



**Planning Board Meeting**  
Monday April 14, 2008, 7:00 p.m.  
City Council Chambers, City Hall, Claremont, NH

**Meeting Minutes**  
*Approved 5/12/08*

**Meeting Called to order by Chair Alan Grigsby at 7:02 pm.**

**I. Roll Call**

**Present:** Richard Wahrlich, Paul LaCasse, Mayor Deborah Cutts, Alan Grigsby, Lori Richardson, Andy Austin  
**City Staff:** Jerry Coogan, Interim City Planner; Eric Giles, City Planner; Allan Britton, Director of Planning & Development; Michelle Aiken, Boards and Commissions Coordinator  
**Absent:** Peter Guillette

Chair Grigsby wanted to encourage participation from residents of Claremont on the boards and commissions that are vacant, it shapes the future of the City and it affects the quality of life in Claremont. Anyone can contact Michelle Aiken the Boards & Commissions Coordinator at 542-7008 or at 14 North Street for an application.

Chair Grigsby also wanted to mention that tonight is Jerry Coogan's last night and wanted to thank him for his years of service. He has done a wonderful job in Claremont, worked hard, improved communications with the Chairs and the Office. He has worked hard to provide resource and educational material to make the board more knowledgeable.

**II. Minutes of March 24, 2008 Public Meeting Minutes**

Chair Grigsby would like to defer the minutes for the last meeting so he can write some additions to the minutes. Consensus from the board to move minutes to the next meeting

**III. New Business**

- **(PL2008-00005) Ed Marro, 236 North Street, Claremont NH 03746** – Applicant seeks a waiver from Site plan review to convert two vacant 2<sup>nd</sup> floor apartments on Pleasant Street into residential space above the Pleasant Street Restaurant at **82 Pleasant Street**, Tax Map 120 Lot 98; Zone B-1. Property Owner of Record Robert Ploettner. The Planning Board will conduct a preliminary conceptual review in accordance with NHRSA 676:4 IIa.

Eric Giles advised that this is an application for a Site Plan waiver; the Planning Board can waive the Site Plan and they may waive the formal submission of a site plan or the requirement that the site plan be prepared by a licensed surveyor at the time of preliminary review according to the conditions outlined in the memo. Staff did not feel that these conditions have been met. We have no idea how many units there will be, there are plans to renovate the commercial space on the 1<sup>st</sup> floor and on the surface it does not appear that there is enough information to make an informed decision. The purpose of the Site Plan review process is the application is asking for a special use permit and the regulations require a Site Plan, although it does not preclude the applicant from seeking a waiver from the Planning Board or having an informal discussion with the Planning Board.

Chair Grigsby thought it was the first or second Special Use permit they have had since the ordinance was changed. Mr. Giles advised that the first application didn't require them to go through site plan review because they were existing apartments.

Mayor Cutts advised she is concerned with parking and increasing density on Pleasant Street and also the Master Plan is not complete at this time. She remembers the City Council approved changes to the B-1 area and she wasn't sure if this 600 sqft met the requirement. Chair Grigsby advised her that it does meet those requirements for the Special Use permit.

Mr. Bob Haight advised he is an architect working on this project. He felt that it is not so much a site plan waiver, but a site plan map waiver since a survey will not add anymore information than they can provide. He said the site is completely encompassed with the building and they have provided a site plan of the property next door at Citizen's bank, which shows the off street parking and the surrounding area. This building formally had apartments in the upstairs, although they have been vacant for sometime. There is an empty commercial space to the south side. He would like to convert the upstairs into apartments and renovate the commercial space to rent. Mr. Haight passed out photos of the building to explain the layout and show two different versions they are proposing. They did go through the special use permit regulations and it gives you a clear intention advising no more than 2 bedroom apartments, 1 bedroom apartments have to be at least 550sqft, 80% of the housing in the area has to be market rate, and clearly the intent was to avoid low income housing. They want to make 4 one bedroom apartments and those are 600-620 sqft apartments all 1 bedroom to market to single or younger people. This way you do not have someone with kids or someone who has a friend move in and it works out very well. There are two variations of the front of the building; they would like to restore this porch to its historic nature. The 7 parking spaces are going to be leased from the bank next door which is their employee lot. The site plan criteria talks a lot about drainage, driveways and landscaping and there is none of that on this property. They are not changing any asphalt, drainage, the lighting is city owned street lights and they are not doing anything exterior, they want to renovate the interior.

