



Planning Board Meeting
Monday, May 10, 2010
Council Chambers, City Hall at 7:00 pm

Meeting Minutes
Approved June 14, 2010

I. Roll Call

Present: Peter Guillette, Lori Richardson, Catherine MacKenzie, Deborah Cutts, Amanda Silvers, Bruce Kolenda, Erwin Caplan,
Absent: Adam Burke, Brian Rapp, Richard Wahrlich
City Staff: Mike McCrory, Interim City Planner; Kelly LeBlanc, Administrative Assistant

Bruce Kolenda was appointed as an Alternate for this hearing of the Planning Board

II. Review of Meeting Minutes from March 22, 2010

Motion to approve minutes will be pushed back to the next meeting to assure a quorum of members present from the March 22, 2010 meeting are available.

III. New Business

(2010-0006) BIS REALTY – 21 Grissom Lane –Applicant seeks approval for a minor subdivision at 21 Grissom Lane. The proposed subdivision would create two lots: 11.75 acres and 12.72 acres. Property Location: **21 Grissom Lane, Claremont 03743**. Tax Map 176-6; Zone I-3.

Project Description

The applicant proposes to subdivide the existing 24.47-acre parcel to create two parcels: Lot 1 (11.75 acres) and Lot 2 (12.72 acres). Both Lot 1 and Lot 2 front along Grissom Lane. Lot 2 has additional frontage along Charlestown Road.

III. Primary Planning Considerations

This application is for a Final Subdivision. Both lots will comply with the minimum lot dimension requirements for the I-3 zoning district. The subdivision includes creating a residential lot, Lot 1, which is a non-conforming use to the I-3 zoning district. The Zoning Board of Adjustment (ZBA) granted the Applicant a Variance to allow residential use on Lot 1 with a condition that the existing property shall be subdivided to separate the existing residential use from any future land use on Lot 2.

Upon review of the Variance Application the ZBA considered the existing, and historic use of the property, the Applicant's proposed use for Lot 2, and uses of adjacent properties along Grissom Lane.

1. **Historic Use of the Property:** The existing building on Lot 1 has been a residence since its construction (ca. 1975). A condition of approval for a

Variance in February 2009 stripped the building of its residential use status. The Applicant, through a Variance granted in April 5, 2010, restored the residential use of the building as long as the property is subdivided (current proposal).

2. Proposed Use for Lot 2: The Applicant plans to use Lot 2 as a storage yard. This proposed use will come before the Planning Board upon approval of the proposed subdivision.

The enclosed draft minutes from the April 5, 2010, ZBA hearing may provide background for the Planning Board.

Specific points of discussion for the Planning Board regarding the minor subdivision:

1. The residence on Lot 1 includes existing services. There will be no new development on Lot 1. The dimensions of Lot 1 allow for maintaining the property in Current Use. Any future residential subdivision of Lot 1, which is not part of this proposal, would require another Variance from the ZBA and review by the Planning Board.
2. The two lots will share one access point to Grissom Lane. Topography and the presence of ledge make creating separate access points impractical. Staff recommends that the Planning Board suspend discussion regarding potential access issues until the Applicant submits an application for Site Plan Review for Lot 2.

IV. 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.

Chair Guillette has served on the Board of Directors with Charles Aiken for Fort #4 but is not currently on the Board of Directors. He stated there is no conflict of interest on his part but should anyone have any objections he would abstain from the vote. No objections made.

Intent is to subdivide into two lots: (Lot 1) is to have an existing residence and (Lot 2) a traditional I-3 Use.

To legalize the use of the property as a storage site, the residential use there needs to be separate. Later proposals will determine what is done on this land. The primary use is to ascertain Lot 1. The residence has been around from about 1974 and predates any restricts from the I-3 Zone of the Ordinance. The applicant did every necessary step to promote this subdivision to move forward. The application is considered complete.

Motion to: Accept application as complete

Made by: Mayor Cutts **Second by:** Lori Richardson **Vote:** Unanimous

Lori would like to ask why the ZBA stripped BIS of the Variance in February 2009 and then grant the Variance in 2010.

Mr. McCrory stated that the original variance was to allow for placement of stock piled material. In I-3 you cannot have external storage of material. In this application the ZBA was

considering the storage of crushed stone which was a temporary stockpile which would be used for building material of the drive later on. In terms of definition there was a question of the placement of the material would be in conflict with the residential. In Feb. 2009 the variance stated there would be no use of the residential on the site from that point forward. During the 2009 hearing there was a fundamental misunderstanding. Subsequent to that the applicant was doing the necessary measures to proceed. This issue came up after the appeal period passed so there was no opportunity to appeal back to the ZBA to correct the 2009 hearing. April 2010 was an attempt by the applicant to correct the 2009 misunderstanding. In conclusion this was a variance to correct a previous variance. April 2010 – The applicant successfully argued that it was reasonable and in accordance with the ZO to keep the residence. The residence use would be allowed if the PB allowed the subdivision.

Ms. Richardson inquired if the residential use was there because it would have been grandfathered in before the ZO were established as it was constructed around 1974/5. Mike McCrory– The use is grandfathered because of this was a use of condition before that status was erased (ZO 1978). It is consistent with adjacent uses and the number of residences along the road. This use is consistent with the surrounding character and it also in terms of topography, the size of the parcel provided minimal impact to lot 2 if it is developed in consistency with the I-3 zone.

Charles Aiken – BIS Realty Partner – asking for a subdivision because this process has carried on over 17-18 months. The reason, he stated, is due to storage of ledging material which was very ambiguous. If the Subdivision is approved a parking lot is planned for Lot 2. Lot 1 has a drop off and shading from trees from the parking Lot 2.

