

ZONING BOARD OF ADJUSTMENT  
268B MAMMOTH ROAD  
LONDONDERRY, NH 03053

DATE: APRIL 17, 2013

CASE NO.: 4/17/2013-1

APPLICANT: VASILIOS AND GEORGIA PALASKAS  
605 SUMMER STREET  
MANCHESTER, NH 03101

LOCATION: 203 ROCKINGHAM ROAD; 15-69; C-II; WITHIN THE RT. 28  
PERFORMANCE OVERLAY DISTRICT

BOARD MEMBERS PRESENT: JIM SMITH, CHAIR  
LARRY O’SULLIVAN, VOTING MEMBER  
JAY HOOLEY, VOTING MEMBER  
JAMES TOTTEN, VOTING ALTERNATE  
NEIL DUNN, CLERK

ALSO PRESENT: RICHARD CANUEL, SENIOR BUILDING INSPECTOR/ZONING  
ADMINISTRATOR  
JIM BUTLER, TOWN COUNCIL LIAISON

REQUEST: VARIANCE TO ALLOW TWO 40-FOOT STORAGE TRAILERS IN THE C-II ZONE  
WHERE A MAXIMUM 20-FOOT LENGTH IS ALLOWED AND TO PERMIT THE  
TRAILERS TO REMAIN ON THE PROPERTY BEYOND THE MAXIMUM 90  
DAYS AS RESTRICTED BY SECTION 2.4.2.11.

PRESENTATION: The Clerk read Case No. 4/17/2013-1 into the record with no previous cases listed.

JAMES SMITH: And do you want to give us your name for the record, please?

RONALD COTE: My name is Ronald Cote. I own Cote Electric, Manchester, NH. I am the representative for the Palaskas’. Basically, to give you some background, I’m an electrical contractor in the city of Manchester. I’ve been there for 26 years. I occupy my business in a business building that is in a residential neighborhood. It is what they call a “nonconforming business” in a residential neighborhood of which I had to apply for a variance years ago. I’ve been there since and we have outgrown the building. The City has actually asked me to consider relocating because I’ve got storage overtaking the bounds of my parking. So I’ve been searching for the last two years, found a place in Bedford. Went to several banks and credit’s good, money’s good, but unfortunately, the debt to income ratio’s no good. They said ‘You need to sell your building and we’ll do it for you.’ Went to another bank, same answer. So I went to the owner of that place in Bedford. Said, you know, ‘Do you mind if I do a rent to own agreement with you so I can get in,’ and then he said no, so that deal went

45 **[NOTE: DISREGARD "DRAFT" WATERMARK; DOCUMENT RECOVERED AFTER COMPUTER FAILURE]**

46 down. My building has been on the market for 14 months now and every person that walks in to buy it,  
47 because it is a business, once they find out they need a variance, people don't like to sit three hours in a  
48 variance meeting, so they decline and I've not been able to sell it. I've since gone to the City of Manchester  
49 and said 'What can I do?' They've advised me that to make it into a duplex of two three-bedroom apartments,  
50 thus complying with the residential neighborhood. I thought it was a great idea. I went to the bank, they said  
51 'Yup, great idea. Then if you've got two leases, your debt to income ratio is going to be perfect. We'll give you  
52 the loan to wherever you want to go.' Now, fast forward, my realtor finds a place in Londonderry, this place at  
53 248 [sic] Rockingham Road. It's currently a residence in a C-II area. To give you familiarity with it, it's between  
54 Dunkin' Donuts and the carwash which is seen in that picture there [see Exhibit "A"]. What I need to do...what  
55 I want to do is I want to tear this building down, build a brand new building and have a nice commercial  
56 building in a commercial C-II zone. What I need to do is I need to move into there as-is, so that I can finish the  
57 building in Manchester, make it two three-bedroom apartments, giving me the credibility with the bank  
58 to get my debt to income ratio up, which would then allow me then to tear this and do what I want to do,  
59 which is to tear it down and put a new building in. So the issue here is what does an electrical contractor do  
60 that wants to move into a house with a long garage? This house would serve fine for the offices. The garage  
61 would serve fine for the workshop of...we are electrical contractors with 50% of our business the sale and  
62 installation and maintenance of generators. The only drawback with this property is storage of my generators,  
63 storage of my parts, storage of pipe conduit. Nobody wants to have conduit racks out in the open and I  
64 understand that. So what I was looking to do is, aesthetically pleasing as possible, put two 40 foot trailers out  
65 there in which to just store my supplies. I show two pictures there [see Exhibit "A"], you will see I'm looking to  
66 do either the two "A"'s or the two "B"'s. Either one and I don't really have a preference. I just figured, as you  
67 can see on the pictures that I showed to you that they would fit within the square of the building, stay tight  
68 to the building. Obviously I would need a five foot setback that's required and not be too imposing on the  
69 property. At the same time, within the three year time frame that I'm looking to do this and build the whole  
70 new...everything, it will allow me to build towards the back, move, and then get rid of the storage and the  
71 house and everything. I'm restricting my personal issues with the bank and the fact that I've got to  
72 make a deal with this other property firm and financial. I can't do both at once, you know, so I've got to be  
73 somewhere to get out of where I'm at to be able to make it apartments. I can't make it apartments when I'm  
74 there, you know? And actually, what we're doing, what we've been doing for the last four or five months is  
75 we've already started on the process in moving half the office that I'm currently in towards one side and we're  
76 already have way done the first set of apartments. But that's the background. And if I were to address the five  
77 issues, the variance will not be contrary to public interest as the desire of the town and myself is to build a  
78 commercial building that complies with the C-II zoning and the Route 28 overlay. Having these two containers  
79 will enable me to occupy this parcel as-is while I complete the renovations to my existing property into two  
80 apartments and then ultimately, when it's financially viable, to be able to make this whole property comply  
81 with the C-II and the Route 28 overlay. Number two, the spirit of the ordinance is observed. By allowing these  
82 containers, I will be able to maintain security for my supplies and not keep them out in the open where it  
83 would be unsightly and it would be essential to operate my business while renovations are being completed.  
84 Substantial justice is done by enabling the owners, Mr. and Mrs. Palaskas, to realize their desire to sell the  
85 property, while at the same time, enabling Mr. Cote, myself, to expand his business, relocate to the town of  
86 Londonderry and eventually enable the town of Londonderry to have this parcel transitioned as they have  
87 desired from the nonconforming residential that it currently is into a C-II commercial building. Number four,

