

**SOMERSWORTH ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
JANUARY 3, 2024**

MEMBERS PRESENT: Matt Keiser – Chair, Richard Brooks, Keith Perkins, Brad Fredette, and Ken Vincent

EXCUSED MEMBERS: Ken Hilton and Anthony Jones

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

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

- 1) **Approval of the minutes:**
Fredette MOVED to approve the December 6, 2023 minutes.
The MOTION was SECONDED by Perkins.
The MOTION CARRIED 4-0-1, with Vincent abstaining.
- 2) **OLD BUSINESS**
 - a. Any old business that may come before the Board.
- 3) **NEW BUSINESS**
 - a. **Jaime Aldebot is seeking a Special Exception from Table 4.A.5 to allow Motor Vehicle Services (indoor car detailing business) on a property located at 497 High Street, in the Residential/Commercial (R/C) District, Assessor’s Map 40 Lot 53, Condo Map 90 Lot 53C, ZBA#20-2023. PUBLIC HEARING**

Keiser opened the public hearing.

Crossley provided an overview of the application. She noted the ZBA recently heard a variance for the property for a distillery use under Light Industrial use, but that use is not moving forward. She stated the property overall has three condo units onsite and the overall building is 14,000 square feet. She said if the special exception is granted, a level of site plan review would be required, whether just through planning staff, Site Review Technical Committee (SRTC), or the Planning Board contingent upon the regulations. She provided information regarding the Zoning Ordinance and definitions for the use. She noted at the original development on the site, the applicant had received a special exception to allow for the construction of an automobile service facility, and the previous use and proposed use are defined differently today. Therefore, she said the applicant must seek a special exception for their application.

Brooks asked for clarification on the reasoning behind why an applicant would need to seek a new special exception for a similar, previously approved use.

Crossley noted the former use was considered an automobile service facility which was determined would be considered a different use than the proposed use, as the term is defined differently now in the City’s Zoning Ordinance. She further noted the former special exception had been deserted for more than two years, therefore, the use needs to be reestablished.

Vincent asked for clarification on the proposal regarding the muffler repair shop on the property that operates a similar use to the proposed use.

Crossley stated Monro Muffler & Brake is separate ownership and a separate unit.

Keiser noted the variance granted to Monro Muffler & Brake was only for that space.

Jaime Aldebot, the business owner of Seacoast Auto Detailing, was in attendance to represent the application. He provided an overview of his responses to the seven special exception criteria. He noted the site already has an oil water separator and he said they would not work with any chemicals, and would only use soap and water. He referenced parking and said there are twenty (20) parking spaces on the left side of the building that are sharable with AT&T. He said the business offers its services by appointment only and there will be a maximum of four vehicles on the site at any one time. He noted there is more parking available in the rear of the building. He said the building has everything set up to run a car detailing business. He noted they would only be working in two of the three garage bays onsite; the other bay would be a showroom for polishing. He said the work they would be doing would not disrupt abutting properties with noise as they would be working with a pressure washer and polishing machines.

Crossley read a statement submitted by the City of Dover's Office of City Manager.

Dear Chairman Keiser and Members of the Board:

I write on behalf of the City of Dover, with respect to a special exception currently being sought to allow an indoor car detailing business to be approved at 497 High Street in Somersworth, in close proximity to Willand Pond.

As you probably know, Willand Pond serves as an aquifer recharge source for two City of Dover public water supply wells. Willand Pond has experienced significant nutrient eutrophication events recently that have resulted in cyanobacteria blooms and reports of "fish kills". As such, there is an acute sensitivity to any possible manmade contaminants or nutrients reaching the water body. There is also concern regarding some (or even many) products used in the car care profession, which can contain various contaminants, including PFAS.

While Dover is not necessarily opposed to the business or special exception, the City would request that a condition be added to any approval prohibiting external cleaning operations or external use of cleaning products. Further, Dover requests that the Somersworth Planning Board and/or Technical Review Committee (or both) review and consider the potential of any stormwater (and process wastewater) impacts, so as to minimize environmental harm and avert or minimize contaminants or nutrients from reaching nearby Willand Pond.

Thank you for consideration of these comments and concerns.

Sincerely,

J. Michael Joyal, Jr.
City Manager

There was no additional correspondence or comments received.

Fredette asked whether the applicant could provide their comment to the City of Dover's requests regarding whether they will be washing cars outside.

Aldebot stated the business would not wash vehicles outside, and noted there is already a drain on the interior of the building. He noted the water oil separator would be inspected prior to opening.

Keiser asked whether the business will involve any work beyond vehicle washing and polishing.

