



**Zoning Board of Adjustment Meeting**  
Monday, February 5, 2007  
Council Chambers, City Hall at 7:00 p.m.

**Meeting Minutes**

Meeting Called to order at 7:01 pm by Chair Hurd

**Roll Call**

**Present:** Robert Woodman, Richard Dietz, Michael Hurd, Tracy Pope, Heather Bopp

**Absent:** None

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

- Monday, November 6, 2006 minutes

**Motion to:** Accept the meeting minutes of November 6, 2006 with the amendments as discussed

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

Ms. Pope requested a change in the minutes on page 6, paragraph 2, the 3rd sentence – remove Ms. Popes words; Ms. Pope advised she does not believe that she said that.

In reviewing the tape, this statement was made by Ms. Pope and the minutes remain the same.

Mr. Coogan passed out a memo to help assist in making motions and decisions more thorough with a consistent record.

**II. New Business:**

- **(01-2007) Sherra and James Carr, 152 Elm Street, Claremont, NH** – seek a Special Exception from Sections 22-187 (5) of the City Zoning Ordinance in order to add a hair salon to the property of 18 Lewis Place. Tax Map: 177, Lot: 8, Zoning District: RR2, Property Owner: Janet Havey.

Mr. Coogan advised that Ms. Carr would like to have a Hair Salon at a home on 18 Lewis Place which is a subdivision with 3 homes in the RR2 district. Under section 22-187(5) a home occupation is allowed although the ZBA has the right to put restrictions/conditions on the approval. Mr. Coogan read the definition of Home Occupation. The key statement is that it will not change the character of the neighborhood.

Ms. Carr advised that they are interested in purchasing the property at 18 Lewis Place; she currently has the business in her home on Elm Street. They are going to use the garage space of the new home and it will have the same hours of operation, same two people working there. They are going to split the garage in half, put some plumbing in and put some gravel down on the driveway for parking. Mr. Woodman asked if the septic would be able to handle a hair salon. She has spoke with Janet

Havey and others and they advised that it will be fine. Chair Hurd asked Ms. Carr if she would be moving there.

Mr. Dietz asked if she washes hair at her salon and how many washings per day would she be doing. Ms. Carr advised that on a slow day it will be 6-8 and on a busy day 15 people. Mr. Dietz asked if she has checked with DES to see if the septic system adequate for the change of use. Mr. Woodman advised that the septic is measured by chair. The system is probably only designed for a 3 bedroom house, maybe the system was designed for more usage than was needed, but she should check into that.

Mr. Hurd asked Mr. Coogan if the State would have to re-approve the septic for something like this. Mr. Coogan advised that it could be a condition of approval that they obtain an approval for their septic. Ms. Bopp asked if they were also going to add another bathroom. Ms. Carr advised that yes she will be adding another bathroom.

Mr. Hurd asked if there would be appropriate parking at the new site. Ms. Carr advised that there is a large parking area and they will be making a better area for turning around. Mr. Hurd asked if they will be adding a curb cut or anything of that nature. Ms. Carr advised that they would not be changing the curb cut at all.

Ms. Pope asked if the salon will be handicapped accessible. Ms. Carr advised yes it will be handicapped accessible.

#### Open Public Hearing

Mr. Sprague an abutter at 31 Lewis Place. Mr. Sprague read from the definition of home occupation and advised that the sale of articles not made or assembled on the premises, typically hair salons sell shampoo, and he believes this is not allowed in the Home Occupation. He is concerned that everyone shares the same water supply and they also have an unimproved private road that is very rough. He also does not believe that there is adequate parking. There is a very steep ditch on both sides of the entrance. It is a private road that he maintains. He believes that salons are permitted under B1-5 and he thinks it is there because of things like septic capacity and roads. Mr. Sprague advised that the septic was designed for a 3 bedroom house.

Mr. Coogan advised that he does believe that enough information has been brought up that is in question and he drove up to Lewis Place today and the road is rough. The board may want to table the application until Ms. Carr can provide more information about the Septic and determine if there is enough space for parking and the adequacy of the road. Mr. Woodman advised that she should get a copy of the septic from the owner or from Concord.

