

ZONING BOARD OF ADJUSTMENT
November 21, 2017
DRAFT MINUTES

1. Call to Order

The session was called to order by Chair Laura Davies at 7:00 pm.

2. Introductions

Members present Laura Davies, Chair, Bob Prior, Rick Thielbar, Kevin Baum, and Alternates Martha Pennell were also present. Staff present: Doug Eastman, Building Inspector/Code Enforcement Officer and Barbara McEvoy, Deputy Code Enforcement Officer. Members of the public were present as well.

3. New Business

The application of Lexie's Exeter LLC for a variance from Article 5, Section 5.1.2 and Sections 5.6.2, 5.6.3 and 5.6.6 for the expansion of a non-conforming use to permit a proposed increase in seating for the restaurant use located at 82-84 Lincoln Street. The subject property is located in the C-1, Central Area Commercial zoning district. Tax Map Parcel #73-277. Case #17-26.

Christopher Mulligan, Lawyer representing the applicant appeared before the Board to explain the project. The operation tends to get fairly busy during the regular lunch rush and in order to create a pleasant atmosphere for diners they would like to expand in the available space next door. They are requesting a waiver from parking since there is no off-street parking available. Next Mr. Mulligan ran through the variance criteria and how he felt the applicant met these. Mr. Mulligan also submitted picture evidence showing the off-street parking at various times during the day.

Mr. Prior asked about the existing restaurant and it was explained the plan was to not use this for retail. Mr. Prior said the train lot is full during the day. He indicated that the existing Three Brother's restaurant has some seating in it, and asked if they have some parking spots allocated to this site. It was confirmed that they have 7, and so the application for waiver on parking was for the delta between the two locations. This was confirmed. Mr. Baum asked how deliveries would be made to the site, would parking be taken up during this time or done out back. This was explained, and it would be behind the building.

Kerry (KC) Cargill, Owner of Lexie's: They are thinking about keeping the patio and reconfiguring it but that is down the road.

Ms. Pennell asked where the existing location was, and this was confirmed. There was some confusion on the parking at the new location and this was discussed. The site and existing conditions were discussed by the Board.

Laurie Goupil, Gerry's Variety Owner: They have been a neighbor for about a year. They have been great neighbors. People park in the area wherever they find parking and often park in front of her store. Today she walked down to the 3 brothers former site and counted 5 ½ spaces, she is not sure where 15 spaces can be allocated specifically to this location. Parking has been a problem in this area for quite a while and will continue to remain going forward.

The Board closed the public session and entered deliberations. Mr. Prior read the variance criteria.

MOTION: Mr. Prior moved to approve the application based on the fact that it meets all five of the variance criteria for the relief being sought for a restaurant use up to 45 seats. Mr. Baum seconded. The motion passed unanimously.

4. Other Business

ZBA Case #1477 - Slania Enterprises Inc. – 29 Front Street Request for extension of variance approval (expired 8/19/17)

The Board discussed the history of the application. The applicant could not attend this evenings meeting and asked the Board to rule in their absence. Mr. Baum said they had been fairly consistent with how they handled extensions. As long as the ordinance hasn't changed they had generally been granting them. Generally, he feels they should do the same here, but it is helpful to have a reason why. The Board continued to discuss the history of the request.

MOTION: Mr. Thielbar moved to grant the one-year extension as requested, Mr. Baum seconded.

AMENDMENT: Mr. Prior amended the motion that the extension will be until August 20, 2018, Mr. Thielbar seconded. The motion passed unanimously.

VOTE: The original motion passed unanimously.

Approval of Minutes:

October 17: The Board discussed amendments to the minutes and decided to hold off on approving these until the edits could be completed and reviewed at the next meeting.

Adjournment

There being no other business before the Board this evening, Mr. Prior moved to adjourn at 7:51PM, seconded by Mr. Baum and the vote was unanimous. The session was adjourned by Ms. Davies.

Respectfully submitted,

Jennifer Dionne
Recording Secretary