88 the values of the surrounding properties are not diminished. The two containers would be tight to the  
89 building, will not affect currently property values as they will prevent loose electrical material from being

37 **[NOTE: TRANSCRIPT CONTINUED ON NEXT PAGE; DOCUMENT RECOVERED AFTER COMPUTER FAILFURE]**

89 exposed, and eventually the entire property will be razed and a new building built and ultimately enhancing  
90 property values for all around. And the enforcement of the provision of the ordinance would result in  
91 unnecessary hardship as it is necessary to be able to have inventory to run the electrical business, which is my  
92 purpose for the reasonable use. So that's all I have to submit.

93  
94 JAMES SMITH: Okay. Questions from the Board?

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96 JAY HOOLEY: Mr. Chairman, so your intent is this is a temporary situation?

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98 RONALD COTE: Yes. To give you a little bit more background as far as myself and the owner, we are prepared  
99 to sign a two year lease to own agreement, which half my rent will go towards the down payment, half will be  
100 their profit. I have to do this within two years or I forfeit my half and they keep it all. So I am motivated due  
101 to the lease. And I'm willing to date this and say no more than three years. The reason "three" is because I  
102 have the two year agreement with them and I would probably be...in the third year, I would be in the building  
103 process of the new building. So it would probably take me until the end of three years to make it all happen  
104 and get these off.

105  
106 LARRY O'SULLIVAN: And so you have a business in a residential area now.

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108 RONALD COTE: Yeah. I've been 26 years in business.

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110 LARRY O'SULLIVAN: In a residential area.

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112 RONALD COTE: Yes.

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114 LARRY O'SULLIVAN: And you got there by route of a variance?

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116 RONALD COTE: Yes.

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118 LARRY O'SULLIVAN: And so now you want to do the same thing in Londonderry, go the same route, and have  
119 the same problem?

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121 NEIL DUNN: No...

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123 LARRY O'SULLIVAN: Why are you...?

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125 RONALD COTE: What do you mean, 'the same problem'? This...

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127 LARRY O'SULLIVAN: Well, you're in a residential...I'm sorry, I know it's a C-II area...

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129 RONALD COTE: Yeah.

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131 LARRY O'SULLIVAN: ...but you have to get a variance in order to operate your business there, right?  
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133 RONALD COTE: Correct.

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135 LARRY O'SULLIVAN: That's why you're here.

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137 RONALD COTE: Temporarily, yes.

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139 LARRY O'SULLIVAN: Okay. So there's no viable retail or office space, like up in that office park where we just  
140 denied the church? I mean, there's thousands of square feet that are vacant there. Thousands of them. Is it  
141 just unaffordable?

142  
143 RONALD COTE: I'm not aware of the property you're talking about. See, I don't want to lease somewhere. I  
144 would like to purchase something, to own it. I've always owned everywhere I've been and I find that it's more  
145 economically good for the business, I feel. So...and one of my issues was I did look into a few other leases and  
146 everyone's asking for five years.

