



**Planning Board Meeting**  
Monday July 14, 2008, 6:30 p.m.  
City Council Chambers, City Hall, Claremont, NH

**Meeting Minutes**  
*Approved July 28, 2008*

**Meeting Called to order by Planning Board Chair Alan Grigsby at 6:35 pm**

- I. Present** - Richard Wahrlich, Peter Guillette, Paul LaCasse, Alan Grigsby, Lori Richardson, Brian Rapp, Adam Burke, Erwin Caplan, Andy Austin, Deborah Cutts
- City Staff:** Eric Giles, City Planner; Allan Britton, Director of Planning & Development; Katrina Spaulding, Administrative Assistant
- Absent:** None

Alan Grigsby announced Aug 6<sup>th</sup> at 6:30 pm the Master Plan Advisory Committee will be meeting at the Visitor’s Center.

**II. Public Meeting Minutes**

**Motion to:** Approve the May 27, 2008 meeting minutes as amended with minor grammar changes and additions in May 27<sup>th</sup> meeting minutes.

**Made by:** Mr. Wahrlich      **Second by:** Mr. Rapp      **Vote:** Unanimous

**Motion to:** Approve the June 9th, 2008 meeting minutes as amended with minor grammar changes and additions in June 9<sup>th</sup> meeting minutes.

**Made by:** Mr. Burke      **Second by:** Mr. Rapp      **Vote:** Unanimous

**Motion to:** Approve the June 23, 2008 meeting minutes as amended with minor grammar changes and additions in June 23<sup>rd</sup> meeting minutes.

**Made by:** Mr. Burke      **Second by:** Mr. Rapp      **Vote:** Unanimous

**III. Old Business**

- **City Manager, Guy Santagate** – Discuss site plan approval for case # PL2008-00009 New Branch Properties, LLC

Mr. Grigsby clarified that the board’s business on this item is to vote on whether or not to reconsider the Site Specific Condition #1, which requires the sidewalk along the portion of the property that abuts Main St. to be rebuilt as a part of site plan approval. The site plan received approval with the Site Specific Condition #1 by a 5-2 vote on June 23<sup>rd</sup>.

City Manager Guy Santagate thanked the board members and volunteers taking time off from their personal life to do city business. Mr. Santagate is currently concerned with the Planning Board’s decision regarding the site plan approval including the requirement to fix the City sidewalk on 38 Main Street. Mr. Santagate wanted to make two points: 1. The Planning Board has the authority and legal right to make requirements of developers. 2. It is true there are many communities around the State carrying out the policy of encouraging sidewalks. Mr. Santagate feels during the early stages of development, the City of Claremont should not expect the construction of sidewalks so as not to discourage and further burden developers. The timing of the action is hard, notification to the applicant and the community at large should be done if a decision like this is to be enforced. The whole process needs to be handled slowly when introducing new requirements. Reconsidering the vote would be appreciated.

Mr. Grigsby asked if the city has a plan to renovate the sidewalks. Mr. Santagate said the City has set aside some money. Bruce Temple is planning to begin this work in August. However his employees are busy working on roads at this present time. This could be in the downtown area but Mr. Santagate isn’t certain.

Ms Richardson asked Mr. Santagate, “If we should go slowly with this, how slow should it be? Why are we asking for a reversal? Who is asking to reverse the decision? Mr. Lattuga or the City? Are we being bullied into changing the idea for Mr. Lattuga? Does the lawsuit with Mr. Lattuga have anything to do with this?”

Mr. Santagate said he is sensitive to the issue of the City of Claremont to be “Open for Business”. He said he doesn’t think this should be required of any of the developers in Claremont at this point in time. In order to successfully develop the downtown area, this burden to the developers needs to be relieved. Mr. Santagate feels the downtown is critical to the city’s revitalization. Ms. Richardson asked when we should ask the developer to do this. She said Mr. Lattuga was asked to do only the small portion of sidewalk in front of his building. Mr. Santagate feels the timing will be right when the foothold in Claremont is good and it will be easy to catch on to the development in Claremont. He said we don’t want to impede the progress of the future. Mr. Santagate advised that the lawsuit was not the issue and he had not spoken to Mr. Lattuga about this issue and the person doing the project is not the issue.