**Motion to:** to continue the application until the applicant has more information for March 5, 2007

**Made by:** Ms. Pope      **Second:** Ms. Bopp      **Vote:** Unanimous

Chair Hurd advised Ms. Carr to have the Sewer checked out, have a layout for the parking, layout for the minimum sign requirements. Provide documentation to the board that the septic meets DES

approval or if you need another separate tank for holding. This is a private road and Ms. Carr should get an opinion on if the road can handle the traffic.

- o (02-2007) Claremont Lavalley's Building Supply, LLC, Pleasant Street, Claremont, NH – seek a Use Variance from Sections 22-599 of the City Zoning Ordinance in order to add a sign to an existing sign on the abutting property on Pleasant Street. The sign is 14ft from the LaValley property line. Tax Map: 131, Lot: 142-2, Zoning District: B2, Property Owner: Harold and Geraldine Lavalley.

Mr. Coogan advised that Lavalley's would like to put their sign on the Sanel Auto Parts sign which is off premise. The Sign ordinance does not permit off premise advertising, even though Lavalley's is the abutting property.

Bill Blewitt advised he is the manager of the Claremont Lavalley's and they would like to put a sign at Sanel Auto Parts. The road is rather narrow and it is more than 30ft to pleasant street and it is very difficult to see their building from the road. At the moment they are giving customers the location of Sanel Auto parts, it makes more sense to add their sign to the existing sign. It would be very difficult to have a sign put on their property that would be visible from the road due to their property location.

Mr. Blewitt advised that they will have an agreement with Sanels for the use of their sign post if it is approved by the Board.

Ms. Pope asked if their existing sign would remain. Mr. Blewitt advised that they would like to keep it because they are able to advertise specials etc. Ms. Pope asked if they are allowed to have 2 signs on their property. Mr. Coogan advised that you are allowed to have a freestanding sign and one affixed sign. He will do some research to make sure this is allowable.

Ms. Bopp asked if the new sign will block the visibility, especially with the 18 wheelers they have coming into their property. Mr. Blewitt advised that he is not sure of the exact distance, but it is at least 12-16 ft, but tractor trailer traffic will go in that entrance, but they exit onto Mulberry Street.

Closed public hearing

**Motion to:** grant variance to Lavalley's to install a sign on the abutting property that fronts Pleasant Street

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

The proposed use will not diminish surrounding property values.

Vote: Unanimous

Granting the variance will not be contrary to the public interest.

Vote: Unanimous

The denial of the variance will result in unnecessary hardship to the owner because of the following

Vote: Unanimous

Is there a fair and reasonable relationship between general purposes of the zoning ordinance and restriction on the property? Ms. Pope advised that it is unfair that it doesn't allow them to adequately display signage since their business is located in the back of Sanel's.

Vote: Mr. Woodman – Aye  
Mr. Dietz – abstained  
Mr. Hurd – Aye  
Ms. Pope – Aye  
Ms. Bopp - Aye

Will granting the variance do substantial justice

Vote: Unanimous

Is the use contrary to the spirit of the Zoning ordinance

Vote: Unanimous

- **(03-2007) Yankee Signs, representing Walmart Stores, Inc, 14 Bowen Street, Claremont, NH** – seeks Area Variances from Sections 22-604 (5) C.1 of the City Zoning Ordinance in order to construct a sign approximately 38 ft high on Washington Street, the current restriction is 30ft. Tax Map: 108, Lot: 113, Zoning District: B2, Property Owner: Walmart Stores, Inc #1975

Mr. Coogan advised that the current regulation limits the sign height to 30ft.

Mr. Bob Malila is contracted through Broadway National to obtain the sign permit for Wal-Mart to raise the signage. Quiznos new roof is now blocking the signage to Wal-Mart. People are looking for the signs and they cannot see it so they would like to raise the sign up 8ft. Mr. Woodman advised that it is a safety factor that people are going past Wal-Mart before they see the sign.

Open Public Hearing

Mr. Malila advised that he or whoever gets the contract will have architectural drawings for the building inspector if their application is approved.