147  
148 LARRY O'SULLIVAN: And they're not to own.

149  
150 RONALD COTE: And not to own. But just to lease a place to move on and I'm like, wow, to wait five years to  
151 be able to build somewhere just didn't seem...and where this property here, while leasing for the first years, it  
152 actually is building equity towards the down payment. Because, like I said, half of that lease agreement is  
153 going towards a down payment, so I'm actually in the process of buying it the two years I'm leasing it.

154  
155 LARRY O'SULLIVAN: Where you are over there, Mr. Cote, I don't know if you know that area very well or not,  
156 but we've had junk car dealers there come and go.

157  
158 RONALD COTE: Yup.

159  
160 LARRY O'SULLIVAN: We have people who, frankly, make the town look like a pigsty. The last thing we want is  
161 another, allowed use, in that part of the town. So I have to ask, how do you prevent that lot from becoming  
162 40 yards of visible storage trailers from the road...

163  
164 RONALD COTE: Forty yards?

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166 LARRY O'SULLIVAN: Forty feet.

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168 RONALD COTE: Oh, I'm sorry. Okay.

169  
170 LARRY O'SULLIVAN: Sorry, did I say yards?

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172 RONALD COTE: You said "forty yards."

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174 LARRY O'SULLIVAN: I meant feet.

175  
176 RONALD COTE: Yeah.

177  
178 LARRY O'SULLIVAN: And, you know, that's a significant difference from what is allowed in the way of, what is  
179 it? Twenty feet allowed now, or...?  
180

181 RICHARD CANUEL: Twenty foot is the maximum length.  
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183 LARRY O'SULLIVAN: Right. So, I mean, why not four 20's as opposed to two 40's as opposed to...  
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185 JAMES TOTTEN: Neither of them.  
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187 LARRY O'SULLIVAN: ...as opposed to neither and putting up a corrugated hut that we do allow that's fairly in  
188 expensive, that people put up in their backyards? That I don't enjoy.  
189

190 JAMES SMITH: Well, Larry, I think the problem with that, he would have to go through a site plan process.  
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192 LARRY O'SULLIVAN: Is that right?  
193

194 RONALD COTE: Well, I still am told...  
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196 LARRY O'SULLIVAN: He's gonna have to go through it anyway.  
197

198 RONALD COTE: I still have to go through a site plan process with the Planning Board. You know, that's been  
199 made clear to me by speaking with the head of Planning. But she said she couldn't do anything about the  
200 storage issue, that I had to come here. So I was...  
201

202 LARRY O'SULLIVAN: So the idea of this, these storage facilities, these trailers...  
203

204 RONALD COTE: Well, and to give you a little more background, this originally started that I was going for a  
205 variance to move in here because I had gone to Planning Board [sic] and she was on vacation and the two  
206 people that were there said you should go talk to Building. I had spoken with the Building. We came up with,  
207 'Well, if you just get a variance for change of use, put that in with the trailers, you can come here and you can  
208 move in. I applied that way, he [R. Canuel] called me, said 'Time out. Can't do that. I've spoken with her. You  
209 can only just go for the two.' So I thought I was coming for the whole shebang. It's since been decreased to  
210 just the two storage and I have to go through to Planning to be able to get in there. Okay? So, I mean, I  
211 almost didn't even come here. I almost said, 'You know what? Just give me my money back. You know, this is  
212 not what I was told.' I was told to come here to do everything and then that was corrected when she came  
213 back from vacation and said 'No, you've got to do it this way.' So I was misinformed. So I said, well, you know,  
214 I already paid the money, you know, one of the things I need to know is can I have some storage here? And I  
215 didn't know any other options than, you know, storage, you know, then I looked at it and I said ironically, it's  
216 40 feet near that back area is 40 feet. I said, well, if I can put two 40 footers, you'll actually see one, if I  
217 especially did the two "B"'s, you would see one from the street. If I did "B" and "B," not the "A"'s, you would  
218 see one on one side. Coming from one direction on the highway, you wouldn't even know they were there.  
219

