

**wn of Milford
Zoning Board of Adjustment
September 21, 2017
Case #2017-22
Eric Fasciani
Special Exception**

Present: J. Plourde, Vice Chair
Michael Thornton
Joan Dargie
Rob Costantino
Tracy Steel, Alternate
Wade Scott Campbell, Alternate
Karin Lagro, Alternate

Absent: Steven Bonczar, Chair
Robin Lunn, Zoning Administrator
Laura Dudziak, Board of Selectmen Representative

Secretary: Peg Ouellette

Case #2017-22

Eric Fasciani , for property located at 261 Elm Street, Milford, NH, Tax Map 19, Lot 23, in the Integrated Commercial-Industrial district, is seeking a Special Exception of the Milford Zoning Ordinance per Article V, Section 5.08.2.A.3 to allow a personal fitness and small group training facility in an existing structure.

MINUTES APPROVED DECEMBER 7, 2017

Jason Plourde (Vice Chair), Acting Chair, opened the meeting and introduced the Board members. The Chair seated Wade Scott Campbell as a voting alternate for this case.

J. Plourde introduced the Board members and informed all of the procedures of the Board. He read the notice of hearing.

E. Fasciani, applicant, came forward. He stated he wanted to move into 261 Elm Street, which was currently about 15,000 SF. They would occupy about 5,600 SF. Building was previously a warehouse for Alene Candles. He was seeking a Special Exception as specified in Art. V, Sec. 5.08.2.A.3 of the ordinance to permit a personal training and small group fitness facility. He briefly summarized the responses to Section 1, A-E on the application. He said the proposed use was similar to those permitted in the district because it was a commercial recreational facility, which was allowed use. The site was appropriate because the space would allow for growth of the business. Extra space, floor area, ceiling height, etc. set up for cross-fit training. Will not adversely affect adjacent area because the use will be equal to or less than the previous tenant as far as traffic. It was comparable to those in the area. There would be no nuisance or hazard to vehicles or pedestrians because they would conduct all business inside and no change to the traffic pattern. Adequate facilities will be provided for proper operation of the proposed use because there was plenty of parking, all have ADA access, and no changes necessary to operate.

R. Costantino asked what kind of fitness it would be. Would there be fitness equipment?

E. Fasciani said it would be three-way gymnastic, cardio conditioning. They don't have any big equipment. Small free weights. Group training for up to 10 to 15 at a time, or personal training.

R. Costantino asked about hours of operation.

E. Fasciani said 5:30 a.m. to 8 p.m. Most classes between 5:30 and Noon. Then they would close and then re-open at 4 p.m.

J. Plourde asked for any further questions from the Board.

M. Thornton said on Question B re specific site, it was asking if it was appropriate for the town. The applicants knew it was appropriate for them, or the applicants wouldn't be there. He then asked for the applicant to explain how it would be appropriate for the Town if their business was there.

E. Fasciani said he thought everyone could benefit from improving health and fitness. It was a great way to build community- a way for people to interact socially and improve their health.

J. Plourde asked for any other questions. He then stated that T. Steel and K. Lagro, Alternates, were not voting but could take part in the discussion.

J. Dargie asked if the building was being separated into three condo units.

E. Fasciani said it was one unit now. Working with Cardoza Flooring, who purchased the whole building and was leasing to them.

J. Dargie said there was nobody else there, but potentially would be there.

M. Thornton asked if they were currently across from the bank.

E. Fasciani said yes.

T. Steel asked if they were re-locating, not opening a second location.

E. Fasciani said yes, the current space was a little tight.

J. Plourde asked applicant if he had anything to add.

E. Fasciani said no.

J. Plourde opened meeting for public comment. Seeing none, he asked the applicant one last time if there was anything else to add. E. Fasciani said no. J. Plourde then closed public comment.

Board proceeded to deliberation.

J. Plourde said they needed to go over the Special Exception conditions and discuss them but not vote on this. He said they would then vote on the special exception criteria.

A. Is the proposed use similar to those permitted in the district?

W. Campbell – judging by the location, yes

M. Thornton – yes

J. Dargie – this use and location are pretty straightforward -yes

J. Plourde – yes. This use is allowed in the district by special exception. Different uses were pretty mixed out there.

B. Is the specific site an appropriate location for the proposed use?

W. Campbell – same as for A.

J. Dargie – it was a lot off the main drag and would have plenty of parking.

M. Thornton – they will have one group of people in the morning and another in the afternoon. It was not like people running in and out all day.

J. Dargie – for that amount of space and location, the use would appear to be appropriate.

C. Will the use as developed not adversely affect the adjacent area?

J. Dargie – same explanation as the previous condition.

M. Thornton – it was internal to the building.

J. Plourde – There was one lane in either direction in and out of traffic. Already existing uses there. It was not a brand-new building. There was a previous occupant with another use. This won't add any additional traffic that would adversely affect the area.

D. Will there be no nuisance or serious hazard to vehicles or pedestrians?

J. Dargie said yes, because of what J. Plourde just said, it fit this criteria as well.

M. Thornton – how will people know they were there? That would have to be addressed in a later issue for a sign on the building.

J. Dargie said that wasn't something for this discussion.

M. Thornton said the question asked about nuisance if people were trying to find the location because it was set off the road.

J. Dargie said they could use that argument if they want a sign at the top of the road.

E. Will adequate appropriate facilities be provided for the proper operation of the proposed use?

J. Dargie – yes

W. Campbell – there was plenty of parking

J. Dargie – they addressed height of the building being adequate.

M. Thornton agreed.

J. Plourde said, if no other comments or discussion from the Board, they would go on to vote on the Special Exception criteria:

VOTE:

1. Is the Special Exception allowed by the ordinance?

J. Dargie – yes; M. Thornton – yes; R. Costantino –yes; W. Campbell – yes; J. Plourde – yes

2. Are all the specified conditions present under which the Special Exception may be granted?

W. Campbell – yes; M. Thornton – yes; R. Costantino – yes; J. Dargie – yes; J. Plourde – yes

J. Plourde said the criteria for Special Exception having been satisfied, the application was approved. He reminded applicant of the 30-day appeal period and informed applicant that the application was unanimously approved.