



Planning Board Meeting
Monday, November 23, 2009
Council Chambers, City Hall at 7:00 pm

Meeting Minutes

I. Roll Call

Present: Peter Guillette, Paul LaCasse, Adam Burke, Richard Wahrlich, Catherine MacKenzie, Erwin Caplan,

Absent: Brian Rapp, Lori Richardson, Deb Cutts, Andrew Austin

City Staff: Mike McCrory, Interim City Planner; Katrina Spaulding, Administrative Assistant

II. Review of Meeting Minutes from November 9, 2009

Motion to: Approve the November 9, 2009 meeting minutes as presented.

Made by: Paul LaCasse **Second by:** Adam Burke **Vote:** Unanimous

III. New Business:

- **(2009-00017) Windham Environmental, LLC, 16 Hood Rd, Windham, N.H.** seeks a merger of Tax Map 119 Lot 84 to Tax Map 131, Lot 31. A portion of Tax Map 131, Lot 31 is to be annexed to Tax Map 119, Lot 91. Merger and Annexation will result in Tax Map 131, Lot 31 to be 55,933 sq ft, and Tax Map 119, Lot 91 to be 6,882 sq ft. Location **87 Mulberry Street. Zone B-2.**

This Variance is necessary because the new lot will not meet the minimum lot requirements. The application for the Zoning Board was submitted and will be heard on Dec. 7th. The intention is for the Planning Board to table the application continued to the next meeting on December 15th. This will allow for the Zoning Board to make a Variance decision.

The Lot line adjustment is being considered and based on because of a need for parking for lot #119-91 and the design for that layout is included. The buyer and seller have agreed to the adjustment, this may be considered a “less” non conforming lot.

Project Description presented by Michael McCrory, Interim City Planner

This application is, effectively, the first step in a multi-step application process related to the planned occupancy of an existing, vacant building historically used as an operations and maintenance building for a fuel supply company. The proposed use is a small auto repair business. This application for a Lot Line Adjustment will benefit the subject parcel upon which the building is located: Map 119/Lot 91. The intent is to create a larger lot to enable the proposed auto repair business to accommodate onsite parking. The Lot Line Adjustment will increase the area of Map 119/Lot 91 from 4,172 square feet (sq. ft.) to 6,882 sq. ft. – The City finds the application to be complete.

Primary Planning Considerations

The intent is for the Owner, Windham Environmental, LLC to sell the subject parcel to Vilmar Da Conceicao, the Applicant interested in utilizing the site as an auto repair business. Due to the physical limitations of the existing lot there is insufficient space for the minimum required parking for an auto repair garage, which is allowed in the Business - II (B-2) zoning district. To remedy this issue, the parties agreed to a lot line adjustment, which will accommodate a parking area on the subject parcel.

The permitting process is not simple due to the unique nature of the site. The following bullets summarize the process necessary to achieve the above goal:

1. Lot Merger: In an effort to simplify the configuration of lots and to avoid creating numerous non-conforming lots the Owner opted to voluntarily merge Map 131/Lot 31 with Map 119/Lot 84. The resultant parcel, Map 131/Lot 31, abuts Map 119/Lot 91. The Lot Merger does not require review or approval by the Planning Board.
2. Lot Line Adjustment: The proposed Lot Line Adjustment, the subject of this application, will alter the layout and size of the two remaining parcels (see enclosed plan):
 - a. Final lot size for Map 131/Lot 31: 55,933 sq. ft. – as a result of Merger, re-absorption of the remaining lot
 - b. Final lot size for Map 119/Lot 91: 6,882 sq. ft. (Goes to case 17b)

The minimum lot sizing requirements for the B-2 zoning district is 20,000 sq. ft. While one may argue that this Lot Line Adjustment will make a lot LESS non-conforming (i.e. making a small lot larger), it is still contrary to the dimensional requirements of the Zoning Ordinance. Therefore, it is necessary for the Owner and/or Applicant to obtain an Area Variance to allow creation of the substandard lot. The Planning Board cannot act on this application without the Zoning Board of Adjustment (ZBA) granting the Area Variance.