220 LARRY O'SULLIVAN: And you'd put up a fence anyway, right?

221  
222 RONALD COTE: Coming from the other side, you would only see one.  
223  
224 NEIL DUNN: Richard, if I...? Are you all set, Larry? Mr. Cote, the existing shed and the...apparently, there are  
225 some other trailers already there?  
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227 RONALD COTE: No, there's no trailers there.  
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229 NEIL DUNN: Oh, okay.  
230  
231 RONALD COTE: There's a house, the garage, and there's a carport.  
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233 NEIL DUNN: Oh, okay. I was looking at...  
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235 RONALD COTE: There's a carport towards the front.  
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237 NEIL DUNN: I was looking at, maybe some stuff from some aerials from prior to that.  
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239 RICHARD CANUEL: Yeah, those are older photos you're looking at.  
240  
241 NEIL DUNN: Oh, okay.  
242  
243 RICHARD CANUEL: Yeah.  
244  
245 NEIL DUNN: I was gonna say, it would look a whole lot better than what we've got there now.  
246  
247 LARRY O'SULLIVAN: Yeah, and we don't see them on this picture.  
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249 RICHARD CANUEL: None of that yard stuff is there now.  
250  
251 NEIL DUNN: Yeah, I was...  
252  
253 RONALD COTE: No, that's all...  
254  
255 LARRY O'SULLIVAN: Okay.  
256  
257 RONALD COTE: That's all cleaned off.  
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259 NEIL DUNN: As opposed to what was there, yeah.  
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261 JAMES SMITH: Yeah, if you go down through to the pictures showing the units and stuff, they show those  
262 things being blanked out.  
263  
264 NEIL DUNN: Oh, is that...? Okay, gotcha. Yeah. Richard, where a variance typically goes for the life of a...

265 LARRY O'SULLIVAN: We can always put a time limit on a variance.

267 NEIL DUNN: Okay. I always ask, double check. It doesn't hurt.

270 RICHARD CANUEL: Yeah, you can always put a sunset restriction on it, sure.

272 NEIL DUNN: I mean, when you look at the property, there's not a whole lot else going on there.

274 JAMES SMITH: He gave a three year time limit that he had to work with.

276 LARRY O'SULLIVAN: And he's going to put on a new building.

278 JAMES SMITH: Right.

280 NEIL DUNN: Yeah.

282 LARRY O'SULLIVAN: That's beautiful in that part of the world. We want more of that.

284 JIM BUTLER: Yeah.

286 JAY HOOLEY: Yeah.

288 LARRY O'SULLIVAN: It may take three years. We hope you get it, Mr. Cote.

290 RONALD COTE: To be honest with you, I'm hoping it takes less than three years. I'm just...I hope to be...

292 LARRY O'SULLIVAN: It's a great location.

294 NEIL DUNN: The economy's picking up.

296 JAY HOOLEY: Richard, how long has this been, is it C-II?

298 NEIL DUNN: C-II in an overlay...

300 LARRY O'SULLIVAN: And it's in the overlay.

302 RONALD COTE: And it's in the overlay.

304 RICHARD CANUEL: Yes.

306 JAY HOOLEY: But how many existing non-conformings do we have out there?

308 RICHARD CANUEL: There are several. There's a lot of existing non-conforming properties out there. Yeah.



309  
310 JAY HOOLEY: I'm just looking across the street. I understand it's slightly dated...  
311  
312 RICHARD CANUEL: Yeah.  
313  
314 JAY HOOLEY: ...but what the ordinance probably had in mind when limiting one 20-footer was not this stretch  
315 of road and everything else that exists there now.  
316  
317 RICHARD CANUEL: Well, the one 20-footer is applicable to the commercial zones, Commercial I, II, and III, so...  
318  
319 JAY HOOLEY: Right.  
320  
321 LARRY O'SULLIVAN: But we have quite a few trailers sitting all over those places. All over both sides of that  
322 road. So...  
323  
324 NEIL DUNN: It wouldn't hurt it much.  
325  
326 JAY HOOLEY: As far as diminishing property values, I don't think you're gonna have any.  
327  
328 NEIL DUNN: Short term. No, short term I mean, it wouldn't...  
329  
330 JAY HOOLEY: And all I'm getting at is that someday, this whole stretch, if everything came into conformance,  
331 this area might look different than it does right now. But given the current state of the area and the number  
332 of existing non-conformings...  
333  
334 JAMES SMITH: Okay, this has all been changed right in there.  
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336 JAY HOOLEY: What about over here?  
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338 JAMES SMITH: Yeah, but this one here.  
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340 JAY HOOLEY: Mm-hmm.  
341  
342 JAMES SMITH: That's been turned into a nice looking setup.  
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344 JAY HOOLEY: Yeah.  
345  
346 JIM BUTLER: What, the real estate...  
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348 JAMES SMITH: Right.  
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350 JIM BUTLER: ...across the street? Yeah.  
351  
352 JAY HOOLEY: Yeah.

