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**TOWN OF EXETER
ZONING BOARD OF ADJUSTMENT
October 16, 2018
7:00 PM
Approved Minutes**

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I. Preliminaries

Members Present: Chair Laura Davies, Vice-Chair Joanne Petito, Rick Thielbar, Robert Prior, Christopher Merrill – Alternate, Esther Olson- Murphy – Alternate

Members Absent: Kevin Baum, Martha Pennell - Alternate, Hank Ouimet – Alternate

Others Present: Doug Eastman

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Call to Order

Chair Davies called the meeting to order at 7:00 pm.

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Introductions by Roll Call

Chair Davies asked to identify the following members who were present by Roll Call: Esther Olson-Murphy, Rick Thielbar, Laura Davies, Joanne Petito, Robert Prior and Christopher Merrill. The active voting alternates for this hearing are identified as Esther Olson-Murphy and Christopher Merrill.

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II. New Business

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Hearings

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1. **Renewal Mechanical Maintenance, LLC for variance, Article 5, Section 5.1.2, B Expansion of non-conforming use Permit operation of a mechanical business supplying field services for municipal water and waste water pumping systems where the work is performed at the customer's location 47 Hampton Road, R-2 Single-family Residential Zoning District Tax Map Parcel #87-17, Case #18-23**

Chair Davies read the Legal Notice and advised that the two alternates would be voting on this hearing.

Forrest Hardardt presented his application to expand the commercial use in the residential district. Mr. Hardardt is looking to place a 50'x42' storage shed to be used for his business with normal operating hours of 6 am to 6 pm. The materials they are storing need to stay dry and clean. Mr. Hardardt stated it would be a good fit for the Town.

Chair Davies asked if there were water and sewer service to the premises?

Mr. Hardardt responded there were water, sewer, gas and electric.

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40

41 Mr. Prior asked how many employees would be on-site?
42
43 Mr. Hardardt responded there are two right now which they are looking to add to.
44
45 Mr. Prior asked if there were another shed on the property?
46
47 Mr. Hardardt responded yes, there is a small structure that will not be utilized.
48
49 Chair Davies asked if equipment would be cleaned on site or any chemicals used or
50 stored?
51
52 Mr. Hardardt responded there would be no cleaning and no chemicals except for maybe
53 just bleach.
54
55 Mrs. Petito asked what would be stored there?
56
57 Mr. Hardardt responded pipes and valves that can't be left out.
58
59 Chair Davies asked about tanks of gas.
60
61 Mr. Hardardt responded there will be small tanks, with no huge risk.
62
63 Mrs. Petito asked about vehicles.
64
65 Mr. Hardardt responded there will be a one-ton box truck and ½ ton pick-up.
66
67 Mr. Prior asked about signage.
68
69 Mr. Hardardt responded not at this time but is not against it.
70
71 Chair Davies asked if the gas station was there? If tanks were still there?
72
73 Mr. Hardardt responded quite awhile ago. Mr. Comeau responded he has been the
74 owner for only three months and not able to get any information on existing tanks from
75 the State.
76
77 Chair Davies asked about access to Route 27.
78
79 Mr. Hardardt responded yes.
80
81 Mr. Prior asked if there were a lot of abandoned automobiles removed?
82
83 Mr. Hardardt they were removed last week, the last of them.
84
85 Chair Davies asked if the yard would be full of utility trucks?
86
87 Mr. Hardardt responded no, plan to park trailers in back so not an eyesore.

88 Chair Davies asked if people would come and go throughout the day?
89
90 Mr. Hardardt stated no, typical 6am-6pm, 5 day per week schedule.
91
92 Mrs. Olson-Murphy asked if there was anything out back for trailers?
93
94 Mr. Hardardt responded not sure as of now, gravel or grass.
95
96 Mr. Comeau provided pictures of what the property looked like in the past.
97
98 Mr. Hardardt stated they have done a lot to clean it up.
99
100 Mrs. Olson-Murphy asked what was pulled out of treatment plants? Would there be a
101 junk spot on-site?
102
103 Mr. Hardardt responded nothing comes back with me and the noise footprint is minimal.
104
105 Mrs. Olson Murphy asked about deliveries.
106
107 Mr. Hardardt stated they are during the day, nothing before shift starts.
108
109 Chair Davies opened the hearing to the public at 7:21 pm.
110
111 Ms. Sue Stagnone, a resident at Exeter Farms, asked if received a letter from neighbor?
112
113 Chair Davies advised they had and it prompted some of the questions.
114
115 Ms. Stagnone stated the closest property, wanted to make sure history available.
116 Weeds grew after deceased. Title transfer. Attempts to sell property. Wanted to share
117 this information, auto repair lost, hoped that non-conforming use would revert to
118 residential. Exeter Rental also abutted. Doesn't look like massive commercial area.
119 Site has no lighting now. Equipment storage would be a good thing.
120
121 Joe Stagnone stated he recently met with Mr. Hardardt and has no concern with him
122 running the operation. He questions what happens if Mr. Hardardt leaves? He has
123 proven to be very considerate.
124
125 Chair Davies advised if another use comes they would have to come before this Board.
126
127 Don Jensen of Pine Crest Mobile Home Park at 49 Hampton Street stated he wants to
128 make sure people's values in his park are protected. There is no screening.
129
130 Chair Davies asked if he was concerned that a few trailers would be a problem?
131
132 Mr. Jensen responded he is getting a better idea of what is going on, it is just so close.
133
134 Mr. Prior asked did your park co-exist with the previous use?

