



Planning Board Meeting
Monday, October 13, 2008
Council Chambers, City Hall at 7:00 pm

Meeting Minutes

Meeting Called to order by Planning Board Chair Alan Grigsby at 7:00 pm

Mr. Grigsby announced that Eric Giles, City Planner will be leaving to move on to Portland Maine and gave his thanks and appreciation for his work in the past. Mr. Grigsby also wanted to thank Public Works for the nice paving jobs done recently and it adds to the beauty of the City of Claremont.

I. Roll Call

Present: Deborah Cutts, Paul LaCasse, Alan Grigsby, Richard Wahrlich, Peter Guillette, Lori Richardson, Brian Rapp

Absent: Adam Burke, Erwin Caplan

City Staff: Katrina Spaulding, Administrative Assistant, Ed Tinker, Interim Director Planning & Development, Jane Taylor, City Solicitor

II. Review of Minutes

- Monday September 22, 2008 public meeting minutes

Motion to: Approve the September 22, 2008 meeting minutes as amended.

Made by: Mr. LaCasse **Second by:** Mr. Rapp **Vote:** Unanimous
Lori Richardson abstained from the vote.

III. Continuation

- **(PL2008-00020) ML120-72 LLC, Kevin Lacasse, PO Box 823, New Hampton, NH –**
Applicant desires Site Plan approval for 9,859 sqft. on upper two levels to be renovated into high end living space, located at **51 Pleasant Street, Claremont.** Tax Map 120; Lot 72; Zone B- 1.

Mr. Tinker addressed the board regarding the issues surrounding Mr. LaCasse's application. The City wants to address proposed criteria for a development standard for the special use permit for Mr. Kevin Lacasse. The staff report presented to the Board was created to be compliant with the City's Site Plan Regulations. The building is currently vacant with commercial and retail use on the first floor. There are currently 10 spaces for parking available with an additional 6-8 spaces on an additional lot. Mr. Tinker said under section 22-266.5 in the City Zoning Ordinance, it is allowed for the Planning Board to waive applicable parking regulations as part of its site plan review of B-1 residential proposals. The Applicant has approximately 18 off-street parking spaces. Mr. Tinker also said it is appropriate for the Planning Board to consider waiving the parking requirements.

Mr. Tinker said the location is appropriate for the requested use as the Latchis building has historically had residential units on its upper floors. The property is serviced by City water and sewer as well. The renovation for the building is intended to be 100% of the area on the upper floors. There will be a sprinkler and an elevator.

All units meet the minimum square footage requirements. It is appropriate for the Planning Board to consider as a condition that the units having dens or lofts be specified that the extra rooms not be utilized as bedrooms. The application appears to meet the requirements of the special use permit in the B-1 Zoning District.

Site specific conditions recommended by Staff:

1. One off street parking space per bedroom, waiving the required minimum number that would otherwise be required by Section 22-533 of the Claremont City Code;
2. Require that the approved site plan include a note that “dens” and “loft,” so-called, are not permitted to be used as bedrooms;
3. Require inclusion in the lease documents the maximum number of occupants per unit based on the requirements of the ordinance.
4. Require the Applicant to utilize contract haul for snow removal off-site.

Mr. Grigsby asked if there were 2 people per bedroom and additional drivers living in the units where would the additional parking be located. The excess cars would need places for parking. Ms. Taylor said this would be a question for the Applicant; however, there is a similar situation with the Brown Block where there would be 1 parking space per bedroom and it is difficult to speculate how all the bedrooms would involve drivers and additional vehicles. Ms. Richardson said it appears the City needs to address the parking in lieu of the fact the City recommends 1 parking space per unit. Mr. Tinker said the renovation of the old buildings and getting them up to code appears to be good for Claremont and the growth of the City.

Mr. Grigsby said at the last meeting the Board was very happy with Mr. LaCasse’s application and his intentions to renovate the downtown building. Mr. Grigsby feels that the situation will only get worse downtown with the parking. He thinks it is up to the City to help resolve the upcoming parking problem that it may be faced with.

Ms. Cutts mentioned at the last meeting she said she would talk about the parking issue with the City. She didn’t want the City to find a solution for this meeting, but take an inventory of the parking spaces out there available. She wanted to know if there were City spaces being leased to other businesses. She asked Mr. Tinker if there was an answer to her questions, and he responded that there may be a report addressing this issue but there isn’t a specific answer at this time. Ms. Taylor said she is working to develop the background information for the parking. There is not a timetable for completion as there is a need for immediate, short and long term options. Ms. Cutts said she doesn’t think the City is recommending a single parking space per unit but that it is up to the Board to decide on the number of spaces assigned. Ms. Cutts does like the clause that it can be limited to how many human beings live in the apartments or limit the number of cars. Ms. Cutts said she wanted to know if the new parking garage would have some spaces that are available to the public. She also said there may be a change to the winter parking ordinance before the council in the near future.