Mr. Grigsby asked if the sidewalk issue would be everywhere or just downtown. Mr. Santagate said he doesn’t want to institute a program that forces sidewalks. He feels we will have other problems bringing developers in and this requirement could be seen as a problem by developers.

Ms. Cutts voted in favor of the sidewalks for 38 Main Street and she believes this is not about Mr. Lattuga. She doesn’t feel this is a problem to accept the request to reverse the decision. She expressed that it may be appropriate to let the Planning Department figure out which developers need to be asked for sidewalks.

Mr. Grigsby said he would entertain the motion to reconsider the decision. The motion & second needed to be from the five who voted for the condition mandating sidewalk repair.

Mr. Wahrlich is uncomfortable with the decision making of the Planning Board when there is disagreement between the city staff. Mr. Wahrlich doesn’t think they had all the information they needed to make the proper decision.

Mr. Rapp feels it would be tough to vote in favor of reconsidering the site specific condition when the decision was made to have just one sidewalk replaced and not what city staff had originally requested. The one section of the sidewalk will already be disrupted. This section of building is over the city right of way. There will be almost a foot on one side and two feet on the other to where there is going to be a new curb cut anyway. Mr. Rapp thinks there is an effect on the Main Street sidewalk and the Board needs to realize they should stick to it. He would like to stay with the original vote so as to avoid disagreement between the City and Developer at a later date as to who is responsible for fixing the sidewalk.

Ms. Richardson wants to know what more information the Board could have had. This was only a small portion of sidewalk. She wants to know how this would be any different in the future.

Mr. Burke said that there is a big concession that has been made. Franklin Street side is not up to code at this time.

Ms. Cutts asked when is it that I say you have to pay for it all, some of it, or none of it? Mr. Burke thinks it should be handled case by case.

Mr. Grigsby said there are different requirements for different applicants. Conditions can be so dramatically different. This could happen frequently enough where it may be a big expense. We could ask to see if this sidewalk is on the city’s list to fix anyway. Mr. Grigsby said each application needs to be handled individually on a case by case basis. Mr. Guillette agreed with Mr. Santagate in that the Planning Board’s decisions need to be business friendly. We need to be fair to every developer and the city has a responsibility to maintain the sidewalks. Mr. Santagate stated that it is 18-24 months would be adequate time to ask developers to fix sidewalks.

**Motion to:** Reconsider the previous decision to require Mr. Lattuga to provide sidewalks and vote at the next meeting.

**Made by:** Mr. Wahrlich

**Second:** Mr. Burke

**Vote:** Mr. Wahrlich – aye

Mr. Guillette - aye

Mayor Cutts - aye

Mr. LaCasse - aye

Chair Grigsby - aye

Ms. Richardson - nay

Mr. Rapp - nay

Mr. Burke - aye

Mr. Grigsby would like to get some more information from Mr. Santagate.

Ms. Cutts was concerned the people here listening may be coming forward regarding sidewalks in the future. How are we going to address these issues?

Mr. Lacasse asked Mr. Santagate if the City would be willing to meet the developer half way on the cost of the sidewalk.

Ms. Richardson said Mr. Lattuga discuss sharing the cost to fix the sidewalks but would not be willing to share the expense. Mr. Grigsby said there will be more information brought to the next meeting to make a decision.

**IV. New Business**

- **(PL2008-00011) Michael T. Crone, PO Box 651, Claremont, NH** - Applicant seeks Minor Subdivision approval to create two residential lots at **175 Mulberry Street**, Lot 1 to be 1.84 acres with a structure and lot 2 to be 1.74 acre with a structure. Tax Map 131, Lot 222; Zone R-1.

Mr. Caplan recused himself.

Mr. Giles stated that the applicant is seeking to create 2 new lots both non-conforming to the R-1 requirements. The applicant has previously obtained Zoning Board approvals for variances to the minimum lot frontages and side setbacks for the parsonage. The existing structures were previously used as a church and a parsonage. Curb cuts are already established. There is a Stream Bank zoning overlay district which the subdivision will remain in compliance with if the stream or brook is not filled. Mr. Giles mentioned the standard conditions and one site specific condition which would be a drainage easement be dedicated to the city as required by the Department of Public Works.

