

**Town of Kingston
Zoning Board of Adjustment
July 9, 2020**

PRESENT:

Electra Alessio, Chair; Larry Greenbaum, Vice Chair; Peter Coffin, Richard Johnson, Members; Charles Hart, Alternate Member

Chairman Alessio called the meeting to order at 7:00 PM.

BOARD BUSINESS

Approval of Meeting Minutes:

MOTION: by Mr. Coffin to approve the minutes of June 11, 2020 as written,

SECOND: by Mr. Johnson

In favor: Alessio, Greenbaum, Coffin, Johnson, Hart; Motion passes.

PUBLIC HEARINGS

7:05 p.m.

Ken and Erin Cornell (Ken Cornell, Erin Cammarata)
2 Quail Ridge
Merrimac, MA 01860

IN RE: Archangel Realty, LLC
3 New Boston Road
Kingston, NH 03848
Tax Map R-19, Lot 10

This is a public hearing whereby the applicant seeks a Variance from the terms of Article 103, Section 2, of the Town of Kingston Zoning Ordinance, and asks that terms be waived to permit office use in the Single Family Residential Zone within an existing building currently being used as a woodworking shop.

Erica Spechuilli was present to represent the applicant, and submitted a letter from the applicants authorizing her to speak on their behalf.

Ms. Spechuilli addressed the Board and explained that the applicants' company, CBS Medical Billing, has a purchase and sales agreement with Archangel Realty, the current owner of the building. She said that CBS Medical Billing is the leading orthotics and medical billing company in the United States, established in 2010. She said they currently lease office space in Portsmouth and Exeter, and are looking forward to moving into their new home at 3 New Boston Road in Kingston.

Ms. Spechuilli said that the company is well prepared for the current work limitations due to the Coronavirus as they began looking into work at home options two years ago and have been able to implement the plans quickly and efficiently. She said they currently employ 45 people and the majority work from home. Only 16 will work in the office regularly and the rest will stop in occasionally. In addition, she said that there will be periodic company training. Ms. Spechuilli gave an overview of how the main floor and

basement areas would be set up and utilized.

Ms. Spechuilli then addressed the five criteria:

The granting of this variance will not be contrary to the public interest: Points made were that this building was not built for residential use and the use proposed by CBS would not hinder the neighbors' enjoyment of their property, as the company's working hours are during the day while most neighbors are not at home. In addition, the traffic will be light as most employees work from home. Ms. Spechuilli also said she has letters from both of the other landlords to enter into the record, speaking to the type of tenanship CBS has had over the years.

Spirit of the ordinance is observed. Ms. Spechuilli noted that the spirit of the Residential zone is to preserve quality of life for residents. She said that this use would not hinder the neighbors' ability to enjoy their property, but in fact enhance it, for the reasons given above. There would be no substantial truck traffic or after-hours activity.

Substantial justice will be done. Ms. Spechuilli said that the proposed use would not be intrusive or hinder residents' enjoyment of their homes, and the Town would gain a responsible business entity interested in becoming a part of the community.

Value of surrounding properties will not be diminished. Ms. Spechuilli said that actually the values would be enhanced by this use. She said that New Boston Road is a busy connector between Route 125 and Main Street, and it is not unreasonable that someone would want to put a large company that increased truck traffic. She also made the point that as such businesses adapt to working with more remote workers, eventually one result will be abandoned, dilapidated buildings that will bring property values down. Ms. Spechuilli offered a letter from the company's real estate agent corroborating that surrounding property values would not be diminished.

Literal enforcement of the zoning ordinance would result in unnecessary hardship. Ms. Spechuilli said that this building was non-conforming when zoning was established, and none of its uses (church, wood working shop) have been conforming. She suggested that this use will be less disruptive than if a developer came in to create a residential subdivision.

Comments/Questions of Abutters: None

Questions of the Board:

Mr. Coffin asked if the septic was still shared with the parsonage, and it was affirmed that this is the case; however, Ms. Spechuilli said that with most employees working from home, she anticipates an even smaller use of the septic system than the church had, with the 40 -60 employees in the building at one time only once per month as opposed to the church having that many four times per month. She said that however they do anticipate needing to address the septic system in the future.

Mr. Hart asked what alterations are planned. Ms. Spechuilli said that they are talking to an architect about design, but the building already lends itself to a collaborative work

environment. They will be removing some interior walls, and most likely moving the handicapped ramp to access the front entrance.

Mr. Hart asked what the basement will be used for; it will be used for meetings, training and storage. Mr. Hart said that there have been water problems in the basement in the past. Ms. Spechuilli said that there are two sump pumps in the basement already, and they are talking about digging a trench around the building to help with water intrusion. Mr. Greenbaum asked if the building is currently vacant. Ms. Spechuilli said that the wood working shop is still on the first floor; she said that their time frame for inhabiting the building is March 1, 2021. They anticipate the Planning process taking some time, as it is an older building and they need to deal with the water.

The current owner of the building was present; he said that there have never been any complaints about the tenants, and agreed that the building is well suited to this new use.

The five criteria for granting a Variance criteria were reviewed and voted on:

Will there be a diminution of value of surrounding properties? All 5 voted no; passes

Granting will be of benefit to Public interest? All 5 voted yes; passes

Will literal enforcement of the ordinance result in unnecessary hardship to the applicant?

All 5 voted yes, passes

Will substantial justice be done if granted? All 5 voted yes; passes

Will the use contemplated, if granted, be contrary to the spirit of the ordinance? All 5 voted no; passes

MOTION: by Mr. Coffin, to grant a Variance to Ken Cornell and Erin Cammarata, to the terms of Article 103, Section 2, of the Town of Kingston Zoning Ordinance, and asks that terms be waived to permit office use in the Single Family Residential Zone.

SECOND: by Mr. Greenbaum

All in favor, variance granted.

Rob Healey
344 Water Street
Exeter, NH 03833

IN RE: 34 Church Street
Kingston, NH 03848
Tax Map R-30, Lot 10

This is a public hearing whereby the applicant seeks a Variance to the terms of Article 104, Section 5.c, of the Town of Kingston Zoning Ordinance, and asks that said terms be waived to construct a 2,490 square foot retail building on the property, thereby adding a second building at that location.

Chairwoman Alessio asked for a motion to continue this case to the September meeting.

MOTION: by Mr. Coffin, to continue the case of 34 Church Street, Map R-30, Lot 10, to September 10, 2020.

SECOND: by Mr. Greenbaum

There was a discussion of the reason for the continuance. Chairwoman Alessio said that she had gotten a second letter from the Building Inspector today, which she read. The Building Inspector had written that upon reflection, he can't approve or deny a permit for commercial use that had not been recently through the Planning Board.

The Chairwoman expressed her regret for the problems and delays this applicant has had; she said that they should have gone to the Planning Board in March. She said she had called Jones and Beach to tell them not to come, but hopes mistakes like this will not happen in the future. She said every application needs to come in with a letter of denial either from the Inspector or the Planning Board. In this case there was a letter which was then changed, but she said this needs to happen at the beginning of the process. The application form will be revised to require a denial letter with the application, so both the applicant and office staff receiving the application will be aware.

All in favor.

There was a brief discussion of this application.

Meeting adjourned at 7:30 PM.

Respectfully submitted,
Susan Ayer