Chair Grigsby asked about the parking on the side. Mr. Haight advised that there are 3 parallel parking spaces next to the building. They had a meeting with the building inspector and went through building code review. Chair Grigsby asked if the apartments were going to be required to have a second means of egress. The code requires that the building be fully sprinkled and they do not require a 2<sup>nd</sup> exit.

The top floor requires 7ft ceilings and we have about 6'11" and they have spoken with the building inspector and he has given us approval for that. Mr. Lacasse felt that the IPC Code advised that the ceiling height must be 7'6".

Chair Grigsby asked if snow removal would be provided by the bank. Mr. Ed Marro advised he submitted the application and the agreement for snow removal is that Norm St. Aubin who is already doing the snow removal will continue with this in the additional spaces from the bank. They are also going to move the dumpsters to the back parking lot. Chair Grigsby asked why they changed from 2 to 4 apartments. Mr. Marro advised that they were originally talking about 2 units and decided the amount of money they are putting into the building this would be a better return on their investment.

Mayor Cutts advised that she is glad that they are working on this project although she has a lot of concerns. She has a lot of concerns about parking due to the parking concerns in the City. The draft letter provided by the bank would make her feel better if there was a lot more information in the letter. Mr. Marro advised that they had a meeting with the Bank in Manchester and the tenants will have bumper stickers on their cars. Mayor Cutts advised that the month to month also worries her because you will have 4 apartments with tenants and what happens if the bank is sold or they decide all of a sudden they don't want to continue to lease to you and then there is a problem finding parking for these tenants.

Ms. Richardson made a comment regarding who they will be renting to and she is concerned about the type of people who may not adhere to the parking rules. Mr. Haight advised that the owner is an on site landlord so he will be policing the building from 5am to sometimes 10pm. There will be a lot of effort taken to clean up the entire building and they will be selective on who they are renting to. This should be an attractive place to rent an apartment because of the restaurants and it will be close to amenities.

Ms. Richardson asked if they are going to be leasing from month to month or long term. Mr. Todd Johnson advised that it will be yearly leases.

Mr. Lacasse advised that he would like it made clearer where the parking spaces are. Mr. Haight pointed out the 3 spaces on the side and they have an agreement for 7 spaces in the bank parking lot.

Mayor Cutts asked if there would be a dumpster agreement. Mr. Marro advised that that will be covered in the new agreement with the bank. Mayor Cutts advised that she wanted to be sure that now they have decided to have 4 units will they still all be fair market value. Mr. Haight advised that all 4 apartments will be 100% market rate.

Ms. Richardson asked what they will do if they rent to 4 couples who have 2 cars. Mr. Haight advised that zoning requires 1½ spaces and sometimes you may run into a problem and if there is one they would speak to the bank and ask for more space.

Mr. Warhlich advised that his only problem is the agreement with the bank which is month to month. Mr. Haight advised that they are working on a clearer agreement where they will discuss what month to month really means, sharing of the dumpster and make sure the snow removal agreement is clear.

Mr. Lacasse asked how this would affect the bank's site plan if they are sharing parking with someone else. Mr. Giles advised that this would have to be reviewed. Mr. Marro advised that the agreement does state that these spots will be reserved and no one else can use them. Mr. Haight advised that this will also have to be reviewed with the bank.

