



Planning Board Meeting
Monday, February 14, 2011
Council Chambers, City Hall at 7:00 pm

Meeting Minutes
Approved February 28, 2011

I. Roll Call

Present: Peter Guillette, Lori Richardson, Bruce Kolenda, Richard Wahrlich, Andrew Austin

Absent: Erwin Caplan, Catherine MacKenzie, Amanda Silvers, Deborah Cutts, Adam Burke

City Staff: Tracey Thibault, City Planner, Kelly LeBlanc, Administrative Assistant

Mr. Kolenda will sit in for Mr. Caplan

Mr. Austin will sit in for Mayor Cutts

II. Review of Meeting Minutes from January 24, 2011

Motion: to approve meeting minutes from January 24, 2010

Made By: Mr. Kolenda **Second:** Ms. Richardson **Vote:** Unanimous

III. New Business

- **(2011-0003) Zhang Realty, LLC, 154 Washington Street Claremont, NH** Applicant seeks approval for a Site Plan amendment to allow for office space and an auto body shop at 154 Washington Street. **Property Location:** 154 Washington Street, Claremont, NH Tax Map 108, Lot 119, Zone B-2.

The proposed application will include the conversion of 4,200 square feet of retail space to an Auto Body Service Shop. Additionally, 700 square feet will be converted from retail space to Office space.

Motion: Accept the Application as complete

Made By: Ms. Richardson **Second:** Mr. Wahrlich **Vote:** Unanimous

The revised plan was emailed to the Board on February 11, 2011 with hard copies provided at the meeting. The updated plan includes a parking revision. In a mixed use site each use must be taken into account for parking needs and then added together. Using this formula, 120 spaces are required. There are currently 103 spaces on site with 5 handicapped for a total of 108. The applicant may be asking for a wavier of 12 parking spaces.

Under conditions precedent, number two (2) should specify 'Local, State and Federal Government.'

There are currently three free standing signs on the lot. One sign is located on Bowen Street and two on Washington Street. Only one sign is allowed per zoning therefore it is recommended that the current signs are not taken down. This would allow the applicant to keep three signs via grandfathering regulations.

Wayne McCutcheon, Surveyor, confirmed a waiver of 12 parking spaces. The body shop that is planning to go into the building will operate from M-F 7-5pm which would not interfere with peak restaurant hours.

A light will be added on the pole in the corner of the parking lot where the plan states 'screened Chain Link Compound.'

Two propane tanks are located behind the building; an additional line will be run to the body shop. The propane line will be added after tank installation. The line will be documented on the plan.

A second 10ft door is proposed for the body shop as shown on the plan.

The original site plan was created in 2006.

Craig Ordway, Body Shop proprietor, stated that a full EPA certified spray booth will be added to the body shop.

Ms. Richardson inquired about the dimensions of the compound. Mr. McCutcheon stated that there were eight 9ft bays (72' x 19'). An eight car maximum could fit in the compound.

Mr. Ordway assured the board that if an automobile comes in on a wrecker it will be in the shop or behind the fence. Chair Guillette confirmed that there will be no cars or metal parts outside of the shop or behind the fence. Currently there is a screen on the upper ledge to minimize disruption to the neighbors.

Mr. McCutcheon would like to inform the board that the light in the corner of the lot will have down-cast lights to minimize disturbance to the neighbor.

Mr. Austin inquired about the exhaust system. Mr. Ordway stated that the exhaust has to be EPA certified so the air coming out is as clean as going in.

Mr. McCutcheon stated the building is sprinkled but not up to 'new-construction' code. This would be brought up to code after purchase.

Mr. Austin inquired about the proposed third propane tank. Mr. McCutcheon stated that the line and tank will be documented on the as-build plan. Bollards will be moved to assure all tanks are protected. The dumpster will be shared with the restaurant. Scrap metal will be in a separate location and picked up independently from the shared dumpster.

Chair Guillette confirmed that gas lines will be buried and laid out according to code and certified by the City Fire Department.

Mr. Wahrlich asked the applicant where the scrap truck will be located. Mr. Ordway stated it will be behind the barricade.

Mr. Kolenda clarified that the only new lights will be the one on the pole. Mr. McCutcheon stated that the lights affixed to the building were part of the approval process 6 years ago. They were not installed because the building was empty. The body shop would follow through with the plans approved in 2006 for a total of three down-cast lights added to the property.

Chair Guillette inquired about the patio seating behind the stockade fence. Ms. Thibault stated that the patio is connected to the lounge and added 24 seats to the restaurant (versus the 30 seats in the original technical review notes from 2008). This patio was never shown on the previous site plan so it has to be placed on this plan. The fire department has approved the fence as meeting regulations and egress standards.

Mr. Kolenda inquired about the private septic tank on the property. Ms. Thibault and Mr. McCutcheon stated this is tied to the sanitary/municipal sewer. The tank is presently in use.

Open Public Hearing

Jacqueline Ferguson-Pierce, abutter, would like to be sure that EPA guidelines are followed. Ms. Pierce stated that to her knowledge new requirements (as of January 1, 2011) for ventilation and spray-booths were added. Mr. and Mrs. Allen, tenants, were present at the meeting.

