



**Zoning Board of Adjustment Meeting**  
Monday, June 4, 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, Jim Hanson, Michael Hurd, Tracy Pope, Heather Bopp

**Absent:** None

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

- Monday, May 7, 2007 Public Meeting Minutes

**Motion to:** Accept the meeting minutes of May 7, 2007

**Made by:** Mr. Woodman

**Second:** Ms. Bopp

**Vote:** Unanimous

**II. New Business:**

- **(11-2007) New Branch Properties, 729 East Road, Cornish, NH** – seeks Area Variances from Sections 22-269 and 22-270 of the City Zoning Ordinance in order to continue the use of the three existing residential uses after partial demolition and a Special Exception in accordance with section 22-113 (3) (d). Tax Map: 120, Lot: 34 & 35, Zoning District: B1.

Mr. Coogan explained that there was some confusion with the paperwork and wanted to clarify that the application is for an area variance. The property at 30-38 Main Street is a non conforming pre-existing use. This section of the Zoning ordinance 22-113 & 114 is confusing and not really clear and another section advises that if a structure is removed because of fire or natural hazard it can be rebuilt as is and keep their same pre-existing non conforming status. However there is another section advises that if it is destroyed by any means it shall not be constructed except in compliance with provisions of the chapter. Mr. Lattuga would like to demolish much or all of this building and re develop it with a new building and it will be about 50% less than its current use square footage. He is seeking an area variance from the lot lines and coverage.

Mr. Woodman stated that the property on Meadow Street did not have to going through the zoning board because it burned. Mr. Coogan advised that this is different circumstances and they are just trying to cross all their Ts and dot all their I's.

**Open Public Hearing**

Mr. Lattuga passed out a new plan with a comparison of what was there and what he is proposing. They are taking the two properties and will be merging the lots to make one building. They are proposing to reproduce the 3 residential units and add some commercial space. The building coverage now is 8,000 sqft and it will be 2944 sqft and they will be adding new pavement for parking. Mr. Lattuga stated that they started this project with a plan to save the main house and the little carriage house. They may still be able to save some of the main house but it is in pretty rough shape. They are taking a non conforming use and making it less non-conforming. The buildings will all be on his property now and not on the City's right of way / side walk. The carriage shed

in the back will be in the same footprint. Mr. Lattuga advised there will be a small one story addition to it. Mr. Hurd wanted to make sure that he meets his requirements for the residential unit requirements for the planning board.

Mr. Hanson asked if it had any grand fit between the mill development and his building. Mr. Lattuga advised that the intent has been for the bakery to go in there and then the building the bakery is will be demolished.

Ms. Pope stated that she felt that it would be a good project if he did a good job like was done with the building across the street.

Mr. Wayne McCutcheon advised that he has helped Mr. Lattuga with his plan and stated that he will do an excellent job.

Closed public hearing

**Motion to:** approve the applicants area variance under section 22-269 and 22-270

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

Will the proposed use diminish the value of the surrounding property

Vote: unanimous

Will granting the variance be contrary to public interest

Vote: unanimous

Do special conditions exist such that literal enforcement of the ordinance would result in unnecessary hardship to the owner because special conditions of the property limit the applicants proposed use of the property?

Vote: Yes – Unanimous

Do special conditions exist such that literal enforcement of the ordinance would result in unnecessary hardship to the owner because the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue without imposing an undue financial burden?

Vote: Yes – Unanimous

Will granting the variance do substantial justice?

Vote: Yes – Unanimous

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

Vote: Yes – Unanimous

- **(12a-2007) Jean McCutcheon, 492 Washington Street, Claremont, NH** - has submitted an application for a Special Exception from section 22-187 (3) of the City Zoning Ordinance in order to construct a Planned Residential Development. Tax Map: 146, Lot 2, Zoning District: RR2.

Mr. Hurd advised that he does not feel that Mr. McCutcheon needs to do a PRD, he feels that this application falls under a condominium with an association. He will listen to what the applicant has to say but he feels it should go straight to the Planning Board. Ms. Pope, Mr. Woodman and Ms. Bopp stated that they concur.

Mr. Coogan advised that Mr. McCutcheon came to the Planning Office and expressed his intent of doing 12 building with a total of 24 units on about 18 acres on Washington Street. Mr. McCutcheon felt that a PRD was the right way to go. There are two legal pathways to go, one is a PRD or a condominium is another way. The condominium development is probably a better legal pathway to get this development approved and at the same time meet all of his needs. Mr. McCutcheon has been informed that it is his call if he would like to withdraw his application and go before the Planning Board.

Mr. McCutcheon advised that he did go into the Planning office and told them what his objective was and that he felt a PRD would be the way to go. They live in a RR2 and PRD is not permitted without a Special Exception, so he submitted the application. There is 18 acres with 1 single family house on there already. They are required an acre for each unit, with a unit. Mr. Coogan advised that under 26-682 residential condos are allowed in any zone where PRD's are permitted. Also under section 22-684 site plan review, the condo construction is subject to all zoned dimensional requirements except for the max residential density per sqft of the total area for multi unit building. If they are putting a multi unit building they are exempt from the max residential density, which is 1 unit per acre. All condos are subject to all zoning dimensional requirements such as set backs.

Mr. Hurd asked Mr. McCutcheon if he would like to continue or if he would like to withdraw his application. Mr. McCutcheon advised that he would withdraw both applications and be willing to go in front of the Planning Board.

- **(12b-2007) Jean McCutcheon, 492 Washington Street, Claremont, NH** - has submitted an application for a Special Exception from section 22-187 (7) PRD of the City Zoning Ordinance in order to build a duplexes on the property. Tax Map: 146, Lot 2, Zoning District: RR2.

Mr. McCutcheon advised that he would like to also withdraw this application.

### **III. Correspondence**

- Notice of Decision for Customized Structures, Inc
- Notice of Decision for Brian and Rebecca Stowell

### **IV. Reports for Boards and Commissions**

Mr. Coogan advised that the 2<sup>nd</sup> Master Plan Visioning Session will be June 21, 2007 at 6:30 PM at the Claremont Middle School.

Ms. Pope advised that the Open Space Committee is having another meeting, the ordinance has been written and they are working on finishing up the Glossary. They plan to have a meeting for public input. They will then send it out for legal review and once it has been reviewed it will be presented to the Planning Board.

### **V. Adjournment**

**Motion to:** Adjourn

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

Meeting adjourned at 7:30 p.m.

Respectfully Submitted,

Michelle Aiken  
Boards and Commissions Coordinator