



Joint Planning Board/Zoning Board Meeting
Monday, September 12, 2016 7:00 PM
CSB Community Center, 152 South Street

MINUTES
Approved 9/26/2016

Planning Board Chair Richard Wahrlich called the meeting to order at 7:00 PM and asked for roll call.

I. Roll Call – Planning Board

Present: Marilyn Harris, William Greenrose, Richard Wahrlich, Bruce Kolenda, James Short, Charlene Lovett, Victor Bergeron, Marlene Jordan, David Putnam

Absent: Nicholas Koloski, Rois Neil Ward, Jr.

City Staff: Michael McCrory, Claremont City Planner

Mr. Wahrlich explained how the meeting would proceed and then turned it over to the Zoning Board.

Zoning Board Chair Michael Hurd asked for a roll call.

Roll Call – Zoning Board

Present: Michael Hurd, Abigail Carman, Richard Collins, James Petrin, Carolyn Towle

Absent: Todd Russel, Tracy Pope

City Staff: Michael McCrory, Claremont City Planner; Jane Taylor, City Solicitor

Mr. Hurd said he had done business with the first applicant in the last 90 days and asked if anyone thought this posed a conflict of interest. No one did.

Mr. Hurd appointed Ms. Carman to sit in for Mr. Russel.

Mr. Hurd read the public notice to open the public hearing.

(ZO 2016-00018) Farhan Yaqoob, Claremont, NH The applicant is seeking a Variance from Section 22-389 of the City of Claremont Zoning Ordinance to convert an existing two-family home to a three-family home. Property Location: **154-156 North Street**, Tax Map 107, Lot 280, Zoning District PR.

Mr. Hurd said he didn't think the Board had adequate information from the applicant to hear the case. Mr. McCrory said he had additional information from the applicant that had been submitted after the packets had gone out. Mr. Hurd said he wanted to stick to the Board's Rules that all information for an application must be received within ten days of the

hearing and not be presented the night of the hearing. He called for a motion to continue the hearing until the proper “paperwork” had been received by the Board. Mrs. Towle said she agreed that the Board shouldn’t receive information late, but she wanted to hear the applicant at this meeting and then continue it. She was in favor of accepting the late information, but said she wouldn’t act on it.

Motion: To continue the hearing to the October 3rd meeting.

Made by: Mr. Petrin **Second:** Mr. Collins

Vote: Petrin, Collins, and Hurd voted in favor of the motion; Carman and Towle voted against it. Motion carried.

Mr. Hurd turned the meeting back over to the Planning Board.

(PB 2016-00016) Farhan Yaqoob, Claremont, NH - The applicant is seeking a Special Use permit to convert an existing two-family home to a three-family home. Property Location: **154-156 North Street**, Tax Map 107, Lot 280, Zoning District PR.

Mr. Wahrlich read the public notice to open the public hearing.

After discussion with Mr. McCrory on how best to proceed, the Board decided to continue the hearing to their October 10th meeting.

Motion: To continue the hearing to October 10th.

Made by: Mr. Greenrose **Second:** Mr. Short

Vote: Unanimous in favor

Motion: To adjourn the Zoning Board meeting.

Made by: Mr. Collins **Second:** Ms. Carman

Vote: Unanimous in favor

The Zoning Board left the meeting. The Planning Board took a ten-minute recess to allow the room to clear and for the applicants to set up for their presentation.

Mr. Wahrlich called the meeting back to order at 7:30 PM.

(PB 2016-00015) Old Church Road Real Estate LLC, Newport, NH –The applicant is seeking Site Plan approval for the enlargement of the existing building from 25,000 SF to 40,000 SF and to create new parking facilities and access. Property Location: **136 Maple Avenue**, Tax Map 130, Lot 119, Zoning District B-2.

Mr. Wahrlich read the public notice to open the public hearing.

Planner’s Presentation

Mr. McCrory said the original site plan had been amended to obviate the need for a variance. (The variance application had been withdrawn.) He said the change was not substantive. The amended site plan was received after the ten-day deadline (which applies to Planning Board matters as it does to the Zoning Board) and he left it up to the Board to decide their course of action. He said the application was complete.