Mr. Rapp asked if they are getting separate water and sewer hookup for the separate properties. Mr. Giles said they were.

Mr. McCutcheon represents Mr. Michael Crone. Mr. McCutcheon is in possession of the drainage easement prepared for recording. There is a culvert under Mulberry Street that goes into the property and runs the length of the property.

Ms. Cutts asked who is maintaining the culvert now. Mr. McCutcheon said the City is maintaining it currently. The proper permission will be awarded once the easement is recorded. Ms. Cutts asked if there has been any consideration for 10-15 years later when there is a potential for negative impact on the property owner.

Mr. McCutcheon said there is a steep slope and if the city needs to do work it would be a positive impact for the property owner. The city needs the right to work that property and the easement will legitimize the permission.

*No abutters present*

*Open Public Hearing*

Mr. Crone spoke to the Board and wanted the members to be aware that the two structures on 175 Mulberry have been empty for about 4 years and are rapidly deteriorating. Mr. Crone asks the board to approve his request in order to get the properties restored. There is also an easement for parking in the rear.

**Motion to:** Accept the plan as complete

**Made by:** Ms Cutts

**Second:** Mr. Rapp

**Vote:** Unanimous

*Closed the public Hearing*

**Motion to:** Approve the plan with the six standard conditions in addition to an extra condition that the easement be recorded with the Registry of Deeds.

**Made by:** Ms. Cutts

**Second:** Mr. Lacasse

**Vote:** Unanimous

- **(PL2008-00012) Claremont Properties, LLC, represented by Wayne McCutcheon, Claremont, NH** – Applicant seeks annexation of 1.61 acres to Tax Map 134, Lot 15, and Zoning District: B-2 at **425 Washington Street** to create a lot with 4.15 acres.

Mr. Giles mentioned this application is really a *Boundary Line Adjustment* and comes before the Planning Board to decide. The building formerly was a 5-unit apartment house and the lot requirement is 10,000sq feet per unit. The

building was non-conforming and as a result Val Summers has eliminated 2 units to fit the size criteria. There are now only 3 units. Mr. Lacasse asked what the minimum lot size in the B-2 Zoning District is. Mr. Giles said 30,000 square feet is the minimum for this lot.

*Open Public Hearing*

One Abutter present – Lisa Laliberte of Map/lot #134-17

*Closed Public Hearing*

**Motion to:** accept the plan as annexation

**Made by:** Mr. Guillette

**Second:** Ms Richardson

**Vote:** Unanimous

- **(PL2008-00013) Claremont Properties, LLC, represented by Wayne McCutcheon, Claremont, NH** – Applicant seeks Site Plan approval to add an additional 17,700 sq. ft. of Storage buildings to the property located at **425 Washington Street**. Tax Map 134, Lot 15, Zoning District: B-2

Mr. Giles said this Site Plan application proposes to construct three new storage buildings to be used for private storage. Access to the units is directly from Washington Street. There will be some landscaping. 60% impervious coverage is allowable for this lot and the plan is below the maximum allowance. This type of use is in general compliance with the Master Plan. The facility is considered a warehousing use and the applicant does not meet the off street parking standards however the Planning Board may determine the appropriate amount of off-street parking needed if any. This is not going to be a heavy pedestrian traffic use area therefore; the applicant is not required to have pedestrian access.

Mr. Grigsby asked if the plan is complete. Mr. Giles said it is.

**Motion to:** accept the plan as complete

**Made by:** Mr. Guillette

**Second:** Mr. Rapp

**Vote:** Unanimous

Mr. Wayne McCutcheon represents Val Summers. Mr. McCutcheon said there are 258 current existing units and will be adding 145 units +/- 10 units. There isn't any activity where the buildings are located. People rent the units, store, and very seldom come back to visit the units. Occasionally there will be a box van or 2-3 vehicles to move into the unit. Personal access would be in front of each overhead door. There is a security gate with cameras. The main office is down the road at the Claremont Center. There are maintenance people that do a great job. The snow removal contract is in place.