353 JAMES SMITH: Yeah.  
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355 JIM BUTLER: Yeah.  
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357  
358 JAMES SMITH: So all those trucks and stuff, they're no longer there.  
359  
360 LARRY O'SULLIVAN: Down further on the street.  
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362 JAY HOOLEY: What? Which one?  
363  
364 [Laughter]  
365  
366 LARRY O'SULLIVAN: Further and further up the street.  
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368 JAMES TOTTEN: If I may? Mr. Chairman?  
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370 JAMES SMITH: Yup.  
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372 JAMES TOTTEN: You're not looking to change the dimensions, the other dimensions, right? Ten feet high and  
373 ten feet wide?  
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375 RONALD COTE: As far as...? I don't understand.  
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377 JAMES TOTTEN: For the storage trailers?  
378  
379 RONALD COTE: No, just a standard...  
380  
381 JAMES TOTTEN: Just the length.  
382  
383 RONALD COTE: ...standard storage. Yeah, the standard storage...down the road, there, Fortin, those  
384 containers? The gray ones? Just...it's just I have a lot of generators and two 20-footers isn't going to do it. At  
385 any one time, I have up to 40 generators.  
386  
387 LARRY O'SULLIVAN: Okay, well then, you're bringing up a topic of safety then. Do we have an issue with  
388 storing them, fuel, the rest of those things?  
389  
390 RONALD COTE: There's no fuel in them. They're brand new. They don't get fueled until we put them out and  
391 pipe them. They're natural gas and LP gas. They get fueled when we pipe them on site at the...these are  
392 brand new in a box. So they're not a bunch of used ones we're fixing or something like that. This is...  
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394 JAMES SMITH: Are these generators typically used for powering a house?  
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396 RONALD COTE: Yes. They're home standbys.

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JAMES SMITH: Emergency power?

RONALD COTE: They're home standbys. Yes. Correct. They'll be in box...I'm a Generac dealer. Generac only. So they're white boxes, two by four Generac boxes put in with a forklift. And we're constantly...last year we installed 300 of them, so we're constantly rotating.

JAMES SMITH: Automatic start and the whole nine yards?

RONALD COTE: Mm-hmm. And that's not all we do. I mean, one of these trailers might be half full with conduit, PVC pipe, you know, plastic. Some of it may go in that big garage, but we've got to have some of that garage for work space.

JAMES SMITH: Okay.

LARRY O'SULLIVAN: So you're not going to be storing any chemicals, gasoline, kerosene, anything flammable in those...

RONALD COTE: No. Not at all.

LARRY O'SULLIVAN: ...trailers>

RONALD COTE: Not at all.

LARRY O'SULLIVAN: Now is that something we can monitor?

RICHARD CANUEL: Yeah, I suppose. Sure. Yeah.

LARRY O'SULLIVAN: I mean...

RICHARD CANUEL: That's tangible. I can...yeah.

JAMES TOTTEN: Do you intend to place them on blocks?

RONALD COTE: Yes.

JAMES TOTTEN: Because there's a lot of different points in 2.4.2.11.

RONALD COTE: Yeah, they have to be on some kind of...either cement, asphalt, or blocks. I intend to put them on blocks with the idea being that the whole place can be renovated all within three years. So I don't want to make more work for myself by putting asphalt or cement into that to pull out in two years. As it is, the Planning Board's already indicated to me that I'm probably going to have to asphalt one whole side of that for parking because it won't be able to stay with the way it is, so...and I understand that. There is added expense that I'm going to absorb just to get in there because of the Planning Board.

441  
442 JAMES SMITH: Any other questions? I'll open it up to the general public. Questions? Support? Opposition?  
443 Hearing none, back to the Board. Okay, we'll take this under advisement and see if we can vote on it.  
444

445 DELIBERATIONS:  
446

447 LARRY O'SULLIVAN: The reason that we had the restrictions to size I think is obvious. So that it doesn't  
448 intrude on your neighbor's viewshed or anything along those lines and the important thing, as far as I'm  
449 concerned, of that is the safety part of it. The reason for 20 feet versus 40 was, I believe they said the intent is  
450 so that there is less area to have trouble with outside. The things that grow around the outside of these  
451 things. You can...the longer the thing is, the further away you get from anybody living there or getting into it  
452 and the next thing you know, you've got bats or something out of there, so that, I thought, was the reason.  
453 But if you're storing all new stuff in there, there should be no reason to have...  
454

455 JAY HOOLEY: If you're...  
456

457 NEIL DUNN: If it's active. Yeah.  
458

459 LARRY O'SULLIVAN: ...to have any...if it's active and it's clean product that's being stored in there, I don't have  
460 any issue with it.  
461

462 JAMES SMITH: It sounds like there's a pretty good turnover of the product, too.  
463

464 LARRY O'SULLIVAN: Yup. I would like to see that turn into a building that's office-oriented and business-  
465 oriented as opposed to homes and this is a good way to do it, as far as I'm concerned. It's a good segue.  
466

