



## **Zoning Board of Adjustment Special Meeting**

Monday March 1, 2010, 7:00 p.m.

City Hall, Council Chambers, Claremont

### **Meeting Minutes**

**Approved April 5, 2010**

#### **I. Roll Call**

**Present:** Mike Hurd, Pierre Caouette, Tom Rock, Jim Hanson

**Absent:** Ed Friedman, Carolyn Towle

**City Staff:** Mike McCrory; Interim City Planner, Jane Taylor, City Solicitor; Nancy Merrill, Director of Planning and Development, Peter Chase, Claremont Fire Department Chief; Katrina Spaulding, Business Development Coordinator; Kelly LeBlanc, Administrative Assistant

**Motion to:** Accept Meeting Minutes from January 4, 2010

**Made By:** Pierre Caouette

**Second:** Jim Hanson

**Vote:** Unanimous

#### **II. New Business**

- **(ZO2010-00001) Structural Bridge: Division of Canam Steel Corp., 386 River Road, Claremont, NH** –The following three (3) applications have been received for review:
    - (A) Applicant seeks a Variance from Sections 22-339 (4) of the City Zoning Ordinance in order to expand the existing gantry crane within the 25’ rear setback.
    - (B) Applicant seeks Special Exception from Section 22-337 (4) in the City Zoning Ordinance to allow a building Height up to 55’
    - (C) Applicant seeks Special Exception from Section 22-337 (4) in the City Zoning Ordinance to allow a chimney height up to 75’.
- 386 River Road.** Tax Map: 175, Lot: 5, Zoning District: I-2.

(A)Applicant seeks a Variance from Sections 22-339 (4) of the City Zoning Ordinance in order to expand the existing gantry crane within the 25’ rear setback.

#### **Project Description:**

Structal Bridge proposes to redevelop its facility at the referenced property. Structal currently operates a structural steel product fabrication plant in the southern half of the existing 380,000 SF building originally constructed in 1966. Redevelopment of the facility will include substantial changes to the building form and the site layout as illustrated in the figure submitted with the application, “Overall ZBA Exhibit.” The Applicant seeks a Variance to expand the gantry crane, an existing non-conforming structure, along the easterly side of the main building.

#### **III. Planning Considerations:**

The proposed gantry crane expansion will serve operations at the Structal Bridge facility by aiding the loading/unloading of railroad cars and transferring large sections of structural steel from one end of the building to the other. In order to expand the crane operations it is necessary to construct rails, one of which encroaches upon the 25-foot rear yard setback. Note that the railroad tie served by the gantry crane and connects with the adjacent active

railroad is not subject to setback regulations because it is a means of transportation, like a roadway, which is not regulated in the City of Claremont Zoning Ordinance with regard to property setbacks.

The gantry crane was constructed and is maintained as a permanent feature on the site. While the crane may transport materials some distance, on the site it is still limited in its operations and is effectively fixed to the site. The rails upon which the crane rolls are a necessary feature of the crane and integral to the structure. Since one of the rails is within the rear yard setback the crane is a noncomplying structure according to the Ordinance as amended to date. Section 22-114(1) of the Ordinance states, “[n]o such noncomplying structure may be enlarged or altered in a way which increases its noncompliance.” Therefore, it is the opinion of Staff that extending the rails for the gantry crane – thereby enlarging the crane and its operational capabilities – requires a Variance. Based on this opinion the Applicant seeks a Variance from Section 22-339 to allow the gantry crane expansion as proposed in this application. Said expansion will require encroaching upon the rear property setback.

**IV. Review Criteria:** When considering this application, the following Variance criteria should be considered. The burden of proof is upon the applicant to demonstrate that they meet the following criteria.

