



LEGAL NOTICE
Town of Merrimack
Public Hearing

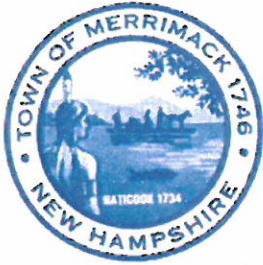


Residents of Merrimack are hereby advised that the Town Council will conduct a public hearing to consider the Planning Board's recommended amendments to the Zoning Ordinance (Sections 1.03, 2.02.3 & 2.02.4(B)) regarding Self-Storage Facilities, pursuant to RSA 675:2 and Charter Article 5. Copies of the proposed changes are available at the Town Manager's office, Town Clerk's office, the Merrimack Public Library and also on the Town's website. All interested parties are invited to attend. The public hearing will be held on **Thursday, August 21, 2014 at 7:00 PM** in the Matthew Thornton Room located at 8 Baboosic Lake Road in Merrimack.

For Town of Merrimack Use:

Posted: August 13, 2014

To Be Published: August 13, 2014 (*Union Leader*)




Town of Merrimack, New Hampshire

Community Development Department
6 Baboosic Lake Road
Town Hall - Lower level - East Wing

603 424-3531
Fax 603 424-1408
www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: June 20, 2014
To: Town Council
From: Timothy J. Thompson, AICP, Community Development Director 
Subject: **Zoning Ordinance Amendments regarding Self-Storage Facilities**

Background: As the Council may be aware, the Zoning Board granted by a 4-1-0 vote an Appeal of Administrative Decision for the former Zylas on December 18, 2013, which overturned the Planning & Zoning Administrator's decision that self-storage facilities are classified as "warehouse" uses, and therefore only permitted in the Town's Industrial Districts. The effect of the ZBA's decision, by now considering self-storage facilities to be a "personal service use" is that all other existing self-storage facilities previously approved by the Planning Board as "warehouse" uses in the I-1 District are now considered non-conforming.

In order to remedy the "consequences" of the ZBA's decision, the Planning Board directed staff to develop amendments to the Zoning Ordinance to address the situation. Attached to this memo, please find the Planning Board's recommended amendments to the Zoning Ordinance to address this situation. The Board unanimously supports the adoption of these amendments by the Town Council.

Summary of Proposed Amendments:

Zoning Ordinance

- Section 1.03 (Definitions): Add new definition of self-storage facility, renumber remainder of the Section;
- Section 2.02.3: Add new Subsection "D" for Conditional Use Permits for Self-Storage Facilities in the C-2 District, renumber remaining Sections;
- Section 2.02.4(B): Insert new permitted use for Self-Storage Facilities in the I-1 and I-2 Districts, renumber remainder of Section.

cc: File
Eileen Cabanel, Town Manager
Robert Best, Planning Board Chair

SECTION 1 - PURPOSE AND DEFINITIONS

1.01 Purposes

This ordinance shall be known as the Zoning Ordinance and Building Code. To promote the health, safety, convenience and general welfare of the Town of Merrimack and to make it an attractive place in which to live, the following ordinance and building code is hereby enacted by the voters of said Town of Merrimack.

102. Other Definitions Found at Other Locations in This Ordinance

- A. Certain terms and words are also defined at section 2.02.8 *Flood Hazard Conservation District*, Page 28.
- B. Certain terms and words are also defined at Section 2.02.11 *Aquifer Conservation District*, page 42.
- C. Certain terms and words are also defined at Section 17.04 *Signs*, page 126.
- D. Certain terms and words are also defined at Section 2.02.12 *Shoreland Protection District*, page 49.

1.03 - Definitions

- A. For the purposes of this ordinance, certain terms and words are hereby defined.
 - 1. Abutter: Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Planning Board or Zoning Board of Adjustment.
 - 2. Accessory Dwelling Unit: A second dwelling which is contained within an existing or proposed single family, detached, dwelling unit that is clearly incidental and subordinate in extent, use and purpose to the principal dwelling.
 - 3. Accessory Use: A subordinate use of land or building which is customarily incidental and subordinate to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use.
 - 4. Airport/helicopter/aircraft: An area of land or water providing certain specified facilities and services for use in connection with air transportation which could be used as a site for landing and taking-off of aircraft. Aircraft means any engine powered contrivance for air transportation.

