



Zoning Board of Adjustment Meeting
Tuesday September 2, 2008
Council Chambers, City Hall at 6:30 p.m.

Meeting Minutes
Approved 10/6/08

Meeting Called to order at 6:30 pm by Chair Hurd

I. Roll Call

Present: Robert Woodman, Jim Hanson, Ed Friedman, Michael Hurd, Pierre Caouette
Absent: Carolyn Towle,
City Staff: Eric Giles, City Planner; Katrina Spaulding, Administrative Assistant

II. Review of Minutes:

August 4, 2008 Public Meeting Minutes

Motion to: Accept the August 4, 2008 Public Meeting Minutes

Made by: Mr. Woodman **Second:** Mr. Hanson **Vote:** Unanimous

III. Continuation:

- **(ZO2008-00009) Alan Dexter, 1 First Street, Claremont, NH** – seeks a Use Variance from Sections 22-166 of the City Zoning Ordinance in order to complete renovation to an existing building into an auto service and sales building. Tax Map: 135, Lot: 16, Zoning District: RR.
- **(ZO2008-00025) Green Mtn. Children’s Center, 6 Kinney Place, Claremont, NH** – seeks a Special Exception from Sections 22-212 of the City Zoning Ordinance in order to convert an office building into a Child Care Facility at **59 Old Church Road**. Tax Map: 105, Lot: 16, Zoning District: R-1. Owner of Record Old Church Road Real Estate LLC.
- **(ZO2008-00026) Blanc and Bailey Construction, John Caramore, Po Box 383, Charlestown, NH** – Seeks a Special Exception from Section 22-187 (9) in order to build additional living space in the basement at **451 East Green Mountain Road**. Tax Map: 101 Lot 7-3, Zoning District: RR-2. Owner of Record William and Jane Taylor.

Motion to: Continue Alan Dexter, Green Mtn. Children’s Center, and Blanc and Bailey Construction until the October 6th meeting.

Made by: Chair Hurd **Second:** Mr. Hanson **Vote:** Unanimous

- **(ZO2008-00019) Angela Wilkins, 31 Bible Hill Road, Claremont, NH** – seeks an Special Exception from Sections 22-212 (2)(a) of the City Zoning Ordinance in order to expand from a family daycare home to a Family Group Daycare Home. Tax Map: 143, Lot: 179, Zoning District: R-1.

Mr. Hurd recused himself as he is an abutter and Mr. Woodman stepped in as Chair.

Mr. Giles stated this is a continuance as heard at the last meeting, August 4, 2008. There were two issues which arose with access to the site where parents would be dropping off the kids and the second access along the northern perimeter of the lot. The second access is deemed in substandard condition and has inadequate vehicular site distances. These are the two primary issues that caused the case to be continued. The second driveway is in a continued state of disrepair and doesn’t meet DPW specifications. This is a shared access drive with the property to the rear. As a condition of approval

it would be appropriate to ask the applicant to repair the driveway to meet the public works standards and to eliminate the access in front of the garage.

Angela Wilkins presented that she had cut a large amount of brush and could see a difference on both sides. She took pictures and passed them out to the board. She doesn't feel the bridge should be worth repair. It would cost over \$9,000 to fix the bridge. She would rather put the money into the main entrance to fix the passage. She had quotes from 11 contractors. She doesn't feel this is worth paying the money required to fix the driveway to increase the childcare numbers. She would rather remain at the same number.

Abutters: No Abutters present

Public Hearing Open

A mother of one of the children at the daycare spoke about the facility. In the past, she hasn't had any problems with the driveway. She has a small car and there is no bottoming out in her car. She feels the driveway is very passable. Mr. Hanson asked how long her child had been attending. It had been less than a year and therefore she hasn't experienced the driveway in the winter.

Mr. Friedman asked how the car situation is when she picks up her child. He wanted to know what driveway she utilizes to pick up. She uses both driveways and parks beside the garage and doesn't back up onto Bible Hill Road. Mr. Woodman said going from 5-12 children would double the traffic situation.

Mr. Woodman said he wants to see the driveway safe for the children. Ms. Wilkins said she could take the flat land and create a parking lot. She had a quote from Twin State and Sons for the parking lot cost.

Mr. Friedman asked if the requirement for setbacks could be met if there were a parking lot constructed. He also wanted to know how close the edge of the parking lot would be to the edge of the property line. Ms. Wilkins said the driveway would be at least 4 feet from the brook. She would also like to put up a metal fence, something stronger that can be used.

Mr. Giles read a public comment letter from absent Board Member, Carolyn Towle. She feels this is a very dangerous area and thinks a substantial amount of work needs to be done. She would not grant this use variance at this time.

Mr. Giles noted that on the staff report it is evident where the brook is located. Ms. Wilkins would need to have 9 x 19 parking spaces set back 5 feet from their property line for a family group daycare and she will need a minimum of 4 total spaces. Mr. Friedman said she must already have the minimum and she may be anticipating two more. He feels it would be helpful if she could pull together a plan showing her intentions for a parking lot. Mr. Giles does not feel this application is complete to maintain safety to expand the daycare facilities. He feels there will be an increase in traffic with children involved this makes the safety risks that much higher. The staff recommendation would be to have the applicant provide additional information and a continuance of the application to show where all the parking spaces will be located. Mr. Woodman said even gravel would be acceptable if the number of spaces are provided.

