parcel in the past. It does have existing site plan approvals for the commercial aspect of it. She said the applicant has provided answers to the five criteria and it is ready for the Board's review.

Vincent asked for clarification on whether one half of the property is in one zone and the other half is in another zone.

Crossley confirmed that the lot is split between two zones. The Residential/Commercial District runs for a depth of five hundred feet or the rear lot line, whichever is less. She said because the lot is so long, the five-hundred foot-depth is the lesser.

Attorney **Alec McEachern** was present to represent the application, as well as Project Engineer, **Steve Haight**, and the applicant, **James Kenney**. McEachern invited Haight to the podium to talk about what is on the site at present as it is relevant to the application.

Haight pointed out the lot on a set of plans, which has three uses in the existing building out front. The entire lot has been built out to include lighting, and the gravel and paved parking lots, which were approved in 2004. He pointed out various commercial businesses in the vicinity of the proposed project. He noted that part of the site is zoned as Residential and it is not currently being used as anything other than a parking area. He said if one were to do the parking calculation, one would only need approximately eighty to ninety parking spaces and there are three hundred and forty spaces already approved for the site. He said if this were to be used for additional commercial use, there would be more than enough parking spaces. Since its approval in 2004, the site has been developed and is ready for the proposed use.

McEachern asked if Haight could address the proposed use and how it would work on the site.

Haight stated the plan is to construct two fifteen thousand (15,000) square-foot buildings in the back of the site within the paved and gravel areas that exist today. He stated there would be no additional impervious area created by the project. He said some of the parking areas would be removed and repurposed for turning movements to access the structures.

McEachern asked Haight where the entrances on the proposed buildings would be located.

Haight stated that all entrances would be located internal to the site and nothing would face outside of the property lines. Haight stated individuals would utilize the existing access that is connected to High Street, which was developed and designed for commercial use. He said there is a thirty-foot driveway which is located beside the existing building, and then one would access the units through the parking lot in between the existing structures. All of the accessways are preexisting and paved. He said the buildings would be located five hundred feet off of High Street and behind the existing facility, so they would not be visible from High Street.

McEachern referenced exhibit two in the Zoning Board packets which show the front half of the lot that is in the R/C Zoning District and the back half which is in the R-1 Zoning District. He pointed out the area to the north of the subject property which is the site of their detention area for stormwater runoff from the parking lot. He stated there is a very small portion of the R1 District that's on the City of Somersworth's land and the remaining portion is on land owned by the City of Dover. He pointed out an area of R-1 land that appears to have been cut off when the R/C Zoning District was implemented. He stated a central part of his presentation will be that this particular area of R-1-zoned land will most likely never be used for residential purposes because it lacks frontage, it is an irregular shape, and there is a City water easement that runs right through the middle of it. For those reasons, it's not a viable piece of property for residential development. He noted exhibit three is an aerial image of the area to emphasize that it is a major retail area in the City. He identified the major retailers in the area, which include Target, Home Depot, Walmart, and the Market Basket Plaza.

McEachern referenced the memo he submitted to Zoning Board members in support of the application and the five variance criteria that were addressed. He noted the essential character of this area is commercial in nature. He said the proposed uses in this case are user-focused, which would include tradespeople, artisans, artists, and other small businesses.

He said given the proposed location of the buildings, the uses will not be visible to the public and therefore will have no impact on the character of the locality. He said this is a somewhat narrow lot that will be screened from High Street by the existing Dollar Tree and Fiddleheads. The public isn't going to know they're there and they will pose no threat to public health, safety or welfare.

Regarding whether granting a variance would diminish surrounding property values, he stated the surrounding area and the existing residential uses in Midway Park are already located next to a Target development. He stated this particular site is screened from Midway Park by trees. He said another commercial use will not impact the value of other properties in the area.