Motion: To accept the plan as complete.
Made by: Mr. Putnam **Second:** Ms. Jordan
Vote: Unanimous in favor

Mr. McCrory said the applicant is proposing to expand their use on the property. There was a bank building on the adjacent parcel that was demolished and the lots merged to make room for the expansion. The building will be used primarily as a call center so the office density will be high. The zoning ordinance requires one parking space for every 325 SF, but the applicant is proposing one space to every 145 SF as necessary parking for this use. The square footage of the building will increase by 60%. There will be 2-way traffic circulation on the site. Mr. McCrory said there were no serious issues with the proposal. There will be some landscaping along the perimeter of the lot using crab apple trees and maples (no specifics on species) mainly to fill in gaps in the existing vegetation. Storm water will be collected and allowed to infiltrate on the site. DPW will approve the storm water management plans if the underground storage capacity is sufficient for the appropriate storm event. (Geotechnical information was not presented, although Mr. McCrory stated that it was available if the Board wanted to see it.) The proposed use is office space which is generally low impact in the range of allowed uses in the district. The intent is to minimize any impacts on neighboring properties. There is little screening between the properties, but the applicant has been in discussions with abutters. Mr. McCrory asked that the Board consider noise and any nuisance issues that may arise from this development. There will be minimal regrading as the site is fairly flat; however, it is a substantial redevelopment of the site.

Mayor Lovett asked for clarification on the geotechnical information and the storm water design. Mr. McCrory said he had discussed the plans with DPW. DPW is satisfied with the design if there is sufficient storage capacity provided. The principal concern on this property is the height of the water table.

Applicant's Presentation

Randy Rhoads, engineer for the applicant, distributed to the Board copies of additional information, including the architect's one-page summary of the project and the updated site plan. Mr. Rhoads said the location of the driveway onto Acer Heights Road had been changed. The plans were amended to show the new location.

Motion: To accept the updated materials.
Made by: Mr. Putnam **Second:** Mr. Short
Vote: Unanimous in favor

Steve Cossingham, owner, stated the project is needed to allow consolidation of the three Claremont offices of National Field Reps onto one site and to allow for future expansion of the business. The business is quiet, clean office space. The business does not generate a lot of traffic other than the employees. They are planning to put up an attractive, well-maintained facility that will be an asset to the area and that will fit into the residential area that surrounds it. They hope to begin construction in November and complete by July, followed by renovations to the existing building after that.

Jason LaComb, architect representing the firm that designed the facility, first presented the existing site conditions. The bank lot has been merged with the main lot; there is an existing nonconformity with pavement within the Acer Height setback. There are currently 97 spaces on the property. There are 71 spaces across Maple Avenue that have been previously approved. An illuminated cross walk is in development.

The addition will be constructed while the business is still operating and the employees are on site. The curb cut closest to Maple Avenue will be eliminated. There will be a vegetated buffer strip along Maple Avenue and will be enhanced with some additional plantings. The existing building is one story and just under 15,000 SF. The two-story addition will be constructed on the west side of the existing building. The added foot print is just over 11,000 SF. The total footprint is just over 26,000 SF for 20.1% lot coverage. 201 parking spaces are proposed; 7 spaces will be ADA compliant. The existing nonconformity is minimized by the relocated entry. The new spaces are compliant with the setback requirements. The dumpster will be relocated. A perimeter awning is proposed that will go all the way around the completed building. The building has two primary entries and three minor entries. The break room and the meeting room are for employees only – no outside users. There is a large roof terrace for the employees as well. There will be 302 seats when the building is complete – that includes cubicles and offices. The exterior of the building will be gray clapboards with white trim.

Mayor Lovett expressed concern about the loss of green space behind the building and the limited screening for the Senior Citizen Center. Mr. Cossingham said that the survey of the property revealed that much of the Senior Citizen's landscaping vegetation was actually on NFR's property so it is being moved back onto the Center's property. There is a memorial tree belonging to the Center that will remain on NFR property.

Mr. Bergeron asked about snow removal. Mr. Rhoads said there is existing green space that will be used for snow storage in addition to a large lawn area at the Senior Center with whom they have a written agreement allowing them to use it.

Mr. Putnam asked about exterior lighting. Mr. LaComb stated that all of the proposed light fixtures will be dark-sky compliant and the minimum needed to provide the required lighting. The average illumination will be 1 ft-candle over the site with no sharp contrasts.

Mr. Greenrose asked about the traffic flow into and out of the site. Mr. Cossingham said the primary schedule is 8:30 am to 5:00 pm. Then there are some part time employees and others arriving/leaving earlier or later.

Ms. Harris asked about the impact of headlights on the houses on Acer Heights Road. Mr. Rhoads said the relocated access points at a vacant lot. There are now only a few parking spaces facing the houses instead of an access point. These spaces are the farthest from the door to the building the first in/last out employees most likely won't be using these spaces.