Mr. Hanson thinks she should do the application for a driveway permit to show where these parking spaces will be located. This would show a plan with dimensions that would indicate how large the spaces were going to be. Mr. Hanson said the calculations would be very helpful to assist the board in making a decision.

Mr. Hurd recommended the board go to the site and discuss it together. Mr. Woodman said it could be pinned off with grade stakes and flagged off where it is going to be done.

A plan will be submitted to the Planning Office and then a visit will be scheduled for the Zoning Board members. Mr. Hurd said this would most likely be on a weekend or after 6:00 pm during the week.

Motion to: Continue Special Exception for Group home daycare to October following a site visit by the Zoning Board and a submittal of a sketch to scale by the applicant.

Made by: Mr. Caouette

Second: Mr. Hanson

Vote: Unanimous

- **(ZO2008-00024) Robert G. Picard, 36 Cedar Street, Claremont, NH** – seek a Use Variance from Sections 22-206 of the City Zoning Ordinance in order to conduct a waste and recycling business at the property of **36 Cedar Street**. Tax Map: 82, Lot: 64, Zoning District: R-1.

Mr. Hurd would like to recuse himself. Mr. Picard asked if Mr. Hanson would recuse himself since he is a City employee. He doesn't feel he can remain unbiased about this hearing. Mr. Hanson said he preferred to stay on the board and couldn't identify the conflict.

Mr. Picard said he wanted to withdraw his application. Mr. Giles asked if he wanted to withdraw or continue his application. Mr. Hanson said he wouldn't be able to reapply if he was withdrawing. Mr. Picard didn't think this was going to be a fair hearing. He claims Mr. Giles and Mr. Britton advised him to ask Mr. Hanson to recuse himself.

The application was formally withdrawn by Mr. Picard.

(ZO2008-00027) Lewis Rosen, 220 Windsor Road, Claremont, NH – Seeks a Special Exception from Section 22-147 (13) in order keep an accessory dwelling/camper on site at **220 Windsor Road**. Tax Map: 33 Lot 4, Zoning District: AR.

Applicant is not present.

No Abutters present.

Mr. Giles said it is an accessory dwelling within the AR zoning district. One of the criteria in the Zoning Regulations for an accessory structure is "**Section 22-187(9). Accessory Dwelling Units – The accessory dwelling unit shall be part of the primary structure**". This structure is intended to be connected to the house water supply via hose and a second hose from the camper to the septic. Currently the camper is about 30 feet away from the house. The only connection between the structures is two hoses. Mr. Woodman asked if this would be a full time residence. Mr. Giles said yes this would be a dwelling unit for a sister in law to live in. Mr. Giles said the staff doesn't feel this is part of the primary structure. Mr. Hanson asked if there could be a condition for approval with a building inspection. Mr. Woodman stated that this is a 3 bedroom septic system put in back in the 1970's. This would require a larger septic system.

Mr. Giles said a single family home could be converted to have a living arrangement in the basement meeting all the required building code such as egress. This would be an example of a typical accessory dwelling unit and typically the only types currently allowed.

Mr. Woodman said the bedroom has to have a window capable for a person to exit. This is not possible with the camper.

Mr. Hurd said allowing this special exception could be the beginning of a string of similar situations and this should not be encouraged. This category could include a larger range of structures. This is a non-taxable unit. This is not an attached structure. Mr. Woodman said Mobile homes have a Boca code seal on them, and campers don't have this approval.

Mr. Hanson asked if the side setback was being met. The setback for the AR zone is 25 feet from the side property line.

Open Public Hearing

Close Public Hearing

Motion to: Deny the application to keep an accessory dwelling/camper on site due to the fact the home is not attached to the camper, there is not a Boca seal, and this is intended to be a "mobile" unit not a permanent structure. This camper is not a part of the primary structure.

Made by: Mr. Woodman

Second: Mr. Friedman

Vote: Unanimous

Correspondence

- Notice of decision for Walter Fletcher, 33 Winter Street
- Notice of decision for Catherine Pellerin, 9 Beckwith Avenue
- Notice of decision for Cheryl Ferland, 6 Pawtucket Avenue
- Notice of decision for Gordon M. Scott Sr., 41 Foisy Hill Road
- Notice of decision for Anthony and Stephanie Lanzara, 39 Myrtle Street

Other

- Possible Training Dates – Coordinate with Jane and Katrina will notify the Board Members.

Mr. Caouette and Mr. Friedman expressed an interest in the Fall Planning and Zoning Conference at Loon Mountain in Lincoln, N.H. Katrina will take care of the payment and registration.

Mr. Giles wanted to state for the record that Mr. Picard's comments about speaking with Mr. Britton and himself never took place. Mr. Hurd said Mr. Picard could not be heard again by the Board because of his withdrawal of his application.

Adjournment

Motion to: Adjourn

Made by: Mr. Hanson

Second: Mr. Woodman

Vote: Unanimous

Meeting adjourned at 7:35 p.m.

Respectfully Submitted,

**Katrina Spaulding
Administrative Assistant**