**Area Variance** To review an Area Variance in accordance with New Hampshire statutory criteria the ZBA must adopt the following **Findings of Fact** for each criterion:

1. Would granting the Variance be in accord with the public interest?  
Mike Hurd -Yes, expansion and improvement of what is present. Expansion of jobs.  
Pierre Caouette – Public interest will bring an increased worth to the City of Claremont  
Jim Hanson – Yes, the plan adds to the crane operation and is much needed  
Tom Rock – Expanded use of the current use. A needed extension to upgrade the business
2. Would granting the Variance be consistent to the spirit of the ordinance?  
Pierre Caouette – Yes, cannot see how expanding the crane would infringe on abutters.  
Jim Hanson - Yes, there is no violation of the different sections of the ordinance  
Mike Hurd - Yes  
Tom Rock – Yes
3. Would granting the variance, as requested, do substantial justice? (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?)  
Pierre Caouette – Substantial justice, this is necessary item for expansion of business  
Jim Hanson– yes, this type of business is unique and needs a crane of that size to function  
Tom Rock–yes  
Mike Hurd- agreed
4. Does the proposed use maintain the value of surrounding properties?  
Pierre Caouette – An enhancement and maintenance of properties  
Jim Hanson– clean up the aesthetics of operation from how it is now  
Mike Hurd - agreement

Tom Rock- Yes

5. Would denial of the variance by literal enforcement of the ordinance result in unnecessary hardship to the owner under either condition below?

Pierre Caouette– Believes that denial would take away from the objectives of the business

Jim Hanson– extension of an essential use

Mike Hurd– essential to use

Tom Rock– essential to run business

- A. For purposes of this subparagraph, “unnecessary hardship” means owing to special conditions of the property that distinguish it from other properties in the area:

(i) The Applicant has demonstrated that no fair or substantial relationship exists between the general public purposes of the Section(s) of the Ordinance from which relief is sought and the specific application of the Section(s) to the property.

(ii) The Applicant has demonstrated that the proposed use is a reasonable one.

Alternatively, if and only if the criteria in the above subparagraph cannot be established

- B. Has the Applicant demonstrated the special conditions of the property that distinguish it from other properties in the area prevent reasonable use in strict conformance with the ordinance and a variance is necessary to enable a reasonable use of the property?

**V. Conditions:** If the ZBA approves the application for a Variance Staff recommends the following **Conditions of Approval:**

1. The Applicant shall obtain all applicable municipal, state, and federal permits prior to initiating construction. The Applicant shall submit copies of the state and federal permits to the City for the property file.
2. The gantry crane shall be constructed in compliance with City Building and Fire Safety Codes.
3. Require recording the Variance in the chain of title.

Individuals present on behalf of the applicant:

Mike Donahue, Aries Engineering, Environmental compliance

Connie Lane, Orr & Reno, legal questions and matters

Tony Levesque, Project and Safety Manager at Structural Bridge

Jeff Kevan, Engineer for TF Moran

Gantry Crane range is going to extend further along the property than its current range. It is within the rear yard set back. The rail is a functional part of the gantry crane and the crane rides on a functional rail.

Extend railroad track/spur that is in current existence and thus expand the gantry crane’s range of mobility

Tony Levesque, project and safety manager at Structural Bridge presented that Structural Bridge purchased Eastern Bridge in 2007 and the building in November 2009.

The Gantry Crane supplies the shop with the steel plates.  
New layout is meant to expand the gantry crane to service the entire building

Currently, Structal employs 80 individuals and plans to expand to 100+ employees.

Jim Hanson confirms that the spur line goes behind the recycling center. The Amtrak line is to the east. The spur is on the opposite side of the tract.

Jeff Kevan stated that it was within the set back when it was created and the spur is also within the setback. This will be a continuance of an existing use. Structal Bridge will not be infringing on the set back if the Variance is approved.

*Open Public Hearing*  
No Abutters Present  
*Close Public Hearing*

**Motion to:** Accept application for a Variance from Sections 22-339 (4) of the City Zoning Ordinance in order to expand the existing gantry crane within the 25' rear setback.

**Made by:** Mike Hurd

**Second:** Jim Hanson

**Vote:** Unanimous

(B) Applicant seeks Special Exception from Section 22-337 (4) in the City Zoning Ordinance to allow a building Height up to 55'

**Project Description:**

Structal Bridge proposes to redevelop its facility at the referenced property. Structal currently operates a structural steel product fabrication plant in the southern half of the existing 380,000 SF building originally constructed in 1966. Redevelopment of the facility will include substantial changes to the building form and the site layout as illustrated in the figure submitted with the application, "Overall ZBA Exhibit." The Applicant seeks a Variance to expand the gantry crane, an existing non-conforming structure, along the easterly side of the main building.

