

ZONING BOARD OF ADJUSTMENT

MINUTES

June 1, 2021

APPROVED: 9/7/21

AGENDA: 21VAR04 VARIANCE: GOODRUM PROPERTIES, LLC, 26 Central Square, #114-125
APPROVAL OF BYLAWS REVISIONS

ATTENDING: Alan DeStefano (Chair), Richard LaFlamme (Vice Chair), Lorraine Bohmiller, Larry Denton

ABSENT: Melody Mansur, Ashley Dolloff (Alternate), Jackie Elliott (Alternate)

OTHER: Christina Goodwin (Land Use Manager), Jeff Goodrum (Applicant), David Munroe (Abutter – Zoom)

Mr. DeStefano stated that the Governor's Emergency Orders allow for meetings to be held both in-person and electronically due to the pandemic. Members of the Board and public are attending by in-person and by Zoom. The meeting opened at 6:00 pm by roll call vote 4-0, with a quorum. Mr. Goodrum was apprised of the fact that, without a full Board, there could be an automatic denial if the vote is 2-2. Mr. Goodrum was okay to continue.

MINUTES OF MAY 4, 2021: R. LaFlamme made a motion, second by L. Denton, to approve the minutes as written. The motion carried by roll call vote 4-0.

VARIANCE: GOODRUM PROPERTIES LLC, JEFF GOODRUM, 26 CENTRAL SQ, #114-125

Ms. Goodwin read the application, abutters notified, where the hearing was advertised, and said she did not receive any phone calls or written correspondence from the public concerning the hearing but did receive comments from the Fire Department. The Fire Chief noted that the deck would be restricted to 50 patrons and the owner will need to submit plans for the Fire Chief's approval.

Mr. Denton questioned not having the property line or setbacks on the plans. Mr. Goodrum stated that he has no setbacks as the building covers most of the boundary (the tax map was shown to verify this). Mr. Goodrum clarified that there are no setbacks on the sides of the property in Downtown Commercial, however there are setbacks on the back, but Mr. Goodrum's building is the boundary line in this instance. She continued to state that Newfound Hydro owns the small piece of land behind this building. Ms. Bohmiller mentioned wanting written permission from Newfound Hydro. It was explained that this cannot be done before the hearing, but can be a stipulation of the approval, per the Town's Attorney.

L. Denton made a MOTION, second by R. LaFlamme, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED by roll call vote 4-0.

Mr. Goodrum explained that this came as a request from his tenant, Jon Shackett. Mr. Shackett's business is growing, and he needs more seating, as well as outside space especially since the pandemic. If it can't be done, Mr. Shackett will need to move. Mr. Goodrum stated that it is hard to get a tenant for that basement space. His other tenants in that building are all in favor of this project.

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GOODRUM VARIANCE continued:

The deck is to be 6 to 8 feet from Mr. Munroe's building and door. Mr. Munroe spoke up and thanked him for that. Mr. Goodrum continued by saying that the deck will also help him to maintain the back of the building and provide a secondary egress. The plan is to install a cantilevered steel deck, bolted to the brick wall, approximately 12 inches below the white trim. He asked the Hydro owners about the highwater mark and was told it will be about 5 feet below the deck. Ms. Bohmiller asked if it would connect to the grey building next door and was told not quite. Mr. Goodrum added that there is some sharing and pointed out the fire escape from his upper floors which goes to the grey buildings' deck.

He added that this deck can also help Mr. Munroe with the rear maintenance of his building. Mr. Goodrum presented the Variance criteria to the Board:

1. Not contrary to public interest – Safety of the patrons with some outside seating which is not to be used after 9:00pm.
2. Spirit of the Ordinance – Will not negatively affect the abutters who have verbally agreed to the project.
3. Substantial Justice – Most other buildings have balconies that project over the river or their buildings come over the river. It will allow for maintenance of the back of the building.
4. Values of surrounding properties not diminished – A thriving business has a positive impact on surrounding businesses. A vacant space would have the opposite effect. Beauty draws people. This is an endeavor to add to an active downtown.
- 5a. No substantial relationship between the public and the application of the provision to the property – This is on a river and is not useable for any other purpose.
- 5b. Reasonable use – There is zero negative impact on the surrounding area.
6. Special conditions of the property – They are at a disadvantage with no outside space for the business and during a pandemic. Mr. Shackett has put a lot into the basement already (drains, legal access, etc.) and nothing else can be done. With no other egress, it will tend to stay vacant and empty. The space in back cannot be used for much else.

Mr. LaFlamme questioned #4 and the claim that the deck would add to the value of area properties and was told it would draw in business that would also potentially now visit those other properties and will improve the look of the back of the building. Mr. Denton asked if, in 5b, this is the only way to have a secondary egress and was told that it is. Mr. Denton then stated that the property abuts against the neighbor buildings so it appears that this would provide some safety and will also allow for a change in the fire escape if the neighboring property wanted to eliminate the current fire escape access.