3. Site Plan Application: The proposed auto repair garage is an allowed use, but the change in status of the site from a vacant building to the proposed use and the addition of parking south of the building requires Site Plan Review. The proposed additional parking will also comply with parking requirements in the Zoning Ordinance. Much like the Lot Line Adjustment, above, the Planning Board cannot act on this application without the ZBA granting the Area Variance for a lot that does not meet minimum lot dimension requirements.

Regardless of the need for an Area Variance the Applicant has submitted this Site Plan application to the Planning Board. The Planning Board cannot take action on the application until the Owner/Applicant obtains an Area Variance, but that does not prohibit the Planning Board from opening the public hearing to review the proposed Site Plan. Opening the public hearing for this case would allow the Planning Board to review and provide comments on the application so the Owner/Applicant can revise the proposal as necessary.

After review of the application the Planning Board would continue the case pending the ZBA granting an Area Variance. The Planning Board would then reopen the case during the next regularly scheduled public hearing and complete review of the application.

Motion to: Accept the application as complete

Made by: Adam Burke

Second by: Richard Wahrlich

Vote: Unanimous

Open Public Hearing

No abutters present

Close Public Hearing

Mr. LaCasse asked about the shape of the annexation. Using a colored plan Wayne McCutcheon explained the building is on one lot (separate tax map number) the parcel around it is only concrete structures without any building, and the third area is a large parcel owned by Windham Environmental as a separate tax/map number and these parcels are odd shaped. In order to sell the building and have a sufficient parking area to support the building, two areas have been combined and the lot to the south will include a parking area. One lot has been eliminated.

Jeff Kevan from TF Moran said the lot was being expanded to improve usability. Windham Environmental owns all three lots including the area where the tanks were located on the property. The new lot will be 6,800 square feet and the ordinance requires 20,000 square feet and hence the need for the variance. Parking is all the business is looking to add.

Windham realty is looking to sell the garage and maintain the balance of the property and working with Topstone Mill to perhaps using the balance there later on. There is an attempt to maintain a separate use for the garage and allow for the remainder of the property to be used with the adjacent property.

Motion to: To Continue to the December 14th meeting following the Zoning Board approval of the Area Variance.

Made by: Adam Burke

Second by: Paul LaCasse

Vote: Unanimous

- **(2009-00017b) Windham Environmental, LLC, 16 Hood Rd, Windham, N.H. -** Applicant desires Site Plan approval to convert an existing operations building for fuel sales to an automotive repair shop with additional parking. Building located at **87 Mulberry Street, Claremont, NH 03743**. Tax Map 119; Lot 91; Zone B-2.

Proposed used is allowed in the B-2 district.

Project Description

This application is part of a multi-step process related to the planned occupancy of an existing, vacant building historically used as an operations and maintenance building for a fuel supply company. The proposed Site Plan will utilize the existing, vacant building on Map 119/Lot 91 as a small auto repair garage with associated on-site parking, as illustrated in the enclosed plans.

Primary Planning Considerations

The overall project intent is for the Owner, Windham Environmental, LLC to sell the subject parcel to Vilmar Da Conceicao, the Applicant for this Site Plan Review Application, who plans to utilize the site for an auto repair business. Due to the physical

limitations of the existing lot there is insufficient space for the minimum required parking for an auto repair garage, which is allowed in the Business - II (B-2) zoning district. To remedy this issue, the parties agreed to modify the lot to accommodate a parking area adjacent to the existing building.

The permitting process is not simple due to the unique nature of the site. The following bullets summarize the process necessary to achieve the above goal:

4. Lot Merger: In an effort to simplify the configuration of lots and to avoid creating numerous non-conforming lots the Owner opted to voluntarily merge Map 131/Lot 31 with Map 119/Lot 84. The resultant parcel, Map 131/Lot 31, abuts Map 119/Lot 91. The Lot Merger does not require review or approval by the Planning Board.
5. Lot Line Adjustment: The proposed Lot Line Adjustment, the subject of this application, will alter the layout and size of the two remaining parcels (see enclosed plan):
 - a. Final lot size for Map 131/Lot 31: 55,933 sq. ft.
 - b. Final lot size for Map 119/Lot 91: 6,882 sq. ft.

