**Board of Adjustment**

**Canterbury, NH**

**Minutes of Hearing**

**1 December 2021**

**Case No. 2021-7 Use Variance**

Present were: Chairman Joe Halla, Christopher Evans, Web Stout, Calvin Todd and Jim Wieck.

Also present were: Peter Arvanitis, Romeo LaCasse, Jeffrey Lewis and Benjamin LaCasse.

Chairman Halla advised those present **Romeo LaCasse** is seeking a Use Variance. The application involves Tax Map 226, Lot 3 located on Route 106 and is located in the Commercial zone. The proposed use states “To allow a self-storage facility within the Commercial zoning district. Specifically, three separate 13,000-sf buildings containing individual storage units sized for vehicles and RV’s. No outdoor storage is proposed”. The application references Article 5.3(C) Table of Principal Uses. Chairman Halla gave a detailed description as to the conduct of the hearing procedure.

Jeff Lewis, presenter, provided additional sheets of information to support the application including an aerial image. He advised Peter Arvanitis and Romeo LaCasse have an agreement. It is bisected by the town lines. Twelve and one half acres of the property is in Canterbury and approximately seven and one half acres are in Loudon. One of the handouts depicts the site plan of the current seventeen-year old commercial parking lot. It is directly north of the racetrack and there is a pedestrian connection over to the racetrack. It’s all open, a gravel parking area. It’s been that way for seventeen years. It was approved by the town of Canterbury back then. What Mr. LaCasse would like to do is purchase it and redevelop what’s already been open gravel into this three-building proposal for self-storage. It’s pretty much a standard self-storage facility you see. It’s accessed from the other side. There will be no private patrol. Its primary customer is intended to be people who store vehicles, including RV sized vehicles. People like to store those indoors, so the spot here is really in the market for that type of storage here. They will be primarily marketing to people that have RV’s or larger sized vehicles, however we propose to build these three buildings that will have various sized storage lockers in the units, but the primary focus of being the larger vehicle type storage. We think it’s a good use of the property. It’s a commercial property right now used for events at the track. A driveway has been maintained there and Mr. LaCasse would pave the site and bring it into a little bit better compliance with the site plan regulations since it would be permanent buildings out there. There would be relatively low impact to the site. It seems to them it’s a compatible use out there. It’s a commercial district along 106. We think of self-storage as a commercial use. It’s not identified in the zoning ordinance as a use, self-storage in particular, so they are coming before the zoning board to make that determination that you feel it is an appropriate use in a commercial district. They went through the other permitted uses that are out there permitted by right in the commercial district that include hotels, office use, greenhouses, any retail, grocery, furniture, lumber yards, indoor recreational facilities. All those types of uses are permitted in the commercial zone by right. In addition to that there is a whole other list of things permitted by special exception. They feel this is an appropriate use and fits in the commercial district out there. It’s an end user customer that’s coming in here for the rental facility and considering that all these other

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uses are permitted in the commercial district. Mr. LaCasse would like to move forward securing a variance because it is not a permitted use in the Ordinance, so getting the variance is the way to proceed they feel, so that’s why they submitted the application to the Board of Adjustment tonight.

Mr. Lewis said he was not familiar with this Board’s procedures and asked if the Board wanted him to go through the application criteria. Most of it has to do with the fact that’s it is not a defined use in the Ordinance, so they are looking for relief from the Ordinance to allow the specific use of a self-storage facility. Other than that they know they have to go to the Planning Board and get approval there next. Before they go to any further design of this, they want to make sure they have an allowed use from the Town. So, the next step would be if they get approval from the ZBA tonight to submit an application to the Planning Board over the winter and then securing their building permit and hope to get started on this as soon as they can in the Spring.