Mayor Cutts – Confirmed that BIS owns the residence and proposed parking lot.

Mr. Aiken – Owners of the Lot and residence. The confusion came because BIS could not insure the structure without someone living in it. This created the problem that could not be a residence and business on the same lot. As the owners of Bourden's Mattress each trailer is taxed by the City. They needed space and a place to park the trailers which is why they are looking to Develop Lot 2.

BIS would like two separate lots so they can come in with a site plan for Lot 2. BIS will retain ownership for Lot 1.

Mr. Caplan joined the meeting at 7:20PM

Ms. Richardson – There will be a barrier that will shield the trailer from the view of the road?

Mr. Aiken stated yes, the trailers will be shielded from the view of the road and residence.

Plantings would be added abutting the Collins property.

Ms. Richardson asked what will happen with the asphalt engagement with the Collins property.

Mr. Aiken stated that a written agreement will be arranged at no cost. BIS does not wish to give up the rights to the property even though the Collins property infringed on their land.

Mayor Cutts clarified the following information -

Feb 2009 – BIS went to the ZBA with a variance for ledging in the prospect of developing a parking lot. Several conditions are on the approval list. (1) No living in the residence (2) Ledgings could not be within 250' of the boundary. In one area of the property the ledgings were pushed 180' and were relocated to the 250' requirement. BIS then wanted to go for a site plan but could not because tenants were living in the residence. BIS then went back to the

ZBA to apply for a variance of a variance so they could legally come before the PB for subdivision. How can Lot 1 be in current use if there is a residence also on the lot?

Mr. Aiken stated that current use is any piece of property that is 10 acres or greater; factoring out the sq ft of the building, yard and driveway. Therefore, there is only 1 acre not in current use.

Open Public Hearing

No abutters Present

Close Public Hearing

Ms. Richardson inquired if BIS has any plans to subdivide Lot 1 in the future.

Mr. Aiken – No, there is a restriction on 911 because you can only have 2 permitted uses per drive. Lot 1 and Lot 2 will be those two uses.

Motion to: Approve the request for subdivision that has been presented to the board with the following 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.

Made by: Mayor Cutts

Second by: Lori Richardson

Vote: Unanimous

- **Revise and Update Chapter 22, Division 14, Historic District**

Mr. McCrory explained that this is the first of a series of updates that will come before the Planning Board. As part of these updates, pragmatic concerns of the HDC will bring the ordinance more closely in line with current state statutes will be addressed.

This amendment would require any person interested in serving on the HDC submit an application. Approval or denial of the application would be conducted by the City Council. Chair Guillette confirmed that for a member of the Planning Board to serve on the HDC they would need to submit an application and be appointed by the City Council.

It is the responsibility of the HDC to issue a certificate of appropriateness. The certificate fits within the realm of the six (6) documented purposes. The Certificate is then carried through for other uses: building permits, sign permits, applications and then carried through to subsequent Planning Board or Zoning Board business. This is the first pass for someone looking to alter an existing building or construct in the historic district.

The Planning Board has been asked for guidance in the introduction of this new amendment. The PB has a month (30 days) to report to the City Council with their approval. If no report is issued to the Council within 30 days, the Council will take this as an approval of the amendment by default.

Ms. Richardson stated that in reading some of the changes it sounds as if the city, in general, is being addressed. In terms of the HDC, Mr. Richardson would like to confirm that their

jurisdiction only encompasses the designated Historic District and not the city as a whole. She would like this document to read more clearly.

Mr. McCrory stated that this is a general statement being made as an introduction to the Historic District Commission Ordinance. Under Powers 'Powers and Duties' (Section 22-403 subsection 6(b)) there is the clarification of the boundaries and powers overseen by the HDC. Part of the report from the Planning Board can contain any recommendations for clarity, etc.

Mayor Cutts inquired about the original document and why these proposed changes are being done. Mr. McCrory explained that the revision/update is not something that is intended to have a motion made tonight. This is the initial review of the PB before it goes to the City Council. Char Guillette clarified that the Planning Board is not to make revisions to the document as it will be city council's responsibility to make any changes. The PB cannot make the changes but can only submit recommendations.

Mayor Cutts confirmed that the board has 30 days to make any recommendations after the document is read tonight.

The Planning Board has the revised sections only. All other sections not listed will remain the same as they are currently.

Bruce Kolenda inquired if the original is available on line. It has been confirmed that the original is available online.

Mayor Cutts inquired about why there are proposed ordinance changes for the HDC. Mr. McCrory stated that there has been a difficulty meeting quorum. There is also some sensitivity to timing delays. This is an opportunities to bring Ordinances up to date with current statues. The closer this ordinance can be to the state statute the safer the city is from possible legal action.

Chair Guillette read the Ordinance onto record. The document is now on the record for its 30 day review period.

Discussion of the Ordinance shall be continued to the May 24th hearing.

IV. Reports from Boards and Commissions

V. Other

Draft Copy of Economic Development Chapter – Comments requested for the May 24 hearing
Master Plan Housing Chapter – MPAC will review this draft chapter and it will be submitted to the PB for review and discussion at the May 24, 2010 meeting

VI. Correspondence

VII. Adjournment

Motion: to adjourn

Made By: Lori Richardson

Second: Bruce Kolenda

Vote: Unanimous

Adjourned at 8:02PM

Respectfully Submitted by
Kelly LeBlanc, Administrative Assistant