In regard to whether the project would result in unnecessary hardship, the fourth variance criteria, he noted the special conditions of the property, which include that part of the lot lies in an isolated R-1 Zone that lacks frontage and access so it is unlikely it will be developed for residential uses. He said another factor that could be considered as a hardship are the conditions in the area. He said one of those conditions is Target, which is a direct abutter to this site, and utilizes its R-1 Zone land as a detention pond for its parking lot. He stated the applicant's requested uses are reasonable because they are consistent with the predominant uses in the area, which are commercial.

He stated the final element of the test which is whether granting the variance will do substantial justice. He said this involves weighing the benefit to the public if the variance is denied versus the harm to the applicant. He said he doesn't think there is any benefit to the public in denying this variance because it is unlikely there

will ever be any residential use on this property. He thinks the City would benefit from having a reasonable use made of the property as the one that is detailed in the proposal.

Fredette asked whether the proposed buildings would be multi-unit or single-unit buildings.

McEachern responded there will be six units within each building.

Brooks asked if there are any wetland impacts to the back of the property.

Haight responded no, this whole project would be within the existing developed areas. He said there are detention ponds and a swale that goes into Willand Pond, however there are no wetlands located on the site.

Keiser asked if the applicant has a runoff plan.

Haight responded yes, an area will drain into catch basins and to a detention pond. He said there is a treatment swale which takes the runoff from the parking area.

Keiser asked McEachern to elaborate on why they chose to propose those specific uses.

McEachern stated that the applicant's vision is to develop units that he could rent to tradespeople. He said the applicant has been involved in real estate development his whole life, he's worked very closely with contractors. He thinks that they have a need for these types of facilities and units. He thinks every community benefits from having artists and artwork and to the extent that there are places available for them to locate their shops.

Jones stated they raise a good point regarding density. He pointed out that there are a lot of units and ample space for parking. He said he worries whether the intensity of the commercial would result in too much traffic that getting in and out of the site with only one entrance might present a challenge. He asked Haight if they have approached a traffic engineer yet.

Haight responded they have not yet had a traffic engineer review their plans. He said that would be part of the site plan process when the proposal is before the Planning Board. He stated High Street is a very well delineated traffic corridor in town and it has the capacity to handle more than enough traffic that would be generated from this site.

Brooks stated he has heard these types of units referred to as "contractor condos." Typically, they are one garage door with an office attached. He said they are fit for individuals with small businesses that work offsite but need a place to store their supplies.

Haight stated the units would be contractor storage facilities but not limited to that specific use in case someone else had a need for a unit.

Brooks stated he is aware of businesses that would use a contractor storage unit and agreed that there is most likely demand for it.

Jones asked for clarification on if the Zoning Board approves the variance, they technically would be able to put a storefront on the site.

Haight stated yes, that is correct. He said the reality is the variance would ensure there are no limitations.

Regional Impact

MOTION: Brooks MOVED that the variance request of Bucephalus, LLC **DOES NOT HAVE POTENTIAL FOR REGIONAL IMPACT.**

Jones SECONDED.

Motion CARRIES 5-0.

Discussion:

Vincent suggested zoning adjustments be made prior to Zoning Board meetings to simplify the development processes for other properties that have split zoning. He asked about who has the authority to make lot line adjustments to convert a parcel from R-1 to Residential/Commercial.

Mears stated the City Council has the authority to review and make adjustments to the Zoning Ordinance.

Fredette noted a case where a past applicant tried to put residential development on a commercial piece of a lot and was unsuccessful.

Brooks stated the proposal at hand would be allowed in the front half of the lot. He said he doesn't see any reason to deny the variance.

Keiser brought forth the discussion of the five criteria that the proposal must meet prior to granting a variance. He said he agreed with the applicant that he doesn't think the value of surrounding properties would not be diminished if the variance were approved, nor would the variance be against public interest. He noted the residential area of the property is not accessible by any public road. He stated the City is looking to develop that whole area as a commercial area. He said he thinks it is unique and unnecessarily hardships that property. He said he thinks the applicant should be allowed to develop and utilize this property for its commercial use and the spirit of the Ordinance is maintained in that area. For those reasons, he supports approving the variance.

