



**Zoning Board of Adjustment Meeting**  
 Monday, March 6, 2006, 7:00 pm  
 Council Chambers, City Hall, Claremont, NH

**Minutes**  
*Approved April 3, 2006*

Meeting called to order by Chair Hurd at 7:10 pm.

Chair Hurd queries if applicants will be heard by 3 member board. Applicants respond that they are in concurrence.

**I. Roll Call:**

**Present:** Michael Hurd, Chair; Richard Dietz; Robert Woodman

**Absent:** Deb Snelling, Tracy Pope

**City Staff Attendees:** Jerry Coogan, City Planner; Suzanne Ripka, Boards and Commissions Coord.

**II. Report of Secretary:**

- Monday, February 6, 2006 minutes - *No quorum, minutes to be reviewed at April 3, 2006 meeting.*

**III. Old Business and Related Public Hearing:**

- **Continuation - Robert and Lori Knight, 68 Bowker Street, Claremont, NH** – seek a Use Variance from Sections 22-206 of the City Zoning Ordinance in order to raise and keep three horses on the property of 68 Bowker Street. Tax Map: 70, Lot: 45, Zoning District: R1, Property Owner: Robert E.L. Knight III.
  - Mr. Coogan presents that the Planning and Development Department received a letter from Attorney Wells Chandler representing the Knight’s regarding upholding the previous Variance approval. Upon further review the City Attorney has agreed that the Variance carries and there is no need for Zoning Board action. The City is aware of the abutter’s concerns regarding property management and a letter will be sent to the property owner regarding these concerns. The application fee will be refunded.
- **Continuation - Norman St. Aubin, 130 Old Newport Road, Claremont, NH** – seeks a Special Exception under Article IV, Sections 22-147 (8) “Planned Residential Development” of the City Zoning Ordinance. The location of the property is **312 East Green Mountain Road**, present use of the 115 acre parcel is woodland; proposed use being Residential Subdivision. Tax Map: 100, Lot: 7, Zoning Districts: AR & RR2.
  - Mr. Coogan presents that the applicant requested a continuance until the October 2, 2006 meeting due to financial planning. Chair Hurd states that some type of notification should be sent to the abutters regarding continuance date.

**Motion:** Continue application to October 2, 2006 meeting.  
**Made By:** Mr. Woodman      **Second:** Mr. Dietz      **Vote:** Unanimous  
*Motion Passes – Application is continued to October 2, 2006 meeting.*

**IV. New Business and Related Public Hearing:**

- **Leo and Tawnya Courtermanche, 187 South Street, Claremont, NH** – seek relief from Section 22-208 (3) of the City Zoning Ordinance (10 ft setback requirement) in order to construct a garage approximately 7 feet from the side lot line abutting 185 South Street. Tax Map: 132, Lot: 132, Zoning District: R1
  - Mr. Courtermanche presents that the current structure is not adequate and describes condition and access. Applicant proposes 16’x20’ garage to the right of current structure in order to provide access for the family vehicles. The 10 ft setback would only allow a single car and would offer no leeway.

*Chair Hurd opens Public Hearing – no abutters present*

Abutter	Mailing Address	Map	Lot	Noticed	Hearing
Leo & Tawnya Courtermanche	187 South St	132	132	2/23/06	3/6/06
Alfred and Denise Ensley	89 Chestnut St	132	133	2/23/06	3/6/06
Stephen and Karen Mongeon	185 South St	132	131	2/23/06	3/6/06

City of Claremont	58 Opera House Square	132	130	2/23/06	3/6/06
Martin and Sheri Buzzell	22 Chase St			2/23/06	3/6/06

- Mr. Dietz states that he visited the site and noticed that there is a building on the adjacent lot which is very close to the property line where the applicant proposes to build the garage. He expresses concerns regarding emergency vehicle access to the back yard. Board discussion regarding possibilities of relocating proposed garage. Chair Hurd states that his observation during a site visit was that there is a lack of options due to the homes positioning on the lot. Mr. Woodman questions if the structure will be the same height; applicant confirms. Mr. Woodman requests clarification regarding if the structure will be used for living space; applicant responds there will be no living space. Board discusses angle and egress options.

