

TOWN OF FRANCESTOWN
ZONING BOARD OF ADJUSTMENT

The Zoning Board of Adjustment met March 14, 2019 at the Town offices, lower level, at 7:30 p.m. Present were S. Jonas, C. St. Jean, R. LaVallee, S. Heath, and S. Little, members of the Board. The matter before the Board was the application of the Francestown Improvement & Historical Society for relief under the Zoning Ordinance in connection with the Francestown Village Store, 74 Main Street, Francestown, NH. Specifically, FIHS applied for three (3) special exceptions under Article VII, Section 10.2, 10.3, and 12, and a variance for the provisions of Article VII, Section 7.12.

Charles Pyle presented the application of the FIHS to the Board. Mr. Pyle reviewed the application for the special exception. The special exception addressed the utilization of 74 Main Street for the operation of three (3) businesses as shown on a diagram presented with the application and presented at the hearing. On the first floor, the former store is shown as having three (3) distinct spaces, retail office 260 sq. ft. (westerly end), combination deli and general store total of 1,880 sq. ft. (middle), and retail office 750 sq. ft. (easterly end). The garage bay and storage room would be part of the general store/deli for storage. Mr. Pyle stated the coffee shop and deli counter may be actually a sub-tenant of the retail general store. On the 2nd floor, the commercial kitchen is about 950 sq. ft. and would be associated with the deli and coffee shop and possibly the general store. The area over the easterly end would either be a storeroom or a studio associated with the retail and office space. After approval of the special exception, FIHS will need to receive Planning Board approval for site plan. At this time before the Planning Board, the condition of the septic system would be addressed.

Mr. Pyle reviewed the specific criteria for a special exception. Mr. Pyle presented to the Board that the site is obviously the appropriate location for the use as it is a continuation after a gap of non-operation for a general store. The store would have no adverse effect on value of adjacent property. The issue of parking and the septic were addressed and shown to be sufficient. The use would create no nuisance or hazard because of the nature of the proposed retail and office space. There would be no unreasonable burden placed upon existing public services. Prior to its operation, the store will be approved as meeting current applicable codes by the Town's Code Enforcement Officer and the Town's Fire Chief. In connection with the discussion of the criteria, the store hours operations would be not before 6:00 a.m. and not after 9:00 p.m.

The second part of the hearing addressed the application for a variance. The variance sought specifically permission for the outdoor display of merchandise during business hours by businesses within the building. The area in which the display would occur would be 3' from the curb adjacent to the front wall of the building. The area within 3' from the curb would be kept open for pedestrian traffic. Mr. Pyle then addressed the five (5) criteria for obtaining a variance. Mr. Pyle reviewed the application and addressed the separate criteria as follows:

- The requested variance is not contrary to the public interest as the public interest is served by having a viable commercial center in Town and the minimal outside display proposed during business hours contributes to the economic viability of the store does not intrude on any public interest as it is temporary only for store hours.
- Substantial justice is done as there is no demonstration of a private loss being offset by a public gain.
- Surrounding properties are not adversely affected as the store has existed for many

years in the location and the limited time for proposed outside display of merchandise has no permanent impact.

- The spirit of the ordinance is observed as the limited request for the outside display of retail merchandise is consistent with the overall objective of the zoning ordinance in promoting the quality of life for residents and promotion of health, safety, morals and general welfare and the retention of the Town's character.

[The outside display of merchandise is similar to the seasonal farmer's market occurring at the Town horse sheds.]

- The literal enforcement of the ordinance results in an unnecessary hardship in that the overall goal of the ordinance as applied to this application is unreasonable, noting that a retail store is permitted by special exception and with respect to the limited relief sought, there is not a reasonable and fair relationship between the general purposes of the ordinance provision and the specific application to this property.

After the close of Mr. Pyle's presentation, several questions were asked concerning the application. Mr. Riley inquired about parking and operating hours. Mr. Pyle responded as noted above with respect to operating hours and that with respect to parking, the existing on street parking on either side of Main Street would be sufficient for the proposed operation. Mr. Brock asked about lighting. Mr. Pyle noted that the issue of lighting would be addressed at the Planning Board on site plan review. Mr. Pyle felt that lighting as previously used by the Francestown Village Store would probably be maintained. Mr. Carbee had a question concerning summer hours, to which the response was they would probably not be later than 9:00 p.m. Possibly earlier closing would occur once standard time was resumed. Mr. Tartalis asked a question concerning ADA access and a designated

handicap parking spot. Mr. Pyle stated that as there is on street parking, there would not be a designated handicap parking spot and the ADA access is constructed to use the ramp in front of the area shown as garage bay.

No inspection of the septic system has been conducted by a licensed installer or engineer.

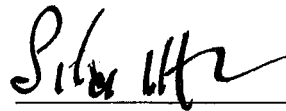
No abutter spoke in opposition. No persons attending the meeting spoke against the application.

Mr. Brock praised the work done by FIHS to date to the general applause of those attending.

The public portion of the hearing was closed. The Board proceeded to the deliberations. The Board voted unanimously to grant the variance and to grant the request for special exception on the conditions as noted above in the discussion on the applications, to wit,

- Site plan approval by the Planning Board
- Planning Board consideration of lighting
- Approval by Town Code Enforcement and Fire Chief with respect to the structure
- Operating hours 6:00 a.m. to 9:00 p.m.
- Removal of outside display materials when businesses are not open and limited to the businesses in the building.
- Limitation of the coffee shop/deli restaurant to 14 seat, paper only operation.

Respectfully submitted,



Silas Little