



**Zoning Board of Adjustment Meeting**  
Monday, November 3, 2008, 6:30 p.m.  
City Council Chambers, City Hall, Claremont

**Meeting Minutes**  
*Approved 12/01/08*

Meeting Called to order at 6:35pm by Chair Hurd

**I. Roll Call**

**Present:** Robert Woodman, Jim Hanson, Pierre Caouette, Michael Hurd, Carolyn Towle

**Absent:** Ed Friedman

**City Staff:** Ed Tinker, Director of Planning & Development; Katrina Spaulding, Administrative Assistant

**II. Review of Minutes:**

October 6, 2008 Public Meeting Minutes

**Motion to:** Accept the October 6, 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. –**Application Withdrawn**
- **(ZO2008-00019) Angela Wilkins, 31 Bible Hill Road, Claremont, NH** – Seeks a 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.

Chair Hurd recused himself as an abutter to the property owner. Mr. Woodman will reside as Chair.

Mr. Tinker passed out an addendum to the application and the updated Site Plan with the new egress onto the property. The new entrance is where the Board previously recommended according to Mr. Hanson. Mr. Woodman asked how many parking spaces were necessary for the childcare facility. Mr. Tinker said there isn't a required amount. Mr. Woodman was concerned about the additional employees and parent parking for pickup and drop off. Mr. Tinker said the designated play ground needs to be shown on the Site Plan for a safe location of the play area. This would show fencing and gating for the play area. Mr. Tinker wasn't absolutely sure it had or had not been determined where the play area would be located on the plan.

Mr. Woodman asked if the applicant was agreeable to a 4 member board as there is one missing board member and Mr. Hurd has recused himself. Ms. Wilkins said she was fine with the 4 member board.

Mr. McCutcheon said the play area will be added and shown on the revised final plan.

Staff Recommendations:

1. Obtain a license from the N.H. Bureau of Child Care Licensing

2. Obtain an approved Certificate of Occupancy or Certificate of Completeness from the City of Claremont Building Department
3. Obtain an approved inspection from the City of Claremont Health Code Officer

*Open Public Hearing*  
*Public Hearing Closed*

**Motion to:** Approve the site plan as submitted including the implementation of the Staff recommendations and the inclusion of the play area on the final Site Plan.

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

Fact Finding:

1. Is the specific site an appropriate location for such a use? Mr. Hanson said the residential setting is good and the issue of egress has been addressed.
2. Will property values in the district be maintained by such a use? Mr. Caouette said the property will not be devalued from the use.
3. Proposed use will not result in any nuisance or unreasonable hazard? Mr. Woodman said the new driveway will make this a lot safer.
4. Will there be minimal traffic impact as a result from such a use? Mr. Hanson said it will be as minimal as expected.
5. Are there adequate and appropriate facilities provided for the proper operation and maintenance of the proposed use, including water, sewer and parking? Mr. Hanson said the parking issue has been solved and the water/sewer will not be an issue.
6. Will there be minimal impact on the view, light, and air of any abutter as a result of the proposed use? All Board members agree.
7. The proposed use will not place a disproportional burden on the city's operational services in comparison with the anticipated tax revenue associated with the property/use in question? All Board Members Agree
8. The proposed use will not be detrimental to the public health, safety and general Welfare? All Board Members agree
9. Will granting the special exception be in harmony with the general purpose and intent of the zoning ordinance? All Board Members agree

#### **IV. New Business**

- **(ZO2008-00028) Ben Evans, Claremont Fiber, LLC 98 Plains Road, Claremont, NH –** Seeks a Special Exception from Sections 22-212 (2)(a) of the City Zoning Ordinance in order to have a Manufacturing Building or Accessory Structure in excess of 50' in height. Tax Map: 105, Lot 5, Zoning District: I-1. **Application has been withdrawn.**
- **(ZO2008-00014) Doolittle's Print Serve, Jerome Doolittle, 84 Elm Street, Claremont, NH –** Seeks a Special Exception from Section 22-604 (6) d. of the City Zoning Ordinance in order to erect a freestanding 25 square foot sign not to exceed 8 feet in height. Tax Map: 107, Lot: 287, Zoning District: B-1.5.

This application has previously been approved by the Planning Board for the change in the Site Plan and approval of the design. It is part of the Zoning Ordinance according to Jane Taylor for the Zoning Board to now approve a special exception for the sign that is not to exceed 32 square feet. There are no objectives from the staff perspective according to Ms. Taylor.

## *Open Public Hearing*

Mr. Doolittle asked if the Board had any questions. He felt the sign was necessary to conduct his business and has recycled the sign from his previous location on Washington Street. The recycled sign is 5' x 6'. The rule is the maximum of 32 square feet. His sign is under the maximum and he will be using the existing footing that is on the location. The original sign Mr. Doolittle was asking for was the same size only higher off the ground. The sign fits within the criteria and now will be lower to the ground than the original application of 8 feet.

Mr. Wayne McCutcheon commended Mr. Doolittle for making a nice business and the location has worked out very well.