<SNIPPED>

Section 1.03 - Definitions (continued)

45. **Restaurant:** An establishment whose principal business is selling food and beverages in a ready-to-consume state whether said food and beverages are consumed on or off the premises.
- a) **Restaurant, carry-out:** An establishment which sells food and beverages in a ready-to-consume state where no provisions are made for consumption on the premises.
 - b) **Restaurant, combination:** An establishment which sells food and beverages in a ready-to-consume state which may be either consumed on or taken off of the premises.
 - c) **Restaurant, drive-in:** An establishment which sells food and beverages in a ready-to-consume state primarily for consumption on the premises by persons in parked motor vehicles.
 - d) **Restaurant, sit-down:** An establishment which sells food and beverages in a ready-to-consume state primarily to persons who are seated within the building or outside on the premises.
46. **Seasonal Building or Structure:** A building or structure, usually but not always a dwelling unit, which was originally designed to be occupied only during the warm months of the year, not during winter; such a structure may not have been originally built with insulation or any permanent, central heating system; such a structure, when originally constructed, may not have had a septic system designed for year round use. (Reference 9.02.E)
47. Self-Storage Facility: A building, group of buildings or other facility having compartments, rooms, spaces, containers or other type of units that are individually leased, rented, sold or otherwise contracted for, by customers for the storage of non-toxic, non-explosive personal or business goods or property, and where the facility owner/operator has limited access to the units. For purposes of this Ordinance, "self-storage facility" shall be considered synonymous with self-storage warehouse, self-service storage facility, mini-warehouse or mini-storage.
48. **Setback, Front Yard:** Open space extending across the full width of lot between the front lot line and nearest line of the principal building or any enclosed portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line and the nearest point of the building or any enclosed portion thereof.

Formatted: Underline

TOWN OF MERRIMACK ZONING ORDINANCE & BUILDING CODE

Section 1.03 - Definitions (continued)

- 49. **Setback, Rear Yard:** Open space extending across the full width of lot between the rear line of the lot and the nearest line of the building or any enclosed portion thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building. When the rear lot line is less than 10 feet long or if the lot comes to a point at the rear, the depth of the rear yard is measured to an assumed rear lot line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said front lot line.

Deleted: 48

- 50. **Setback, Side Yard:** Open space between the side lot line, and the nearest line of the principal buildings, or any enclosed portion thereof, extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front lot line and/or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the principal building or any enclosed portion thereof.

Deleted: 49

- 51. **Setback, Yard:** A required open space on a lot unoccupied and unobstructed by any principal structure or portion thereof, except for such projections into any required open space as are expressly permitted herein.

Deleted: 50

- 52. **Special Exception:** Uses authorized under the Zoning Ordinance subject to appropriate conditions and safeguards as set forth in the ordinance as may be approved by the Zoning Board of Adjustment. Applicants for a special exception need not prove hardship but must comply with all other applicable zoning laws and any conditions for approval imposed by the Zoning Board.

Deleted: 51

- 53. **Street:** Class V Highway or better, as defined in RSA 229:5(VI).

Deleted: 52

- 54. **Structural Alterations:** Any change in the supporting members of a building or structure, such as walls, columns, beams or girders.

Deleted: 53

- 55. **Structure:** Anything constructed or erected, the use of which demands its permanent location on the land, or anything attached to something permanently located on the land.

Deleted: 54

- 56. **Travel Trailer:** A mobile home designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer's permanent identification "Travel Trailer" thereon; and when factory equipped for the road, being of any length provided its gross weight does not exceed forty-five hundred (4500) pounds, or being of any weight provided its overall length does not exceed twenty-eight (28) feet.