Ms. Richardson asked about the findings and site specific conditions which are being recommended by the City. She wanted to know how there will be enforcement to keep the tenants and number of people per unit to the required amounts. Ms. Taylor said the enforcement in Claremont is generated primarily by citizen complaints. Ms. Taylor said most residential

apartment leases have provisions that the lease can be terminated if violated. Mr. Paul Lacasse asked what would happen if Mr. Kevin LaCasse sold the property. Ms. Taylor said the decision and conditions placed on the property that are made by the Board would run with the property.

Mr. Kevin LaCasse said parking seems to be the major concern, which is an item that can be controlled in the leasing of the units. He felt it was his prerogative to state how many occupants are allowed in the units or parking spaces per unit. He feels his lease could be reinforced with vehicles being towed and tenants being evicted. The City has requirements there only be allowed two people per one bedroom unit anyway based on the square footage of the units. This could be controlled with conditions enforced. He feels there may be an issue with future developments and parking in the downtown area; however, he stated he personally is bringing 20 parking spaces with the proposed application. He has acquired another property specifically to add parking spaces. If more parking becomes available later in the City, Mr. Lacasse could agree to lease them in the future.

Ms. Cutts asked if the number of vehicles is intended to be limited. Mr. LaCasse said all his leases with other properties in Claremont have limitations to the parking spaces available. Ms. Cutts asked how Mr. LaCasse would feel about the restrictions for not occupying the den or lofts as living space. Mr. LaCasse said he had these intentions from the very beginning.

Mr. Grigsby asked how many occupants there would be for a two bedroom unit and Mr. LaCasse said two adults and maybe one child.

Mr. Brian Rapp asked if the 20 spaces included the stacked parking and Mr. LaCasse said it does. The units would share the stacked parking with people they were living with. Mr. Grigsby wanted to know if there would be an impact on his feasibility or profitability to rent with restrictions and Mr. LaCasse said it wouldn't be any different than restrictions placed on subdivisions or associations. Mr. LaCasse is not looking to fill these units with huge families.

Mr. Guillette said it appears the Applicant is trying to meet the City requirements and he has no issues with the Site Specific Conditions that the Board has in front of them. Mr. LaCasse agreed he is willing to comply with the conditions.

Ms. Cutts asked if there could be an additional site specific requirement placed on the Applicant. She asked the Applicant how he would feel about being asked to maintain screens for the windows. This would prevent curtains and other items from hanging out of the windows. Mr. LaCasse said he has the windows already picked out and they were approved by the HDC recently. He feels the items mentioned could be controlled by lease arrangements.

Mr. Paul LaCasse asked if the Applicant would consider the operation of 10 units rather than 13. Mr. Kevin LaCasse said it would not be profitable and the private sector would not be able to operate with the Code requirements being completed alone. There isn't enough money to reduce the number of units.

Mr. Rapp asked about the second building that is owned by the Applicant. All the parking is being taken away from this unit and what will this building be using for parking spaces. Mr. LaCasse said the tenants of the other building are only open during the day from 8-5 PM and will use on-street parking which is available to the commercial tenants.

Ms. Cutts asked if there is a security system in place for the building. Mr. LaCasse said it isn't in the plan currently. Ms. Cutts asked Mr. Tinker if there were potential tenant problems what would happen if Mr. LaCasse doesn't live in the area, how will the lease arrangements be

enforced. She asked what the City was prepared to do for enforcement. Mr. Tinker said he thinks the City will have to take responsibility for some of the situations that may arise.

Mr. Wahrlich asked Mr. Kevin LaCasse what his monthly fees will be. The market rent as described in the HUD calculation will be \$950 for the one bedroom and \$1,100 for the two bedrooms. The rents are well above what section 8 will allow for the rent amounts. Mr. Lacasse is including heat with the rent fee but not electricity. Mr. Wahrlich asked what would be available in the kitchens of each unit. Mr. Lacasse said he would not be providing dishwashers or built-in microwave units. Mr. Paul LaCasse asked about laundry units and Mr. Kevin LaCasse said there will be one central but not in individual units.

Ms. Richardson asked if Mr. Kevin LaCasse feels these rent amounts are reasonable. Mr. LaCasse said he has over 80 units in the City of Claremont. The rent he is proposing is very reasonable and should work in the market. He will be working with the market rate. If the units are not renting then he would lower his rates to work more with the market. Mr. Paul LaCasse said the ADA spaces are beside the location for the two trash containers. He asked how these were going to be shielded. Mr. Kevin LaCasse said this would be taken under the Board's advisement. Ms. Cutts said she would like to see the dumpsters shielded. Mr. Grigsby said the dumpsters appear to be tucked behind the corner of the building and this may not need shielding.