Mr. Giles advised this is not a site plan waiver; this is a request for a waiver from the survey of the property. If a waiver was granted it would be for not submitting a site plan map/survey of the property. Chair Grigsby advised this would mean that they would not have to hire a surveyor and they would not have to show, drainage, lighting, parking, landscaping, etc. The argument that the applicant is making is that the site is tightly confined within the boundary lines.

Mr. Giles wanted to bring to the board's attention regarding new information submitted by the applicant and the information provided. He advised that we would need this information upfront to even consider to waive the site plan map. We also received an opinion from the City Solicitor and she said she felt that this would violate the city zoning. She advised that the zoning specifics require the Site Plan requirements. Mr. Giles also advised that the off street parking has not been clearly defined and it should all be prepared before hand so that there is time for review. In the procedure there are qualifications that they must meet and a proposed addition is less than 25% of the floor area of building or 1000sqft or the proposed change of use is minor or there is an existing site plan on file which are the two qualifications that must be met. Chair Grigsby advised that this is a minor change of use. Mr. Giles advised that there are still questions regarding the restaurant on the bottom floor which will also require additional parking.

Ms. Richardson advised that they are also proposing to enlarge the restaurant and how will this affect the site. Chair Grigsby advised that they will only be moving an interior partition over to increase the size of the restaurant. Mr. Giles advised that the parking requirements are one space for 4 seats, so how many will they be adding, there are all these additional considerations that need to be brought into this. Mr. Lacasse advised that they are looking for a waiver from a survey not the site plan review. We can still request that a site plan be done, and we could waive that it is done by a surveyor. We do still want to know the parking, the dumpster location and they are going to need a waiver for the ceiling height.

Chair Grigsby advised that this could be the first real Special Use permit that has been done to renovate the apartments that have been vacant. The downtown is complicated because of the parking problems. The questions we have are not really site plan issues since they are off site, for the parking and dumpster etc. Although the agreement with the bank is a vital. Chair Grigsby advised that the idea of the special use permit was to help people renovate the 2<sup>nd</sup> floors of these buildings and make them economically viable. The problem is that we understand completely what is going on and they do not want to set precedence without everything being ready. Mayor Cutts asked if the site plan review would have the sq footage on the map. Chair Grigsby advised that the City Planner would require that all that information be provided.

Mr. Wahrlich confirmed that this waiver is only to waive the property being surveyed; the Special Use Permit will come back to us with all the other details. Chair Grigsby advised that when they do return they will need to have a better agreement with the bank. Mr. Lacasse asked if we can ask the applicant to change it to 3 apartments instead of 4. Chair Grigsby advised that he does not believe that we can ask that of the applicant as long as they are meeting the city requirements. Mr. Lacasse also would like something from the planning office advising that the bank is in compliance with their Site Plan. Chair Grigsby advised that this will be something that would be the bank's responsibility because it does reduce their parking capability.

Mr. Wahrlich advised that he is in the building industry and he does not feel that waiving this survey should not be an issue, it shouldn't throw in any road blocks for the future. They have tried to address the parking issue which is better than anything else that has been proposed by other businesses downtown.

Ms. Richardson is confused as to why the City Solicitor would feel that this violates zoning. Mr. Coogan thinks that the City Solicitor felt that it would be against the zoning ordinance and it is embodied in the zoning ordinance and maybe they should go to the ZBA to have a variance from the ordinance. Mr. Coogan advised that if you want the board can grant the waiver with condition that it is legally acceptable. Mr. Coogan advised the staff feels that it is a major impact and it is the first time it has come through as a special use permit and they should follow the entire procedure.

Mayor Cutts asked if it is simply for financial reasons that they do not want to that and how much it costs for a survey. Chair Grigsby advised that it depends, it could cost as little as \$200.