Ms. Pierce stated that traffic, outside drinking, smashed bottles, and rubbish are all concerns. The trees that bordered the parking area were taken down. Ms. Pierce stated that these should have remained. The noise is unbearable, the lighting shines into the house and the smashing of beer bottles is a continued concern. The zoning is residential-commercial but the residents are being 'squeezed out.' The business hours of M-F 7am may be a concern as this is very early for the people who live next door. The ventilation system will also be a concern, especially in the summer. Ms. Pierce requested that the garage doors be closed due to noise. Questions asked: Where is the disposal going? How is the disposal going to occur? Who is taking care of the ground maintenance? The trash left is *not* a result of the business but of the citizens.

Mr. McCutcheon stated that the screened in area [compound] will be for cars being worked on. Across from the compound area will be for parking overflow.

Ms. Ferguson Pierce is concerned about the ground water at the end of the lot. If the vehicles have any leaks it will drain and go into the water. Debris (oil, cars, car doors, etc.) and light pollution are additional concerns. Initially, there was a fence put up by the restaurant, but the fence has not been maintained and the trees have been taken down (the trees were meant to be left for privacy). Lastly, there was a concern about the time that the wreckers would be coming in with vehicles. What are the hours that the wreckers will be coming in with the vehicles?

Public Hearing Closed

Mr. McCutcheon would like to address the trees. There were small trees grown on the bank but the fire chief determined that the trees were not satisfactory if a fire apparatus needed to get to the house. M & W Engineering and Soils constructed a wall/gabion to meet the fire requirements. It was necessary to dig into the bank to put in the retaining wall.

Ms. Pierce stated it was the trees between the parking lot and her property that was the concern.

Ms. Richardson asked if at any point in time has the restaurant filled the parking lot needing the overflow.

Mr. Tony Zhang, restaurant/property owner, stated that the parking lot on the side area is rarely used. There is one way out for safety issues and that was purposely engineered. There was a lot of rubbish in the area before Zhang Realty purchased the property.

Ms. Richardson clarified that the noise and debris currently exhibited is happening without a business in the location. The lighting will be shielded and it is assumed that the State and City will do due diligence in regards to following up with the EPA. Body Shops generally present a concern and denying the gentleman would not inhibit the noise and lighting that is currently taking place.

Mr. Ordway stated that the government/EPA dropped the guidelines that were initially proposed for 2011. This would be a \$30,000 booth with lighting, heat and ventilation and he has the specs from the manufacturer. There are 8 different filters and blowers dry the air before it exits the building. 1.375 million BTUs reduce the pollution. The filters would be changed once a week; if the filters are not changed the product will also diminish. The paint booth will accommodate one vehicle. Sanding will be done outside of the paint booth. The odor coming out of the auto body would be less than the machine shop which is next door.

Mr. McCutcheon stated that vehicles could arrive at any time in the morning following an accident where emergency vehicles are utilized. Any of the local wreckers would use hydraulics to move the cars but the headlights can be shut off. Mr. Ordway will have his own hauler and in the case of a bad accident the vehicle would go right into the shop.

Ms. Richardson stated she would like to see something that states the EPA laws are not in effect.

Ms. Thibault stated at TRC it was clarified that the building inspectors will be looking for EPA certifications when the building permit is issued. This is a site plan amendment and it is not a full site plan review.

Mr. Wahrlich confirmed that the board cannot address the issues surrounding the lounge. Ms. Thibault stated the lounge and parking had been approved in 2006. These are existing conditions to the site and they are not impacted directly from the applicant's request.

Ms. Richardson would like to confirm that there was a body shop in that location. Ms. Thibault stated that there was an automobile repair service in this location.

Ms. Pierce inquired if the car hauler would bring in the vehicle on the Bowen Street or the Washington Street side. Mr. Ordway stated the wrecker will come in on the Washington Street side if the vehicle is going into the shop. If the vehicle is scheduled to go into the lot, the wrecker would enter through the Bowen Street side.

Ms. Ferguson stated that in 2006 the plan was approved with having the trees where the cars are parked. These trees have since been taken down. It was a stipulation, in writing, for the parking lot that the trees had to abut the property for privacy.

Ms. Thibault stated that if the trees were required this would be an enforcement issue.

Mr. Zhang stated that one of the trees was dead so he took it down. Most of the vegetation was wild plants. There is roughly half of the amount of trees that were there originally.

Ms. Thibault stated that retention of the vegetation was not a condition of the approval of the Planning Board in 2006. Mr. Coogan's memo to the Planning Board stated that existing landscaping was shown on the plan but retention of the landscaping was not necessarily a condition of the approval.

Mr. McCutcheon stated that they are willing to plant Poplar trees that grow tall and quickly in this area. The location of the deciduous trees will be specified on the plans. Mr. Zhang stated he is willing to extend the fence if preferred by Ms. Pierce. This will also help block the lighting concerns.