Ms. Cutts asked what kinds of leases the owner would be offering. Mr. LaCasse said all will be one year leases.

Open Public Hearing

Mr. John DeTore spoke as an abutter and is happy to have this type of business owner on the same street as he is. He wants to know why the parking at the barber shop where there appears to be available spaces, isn't being used. He also thinks it would be helpful to have signage to indicate where the parking is for available use. He thought it may be possible for the City to approach Rite Aid or other large business to ask for parking spaces.

These spaces were formerly leased to the Tattras employees and Ms. Taylor said there was a license for use of the spaces and the City is trying to gather more information to get to the city manager to determine what he will bring to the Council for policy. This agreement was one of several made back in the late 80's early 90's.

Mr. Hassan Hussein is an abutter owning 65 Pleasant St. He wanted to address the concerns that the board may have. He said the tenants were quite a bit of work initially, the problems with the tenants have been largely alleviated with the renovations he has implemented. It would be a great addition and project for the City to bring in good tenants.

Public Hearing Closed

Mr. Grigsby asked about the willingness of the applicant to accept limitations in the leases. Mr. Grigsby said a smaller number of parking spaces will jeopardize the pool of tenants. Ms. Cutts asked about #7 of the special use criteria : "A determination that at least eighty (80) percent of the individual residential units are for lease or sale at no less than the market rate in any year, as established by the U.S. Department of Housing and Urban Development and published annually in the Federal Register" and she wants to know the formula. The Housing Urban Development (HUD) market rate for 2009 for a two bedroom unit is \$834.00 and a one bedroom \$655.00. The HUD market rate is a benchmark based on census data. With the market fair market rent this figure is usually different but is produced to determine the subsidy for low income housing.

Mr. Grigsby inquired about the HUD numbers. He deducted that at least 2 of the thirteen units (or 20%) could be below the HUD rate.

The Sullivan County HUD median family income is \$62,800. Looking at subsidies from what HUD works off is 30% from the AMFI. Their subsidy chart says you have to earn 80% or less to qualify for any subsidized rent. There is a new law on affordable housing. This law prohibits putting conditions on not allowing subsidized housing. Subsidized housing is a component of affordable housing.

Mr. Grigsby agreed with Mr. Wahrlich regarding the appliances and amenities to each unit. If these are going to be high end, why aren't the amenities there. Mr. Wahrlich feels this would discourage the higher end tenant from paying.

Mr. Paul LaCasse said there is a huge slippery slope that is created for limiting the parking. Mr. Paul LaCasse feels the number of units needs to be reduced.

Ms. Richardson thinks a condition for security should be implemented. This would restrict the flow of traffic in the building. Some type of key card or secure passage.

Mr. Grigsby asked Ms. Taylor if there was a way the board could require screens on the windows. Ms. Taylor said she believes the IBC and property maintenance code addresses this for multi family buildings and has requirements on the type of window coverings for safety and construction. Mr. Tinker said the fire department does multifamily inspections annually.

Mr. Rapp asked about the stacked parking and it looks like there is a door that leads out to where the cars will be parked. Perhaps a barrier can be placed so people can exit safely. This would allow for the doors to open freely. Mr. Grigsby said by not using these spaces at all could in fact reduce the number of spaces to 16.

Mr. Grigsby asked, does the board want to give any slack regarding parking? The parking issues lead into lots of other concerns.

Mr. Guillete said it would be feasible to have some site specific conditions such as the following:

1. Limiting the number of cars to one per bedroom. (Allow for the City to work out the problem over time)

Mr. Paul LaCasse would like to see the double parking eliminated.

Ms. Cutts asked about the back door being an emergency egress. Mr. Rapp said it probably is a second means of egress. They agreed this door should not be blocked.

Mr. Wahrlich wanted to reiterate that the cost of the rent for these apartments could be lowered if they were not renting at the market rate. Can he drop the rate below the market rate in order to get tenants? Mr. Grigsby said he doesn't believe the Applicant will be able to self-regulate the rates. He will have to stay with the market rate. 20% or 2 of the units can in fact be rented below the HUD rate.

Mr. Guillette said it would be proper to move ahead and allow Mr. Kevin Lacasse a chance to develop and work out some of the problem as he proceeds. This would be allowing for the City to work through the parking situation as well.

Ms. Cutts said each project needs to be handled as the projects come along. There are plenty of spaces that can be allocated.

