



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

**Meeting Minutes**

Meeting Called to order at 7:00 p.m.

**Roll Call**

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

**Absent:** None

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

- Monday, February 5, 2007 minutes

**Motion to:** Accept the meeting minutes of February 5, 2007

**Made by:** Mr. Woodman

**Second:** Ms. Pope

**Vote:** Unanimous

**II. Continuation:**

- **(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. James Carr appeared to withdraw the application. The property is not being purchased at this time. Withdrawal granted by the members of the Zoning Board.

**III. New Business:**

- **(06-2007) David Crosby of the First Baptist Church, 56 Main Street, Claremont, NH** – seeks a Use Variance from Sections 22-296 of the City Zoning Ordinance in order to construct a church on the property of 135 Maple Avenue. Tax Map 130, Lots, 47 & 48, Zoning District: B-2. Property Owner: William Finard, Claremont Realty Trust.

Pastor David Crosby presented his application for a use variance. The church which is currently being used, originated in 1834. The size of the church is no longer adequate for the needs of the parish. 56 Main Street offers limited options for expansion of parking and structural growth. The congregation has prepared to move into a purchase and sale agreement with William Finard for the property located at 135 Maple Ave. Ideally the lot that the church would be looking for should be 5-10 acres. Finard and Company has been unable to sell the 10 acre property over the last 5 years. 6 acres of the 10 are non-buildable but the church feels this would be good recreational space. The current owner will complete tear down and remove the buildings that exist on the lot prior to

transferring the property to the First Baptist Church. This lot lies in a B2 zone which is pocketed in the middle of residential neighborhoods and therefore requires a variance in order to make the church a possibility. In outlining the Zoning Board Required facts:

**1. Will the proposed use diminish the value of surrounding property?** In the spirit of increasing property value, the project would encompass the removal of an old, decaying building and replace it with a brand new nicer building. There will not be any more parking than currently exists and the attractive landscaping will beautify the area and the neighborhood. There will be no more designated parking than currently exists. The large property size will allow enough room so as not to create a negative impact on any surrounding property.

**2. Would granting the variance be contrary to the public interest?** This would be a benefit to the public interest since the safety and security issues that exist with the building that is there would be eliminated. This facility would serve public needs with spiritual support and teaching for life success. The Church would meet the needs of the wider community by providing a meeting place for community events and opportunity for administering public service. The church will serve to connect people and add community to the neighborhood.

**3. Would denial of the variance result in unnecessary hardship to the applicant?** This would cause unnecessary hardship to the property owner Bill Finard who has attempted to sell the property for 5 years and has had little luck. Light industry is being encouraged to move to the industrial parks. He feels that it is very difficult to sell with the current zoning regulations and criteria. A letter was included from Mr. Finard stating the hardship this could potentially cause.

The economy the way it is in Claremont has sent commercial ventures towards the Washington Street area and downtown is more appealing to business owners with the future Mill Development. The Maple Avenue area is more service oriented and service oriented ventures such as the senior center, apartment complex, bank, new office buildings and other small businesses will populate Maple Avenue. Churches are not permitted in most areas of the current zoning ordinances. They are only allowed in Residential districts.

**4. Will granting the variance do substantial justice?** The church would provide a compatible use for the evolving nature of this neighborhood. This would accompany other similar civic activities on Maple Avenue such as nearby Moody Park, the Senior Center, Bowling Alley, and potentially the future recreation center. The church would provide a soft and quiet impact on the property. The immediate benefit would be to remove an eyesore (the old building) and provide new landscape to the neighborhood. The addition of a church in its place would offer a more secure and safe environment and the new value would be added without the increased traffic added from an industrial venture. There are already 2 churches in the area currently and have shown that this location is very feasible for this usage.

**5. Is the use contrary to the spirit of the zoning ordinance?** The church will have a lower impact than other businesses in the B2 zoning. This would be more in line with the existing neighborhood and less intense than most that would be permitted in this zone. This zone is sandwiched between the residential zones. Establishing a church on this parcel will help to funnel businesses with the kinds of uses required in the B-2 zone to the other areas of the city that are looking to welcome them. The highest intensity of use is on Sunday morning and is opposite to the flow of traffic of the other

businesses on Maple Avenue. The traffic flow would be opposite to that of business that operates there during the week. The evening and weekend traffic that the church would generate would not interfere with the normal daily traffic of those businesses. Mr. Crosby feels that a church would be less burdensome in this community than some of the uses that are listed for the B-2 Zoning. This church could add value to the city and growing ministry. Members are lifelong residents and share the interest in Claremont rising to vitality and help to add a positive impact.