Deleted: 55

- 57. **Variance:** A grant of permission by the Zoning Board of Adjustment that authorizes the recipient to do that which, according to the strict letter of the zoning laws, could not otherwise legally be done.

Deleted: 56

Section 1.03 - Definitions (continued)

58. Wetlands: "Wetlands" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

| 59. Zoning Administrator: An appointed official whose primary responsibility is to administer and enforce the zoning code of the Town of Merrimack.

Deleted: 58

| 60. Zoning Board of Adjustment: A quasi-judicial body which hears and decides matters relating to the application of the zoning ordinance and considers appeals from the decisions of the Zoning Administrator and Building Official and considers variance and special exception applications.

Deleted: 59

Zosctn1

SECTION 2 - ESTABLISHMENT OF DISTRICTS

2.01 - The Town of Merrimack is hereby divided into twelve districts:

- R. Residential District
- C-1. Limited Commercial District
- C-2. General Commercial District
- I-1. Industrial District
- I-2. Industrial District
- I-3. Industrial District
- W. Wetland Conservation District
- F. Flood Hazard Conservation District
- E. Elderly Zoning District
- PRD. Planned Residential District
- A. Aquifer Conservation District
- SP. Shoreland Protection District

The location and boundaries of districts are and shall be as shown on the Zoning Map, the Wetlands Conservation District Map, the Flood Hazard Conservation District Map, the Soils Limitation District Photo Maps, the Elderly Zoning District Map, and the Planned Residential District Map which are hereby declared to be a part of this ordinance.

2.01.1 - Industrial District - Metes and Bounds, I-1, I-2, I-3

- A. From Souhegan River North to Bedford line from Merrimack River to 200 feet west of the railroad tracks and the extension of the industrial zone in the area of the B&M Railroad at the northerly side of the Souhegan River as mapped [including all of Tax Map Parcels 6D-1/75 except for that portion of the parcel south and west of the southwesterly property line of Tax Map Parcel 6D-1/76 and north and west of a line drawn from the southwestern corner of Tax Map Parcel 6D-1/76 to a point at a jog in the southwesterly boundary line of Tax Map Parcel 6D-1/75, said point being approximately 249 feet east of the Front Street Right-of-Way, and all of Tax Map Parcels 6D-1/76, 6E-2/60 and 6E-2/61 but excluding all of Tax Map Parcels 6D-1/69 and 75-4, 6E-1/5, 7, 8, 9, 10, 10-1, 11, 12, 13, 38, 37, 36, 35, 34, 33 and 6E-2/39.
- B. Beginning at a point at the intersection of the westerly right-of-way line of Camp Sargent Road and the southerly right-of-way line of Continental Boulevard; thence
 - 1. Westerly along the said southerly right-of-way line of Continental Boulevard, a distance of seven hundred ninety (790) feet, more or less, to a point at the most westerly corner of Lot 4D/54-4 and the most northerly corner of Lot 3D/3; thence
 - 2. Southeasterly along the southwesterly line of said line of said Lot 4D/54-4 and Lot 4D/53 and the northeasterly line of said Lot 3D/3, a distance of three hundred sixty-nine (369) feet, more or less, to a point on the westerly line of Lot 3D/18; thence

<SNIPPED>

TOWN OF MERRIMACK ZONING ORDINANCE & BUILDING CODE

Section 2.02.3 - District C-2, General Commercial - Permitted Uses (continued)

- 7) Twice yearly inspections and bonding required: a) the structural integrity of all towers, whether in use, abandoned or unused, shall be inspected at least twice a year; b) copies of inspection reports shall be filed with the Community Development Department within thirty (30) days of the inspection; c) all owners of commercial wireless telecommunication towers shall obtain and maintain a bond to cover the cost of removal of abandoned, unused towers or portions of towers. d) the amount of said bond shall be reviewed by the Town every five (5) years to ensure the amount of security is adequate and may be increased if necessary; e) failure to file the required biannual inspection report with the Community Development Department within the specified time-frame shall constitute sufficient grounds to cause the bond to be called.
- 8) Permit Required: a) building permits shall be obtained for all towers, accessory structures and antennae; b) the number of users and the total number of antennae on any individual tower shall not exceed that which is permitted under the site plan approved by the Merrimack Planning Board.
- c) Written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna if the applicant is proposing to build a new tower. This evidence can consist of an analysis of the location, height, strength, potential interference, and co-location costs which would make co-location impractical.

