



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## MERRIMACK ZONING BOARD OF ADJUSTMENT

### APPROVED MINUTES

**WEDNESDAY, APRIL 26, 2017**

Members present: Patrick Dwyer, Richard Conescu and Alternate Leonard Worster.

Members absent: Fran L'Heureux, Tony Pellegrino, and Lynn Christensen.

Staff present: Assistant Planner Robert Price and Recording Secretary Zina Jordan.

#### 1. Call to Order

Patrick Dwyer called the meeting to order at 7:00 p.m. and designated Leonard Worster to sit for Fran L'Heureux.

#### 2. Roll Call

Patrick Dwyer led the pledge of allegiance and swore in members of the public who would be testifying. Richard Conescu read the preamble.

3. **Randy Appel of AGI Architectural Graphics, Inc. (petitioner) and Woodspring Suites Merrimack, NH, LLC (owner)** — Variance under Section 17.10 of the Zoning Ordinance to permit a freestanding sign of 80.53 square feet whereas a maximum of 32 square feet is permitted. The parcel is located at 2 Executive Park Drive in the C-2 (General Commercial), and Aquifer Conservation Districts. Tax Map 4D, Lot 76-1. Case #2017-10.

Randy Appel, AGI Architectural Graphics, Inc., said this would be the first Woodspring Suites Hotel in New England. It is an extended-stay hotel that offers weekly rates and in which every room is a suite. In order to attract non-Merrimack residents, the applicant wants travelers to see the sign from the F.E. Everett Turnpike as they approach Exit 11.

Randy Appel read the statutory criteria into the record.

There was no public comment.

**The Board voted 3-0-0 to grant the Variance, on a motion made by Richard Conescu and seconded by Leonard Worster.**

#### Findings of Fact

1. The granting of the variance would not be contrary to the public interest because it would help the public identify this destination. The public would benefit in being able to safely locate this extended stay hotel with a sign of sufficient size. The proposed additional square footage is minimal. Each element of the sign is

important – the brand name WoodSpring Suites, and the weekly rate announcing itself as an extended stay hotel. The sign identifies the services offered in a clean, clear and observable way;

2. The spirit of the Ordinance is observed because the public would know that the property is not just a hotel, but an extended stay hotel with a weekly rate. Clarifying the type of overnight services that are provided supports its attempt to help businesses identify their services and with no negative affect on adjacent properties. While the Woodspring Suites site is on a roadway with two traffic lanes and a speed limit between 0-35 mph, the site and the sign is ultimately directed to the four-lane Turnpike with a speed limit of 65 mph;
3. Granting this variance would do substantial justice because the public needs the viewing time the larger sign would allow motorists traveling on the very busy and fast moving Everett Turnpike in both directions prior to the Exit 11 for Route 3. The sign would help motorists understand the uniqueness of the property that allows for extended stay services, which distinguishes it from other hotels with daily rates. An extended stay hotel would benefit nearby businesses;
4. The values of the surrounding properties would not be diminished because the WoodSpring Suites is located at a highly traveled exit off the Turnpike with numerous businesses. The addition of this minimal signage would help motorists identify the services quickly and be able to exit safely;
5. A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:
  - 1) No fair and substantial relationship exists between the general public purpose of the Ordinance provision and the specific application of that provision to the property because the Woodspring Suites site is unique in that signs on the property attempt to attract motorists who are typically not Merrimack residents. The hotel's success derives from its ability to attract the wayfinding public and identify this site's services as an extended stay hotel – an affordable place to stay. The sign would announce to the public that an extended stay hotel is available to them. Being a new business to this part of the country, its location off a high-speed, high-volume highway, its need to attract typically non-resident customers, and being an extended stay hotel are unique.
  - 2) The proposed use is a reasonable one because an extended stay hotel wants to identify its particular services. The majority of people traveling on the Turnpike will not know the name WoodSpring Suites or its unique offering as an extended stay hotel.

4. **Andre Cuoto & Kristen Marcotte (petitioners & owners)** — Variance under Section 3.05 of the Zoning Ordinance to permit a deck and 3-season porch within 5 feet of the side property line whereas 15 feet is required. The parcel is located at 11

Brookfield Drive in the R (Residential) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 6D, Lot 376. Case #2017-11.

Andre Cuoto, 11 Brookfield Drive, wants to remove the existing deck, replace it with a three-season porch in the same footprint, and add a new deck on the side of it.

Andre Cuoto read the statutory criteria into the record.

As to #4, neighboring property values, Andre Cuoto said he would remove the trees on the property line and install a fence. He needs a variance because the proposed deck would encroach into the setback. He noted that the existing deck already encroaches into the same setback. The abutting neighbor has no issues and will do the construction. There is only one place for the deck. Grass and a pool can be installed only on one side; the other cannot be used because it would put the deck on the leach field. There was no public comment.

**The Board voted 3-0-0 to grant the Variance, on a motion made by Richard Conescu and seconded by Leonard Worster.**

#### **Findings of Fact**

1. The granting of the variance would not be contrary to the public interest because there are other existing three-season porches in the neighborhood. The proposed porch would lend itself to the overall aesthetics of the neighborhood;
2. The spirit of the Ordinance is observed because the property has two front yards and the side yard runs very close to the house;
3. Granting this variance would do substantial justice because it would allow the applicant to expand livable space and increase property value;
4. The values of the surrounding properties would not be diminished because updating the existing deck space and adding a three-season porch would increase the property value;
5. A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:
  - 1) No fair and substantial relationship exists between the general public purpose of the Ordinance provision and the specific application of that provision to the property because the existing deck encroachment prohibits placing a new deck;
  - 2) The proposed use is a reasonable one because it would provide additional outdoor space while creating a more suitable living area.

#### **5. Discussion/possible action regarding other items of concern**

None.

**6. Approval of Minutes – March 29, 2017**

**The minutes of March 29, 2017, were approved as presented, by a vote of 3-0-0, on a motion made by Leonard Worster and seconded by Richard Conescu.**

**7. Adjourn**

**The meeting was adjourned at 7:23 p.m., by a vote of 3-0-0, on a motion made by Leonard Worster and seconded by Richard Conescu.**