



Zoning Board of Adjustment Meeting
Monday October 6, 2008
Council Chambers, City Hall at 6:30 p.m.

Meeting Minutes
Approved 11/3/08

Meeting Called to order at 6:40 pm by Chair Hurd

I. Roll Call

Present: Robert Woodman, Jim Hanson, Ed Friedman, Michael Hurd, Carolyn Towle

Absent: Pierre Couette

City Staff: Eric Giles, City Planner; Katrina Spaulding, Administrative Assistant

II. Review of Minutes:

September 2, 2008 Public Meeting Minutes

Motion to: Accept the September 2, 2008 Public Meeting Minutes

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

Motion to: Add a correspondence from TF Moran to the end of the meeting and add to the agenda

Made by: Mr. Woodman **Second:** Ms. Towle **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.

Mr. Dexter called Chair Hurd and wants to continue the meeting until he speaks with City Planner, Eric Giles. Mr. Woodman wants to see a site plan or a sketch for the next meeting.

Motion to: Continue until the next meeting

Made by: Mr. Woodman **Second:** Ms. Towle **Vote:** Unanimous

Motion to: Take a temporary recess

Made by: Mr. Hanson **Second:** Mr. Friedman **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. Mr. Woodman will chair this segment of the meeting.

Mr. Giles said the primary issue was the ingress, egress for parents dropping off the children. The Zoning Board did a site Visit and discussed with the applicant that rather than reconstructing the driveway, she should take the turnoff from Bible Hill and expand across the front yard and to the right front of the house. Here there would be (5) Five clearly marked parking spaces. The Zoning Board wanted a site plan map prepared by a licensed architect or engineer. The applicant did not provide the requested document.

Public Hearing Open

Ms. Wilkins said she had someone getting a drawing together however he was out of town and should have it ready for the next Zoning Board Meeting.

Public Hearing Closed

Motion to: Continue to November 3rd Meeting

Made by: Carolyn Towle Second : Ed Freidman Vote: Unanimous

- **(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.

Mr. Woodman said he has some history with the applicants building and has done contract work on the facility in the past. Members of the board don’t see any conflict with Mr. Woodman sitting on the board for this application.

Mr. Giles stated that the facility is intending to take care of at least 50 children. Being that there will be 50 or more children the facility will be listed as a childcare institution. There will be offices and a place for children to be taken care of. The adequacy of the site for the number of children and the traffic circulation pattern are the primary concerns of the City. There will need to be some improvements made to the facility to upgrade. All State Licensing and building codes will be applicable. There is municipal water and will utilize an individual waster water treatment system. The application was complete and there weren’t any real issues with the location of the facility.

Mr. Hanson asked how many people worked out of the office previously. He wanted to know if the septic was large enough. Mr. Giles didn’t know for sure. Mr. Hurd asked about item #7 on the City report: “The 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?” He wanted to know who was going to pay the Pilot taxes. Mr. Giles responded this was a question for the applicant.

Ms. Sharon Miller-Dombroski handed out some drawings for the design of the interior of the building and how the classrooms will be set up. There is currently a P&S Agreement and intent to close on November 14th with a scheduled anticipated opening of December 15th. There will be a \$70,000 sprinkler system installed inside the facility. There is approximately \$10,000 worth of road work that will need to be completed to bring a 4” pipe from the road into the sprinkler system. Minor repairs to model and accommodate the American Disabilities Act.

Mr. Hurd asked what the City’s Pilot Tax program was all about. Ms. Dombroski said she knew it to be that Non-Profit organizations only pay a portion of the tax. The organization will not have to pay the education tax. They are anticipating the appropriate amount of tax. According to Mr. Hurd, he believes they will be paying 1/3 of the taxes. The 501-3C status says that state law requires them to pay a certain amount but not the full amount being that they are a non-profit organization.