**IV. Planning Considerations:**

The planned redevelopment of the Structal Bridge property will alter the form of the main building and surrounding parking and yard areas. The use of the property has been heavy industrial for approximately 44 years. The proposed redevelopment work will retain the heavy industrial use and the overall property layout. It is the opinion of Staff that alterations to the building, including the height of the building, will not change the character of the site. Additionally, this property is located in an area the City has designated an industrial development zone where the neighboring properties have similar heavy industrial uses. In the context of this industrial "neighborhood" the improvements to the site will not have an undue negative impact on the adjacent properties.

**IV. Review Criteria:** To approve a Special Exception the ZBA shall find favorably to the applicant on all the following Findings of Fact. The burden of proof is upon the applicant to demonstrate that the proposal meets the following criteria.

1. Is the specific site an appropriate location for such a use?  
Mike Hurd- Yes, expansion of existing use  
Pierre Caouette- yes it is industrial and this is an industrial expansion

Jim Hanson– expansion of existing use  
Tom Rock- agreed

2. Will property values in the district be maintained by such a use?  
Property Value will increase – Unanimous
3. Will the proposed use result in any nuisance or unreasonable hazard?  
Pierre Caouette – No, the laws that are in place prevent this  
Jim Hanson – No, the difference in the structure is vertical  
Mike Hurd– Should decrease hazard  
Tom Rock – Believes it will decrease hazard
4. Will there be minimal or non-adverse traffic impact as a result from such a use?  
Jim Hanson – Minimal impact, not adverse  
Mike Hurd – Possible impact if business picks up, but not a significant increase in the industrial way of town  
Pierre Couette – Non adverse  
Tom Rock– Minimal impact
5. Are there adequate and appropriate facilities provided for the proper operation and maintenance of the proposed use, including water, sewer and parking?  
Pierre Caouette – Yes  
Jim Hanson– Yes, it appears parking will improve  
Mike Hurd - Yes  
Tom Rock – Yes
6. Will there be minimal or non-adverse impact on the view, light, and air of any abutter as a result of the proposed use?  
Pierre Caouette – Will not place a disproportionate burden  
Jim Hanson – NO, their operation is all within the structure  
Mike hurd - Agreed  
Tom Rock – Agreed
7. The proposed use will not place a disproportional burden on the city’s operational services in comparison to the anticipated tax revenue associated with the property/use in question?  
Pierre Caouette – No disproportionate burden  
Jim Hanson – No, their operation  
Mike Hurd– If anything hopefully a decrease  
Tom Rock- Agree
8. The proposed use will not be detrimental to the public health, safety and general welfare?  
Pierre Caouette– Will not create a safety problem  
Jim Hanson – The upgrade of codes will be beneficial to the structure and safety  
Mike Hurd – Federal permits with height regulations are a benefit  
Tom Rock – Agreement
9. Will granting the special exception be in harmony with the general purpose and intent of the zoning ordinance?  
Pierre Caouette– Yes, the industrial zoning, growth

Jim Hanson– The footprint will not change

Tom Rock– Agree

Mike Hurd– Granting the SE will take something existing and making it better

**V. Conditions:** If the ZBA approves the application for a Special Exception Staff recommends the following **Conditions of Approval:**

4. The Applicant shall obtain all applicable municipal, state, and federal permits prior to initiating construction. The Applicant shall submit copies of the state and federal permits to the City for the property file.
5. Site construction shall be in compliance with City Building and Fire Safety Codes.

Tom Rock confirms that over 35' needs a Special Exception .

Jeff Kevan stated that the renovation of building will incorporate cranes on the interior. The building will remain single story ( 48-50'). A special Exception is sought as the current ceiling is 20-30'. The building will be sprinkled for fire protection. The renovation will aid in efficiency of the current operation

Jim Hanson asked if there is a pitched roof. Jeff Kevan stated that the roof will be slightly pitched.