The minimum lot sizing requirements for the B-2 zoning district is 20,000 sq. ft. While one may argue that the Lot Line Adjustment would result in a parcel that is bigger and therefore LESS non-conforming, it is still contrary to the dimensional requirements of the Zoning Ordinance. Therefore, it is necessary for the Owner and/or Applicant to obtain an Area Variance to allow creation of the substandard lot. The Planning Board cannot act on this application without the Zoning Board of Adjustment (ZBA) granting the Area Variance.

6. Site Plan Application: The proposed auto repair garage is an allowed use, but the change in status of the site from a vacant building to the proposed use and the addition of parking south of the building requires Site Plan Review. The proposed additional parking will also comply with parking requirements in the Zoning Ordinance. Much like the Lot Line Adjustment, above, the Planning Board cannot act on this application without the ZBA granting the Area Variance for a lot that does not meet minimum lot dimension requirements.

Regardless of the need for an Area Variance the Owner has submitted this application for a Lot Line Adjustment to the Planning Board. The Planning Board cannot take action on the application until the Owner/Applicant obtains an Area Variance, but that does not prohibit the Planning Board from opening the public hearing to review the proposed Lot Line Adjustment. Opening the public hearing for this case would allow the Planning Board to review and provide comments on the application so the Owner/Applicant can revise the proposal as necessary.

After review of the application the Planning Board would continue the case pending the ZBA granting an Area Variance. The Planning Board would then reopen the case during the next regularly scheduled public hearing and complete review of the application.

Motion to: Accept the application as complete

Made by: Adam Burke

Second by: Paul LaCasse

Vote: Unanimous

There is a handicap parking space in front of one of the garage bay doors, Mr. LaCasse asked if this was accurate. Mr. McCrory said if it were located remotely it wouldn't be effective, and this could be left open for discussion by the Planning Board.

Jeff Kevan from TF Moran said the best way to offer the handicap parking was to make an interior spot available by one of the garage bay doors. The other portion of the lot slopes downward and wouldn't be a feasible handicap spot. There are three bays and one will be used for work.

Open Public Hearing

Jeff Kevan offered a summary of the project. This garage will be used for service. The exterior will be a combination of concrete and gravel. Two internal bays will be used for parking and there will be office space. There is municipal water available to the site. The operating hours will be Mon-Friday 8 am-6:00 pm and Saturday 8 am-5:00 pm.

Public Hearing Closed

Mr. Lacasse asked where the used parts would be located. Jeff said the basement of the building would be used for storage. Mr. Guillette asked if there were to be leakage of oil, where will the waste be directed. Jeff said the issue would be handled inside the building and the drainage on the site doesn't change from what is already present. The pavement will be placed and then loom and seed around that. There will be a catch basin and flow exactly as it has in the past.

Adam Burke asked about exterior signage and this would all be approved by the planning office prior to execution.

Richard Wahrlich asked if there would be barriers around the parking area. The area will not be curbed again, it is inverted and there isn't need for any curbing. There is a change in grade and the ground comes up to the building and it would be difficult to add curbing or concrete stops.

Motion to: To Continue to the December 14th meeting pending the Zoning Board approval of the Area Variance.

Made by: Adam Burke **Second by:** Paul LaCasse **Vote:** Unanimous

- **(2009-00018) Donald & Rita Fontaine, 547 Elm Street** request a Subdivision for Tax Map 38, Lot 12. Subdivision will result in two lots. Lot 1 to be 11.96 acres, and Lot 2 to be 11.96 acres. Zoning District RR. Location **547 Elm Street**.

Project Description

The applicant proposes to subdivide the existing 23.92-acre parcel to create two 11.96-acre parcels. Lot 1 frontage is along Elm Street and Lot 2 frontage would be along Hanover Street, NH Route 120.

Primary Planning Considerations

This application is for a Final Subdivision. Both lots will comply with the minimum lot dimension requirements for the Rural Residential zoning district. The following information has not been submitted as part of the subdivision application:

1. Driveway Access: Visual inspection of the site indicates that the driveway to Hanover Street is under construction. This driveway requires an access permit from New Hampshire Department of Transportation. The applicant has not provided evidence of receiving this permit.
2. Driveway Design: There is not information in the application regarding compliance of the driveway with NHDOT design standards or City of Claremont design standards, as applicable. There is no indication on the plan of erosion and sedimentation control practices along the proposed driveway.
3. Wastewater Disposal: The application has not included information regarding the site suitability for onsite water supply or wastewater disposal.

