

Town of Exeter
Zoning Board of Adjustment
June 18, 2019, 7 PM
Town Offices Nowak Room
Draft Minutes

I. **Preliminaries**

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

Members Absent: Martha Pennell - Alternate, Hank Ouimet - Alternate

Others Present: Barb McEvoy

Others Absent: Doug Eastman

Call to Order: Chair Petito called the meeting to order at 7:02 PM. All regular members will be voting at this meeting.

II. **New Business**

- A. A request for a rehearing on the application of VWI Towers LLC for a special exception per Article 4, Section 4.2, Schedule I - Permitted Uses and Article 5.2 to permit the proposed construction of a wireless communications facility and associated improvements; and a special exception per Article 5, Section 5.4.2 F for said tower to exceed the height regulations for its location within the R-1, Low Density Residential zoning district. The subject property is located on Kingston Road, Tax Map Parcel #100-004 (Town of Exeter Landfill Property). Case #19-04.

The applicant had requested a postponement to August 20th.

MOTION: Mr. Prior moved to continue the application of VWI Towers LLC to the August 20th meeting at their request. Mr. Thielbar seconded. All were in favor.

- B. The application of Matthew Lawrence (d/b/a Ironman Fitness, LLC) for a variance from Article 5, Section 4.2 Schedule I: Permitted Uses for a change in use to permit the operation of a business office/fitness facility in a portion of the existing structure located at 38 Hampton Road. The subject property is situated in the R-2, Single Family Residential zoning district. Tax Map Parcel #87-6. Case #19-08.

Aaron Brown, representing business owner Matt Lawrence, spoke about this application. They are requesting a change of use for part of the building which is otherwise occupied by Sperry Tents. There would be no changes to the exterior. As part of the application, they notified

45 the abutters, including the Exeter Farms subdivision and the Exeter Co-op. Mr. Brown pointed
46 out that there is a buffer between this building and the residences.

47 Mr. Brown discussed the variance criteria. 1) The variance will not be contrary to the
48 public interest: Mr. Brown said this use is compatible and will be proper for this location. 2) The
49 spirit of the ordinance is observed: he said the uses of the property now and in the surrounding
50 area fit with a small gym facility. 3) Substantial justice is done: this is a grandfathered property,
51 and the current use is consistent with this change of use. 4) The values of surrounding
52 properties are not diminished: there is a buffer, and this is inside an existing warehouse-type
53 structure. The variance will not affect values. 5) Literal enforcement of the ordinance would
54 result in unnecessary hardship: if two compatible businesses wish to coexist in the same
55 building they should be allowed to do so. The property owner will use the building more
56 efficiently and gain rental income, and Ironman Fitness can continue to serve clients in Exeter.

57 Mr. Baum asked Mr. Brown to explain the proposed use further. Mr. Brown said that Mr.
58 Lawrence has been training clients for 15 years. His business is currently on Continental Drive,
59 but he is looking to move. He works with young people, athletes, middle-aged people, and
60 seniors, both in small groups and one on one. The gym offers free weights, racks, dumbbells,
61 deadlifting, and cardio equipment. The proposed space is warehouse-like and industrial.

62 Ms. Davies asked if there would be activities outside, but Mr. Lawrence said no, other
63 than a few runners who would want to warm up outside before class. Ms. Petito asked how
64 many clients he served. Mr. Lawrence said he currently has 51 clients, and also runs a
65 corporate fitness program for Sig Sauer. There would likely be no more than 8 - 10 people using
66 the facilities at a time, so parking is not an issue. The first class is at 6 AM and the last is at 7
67 PM, with one morning class on Saturdays. There is no loud music. Mr. Thielbar asked if the
68 Board could restrict the total number of clients at one time to 10, but Mr. Brown felt that was
69 unreasonable, as the business could grow in the future; he instead suggested limiting the use to
70 the current footprint of 65' x 43'. Ms. Petito asked how many staff there are, and Mr. Lawrence
71 said four total.

72 Mr. Thielbar asked if they should restrict the variance to just apply to the building. Ms.
73 McEvoy suggested they approve the request as presented, and then any change would have to
74 come back before the Board. Mr. Baum was concerned about what would happen with the next
75 renter/owner. He asked Mr. Brown if the space is about 2,000 sq ft, to which Mr. Brown
76 responded that it's 2,124 square feet.

77 Ms. Petito opened the discussion to the public.

78 David Choate, the listing agent for the property, spoke about why he thought this use
79 was a good fit. He said another company has been warehousing in the rental space for a year
80 without any issue. The size of the business is limited by parking; it couldn't get much bigger than
81 Mr. Brown's business. Sperry Tents has trucks and tents going out of there, and there's a right
82 of way to a substation that has to be maintained. This is not a Crossfit gym, to which Mr. Choate
83 would have said no; it's more individual training, and they're not out in the roads. This use is low
84 impact. Mr. Brown concurred that there would be no classes or training outside.

85 Ms. Petitto closed the public session.

86 Ms. Davies said she felt this was a low impact change, but the Board should be careful
87 how they frame the motion; they should approve it "as presented." Mr. Thielbar said that what
88 he read didn't talk about a gym at all. Ms. Davies said they should discuss the use in the motion.

89 Mr. Prior said in the application it was described as a “Business Office/Fitness Facility.” Mr.
90 Baum suggested they mention the size, floor plan, and site plan. Ms. Davies listed the key
91 components: the use is a fitness facility, they’re using a portion of the property as per the floor
92 plan and site plan, and the approval is for interior use only.
93

94 MOTION: Ms. Davies moved to approve the application for a use variance for a fitness facility
95 use within the 38 Hampton Road building, in the location and dimensions as presented in the
96 floor plan and the site plan, and for interior use only. Mr. Prior seconded. All were in favor.

97

98 **III. Other Business**

99 A. Approval of Minutes: May 21, 2019

100 Mr. Thielbar asked that line 26 be changed from “the abutters were not notified” to “some
101 of the abutters were not notified.” In line 40, Ms. Davies wanted to add “224 unit” in front of
102 multi-family: “a 224 unit multi-family residence.” Mr. Thielbar said that line 79 should specify
103 25% “of each unit type.” Ms. Davies reviewed the letter and said that this stipulation wasn’t
104 specifically mentioned, so she agreed they should put it in the record. Ms. Davies asked to
105 insert “is” in line 155: “rental housing is in short supply.” Also, in the motion between lines 183
106 and 197, there’s a lot of discussion that wasn’t intended to be part of the motion, and she
107 suggested putting it before the motion. Mr. Baum said he didn’t want to interfere with the
108 chronology, and would rather make it two boxes.
109

110 MOTION: Ms. Davies moved to accept the minutes as amended. Mr. Baum seconded. All were
111 in favor.

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113 **IV. Adjournment**

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115 MOTION: Mr. Baum moved to adjourn. Mr. Prior seconded. All were in favor and the meeting
116 was adjourned at 7:51 PM.

117

118 Respectfully Submitted,
119 Joanna Bartell
120 Recording Secretary