467 JAY HOOLEY: Yeah, we're facilitating something.  
468

469 LARRY O'SULLIVAN: It's a good segue.  
470

471 NEIL DUNN: I would recommend the "B" "B" scenario.  
472

473 JAY HOOLEY: Mm-hmm.  
474

475 NEIL DUNN: Just to make it a little bit less...  
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477 JAY HOOLEY: Of an impact.  
478

479 JAMES SMITH: Any other comments?  
480

481 JIM BUTLER: I want to ask you a question. That parking area that you have to put in; have you made that part  
482 of your plans for the new building?  
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484 RONALD COTE: That's...  
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JIM BUTLER: Or do you think you're going to end up having to rip that up and...?

RONALD COTE: No, the two steps that I have to come back to the Planning Board with...

JIM BUTLER: Right.

RONALD COTE: ...is they want to see a conceptual plan of what my new buildings is going to look like...

JIM BUTLER: Okay.

RONALD COTE: ...and what the parking...because they advised me in this and I agree with them, is that if you do this right, what you pave now for parking can be reused for later and you don't have to rip it up.

LARRY O'SULLIVAN: Right.

JIM BUTLER: Right.

RONALD COTE: So there are two steps to go and she said that she may very well require a full site plan and I said, 'Well, no offense, but I don't want to get the cart...I don't want to pay five, ten grand for a site plan and not be able to have anything in storage.' And I can't...I just can't financially do a building right now when I've got a building that's going to be empty that has to be renovated first. It's kind of the cart before the horse, you know? I've got to get the...unfortunately for me, and this isn't your problem, I understand that, but I mean, for...I've already tried this route with Bedford and I need to renovate that two-family first so that a bank will give me money to build a building. I've already had three banks I've gone through and all three have...

JAMES SMITH: I have to cut you off at this point.

RONALD COTE: Okay.

JAMES SMITH: We're really supposed to be in deliberations, so...Any other comments on the deliberation part of it between the...? If not, would somebody care to make a motion?

RICHARD CANUEL: Mr. Chairman?

JAMES SMITH: Yeah?

RICHARD CANUEL: Just before you make a motion, I would like to comment that I think it needs to be made clear to the applicant, and we've had this discussion, that approval of this variance to allow those storage units there is not permission to occupy the building for that business use. That has to be done only through approval from the site plan from the Planning Board.

LARRY O'SULLIVAN: Correct. Right. Correct. This is just...we understand that this is just about the trailers.

529 RICHARD CANUEL: That's right. I just want to make sure that's clear to the applicant, that's all.  
530  
531 RONALD COTE: No, I understand.  
532  
533 JAMES SMITH: Having said that, whoever makes a motion, you probably should include an approved site plan  
534 as part of the motion.  
535  
536 LARRY O'SULLIVAN: Okay. Isn't that also being redundant, though? I mean, aren't they going to require it  
537 anyway?  
538  
539 JAMES SMITH: We usually do, but this puts everybody on notice.  
540  
541 LARRY O'SULLIVAN: Okay. Alright, so the restriction you'd say would be...  
542  
543 NEIL DUNN: The three year timeframe...  
544  
545 LARRY O'SULLIVAN: The three year timeframe is from the time they get Planning Board approval, right?  
546  
547 JAMES SMITH: Okay.  
548  
549 LARRY O'SULLIVAN: So wouldn't that cover everything?  
550  
551 JAMES SMITH: That would cover it. Yeah.  
552  
553 LARRY O'SULLIVAN: So we're going to put a three...I make a motion to approve case 4/17/2013-1 with the  
554 proviso that the variance will exist for a period of three years after the Planning Board approval and the use  
555 will go away. Can I say that?  
556  
557 NEIL DUNN: Are you trying to read Richard's face? Is that what you're trying to do?  
558  
559 LARRY O'SULLIVAN: That's what I'm trying to do.  
560  
561 NEIL DUNN: Yeah, that's what I thought.  
562  
563 RICHARD CANUEL: It was the three years after site plan approval that caught me. Once a site plan approval is  
564 granted, there is no need for the storage units at that point ...  
565  
566 JAMES SMITH: Well, no...  
567  
568 RICHARD CANUEL: ...because then there will be a whole new building there at that point, so...  
569  
570 RONALD COTE: Well, she's requiring site plan approval for me to move in.  
571  
572 RICHARD CANUEL: Right. Yes, you have to have that.

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RONALD COTE: Right, so if you...

JAMES SMITH: That's the site plan he's talk...she's...

RICHARD CANUEL: Yeah. Okay. Alright.