D. Conditional Use Permit:

- 1. Pursuant to the authority provided in RSA 674:21, the Planning Board may grant a Conditional Use Permit for Self-Storage Facilities within the C-2 District.
- 2. Purpose & Intent: Self-Storage Facilities have characteristics in common with both commercial uses and industrial uses. This subsection provides regulations to appropriately site Self-Storage Facilities in the C-2 District while maintaining the desired character and function of those zones. In general, Self-Storage Facilities generate low levels of vehicular and pedestrian activity and typically do not contribute to the vitality of a commercial area compared to other commercial uses. Historically self-storage facilities have visually resembled industrial facilities, but some trends in the industry have featured designs compatible with higher quality commercial development. If designed appropriately as stand-alone structures that emulate the exterior architecture of residential or multi-family residential or as components located within larger commercial/ office developments, Self-Storage Facilities may be located without adversely impacting the intent of the C-2 District or surrounding neighborhoods, provided the criteria below are satisfied.
- 3. The following criteria must be satisfied in order for the Planning Board to grant a Conditional Use Permit for Self-Storage Facilities:
 - a) Granting of the application would meet some public need or convenience;
 - b) Granting of the application is in the public interest;
 - c) The property in question is reasonably suited for the use requested;

Formatted: Numbered + Level: 1 +
Numbering Style: A, B, C, ... + Start at: 4 +
Alignment: Left + Aligned at: 0" + Tab after:
0.25" + Indent at: 0.25"

Formatted: Indent: Left: 0.75", No bullets or
numbering

TOWN OF MERRIMACK ZONING ORDINANCE & BUILDING CODE

Section 2.02.3 - District C-2, General Commercial - Permitted Uses (continued)

- d) The use requested would not have a substantial adverse effect on the rights of the owners of surrounding properties;
- e) There must be appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks, so as to assure public safety and to avoid traffic congestion;
- f) Electrical service to storage units shall be for lighting and climate control only. No electrical outlets are permitted inside individual storage units. Lighting fixtures and switches shall be of a secure design that will not allow tapping the fixtures for other purposes;
- g) If the facility abuts residentially zoned property, the facility loading bays, docks or doors shall not be visible from the residential property or from public rights-of-way;
- h) In order to promote visual compatibility with commercial development allowed in commercial zones, Self-Storage Facility buildings shall incorporate appropriate landscaping/screening and architectural and design features common to commercial and/or multifamily development. (Examples of such architectural and design features include: massing; proportion; facade modulation; exterior building materials and detailing; varied roofline; pedestrian scale; fenestration; repetition; etc.)

Formatted: Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 1" + Tab after:
1.25" + Indent at: 1.25", Tab stops: -1", Left

E. General Requirements:

Site Plan Review: In each case where a building or use is proposed in this district other than a single-family residence, the Building Official shall refer the site plan of the proposal to the Planning Board for its review in accordance with its subdivision and/or site review regulations. Such Board shall determine that all requirements of this ordinance have been met, and buffer protection provided to adjacent residential uses and, after holding a public hearing on each application, shall approve, approve with modifications, or disapprove said site plan. In modifying or disapproving any site plan, the Board shall enter its reasons for such actions in its records.

Formatted: Indent: Left: 1.25", Tab stops:
-1", Left
Deleted: D

2.02.4 - District I-1 & I-2, Industrial - Permitted Uses

A. District Objectives

These districts allow for the establishment of manufacturing employment opportunities in the community and takes into consideration truck access and the availability of utilities. Research and development and other high density activities should be concentrated in this area.