Chair Grigsby advised that the material gain from a surveyed map is not significant. This is a big project and we want to do it correctly. Mr. Haight advised that they are willing to come back with a site plan and they will have the dimensions of the apartments. They would like to come back for that and would like to request just the waiver from the map and they will answer all your questions and clarify the agreement with the bank when they come back. Mr. Haight advised that they will use the drawing from the bank and then add the parking and the building; they would like to save the applicant the \$2000 it will cost for a surveyor. All of the board's questions he can add to the existing survey from the bank. They are trying to defer the cost of a survey and spend money prudently and submit what they have without a survey. In the end if the board would like to require a site plan filed with the registry they would be willing to do that after the plan has been approved.

Chair Grigsby is worried that if the board votes on this and they should have gone to the Zoning Board first it would not help them advance with the project. Mr. Lacasse does not feel that this is a zoning issue; the Planning Board waives Site plans not the Zoning Board. He feels that the pins are there and they are not going to move the building, so he does not feel a survey would be necessary.

Chair Grigsby advised that if we were to grant their waiver at this time it would be like giving them permission to go through site plan review without the plan. Mayor Cutts asked what happens if the waiver is denied. Chair Grigsby advised that the applicant will have to come back with a surveyed map with the Site Plan Review application. Mr. Wahrlich felt that forcing the applicant to spend more money just so that we can see the other side of the building doesn't make sense. If someone else comes before us and asks for the same thing we will have to see if it works like this.

Mayor Cutts advised that she wants to have the downtown developed and she understands there is not a lot of space around the building so she understands the idea of why they do not want to do the survey. But she advised that she has a problem when the City Planner and the City Solicitor both tell her that not to approve the application. These are two people who she looks to for guidance and it is important for this board to do this correctly.

Mr. Wahrlich still feels that a survey of the property should not be required.

**Motion to:** approve the waiver of the site plan survey

**Made by:** Mr. Lacasse

**Second:** Mr. Wahrlich

**Vote:**

Ms. Richardson asked that if the developer intended to purchase the property wouldn't the developer have to do a titles search and survey for the purchase. Chair Grigsby said that this probably would have to be done and in light of the developer's interest in doing a plan later why not do it now.

Motion withdrawn by Mr. Lacasse and Mr. Wahrlich withdrew his second.

If there is a motion made tonight it should be that they waive the site plan survey not the site plan review. Ms. Cutts asked if they should get the thoughts from the City Planner on their motion. Chair Grigsby said no and advised that it is quite clear that the City Planner does not want the board to approve this waiver. Mr. Giles advised that a Site Plan application must show existing condition, including utilities and streets, architectural plan, landscape plan and a completed site plan checklist. They are required to submit additional plans for a survey and they are supposed to show all boundaries lines and they are to be prepared by a surveyor or licensed engineer. Mr. Giles advised that in the application for the waiver request, all the information received tonight was not submitted with the application. He feels that at the time of his memo we did not have all that information, now you have received a significant amount of information and it's the board's decisions tonight to decide whether or not they have enough information.

Mr. Lacasse feels that they are not enlarging the building so he does not feel that it is needed. Mayor Cutts is not sure what is so important about the survey if its not going to provide anymore information since the building is on the entire property line. Would the utilities be shown on the survey and maybe this would show that the utilities that are there might not be adequate. Chair Grigsby advised that the one negative about not having a survey is setting precedence. Mr. Giles also wanted to point out that all site plans are required to be registered with the registry and that requires a licensed surveyor and this is part of our regulations. Ms. Cutts advised that by approving this waiver it is in a way undermining the current regulations.

Mr. Coogan advised that the applicant has suggested giving you as much information you need and then a condition of approval could be that they file a site plan with the registry after it is approved. Chair Grigsby felt that they should just do it up front and do it the right way. Mr. Coogan advised that after the approval is given the applicant feels that the project will be more bankable at that time. Chair Grigsby felt that this project should be done the right way from start to finish. Mr. Coogan advised that the site plan will have a lot of information on it including things like notes and property agreements such as the bank parking agreement. The problem is 20 years ago no one filed the site plans so there is no site plan for this property available.