135 Mr. Jensen responded yes.

136

137 Mr. Prior asked was there a greater impact now or then?

138

139 Mrs. Petito asked if there was nothing between the trees?

140

141 Mr. Jensen stated nothing.

142

143 Chair Davies asked if he was concerned or feeling better?

144

145 Mr. Jensen stated he was concerned about use in the back where it was filed in and
146 expanded by approximately 5,000 feet, which could cause runoff.

147

148 Chair Davies stated if commercial property changes site, a Site Plan Review must take
149 place with the Planning Board and demonstrate that runoff can be contained and not be
150 an issue.

151

152 Mr. Jensen stated it was never resolved by the Town. It was filled right to the line and
153 they were asked to stop. Now that new business should be looked at. Was pushing
154 water to me.

155

156 Mrs. Petito asked how close the homes are to the lot line?

157

158 Mr. Jensen responded approximately fifteen (15') feet.

159

160 Mr. Prior stated it shows a tree line but you said there are no trees?

161

162 Mr. Jensen stated there are trees on the West side but not in back.

163

164 Mr. Merrill asked if there was anything you recommend, fence or trees?

165

166 Mr. Jensen stated he would like to give you letter Town wrote.

167

168 Chair Davies pointed out the violation about filling.

169

170 John S. stated he is an abutter immediately behind the building and is concerned with
171 drainage, water would come into his yard.

172

173 Mr. Hardardt stated that he does not plan to pave the backyard. It will be gravel or
174 grass. There is a tree-line in back. They are not big trees. Can supply pictures. Tried
175 to keep buffer. Just used to clean area, not for drainage. To address the letter, nothing
176 should cause an environmental hazard at this area.

177

178 Chair Davies asked if there were 2-3 trailers?

179

180 Mr. Hardardt stated yes, the front of the building will be for snow storage.

181

182 Chair Davies asked if storing or plowing on front?

183

184 Mr. Hardardt answered "correct, started to spruce up front of building."

185

186 Chair Davies asked about exterior lighting.

187

188 Mr. Hardardt stated the only night light is over the doors, nothing else. May add a sign
189 but would satisfy regulations.

190

191 Mr. Comeau stated the survey shows the mobile park encroaches on the property 20-30
192 feet between fill drop off.

193

194 Chair Davies recommended a privacy fence could go on either property.

195

196 Chair Davies asked if there were any further questions or comments from the public and
197 being none, closed the hearing to the public at 7:39 pm for deliberations.

198

199 Chair Davies advised this is a variance for change of use.

200

201 Mr. Thielbar asked has it lost its grandfathering?

202

203 Mr. Eastman stated it was left as non-conforming use. Was tied up in probate. Tried to
204 sell many times, continuously marketed.

205

206 Mr. Thielbar stated it's tough to find a better use for the land. Best way to keep from
207 decline is to have it be actively used. It is less invasive than a four-family house.

208

209 Mr. Prior stated with no change to impervious surfaces.

210

211 Chair Davies advised we could make that a condition.

212

213 Mr. Eastman agreed. 2,000-3,000 feet paving would require engineering review. Add
214 "without Town approval."

215

216 ***Mr. Thielbar moved to approve the request for a variance with the understanding***
217 ***that any increase in impervious surfaces would require Town approval before***
218 ***installed. Mrs. Petito seconded the motion. With 5 voting in favor, so moved.***

219

220 Chair Davies recessed the meeting briefly at 8 pm and the meeting resumed at 8:15 pm.

221

222 **2. Elliott Berkowitz/Pairpoint Group, LLC for variance, Article 5, Section 5.6.6**
223 **To allow no off-street parking to be provided for the proposed residential units**
224 **23 Water Street, WC-Waterfront Commercial Zoning District**
225 **Tax Map Parcel #72-39, Case #18-24**