Brooks suggested the Board combine each subsequent motion for this proposal. He was met with support from the Board to do so.

MOTION: After review of the application, the file and all the information presented to the Board, Brooks MOVED that all five criteria have been satisfied for all the reasons presented by the applicant and discussed by the Board and that the request of Bucephalus, LLC for a Variance from Table 4.A.5 to allow Principle Use No.'s 1 – Retail, wholesale and rental trades, commercial service and repair facilities excluding motor vehicles, No. 10. Trade and craft establishment, No. 26. Artisan Production Shop, and No. 27. Artist Studio, within the Residential/Single Family (R1) zoned portion of the subject property **be GRANTED.**

Vincent SECONDED.

Motion CARRIES 5-0-0.

B) Central Park Express is seeking a Variance from Table 5.A.1 to allow the installation of a solar tracker where the overhang of the track will be within the side yard setback for a property located at 464 High Street in the Residential/Commercial (R/C) District, Assessor's Map 40 Lot 01, ZBA#05-2023. PUBLIC HEARING

Keiser opened the public hearing.

Crossley stated the applicant is proposing to install a forty-eight-panel solar tracker within the thirty-foot side setback. The current use of the property is a motor vehicle repair garage station and the applicant has provided a site plan to show the proposed location of the solar tracker. She said if a variance is granted to allow the installation of the solar tracker, it would be reviewed at some level by Planning, whether that would be Staff, SRTC, or full Planning Board per the Site Plan Review Regulations, once that is submitted. Crossley stated the applicant has addressed all five variance criteria so it has jurisdiction for the Board to take action and review.

Bob Stowell of Tritech Engineering represented the application on behalf of the applicants, **William Stowell** and **William Stowell Junior**, who were also in attendance. B. Stowell stated they have owned and operated Central Park Garage and Central Park Garage Express since 1986. He described to the Board the appearance of a solar tracker and stated the solar tracker in the proposal would be similar to the solar trackers located at the car wash on Route 108. He said the dual-action trackers are mounted on a mono pole and rotate in multiple directions. He said they are typically located at retrofitted sites like this one. He noted they are very advantageous over traditional solar. He said flat -roofed building construction would not support the tracker or the snow load associated with the trackers making them a nonviable alternative. He said in a business atmosphere, the use of power exaggerates the increases that have been observed in electric costs. He said this is an opportunity they would like to take to introduce solar power to their existing facility in addition to another facility.

He stated the proposal includes a mono pole that meets setback requirements. He said as the panel turns, the overhang will encroach into the side yard setback. For demonstration purposes, they have shown in the plans provided to the Board the maximum amount the solar tracker would encroach to give the Board a fair representation of Stow mode, when the panel goes perfectly flat so it is not impacted by wind.

He stated part of the challenge is they're working with large setbacks on commercial lots for dated types of development. The benefit of the proposal is to bring a business that's been in town and operating for a number of years into the current power environment to keep them as a viable business in the City.

He provided an overview of the five criteria including the point that it would not diminish surrounding property values. In regard to the Zoning Ordinance, he stated that commercial development is appropriate in the location of the site. He said in order to remain an active, viable, and innovative business, this type of use should be implemented. The challenge in this case is the small lot size and setback requirements.

Keiser asked if any members of the public would like to speak.

Bill Stowell introduced himself as the owner of the two businesses that are applying for the variances to allow these uses. He stated they have always been an environmentally sensitive business and this proposal is another step in that direction. He said they want to work in that direction as much as they can. He added that High Street has changed a lot in the last thirty-seven years. He said he had spoken with John Flatley in the past about trying to acquire some additional land in the back of his property which would give them the opportunity to expand without having to apply for variances. He said the state-owned detention pond that directly abuts the back of both of the properties took away the option of acquiring more land. He said they take pride in their properties and operation and this is just another step in that direction.