Ms. Cutts advised that it appears that the applicant needs to make this project more bankable and they are asking this board to bless this project. She would like to know if it's possible to bless the project but require that they come back with a complete proposal.

**Motion:** that the waiver for site plan review to convert two vacant 2<sup>nd</sup> floor apartments into residential space above the Pleasant Street Restaurant at 82 Pleasant Street be denied however the material presented in concept following a request for more information is endorsed by the Planning Board

**Made by:** Mayor Cutts

**Second:** Ms. Richardson

**Vote:** Mr. Wahrlich – Aye  
Mayor Cutts – Aye  
Mr. Lacasse – Nay  
Grigsby – Aye  
Richardson – Aye

Mr. Steve Agel approached the board and would like to thank Mr. Coogan for the work he has done in this community.

#### **IV. Master Plan**

When the last meeting ended they had some typographical errors in the Master Plan and he would like to sit down with Ms. Aiken to fix those items

**Motion to:** approve the chair to work with Ms. Aiken on changing typographical errors

**Made by:** Mr. Lacasse

**Second:** Ms. Richardson

**Vote:** Unanimous

Chair Grigsby advised that he has made some changes to the cover letter to make them more positive. It is also possible that after the other chapters are completed we may also want to change this cover letter.

**Motion to:** approve the cover letter to be added to the master plan documents

**Made by:** Mr. Lacasse

**Second:** Ms. Richardson

**Vote:** Unanimous

Chair Grigsby passed out a handout regarding the transportation chapter that he wrote back in 2004 and this is something for reference as to what a previous planning board has done.

At the last meeting two people who were not present Mr. Lacasse and Ms. Richardson had asked that they be able to comment and they were not able to make any comments because the board approved the plan. So at the next meeting if there is anything they would like to talk about concerning the land use or vision section it will be possible.

#### **V. Correspondence**

- o Memo from Eric Giles regarding Lowes of Claremont Revised Site Plan

Chair Grigsby wanted to advise the board that Lowes came to a Technical Review Committee Meeting and the building and some of the parking has been reduced, although most of the information is the same such as the businesses on Washington Street, the entrance, the utilities, drainage ponds remain the same. Mr. Lacasse asked if Lowe's had to come back to the Planning Board. Mr. Giles advised they can be waived if the changes are minor or incidental if they are not expanding and the planning office has determined that these are minor. If they were going to add onto the building or deviate from the original site plan they would need to return. When they presented the changes to TRC, the group decided that the changes were so minor and the infrastructure has not changed that it did not need to come back to the Planning Board. Mr. Lacasse advised that he feels that it was intended that those minor changes were for smaller projects. Chair Grigsby advised that everything is the same except the building is smaller and there was nothing significant.

- Letter from NHDES regarding Lowes of Claremont amended Site Specific Permit
- New Hampshire Division of Historical Resources – Review of proposed taxiway; Claremont Municipal Airport

## **VI. Public Comment**

Mr. Bernie Folta advised that he has seen the public comment on the agenda previously and it has not been on for the last couple of meetings and he would like to see that on the agenda. Mr. Folta also wanted to express his opinion on the Master Plan process and the more public input he feels is better.

Mr. Austin was really interested in the upper level apartments for the Pleasant Street Restaurant and he was glad that there was a lot of discussion about it. He is concerned about the upper apartments on Pleasant Street and he thinks we really need to be careful when renting out those upper floor apartments. Some things have happened in poor taste and it makes people not want to come to Claremont. Chair Grigsby advised that some of the requirements for square footage and fair market value were put in because of the troubles they were having and he hopes this will help better our downtown.

## **VII. Adjournment**

**Motion to:** Adjourn

**Made by:** Mr. Lacasse **Second:** Ms. Richardson

**Vote:** Unanimous

**Meeting Adjourned at:** 9:25 pm

**Respectfully Submitted,**

**Michelle Aiken**

**Boards and Commissions Coordinator**