Mr. McCutcheon proceeded in saying there will be two new catch basins. The drainage system leads to an existing catch system. This system will tie into the same basin and will be directed to the stone retention pond. This was created for the original design. The water is handled very well and tested over the last 8 years. This is adequate to handle the additional runoff that will be required. Warren Stevens, the Engineer for the project has supported, stamped and signed the plan. There will be a row of trees off site on the abutting Laliberte property and Mr. Summers will provide the trees. For additional barriers there will be a retaining wall as well as a cedar stockade fence. There is a tennis court that will be taken away. When people are driving in at night, the fence and trees will diffuse any glare from oncoming headlights.

Mr. Grigsby asked if there is enough room for two cars to pass by one another side by side. Mr. Summers said each building is 25 feet apart. There is room to pass. All of the new buildings will have the same appearance as the existing storage units.

Mr. Lacasse asked if the rear setback was 40' being that there appears to be a right of way. Mr. McCutcheon said there is a 25' right of way that runs all the way around the property. Mr. Lacasse asked if it does in fact meet the setbacks including the right of way. Mr. McCutcheon said this is not a public right of way. It is private. Mr. Summers is not building anywhere near the right of way.

Brian Laliberte is an abutter and said he doesn't have any real issues since there is an agreement to put up the trees and the fence. Mr. Val Summers said they are very sensitive to the maintenance of the property and keeping to the original look of the farmhouse on the existing property.

**Motion to:** Accept the plan as presented with the 6 standard and the 2 site specific conditions that the applicant shall shield all general lighting and provide contract haul for all snow removal.

**Made by:** Ms. Cutts

**Second by:** Ms Richardson

**Vote:** Unanimous

- **(PL2008-00014) First Baptist Church, 56 Main Street, Claremont, NH** – Applicant seeks Site Plan approval to construct a Church containing an Office, Sanctuary and Sunday school approximately 36,000 sq. ft. at **135 Maple Avenue**. Tax Map 130, Lot 47, Zoning District: B-2.

Mr. Giles stated the plan is to construct a new church on a vacant parking lot where a previous building has recently been removed. The church will accommodate a sanctuary and office. On April 2<sup>nd</sup> 2007, the applicant received a Use Variance from the Zoning Board of Adjustment to operate a church in the B-2 zoning. The site will have direct access from Maple Avenue and the applicant will build an internal driveway system with a cul-de-sac. The site plan shows adequate snow storage areas and vegetative buffers. The site plan drainage plan addresses all concerns of Public Works. This lot does meet all off street parking and pedestrian facilities for a structure this size. All ADA parking spaces are provided. The plan provides 7 ADA spaces. Overall, the plan is in general compliance with the Site Plan regulations with 6 standard conditions and a site specific condition that the lighting will be shielded and will not intrude on neighboring properties.

Mr. Grigsby asked if there was a sidewalk that would connect to Maple Avenue internally. Mr. Giles said they do have a network of pedestrian access facilities and interconnectivity. However, there are not sidewalks going into the church.

**Motion to:** accept the plan as complete

**Made by:** Mr. Rapp

**Second:** Mr. Burke

**Vote:** Unanimous

John Prowley, of SVE was representing the First Baptist Church. He said there is a dumpster located in the back. All the pavement slopes into the center area of the parking lot for drainage. The applicant is proposing to re-grade the parking lot into a series of catch basins. There will be an 8% decrease of off-site storm water runoff due to a reduction in the impervious surface. Mr. Prowley is currently awaiting comments from DES for an Alteration of Terrain Permit. There is an 8" water line that they plan to tie into with fire and domestic water service. There will be parking lot lighting (poles). There will be lights along the building as well. Lights will stay on all night long for security measures. The church will utilize the existing sign location and will conform to the sign ordinance. There are some trees that are along Maple Ave.

Tad Shrantz from McMillen was present to discuss the architecture of the building. The total building will be 36,000 sq. ft. They are planning on using brick, and will introduce some clapboard siding. This could be a phased project as funds become available. The intent of the architectural style is to make sure the building looks good.

Mr. Grigsby asked if there would ever be a regular school available at the church. Mr. Bascom, spokesperson for the church, stated that a regular school is not a part of the plan at this time. Mr. Bascom also said this site does not include any athletic facilities at this time. There may be a regular school with some outdoor fields and accessory uses in the future.

Ms. Cutts asked how large the previous building was. Mr. Caplan stated it was 67,000 square feet.