Aldebot stated vehicle washing and polishing is all they do. He noted the only time a car is outside is if it's waiting to be worked on or waiting to be picked up by a customer.

Brooks asked about the average number of cars the applicant washes and/or details in a day. He asked whether there would be any long-term storage of vehicles at the site.

Aldebot stated as a mobile detailer, he details two cars a day. He said each car takes between three and four hours depending on their needed services. He said onsite, he would most likely detail between three (3) and four (4) cars a day depending on the number of employees he has. He noted he would like to offer a loaner vehicle to customers waiting for their vehicles to be serviced. He said there will be no storage of vehicles onsite, and all customers would be serviced within a day.

Keiser asked whether the applicant anticipates keeping any unregistered or uninspected vehicles onsite.

Aldebot stated there would not be any.

Keiser asked whether the parking restrictions would be taken care of by the Planning Board or SRTC.

Crossley stated the proposal may require a parking waiver which would need to be considered by the Planning Board. She noted the intensity of the use would be discussed with Director Mears.

Aldebot stated he is an entrepreneur and he has owned his business for seven years and lived in Somersworth for four years. He said he appreciates the Board's consideration.

Keiser closed the public hearing.

Regional Impact:

MOTION: Fredette MOVED that the special exception request of Jaime Aldebot **DOES NOT HAVE POTENTIAL FOR REGIONAL IMPACT.**

The MOTION was SECONDED by Perkins.

Motion carries 5-0-0.

Fredette stated he is in favor of the proposed use and he thinks he has fulfilled all of the criteria. He noted the importance of including the conditions the City of Dover is requesting.

Brooks stated he agrees with Fredette and said the proposal seems to be a low intensity business. He said the only real concern is possible runoff from washing cars but the applicant is well equipped as they will conduct all washing inside and they will use a water and oil separator.

Keiser stated he thinks the application meets the seven criteria for a special exception. He suggested the Board add a condition of approval that all motor vehicle work is done inside.

MOTION: Fredette MOVED that the request of Jaime Aldebot for a Special Exception from Table 4.A.5 to allow Motor Vehicle Services (indoor car detailing business) on a property located at 497 High Street be **GRANTED WITH THE FOLLOWING CONDITIONS:**

1. All motor vehicle service work shall be contained within the building and shall not be done in the parking lot, this shall include the washing of cars.

The MOTION was SECONDED by Vincent.

The MOTION CARRIED 5-0-0.

- b. **Harvey Signs, Inc/Richard Harvey is seeking a Variance from Section 19.20.D.4.a and 19.20.D.4.e.i to allow for an additional 24.78 square feet of freestanding sign area and 19.20.D.4.e.v. to allow two (2) freestanding signs on a property located at 192 Route 108, in the Commercial/Industrial (C/I) District, Assessor's Map 62 Lot 05, ZBA#21-2023. PUBLIC HEARING**

Keiser opened the public hearing.

Crossley stated the applicant is seeking to install two freestanding signs where only one is allowed per lot. She said one sign is 32.3 square feet, which is noted as the monument freestanding sign. She said a second freestanding sign that is 33.89 square feet is the pylon sign, for a total of 66.19 square feet of freestanding signage. She noted the total signage allowance based off of the Sign Ordinance is to have a base allowance of 150 square feet. She further noted the Sign Ordinance indicates that additional area that is permissible based on the setback of the building is intended only for wall signage and shall not be used for freestanding signs. She said based on the total package the applicant is seeking for signage, it is more than the allowable area which is one hundred and ninety-five (195) square feet. She said the applicant is seeking the variance to allow for additional signage and two freestanding. She noted in 2022, the property owner had their site plan approved for an automobile sales facility.

Vincent asked for clarification on whether the Planning Office is working on revisions to the Sign Ordinance.

Crossley responded Planning staff are revising the Sign Ordinance, and noted it is a lengthy process.

Vincent noted the Sign Ordinance would benefit from being updated and he encouraged other Board members to approach the application with an open mind. He noted a recent variance that was granted to MB Tractor regarding signage.

Kyle Harvey of Harvey Signs was present to represent the application. He stated they are seeking additional square footage for freestanding signs. He said the additional signage wouldn't diminish surrounding property values nor be contrary to public interest. He said the dealership is required to advertise all four of the car brands and as it shows, the site will have Chrysler, Dodge, Jeep, and Ram. He noted the signs are premanufactured for all the dealerships nationally, and to customize them and decrease their size would be a lengthy process and a large expense. He said the extra freestanding sign would be for Jeep. He noted the two freestanding signs do not have planters surrounding them which supports the additional display of vehicle inventory. He said that approving the variance contributes to the growth of an established and successful business that services the community and the acceptance protects and fosters local businesses.