Any permitted industrial or commercial use of which no land, building, structure, or equipment, or ancillary appendages shall be used for any purpose which would be injurious, noxious, or offensive by way of odor, fumes, smoke, dust, vibration, noise, light, or other objectionable features or hazardous to the community on account of fire or explosion or any other cause. The Planning Board shall adopt such standards and regulations as it may deem necessary in order to help ascertain conformance with the above regulations.

TOWN OF MERRIMACK ZONING ORDINANCE & BUILDING CODE

Section 2.02.4 - District I-1 & I-2 - Permitted Uses (continued)

B. The following uses only are permitted in the Industrial District I-1:

1. Manufacturing Industries,
2. Warehouse and Wholesale Uses,
3. Office Uses Greater than 10,000 Square Feet,
4. Public Utilities,
5. Churches,
6. Gasoline Stations,
7. Enclosed Service and Repair, including Automotive Vehicles,
8. Machinery and Transportation Equipment, Sales, Service and Repair,
9. Freight and Trucking Terminals, Offices, and Brokers,
10. Contractors Yards,
11. Parking Garages,
12. Animal Hospital, Veterinary Clinics, provided at least 200 feet of side and rear yards are provided from any residential district,
13. Research & Testing Laboratory
14. Fuel Storage and Distribution (Bulk).
15. Printing Establishment,
16. Contract Cleaning Establishment,
17. Industrial Supply Establishment,

TOWN OF MERRIMACK ZONING ORDINANCE & BUILDING CODE

Section 2.02.4 - District I-1 & I-2 - Permitted Uses (continued)

18. Support Uses to an Industrial District:
 - a) Restaurants,
 - b) Branch Banks,
 - c) Offices,
 - d) Hotel/Motel,
 - e) Daycare
19. Breweries and Bottling Facilities,
20. Athletic fields and indoor or outdoor skating facilities.
- ~~21. Self-Storage Facilities~~
22. Telecommunication Towers, Co-location on Existing Towers, and Co-location on Existing Non-Tower Structures, provided that the following criteria are satisfied:
 - a. New Towers
 - 1) Towers shall be set back from the property line by a distance equal to the height of the tower. The Planning Board may permit a lesser setback where alternative protections to abutting properties are provided by way of easement, covenant or other adequate deed restriction or where the proposed tower is designed in full compliance with all applicable building codes and building/construction plans submitted to the building inspector are certified and stamped by a licensed structural engineer prior to the issuance of a building permit. Prior to the issuance of a Building Permit, the tower design and plans shall be reviewed by a structural engineer designated by the Town.
 - 2) Accessory facilities must satisfy the minimum zoning district setback requirements.
 - 3) Towers shall maintain a neutral, non-reflective color so as to reduce visual obtrusiveness.
 - 4) For security purposes, towers and ancillary facilities shall be enclosed by a minimum six (6) foot fence.
 - 5) All utility buildings and structures accessory to a tower shall be screened from view by suitable vegetation from any adjacent residentially zoned property or public roads.

Deleted: 1

<SNIPPED>

1 **MOTION CARRIED 6-0-0**

2
3 **5. Consideration of Proposed Zoning Ordinance Amendments [First Reading]**

4 *Submitted by Community Development Director Tim Thompson*

5 The Town Council to consider the Planning Board's proposed recommended amendments to the
6 Zoning Ordinance (Sections 1.03, 2.02.3 & 2.02.4(B)) regarding Self-Storage Facilities, pursuant to
7 RSA 675:2 and Charter Article 5. If approved, this will be moved to a public hearing at the August
8 21, 2014 Council meeting.

9
10 Director Thompson informed the Council last December, through an action of the Zoning Board of
11 Adjustment (ZBA), the property now known as Vault Motor Storage, previously the Zyla's property,
12 was granted an Appeal of Administrative Decision, which overturned the former Zoning Administrator's
13 decision that self-storage facilities were classified as warehouse uses under a zoning ordinance, and,
14 therefore, only permitted in the Industrial District.