Ms. Pope asks what the active membership is currently. Pastor Crosby said it was 300. She also asked if the asphalt parking lot was going to be removed. Mr. Crosby responded that the plans are not that far determined.

The church's current location will remain standing. The church lies in the Historic District and needs to remain intact.

Mr. Woodman asked what the time frame looks like for building. Pastor Crosby says it depends on Funds and the building that stands at Maple Avenue would be removed immediately. Mr. Woodman also asked if the gas tanks have been removed yet or not. They have been removed. Kevin Bascom, the building committee chairperson, has documentation and an environmental test is being conducted.

Chair Hurd questions if the new building is intended to blend into the neighborhood and what style is going to be used. Pastor Crosby indicated that the new church will have a more contemporary look due to the cost of replicating the old church style.

Ms. Bopp wanted to know about the intersection at Maple Avenue and wondered if heavy traffic had been considered and how to handle the possibility of merging traffic. She suggested a blinking light and wanted the church to be aware that this may be a future question the Planning Board could have. The plan presented to the Zoning Board does signify the expectation of growth and does reflect potential expansion. Two letters have been presented by neighbors 1. Daniel Sprague – Owner of Hitchin' Post 2. Gary's Tire and Auto these letters show support for the church.

Open Public Hearing

Abutters, James and Cheryl Jones expressed their approval of the church being a new addition to the neighborhood. Ms. Jones is concerned with the problems they have previously had with the 18 wheelers parking in the lot and running all night. She wanted to ask the Church not to allow for this to occur in the church parking lot. She inquired if the landscaped areas would be maintained during the summer. She was reminded that these issues are for the Planning Board and not for the Zoning Board.

Closed Public Hearing

**Motion to:** To grant the special exception of City Ordinance #22-296 to construct a church on 135 Maple Ave

**Made by:** Ms. Pope      **Second:** Ms. Bopp      **Vote:** Ms. Bopp – Aye (Based on Criteria)  
Ms. Pope – Aye  
Mr. Dietz – Nay  
Mr. Woodman - Nay

Will the proposed use diminish the value of surrounding property?

Vote: Unanimous

Would granting the variance be contrary to public interest?

Mr. Woodman – Aye

Mr. Dietz - Nay

Ms. Pope - Nay

Ms. Bopp - Nay

Would the denial of the variance result in unnecessary hardship to the applicant because of zoning restrictions?

Mr. Woodman – Nay

Mr. Dietz - Aye

Ms. Pope- Aye

Ms. Bopp - Aye

Is there a fair and reasonable relationship between general purposes of the zoning ordinance and restriction on the property?

Mr. Woodman - Nay

Mr. Dietz - abstained

Ms. Pope - Aye

Ms. Bopp- Aye

Granting the variance would not injure the public or private rights of others?

Mr. Woodman – Nay

Mr. Dietz- Aye

Ms. Pope - Aye

Ms. Bopp – Aye

Will granting the variance do substantial Justice?

Mr. Woodman - Nay

Mr. Dietz - Nay

Ms. Pope - Aye

Ms. Bopp- Aye

Is the use contrary to the spirit of the zoning ordinance?

Mr. Woodman- Aye

Mr. Dietz – Aye

Ms. Pope - Nay

Ms. Bopp- Nay

Chair Hurd disagreed with the question that granting this variance would injure the public and private rights of others. He feels that this would cause hardship to the citizens of Claremont due to the fact that there would not be any taxes collected on this property being used as a church. The general public is affected because there is a financial burden without this tax base. Ms. Pope stated that it is inappropriate to include any financial information regarding the Zoning Boards decision. Chair Hurd stated the church could appeal within 30 days.

Ms Pope feels that if there are questions that are being raised regarding the voting process and the wording of the questions that are being voted upon then Jane Taylor needs to consult with the Zoning Board members.

**Motion:** To withdraw motion until there is legal consultation with Jane Taylor and to continue to the next meeting.

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

Applicant was advised they did not need to do any further paperwork prior to the next meeting. Chair Hurd wanted the applicant to know the Board needed clarification on the questions being asked.