Jeff Kevan expects minor variations and therefore a mostly continuous roof.

The proposed SE will not be detrimental to public safety, health or general welfare.

This property is industrial use, which is in line with the Zoning district. There will be no impact on safety of pedestrians.

Sewer and water will remain as it is today.

Pierre asked if there is anyone on the east side of the building.

Jeff Kevan stated that the nearest abutter is the ones with the propane storage tanks.

The tax base is anticipated to be improved with the efficiency of the business.

Peter Chase, Fire Chief, would like to state the expansion is not inconsistent with the rest of the industrial district. The update will aid the system that is there. Fire Alarm/sprinkler will be upgraded.

**Motion to:** Approve application for Special Exception from Section 22-337 (4) in the City Zoning Ordinance to allow a building Height up to 55'

**Made by:** Jim Hanson

**Second:** Tom Rock

**Vote:** Unanimous

(C) Applicant seeks Special Exception from Section 22-337 (4) in the City Zoning Ordinance to allow a chimney height up to 75'.

**Project Description:**

Structal Bridge proposes to redevelop its facility at the referenced property. Structal currently operates a structural steel product fabrication plant in the southern half of the existing 380,000 SF building originally constructed in 1966. Redevelopment of the facility will include substantial changes to the building form and the site layout as illustrated in the figure submitted with the application, "Overall ZBA Exhibit." The Applicant seeks a Variance to expand the gantry crane, an existing non-conforming structure, along the easterly side of the main building.

**V. Planning Considerations:**

The planned redevelopment of the Structural Bridge property will alter the form of the main building and surrounding parking and yard areas. The proposed redevelopment work will retain the heavy industrial use and the overall property layout. It is the opinion of Staff that alterations to the building, including the height of the chimneys and ventilation equipment on the building roof, will not change the character of the site. Additionally, this property is located in an area the City has designated an industrial development zone where the neighboring properties have similar heavy industrial uses. In the context of this industrial “neighborhood” the improvements to the site will not have an undue negative impact on the adjacent properties.

**IV. Review Criteria:** To approve a Special Exception the ZBA shall find favorably to the applicant on all the following Findings of Fact. The burden of proof is upon the applicant to demonstrate that the proposal meets the following criteria.

1. Is the specific site an appropriate location for such a use?

Yes – Unanimous

2. Will property values in the district be maintained by such a use?

Pierre Caouette – Maintained or improved upon

Jim Hanson– Organized and cleaning up will improve

Mike Hurd– yes

Tom Rock- yes

3. Will the proposed use result in any nuisance or unreasonable hazard?

Pierre Caouette – No, so long as it is done under state and federal guidelines

Jim Hanson – No, so long as the project is completed correctly

Tom Rock – No, conditions will be improved

Mike Hurd – No, the property owners will be well observed

4. Will there be minimal or non-adverse traffic impact as a result from such a use?

Mike – The impact will be better

Pierre Caouette – Yes

Tom Rock – Yes

Jim Hanson – Yes

5. Are there adequate and appropriate facilities provided for the proper operation and maintenance of the proposed use, including water, sewer and parking?

Yes – Unanimous

6. Will there be minimal or non-adverse impact on the view, light, and air of any abutter as a result of the proposed use?

Mike Hurd – There will be an improvement from current conditions

Pierre Caouette – Yes

Jim Hanson – Yes

Tom Rock - Yes

7. The proposed use will not place a disproportional burden on the city’s operational services in comparison to the anticipated tax revenue associated with the property/use in question?

No – Unanimous

8. The proposed use will not be detrimental to the public health, safety and general welfare?

Yes – Unanimous

9. Will granting the special exception be in harmony with the general purpose and intent of the zoning ordinance?

Yes – unanimous

**V. Conditions:** If the ZBA approves the application for a Special Exception Staff recommends the following **Conditions of Approval:**

1. The Applicant shall obtain all applicable municipal, state, and federal permits prior to initiating construction. The Applicant shall submit copies of the state and federal permits to the City for the property file.
2. Site construction shall be in compliance with City Building and Fire Safety Codes.

