

**Town of Greenville
Zoning Board of Adjustment**

Minutes – June 8, 2021

Call to order at 7:00 p.m. in the Town Hall Meeting Room, 46 Main Street, Greenville, NH. Present: Chairman Pedro Sousa, Member Michael Rathbun, Alternates Debra Reardon and Kelly Fitzwater, Town Administrator Tara Sousa (serving as the Board's Administrative Assistant), and Town Counsel Biron Bedard.

Public Hearing – Dunster & Main, LLC Variance Applications

Chairman Sousa read the public notice for the two variance applications received. At the Town Administrator's recommendation, Atty. Bedard provided guidance on taking up the two variance applications concurrently, explaining that whereas the relief is being sought from the same section of the Zoning Ordinance, and if the applicant so chooses, he can present information for both matters in one public hearing. Atty Bedard noted that the public should be aware that that would provide a single opportunity for public comment on both matters. He explained that the Board would still have two separate deliberations at the close of the one public hearing. The applicant recommended that the matter of the addition be acted upon first, as the tower would not be built if the addition were denied, but was agreeable to the easiest and most efficient manner of conducting the hearings. Chairman Sousa noted the detailed answers provided for the 5 criteria in the applications, and suggested the applicant present on the addition variance first and move right into the height variance, after which the Board would accept public comment on both. The Town Administrator asked to clarify that the hearings were being held concurrently, and that deliberation would occur first on the setback and then on the height, which Chairman Sousa confirmed. Chairman Sousa invited the applicant to make his presentation.

Thomas Hawkins, of Northroad Wood Signs & Sign Graphics, LTD and Dunster & Main, LLC, discussed the beginnings of his business, starting in a garage in Groton, MA, then moving to Temple and operating under their home occupation ordinance. He expressed that his interest in the train station is to meet the needs of his business, but also the historic nature of the property, noting that most of the original structure has been preserved, despite the additions and changes when it became a restaurant. He indicated that there was consideration to use the building as is, but felt it would be nice to bring it back to more of its original condition and then build the addition on the back, noting the resulting square footage will be similar given the additions and entryways being removed. He showed the plan detailing the areas to be demolished and the proposed addition, which would create a garage space on the back. He discussed his interest in adding a tower, slightly larger than the existing one, to replicate the asymmetrical look of the roofline, and create a more interesting and architecturally pleasing building. He noted that the garage area would be unexcavated, with a new cellar area only under a small portion at the rear of the existing building, and explained the one area that would be tall enough for a second floor. He discussed the subdivision done by the former owner (Blease) in the 90s, who owned the adjacent former grain mill, where the side of the building was used as the property boundary. He explained that in order to keep the same roofline, they would need to build on the property line approximately 37 feet to where the property widens and the 10-foot setback can be met. Atty Bedard questioned how the rear portion of the property is currently accessed. Mr. Hawkins explained that there

is an access and parking easement, referencing the original plot plan, and noting a corrective note on the new plan that clarifies the access is for travel to the parking in the rear, and does not allow for parking in the easement area. Atty Bedard asked if the access would be changed to the front of the building where the existing bar area is being removed. Mr. Hawkins answered that he believed the access would be too tight due to the (retaining) wall, which will only be about 9 feet away at its narrowest. Mr. Hawkins discussed that in the future he might add some train track with a caboose and other rail cars to that area. Attorney Bedard asked where on the floorplan the tower would be located. Mr. Hawkins showed an area on the plan which bumps out, and stated that the tower would be 13.5 feet square above that.

Chairman Sousa confirmed that the applicant's presentation was complete, then opened the floor for comments from abutters or residents. Andrew Pelletier, of 3 Old Wilton Road, Greenville, questioned how a railroad car would fit in the area that Mr. Hawkins had indicated a truck wouldn't be able to fit through. Mr. Hawkins explained that it would be brought in from the back, where the area is wider, and if it didn't fit, then they wouldn't do it. Mr. Pelletier questioned how much taller the new tower would be over the existing one. Mr. Hawkins answered less than 8 feet. Mr. Pelletier asked if there would be 4 clocks in the tower and if they would ring on the hour, every hour, but then expressed that he was joking.

Michalene Kosinski, of 8 Dunster Ave, noted that she is the abutter who shares the property line in question and stated that she fully supports what Mr. Hawkins is doing. She said, "It is good for the area, good for that building, and good for downtown."

Richard Miller, 10 Dunster Hill Road, stated that he is the chair of the economic development committee in Greenville, and said that he is excited for what Mr. Hawkins is doing, and believes it will be an attraction for Greenville, and it "sounds neat to restore the old train station." He also noted that he can see the building from his windows and looks forward to looking out on the nicely designed building being proposed. In closing, he expressed that he supported this from both a personal and an economic development perspective as long as it doesn't bother the affected abutters.

The Town Administrator reminded the Chair that Ms. Kosinski had submitted a letter for the proceedings. The Chair confirmed that Ms. Kosinski still stood by the submitted comments, and accepted the letter as part of the record.