Ms. Towle asked about a typical school day at the Child care facility. Ms. Dombroski said the ages of children will range from Birth-age 6. Under the age of 3 is considered a child care institution rather than just a child care facility. The institution will be open from 7:00 am until approximately 5:30 or 6:00 PM. They will be providing breakfast to the children and the children will bring their own lunches. The program operates Monday-Friday. The occasion will be very rare that the building is used after operating business hours. Mr. Hanson asked if there would be an outdoor playground facility. Ms. Dombroski said today’s cost would be \$100,000 to complete a new playground with resurfacing and the play structures. The Center will need to phase in the final product by using an earth friendly or natural playground to begin with. The playground will happen in 3 phased steps. First there will be fencing with activities outside, Later there will be matting for fall zones and finally there will be equipment. The environment is very outdoor friendly. Mr. Hanson wanted to know where the playground would be positioned. Ms. Dombroski said it would be directly off the middle and behind the facility.

There will be a 10 foot swing gate for access for emergency vehicles such as the fire department. Mr. Hurd asked if the parking would be fenced in. Ms. Dombroski said the parking lot will be fenced and there will be the swing gate. The parking will be on the left side of the building. There will be a swing around in front of the building for drop off for the children. There will be room to park on the circular driveway but Mr. Woodman mentioned the parking would be tight.

Chair Hurd asked if there needed to be an infirmary. Ms. Miller said there isn't going to be any type of infirmary or nurse but the staff is all certified in First Aid and CPR training.

Mr. Hurd asked if the fence would be up prior to opening. Ms. Dombroski said depending on the weather they will have something hopefully this year and expand as budget allows.

Mr. Hanson asked what type of fence was going to be used. Ms. Dombroski said it would be a 4 foot picket wooden fence with removable slats.

Public Hearing Open

Abutter Present: Karl Makela
69 Old Church Road
Claremont, N.H. 03743

Mr. Makela has been resident for over 30 years in his property. The parcel that he owns was originally connected to the parcel the Child Care Center exists on. He had a couple of issues with the new facility. The building and the pavement have over an acre of land without any place for the ground water and runoff. This has created poor soil conditions and water in neighbors' basements. Over 100 people previously occupied the building previously and he feels the leach field that works its way out and much of it ends up towards Mr. Makela's property. In front of the building there is a ditch with water in it most of the time, Due to the water there is a large amount of mosquitoes. He feels this could be treated by the southern driveway culvert being dropped down a little bit. If the work were being done for excavation for a larger water line to accommodate the sprinkler system perhaps something could be done to the culvert. Mr. Makela asked which entrance would be the main entrance where all the children would enter the location. He also wanted to know where the playground would be located. There is a natural buffer of trees and Mr. Makela would like to see the trees remain as they abut right up close to his property. Mr. Makela would like to see something done about the runoff. There is a swale along the back part of the property and this could be excavated to clean out. Mr. Hanson said the culvert sits atop very hard ledge and it was almost impossible to go any deeper with the culvert and would be nearly impossible changing the location of the culvert.

Mr. Hurd asked Ms. Dombroski if the driveway would be a one direction driveway. He also wanted to know where the entrance doorway would be. Ms. Dombroski said the traffic will go in one direction and for security purposes they are considering a main door right in the middle of the building where the windows are and all the other doors would be emergency use only. Ms. Dombroski would like the opportunity to talk to the neighbor's to discuss the barriers and vegetation on the site. They want to be considerate of the neighbor's and their wishes. The septic tank cover would be just inside the fence of the playground and then there wouldn't be any driving over the cover. Mr. Woodman said there is another septic tank in the back yard that was added for the small bathroom within the facility.

Mr. Woodman said the parking lot facing the Makela's property is full of tanks and there shouldn't be any stakes placed into the ground as they may cause a problem. Mr. Hurd asked about the water runoff. And Mr. Giles said this isn't the problem of the new owner because there isn't going to be any increase in storm water runoff and it will be the same as it has been. Mr. Giles said there are no legal ramifications of the new owner if the system wasn't built properly the first time. If this was new construction, there may be more consideration of the runoff situation. The present owner is not required to repair a problem created in the past.

