

ZONING BOARD OF ADJUSTMENT  
MINUTES OF MEETING  
MAY 17, 1990

Members Present: Joyce Bowden, Bill Colbath, Dean Trefethen,  
Chris Jacobs, Randy Turner, David Paolini

Also Present: Steve Stancel and Tom Clark

Meeting brought to order at 7:08 PM.

OLD BUSINESS

Bill Colbath made the motion accept the minutes of the last meeting.

Chris Jacobs seconded.

NEW BUSINESS

H90-9 Seacoast Savings Bank (Applicant, Ralph Grant D/B/A Fabric Master Inc.) 400 Washington Street, A/K/A Assessor's Map G, Lot 19-C, zoned R-12, requests a Variance from the terms of Article IV, Section 170-12 to operate a Personal Service Establishment. (Laundromat & Wholesale Cleaning Service)

Ralph Grant represented Fabric Master and stated that he wanted a laundromat and wholesale dry cleaning business on this property.

Joyce Bowden stated that this property has already received one variance for a Day Care Facility.

John Whithall of Kendall Real Estate stated that the day care facility fell by the wayside because of a parking problem.

Steve Stancel stated that the property is zoned R-12, but there is a zoning amendment in the process that will allow a Day Care Facility use in all zones. He also added that the State owns the right-of-way which the day care facility needed for parking to make it all feasible.

Ralph Grant said that the parking in the rear would be for the dry cleaning business and used by only 3 cars. The laundromat will be in the front and there is an encroachment agreement with the State and Seacoast Savings to allow for parking.

John Whithall stated that they didn't have to concern themselves with the parking until it is taken before TRC.

Tom Clark asked if the bank has any objections to foregoing the previous variance?

John Whithall said he couldn't address that because he doesn't know.

Chris Jacobs asked how many square feet there are in the building?

Ralph Grant stated that on the 1st floor there is 1,500 sq. ft. of which 1,200 sq. ft. will be used for the laundromat and the rest for his office. The basement is 1,500 sq. ft. and will be used for the dry cleaning business.

John Cook said the building was built for a laundry and later was turned into a carpet business. It has a larger than normal sewer, adequate electrical and was built with steel beams for heavy equipment. He asked if it has always been zoned residential?

Tom Clark stated that the area must have been rezoned. He said that the laundromat use was grandfathered but the use was lost when it was not kept in operation for 12 consecutive months.

Joyce Bowden stated there was no copy of the parking agreement with the state in the file and parking could become a problem again. Also, we should hear from Seacoast to see if they want to release the Day Care Variance.

Joyce Bowden stated that the property already has a variance and she can't see a hardship when they already have more use of the property than the neighbors.

Steve Stancel said that he would hate to see these people have to wait another month. He said that it is within the Board's right to approve with the condition that the Day Care use will be null and void.

Tom Clark asked if Mr. Grant will be buying or renting from the Bank.

Mr. Grant stated that he would be buying the property.

Mr. Whithall asked if it was feasible that the Variance be granted contingent on TRC or Site review?

Steve Stancel stated that the bank signed the application, therefore giving speaking privileges to Mr. Grant.

Chris Jacobs made the motion to accept the case.  
Dave Paolini seconded.

**VOTE U/A**

Randy Turner not voting on this case.  
Steve Stancel stated that as far as the Planning Department

is concerned there is a particular hardship with this building because it cannot be used as residential.

Tom Clark suggested setting a time limit of 4 years on the Variance or the Variance is invalid.

#### CLOSE PUBLIC HEARING

#### 5 CRITERIA

1. The applicant does face an unnecessary hardship because the test of time has shown that the property is not suited for the allowed use.
2. The variance will deliver substantial justice because it will allow the applicant to utilize the building for the purpose it was designed for.
3. The Variance will be in harmony with the spirit and intent of the zoning ordinance due to the unusual difficulties in their building. It would impose a special hardship to enforce this ordinance.
4. The Variance will not result in a diminution in value of surrounding properties because no evidence was presented.
5. The Variance will be of benefit to the public interest because there will be nothing to be gained by the enforcement of this ordinance.

Bill Colbath made the motion to grant the Variance with the following conditions:

1. The previous variance for Child Care is revoked.
2. It is subject to review and approval of TRC and Planning Board if necessary.
3. The Variance is for a laundromat and wholesale cleaning service.
4. A Certificate of Occupancy must be obtained within twelve months or the Variance expires.

Chris Jacobs seconded.  
VOTE U/A

GRANTED with conditions.

Bill Colbath made the motion to adjourn.

Joyce Bowden seconded.

Meeting adjourned at 7:50 PM.