



**Zoning Board of Adjustment Hearing**  
Monday, June 1, 2009, 7:00 p.m.  
City Council Chambers, City Hall, Claremont

**Meeting Minutes**  
**Approved 7/6/09**

Meeting Called to order at 7:00 pm by Chair Hurd

**I. Roll Call**

**Present:** Robert Woodman, Jim Hanson, Michael Hurd, Ed Friedman

**Absent:** Pierre Caouette, Carolyn Towle

**City Staff:** Ed Tinker, Director of Planning and Development; Jane Taylor, City Solicitor; Katrina Spaulding, Administrative Assistant

Mr. Hurd appointed Mr. Friedman as alternate.

**II. Public Meeting Minutes:** May 4, 2009 Meeting Minutes

**Motion to:** Accept the May 4, 2009 Public Meeting Minutes

**Made by:** Mr. Woodman

**Second:** Mr. Hanson

**Vote:** Unanimous

**III. Old Business:**

○ **Discussion of Draft Bylaws with City Attorney Jane Taylor**

**Motion to:** Accept the Draft Bylaws as written by City Attorney, Jane Taylor

**Made by:** Mr. Hanson

**Second:** Mr. Friedman

**Vote:** Unanimous

Within the State there is a new case for use variances. With the state issue under hardship as to whether or not it qualifies for the unique circumstance or if it is just the land itself. The Board may consider a unique structure in the context of a use variance.

- **(ZO2009-00008) Joanne Jaworski/Harry Chesley, 358 South Hemlock Road, Charlestown, NH** seeks a withdrawal of an application for an Area Variance from Section 22-169 of the City Zoning Ordinance in order to construct a second means of egress for a multi-family building as required by the Fire Department at **72 Sullivan Street**. Tax Map: 119, Lot 267, Zoning District RR. –  
**WITHDRAWN PER APPLICANT**

**Motion to:** Accept the withdrawal of the application for 72 Sullivan Street

**Made by:** Mr. Woodman

**Second:** Ed Friedman

**Vote:** Unanimous

**IV. New Business**

- **(ZO2009-00013) White Mountain Children's Center, 6 Kinney Place, Claremont, N.H.** seeks a Use Variance from Section 22-206 of the City Zoning Ordinance to have a Licensed

Group Daycare in the R-1 Zoning District. The location being requested is **90 Charlestown Road**. Tax Map: 154, Lot 69.

Mr. Tinker stated that the applicant is proposing to utilize the existing building for a Group Child Day Care Center. The building has historically been used for religious services and offices. The proposed use is a Group Child Day Care Center which does not have a residential component and therefore requires a Use Variance from Section 22-206 of the City Zoning Ordinance.

Outdoor play space is required for licensing from the State. The location and extent of this area should be discussed. The play area should be fenced or enclosed in some manner.

The building is currently not sprinklered. There was an e-mail from Peter Chase that Mr. Tinker read to the Board. Chief Chase went through the building with the design architect. Applicable fire code will be met and approved by the Fire Department. It appears it will not be required to have a sprinkler system.

#### Parking and Traffic Circulation

Traffic circulation should facilitate orderly pick-ups and drop-offs.

#### Screening

Screening should be provided from the residential properties toward the south and east. The northern edge of the property seems well screened by trees.

Bob Haight the architect for the applicant addressed the Board. There is a provision in the International Building Code if every room has a door leading directly to the outside at grade level, considered an "E" use group and not required to have a sprinkler. This is a relatively small building at only 3100 square feet. There will be 40 square feet per student for a total of 56 students. The boiler room has to be fire rated drywall if it is going to be used for accessible space. The basement level will be utility space only.

Parking and traffic will go around to the end of the lot. The playground will be completely fenced. The age group serviced at this facility will be 6 weeks old to six years of age.

The child care center is required to do monthly fire drills at the facility. The applicant is seeking a new location as the lease at Milestones will expire August 1<sup>st</sup> of this year and the childcare facility will need to relocate prior to this date.

Mr. Hanson asked about the fence and if one had been chosen yet. Mr. Haight said a specific fence has not been selected. Mr. Woodman said the bathrooms added will need to be chipped out. Mr. Haight said regardless there will be some concrete broken up to install bathroom facilities.

Ed Friedman asked about the number of cars traveling into the parking lot and the estimate will be under 100 trips per day. There is one way into the lot and one way out of the lot.

#### *Public Hearing Closed*

Mr. Woodman would like to have the building sprinklered. He doesn't want to approve without a system.