Mr. Makela said Mr. Boggis approached him about putting his wood carving shop there on the property. Mr. Makela said Mr. Boggis never had any pavement when he was there. When the property changed to Mr. Cossingham and it wasn't until the second building was built that it was a problem. He then felt repair was beyond his control. The swale across the back does turn the water from the hill to the Quimby property and all the land sealed off by buildings and pavement drains into his property.

Ms. Dombroski said as part of the processes of applying for the grant there are requirements that need to be met and one of them is to be sure there will be no negative impact on the wetlands or the environment. There will be a phase one environmental assessment and she would be happy to furnish any neighbors with the findings of this report.

Public Hearing Closed

Mr. Hanson mentioned about the many child care requests coming before the board and is happy to see the location is conducive to the request. Mr. Woodman is happy that the sprinkler system is going to be implemented.

Re-open Public Hearing

Erin Clarke a board member and a parent wanted to express her support of the facility. She feels the organization is very community oriented and will do whatever it takes to help the families involved.

Mr. Friedman had a question about access and dropping off children. He wanted to know if the children would be dropped off at the door or park and walk. Ms. Dombroski said the parents will park parallel with the building and bring the children inside. Mr. Woodman said it appears there may be some backing up of the parking. Mr. Friedman asked if the area was paved and maybe the lot could be striped to show where the parking was most advisable. Ms. Dombroski said the spaces are already marked off but they intend to repaint and freshen up the lines.

Motion to: Grant the Special Exception to convert an office building into a Child Care Institution. The applicant must maintain a NH State Childcare License, a certificate of completeness or occupancy from the City of Claremont building department, an approved inspection conducted by the City of Claremont Health Code officer, and the condition will be upheld the building will be sprinklered.

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

Fact Finding:

1. Is the specific site an appropriate location for such a use? **Unanimous**
2. Will property values in the district be maintained by such a use? **Unanimous**
3. The proposed use will not result in any nuisance or unreasonable hazard? **Unanimous**
4. Will there be minimal traffic impact as a result from such a use? **Unanimous**
5. Are there adequate and appropriate facilities provided for the proper operation and maintenance of the proposed use, including water, sewer and parking? **Unanimous**
6. Will there be minimal impact on the view, light, and air of any abutter as a result of the proposed use? **Unanimous**
7. The 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? **Unanimous**
8. The proposed use will not be detrimental to the public health, safety and general welfare? **Unanimous**
9. Will granting the special exception be in harmony with the general purpose and intent of the zoning ordinance? **Unanimous**

- **(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.

Mr. Hurd asked if this was considered an in-law apartment. The new terminology is to call this an accessory dwelling unit. This will be for the use of a room in a finished basement of a primary structure. The unit will be used for relatives of the family and will not be rented out or leased out to anyone unrelated to the family. There is septic approval for 4 rooms which includes the proposed accessory unit. There will be no expansion to the existing primary structure. There are 14 criteria as follows:

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Applicable Regulations: The proposed use is subject to the following regulations.

- Section 22-187(9). Accessory Dwelling Units – The purpose of this provision is to allow
 1. The existing, or proposed, home is, and will remain a single family structure;
 2. The existing, or proposed, home is currently conforming to zoning;

3. The existing, or proposed, home is currently or planned to be owner occupied;
4. The property owner states that their intent is that the occupant of the accessory dwelling unit will be a family member;
5. The property shall be sufficient in size so that there is at least fifteen thousand (15,000) square feet of property per dwelling, or a total of thirty thousand (30,000) square feet;
6. The property shall have only one curb cut and drive-way;
7. The front setback shall not be utilized for parking;
8. The accessory dwelling unit shall be part of the primary structure;
9. The accessory unit shares utilities in common, i.e. one (1) service, with the primary structure;
10. The accessory dwelling unit shall not be more than one quarter of the size of the primary structure, or more than five hundred (500) square feet in size, whichever is greater;
11. Evidence of adequate septic capacity;
12. Adequate vehicle parking and turn-around on site;
13. That a site plan be approved by the planning board to insure that the accessory dwelling unit does not change the character of or negatively impact the neighborhood; and
14. A deed addendum with approval conditions be executed and recorded.