The reason up to 75' is to satisfy state emission standards. They believe it will be no more than in the 60s. Covers chimney & ventilation equipment.

The SE request is within the Zoning Ordinance

There is no current stack in the location.

Mike Hurd asked about the height of the neighbor's stack. 150' is reported by Jeff Kevan.

Jeff Kevan stated there are currently roof vents/ small chimneys. There will be three (3) chimneys from the boiler room which will be roughly 5'-10' above the roofline. There are currently approx 30 vents and a similar number will be on the new building.

2-3 Chimney's for the bag houses which are 5'-10' above the existing roofline.

4 vents for the paint process, 65'-75'. Structural is working with DES.

Mike Donahue can provide details. Currently Structural does not need a DES permit. They are working with the state to keep below the thresholds where they would need that emissions permit.

The existing operation has 4 chimneys in the paint booth area. The last step would be the painting process.

Mike Donahue – As time goes on, there is likely to be less painting than more so the industry is changing. The steel is sent out as oxidized steel versus painted. Structural has applied for a permit with DES. All air quality records will be available to the public.

Tom Rock asks about the upgrade of systems and confirms that they will be m

Jim Hanson asked if more employees are hired would the increased painting stay under the thresholds of the state?

Mike Donahue stated it is difficult to confirm as other states may have different regulations for painting.

Tony Levesque stated as an example that the I-93 work which was completed recently incorporated only 5ft on each end painted.

Jim Hanson inquired about cleaning the stacks to keep them deemed as a non fire-hazard.

The filters and cleaning will be written into the state permits.

Jeff Kevan reiterates that the application will stay below DES thresholds. The footprint of the building will decrease slightly from the current footprint.

**Motion to:** Approve application for Special Exception from Section 22-337 (4) in the City Zoning Ordinance to allow a chimney height up to 75’.

**Made by:** Pierre Caouette

**Second:** Jim Hanson

**Vote:** Unanimous

- **(ZO2010-00002) Maple Mountain, 2664 Lapland Road, East Fairfield, VT** – Applicant seeks a Special Exception from Section 22-318 (2) regarding dwellings for living quarters on an Industrial lot. Property location **78 Balcom Place / Route 12A**. Tax Map: 174, Lot: 3, Zoning District: I-1 and AR.

### *Open Public Hearing*

Edgard Grallert, HEG, LLC [Lake Machine Co] - Present

### *Close Public Hearing*

### **Project Description:**

The Applicant proposes to construct a custodial dwelling on the subject property. This dwelling will be subordinate to the existing wood products processing facility (see plan as presented in the application). Staff understands, based on an earlier meeting with the Applicant, that the proposed building will also contain offices for the facility.

### **III. Planning Considerations:**

Section 22-318 of the Zoning Ordinance (Ordinance) allows for dwellings for night watchmen or custodians by Special Exception. A review of the Ordinance brings to bear the important considerations for this proposed use:

- This is the only type of residential use allowed in any of the industrially zoned districts, except when a residence predates the enactment of the applicable restrictions in the Ordinance.
- The residential use is subordinate to, or "serves", the primary use of the property. Such a dwelling in an industrial zone shall be functionally linked to the primary use on the site. In general the dwelling shall be allowable only if its occupants provide a useful service in the operations, maintenance, or security of the facility.

In the context of this application Staff understands from conversations with the Applicant that the proposed dwelling will be part of a proposed office building on the subject parcel. This application does not mention the office use in the building. Also, Staff understands that the Applicant plans to visit the facility regularly and for a period of days at a time to use the building as a base of operations.

**IV. Review Criteria:** To approve a Special Exception the ZBA shall find favorably to the applicant on all the following Findings of Fact. The burden of proof is upon the applicant to demonstrate that the proposal meets the following criteria.

