

**MINUTES OF THE MEETING
LEE ZONING BOARD OF ADJUSTMENT
Wednesday, February 8, 2017
7:00 PM**

MEMBERS PRESENT: Jim Banks, Chairman; John Hutton; Philip Sanborn (non-voting); Frank Reinhold, Alternate; Don Quigley, Alternate & Peter Hoyt, Alternate.

OTHERS PRESENT: Scott Frankiewicz, Brown Engineering; Mark & Melissa Murphy; Bill Booth, Building Inspector and Caren Rossi, Planning/Zoning Administrator.

An application for Variance(s) of the 2016 Lee Zoning Ordinance from The 201 Highland LLC, 679 1st NH Turnpike, Northwood NH 03261 for vacant property located at 46 & 52 Calef Highway, Lee NH, owned by Cedar Swamp Group and is known as Lee Tax Map #04-03-0000 & #04-03-0200 for the following;

1. A variance from Article VI; Section- C.2 Density: To allow total impervious coverage of approximately 41.4% (+/-) where 25% is allowed.
2. A variance from Article VI; Section- C.3 Setback:
 - a) To allow at the closest point, a structure, fire cistern setback from the Highway Right-of-Way of approximately 5 feet (+/-) where 125 feet is required, as shown on submitted plan by Brown Engineering;
 - b) To allow a side yard setbacks of no closer than 19.9 feet (+/-) where 50 feet from a commercial lot is required, as shown on submitted plan by Brown Engineering.

Caren Rossi explained that since the applicant has made application, the owner of the properties has merged them so it is now just one lot.

Scott Frankiewicz explained the proposal to the Board. He explained that they have meet with the fire chief and this is the location he would like the cistern to be. This way he can easily use it for other properties in town. He explained that they will be constructing 4 -16,000 sq. ft. storage buildings. They are all metal, drive-up self-storage. They will be grouped together to minimize lot impact. They will be able to meet the wet soils

setbacks. This also helps with it being economically feasible. The closest points are what has been requested. The front setback request is for a cistern. The others are for pavement.

Jim Banks, Chairman asked where the water runoff will go?

Scott Frankiewicz replied that he believes on the Market Basket far corner but they have not completed this study yet but will do that for the planning board.

Jim Banks, Chairman asked what the approximate grade will be as it slopes up in the back now.

Mark Murphy explained that he'd like to get it close to street level.

Frank Reinhold asked what types of buildings they will be?

Mark Murphy replied metal, drive-up self-storage, inside will be climate control. Very similar to his property at exit 5 in Londonderry.

Jim Banks, Chairman opened up the floor for public comment.

Mark Murphy spoke in favor of the application. He felt it was in line with all the other properties in the area. They have pulled it towards the front for the least impact on the wet soils, they will be using the space the most efficiently while remaining economically feasible.

Floor closed.

Jim Banks, Chairman asked if they would be able to store large boats and cars?

Mark Murphy replied no.

John Hutton asked for clarification as to why they are proposing to build so close to the road?

Scott Frankiewicz replied so they can avoid any impact to the wet soils in the back of the lot and the neighboring lot.

Peter Hoyt made a motion to combine all the request into one.
John Hutton second.

Vote: all, motion carried.

The Board determined the Following Findings of Fact.

PRELIMINARY FINDING

After reviewing the petition and having heard the presentation by the applicant, the Board finds that it does not have sufficient information upon which to render a decision. The public hearing will be postponed until _____.

There is sufficient information before the Board to proceed. **Yes all**

FINDINGS

After reviewing the petition and considering all of the evidence as well as the Board members' personal knowledge of the property in question, the Board makes the following determinations pursuant to RSA 674:33. The Board has checked each statement that applies.

- 1) Granting the Variance will not be contrary to the public interest. Yes majority
- 2) Granting the variance would be consistent with the spirit of the ordinance. Yes majority
- 3) In granting the variance, substantial justice is done. Yes majority
- 4) In granting the variance, the values of surrounding properties are Yes majority not diminished.
- 5) Literal enforcement of the provisions of the ordinance would result (A)Yes majority in an unnecessary hardship to applicant.

A) To find that an "unnecessary hardship" exists, the Board must find:

- **There are special conditions on the subject property that distinguish it from other properties in the area; *and***
- No fair and substantial relationship exists between the purpose of the ordinance and its application to the property in question.

Peter Hoyt made a motion to grant the requests for Variance(s) of the 2016 Lee Zoning Ordinance from The 201 Highland LLC, 679 1st NH Turnpike, Northwood NH 03261 for vacant property located at 46 & 52 Calef Highway, Lee NH, owned by Cedar Swamp Group and is known as Lee Tax Map#04-03-0000 & #04-03-0200 for the following;

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Frank Reinhold second.
Vote: all, motion carried

Jim Banks, Chairman explained the 30-day appeal process.

MINUTES TRANSCRIBED BY:

Caren Rossi, Planning & Zoning Administrator

MINUTES APPROVED BY:

Jim Banks, Chairman

John Hutton

Don Quigley, Alternate

Peter Hoyt, Alternate

Frank Reinhold, Alternate

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