Chair Hurd feels there is information missing and the board isn't able to answer some of the questions. Mr. Tinker state the Planning Board cannot act on June 8<sup>th</sup> without the approval of the Zoning Board.

**Motion to:** Reopen Public Hearing

**Made by:** Jim Hanson

**Second:**

Chair Hurd

**Vote:** Unanimous



- **(ZO2009-00014) Mans Family Realty, 48 Dewey Beach Road, Sunapee, NH 03782** seeks a Use Variance from Section 22-296 of the City Zoning Ordinance in order to allow for the use of light manufacturing at **147 Charlestown Road**. Tax Map: 165, Lot 6, Zoning District B-2.

Chair Hurd recused himself and Mr. Woodman served as Assistant Chair

Mr Tinker said the applicant is requesting a Use Variance under RSA 674:33, I (b) from the City of Claremont Zoning Ordinance for the purpose of utilizing the existing auto dealership building for the manufacturing of stone countertops.

#### Surrounding Land Uses

The existing building was formerly used as an automotive sales dealership (Subaru). Industrial land uses exist in close proximity to the proposed facility. Just to the South is Thermacut, an industrial facility, towards the North an auto sales dealership and a retail use. Single-family residential housing lies further to the North. Across Charlestown road are the Veterans of Foreign Wars Club and the new Subaru facility.

The city's future land use plan for this area is "Neighborhood Business."

There are no plans for any exterior work to the facility. The changes would be all interior.

#### Outdoor Storage

The application does not indicate that outdoor storage of materials or product is proposed. If it is proposed to have outdoor storage or staging of material, then the location and extent should be discussed.

#### Wastewater

Wastewater associated with the manufacturing process is proposed to be recycled using a closed loop system. This minimizes impacts to the city water treatment system.

#### Traffic/Parking

Given the prior use of the site as an automotive dealership, there is sufficient area for parking on-site. Also, industrial uses typically have less trip generation than auto dealers and other retail establishments, although the back portion of the parcel is limited for use because of significant wetlands.

#### *Open Public Hearing*

Bob Weaver was the agent representing the owner of the building. The use is very similar to what Crown Point Cabinetry did and this use is quite conforming to what is allowed in this district

Rick Ernst represents Ready Properties, the potential buyer of the property. The company will bring in slabs of granite and stone from vendors. The stone will be cut using a wet cutting system with a water recycling system. It is very clean and is a clean waste product. It is trucked to the end user where it is installed. There is a zero dust factor. The machinery is all electric and doesn't create a lot of noise.

There will be outdoor storage of the raw product. They currently do business with Lowe's and working towards a business relationship with Home Depot. They receive deliveries from vendors 2-3 times per week.

**Motion to:** Approve the use variance under RSA 634:33 for 147 Charlestown Road with the listed conditions

1. Development of the parcel will be done in a manner to minimize impact to the wetlands on the parcel.

2. Traffic flow will be designed to minimize curb cuts onto Charlestown Road.
3. Existence of the use variance, if approved, will be recorded in the chain of title at the Sullivan County Registry of Deeds.

**Made by:** Ed Friedman

**Second:** Jim Hanson

**Vote:** Unanimous

**Review Criteria:**

The application is reviewed as a Use Variance in accordance with New Hampshire statutory criteria. The burden of proof is upon the applicant to demonstrate that each of the following criteria is satisfied.

6. **The value of surrounding properties will not be diminished;** Consensus
7. **The variance will not be contrary to the public interest;** Consensus
8. **Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship.**
  - **The zoning restriction as applied interferes with the landowner's reasonable use of the property, considering the *unique setting of the property in its environment*;**
    - Is the property so different from the surrounding parcels that the proposed use is "reasonable" in this unique setting (i.e. does the burden arise from the property, not from the individual situation of the landowner)?
    - Does the restriction with the proposed use result in any decline in value of the property or diminished return on investment to the owner?
    - Would the proposed use alter the essential character of the neighborhood?
  - **No fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property as applied to this specific parcel;** Consensus
  - **The variance would not injure the public or private rights of others;** Consensus
9. **Substantial justice is done (i.e. Is the loss to the applicant outweighed by the benefit to the public if the variance were denied; would granting the variance threaten the public health, safety or welfare?);** Consensus
10. **The variance is consistent with the spirit of the ordinance and does not interfere with the underlying purpose of the restriction.** Consensus

**Motion to:** Adjourn

**Made by:** Jim Hanson

**Second:** Ed Friedman

**Vote:** Unanimous

**Adjournment 8:50 PM**  
**Respectfully Submitted,**

**Katrina Spaulding**  
**Administrative Assistant**