Fredette asked Bob Stowell if he could go into more detail about the hardship criteria and what makes the property unique from other properties in the area.

Stowell stated the hardship is the size of the property. For a commercial use, it doesn't meet the size requirement which is supposed to be forty thousand (40,000) square feet. He said this lot is nearly half of that at twenty-six thousand square feet. He stated it is a small lot and they are trying to use it to the best of our ability.

Brooks stated with such a small lot and the unique layout of the property, it's hard to install a solar tracker without encroaching on the setbacks. He said it's also a challenge that Solar trackers are not actually defined as structures. He stated he doesn't find the appearance of solar trackers to be appealing, however the proposed location of this one will be towards the back of this property. He said he doesn't have a reason to be opposed to the application. He asked if delivery trucks would fit under the solar tracker.

Stowell stated the only concern is the waste management truck and the associated dumpster. He said regular delivery trucks are at a height where they will have adequate clearance but waste removal could be a challenge, however they have accounted for that.

Keiser asked about the 48-panel tracker and whether there are smaller ones available.

Stowell stated yes, the smaller-sized tracker would be located on the other property. This size will meet their electric needs and be a large enough size to achieve those needs.

Keiser asked for clarification on whether the size of the solar tracker would mean it would encroach approximately 20 feet into the setback in the stow position. He also inquired about the frequency of which the solar tracker will be in the stow position.

Stowell confirmed yes, it will encroach approximately twenty feet into the setback in stow mode. He said the solar tracker is only in the stow mode in a high wind scenario, a sustained wind of forty to fifty miles per hour. He said it is not a very common occurrence.

Vincent stated there is a car wash on Penny Lane with three solar trackers. He asked Stowell how the size of the solar trackers in this proposal would compare with the solar trackers on Penny Lane.

Stowell stated the proposed solar trackers would be the same size as the ones located on Penny Lane.

Fredette asked whether the solar tracker will be installed in the setback.

Stowell stated the pedestal complies with the setback.

Keiser closed the public hearing.

Regional Impact

MOTION: Brooks MOVED that the variance request of Central Park Express (464 High St) **DOES NOT HAVE POTENTIAL FOR REGIONAL IMPACT.**

Vincent SECONDED.

Motion CARRIES 5-0-0.

Discussion:

Vincent asked about the process a business owner would follow as an applicant for solar.

Keiser stated solar is not currently in the City's Zoning Ordinance. He said it is a priority of the City to include a section on solar in the Zoning Ordinance. He noted that currently, solar is considered a structure.

Brooks stated when the Historic District Commission underwent their process of revising their ordinances, they considered solar. In the Historic District, they have asked applicants to keep solar flat to the roof. He said installing a solar tracker in the yard of a historic home would change its character.

Vincent asked for clarification on if it is up to the Board to make a decision on whether solar is allowed or not.

Keiser stated it is the Zoning Board's role to consider variances, however the answer is in the Revised Statutes Annotated (RSA). He said it is up to the Board to determine if the variance meets the five variance criteria established by the state in the RSA, considering the City staff to this point has defined a solar panel as a structure.

Brooks stated he would consider it to be a hardship that the City doesn't have solar regulations in the Zoning Ordinance. He noted it is a very unique structure.

Jones stated he doesn't think the Board can consider the fact that there's no solar in the Ordinance as part of the application, however they can consider the fact that the overhang of the solar encroaches over the setback.

Vincent stated the City would benefit from adding solar to the Zoning Ordinance.

Fredette stated he is all for solar and the City addressing it. He recalled the Zoning Board held the last applicant to a more rigid criteria as far as the uniqueness of his lot being that it had some easements on it and some gas lines. He thinks it's a challenge to have a small lot in a commercial area but there are many small lots on High Street. We have to be careful as a Board what the concept of using a small lot as a hardship because a small lot inherently allows less development than a large lot.