226

227 Chair Davies advised that alternate, Esther Olson-Murphy would be the voting alternate
228 on this hearing.

229 Mr. Berkowitz stated he lives and works on Water Street. 97 people either living or
230 working there, 25 spots.
231
232 Mr. Prior asked how many were required.
233
234 Mr. Berkowitz responded the original approvals were for 48 parking spots for restaurant.
235 Need waiver for 19 to continue.
236
237 Mr. Eastman clarified has 48 spots with property that run with property. Changed use to
238 residential and retail space. Board can render decision. Advised to be safe.
239
240 Mr. Thielbar stated for variance, need to look at how change impacts community.
241
242 Mr. Prior stated if reduce to 20 spots, diminish use for possible re-use.
243
244 Mr. Eastman stated if the use changes must come back to Board.
245
246 Mr. Prior asked what if we were to leave it as is and say 48 spots apply to new use?
247
248 Chair Davies stated it makes sense to get rid of excess parking.
249
250 Mr. Eastman stated the thought is to reduce to what he needs.
251
252 Mr. Merrill asked if the spaces weren't being taken to move somewhere else?
253
254 Mr. Eastman stated no, if keep granting large parking relief, may reach tipping point.
255
256 Mr. Berkowitz stated he figured 19 spots.
257
258 Mr. Thielbar asked if commercial use included?
259
260 Chair Davies stated yes, not an issue.
261
262 Mr. Prior stated it reflects current use.
263
264 Chair Davies stated it is unlikely to revert back to commercial.
265
266 Mr. Thielbar asked if the residents were on the first floor?
267
268 Mr. Berkowitz responded under retail.
269
270 Mrs. Petito asked if they had designated parking?
271
272 Mr. Berkowitz stated, none, there is no lack of parking.
273
274 Chair Davies stated it should not tip the balance.

275 Mr. Thielbar stated the problem with this, there have been lots of discussion with many
276 applicants, allotting about parking for every resident. Sea Dog with single apartment and
277 single space.

278
279 Mr. Berkowitz stated there are plenty of empty spaces at night.

280
281 Mr. Thielbar stated going to have two-hour parking, then will have to pay. If I was in one
282 of your units and had to walk that distance, would be upset.

283
284 Mrs. Olson-Murphy stated there is nowhere for him to put parking.

285
286 Mr. Thielbar asked about building a parking garage?

287
288 Chair Davies advised they do not want a parking garage on the waterfront.

289
290 Mr. Berkowitz stated there are tenants who don't have parking but are very resourceful
291 and figure it is in downtown Exeter.

292
293 Mrs. Petito asked if it made sense to drop to 14 from 45? Giving parking to what its
294 used for makes sense.

295
296 Mr. Prior suggested reducing to minimum retail and granting variance for 11 spots for
297 residential.

298
299 Chair Davies advised when you grant a variance relief is specific to the situation. That is
300 a good way to handle.

301
302 Mr. Eastman added it clarifies future decisions for me.

303
304 Mr. Thielbar stated it loses grandfathered spaces.

305
306 Mr. Prior stated existing grandfathered spots reduced to 8 and grant variance for 11
307 spaces for residential.

308
309 Chair Davies asked if that was acceptable and advised to come back if it doesn't work.

310
311 Chair Davies closed the hearing to the public at 8:50 pm for deliberations.

312
313 ***Mr. Prior moved to reduce the existing grandfathered spots slotted for retail use to***
314 ***8 and grant a variance for 11 spaces for residential use. Mrs. Olson-Murphy***
315 ***seconded the motion. Voting 4 in favor were: Chair Davies, Mr. Prior, Mrs. Olson-***
316 ***Murphy and Mrs. Petito with Mr. Thielbar abstaining, so moved.***

317
318 **III. Approval of September 18, 2018 Minutes**

319 Amendments:

320 Line 17 change "alternate" to "alternates" and add Christopher Merrill;

Note: Subject to changes proposed at a subsequent meeting.

321 Line 35 substitute "single family" for "sf"
322 Line 43 delete second "that"
323 Line 44 remove sentence;
324 Line 46 substitute "may want" for "wants" and substitute "allow" for "give"
325 Line 47 strike and insert "both units to be rented."
326 Line 49 strike and substitute "Mr. Prior verified that there is town water and sewer, adding that it
327 meets the criteria for conversion."
328 Line 77 substitute "one family" for "one-family"
329 Line 80 strike first sentence;
330 Line 90 add "which"
331

332 ***Mr. Thielbar motioned to approve the minutes, as amended. Mr. Merrill seconded the***
333 ***motion. With 5 in favor, so moved.***

334 **IV. Adjourn**

335 **Mr. Prior motioned to adjourn the meeting at 9:00 pm. Mr. Thielbar seconded the motion,**
336 **with all in favor, the vote was 5-0, motion carried.**

337 Respectfully submitted,

338

339

340

341 Daniel Hoijer
342 Recording Secretary