With no further questions by the Board, Mr. DeStefano opened the hearing to the public and asked for any comments in favor of the proposed project. David Munroe, abutter (Mill Fudge), feels it is a

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GOODRUM VARIANCE continued:

great idea. These buildings were in disrepair for a long time and Mr. Goodrum has greatly improved this one. Right now, the only access to the back of this building is through the Mill Fudge. This will be an asset to the businesses in the Square. Mr. Munroe does have two (2) concerns: will the smell of cooking fudge affect those on the deck as the exhaust of the kitchen is near this area and will smoking be allowed as it might cause fumes to enter their kitchen through the air conditioning. Mr. Goodrum was okay with the smell of fudge cooking, as is Mr. Shackett, and he explained that Mr. Shackett does not allow smoking in his establishment. Mr. Goodrum added that he is also concerned about cigarette butts being thrown into the river. Mr. Munroe stated that he is okay with these answers.

With no further statements or questions from the public or the Board, Mr. DeStefano closed the public portion of the hearing, and the Board began deliberations.

1. R. LaFlamme made a MOTION, second by L. Bohmiller, to APPROVE CRITERIA #1. It allows for egress behind the building. The motion CARRIED by roll call vote 4-0.
2. L. Denton made a MOTION, second by L. Bohmiller, to APPROVE CRITERIA #2. The motion CARRIED by roll call vote 4-0.
3. L. Denton made a MOTION, second by L. Bohmiller, to APPROVE CRITERIA #3. Mr. Denton felt that it is a legitimate use of the property, that the owners are handicapped by the closeness of the buildings, and they have verbal approval from Hydro. The motion CARRIED by roll call vote 4-0.
4. R. LaFlamme made a MOTION, second by L. Bohmiller, to APPROVE CRITERIA #4. Mr. Denton mentioned the testimony from the abutter for approval. The motion CARRIED by roll call vote 4-0.
- 5a. L. Bohmiller made a MOTION, second by L. Denton, to APPROVE CRITERIA 5a. Mr. Denton mentioned the tight setbacks and stated that there is no other solution. Hydro has given verbal approval. Mr. Denton added that he would like to receive written approval once it has been done. The motion CARRIED by roll call vote 4-0.
- 5b. R. LaFlamme made a MOTION, second by L. Denton, to APPROVE CRITERIA 5b. Mr. Denton stated that it allows expansion for outside seating, especially for a pandemic. Mr. DeStefano said that the Board cannot consider finances. Mr. Denton felt that he is not suggesting financial gain but safety. Ms. Bohmiller added that it allows for maintenance of the rear of the building. Mr. Goodrum and Ms. Goodwin stated that the State will do a separate approval. The motion CARRIED by roll call vote 4-0.
6. L. Denton made a MOTION, second by L. Bohmiller, to APPROVE CRITERIA #6. Mr. Denton stated that there is zero room for setback requirements, there is no other solution, and it is good for esthetics. The motion CARRIED by roll call vote 4-0.

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GOODRUM VARIANCE continued:

L. Denton made a MOTION, second by L. Bohmiller, to GRANT THE VARIANCE FOR GOODRUM PROPERTIES LLC WITH THE CONDITION THAT A WRITTEN EASEMENT BE SUBMITTED TO THE BOARD AND SUBJECT TO THE PLAN REVIEW BY THE FIRE DEPARTMENT. The motion CARRIED by roll call vote 4-0.

Ms. Bohmiller said that Mr. Goodrum did a nice job of explaining. Mr. Denton wished him good luck and thanks were given all around. Mr. DeStefano reminded Mr. Goodrum that there is a 30-day appeal period.

COMMUNICATIONS: None.

BYLAWS REVISIONS:

R. LaFlamme made a motion, second by L. Bohmiller, to approve the amendments to the bylaws. The motion carried by roll call vote 4-0.

ZONING BOARD (ZBA) BROCHURE:

Ms. Goodwin stated that the brochure and proposed changes should be completed soon and once done a color copy will be printed for the public and the Board.

OFFICE OF STRATEGIC INITIATIVES ZBA TRAINING:

Ms. Goodwin read notes that Ms. Laferriere had taken when she took the class. Mr. LaFlamme had also attended and was confused about the point that the training stated regarding once the public hearing is closed and the Board goes into deliberations, no further questions can be asked.

NEXT MEETING:

The next ZBA meeting is July 6, 2021, at 6:00pm. If there are no applications submitted by June 18, 2021, then the meeting will be cancelled.

With no other business to conduct, R. LaFlamme motioned to adjourn at 7:20pm, second by L. Bohmiller. The motion carried by roll call vote 4-0.

Respectfully submitted,
Jan Laferriere
Land Use Associate