Mr. Grigsby said there aren't any connections to sidewalks on Maple Avenue from the proposed church and that Maple Avenue is a heavily walked street. The vision of this area is to increase walking accessibility to the church.

### *Open Public Hearing*

James and Cheryl Jones #130-115 – mentioned that someone has been cutting the grass at the church before 6:00 a.m. on Sundays. When asked by Mr. Jones to stop the individual didn't stop cutting the grass for 1 ½ -2 hours. The applicants are also having parties on the property.

Mrs. Jones would like to have the lighting in the parking lot and on the building shine downward. Mrs. Jones would like to have the turnaround in the front of the building run counter clockwise to avoid the lights shining in their windows. She would like to see a traffic light where there is a four-way intersection at the entrance of the church. She is concerned about the children crossing the street.

Scott Kearns – associate pastor apologizes for the lawn mowing and will be happy to take care of it in the future.

Mr. Grigsby thinks it is important to connect the existing sidewalk on Maple Avenue to the church. He would also like to consider a traffic study to warrant the need for a traffic light. If the church were to expand to a school there would be a need to reapply to the board for a change of use.

Ms. Cutts said there are existing light poles now and it will be about the same and they will be shielded and will be new lighting. There was never a traffic light there before.

Ms Richardson wanted to know if there were to be a regular school, would there be setback requirements from a place that sells beer and cigarettes.

**Motion to:** Approve the plan as presented with the 6 Standard conditions and additionally 2 site specific conditions where all lighting shall be shielded and an internal sidewalk shall be created to connect to Maple Avenue.

**Made by:** Mr. Guillette                      **Second:** Mr. Rapp                      **Vote:** Unanimous

- **(PL2008-00015) Bernard & Rebecca Ferland, 111 Redwater Brook Road, Claremont, NH** – Applicants seek Site Plan approval to modify building at **38 Summer Street** for a retail/commercial quilt shop

Mr. Lacasse recused himself.

Mr. Giles stated the primary access will be from Bond Street. The structure is an existing building pre-dating zoning and doesn't meet setbacks. The applicant has already received a Use Variance to conduct a retail shop. There will be 8 parking spaces and they do have a handicap ramp. This will be a low impact retail use within a residential area. This particular use will not generate a significant amount of customer traffic. This Plan meets the intent of the Master Plan to develop a mixed use area. The plan indicates the applicant will utilize existing city services. Two Site Specific conditions: the applicant will have to provide contract snow storage as well as lighting to be shielded so as not to intrude onto adjacent properties.

**Motion to:** accept the plan as complete

**Made by:** Mr. Rapp                      **Second:** Ms. Cutts                      **Vote:** Unanimous

Bernie Ferland presented that there will be a walkway from the existing sidewalk on Summer Street to the main entrance of the building. JT Landscaping will provide snow removal. A stockade fence has been erected to allow for privacy to abutters. The lighting will be a post lamp at the bottom of the ramp in the parking area and there are two street lamps surrounding the building. The proposed ramp will be concrete. There will be quilting classes a couple nights a week and there is available on-street parking.

Mr. Rapp asked if there is an existing walkway. Mr. Ferland said it will be dug up, removed and a new walkway will be constructed.

Mr. Caplan recused himself due to the fact that he is an abutter. Mr. Austin is appointed as an alternate for Mr. LaCasse.

Mrs. Rosalyn Caplan spoke as an abutter and supports the project.

An area variance will be required to construct a sign larger than what is allowed for in the zoning.

**Motion to:** Approve the plan with the standard conditions and with site specific conditions that the applicant shall shield all lighting and add a post lamp at the end of the ramp.

**Made by:** Ms. Cutts                      **Second:** Mr. Guillette                      **Vote:** Unanimous

- **(PL2008-00002) City of Claremont, Parks & Recreation Department, City Hall, Claremont NH 03746** – Applicant desires amended Site Plan approval at skate board park to include a Pavilion on **Washington Street**, Tax Map 108 Lot 125; Zone B-2. Property Owner of Record the City of Claremont.

Mr. Giles said this application is to add a pavilion to the previously approved site plan. The pavilion will be 24' x 24'. This is located outside of the floodway. The entire site is within the 100-year floodplain. The FEMA map designates the area to be within the 100-year floodplain. There are regulations for development and prohibited uses. This doesn't meet

the criteria for a prohibited use and is allowable. The pavilion is an accessory facility to the skateboard equipment. Mr. Giles said the pavilion is intended to be used as a sitting area for patrons of the site.