Ms. Richardson asked how long it would take for the project to be completed. Maybe the Applicant could regroup every six months or formally meet with the City to reevaluate the situation. The units would be available to rent in the future after meeting the required expectations and be used as conditions of approval. Mr. Paul LaCasse wants to ask the attorney if there is a way to require the applicant to come before the board in the future to change the parking situation.

Mr. Grigsby said if approved, there could be the condition of 1 car per unit and then when a new solution arises, Mr. Kevin Lacasse would have to go back to the Planning Board to change the site plan. There needs to be spaces available from the City for the tenants or the owner to lease. The conditions of approval would need to be changed by the Planning Board. This would not reflect on the number of rental units.

Mr. Paul LaCasse felt that if there is a second vehicle, the car will be parked wherever a space can be found. This could cause future problems around the downtown area. It will be human nature to have a violation of lease arrangements and the tenants will have more than the allowed one vehicle. Mr. LaCasse wanted to see Mr. Kevin Lacasse finish the number of units that there are enough parking spaces for. Then as the situation arises with more spaces becoming available, there would be other units completed.

Mr. Rapp had an issue with the stacked parking. He firmly believes there will be two driving adults in the single bedroom units.

Mr. Guillette said it is important to keep in mind the decision needs to be made based on the information that is presented before the board now. Not to speculate into the future on what may or may not occur.

Ms. Cutts and Ms. Richardson wanted to see a site specific condition for security be included.

Mr. Grigsby said it would be best to make a motion on just the parking waiver first and then talk about the rest of the conditions afterwards. This seems to be the biggest topic. The Board could follow the recommendation of having one parking space per bedroom for the waiver. There are ten single bedroom units and three two bedroom units for a total of 16 parking spaces. Once a decision is made on the parking waiver, then it can be decided if there is a need to discuss all the other items. The 16 spaces would allow for zero back to back parking.

Motion to: Approve the parking waiver of one parking space per bedroom per unit.

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

Motion Fails for lack of a second.

Ms. Cutts said she liked Mr. Guillette's original motion of including the Site specific conditions in exchange for the waiver for parking. She doesn't want to lose the conditions after the parking issue is resolved. This may outweigh the loss of the parking.

Ms. Cutts said she would have seconded Mr. Guillette's motion; however, she wanted to make a motion for an amendment. The motion failed before she could move to amend so Ms. Cutts said she would like to make her own motion.

Motion to: Approve site specific conditions #1-4, as recommended by Staff, be approved with two additional site specific recommendations: #5 requiring additional security for building access at all entrances of the building; and #6 in compliance with the IBC if requires screens or barriers to the inside of the windows. There needs also to be a sign added for parking designation, and the dumpster must be screened.

Made by: Ms. Cutts **Second:** Ms. Richardson **Vote:** Roll Call Vote

Discussion, Mr. Grigsby is unhappy with the parking situation. Mr. Rapp felt there should be adequate marking for parking for the spots that are designated for this building. Ms. Richardson said a sign should state for commercial use only during the hours of 9-5 pm. This would keep the spaces available for the tenants after 5:00pm.

Roll Call Vote:

Mr. Wahrlich : Nay

Mr. Guillette: Aye

Ms. Cutts: Aye

Mr. LaCasse: Nay

Mr. Grigsby: Nay

Ms. Richardson: Aye

Mr. Rapp: Nay

Motion to Approve Conditions Fails 4-3.

IV. New Business

Mr. Tinker stated that Jerry Doolittle needs to get approval from Planning Board because of the size of the sign. There needs to be an application for a Special Exception to the Zoning Board of Adjustment following the Planning Board approval. Everything for the sign meets the requirements according to the City of Claremont.

Mr. Grigsby asked Ms. Taylor if the Board were to act on this, if there is a need to suspend the rules. Ms. Taylor said new information needs to be presented to the Board 10 days prior to the application being considered at a Planning Board meeting. This application was signed on the 7th of the month and the packets were mailed before that day. There would need to be a 2/3rd vote to suspend the rules according to Roberts Rules. There is no public hearing required. Mr. Grigsby recommended that the board vote to suspend the rules.

Mr. LaCasse didn't feel the sign is allowed to be internally lit. Ms. Taylor said according to Section 22-601, in B-1 zone, illuminated signs are permitted from 7 a.m. to midnight or any hours the business is open for business. Mr. Doolittle wants the sign illuminated during business hours.

Motion to: Suspend the Boards Rules

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

Vote:

Mr. Wahrlich : Aye

Mr. Guillette: Aye

Ms. Cutts: Aye

Mr LaCasse: Nay

Mr. Grigsby: Aye