1. Is the specific site an appropriate location for such a use?  
Yes – Unanimous

2. Will property values in the district be maintained by such a use?  
Mike Hurd – Neutral or increase in value of the property  
Pierre Caouette – Yes  
Jim Hanson – Yes  
Tom Rock – Yes
3. Will the proposed use result in any nuisance or unreasonable hazard?  
No - Unanimous
4. Will there be minimal or non-adverse traffic impact as a result from such a use?  
No - Unanimous
5. Are there adequate and appropriate facilities provided for the proper operation and maintenance of the proposed use, including water, sewer and parking?  
Yes – Unanimous
6. Will there be minimal or non-adverse impact on the view, light, and air of any abutter as a result of the proposed use?  
Yes – Unanimous
7. The proposed use will not place a disproportional burden on the city’s operational services in comparison to the anticipated tax revenue associated with the property/use in question?  
Pierre Caouette – The proposed use will be an aid in the event of an emergency  
Mike Hurd – Yes  
Jim Hanson – Yes  
Tom Rock – Yes
8. The proposed use will not be detrimental to the public health, safety and general welfare?  
No – Unanimous
9. Will granting the special exception be in harmony with the general purpose and intent of the zoning ordinance?  
Yes – Unanimous

**V. Conditions:** If the ZBA approves the application for a Special Exception Staff recommends the following **Conditions of Approval:**

1. The Applicant shall obtain all applicable municipal, state, and federal permits prior to initiating construction. The Applicant shall submit copies of the state and federal permits to the City for the property file.
2. Occupancy of the dwelling shall be limited to the owner of the facility.
3. The dwelling shall not be a primary residence. The use of the dwelling shall be associated with the operations of the facility.
4. This Special Exception shall be recorded in the Sullivan County Registry of Deeds.

The understanding is that the building will house office space in the same structure as the custodial dwelling. This is the only residential use currently allowed. The residential use as stated in the SE serves the primary use of the property.

**Specific reference to security and custodial operations.** There is the understanding that the dwelling will be part of an office building. The definition of a dwelling is a building used in providing complete living/ housekeeping facilities for one family.

In an industrial zone these services must be subordinate to the industrial use. A functional link must be established between the subordinate use of the dwelling and the primary use of the site.

Mike Hurd wanted to assure that this will not become an apartment for a tenant in the future. Under the verbiage it is very specific in the SE that the ZBA state their intent. The terminology is vague and intent needs to be clarified.

Jim Hanson asked if the occupants have to support the business. Mike McCrory stated that yes, this is correct.

Mike Hurd asked how do you tie 'functionally associated' to what falls under the SE. There is concern that allowance might open up the city to a situation that has the potential to backfire.

Mike McCrory confirmed that in the SE the dwelling must provide a service.

Dave Bergeron, Brickstone Land Use Consultants, was the agent representing Maple Mountain Woodwork for this meeting of the Zoning Board.

The proposal is to construct an dwelling/office located off the current driveway. A second driveway would be constructed off the existing driveway that leads to the factory which would incorporate 2 parking spaces. There would be municipal water/sewer; test pits have been completed for septic proposal and building. The design is complete and ready to submit to the state.

The dwelling unit will be 1700-2000sq ft for the owner of the property. Due to the location of the plant he would like to have close access to the property and on-site presence. There are currently no plans to have anyone other than the owner live there. If at some point the idea is entertained to rent, Maple Mountain would go back to the Zoning Board.

Mike Hurd stated, as the ordinance reads, 2000 sq ft is a 'house' versus living quarters.

Dave Bergeron stated the owner/renter might have family and they would also be visiting which would require a larger area than one room/kitchen. The owner anticipates extensive travel and would like to have the ability to have his family with him.

Jim Hanson commented that for tonight's purposes the owner is to use the dwelling unit at will or custodian will use as needed. Confirmed that this is not a full-time residence.

Dave Bergeron stated that the basement is going to be used as office space and the first floor is the living quarters (4000 sq ft total usable building space)

Mike Hurd commented that there is no definition of living quarters that is size specific and that is the hurdle, the size.

Edgard Grallert, HEG, LLC / Lake Machine owner - Stated that he is OK with the owner staying there but wanted to know if the property could be turned into residential.

Mike Hurd stated that this property cannot be turned into residential.

Mike McCrory stated that the allowance for SE would cease at the end of ownership. Custodial dwelling use would carry through with ownership. Condition number four does not apply to this application.