15
16 As a result of that decision, the ZBA has essentially reclassified self-storage facilities as personal service
17 uses, which are permitted in the Commercial District, but not in the Industrial District. Given the fact
18 there are several existing self-storage facilities already located in the Industrial District, this decision has
19 effectively rendered all of those facilities now non-conforming in relation to zoning.

20
21 The Planning Board directed him and his staff to examine the Zoning Ordinance to try to address the
22 situation. What the Board and staff have recommended are amendments to three sections of the Zoning
23 Ordinance. The first, Section 1.03, would be the addition of a definition of a self-storage facility to
24 create that as a specific use within the Ordinance. That also then requires renumbering the remainder of
25 the definitions in that section, in Section 2.02.3, adding a new sub-section, which would allow for self-
26 storage facilities in the Commercial II District by Conditional Use Permit, which allows the Planning
27 Board an extra level of scrutiny to those types of uses within the Commercial District as typically a self-
28 storage facility is not the highest and best use you could use in a Commercial District, and in Section
29 2.02.4(B), to insert self-storage facilities as a permitted use in the Industrial District.

30
31 By the amendments the issue of the existing facilities being non-conforming ends, which could have
32 been problematic if they ever wanted to refinance their properties or expand in any way, and also sets up
33 a mechanism that the Planning Board can utilize in the future should there be a request for Commercial
34 District. In doing so, those Conditional Use criteria are very specific; for a self-storage facility to be
35 located in the Commercial District there are several criteria including architectural design and things of
36 that nature to ensure they are compatible with the Commercial District standards rather than being an
37 industrial building just lopped into a Commercial District.

38
39 Councilor Boyd questioned whether the definition of personal service use is utilized by other
40 municipalities within the State, and why personal service use as opposed to simply identifying it as self-
41 storage. Mr. Thompson responded, in the ZBA's deliberation on the Appeal of Administrative Decision,
42 they had to identify a use that was in the Ordinance to classify self-storage as because the argument the
43 petitioner was making was that it is not an industrial warehouse use it is more akin to a personal service.
44 That was the case they made to the ZBA. The ZBA, in their decision, agreed with that, and then by
45 doing so has essentially classified these self-storage facilities as personal service uses.

46
47 He commented there were two applications before the ZBA that same evening; one for a use variance to
48 allow the industrial use for the self-storage facility. That was the second item on the agenda; however,
49 the ZBA determined to overturn the Administrative Decision so the other case was moot. The Variance

1 was never acted upon. He stated he is not aware of any other community that classifies self-storage
2 facilities as personal services uses.

3
4 Councilor Boyd commented we are trend setting with personal service. Director Thompson responded,
5 right now, with this being posted as a proposed ordinance we are subject to this requirement until the
6 Council makes a decision, but up until that time, yes we were considering these personal service
7 facilities since December.

8
9 Councilor Koenig questioned whether it was suggested the Council could choose not to accept the
10 proposed changes and undo the action of the ZBA? Director Thompson responded if the Council did
11 not accept the changes, they would be left with the status quo; would continue to consider these to be
12 personal service uses, and they would no longer be permitted in the Industrial District, which would
13 leave the existing facilities as non-conforming uses.

14
15 Councilor Koenig remarked we quite frequently consider that more of an industrial type use. Those in
16 there we don't want to discourage. Director Thompson stated agreement. Councilor Koenig
17 commented it behooves the Council to accept the changes. Director Thompson stated his wholehearted
18 recommendation the Council move forward with the changes to correct what he believes to be an
19 unfortunate decision that he does not know the ZBA really understood the impact of the decision at the
20 time.

21
22 Councilor Dwyer stated a concern with re-writing the playbook after the fact. He added the individual
23 bought/leased the property without the proper business zoning. Councilor Koenig stated the individual
24 applied to the ZBA for a Variance, which was approved. In doing so, it created this issue where existing
25 structures are now non-conforming.