## *Public Hearing Closed*

**Motion to:** Grant the Special Exception for the sign as previously approved by the Claremont Planning Board

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

### Fact Finding:

1. The specific site is an appropriate location for such a use; Unanimous
  2. Property values in the district will not be reduced by such a use; **Unanimous**
  3. No nuisance or unreasonable hazard shall result; **Unanimous**
  4. No adverse traffic impact will result from such a use; **Unanimous**
  5. Adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use, including water, sewer and parking; **Unanimous**
  6. No adverse impact on the view, light and air of any abutter will result; Unanimous
  7. The 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. Such a use would not be detrimental to the public health, safety and general welfare, **Unanimous**
- **(ZO2008-00029) Scott Cooper, 21 Prospect Street, Claremont, NH** – Seeks an Area Variance from Section 22-228, Section 22-229 and Section 22-230 of The City Zoning Ordinance in order to build a Residential Multi Family Duplex in an existing non-conforming building lot. Tax Map: 131, Lot: 49, Zoning District R-2.

Ms. Taylor wanted to mention she and Mr. Tinker were filling in for the present lack of a City Planner. Upper Valley Lake Sunapee Regional Planning Commission's, Peter Dzewaltowski is the interim City Planner and was unable to attend. The staff report produced after reviewing the file states there was a multi-family (3 family) destroyed in February 2008 and was a non-conforming structure. The entire structure was razed after the fire and cannot be reconstructed except in compliance with the Zoning Ordinance. The complete destruction of a non-complying structure and under the Claremont Zoning Ordinance there is no "grandfathering" status. This parcel is only 4,350 square feet and for a multifamily structure in that Zone there is a minimum requirement of 10,000 square feet for each unit. This would require the lots sizes to be 20,000 square feet each. There will also need to be an area variance for the rear setback as well as the ordinance requires 25' for the rear setback and there are only 12.5'.

Mr. Woodman recalled the two people that died in a fire on Meadow Street several years ago and a new 5 unit building was placed on the same lot. Mr. Woodman doesn't know how this passed the City Zoning ordinance. Ms. Taylor said each application needs to be taken individually. This parcel needs to be the only consideration.

Mr. Hanson asked about the placement of parking. Ms. Taylor said it should be two spaces per unit or 1.5 spaces per bedroom whichever is greater. Not knowing how many bedrooms, she said it would be at least 4 off street parking spaces. Ms. Taylor said if the Board were to approve one of the two required area variances, the Board could place any conditions on the approval as if it were a Site Plan approval.

### *Open Public Hearing*

#### *Abutters:*

Present were Andrew Austin of 17 Prospect Street, and Gary Osgood of 33 Prospect Street

Mr. Scott Cooper, property owner said he doesn't have the second floor plan with him at this point in time and therefore he is unable to say how many bedrooms he will build in the new building. He would do whatever the board thought was recommended to approve.

Mr. Caouette said the lot is very small and a duplex will really be stretching the limitations. He feels a single family would fit much more efficiently. Ms. Towle said the application doesn't seem complete and there isn't enough information for the Board to make any decisions.

Mr. McCutcheon spoke to the Board and mentioned the building was originally only 1 foot from the property line. This portion of the house that is being proposed is 11 ½ feet further into the lot than the previous house. There will be bluestone for parking and there would be room for four off street parking spaces. Previously there was no off street parking. The curb cut will now show at least 4 spaces on the lot. Mr. Woodman pointed out these spaces is not the standard parking space size.

Mr. Caouette asked if the property was formally in Mr. Cooper's name. He said it was in his wife's name. They were not living there at the time.

Mr. Gary Osgood an abutter was asking that this not be granted, since the neighborhood is currently very densely packed. There is inadequate parking and has always had cars parked on the front lawns and on the street. He asks the Board to consider the value of the properties of the current homeowners.

Mr. Andy Austin, an abutter said the problems on the street have been addressed with new pavement and the cleaning of some adjacent properties. He felt the landlord of the building before it burned wasn't very selective about who he rented to. The noise was quite loud and disruptive to the neighborhood.

Bethany Yurek lives on Prospect Street and thinks the board should take a look at the lot before anything is approved and wishes to see this application be denied.

Mr. Tinker mentioned the 9' x 19' parking space requirements are not being met. There will also need to be a variance for the parking and the setback requirements.

### *Public Hearing Closed*

Ms. Taylor wanted to clarify the Variances that are being asked for and each Variance request be treated separately. The Ordinances for setbacks and lot size in the R-2 Zone in addition to the parking ordinance are two that need to be handled separately.

**Motion to:** Reopen the public Hearing

**Made by:** Mr. Woodman

**Second by:** Ms. Towle

Mr. McCutcheon said the applicant wanted to withdraw his application and resubmit a new application in order for the lot to be considered for a single family home. This would mean re-working the plan and coming back. A withdrawal is being made and an entirely different plan will be put in for a future meeting.

Ms. Taylor said it was time for the Zoning Board to review the By-Laws. She suggested this be done during the month of December. Ms Taylor wanted to add this to the next meetings agenda. She recommended each member take a look at the by-laws prior to the next meeting.

#### **V. Correspondence**

- **Notice of Decision - (ZO2008-00025) Green Mtn. Children's Center, 6 Kinney Place, Claremont, NH** – Application Approved 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.
- **Notice of Decision - (ZO2008-00026) Blanc and Bailey Construction, John Caramore, P.O. Box 383, Charlestown, NH** – Application Approved 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.

#### **VI. Reports from Boards & Commissions**

Mr. Caouette said he went to the conference in Lincoln, NH and highly recommends the seminar.

#### **VII. Adjournment**

**Motion:** To Adjourn

**Made by:** Mr. Woodman

**Second by:** Ms. Towle

**Vote:** Unanimous

**Meeting Adjourned at 8:15 p.m.**

**Respectfully Submitted by,**

**Katrina Spaulding**

**Administrative Assistant**