Motion to: Accept the application as complete.

Made by: Paul LaCasse

Second by: Adam Burke

Vote: Unanimous

Mr. Wayne McCutcheon said the driveway has been reviewed by DOT and the application has been submitted along with the plan. The grade of the driveway is level for at least two cars length. The site distance is clear and the line of site is approximately 12%. The exact grade will be determined prior to final approval.

Test hole shows the area has been determined to be suitable for a residential septic design and for a well. The power from PSNH will come from a pole on Rte 120 and off to the side of the driveway. This is a subdivision being used for a family and their relatives. Septic system will be located where the test pit is located.

Open Public Hearing

No Abutters Present

Close Public Hearing

Standard Conditions

1. The applicant shall file for approval of the Final Plat in accordance with Section 4.09: Final Plat of the City of Claremont Subdivision Regulations.
2. The applicant shall obtain and receive approval for all necessary permits as determined by the City of Claremont Public Works Department.
3. The applicant shall obtain and receive approval for all necessary permits as determined by appropriate state and federal agencies.

Motion to: Approve the plan upon the approval of a curb cut from the Department of Transportation including the three standard conditions

Made by: Adam Burke

Second by: Paul LaCasse

Vote: Unanimous

- **(2009-00019) Josiah Lupton, Taftsville, Vt.** Requests a site plan application review for Tax Map 108, Lot 124. Use for 1000 +/- sq. ft retail mobile food service unit. Zoning District B-2. Location **45 Washington Street.**

Project Description

The Applicant requests Site Plan Review to construct a food service business on the property as an accessory use to the existing primary use, auto sales. The proposed

restaurant will include 24 interior seats and up to 24 exterior seats on a porch. The proposal includes providing vehicle access and parking on the site.

Primary Planning Considerations

This proposal incorporates the use of a portion vacant auto dealership parcel, which will be an accessory use to the existing property use. The applicant requests Site Plan Review with the following waivers:

1. Waiver of the requirement that the Site Plan be prepared and stamped by a professional engineer or surveyor.
2. Waiver of the lighting plan.

The following comments are based on a review of the Site Plan Application:

1. **Parking:** The Site Plan indicates 9 parking spaces, which would satisfy the parking requirement for a 36-seat restaurant. Based on the information provided by the Applicant, the proposed restaurant may seat up to 48. The required parking would be 12 spaces.
2. **General Site Layout and Signage:** The proposed use includes a sign, which would be the second sign for this particular property. Section 22-604(5)c.3. of the Zoning Ordinance allows more than one sign on a parcel if the frontage is greater than 150 feet. This parcel satisfies this requirement. The Applicant also seeks to place a water wheel site feature on the parcel, but the Site Plan does not indicate the location of this site feature. A sketch of the proposed water wheel is included in the application package. The Site Plan does not illustrate the required setbacks to the property lines. It is not clear whether the proposed building will encroach on the setbacks.
3. **Site Access, Traffic, and Circulation:** Access to the site will be via the Washington Street/Winter Street intersection via an access easement granted by Rite Aid, owner of Map 108/Lot 123. The application does not describe peak traffic volumes generated by the proposed use.
4. **Hours of Operation:** There is no indication of hours of operation for this restaurant.
5. **Lighting:** Absent a lighting plan, the Applicant describes that there will be two down-facing light fixtures mounted on one existing and one proposed utility pole.
6. **Drainage:** This Site Plan does not include a drainage plan. The proposed Site Plan will not substantially change the drainage characteristics of the site since the proposed use will be constructed on an existing parking lot.
7. **Use of the Site:** There is no indication of a formal agreement with the property owner regarding allowances for the use and/or parking related to the restaurant. The Applicant has indicated that any change of use for the site will likely require removal of the restaurant.

Motion to: Continue to the December 14th as the applicant is not present to ask questions the Board will have.

Made by: Adam Burke

Second by: Richard Wahrlich

Vote: Unanimous

IV. Adjournment

Motion to: Adjourn

Made by: Adam Burke

Second: Richard Wahrlich

Vote: Unanimous

Meeting Adjourned at 7:45 P.M.

Respectfully Submitted,

Katrina Spaulding
Administrative Assistant