

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

MEMBERS PRESENT: Matt Keiser Chair, Richard Brooks, Keith Perkins, Brad Fredette

EXCUSED MEMBERS: Glenn Garvin-Alternate and Kenneth Vincent

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

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

1) Approval of the minutes:

Fredette **MOVED** to accept the October 6, 2021 minutes as presented.

Perkins seconded the motion.

The **MOTION CARRIED** 4-0.

2) OLD BUSINESS

A) CONTINUED: Carl Aimesbury, is seeking a Variance from Table 5.A.1 and 5.A.2 to allow a second dwelling unit within the existing structure without the required lot area and frontage for a property located at 7 Myrtle Street, in the Residential Multifamily (R3) District, Assessor's Map 09 Lot 27, ZBA#12-2021 **PUBLIC HEARING**

Keiser stated this item was continued from last month due to a short Board and still have a four-member board, his recommendation would be to continue this application to the December meeting.

Fredette stated he has given some thought to Brooks' comments from last month, inquired if he could change his vote if he chose.

Keiser stated they are in the non-public hearing portion of the hearing, if someone wishes to change their vote they could do that.

Fredette stated an accessory dwelling unit would allow the applicant a unit that was 800 SF and the applicant is seeking about 900 SF.

Keiser noted that the ADU could be a maximum of 800 SF.

Fredette stated the applicant testified he was going to have his daughter live there and it seems a reasonable use of an ADU. Understands the neighborhood but not talking twice the SF just the basement, fits the definition of an ADU if it is in the basement.

Keiser stated the applicant has an option to do an ADU, if he can or can't should not be the reason for the decision of the variance. The variance should be based on the criteria and if the request meets that criteria, specifically they have been discussing the hardship criteria.

Fredette stated to him the hardship criteria the way he is looking at it, if the ADU was not an option, there may be the argument to allow for an additional living space, but an ADU has to have an owner occupation

within one of the units and shared utilities versus an apartment that can be split. Stated ultimately at this time would like to leave it on the table for now.

Keiser stated the ADU does not bear on the decision it matters if the applicant meets the criteria, some members did not feel it met the hardship criteria.

Fredette stated the availability of an ADU changes his definition of a hardship. Stated he would wait for there to be a full Board.

MOTION: Brooks I move that the request of Carl Aimesbury for a Variance from Table 5.A.1 and 5.A.2 to allow a second dwelling unit within the existing structure without the required lot area and frontage for a property located at 7 Myrtle Street **be CONTINUED to the meeting of December 1 at 7PM for the following reasons:**

1. To allow for a full Board.

The MOTION is SECONDED by Fredette. The MOTION CARRIES 4-0.

A) Any old business that may come before the Board. - No other old business.

3) NEW BUSINESS

A) **A3H Holdings LLC, is seeking a Special Exception from Table 4.A.5 to allow a Motor Vehicle Service (Car Wash) on a property located at 436 High Street, in the Residential/Commercial (R/C) District, Assessor's map 38 Lot 1A, ZBA#13-2021 PUBLIC HEARING**

Curtis Neufeld of Sitalines Civil Engineers/Land Surveyors and **Jon Young** of A3H Holdings, LLC were in attendance to represent the application.

Keiser stated there are 4 members in attendance making this a short Board, does the applicant wish to move forward with a short Board or continue to have a full 5-member Board.

Neufeld stated yes, they wished to move forward with a 4-member Board.

Keiser opened the public hearing.

Mears stated the applicant is seeking a special exception to allow a car wash. The subject property is located in the R/C zoning district which allows this use by special exception. The space is currently vacant the previous use was an ambulance service. This lot has approx. 177 ft of frontage and is .95 acres.

Neufeld stated the site has been commercial since about 1969, surrounded by primarily commercial uses, automotive uses are reflected in the area of the R/C, and is compatible with the area. It would fit in with the character of the surrounding uses, does not directly abut any residential uses, the use will be designed and maintained by PB for utilities access and parking, have reviewed if it needs State level traffic review and it would not. He stated they have reviewed if it would have an adverse impact to surrounding properties for either noise, glare or odor, the equipment is interior of the building and will mitigate the sound, the dryers would be facing High St directed away from others, the vacuums would be buffered by the building from the residential areas, would have less ambient noise than the traffic on the road. There is an existing sidewalk on High St, traffic was discussed with PB for conceptual to change the traffic flow but would have additional review during PB review. The design is to use minimal water and would have no impact to the Schools or Fire Station. The car wash would not have a health impact to the neighborhood. Feels it meets all of the criteria.