The most applicable to this case are #4 and this could be added to the property deed as a condition for approval. Under #9 the proposal meets the requirements with the septic and water design. There is a septic approval from the DES for the proposed number of rooms. Under #13 there needs to be a site plan approval by the planning board. This has been reviewed by the building department and all the requirements have been met for egress and codes. Mr. Woodman wanted to know if the bedroom will meet code requirements as far as egress windows. The building department has approved the structure according to Mr. Giles.

Public Hearing Open

Mr. John Caramore said this piece of property is a new home in construction and is being supervised via inspection by the Claremont Building Department. It was the intention of the Taylor's that they have a place for family to stay if they wanted to stay. The kitchen area downstairs has a stove and therefore makes this a complete kitchen. The house will be completely sprinklered. Mr. Cullen Downing has approved all the fire codes and egresses.

The space is entered either from the upstairs or from the back of the house. There is a walkout area from the basement. There is a direct entrance from the outside of the house. There is a door at the top of the staircase that allows for travel from the interior of the house.

No Abutters present

Public Hearing Closed

Mr. Hurd asked if this unit could be ever changed to a rental unit with the change of ownership. There are safeguards to keep the house from being used as a rental. Mr. Giles said it would be the recording on the deed that would guarantee it could only be occupied by family members.

Motion to: Motion to approve the special exception under the conditions the applicant obtain a site plan approval and it be recorded with the 14 items as an accessory dwelling unit for immediate family use only with the Sullivan Country Registry of Deeds.

Made by: Mr. Hurd **Second:** Ms. Towle **Vote:** Unanimous

Fact Finding:

1. Is the specific site an appropriate location for such a use? **Unanimous**
2. Will property values in the district be maintained by such a use? **Unanimous**
3. The proposed use will not result in any nuisance or unreasonable hazard? **Unanimous**
4. Will there be minimal traffic impact as a result from such a use? **Unanimous**
5. Are there adequate and appropriate facilities provided for the proper operation and maintenance of the proposed use, including water, sewer and parking? **Unanimous**
6. Will there be minimal impact on the view, light, and air of any abutter as a

result of the proposed use? **Unanimous**

- 7. The 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? **Unanimous**
- 8. The proposed use will not be detrimental to the public health, safety and general welfare? **Unanimous**
- 9. Will granting the special exception be in harmony with the general purpose and intent of the zoning ordinance? **Unanimous**

I. New Business

- **(ZO2008-00014) Doolittle’s Print Serve, Jerome Doolittle, 84 Elm Street, Claremont, NH** – Questions the Zoning Board’s denial of a previous application to erect a freestanding sign. Seeks permission to erect a 25 square foot sign not to exceed 8 feet in height per allowance of Sections 22-604 (6) d. of the City Zoning Ordinance.. Tax Map: 107, Lot: 287, Zoning District: B-1.5.

Application has been referred to the Planning Board.

II. Correspondence

TF Moran came before the board in 2006 for the special exception November 7th. The applicant didn’t receive site plan approval until a couple of months ago. The one year extension is going to expire again in November and they are requesting another extension. They are not planning on moving any dirt until next year.

Motion: To grant an extension to TF Moran for the Special Exception
Made by: Mr. Hurd. **Second by:** Mr. Woodman **Vote:** Unanimous

III. Reports from Boards & Commissions

IV. Other

- (ZO2008-00019) Angela Wilkins, 31 Bible Hill Road, Claremont, NH - Members of the Zoning Board made a Site Visit, September 17, 2008, regarding the above Special Exemption.
- Training Session - Zoning Board of Adjustment will hold a Training Session Tuesday, October 14, 2008 at 14 North Street, Visitors Center, Claremont.

V. Adjournment

Motion to: Adjourn
Made by: Mr. Hanson **Second:** Ms. Towle **Vote:** Unanimous

Meeting adjourned at 8:25 p.m.
Respectfully Submitted,

Katrina Spaulding
Administrative Assistant