Keiser stated he agrees the size of the lot isn't necessarily a hardship. The zoning ordinance uses lot size as criteria to determine what applicants are allowed to do on a lot. He said that a small lot in a commercial zone is not that unique.

Jones stated he agrees with Keiser except for the caveat that in this case, it's not just a small lot, it's a nonconforming lot below the minimum lot size. He said that would make lot size a hardship.

Fredette stated there are a lot of nonconforming lots in the city in commercial areas. He thinks it's important the City acts on solar, however he thinks the Board needs to be careful what they consider a hardship.

Brooks stated it is a nonconforming lot. He said the applicant is only trying to install one solar unit to cover his uses so it's more of a utility, rather than using the property as a solar generation business. He said he thinks it's a reasonable use. He noted the structure itself is unique. He noted it would be different if the applicant were proposing to install five or six solar trackers on this particular property.

Vincent stated he is in support of the project. He said this is a piece of property that is located in a Zoning District that may not be conforming but the proposed solar tracker will not be visible from the road. A concern he has is whether the solar panel will flash into the street and impact public safety.

Jones stated the solar panels rotate to remain perpendicular to the sun so they would not ever flash into the street. He said he doesn't think there's a significant threat to public safety.

Fredette asked if this proposal will be heard by the Planning Board.

Crossley stated the proposal will be reviewed based on the size and other alterations to the site whether it that be approval at the administrative level or if it would require minor site plan or site plan. Once received, the Planning Department would see where the proposal would fall within site plan regulations.

Fredette asked if the distance from the building for public safety would be included in the review process.

Crossley confirmed that would be considered by whomever reviews the application.

MOTION: Brooks stated 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

C) Central Park Garage is seeking a Variance from Table 5.A.1 to allow the installation of a solar tracker within the side and rear yard setbacks for a property located at 470 High Street in the Residential/Commercial (R/C) District, Assessor's Map 40, Lot 03, ZBA#06-2023. PUBLIC HEARING

Keiser opened the public hearing.

Crossley provided an overview of the project.

Crossley stated the applicant is seeking to install a 24-panel solar tracker within the side and rear setbacks, both thirty feet, at the southern back corner of the lot. The applicant has provided a site plan showing the location of the proposed solar tracker. As with the prior application, if the variance is granted for this tracker, some sort of review will be made, whether that is staff, SRTC, or full Planning Board. She stated the property has been reviewed and staff found that there has been variance relief for the minimum lot area and frontage requirements in the R/C District and a special exception to allow for the construction of an automobile service station. She stated the site also has an approved site plan for it. The applicant has supplied answers for all five of the variance criteria so the Board can take jurisdiction and review the application.

Bob Stowell of Tritech Engineering represented the applicant for property located at 470 High Street, which is Central Park Garage. He noted a couple of aspects that differentiate this application from the prior, similar application. This solar tracker does not meet the building setback requirement either. In this proposal, he said they are proposing the smallest tracker that is available, 24 panels – part of that was to conform as much as they could but also, they don't have the same electric needs as they have with the other site. He pointed out the radius of the pedestal and tracker and the stow mode which puts the solar tracker within 4 feet of the setback. Out of the potential area on the site, they have picked the least intrusive area. The application is the same as the last one in terms of the variance criteria besides the proximity to the setback.

Bill Stowell provided a background on hardship and lot size that has been discussed. He said back when they first developed this property, High Street was residential. The setback requirements were set forth for residential type use. Now, High Street is predominately commercial. He said most commercial setbacks are either to the property line or within five feet of the property line. He said the site is not overdeveloped, it's just subject to setbacks that don't seem conducive to commercial development.

Fredette stated the existing building's roof was not built to support solar panels. He asked the applicant if they could retrofit the roof of the future building to support the solar panel.

Stowell stated to have functional indoor space for an automotive retailer, it is not viable for solar.