If there was a desire to make this a primary residence it would act against the intent of the zoning ordinance to have a stand alone residential property. Residential properties in Industrial zones are generally grandfathered in if in existence.

Jane Taylor, City Attorney, stated that a SE of this nature was considered a home occupation and it is written into the code that it is lost with change. Generally special exceptions run with the land.

Dave Bergeron stated for a single family home it would require 2 variances (1 for frontage, 1 for a single family home in an Industrial District which is a non permitted use).

Pierre Caouette asked how a family staying there would be designated as custodial or night watchmen? Family does not seem to apply.

Dave Bergeron replied that the owner of the property would be staying, working and helping in the running of the facility. To operate in the facility he would have to travel and this allows him to stay on the property and aid in operations. This would add to the security of the property as well as operations.

Mike Hurd reiterates that size is the 'stumbling block.' Under a normal industrial setting, a normal watchman's quarters would not have a family atmosphere. Not a denial of custodial usage but the size is nonconventional. A watchman's quarters does generally not have a family atmosphere.

Edgard Grallert, abutter from HEG, LLC, stated that a person involved in the ownership of the business and is present as much as possible is a good thing. The fact the facility is a little off the road is disconcerting. A benefit to having someone live there means that they can monitor the land and business. Even if a rental property, they are watching out for the area.

Nancy Merrill, Director of Planning and Development, stated typically a custodial unit is within the industrial structure. In this case the office and the dwelling unit are separate buildings. As a new company coming to Claremont, offering 25 new jobs, the owner is looking to supervise the company and looking out for the company in the long run. It is both a convenience and a safety factor. The ZBA could condition any approval made.

Peter Chase informed the board that this particular facility is an 8 minute ride from CFD. There are two main points the FD would like to make; (1) After business hours the FD would not know what it going on at the property in an emergency until arrival and only then could an update be given. CFD finds it an advantage to have someone living on site for emergency purposes. A remote facility like this one means that an emergency might not be immediately detected. The main issue is the time getting to the property. (2) A fairly new building on Charlestown road has an office which is above the business. When the mills were operating, owners often had a designated owners apartment on the top floor to keep a closer watch on things.

Jim Hanson inquired about the total office space percentage?

Dave Bergeron confirmed 2000sq ft as office space and 2000 sq ft as designated dwelling space.

Mike McCrory stated that in the context of this application there is reasonable expectation to have a dwelling on site. Condition number 2 is limited to 'persons and immediate family.' The board can elaborate and restrict conditions such as limiting the dwelling for the sole use of the owner.

Mike Hurd inquired if could be stipulated that the night watchman/custodian will not make this a residence. Discrepancy in having family living with the owner in an Industrial Zone. The idea that this will become a residential unit is a concern to the board.

Mike McCrory reiterated the changes to the conditions. A substitution to condition 2 stated the occupancy of the dwelling shall be limited to owner of the facility. Condition 4 was stricken and conditions 1, 3,5 remain unaltered.

**Motion to:** Approve application for a Special Exception from Section 22-318 (2) regarding dwellings for living quarters on an Industrial lot with conditions as noted.

**Made by:** Jim Hanson

**Second:** Pierre Caouette

**Vote:** Unanimous

### III. Correspondence

#### IV. Other

##### Board Organization – 2010

**Motion:** Nomination of Mike Hurd as Chair of the ZBA

**Made By:** Jim Hanson

**Second:** Tom Rock

**Vote:** Unanimous

**Motion:** Nomination of Pierre Caouette as Vice Chair of the ZBA.

**Made By:** Jim Hanson

- Pierre Caouette has declined the nomination as Vice Chair of the ZBA.

**Motion:** Nomination of Jim Hanson as Vice Chair of the ZBA

**Made By:** Tom Rock

**Second:** Pierre Caouette

**Vote:** Unanimous

#### V. Adjournment

**Motion to:** Adjourn

**Made by:** Pierre Caouette

**Second:** Tom Rock

**Vote:** Unanimous

**Meeting adjourned at 9:06 p.m.**

**Respectfully Submitted,**

**Kelly LeBlanc**

**Administrative Assistant**