Chairman Sousa asked if the clock faces would be illuminated at night. Mr. Hawkins explained that the clocks at this time are future plans that he hopes to do, but that the cost is unknown at this time. He noted that the existing tower has a single window, and they may just start with that. He acknowledged Mr. Pelletier's comments about it ringing at all hours, but also discussed the charm of the old clock in the center of Groton. Regarding illumination, he indicated it would likely be small, down-facing lights. Mr. Rathbun questioned if it would backlit, and Mr. Hawkins indicated he would look into the historical accuracy of that.

Mr. Hawkins provided a drawing which "put the height of the tower in perspective." He explained that the current tower was 35 ft 4 in, and the new tower would extend 7 ft 9 inches above that. He stated that it is not out of character with the neighborhood, as the cupola on Michalene's building is 51 feet high. He discussed that Old Wilton Road is 9 feet above the grade of the site, so the top of the tower is

only 33+ feet over that road. He showed on the drawing the area which is above the 35-foot height restriction, noting that it is an 8X8X8 pyramid. He explained that from a fire safety perspective, there will not be a floor in that area and it will not be occupied.

Hearing no further questions, the Chair announced the closure of the public hearing at 7:33 p.m., and announced that the Board would enter deliberation on the setback variance. Atty. Bedard recommended that the Board go through each criterion for the record. He recommended that the Board consider requiring that the portions of the building indicated for removal be a condition of granting the variance. He explained that part of the motivation for granting the variance is to have a more aesthetically pleasing and historically accurate building, and that the Board wants to ensure that the bad is removed with the addition of the good, in order to meet several of the criteria such as not diminishing property values, keeping with the spirit of the ordinance, and doing substantial justice. He recommended that the demolition be required prior to or concurrent with the rest of the project. Mr. Rathbun questioned if the Board is discussing the project as a whole in order to grant the variances. Atty. Bedard expressed that he did not have any objection to the setback variance, regardless of the tower, if the community is assured of getting the building footprint as proposed. Mr. Rathbun expressed that the different owners and uses have led to the current patchwork nature of the building. Atty. Bedard noted concern for prior activities at this location that had a negative effect on the neighboring business. Ms. Kosinski thanked him for his acknowledgement of those issues.

The Board reviewed the written application's response for criteria one, in that the proposed use will not diminish surrounding property values, and members expressed their agreement with the applicant's statement.

Motion by Ms. Fitzwater, 2nd by Mr. Rathbun, that criteria one is met.

Motion carried with 4 in favor, none opposed.

The Board reviewed criteria two: that granting the variance would not be contrary to the public interest

Motion by Mr. Rathbun, 2nd by Chairman Sousa, that criteria 2 is met with the condition that the demolition shown on the plan occurs prior to or concurrent with the construction of the addition.

Motion carried with 4 in favor, none opposed.

The Board reviewed criteria three: Denial of the variance would result in unnecessary hardship to the owner. Atty. Bedard commented that this Board had already granted a special exception for this use (light manufacturing) helps meet the threshold for hardship, in that the restrictions under the Downtown District zoning are diminished, and that this proposed use is no worse than the existing non-conforming state of the property. Chairman Sousa expressed his agreement with the stated response in the application, and asked if there were any further questions or comments, of which there were none.

Motion by Mr. Rathbun, 2nd by Mrs. Reardon, that denial of the variance would result in an unnecessary hardship to the owner and that the proposed use is reasonable.

Motion carried with 4 in favor, none opposed.

The Board reviewed criteria four: Granting the variance would do substantial justice. Mr. Rathbun expressed that this would do substantial justice for the Town and the owner.

Motion by Mr. Rathbun, 2nd by Ms. Fitzwater, that criteria 4 is met.

Motion carried with 4 in favor, none opposed.

The Board reviewed criteria five regarding the spirit of the ordinance. Mr. Rathbun expressed that the proposal is not contrary to the spirit of the ordinance because it will improve the appearance of the town.

Motion by Mr. Rathbun, 2nd by Mrs. Reardon, to accept criteria 5 as being met.

Motion carried with 4 in favor, none opposed.

Atty. Bedard recommended the Board vote on a motion to grant the variance with the condition discussed, specifically noting the reference plan.

Motion by Mr. Rathbun, 2nd by Ms. Fitzwater, to grant the variance on the condition that demolition of the area indicated per Print A1.O as submitted by the applicant occur prior to or concurrent with the construction of the proposed addition.

Motion carried with 4 in favor, none opposed.

The Chair announced that the Board would deliberate on the variance for the maximum height. Chairman Sousa discussed wanting a plan that reflected the actual dimensions and location of the proposed tower. Mr. Hawkins made note on the floor plan where the tower would be located above. He offered to resubmit the plan. Atty. Bedard suggested that submitting such could be a condition of the variance. Chairman Sousa confirmed that he would like a print with the actual architectural dimensions for the record.