Keiser opened for public comment:

Dave Francoeur 48 Blue Heron Dr, property owner and abutting property: stated the car wash company is very professional, reviewed the conceptual review Planning Board meeting and feels that was great to be done and the Board received it well and added comments that the applicant is working into their plans. In support as property owner and abutter. Does not expect Walmart would be coming in with a comment.

Keiser inquired about the entrance/exit to the site.

Neufeld stated the intent is to have the primary entrance situated where it is now, entrance/exit to allow traffic flow farther from Walton Way, and to have one right out only egress.

Keiser inquired where the vacuums would be.

Neufeld stated the spaces that look like just parking spaces would have pole mounted vacuums with awnings that cover the spaces, small canister mounted vacuums on the Walmart side.

Keiser asked if the water is recycled.

Neufeld stated yes, there will be three tanks that capture and recycle most of the water, each wash about 11 gallons that are discharged to the sewer system. Water is cycle to remove grit and oil, the remaining water is reused for additional washes.

Keiser clarified the ownership of the property.

Neufeld stated the car wash company would be purchasing the lot.

Keiser noted it was mentioned it would not require State review of traffic pattern, why was that thought it might be.

Neufeld stated it was not, wanted to address the threshold, wanted to note if there would be State permits required. The car wash can cycle a number of cars, have control on how many can go, can keep it below 80 or so in peak hour. There is ability to regulate the flow, this will be an attended facility but does not have a traffic number at this point. There are three queuing lanes, could fit about 28 cars in the three lanes.

Fredette inquired the depths of the queuing lanes.

Neufeld stated the building is 150' long and the stalls would be about 170'/lane.

Neufeld stated if they are granted this Special Exception, they would then go through the Planning Board process designing lighting, landscaping, drainage plans and all other site development. He stated he thinks it will fit in nicely in the neighborhood. Hopes they will agree with the assessment.

Keiser inquired if the City has any concerns of the application.

Mears stated the applicant went before the Planning Board for a conceptual review of the project, will still need to go through the site plan process, the back corner of the lot would request the applicant install a buffer in the area near the residential lot.

Keiser clarified that would be addressed with the Planning Board.

Mears stated yes.

Keiser closed the public hearing.

Brooks stated in review does not see any adverse effects to the neighborhood. The noise could be an issue but there is an existing tree buffer and Planning Board would address buffers. He stated it would be good if they could have an entrance via Walmart site, but not sure that is feasible.

Mears stated they have discussed that with the applicant but it is not an option.

Fredette expressed concern of the left-hand turning lane design, in regards for public safety concern.

Keiser stated having visited surrounding car washes on nice days, 20 cars there would be generous, in his opinion a 28 car holding period is a lot and would be doing very well if they had that much business, this design

of car wash would keep the cars moving. He stated the Planning Board would look at the traffic study and impact, the property next door can make a left hand turn. PB would address traffic flow.

Fredette stated he reviewed the recent Planning Board meeting where there was discussion of the new Firestone business and issues with the doors being left open, Mr. Francoeur mentioned there being no residential abutters, but think the back corner might be.

Mears stated there is no direct residential abutters.

Fredette inquired what the City's concern of the buffer was and if that would be at this level.

Mears stated that a natural buffer between properties this item could be addressed through ZBA but more typical through Planning Board.

Continued discussion of buffers between properties.

Keiser stated he feels the specifics of the buffer should be determined by the Planning Board. He stated he would be voting in favor of this and feel that all of the Special Exception criteria has been met.

MOTION: Fredette stated after review of the application, the file and all the information presented to the Board, I feel that all the Special Exception Criteria have been satisfied because of reasons discussed and I move that the request of A3H Holdings LLC for a Special Exception from Table 4.A.5 to allow a Motor Vehicle Service (Car Wash) on a property located at 436 High Street be **GRANTED**.

The **MOTION** is **SECONDED** by Perkins. **The MOTION CARRIES by 4-0.**

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

No other business.

Brooks **MOVED** to **ADJOURN** the meeting.

Perkins seconded the Motion.

The **MOTION CARRIED** 4-0 at 7:29 PM.

Respectfully Submitted,

Dana Crossley, Planning Secretary