



**Zoning Board of Adjustment Meeting**  
Monday, December 17, 2007  
Council Chambers, City Hall at 7:00 p.m.

**Meeting Minutes**

Meeting Called to order at 7:05 pm by Chair Hurd

**Roll Call**

**Present:** Robert Woodman, Jim Hanson, Michael Hurd, Tracy Pope, Heather Irish, Carolyn Towle

**Absent:** None

**I. Report(s) of Secretary:**

- Tuesday, October 1, 2007 Public Meeting Minutes

**Motion to:** Accept the meeting October 1, 2007

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

**II. New Business:**

- **(22-2007) Robert G. Picard, 36 Cedar Street, Claremont, NH** – seek a Special Exception from Sections 22-207 (1) of the City Zoning Ordinance in order to have a home occupation at the property of 36 Cedar Street. Tax Map: 82, Lot: 64, Zoning District: R-1.

Mr. Coogan advised that Mr. Picard has applied a Special Exception for a home business to operate a waste hauling and recycling business. Photos of the residence have been provided and a home occupation definition has been provided to the board and you should consider the nine bullets for home occupation.

Ms. Pope asked why Mr. Picard is required to obtain a Special Exception permit when there are other occupations such as electricians who run a business out of their home and are not required to obtain a Special Exception permit. Mr. Coogan advised that it has business like characteristics, there are trash bins, garbage trucks, outside storage and there is an odor reported by abutters. The City staff thought it would be best to have a public hearing. Ms. Pope said he doesn't do his business there he just parks his trucks there. Mr. Coogan advised that there are some abutter's complaints that have been filed and because of that it is worthy of a public hearing.

Mr. Woodman advised that Mr. Picard picks up his rubbish and he will step down if anyone wants him to although he did feel that it would not affect his judgment.

Mr. Picard advised that he will plead his case although after that he may withdraw his application. He advised that he is not sure why he is here. After a meeting with Ms. Taylor and Mr. Coogan they decided because he does his billing and bookkeeping at his home he is required to have a Special Exception. Mr. Picard advised that if this is about parking his trucks in his yard there is no ordinance saying he cannot have a dumpster or trucks in his yard. The original complaint that he got from the City was for dumping garbage on his property which is not correct; he never brings the garbage back to his property. Mr. Picard advised that tonight's meeting should only be about whether or not he can he answer his phone and do his bookkeeping at his property and if it becomes a discussion on his trucks and number of cans he would like his application withdrawn at that point.

Ms. Irish asked if Mr. Picard knew there was a complaint on file. Mr. Picard said he did but the person was not an abutter. Ms. Irish asked if he had any discussions with his neighbors. Mr. Picard advised that no one has approached him regarding this issue. Mr. Coogan advised that under the Zoning Ordinance, the waste disposal business use is not shown in the ordinance as a permitted use, so this would mean that it is not allowed. City staff felt that the Special Exception

was the only way it would be allowed; Mr. Picard also filed his business name with the State. Ms. Irish stated that there is a licensing ordinance for waste haulers and she knows that he has gone forward and done that as well. Mr. Coogan advised that the State of NH does not allow you to use a PO Box; you have to have a physical address so he was required to use Cedar Street as his physical address. Mr. Picard advised that he is not bringing trash back to his property and would never consider that.

Open public hearing

Mr. Bundy, abutter, advised that he does not have a problem with Mr. Picard but the only problem is the odor in the summer time. He has no problem with him having a business.

Mr. Descoteau, abutter, 46 Congress St, stated that he is not sure how long the dumpster storage is going on. What is to stop him from accumulating dumpsters at the property? We have had skunks in the area and this could attract skunks, mice, rats. We live in a very wet area and there are a lot of mosquitoes and this would attract more mosquitoes, and flies. He does not want to sit at his picnic table in August and smell a dumpster. Is this going to reduce the property values? He owns the property behind his home and he has a clear view of what Mr. Picard is storing in winter and what he is doing with it and this is a concern to him. Mr. Descoteau advised that he would not have a problem having a neighbor who is an electrician, but you can't say you don't have a problem living next to a garbage truck. He is opposed to the trucks and dumpsters being stored there. He also noticed that his larger truck has not been moved for a while because it is piled up with snow and he really doesn't want that to happen in the summer time. What kind of problems is that going to bring to his property if a garbage truck is parked in the area for an extended amount of time?

Chair Hurd read an opposition letter from Mr. Donald Tebo, an abutter.

Mr. Picard advised that there are no more odors coming from his truck than a regular dumpster. Mr. Picard advised that he has lived there for 20 years and he has never seen a rat and he is the one with the garbage. Mr. Picard advised that he is seriously considering withdrawing his application and we will go through the legal channels.

Mr. Picard advised that he is withdrawing because he knew this was going to go into a whole different area. Chair Hurd advised Mr. Picard that it is not so much about his trucks, under home occupation there is no outside storage of any means allowed, the truck would not be considered outside storage. It's about the dumpsters, outside storage and the State guideline lists what a home occupation is, as an example #4 home occupations must be contained entirely in the dwelling or an accessory dwelling.

Closed the public hearing

**Motion to:** accept the motion to withdraw

**Made by:** Mr. Woodman

**Second:** Ms. Pope

**Vote:** Unanimous

### III. Adjournment

**Motion to:** Adjourn

**Made by:** Ms. Pope

**Second:** Mr. Hurd

**Vote:** Unanimous

Meeting adjourned at 7:31 p.m.

Respectfully Submitted,

Michelle Aiken

Boards and Commissions Coordinator