Criteria 1: The Board reviewed the application's response to the issue of diminishment of surrounding property values. Atty. Bedard suggested that future illumination or sound from the clock tower be subject to a hearing for modification of the variance. He also recommended a restriction to the use of the area above 35 feet, from a public safety aspect and to address any future unanticipated uses. Chairman Sousa clarified that the restriction would be no occupation of or storage in the space and no standing area above the restricted height. Ms. Kosinski questioned the standing area, for the maintenance of the clock. Mr. Hawkins confirmed that any platform for the clock would be well below the 35-foot limitation.

Motion by Mr. Rathbun, 2nd by Chairman Sousa, to accept criteria 1 as met with the condition that there be no illumination or sound of a future clock without the applicant returning to the Board for modification of the variance, and that there will be no occupied area or storage space in the tower above 35 feet.

Motion carried with 4 in favor, none opposed.

Criteria 2: The Board reviewed the applicant's written response to the requirement that the proposal not be contrary to the public interest. Chairman requested that acceptance of this criteria as being met be conditional on submission of an architectural plan showing the dimensions and location of the new tower. Mr. Rathbun asked if the Chair had an issue with the placement, and Chairman Sousa answered that he did not. After some confusion about the actual dimensions, Mr. Hawkins confirmed that the base of the tower was proposed at 13.5 X 13.5 feet, and that the pyramid of the roof which would extend beyond the 35-foot restriction was approximately 8 X 8 X 8 feet. Atty. Bedard discussed the importance of it being clear in the record that the variance is only for the proposed tower as presented, so that a future owner can't raise the entire roof to 43 feet.

Motion by Mr. Rathbun, 2nd by Chairman Sousa, to accept criteria 2 as met with the condition that a revised plan be submitted showing the placement and dimensions as stated in this meeting.
Motion carried with 4 in favor, none opposed.

Criteria 3: Regarding the criteria of unnecessary hardship, Mr. Rathbun noted that the abutters (present) have agreed to the height. Atty. Bedard expressed that this again goes back to the underlying special exception, and the intent to restore in a historically accurate way. He commented that it would be nice for any community to have its historic rail station restored in this way. Chairman Sousa felt the location of the tower on the back side of the building would not create any unreasonable obstruction of view or traffic. He expressed he was unsure if it was a hardship not to grant the variance, but agreed the proposed use is reasonable and would be an improvement of the architectural presentation of the building. Mr. Rathbun expressed that denying the variance would be an unnecessary hardship due to the intent to restore the building to fit the time period when it and the surrounding structures were built, and that requiring change of that design would be a hardship.

Motion by Mr. Rathbun, 2nd by Mrs. Reardon, to accept criteria 3 as met.
Motion carried with 4 in favor, none opposed.

Criteria 4: The Board reviewed the applicant's submission regarding substantial justice. Mr. Rathbun expressed that the second tower would balance the longer building. Ms. Fitzwater expressed that the addition of the clock would enhance the appearance as a train station.

Motion by Mr. Rathbun, 2nd by Ms. Fitzwater, that granting the variance will do substantial justice.
Motion carried with 4 in favor, none opposed.

Criteria 5: Regarding the spirit of the ordinance, Mr. Rathbun expressed that for the same reasons as criteria 4, the variance is in keeping the spirit of the ordinance, in that if the project is not done, the building may fall into further disrepair. He expressed his belief that the spirit of the ordinance is to not have a 43-foot tall building in downtown Greenville, such as an office building or parking garage.

Motion by Mr. Rathbun, 2nd by Chairman Sousa, that the proposal is not contrary to the spirit of the ordinance in that it will make the Town look better and save the building from disrepair.
Motion carried with 4 in favor, none opposed.

Motion by Mr. Rathbun, 2nd by Ms. Fitzwater, to grant the variance with the following conditions:

1. That a revised print be submitted reflecting the placement and dimensions of the tower as presented
2. That there be no illumination or sound from a clock without the applicant returning to the Board for modification of the variance.
3. That there be no occupation of or storage in the area which exceeds the 35-foot height restriction.

Motion carried with 4 in favor, none opposed.

Chairman Sousa congratulated the applicant on obtaining the requested variances. Board members expressed excitement to see the renovation. Mr. Hawkins noted that he has one final appearance in front of the Planning Board for approval of the project.

Atty. Bedard suggested that the Planning Board may want to consider a zoning ordinance revision that would allow for decorative structures such as this without a variance.

Motion by Mr. Rathbun, 2nd by Mrs. Reardon, to accept the minutes of March 4, 2021.


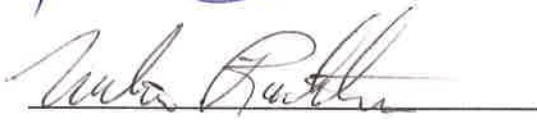
Motion carried with 4 in favor, none opposed.

Motion by Ms. Fitzwater, 2nd by Mr. Rathbun, to adjourn the meeting at 8:12 p.m.

Motion carried with 4 in favor, none opposed.

Prepared by: Tara Sousa, Town Administrator

Approved by:


Pedro M. Sousa, Chairman
Michael Rathbun
Tracey Sadowski

Debra Reardon/Alternate

Kelly A. Fitzwater/Alternate