Closed Public Hearing

**Motion to:** grant the area variance to install a 38 ft high sign on Walmart property on Washington Street where a 30ft sign is permitted and it will be required to meet all safety standards with the building inspector

**Made by:** Mr. Woodman                      **Second:** Mr. Dietz                      **Vote:** Mr. Woodman – Aye  
Mr. Dietz – Aye  
Mr. Hurd – Aye  
Ms. Pope – Nay  
Ms. Bopp - Nay

Ms. Pope is worried about setting a precedent for other people to raise their signs and how does this board know that it will meet all the safety requirements. Mr. Coogan advised as far as setting a precedent, this is a case by case basis. The safety requirements will be reviewed by the building

code officer. Mr. Woodman stated they would not need to do this if Quiznos didn't put the new roof on, adding the new roof was a benefit to the community; it made the building look nicer. To raise the sign 8ft is a lot better than to see an accident on Washington Street. If the board felt that they wanted to add a condition to a variance, the same as you could to a special exception.

Will the proposed use diminish the surrounding property values;

Vote: Mr. Woodman – Aye  
Mr. Dietz – Aye  
Mr. Hurd – Aye  
Ms. Pope – Aye  
Ms. Bopp - Nay

Will granting the variance be contrary to the public interest;

Vote: Mr. Woodman – Aye  
Mr. Dietz – Aye  
Mr. Hurd – Aye  
Ms. Pope – Aye  
Ms. Bopp - Nay

Do special conditions exist such as literal enforcement of the ordinance will result in unnecessary hardship to the applicant?

Ms. Pope advised that Wal-Mart previously came before the board to have a sign on the Quiznos roof and that was denied because of off site advertising. There are other avenues available to them, but they would still have to come in front of the Zoning board for some type of variance. Mr. Dietz stated the variance is reasonable since the roof of Quiznos was raised after the Wal-Mart sign was already in place.

Vote: Mr. Woodman – Aye  
Mr. Dietz – Aye  
Mr. Hurd – Aye  
Ms. Pope – Nay  
Ms. Bopp - Nay

Will granting the various do substantial justice?

Vote: Mr. Woodman – Aye  
Mr. Dietz – Aye  
Mr. Hurd – Aye  
Ms. Pope – Nay  
Ms. Bopp - Nay

Is the use contrary to the spirit of the Zoning Ordinance?

Vote: Mr. Woodman – Aye  
Mr. Dietz – Aye  
Mr. Hurd – Aye  
Ms. Pope – Nay

Ms. Bopp - Nay

Motion to meet with legal council for a 10 minute recess

Meeting back to order 8:30

- **(04-2007) Mr. John G. Olson, by his attorney, C. Nicholas Burke, 21 Charlestown Road, Claremont, NH** – respectfully request that the Claremont Zoning Board of Adjustment reconsider its decision on November 26, 2006, granting an area variance from section 22-512 for the property located at 1 Charlestown Road, said property being shown as Tax Map 143, Lot 143. Property Owner: Brian Stowell.

Chair Hurd advised there is a motion to consider re-hearing on Stowell case.

**Motion to:** deny the motion for rehearing which was filed as a motion for reconsideration, the ZBA November 26, 2006 approval of the area variance of 3½ft for the set back requirement for the property location at 1 Charlestown Road, where the ordinance requires 10ft

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

The motion was filed as a motion to reconsider and they are waving that technical error, it is for re-hearing not to reconsider.

- **(05-2007) Roman Catholic Bishop of Manchester, 16 Central Street, Claremont, NH** – appeals the decision of the Historic District Commission decision on November 20, 2006 not to grant for a Certificate of Appropriateness for the demolition of the St. Mary’s Convent. Tax Map 119, Lot 349. Appellant requests a continuation for 90 days, May 7, 2007 meeting.

Mr. Coogan advised that Mr. Uchida sent a letter requesting a continuance – he believes they are considering their options

**Motion to:** to continue the application to the May 7, 2007 meeting

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

### III. Communications

- **Spring OEP Planning & Zoning Conference** – Saturday April 28, 2007, Manchester, NH – City to pay the \$25 registration fee

Ms. Bopp and Mr. Dietz advised they would be interested in attending

### IV. Other

- Elections and Appointments
  - Chair and Vice Chair

**Motion to:** to elect Mr. Hurd as chair

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

**Motion to:** to elect Mr. Woodman as vice chair

**Made by:** Ms. Pope

**Second:** Mr. Hurd

**Vote:** Unanimous

- Recruitment

## **V. Adjournment**

**Motion to:** Adjourn

**Made by:** Ms. Bopp

**Second:** Mr. Woodman

**Vote:** Unanimous

Meeting adjourned at 8:35 p.m.

Respectfully Submitted,

Michelle Aiken  
Boards and Commissions Coordinator