Chairman Halla asked if they went to the Planning Board first. They did not. He asked so you have not been to the Planning Board at all. That is correct. They are here first to address the use issue before going forward with the Planning Board for site plan. Christopher asked where is the office for this facility? Mr. LaCasse advised there will not be an office. Chris asked how does someone negotiate space? Mr. LaCasse responded it will all be done online. They are planning on putting a gate to which there would be access 24/7. Each space renter will be issued a card that will open the gate and then they go in and access their own personal unit. So rent and everything else, it’s amazing the technology you have today that everything can be done online. You set up the rental through it and of course one of us would have to meet with the customer at one point to give them a card for their access. Chris asked for Mr. LaCasse to identify himself for the record. He did so. Web asked if there is going to be outside light. There will be lights just on the buildings, not blaring ones that will light up the whole sky, just lights enough to read numbers on the buildings. Web asked if they are proposing to go into Loudon too or no? This would be it for now. The reason Mr. LaCasse is attracted to that piece is because of its location and it is an easy site to work. There is not a whole lot of excavation work to be done there. Web asked how many units do they think they will end up with. Twenty-six units of various sizes (15x70 down to 15x20) per building and they plan to have three buildings. Mr. Lewis stated he has done a lot of self-storage around the state. As Mr. LaCasse said it’s leaning more and more toward people doing this remote set up where everything is done online. Some of the ones built a decade ago have a caretaker with the allotted property. But now the newer ones are totally remote. They are very low intense use from a traffic generation standpoint. They are aware this is on Route 106 so it’s not the most critical area of town where you have to worry about traffic. Of all the other permitted uses in the Ordinance this is lowest it gets from an office building to a hotel to a restaurant to anything else you would build out there. Same with the lighting. It will all be downcast building lights no different than any other approved use that would be out there on that site. Web asked for confirmation there will be no outside storage at all. There will be none. Web asked and just a gate out front, you’re not going to fence any of it. No fencing, it is surrounded by woods out there.

Chairman Halla asked if anyone wished to speak in favor. No one spoke. He asked if anyone wished to speak in opposition. No one spoke. He asked if there were any other questions from Board members.

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There were none. He asked the applicant if they had anything more to add. Mr. Lewis spoke saying he did not think so unless the Board wanted them to go through the application criteria. In it they note Loudon allows self-storage in their Ordinance, Canterbury does not thereby this is the hardship issue.

Mr. LaCasse said depending upon the response to his three buildings in Canterbury, he might consider adding on in the Loudon portion of the property. Chairman Halla asked for the final time if anyone wished to speak in opposition. No one spoke. He closed the testimony portion of the hearing. He asked if anyone on the Board has a problem with this. Web said he does not. Chris said he does not have a problem with this. The only thing he was referring to was page 29 where it actually refers to storage, warehouse storage or wholesale establishments. Chairman Halla responded you are talking about warehouse storage he believes. What exists in the Ordinance is when you get into the commercial zone,

when you get into the industrial zone it is impossible to list every possible thing. And say you need a special exception or it’s allowed by right either one of those two zones, you’d have twenty pages. In the commercial zone you could go on forever. It doesn’t seem like a high impact use. He thinks a parking lot has obviously a higher impact, but a parking lot is only the big races he assumes. Web noted it’s allowed again, not that….he went through this again….outdoor storage of plants, aggregate and/or other non-toxic landscaping material, that’s allowed in this commercial zone.

Chairman Halla made a motion to **GRANT** the variance application for the following reasons:

1. The zoning restriction as applied to the applicant’s property interferes with the applicant’s

 reasonable use of the property, considering the unique setting of the property in its environment.

 It is located on a clearly heavily supported road next to the racetrack. The use is actually a lesser use

 than the parking lot that exists now.

2. No fair and substantial relationship exists between the general purposes of the Zoning Ordinance and

 the specific restriction on the property. The restriction exists simply because it’s not mentioned in

 the zoning ordinance as are a number of other uses in the commercial zone.

3. Granting the variance will not injure the public or private rights of others. There is nothing here that

 would even hint that would happen. It’s less impact to that area.

4. Authorization of a variance will not be contrary to the public interest. There is no reason to think

 that would be in fact in the public interest it’ll probably be a bigger tax bill.

5. The spirit of this Ordinance shall be observed, and substantial justice done in the use or structures

 resulting from the authorization of a variance. Justice will be done.

6. No diminution in the value of surrounding properties would be suffered as a result of the

 authorization of the variance. This would be a plus probably. The abutting properties would rather

 have this than a plain parking lot.

Chris seconded the motion. The Board vote was a unanimous decision to **GRANT** the variance. Chairman Halla explained the thirty-day appeal process. He advised they will need to go to site plan.

Chairman Halla moved to approve the Minutes of Hearing for 2021-6 as written. The Board voted unanimously to approve them as written.

Respectfully submitted,

DRAFT

Lisa Carlson, Clerk

Board of Adjustment