- **(07a-2007) Michael Satzow of North Country Smokehouse, 471 Sullivan Street, Claremont, NH** – seeks an Area Variance from Section 22-320 (2) front yard setback of the City Zoning Ordinance in order to allow for the expansion of the building approximately 12 ft from the property line where 50 ft is required. Tax Map, 117, Lot 6, Zoning District: I-1.

A revised Site Plan was presented to the Board by Wayne McCutcheon. Michael Satzow presented that this is a third generation business and has existed for many years. This business grows an average of 20% per year. Attempting to grow the business in order to provide better quality employment and benefit the community. There is a USDA inspector on the premise almost every day for 80% of the day. 1/4 to 1/2 million dollars of equipment are purchased every year and now the business has outgrown the facility. There is also a need to provide security due to Homeland Security's requirements. Government said they need to have complete isolation between cooked meat and raw. The additional space will allow for this to occur. The plan includes one major addition to several parts of the building. This expansion would cut back on the number of heavy trucks since they can hold more in the plant. Parking in the front of the building will also be eliminated.

Mr. Dietz wanted to note that the 12' foot is actually 2 feet larger than what actually exists on the current property. Chair Hurd asks if there are any conflicts with the applicants and the board members.

Ms. Bopp asked if there would be any smoke stacks that would be erected and conflicting with the new ordinance. Mr. Satzow mentioned that less wood is burned than an average wood stove. This would be a type of chimney. There will be no pollutants. This is a Planning Board issue.

**Motion:** To allow for approval of area variance from property line to allow for 38 foot variance where Sec. 22-320:2 where the zoning ordinance requires 50 feet.

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

Will the proposed use diminish the value of surrounding property?

Vote: Unanimous

Would granting the variance be contrary to public interest?

Vote: Unanimous

Would the denial of the variance result in unnecessary hardship to the applicant because of zoning restrictions?

Vote: Unanimous

Is there a fair and reasonable relationship between general purposes of the zoning ordinance and restriction on the property?

Vote: Unanimous

Will granting the variance do fair and substantial justice?

Vote: Unanimous

Granting the variance would not injure the public or private rights of others?

Mr. Woodman - Aye

Mr. Dietz - Aye

Ms. Pope - Nay

Ms. Bopp - Aye

Is the use contrary to the spirit of the zoning ordinance?

Vote: Unanimous

- **(07b-2007) Michael Satzow of North Country Smokehouse, 471 Sullivan Street, Claremont, NH** – seeks an Area Variance from 22-533 (14) industrial uses of the City Zoning Ordinance in order to allow for 1 parking space per employee where 1½ spaces are required. Tax Map, 117, Lot 6, Zoning District: I-1.

#### Open Public Hearing

There will be a total of 32 parking spots. Wayne McCutcheon states that the 1 ½ required spots is usually to accommodate multi-shift work. North Country Smokehouse does not have more than 1 shift and will not ever have more than one shift in its facility.

Mr. Woodman stated that there will no longer be parking across the street.

Ms. Pope says that she has a problem with the proposed 1 1/2 space per employee. This could be a continuing problem for future applicants. She suggests that this be changed in the zoning ordinance.

Mr. Satzow indicated that there are currently there are only 20 employees that work at North Country Smokehouse.

#### Close Public Hearing

Will the proposed use diminish the value of surrounding property?

Vote: Unanimous

Would granting the variance be contrary to public interest?

Vote: Unanimous

Would the denial of the variance result in unnecessary hardship to the applicant because of zoning restrictions?

Vote: Unanimous

Is there a fair and reasonable relationship between general purposes of the zoning ordinance and restriction on the property?

Vote: Unanimous

Will granting the variance do substantial justice?

Vote: Unanimous

Would granting the variance be contrary to public interest?

Mr. Woodman - abstained

Mr. Dietz – Nay

Ms. Pope - Nay

Ms. Bopp- Nay

Granting the variance would not injure the public or private rights of others?

Vote: Unanimous

**Motion to:** To approve the applicant’s request for an area variance to allow for one parking space per employee.

**Made by:** Mr. Woodman

**Second:** Ms. Pope

**Vote:** Unanimous

**IV. Adjournment**

Meeting adjourned at 8:25 p.m.

Respectfully Submitted,

Katrina Spaulding  
Administrative Assistant