26
27 Director Thompson clarified it was not a Variance that was granted; they appealed the former
28 Administrator's determination that these were classified as a warehouse, and in doing so they have
29 reclassified them as personal service uses. This essentially puts us back to where we were before the
30 ZBA made this decision; that being that self-storage facilities are permitted by right in the Industrial
31 District, and we are actually expanding where self-storage facilities would be permitted by allowing
32 them, by Conditional Use Permit, in the Commercial District as well.

33
34 Councilor Dwyer stated he does not like the uniqueness we find ourselves in that we have now parceled
35 new wording to make something fit, and questioned what is to prevent the owner from using it as a
36 warehouse. Director Thompson stated the decision would have no impact on the Vault Motor Storage
37 site because they are in existence and would be essentially permitted by the approval they received from
38 the ZBA and the Site Plan approval by the Planning Board after the ZBA decision.

39
40 Chairman Harrington noted, prior to the decision they would not have been able to, without a Variance.
41 The discussion at the ZBA was relative to finding a way of allowing them to have it. The unintended
42 consequence is now impacting other businesses in Town.

43
44 Councilor Koenig commented what is important to understand is that this whole impact effectively
45 increases the amount of space that is available for self-storage facilities. But, what this is doing is
46 putting a little bit more in the way of restrictions on what they can put into a commercial area.
47 These types of facilities can go into a commercial area if a Conditional Use Permit is granted, which
48 requires appearing before the Planning Board, which has been very hesitant to just hand out Conditional
49 Use Permits. An applicant would have to make a case for such a permit. The Planning Board would

1 have the opportunity to look at the aesthetics, finances, and all other impacts it could have on abutters,
2 etc. That piece is being added and was not in place previously.

3
4 Councilor Dwyer requested an example of something that would be undesired in a commercial area.
5 Director Thompson remarked a lot of it comes down to aesthetics and screening because a lot of the
6 commercial areas about both residential districts and other lighter commercial districts. The Planning
7 Board's direction to him was that we don't want to see industrial style buildings located along high-
8 value commercial areas of Town that would typically be used by commercial office, retail, etc. What he
9 took from the discussion with the Planning Board was if we want to have highly valuable commercial
10 land utilized by what is typically not a tremendous tax-generating use, there needs to be an extra level of
11 scrutiny before we allow those in those districts.

12
13 Councilor Boyd questioned the impact of someone taking a mobile pod and placing it on their property,
14 regardless of zoning. Director Thompson responded an individual landowner who rents or purchases a
15 mobile storage unit would not be impacted by the Ordinance whatsoever. That is not the intent of a self-
16 storage facility, and the definition of self-storage facility is written in such a way that those would not be
17 included under it.

18
19 Councilor Woods commented "personal use" seems rather broad. He questioned what would prevent
20 another applicant from trying to expand that language. Director Thompson stated the addition of a
21 definition of a self-storage facility essentially eliminates that ZBA decision that these are personal
22 service use. We now have a specific definition of a self-storage facility, which would cover this instead
23 of what was previously considered a warehouse or under the ZBA's interpretation being considered
24 personal service. The personal service use, should the Ordinance be amended, would no longer apply to
25 self-storage facilities. Self-storage facilities would stand on its own with its own definition.

26
27 **MOTION made by Councilor Mahon and seconded by Councilor Boyd to move the Consideration**
28 **of Proposed Zoning Ordinance Amendments to a Public Hearing. MOTION CARRIED 6-0-0**

29
30 **Minutes**

31
32 Approve the minutes from the June 26, 2014 Town Council meeting.

33
34 *The following amendments were offered:*

35
36 Page 16, Line 8; replace the words "Councilor Boyd" with "Councilor Rothhaus"

37 Page 16, Line 40; replace the words "Councilor Body" with "Councilor Boyd"

38
39 **MOTION made by Councilor Mahon and seconded by Councilor Dwyer to approve the minutes**
40 **of the Town Council meeting conducted on June 26, 2014 as amended. MOTION CARRIED 5-0-**

41 1
42 *Councilor Woods Abstained*

43
44 **Comments from the Press** - None

45
46 **Comments from the Public**

47
48 Roger Gettel, 1 Veterans Park Drive

