



**Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Tuesday, May 22, 2018 at 6:30pm
Town Hall, 231 Atlantic Avenue
North Hampton, NH 03862**

These Minutes were prepared as a reasonable summary of the essential content of the Meeting, not as a transcription. All exhibits mentioned, or incorporated by reference, in these Minutes are a part of the official Case Record and available for inspection at the Town Offices.

In attendance: Mark Janos, Vice Chair; Members Jonathan Pinette and David Buchanan; Alternate Member Bill Clifford; and Recording Secretary Rick Milner.

I. Preliminary Matters.

Vice Chair Janos called the meeting to order at 6:35 pm.

Mr. Clifford was seated for Mr. Bernardo.

Mr. Janos presented the minutes of the March 27, 2018 meeting.

Mr. Pinette moved that the ZBA accept the minutes of the March 27, 2018 meeting as written. Second by Mr. Buchanan. The vote was 3-0-1 in favor of the motion with Mr. Clifford abstaining.

II. New Business.

A. Case #18:02 – Applicant: Margaret E. Fucci, 180 Lafayette Road, North Hampton, NH 03862. The Applicant requests a variance from Section 406.8 of the Town of North Hampton Zoning Ordinance to allow a residential use prohibited by the zoning ordinance. Property Owners: Margaret E. Fucci Revocable Trust of 2016, 180 Lafayette Road, North Hampton, NH 03862 and Christopher C. Fucci, 230 West Street, Rutland, VT 05701; Property Location: 180 Lafayette Road; M/L: 017-086-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Margaret Fucci, applicant; James Noulas, attorney for the applicant.

Mr. Janos announced that the Board consisted of only four members. He offered the applicant the option of postponing the case until a later date when a full five member Board was present or proceeding with the case at the present time.

Attorney James Noulas stated that applicant Margaret Fucci wished to proceed with the case at the present time. All potential witnesses for Case #18:02 were sworn in.

Mr. Noulas presented a site plan for the 180 Lafayette Road commercial site and a floor plan for the current office building which the applicant wished to convert to an office and residential use. The floor plan indicated a conversion of the second floor space into a bedroom, bathroom, and den for the residential use. The first floor kitchen and one office area on the first floor will be separated from the other first floor office areas by a fire-rated wall and added to the residential use. The proposed residential space is intended for use as a living area only for property manager employed by the

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business and possibly one other person, such as a spouse. The proposed residential use will be accessory to the business activity at the location and occur only within the single building noted in the application. No other units on the site will be used for residential purposes. Mr. Noucas further explained that this type of mixed use living arrangement is a current trend in the self-storage business and is common throughout New Hampshire. Mr. Noucas showed pictures of similar mixed use situations in other communities.

There will be no changes to the site except for the addition of a second floor egress along the outside of the building as mandated by fire codes. Adequate parking space for the residential use (2 parking spaces required by site plan regulations) is already available. There is also space available on the site for additional parking to be added if necessary.

Mr. Noucas stated the following reasons for having a property manager living on site:

- a. The storage business could allow access to the site for customers after the normal 6:00am to 10:00pm business hours.
- b. Safety, security, and maintenance issues can be handled more efficiently.

Mr. Noucas addressed the five criteria for granting a variance identified in the State of NH RSA's.

1. The public interest will be served by the granting of the variance in that another layer of security for the property will be added, potentially limiting or curtailing police patrols. Off hour safety issues, such as fires, could be more quickly addressed.

2. The spirit of the ordinance is observed in that the proposed use requested in the application does not take away or diminish any of the limited space for commercial or industrial uses which Section 406.8 of the zoning ordinance was intended to protect. The second floor vacant space within an existing building creates no adverse impact on available commercial space.

3. Substantial justice will be done by the granting of the variance in that a good job and affordable housing will be created by the proposed use.

4. The values of surrounding properties will not be diminished in that there will be no expansion of the building footprint. The presence of a 24/7 caretaker will decrease the possibility of litter and clutter on the property. Neighboring property values should only be enhanced by this situation.

5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship in that the burden on police and fire personnel to prevent crime and detect fires on the site would not be reduced. Extra time would be needed to access the site during off hour emergencies. This property is unique in that it encompasses more than 11 acres with 14 buildings, 15 independent businesses, and 336 self-storage units. The property is a self-contained, campus-style village which warrants a caretaker who can live on site to provide a higher level of safety, security, and maintenance.

Mr. Pinette asked if the septic system was adequate for the proposed residential use.

Mr. Noucas stated that the proposed residential use would not overload the capability of the septic system.

Mr. Milner referenced a letter from the Building Inspector which indicated that the septic system could handle the increased usage created by the proposed residential use.

Mr. Pinette asked for confirmation from the applicant that the proposed residential space would only be used by the property manager employee. The residential space would not be used in any other way as a source of rental income for the property owner.

Mr. Nocas confirmed that the proposed residential use is an accessory use to the current business. The proposed residential space would only be occupied by the property manager employee.

Mr. Clifford asked if any local resident concerns had been raised regarding the proposed 24/7 business operations, such as increased noise.

Mr. Nocas stated that he was not aware of any concerns regarding the proposed 24/7 business operations. The current business operations are located a good distance away from neighbors with adequate screening. The access road to the property serves only the property itself. No traffic goes through abutting neighborhoods.

Mr. Janos asked the applicant to compare the proposed 24/7 on-site property manager situation to the current business operations.

Mr. Nocas stated that having a property manager monitoring the site would be a safer and more secure situation as detailed in the five variance criteria reasoning.

Mr. Janos asked for public comments. No comments were made. Mr. Janos closed the public hearing at 7:01pm. Mr. Janos suggested that the Board consider the application.

Mr. Pinette stated that, due to the nature of the current business on the site, the proposed residential use is warranted with the restriction that the living area only be used by the property manager employee and one other person.

Mr. Buchanan stated that he was in favor of granting the variance request.

Mr. Clifford agreed with Mr. Pinette's and Mr. Buchanan's comments.

Mr. Pinette moved that the Zoning Board of Adjustment grant a variance from Section 406.8 of the Town of North Hampton Zoning Ordinance to allow a residential use prohibited by the zoning ordinance for property located at 180 Lafayette Road as represented in the application presented to the Board subject to the following conditions:

1. The residential use within the office building, which shall be accessory to the business use, as detailed in the application presented to the Board, shall be used as a living area only for the property manager to be employed by the current business and one other person.

2. The business, tenant, and accessory residential use detailed in the application is the only business, tenant, and accessory residential use to be allowed within the mixed use building at this location. In the event that there is a change of business, tenant, and/or use, the property owner is required to apply to the Zoning Board of Adjustment for relief from the provisions of the Town of North Hampton Zoning Ordinance.

3. All federal, state, and local permits and approvals are obtained by the applicant.

143 **Second by Mr. Buchanan. The vote was unanimous in favor of the motion (4-0).**

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145 **Mr. Pinette moved to adjourn the meeting at 7:08pm. Second by Mr. Buchanan. The vote was**
146 **unanimous in favor of the motion (4-0).**

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148 Respectfully submitted,

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152 Rick Milner

153 Recording Secretary