



**Zoning Board of Adjustment Meeting**  
Monday, March 3, 2008  
Council Chambers, City Hall at 7:00 p.m.

**Meeting Minutes**

Meeting Called to order at 7:01 pm by Chair Hurd

**Roll Call**

**Present:** Robert Woodman, Jim Hanson, Michael Hurd, Tracy Pope, Carolyn Towle

**Absent:** None

**I. Report(s) of Secretary:**

- Tuesday, February 04, 2008 Public Meeting Minutes

**Motion to:** Accept the February 4, 2008 meeting minutes

**Made by:** Mr. Woodman

**Second:** Ms. Pope

**Vote:** Unanimous

**II. Continuation:**

- **(ZO2008-00003) M&W Soils Engineering, Charlestown, NH** – seeks a Special Exception from Section 22-297(1) of the City Zoning Ordinance in order to add fuel storage and sales to the property located at 58 Washington Street. Tax Map: 108, Lot: 69, Zoning District: B-2. Property Owner: Mandala Convenience LLC.

Mr. Hurd asked the Applicant if there was any objection to Mr. Hanson sitting on the board and Ms. Towle to sit in for the Vacant Seat to make a 5 person board. The Applicant had no objection.

Abutters' Roll Call - None present

Mr. Randy Rhoades from M&W Soils advised that a full survey has been completed and conceptual site plan has been prepared. They are proposing complete removal of the existing store. They are proposing a 1 pump island, the roof of the canopy will 24X48ft. They have cut it back from 3 tanks to 3 tanks and there will be one 15K gas tank that will be split. There will also be a diesel tank that will not be for tractor trailers it would be for smaller vehicles that use diesel. There will be a concrete pad over them. Access will be easy for the fuel deliveries and they will exit onto Washington Street. The building is able to be placed within current City Zoning requirements and they have the appropriate number of parking spaces; there are preliminary discussions with DPW for the entrance and winter street intersection. There were concerns by Sandri at the last meeting and they were concerned with the location of the canopy blocking their station, they will be moving about 30ft of the existing building out of the view of their building. Sandri also has full service at their station and this proposal is not for full service so they should not be interfering with their clientele. Mr. Hanson was concerned with the City storm water system and they will stay as far away from them as well and if they have to tie into it there will be additional catch basins on the site and they will go in on the underground storage tanks and they will follow DES rules. Mr. Rhoades advised that there will be two pumps and 1 will be a double that will include diesel, the Mobile on Pleasant Street has the same set up. They will have 2 or 3 fuel deliveries a week. Mr. Hanson advised that the visibility for Sandri's will be better once the old building is removed.

Chair Hurd asked if they were in discussions with the City to move the driveway north. Mr. Rhoades advised they were but it appears that the City would like to retain that area for future possible utility work. Mr. Woodman believes that that parcel was put in with Federal Money so the City couldn't give it up. Mr. Rhoades advised that people will enter through Winter street and they will clearly delineate that there is a right exit only onto Washington Street. Discussion among board members regarding left hand turns onto Washington Street. Chair Hurd advised that this is a law enforcement issue and a Planning Board issue. Mr. Woodman suggested that the only way to keep people from making a left hand turn is to remove the curb cut. Chair Hurd advised that it is an existing curb cut. Mr. Woodman stated that it is a curb cut for an existing business and we are changing the type of business. Chair Hurd advised that this is an existing issue and it is a planning issue.

Open public hearing

Closed the public hearing

**Motion to:** approve the applicants request for a special exception for fuel storage and sales facility for the property located on 58 Washington Street, in the B-2 district, as allowed under section 22-297 (1) of the Claremont Zoning Ordinance.

**Made by:** Ms. Pope      **Second:** Ms. Towle      **Vote:** Mr. Woodman - Nay  
Mr. Hanson – Yes  
Mr. Hurd - Yes  
Ms. Pope – Yes  
Ms. Towle - Yes

The specific site is an appropriate location for such a use

Mr. Woodman - Nay  
Mr. Hanson – Yes  
Mr. Hurd - Yes  
Ms. Pope – Yes  
Ms. Towle - Yes

Property values in the district will not be reduced by such a use

Mr. Woodman - Nay  
Mr. Hanson – Yes  
Mr. Hurd - Yes  
Ms. Pope – Yes  
Ms. Towle - Yes

Such a use will not result in any nuisance or unreasonable hazard

Mr. Woodman - Nay  
Mr. Hanson – Yes  
Mr. Hurd - Yes  
Ms. Pope – Yes  
Ms. Towle - Yes

There will not be any adverse traffic impact as a result of such a use

Mr. Woodman - Nay  
Mr. Hanson – Yes  
Mr. Hurd - Yes  
Ms. Pope – Yes  
Ms. Towle - Yes

There are adequate and appropriate facilities provided for the proper orientation and maintenance of the proposed use, including water, sewer and parking - Unanimous