There was no correspondence or comments received.

Keiser asked for clarification on whether the Dodge dealership is moving across the street and whether the Subaru is staying in its current location.

Harvey responded yes; the Dodge will be combined with the other brands in one building.

Crossley stated that Subaru is staying in their current location.

Keiser asked about the distance between the two proposed freestanding signs.

Fredette stated the total length of the building is one hundred and ninety-four (194) feet from end to end.

Vincent asked whether the signs are professional looking and low profile. He asked if they would be internally lit and overall, if they would look like they belong in the Commercial/Industrial District.

Harvey stated the signs look professional, and noted Harvey Signs recently installed the same signage at a dealership in Maine. He noted the signs would be internally lit and the Jeep sign would be backlit with stainless steel on the front and LED lights shining in the back.

Brooks asked whether the dealership in Maine has a separate Jeep sign, and if dealerships ever put the four vehicle brands on the same sign.

Harvey stated Jeep tends to have its own sign, whether for freestanding signs or wall signs.

Brooks stated the question is whether there is a hardship in having a smaller sign.

Harvey stated all dealerships have the same signage. He said if they had to design a custom sign, that would be expensive and the brands are trying to be consistent across all dealerships. He noted this is the smallest version of the Jeep sign.

Keiser closed the public hearing.

Regional Impact:

MOTION: Fredette MOVED that the signage variance request of Harvey Signs, Inc./Richard Harvey **DOES NOT HAVE POTENTIAL FOR REGIONAL IMPACT.**

The MOTION was SECONDED by Vincent.

Motion carries 5-0-0.

Vincent made the point that sign ordinances were put into place to minimize impacts to neighboring residences and he noted the subject property is located in the Commercial/Industrial District, with no close proximity to residences. He noted potential future changes in the City's Sign Ordinance. He expressed his support for the proposal.

Fredette noted the Board is legally bound to make their decisions based on the five criteria in the Ordinance. He noted it is certainly an inconvenience for a company to have to redesign a sign. He noted the Nissan dealership made a solid argument on their hardship and that he does not see the hardship in this application. He said he can't see where the proposal can't be fitted to comply with the City's Zoning Ordinance.

Keiser stated his agreement with Fredette. He clarified the definition of the hardship criteria. He stated he would like the Board to ponder the property size, which is 9.4 acres. He noted the minimum lot size for a Commercial/Industrial (C/I) property is 40,000 square feet, and this property is nine times the minimum size required for a project in the C/I District. He said the minimum frontage for a C/I project is 200 feet and this property has 695 feet of frontage. He pointed out that this property could be broken up into three different parcels and have three signs on it if were separate parcels. He noted the Zoning Ordinance could create an

unnecessary hardship for the applicant because it only allows one sign. He stated a potential condition of approval being to put a restriction on the ability to subdivide the lot.

Vincent stated his agreement with Keiser and pointed out the large size of the property.

Brooks referenced when Velcro had been before the ZBA. He noted that the bigger building and further setback from the road makes the property unique.

Perkins stated he is in agreement with Keiser. He noted the building is almost as wide as the minimum setback for the area. He said he thinks the signs look small compared to the size of the building.

Fredette asked about details of the sign variance granted to the Nissan dealership.

Crossley provided information on the square footage that was permitted through the variance granted to Nissan.

MOTION: Vincent MOVED that the request of Harvey Signs, Inc/Richard Harvey for a Variance from Section 19.20.D.4.a and 19.20.D.4.e.i to allow for an additional 24.78 SF of freestanding sign area and 19.20.D.4.e.v. to allow two (2) freestanding signs on a property located at 192 Route 108 be GRANTED.

The MOTION was SECONDED by Perkins.

The MOTION CARRIED 3-2-0 with Fredette and Brooks opposing.

c. Any other new business that may come before the Board.
No new business.

Crossley reminded members of the Mayor's Inauguration that will be held on January 4th which all land use board members are invited to attend.

Fredette asked whether Director Mears had approved the revision of the July 2024 meeting date so as to not conflict with the July 4th holiday.

Crossley stated due to scheduling conflicts with the July Conservation Commission meeting, July 11th would be an alternative meeting date for ZBA if that is an accommodating date for members. She stated if that date works for members, the meeting schedule will be updated and shared with the Board.

MOTION: Brooks MOVED to ADJOURN the meeting.

The MOTION was SECONDED by Vincent.

The MOTION CARRIED 5-0-0.

The meeting was adjourned at 7:58pm.

Respectfully submitted,

Anna Stockman
Planning Secretary