



Planning Board Meeting
Monday, December 14, 2009
Council Chambers, City Hall at 7:00 pm

Meeting Minutes

I. Roll Call

Present: Peter Guillette, Adam Burke, Richard Wahrlich, Catherine MacKenzie, Erwin Caplan, Brian Rapp, Lori Richardson, Andrew Austin

Absent: Deb Cutts, Paul LaCasse

City Staff: Mike McCrory, Interim City Planner; Kelly LeBlanc, Administrative Assistant

II. Review of Meeting Minutes from November 23, 2009

Motion to: Approve the November 23, 2009 meeting minutes as presented.

Made by: Adam Burke

Second by: Lori Richardson

Vote: Unanimous

III. Old 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.

Continue to the December 28, 2009 meeting

- **(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.

Continue to the December 28, 2009 meeting

- **(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**.

Supplemental information provided stating Allen Whipple is willing to join in a lease agreement. A letter signed by Allen Whipple on November 26, 2009 confirms the lease; the lease includes parking, access / egress and signage.

Additional site features will include a waterwheel. The setbacks will apply to the site and the amendment will not infringe. Mr. Lupton's mobile food unit will be occupying an existing parking lot.

Adam Burke inquires if the mobile food service category confirms that the pending establishment will be transportable if needed. Mr. McCrory compares the plan to a dining car.

Mr. Guillette confirms that the last meeting established the plan as complete.

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.

Open Public Hearing

No Abutters Present

Close Public Hearing

Josiah Lupton, applicant, submitted plans to build a replica of a traditional diner. The diner will be 12' x 30'. The diner will be constructed in two pieces: (1) The diner/dining area will be on a metal frame so that it can be driven away, (2) the back section, containing the kitchen, can be transported via truck.

Arrangements have been made with Mr. Whipple to buy-out Mr. Lupton if needed. A possible reason for buy-out would be due to rent expenses. The restaurant is intended to remain on the lot throughout the year. The structure will have a concrete slab foundation with water and sewer hook-ups.

Porcelain panels and antique colours are to be used in the decor.

The waterwheel's intent is to promote a historic feel to the City of Claremont. It is an optional addition and does not impact the function of the restaurant. Under permits and codes the waterwheel is categorized under signage. The waterwheel will be constructed from steel and remain a mobile addition. The waterwheel is not slated for immediate installation as its inclusion will be based on available funds/budget.

Mr. Austin agrees with the concept and idea for the city of Claremont.

Mr. Lupton does not have set hours or days of operation (i.e. approx. 11:00AM – 8:00PM; 6 to 7 days per week). Hours and days of operation will be determined by clientele. No alcohol will be serviced on premises.

Mr. Wahrlich asked how parking would impede other existing or potential businesses. Mr. Lupton acknowledges there is open space behind the used car lot. He is leasing approximately one-third of the lot; 8500 sq. ft. out of 28,000 sq. ft. Mr. Lupton acknowledges that Mr. Whipple can buy him out or if another proprietor comes in they can potentially buy out his lease at the digression of Mr. Whipple.

The current signage will not be used. Mr. Lupton would acquire signage permits as needed.

Motion to: Accept the plan including standard conditions, conditions subsequent and site specific conditions

Made by: Adam Burke

Second by: Brian Rapp

Vote: Unanimous

IV. Other

Mike McCrory states the board is looking to review and consider zoning and ordinances in the Spring. Both Master Plan and Open Space committees will experience activity related to zoning and land use.

Andrew Austin suggests an Agriculture Commission would be beneficial to the City of Claremont.

V. Adjournment

Motion to: Adjourn

Made by: Lori Richardson

Second: Brian Rapp

Vote: Unanimous

Meeting Adjourned at 7:32PM

Respectfully Submitted,

Kelly LeBlanc

Administrative Assistant