Keiser closed the public hearing.

Discussion from the Board:

Vincent stated that Bill Stowell made a great point regarding the small lot size and the expansion of technology such as solar. He said he supports the proposal.

Regional Impact

MOTION: Jones MOVED that the variance request of Central Park Garage (470 High ST) **DOES NOT HAVE POTENTIAL FOR REGIONAL IMPACT.**

Fredette SECONDED.

Motion CARRIES 5-0-0.

Approval motion: After review of the application, the file and all the information presented to the Board, Jones MOVED that all five criteria have been satisfied because of the Zoning Board's discussion and he MOVED that the request of Central Park Garage for a Variance at 470 High St from Table 5.A.1 to allow the

installation of a solar tracker within the side and rear yard setbacks as depicted on the plan as submitted on April 18th, 2023 **be GRANTED.**

SECONDED by Vincent.

Motion CARRIES 3-2-0, with Fredette and Keiser in opposition.

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

Mears stated the City received an InvestNH Housing Opportunities Planning grant. The scope of the project has been identified as a needs assessment and updating the City's Master Plan, which was last updated in 2010. The Master Plan chapter is out of date and the community needs to be engaged to inform the decision making for future land use. Phase I of this grant is to work on a vision for the City of Somersworth, growth and development strategies, a summary of Somersworth today, population, housing characteristics, economic characteristics, demographic and socioeconomic characteristics, land use, and future land use. Part of the process will involve scenario planning and a buildout analysis to look at where infrastructure is located and the kinds of buildings that can go on existing lots. She said the City is working with Strafford Regional Planning Commission on this. Phase II will involve doing a regulatory audit of our regulations which will involve looking at GIS, data analysis, and an audit of our land use regulations. This process is going to require a lot of City Staff time involved with training with the Housing Academy and working with the state to come up with a good community engagement plan for land use and future land use. A PREPA grant has also been applied for to update our Natural Resources Chapter. On May 15th, we'll hear on whether the City will be awarded that. That would be working with the Conservation Commission to look at natural resources existing and any kind of future uses. The Master Plan chapter is the first step before a comprehensive rezoning is completed.

She stated many split zones arose between 1950s to 1970s when there were small lot housing developments. She noted the Planning Department has additional funding to update some of the City tax maps. Additional funding could also support an analysis of the City's split zones and identify how many the City has. She said there are most likely hundreds.

Keiser stated the City developed the Zoning Ordinance and they put their best effort forward to appease everyone in the process.

Mears stated there are changes and improvements that could happen with the Zoning Ordinance. She said the nonconforming lots section is one of the first sections she would like to be revised. She noted the nonconforming lots section is something that communities all across the state are grappling with now as far as setbacks. The Planning Department has been tasked with looking at the Sign Ordinance as the first section of the Zoning Ordinance.

Jones asked if they, as members of the Zoning Board could help craft the Zoning Ordinance or if they would they simply be attending to provide public comments as citizens.

Mears stated they would attend as public citizens but that there might be room for people to on a committee.

Jones stated when the Zoning Ordinance's nonconforming lots section is reviewed, there's definitely a balance to strike. He said he's not aware of many towns or cities that have regulations on commercial density.

Jones asked Mears about the process of being considered to be on the Zoning Ordinance Committee. Mears stated SRPC has been awarded the contract to work with the City. She said SRPC updated the regional housing needs assessment so the Commission has a lot of data already. She said SRPC will help determine the individuals that will sit on the Board.

Vincent agreed it would benefit the City to update the Zoning Ordinance.

Crossley reminded ZBA members to RSVP to the Land Use Board Appreciation Dinner that will be held on Tuesday, May 23rd.

Fredette proposed a MOTION to adjourn;
Brooks SECONDED;
Motion CARRIES 5-0.

Keiser adjourned the meeting at 8:58PM.

Respectfully Submitted,

Anna Stockman, Planning Secretary