

SOMERSWORTH ZONING BOARD OF ADJUSTMENTS
MINUTES OF MEETING
October 5, 2022

MEMBERS PRESENT: Richard Brooks, Keith Perkins, Matt Keiser Chair, and Brad Fredette, Anthony Jones-Alternate

EXCUSED MEMBERS: Kenneth Vincent and Ken Hilton – Alternate

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

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

Keiser appointed Jones as a full voting member.

1) Approval of the minutes:

Fredette **MOVED** to approve the July 6, 2022 minutes.

Brooks seconded the motion. The **MOTION CARRIED** 5-0

2) OLD BUSINESS

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

3) NEW BUSINESS

A) **Karen Tilson, is seeking a variance from Table 5.A.1 to convert an existing single family residence to a commercial use (office space) without the required frontage or lot size for commercial use on a property located at 441 High Street, in the Residential/Commercial (RC) District, Assessor's Map 42 Lot 04, ZBA#10-2022 PUBLIC HEARING**

Keiser opened the public hearing.

Mears stated the applicant is proposing to utilize the existing structure (single family house) for office space. Commercial uses require a minimum lot size of 40,000 SF and 200' in the Residential Commercial District. The existing lot is 9,006 SF in area and 99.16' of frontage. If approved here, the applicant would be required to at a minimum go through a minor site plan with SRTC, if any waivers from site plan review regulations required it would go to the full Planning Board.

Bob Stowell of Tritech Engineering and **Karen Tilson** were in attendance to represent the application.

Stowell stated the property is located at 441 High Street, has an existing single family residence which has been in place since about 1970s. Things have changed a lot on High Street since then, different traffic volume and demographic. Tilson had opportunity to purchase the property to use with existing Select Cabinetree business located adjacent to this property at 36 Midway Park. Sees this as a good opportunity to expand the business.

Stowell stated they are seeking a variance from the minimum lot size requirements and frontage to allow for commercial use. Stated they have a lot is about a quarter of the current standards and half of the frontage. Stated they are not looking to do a large commercial use but rather a use that is consistent with the size and location of the lot. The house is a little over 1,200 SF, the use of putting a few offices in would be consistent

with the use you'd see with a single-family house. The parking will be with the existing building. There are no exterior improvements proposed and fits well for a transitional from residential to commercial zone. Included in the Board's packet is an existing conditions plan, which shows that the front of the house is 11' from the High Street right of way which would not be viable for a single-family residence. It would more likely end up as a rental property than owner occupied, traffic count has moved from estimated 5,000 tpd to 25,000 tpd with 2 lanes to 5 lanes now. Proposing no exterior improvements and modifications interior for office space. Noted they did fill out the 5 criteria and can answer any questions the Board may have.

Keiser opened for public comment:

Dennis Verge, 34 Midway Park: stated he is hoping the Board will approve this request. She is a great neighbor and would be better off for the community than someone renting the property. They lost some of the front property when they re-did High Street. It would not be a good place for kids or traffic in and out. This request would be good for the community.

No other comments received.

Brooks inquired if the lots were going to be merged.

Stowell stated no they do not intend to revise the lot lines but rather keep as they are now. Are currently separate lots and deeds with separate mortgages, in order to combine them it gets into a lot of financial issues. It is the applicants current desire to keep separate but will be used together.

Keiser stated the intent of the zoning ordinance is meant for density control, how will this fit in with the requirements and not going against those.

Stowell stated they are not proposing any revisions to the existing conditions of the lot and if they were would likely need to come before this Board. As far as abutters for surrounding properties, the office use would be less intrusive than a residential use. Residential uses would use the backyard more, possible install outdoor structures like a pool, cut down trees opposed to an office use, minimal outside use with that. From that standpoint would not degrade abutting residential properties but also achieve transitional zone from residential to commercial.

Keiser inquired if the applicant would be opposed to a condition that limits the commercial use to office.

Stowell stated that would be fine as it is the intent.

Keiser stated hardship and uniqueness is always need to be addressed, can the applicant expand upon that.

Stowell stated the main factor is as a residence it has outlived its useful life, the surrounding area has changed to a point where it would not appropriate as a residence anymore. Based on the ordinance the only other option is to come before the ZBA to see if a variance can be granted for the commercial use on a smaller lot.

Keiser inquired if the applicant sees any negative impact to the City if this was to be granted.

Stowell stated no, thinks it would support an existing business that is doing very well and it would be good to keep an existing business in place as it grows.

Jones inquired how many bedrooms is the existing house and how many offices will they have.

Stowell stated three bedroom now and would be converted to three offices with some common space. But not intended for general public use, is for her staff, client meetings would be at the existing space.

Keiser inquired about internal modifications.

Stowell stated just modernization to the building.

Keiser closed the public hearing.

Regional Impact MOTION: Brook stated I move that the variance request of Karen Tilson **DOES NOT HAVE POTENTIAL FOR REGIONAL IMPACT.**

The MOTION is SECONDED by Perkins. The MOTION CARRIES 5-0.

Fredette stated he is in favor of the request. There have been many structures in that corridor knocked down. The lot will never meet the commercial lot size standards and would expect if remained residential that it would become a rental property over owner occupied. In favor of limiting the approval to just office use.

Perkins stated he agrees with Fredette. Does agree that it should be limited to office use with no public show room. Is in favor.

Brooks stated he also agrees with the statements made. Stated he would not want to see this a house with kids there with no yard on a busy street, with the road being so close it is not consistent with being residential. It would not diminish surrounding properties. Everything around it is developed and would not allow for it to be a larger lot.

Keiser stated he agrees that surrounding property values would not decrease by utilizing this for office use. It would not be contrary to public interest and no negative impact to the City. The property is unique as it is very small in an R/C district, could not build a residential property on the lot based on the requirements. Limiting the use to office would be consistent to the lot size. Does justice for property owner and positive owner for the City. Fits in with the zoning ordinance which creates that corridor as commercial corridor. In favor so long as it is limited clearly to office only.

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 as discussed and presentation and I move that the request of Karen Tilson for a variance from Table 5.A.1 to convert an existing single-family residence to a commercial use without the required frontage or lot size for commercial use **be GRANTED WITH THE FOLLOWING CONDITIONS:**

1. The commercial use shall be limited to professional and business office only.

The MOTION is SECONDED by Fredette. The MOTION CARRIES 5-0.

B) Any other new business that may come before the Board.
None

Fredette **MOVED** to **ADJOURN** the meeting.

Perkins seconded the Motion.

The **MOTION CARRIED** 5-0 at 7:20 PM.

Respectfully Submitted,

Dana Crossley, Planning Secretary