There will not be any adverse impact on the view, light, air of any abutter as a result of this use - Unanimous

There proposed use will not place a disproportional burden on the city's operational services in comparison to the anticipated tax revenue associated with the property/use in question

Mr. Woodman - Nay  
Mr. Hanson – Yes  
Mr. Hurd - Yes  
Ms. Pope – Yes  
Ms. Towle - Yes

The proposed use will not be detrimental to the public health, safety, and general welfare

Mr. Woodman - Nay

Mr. Hanson – Yes

Mr. Hurd - Yes

Ms. Pope – Yes

Ms. Towle - Yes

Granting the special exception will be in harmony with the general purpose and intent of the zoning ordinance

Mr. Woodman - Nay

Mr. Hanson – Yes

Mr. Hurd - Yes

Ms. Pope – Yes

Ms. Towle - Yes

- **(ZO2008-00004) M&W Soils Engineering, Charlestown, NH** – seeks an Area Variance from Section 22-297(1)(c) of the City Zoning Ordinance in order to allow for fuel storage tanks within 10ft of the property line located at 58 Washington Street where 50ft is required. Tax Map: 108, Lot: 69, Zoning District: B-2. Property Owner: Mandala Convenience LLC.

Mr. Coogan advised that the City has a set back requirement for fuel storage of 50ft and the applicant is requesting a 40ft variance. They have shown on the plan that it is approximately 20ft from the property line although they would like a little leeway there since this is a preliminary plan. Chair Hurd advised that they can leave it at 10ft but would recommend staying as far from the property line as possible. Mr. Rhoades advised that it works best for them to center it as much as possible. Mr. Woodman felt that the tanks should be turned 90 degrees so that there were no problems. Mr. Rhoades advised that the reason why they are here is that there is no physical way for them to meet the 50ft requirement, since the property is not even 100ft wide. The applicant would like to make this a viable commercial lot and they do need to have gas sales and they are going to do what they can within the confines of the property and they will keep them as far from the city’s catch basins as possible. They concern is that the City’s water intake is out in the river and it is about 650ft.

Open public hearing – no abutters present

Closed public hearing

**Motion to:** to approve the applicants request for an area variance from Sec 22-297(1)(c) of the Claremont Zoning Ordinance in order to allow for the location of fuel storage tanks on 58 Washington Street Tax Map 108, Lot 69 10ft from the property line. With the understanding that the applicant will do all they can to maximize the distance.

**Made by:** Ms. Pope

**Second:** Mr. Hanson

**Vote:** Mr. Woodman - Nay

Mr. Hanson – Yes

Mr. Hurd - Yes

Ms. Pope – Yes

Ms. Towle - Yes

The proposed activity will not diminish the value of surrounding property

Unanimous

The granting of the variance for the proposed activity will not be contrary to public interest

Mr. Woodman - Nay

Mr. Hanson – Yes

Mr. Hurd - Yes

Ms. Pope – Yes

Ms. Towle - Yes

Do special conditions exist such as literal enforcement of the ordinance would result in unnecessary hardship to the owner because special conditions of the property limit the applicants proposed uses of the property

Mr. Woodman - Nay

Mr. Hanson – Yes

Mr. Hurd - Yes  
Ms. Pope – Yes  
Ms. Towle – Yes

The benefit sought by the applicant cannot be achieved by some other method of reasonably feasible for the applicant to pursue without imposing an undue financial burden

Mr. Woodman - Nay  
Mr. Hanson – Yes  
Mr. Hurd - Yes  
Ms. Pope – Yes  
Ms. Towle - Yes

The granting of the variance will do substantial justice

Mr. Woodman - Nay  
Mr. Hanson – Yes  
Mr. Hurd - Yes  
Ms. Pope – Yes  
Ms. Towle – Yes

The proposed use in not contrary to the spirit of the City of Claremont Zoning Ordinance

Mr. Woodman - Nay  
Mr. Hanson – Yes  
Mr. Hurd - Yes  
Ms. Pope – Yes  
Ms. Towle - Yes

### **III. Correspondence**

- Notice of Decision – Lory and David Klosieski, 156 Hanover Street
- NH OEP Annual Spring Planning and Zoning Conference

Ms. Pope wanted to advise that the open space ordinance was presented to the Planning Board and approved unanimously. It will be going to the City Council in a few months. The ordinance was reviewed by Matt Upton and he made some minor changes.

Chair Hurd provided Ms. Pope with a Certificate of Appreciation since she is not re-applying and this will be her last meeting. Ms. Pope advised that she has really enjoyed serving on the Zoning Board.

### **IV. Adjournment**

**Motion to:** Adjourn

**Made by:** Ms. Pope      **Second:** Mr. Hanson      **Vote:** Unanimous

Meeting adjourned at 7:36 p.m.

Respectfully Submitted,

Michelle Aiken  
Boards and Commissions Coordinator