

**SOMERSWORTH ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
AUGUST 2, 2023**

MEMBERS PRESENT: Matt Keiser – Chair, Richard Brooks, Anthony Jones, Keith Perkins

EXCUSED MEMBERS: Ken Hilton, Ken Vincent, Brad Fredette

STAFF PRESENT: Dana Crossley, Planning Technician
Anna Stockman, Planning Secretary

The meeting was called to order at 7:08pm.

Matt Keiser appointed Anthony Jones as a full voting member of the Board.

1) Approval of the minutes:

Brooks MOVED to approve the June 7th, 2023 minutes.

The MOTION was SECONDED by Jones.

The MOTION CARRIED 3-0-1, with Perkins abstaining.

2) OLD BUSINESS

- a. Any old business that may come before the Board.

3) NEW BUSINESS

- a. **EFI Motorsport LLC is seeking a Variance from Table 4.A.5 to allow used automobile sales for a property located at 20 Rescue Lane in the Industrial (I) District, Assessor's Map 58 Lot 6G, ZBA#10-2023. PUBLIC HEARING**

Keiser opened the public hearing.

Keiser stated that due to the total number of Board members present, four, the applicant has the choice to continue their application to be heard at the September 6th meeting when there would hopefully be five members present.

Marc Swanson, the applicant and owner of EFI Motorsport LLC, was in attendance to represent the application. He indicated he would like the Board to proceed with considering his application tonight.

Crossley provided an overview of the application. She stated the applicant currently operates a motor vehicle repair garage at the site as well. She noted that if the variance is granted, site plan approval would be required. She said the applicant has addressed the five variance criteria and the application is complete for the Board to take into consideration.

Keiser invited the applicant to the podium to explain why the Board should grant the variance and how the application meets the five variance criteria.

Swanson stated he provides services for a range of on- and off-road vehicles. He stated they service older vehicles and their customer base comes from across the country. He said if they were granted the ability to sell used cars on the lot, there would not be a high volume of cars in the lot at any one time. He said they are a unique business because their business does not require road frontage like used car dealerships because most of their business would be sourced from the company's website.

Keiser asked the applicant to provide the Board with an overview of his responses to the five variance criteria.

Swanson provided a summary of his responses to the variance criteria, including that the project would not negatively impact the property values of neighboring properties nor cause any additional traffic in the area.

Keiser asked if any members of the public wanted to speak either for or against the application. There were no comments.

Jones addressed the applicant's response to the third variance criteria question and asked the applicant to explain what is unique about the property that they feel they need motor vehicle sales to make productive use of the land. He further asked if a neighboring business were to apply for a variance of the same nature, what would separate EFI Motorsport LLC's application from their application.

He stated that EFI Motorsport LLC has an existing relationship to sell a variety of vehicles. He said they do not require a high traffic volume to sell vehicles and they are a niche business when it comes to the line of automobiles that they service.

Brooks noted the State requirements the applicant would need to meet to become a used car dealer. He asked the applicant for a rough estimate of the number of cars that the business would circulate in a given year.

Swanson stated the business typically sells between twenty-to-twenty-five cars a year. He said they have submitted their application to the State but were not able to move forward because the use is not permitted in the Industrial District.

Keiser asked the applicant if the Board were to limit them on the number of cars they could have parked on the lot for sale, what a good number would be.

Swanson stated between five-to-ten cars on average.

Keiser asked whether the used car dealership license would lower the property values of neighboring properties.

Swanson stated he sees no reason it would. He said there is no local advertising about it so it would be largely unknown to the community that the business is located there.

Keiser asked the applicant whether the application would impact the character of the neighborhood.

Swanson responded no; the property is located in a secluded area on a private way. He stated he appreciates the Board's time.

Keiser closed the public hearing.

Regional Impact

Perkins MOVED that the variance request of EFI Motorsport LLC DOES NOT HAVE POTENTIAL FOR REGIONAL IMPACT.

The MOTION was SECONDED by Brooks.

The MOTION CARRIED 4-0-0.

Discussion:

Brooks stated the location is very secluded, which makes the application unique. He said he doesn't see the impacts on neighbors or the surrounding area to be a problem. He pointed out that if the site were located closer to Route 108, the proposed use of used automobile sales would be allowed.

Keiser stated that according to the definition of the Industrial Zone in the Zoning Ordinance, it implies the proposed use meets the spirit of the ordinance.

Jones pointed out that cars are already onsite due to the motor vehicle repair business the applicant operates.

Brooks stated his intent to approve the variance request due to the site's close proximity to the Commercial Industrial (CI) Zone, where the use is permitted. He reiterated the lot is secluded.

MOTION: Brooks stated that the five variance criteria have been satisfied due to the following reasons:

1. The subject property is located in close proximity to the Commercial/Industrial (CI) Zone, where the proposed use is permitted;
2. The subject property is uniquely situated in an isolated location away from the road.

And MOVED the request of EFI Motorsport LLC for a Variance from Table 4.A.5 to allow used automobile sales for a property located at 20 Rescue Lane be **GRANTED WITH THE FOLLOWING CONDITIONS:**

1. There shall be no more than twelve cars displayed at any one time onsite;
2. That used automobile sales are an accessory use to the primary use of motor vehicle repair.

The MOTION was SECONDED by Jones.

Discussion:

Crossley reminded the Board that the site will require site plan approval from the Planning Board. Crossley suggested that the Board reference used automobile sales as an accessory use to the primary use, motor vehicle repair.

Jones asked how they would make sure it is an accessory use because most dealerships have motor vehicle repair shops.

Crossley pointed out that if a new dealership were coming in, they would be required to sell primarily new cars. She clarified that the applicant is seeking a variance to allow the sale of used cars.

The MOTION CARRIED 4-0-0.

- b. Any other new business that may come before the Board.
None.

MOTION: Brooks MOVED to adjourn the meeting.

The MOTION was SECONDED by Perkins.

The MOTION CARRIED 4-0-0.

The meeting was adjourned at 7:40pm.

Respectfully submitted,

Anna Stockman
Planning Secretary