JAMES SMITH: It's not to build the building. Just for the change of use.

RICHARD CANUEL: As long as you...okay.

LARRY O'SULLIVAN: Do I need to be more specific...

RICHARD CANUEL: I want to make sure there...

LARRY O'SULLIVAN: ...is that what you're saying? I'll be more specific. I mean, I'll withdraw that motion and start another one. I don't mind. This is still an approval on case 4/17/2013-1 with the restriction that the variance will expire three years after...

JAY HOOLEY: Placement of...

LARRY O'SULLIVAN: ...placement of the trailers on the lot.

JAMES SMITH: After the change in use site plan has been approved.

JAY HOOLEY: Put one. He's not going to do that until then, so he gets that done, he gets them on the lot, he's got three years to make it happen.

LARRY O'SULLIVAN: Bingo. That's it. That was keeping it simple.

JAMES SMITH: No, what....

LARRY O'SULLIVAN: I thought that was what you wanted.

JAMES SMITH: Yeah. Richard, does he need a site plan for the change of use?

RICHARD CANUEL: Absolutely.

LARRY O'SULLIVAN: But that's not what here for.

RICHARD CANUEL: He does.

JAMES SMITH: For him to move his business onto that site, he has to have a change of use site plan.

617 JAY HOOLEY: Mm-hmm.  
618  
619 JAMES SMITH: So what I'm suggesting is the trailers could be there for a time period from s three years from  
620 that approval. Not the approval of the site plan for a new building.  
621  
622 JAY HOOLEY: We're just saying three years from the day they show up.  
623  
624 LARRY O'SULLIVAN: Yeah.  
625  
626 JAMES SMITH: Well, I think what Richard's trying to avoid, misleading him into thinking he can put those...  
627  
628 JIM BUTLER: He'll put them up tomorrow.  
629  
630 JAMES SMITH: ...put them up tomorrow once we get...  
631  
632 JIM BUTLER: Yeah.  
633  
634 JAMES SMITH: ...the variance.  
635  
636 JIM BUTLER: Yeah.  
637  
638 RICHARD CANUEL: Well that's what he's applying for the variance for, to get those storage units there now, in  
639 the interim period while he's going the approval process.  
640  
641 RONALD COTE: No, no, no.  
642  
643 RICHARD CANUEL: No?  
644  
645 RONALD COTE: No, I won't move in until I have a signed lease and approval from the...Imagine me paying for  
646 two sites and just moving everything there and then the Planning Board says 'You can't do that'? So I've got  
647 to do this in order. I've got to...I'm not moving anywhere until I got site plan approval and I'm not signing the  
648 lease with the owner until I have site plan approval.  
649  
650 RICHARD CANUEL: Okay.  
651  
652 RONALD COTE: So, I mean, that's cart before the horse again, you know?  
653  
654 JAMES SMITH: Okay, just so everybody's clear. The site plan that you're talking about right now is for the  
655 change of use.  
656  
657 RONALD COTE: Is to move in. To move in. To change the use.  
658  
659 JAMES SMITH: To move in. Then you would then have to get a site plan for the new building.  
660



661 RONALD COTE: Correct.  
662  
663 JAMES SMITH: Two different site plans.  
664  
665 NEIL DUNN: Conditional use site plan.  
666  
667 JAMES SMITH: Right.  
668  
669 NEIL DUNN: Okay.  
670  
671 JAMES SMITH: So what I'm suggesting is, the trailers can...the variance would go from the date of the  
672 approval of the change of use site plan.  
673  
674 LARRY O'SULLIVAN: Alright.  
675  
676 RONALD COTE: Well, if I could ask one thing, Mr. Chairman? Those two site plans could be one in the same  
677 because I'm giving them the intended use now so that I can do the change of use now, so I may have one site  
678 plan forever.  
679  
680 LARRY O'SULLIVAN: What difference does it make?  
681  
682 JAMES SMITH: That's okay.  
683  
684 RONALD COTE: That's...that doesn't matter?  
685  
686 JAMES SMITH: Because all we're interested in is getting the start point for the three year timeframe.  
687  
688 RONALD COTE: I see.  
689  
690 JAY HOOLEY: A building permit is required for placement of the trailers, correct Richard?  
691  
692 RICHARD CANUEL: Yes.  
693  
694 JAY HOOLEY: Three years from the permit. That way, whichever way the rest comes, you grant the permit for  
695 the two trailers, you've got three years from that day.  
696  
697 LARRY O'SULLIVAN: Okay, so I'll retract my last...  
698  
699 JAY HOOLEY: I mean, does that get you where you want to be? He gets all the other stuff whenever he gets  
700 done.  
701  
702 JAMES SMITH: I just want to make sure everybody's on the same page. That's all I'm trying to get through,  
703 because...  
704