Ms. Cutts inquired as to how close this will be to the water. She is concerned about whether or not there will be a fence along the waters edge.

**Motion to:** accept the plan as complete

**Made by:** Mr. Lacasse

**Second:** Mr. Burke

**Vote:** Unanimous

Mr. Scott Hausler, Director of Parks and Recreation stated that this is a community driven project. Parks are encouraged to be built along rivers and streams and ponds. Mr. Hausler doesn't want to put up a barrier to prohibit people from enjoying the natural beauty. The pavilion will provide enjoyment to the entire community.

Mr. Norm Lessard presented for the skate park. He explained that the pavilion will be sitting on a 32' x 32' pad. There will be picnic tables. Construction of the pavilion is all steel. There will be a sidewalk from the top of the road to the pavilion.

*Open Public Hearing*

Mr. Wayne McCutcheon stated the original FEMA Firm maps were done in 1973; Panel 3 was revised in Feb 1984 when the Broad Street Bridge was redone. He indicated the difference in elevation between the park and the current dam makes flooding unlikely.

John Detore from Boy Kid Hobby spoke in favor of the skate park.

*Closed Public Hearing*

Ms. Cutts is not able to approve without some sort of a fence or barrier from the water.

Mr. Grigsby said that water front access is a real goal and fencing provides for a false sense of security. Either there is a real secure fence or no fence at all. Mr. LaCasse said if we started with fencing this section then we would have to do the entire length of the City property.

Mr. Wahrlich thinks access to the water is a good idea. Mr. Grigsby asked if Mr. Hausler would look into additional barriers. Mr. Hausler said he would work on coordinating this idea with the Planning Office.

Mr. Rapp asked about the possibility of a split rail fence placed ¼ of the way up the water keeping the general access to the water. Mr. Rapp was thinking that this fence could be placed along the Floodway approximately 40' where there is still an opening for the boat access.

Mr. Hausler said the line would remain and the fencing could take a path of natural aesthetics and allow for people to access the water. Mr. McCutcheon spoke and said signage may help in fact keep people from the water's edge. This could add to the safety of the waters edge.

**Motion to:** Recommend to make a motion to amend the application to include a barrier for the common use areas.

**Made by:** Ms. Cutts

**Second:** Mr. Rapp

**Vote:** Mr. Wahrlich – Nay  
Mr. Guillette - Nay  
Mayor Cutts – Aye  
Mr. LaCasse – Nay  
Chair Grigsby - Nay  
Ms. Richardson - Nay  
Mr. Rapp - Nay  
Mr. Burke - Nay  
Mr. Caplan - Aye

**Motion Failed**

**Motion to:** To approve the amended site plan

**Made by:** Mr. Guillette

**Second:** Mr. Lacasse

**Vote:** Mr. Wahrlich – Aye

Mr. Guillette - Aye  
Mayor Cutts – Nay  
Mr. LaCasse – Aye  
Chair Grigsby - Aye  
Ms. Richardson – Aye  
Mr. Rapp - Aye  
Mr. Burke – Aye  
Mr. Caplan – Aye

**V. Correspondence**

- **Letter to City Manager**, Guy Santagate regarding decision for case # PL2008-00009 New Branch Properties, LLC
- **NHDES** – Notice from Alteration of Terrain Program regarding First Baptist Church, Maple Avenue
- **NHDES** – Notice from Alteration of Terrain Program regarding construction of an upper parking lot for the Sugar River Bridge
- **NHDES** – Notice from Alteration of Terrain Program regarding Valley Regional Healthcare, Elm Street
- **NHDES** – Notice from Alteration of Terrain Program regarding construction of a taxiway at the Airport

**VI. Other**

- Mr. Burke will be the representative to the Conservation Commission

**VII. Adjournment**

**Motion to:** Adjourn

**Made by:** Mr. Burke

**Second:** Mr. Rapp

**Vote:** Unanimous

**Meeting Adjourned at:** 10:10 pm

**Respectfully Submitted,**

**Katrina Spaulding**

**Administrative Assistant**