*Chair Hurd closes Public Hearing.*

- Mr. Dietz comments that he would be more inclined to approve the application if the proposed building were not so close to the existing building on the abutting lot. Board and applicant discussion regarding setbacks of neighboring property; applicant states that access has been left to the back yard. Mr. Dietz states that the board is bound by case law and he does not see a hardship except for the desire to have 16 ft garage and feels that is not in the spirit of the ordinance. Chair Hurd outlines what would constitute hardship. Board and applicant discussion regarding accuracy of property line measurement. The applicant summarizes that pins are in place, measurement was done by running line between pins and that he believes the measurements to be correct. Mr. Woodman questions if a 1 foot variance would suffice so that a 14 ft garage could be built. The applicant responds that he would work with the decision if there was no other alternative. Mr. Dietz states that he would be inclined to approve a 1 ft variance that runs whole property line which could allow for the difference to be made up in rear dimensions. The building would follow the property line.

**Motion:** to grant a 1 ft variance allowing for a 9 ft side yard.

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

*Motion Passes – Applicant is granted a 1 ft variance allowing for a 9 ft side yard.*

- **Green Mountain Children’s Center, 92 FarmVu Drive, White River Junction, VT 05001** – seeks a Special Exception under Section 22-322 and Section 22-63 of the City Zoning Ordinance for a Child Care Facility to be located across from Colonel Ashley Lane on River Road, Claremont, NH. Tax Map: 163, Lot: 6, Zoning Districts: I2. Property Owner of Record: Claremont Development Authority

- Mr. Coogan presents that a special exception was received in May 2005 for a CDA (Claremont Development Authority) owned lot which ended up being sold to another business. The City has received Planning Board subdivision approval for the new location as of last Monday. Mr. Coogan adds that the applicant has answered all special exception questions and will have a site plan. This is a 3 step process. Mr. Coogan clarifies that the new site will be across the street from previously proposed site on the west side of River Road.

*Chair Hurd opens Public Hearing – no abutters present*

Abutter	Mailing Address	Map	Lot	Noticed	Hearing
Claremont Development Authority	14 North Street	163	6, 3, 4, 9	2/13/06	2/27/06
Harmony Mason	285 River Road	163	1	2/13/06	2/27/06
Jeffrey Dustin	293 River Road	163	2	2/13/06	2/27/06
MSJJ 330 River Road LLC	166 Route 120 Plainfield, NH	163	5	2/13/06	2/27/06
Justin Couture	294 River Road	163	7	2/13/06	2/27/06
SCP Green Claremont LLC	93 Summer St, Suite 3L Boston, MA 02110	163	8	2/13/06	2/27/06
Central Vt Railway, Inc	2 Federal Street St Albans, VT 05478	128	44	2/13/06	2/27/06
Green Mountain Children’s Center	92 FarmVu Drive White River Jct, VT 05001	163	6	2/13/06	2/27/06

*Chair Hurd closes Public Hearing.*

- Sharon Miller-Dombroski, owner of Green Mountain Children’s Center, presents that the site is located near CSI and is at present a corn field. She uses photographs to specify property location and building design. Applicant states that there will initially be 59 children ages birth to 8 years old and gives

description of proposed building location along with means of egress. Mr. Dietz questions if the access road will be built as a city street. Mr. Coogan responds that the intent is for a driveway into the building and the applicant will be responsible for cost and maintenance. Board discussion regarding driveway use, layout and access for future businesses. Mr. Woodman questions if applicant perceives any health problems with being in Industrial zone; applicant responds that she does not.

**Motion:** to approve Special Exception

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

*Motion Passes – Special Exception is granted for a Child Care Facility to be located on Tax Map 163, Lot 6*

**V. Other:**

- Mr. Coogan proposes that City Attorney, Jane Taylor meet with the board in April, May or June. Chair Hurd responds that the attorney was hired for legal council and expresses concern that the boards needs are not being met.
- Mr. Coogan informs the board that the city is aware that there is a need for more ZBA members. Advertisements have been published along with research on methods to rectify. Chair Hurd states that if the city cannot find anyone to fill the seats then a City Council Representative should sit in place until seats are filled. Board discussion regarding decision to remove Planning Board Representative alternate seat on board.

**VI. Adjournment:**

**Motion:** to adjourn

**Made By:** Chair Hurd    **Second:** Mr. Woodman    **Vote:** Unanimous

*Motion Passes – Meeting adjourned at 8:05 pm.*

Respectfully Submitted By,

Suzanne Ripka  
Boards and Commissions Coordinator