705 JAY HOOLEY: He gets his permit for these trailers, they show up, he's got three years.  
706  
707 JAMES SMITH: If the Planning Board is going to require of him a change of use site plan...  
708  
709 JAMES TOTTEN: Isn't the variance waiving that requirement?  
710  
711 JAMES SMITH: ...we want to make sure he understands that and the variance goes with that timeframe.  
712 That's the point I was trying to get to.  
713  
714 LARRY O'SULLIVAN: So I'm going to throw...  
715  
716 JAMES SMITH: He can't issue the building permit until...  
717  
718 JAMES TOTTEN: 2.4.2.11...  
719  
720 JAMES SMITH: ...you have the change of use site plan.  
721  
722 JAMES TOTTEN: There's...he doesn't need the permit if you grant the variance.  
723  
724 JAY HOOLEY: Good catch. Mr. Chairman, the way this is written, he's asked for relief of all of 2.4.2.11, within  
725 which is the requirement for a building permit and the setbacks.  
726  
727 JAMES TOTTEN: And that's why I was asking about the blocks. Because in the agenda, it was specific to the 40  
728 feet, but the ordinance reference was all of it.  
729  
730 JAY HOOLEY: Does everybody see that? 2.4.2.11 is that in its entirety.  
731  
732 NEIL DUNN: Mm-hmm.  
733  
734 JAY HOOLEY: Which is probably not what any of us thought we were...Or I certainly didn't.  
735  
736 NEIL DUNN: Yeah, but the only thing that really comes into play is the...ten feet high, we might be concerned  
737 about.  
738  
739 JAY HOOLEY: Well, the issuance of a permit.  
740  
741 NEIL DUNN: Well, he has to have that.  
742  
743 JAY HOOLEY: Not if you waive all of 2.4...  
744  
745 NEIL DUNN: Oh...  
746  
747 JAY HOOLEY: Not if you waive all of 11.  
748

749 NEIL DUNN: Alright, so then...

750

751 JAMES SMITH: Yeah, I know that, I'm just...the dimensions.

752

753 NEIL DUNN: Alright, anything else that we're concerned about?

754

755 JAMES SMITH: We've got 30...

756

757 JAMES TOTTEN: Well, that's why I was asking about where it was going to be placed.

758

759 JAMES SMITH: Five feet from the nearest building.

760

761 JAMES TOTTEN: Whether it was going to be placed on blocks.

762

763 JAY HOOLEY: So we could grant it in part, correct? What we're discussing providing relief to is 2.4.2.11.1 and

764 a portion of 2.4.2.11.3, but not all of it. You would still want the building permit. I don't see why we wouldn't.

765

766 JAMES SMITH: Yeah.

767

768 JAMES TOTTEN: And to 11.2...

769

770 JAMES SMITH: Okay. Larry or...

771

772 LARRY O'SULLIVAN: I see. Yeah, well, I already withdrew it. So...I'll give somebody else a shot.

773

774 JAY HOOLEY: I'll make a motion to grant case 4/17/20134-1 in part, with the condition that the waiver is only

775 for 2.4.2.11.1, allowing more than one structure and 2.4.2.11.2, allowing a 40 foot length and 2.4.2.11.3, only

776 in part, extending the timeframe, not relieving the building permit requirement and that all other portions of

777 the 2.4.2.11 apply.

778

779 JAMES SMITH: Okay. You need to put three years into that where you...

780

781 JAY HOOLEY: And lastly, that this variance expire three years from the date of issuance of said building permit.

782

783 LARRY O'SULLIVAN: I'll second that. But I bet you it will accomplish the same thing that I asked.

784

785 JAY HOOLEY: Oh. Will it?

786

787 LARRY O'SULLIVAN: I don't know.

788

789 JAMES SMITH: Okay, we have a motion and it's seconded. All those in favor?

790

791 JAY HOOLEY: Aye.

792

793 NEIL DUNN: Aye.

794  
795 JAMES TOTTEN: Aye.

796  
797 JAMES SMITH: Aye.

798  
799 LARRY O'SULLIVAN: Aye.

800  
801 RESULT: THE MOTION TO GRANT CASE NO. 4/17/2013-1 WITH RESTRICTIONS WAS GRANTED, 5-0-0.

802  
803 RESPECTFULLY SUBMITTED,

804  
805   
806  
807

808 NEIL DUNN, CLERK

809 TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

810  
811 **APPROVED MAY 15, 2013** WITH A MOTION MADE BY LARRY O'SULLIVAN, SECONDED BY JAY HOOLEY AND  
812 APPROVED 4-0-0.