Ms. Ferguson-Pierce is in agreement with the fence so long as it is maintained.

Mr. Austin stated that if this is a tight enough fence it would correct several problems (lighting, odor protection, etc).

In response to ventilation concerns, Mr. Ordway will call the company and get the paperwork that addresses air quality and EPA certification.

Mr. Kolenda inquired if the EPA comes in to check the ventilation. The EPA guidelines will have to be followed up by the building inspection department.

Mr. Wahrlich stated that this type of booth is the best the board could ask for as he has been around this type of booth and there is little to no odor.

Ms. Ferguson would like to assure that necessary permits are received. Ms. Thibault confirmed that a request for information can be filed to look at the pulled permits or receive copies of the filed permit. A complaint form can be filed if needed and will be addressed with the building inspectors.

Mr. Bernie Folta, Ward III, would like to say that it would be beneficial to have all of the applications and permits on-line.

Motion: to waive the requirement of 12 parking spaces.

Made By: Ms. Richardson

Second: Mr. Wahrlich

Vote: Unanimous

Motion: approve the application with conditions precedent, subsequent and site specific conditions as follows: Conditions Precedent (1) The applicant shall obtain and receive approval for all necessary permits as determined by the City of Claremont Public Works Department (2) The applicant shall obtain and receive approval for all necessary permits as determined by the Local, State and Federal governments. Conditions Subsequent: (1) The applicant shall obtain and receive approval for all necessary permits as determined by the City of Claremont Planning and Development Department (2) Prior to issuance of a Certificate of Occupancy, the owner/applicant shall notify the Zoning Administrator and Building Inspector that the project is ready for final inspection. Completion of the project shall be in substantial compliance with the plans submitted for review and all conditions of approval (3) Site Plans are valid for two (2) years from the date of approval. If a building permit has not been issued before the two-year deadline, the site plan is no longer valid and must be recertified through the Planning Board (4) Two (2) mylars in a form suitable for recording at the Sullivan county Registry of Deeds must be provided. Proposed Site Specific Conditions: (1) Access to Bowen Street shall remain open to travel (2) The Chain Link compound shall be constructed as to be opaque to obstruct the view of the contents of the area screened (3) Prior to issuance of a Certificate of Occupancy, the owner/applicant shall locate underground propane lines on a properly surveyed plan to be submitted to the Planning and Development Department after construction is complete (4) Extension of fence to Bowen Street in the vicinity where trees were removed.

Made By: Ms. Richardson

Second: Mr. Wahrlich

Vote: Unanimous

IV. Reports from Boards and Commissions -

o Master Plan Chapters: Continued Review

Ms. Thibault presented the chart on Heritage Commissions versus Historic District Commissions. It has been recommended that there is further investigation on the Historic Resources Chapter to identify the financial information requested by the board. The Community Facility goals have not been completed yet and will come from the CIP. The Land Use chapter is the majority of the Master Plan, which has been approved. The Planning and Development Office would like to request that Land Use Chapter is left out when making copies for the public forum to significantly reduce costs. The Recreation table has been updated and the formatting uniformed.

The Planning & Development office is proposing, along with the Master Plan Advisory Committee (MPAC), a public hearing on Saturday, March 26th, 9:00AM. This Public information/comment session will be held at the GCC room as it can be televised. Depending on public input received, the Planning Board will then reassess the document for further revision or public hearing. Copies will be made available at the library, city hall, internet, P&D Office, etc.

Chair Guillette would like commend this extensive document and acknowledge, with gratitude, the constructive assistance and input of the following: City Council, questionnaire respondents, City Officials, Community Forum participants, MPAC and sub-committees and the UPLSRPC.

Mr. Wahrlich would like to commend the citizen input and how it was followed almost verbatim in the document. Claremont is a diverse community with many interests and one of the things UNH commented on was that the community is evenly interested in all of these different groups.

Mr. Folta, Ward III, stated that he has been a member of the MPAC from close to the beginning, and he would like to mention some of the socio-political realities. In 2006/2007 this effort started with fanfare but has not exhibited continuous progress. The recent stability of Planning Department staff has enabled the finish of the MP. In terms of public input, there has not really been any in four years. There is a risk that the MP will be out of date and the citizens may have a different point of view. The attendance towards the end of both the MP public sessions and Advisory Committee meetings has shown a decline. A solution may be to overstock the committees in the beginning. How something is done is just as important as what is done. These comments are not intended to minimize the final product.

Chair Guillette would like to reinforce that this is a working document and can be updated as needed. 1991 was the last year that the Master Plan was completed.

V. Other

A Regional Impact statement will be added to the PB agenda as deemed appropriate.

Mr. Folta is a commissioner to the UPLSRPC and NH regional planning commissions were asked to help develop guidelines for planning boards to determine if a project has regional impact. There materials are recent and have been developed within the last 6 months.

VI. Correspondence

VII. Adjournment

Motion: to adjourn

Made By: Ms. Richardson

Second: Mr. Kolenda

Vote: Unanimous

Adjourned at 8:46 PM
Respectfully Submitted,
Kelly LeBlanc