Mayor Lovett asked the applicant to justify the number of parking spaces. Mr. Rhoads said there is a potential for 302 employees in the building.

Mayor Lovett then asked about the estimated 800 traffic movements per day. Mr. Rhoads said the traffic flow is staggered. Mayor Lovett said she was concerned about conflict with school buses going to the Maple Avenue school. Mr. Cossingham said he had never been aware of a conflict with the school with the current 110 employees now using the site. Mr. Rhoads said the Police Chief did not have any concerns during the staff review of the project.

The Board had no further questions.

Mr. Wahrlich asked for the abutters roll call.

Several members of the Senior Center were in attendance. Larry Johnson was the spokesperson. Mr. Johnson said the applicants had met with the Senior Center Association members to discuss the project. He said the Senior Center is 5 feet above the NFR property, so the visibility is “somewhat affected by what we have here”. The Senior Center visibility will be reduced “a bit” by the expansion. This is of some concern to some of the members. He spoke of the dumpster being moved and said it would only contain dry waste (no food) and be screened from view. He said there would be a small path between the NFR parking lot and the Senior Center parking lot. He acknowledged the agreement for snow removal and storage.

Mr. Putnam said there has always been a problem with visibility of the Senior Center – it's hard to find unless you know where it is. He asked if the Center and NFR could work on improved signage perhaps. Mr. Johnson said they had discussed it, haven't settled on anything yet, but agreed it was a good idea.

Mr. McCrory said the Board had received a copy of the snow storage agreement.

Motion: To accept the agreement into the record.

Made by: Mr. Short **Second:** Mr. Greenrose

Vote: Unanimous in favor

Mr. McCrory read the agreement to the Board.

Ms. Harris asked where the food waste would be stored. Mr. Cossingham said there has always been a single dumpster for all wastes. He said there has never been a problem with odor. It is serviced at least once per week.

Mr. Cossingham said there will be an improved access between the two properties as they often share their parking areas for special events at the Senior Center (e.g. car show).

Mr. Putnam asked if night-time access/egress could be limited to Maple Avenue in the event that there is a substantial second shift to minimize headlight intrusion on the homes on Acer Heights. Mr. Cossingham said they'd be willing to try and work with that.

Mayor Lovett asked about the loading dock. Mr. Rhoads said the dock is existing - looks like a back door. It is used for box truck deliveries. Most of the deliveries are by UPS and they are brought to the main entrance to the receptionist.

Tom Liveston, who lives across the street, said he had spoken to NFR about the smoking area for the employees and the lights in the parking lot being left on all night and both issues were resolved the next day. He thanked the applicants for their quick response. He also said the relocated access on Acer Heights was in response to the neighbors' concerns. He thanked them for that as well. He said he had asked them to move the dumpster as it was previously very close to their bedroom window and twice a week they were awakened in the morning when the dumpster was emptied. The dumpster has been moved. Mr. Liveston said NFR are "good neighbors". He said odor had never been an issue with the dumpster, even during very hot weather.

There were no further comments from the public. Mr. Wahrlich closed the public hearing.

Mayor Lovett thanked the applicants for their collaboration with the neighbors and their willingness to resolve issues together.

Motion: To approve the site plan with the following conditions:

1. The site shall be constructed and maintained in accordance with the plan titled, "Site Plan, National Field Representatives, 136 Maple Ave, Claremont, NH" dated August 26, 2016, latest revision date 9/7/2016.
2. The applicant shall obtain all necessary permits as determined by the Local, State, and Federal governments and maintain the site in compliance with these permits including necessary State and/or Federal stormwater management and erosion control permits.
3. 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. If Planning and Development Department staff determine the changes are substantial and warrant Planning Board review, then the applicant shall submit for Site Plan Amendment.
4. Site Plans are valid for two (2) years from the date of approval. If a certificate of occupancy has not been issued before the two-year deadline, the site plan is no longer valid and must be recertified through the Planning Board.
5. Two (2) copies of the final approved overall Site Plan, printed on mylar and in a form suitable for recording at the Sullivan County Registry of Deeds, shall be provided to the Claremont Planning and Development Department.

Made by: Mr. Greenrose **Second:** Ms. Jordan

Vote: Unanimous in favor.

II. **Review of Minutes – August 22, 2016**

Mr. Kolenda said the discussion regarding Imperial Auto's noncompliance with their site plan was not in the minutes. He asked that it be added.

Motion: To approve the minutes as presented

Made by: Mr. Bergeron **Second:** Ms. Harris

Vote: All were opposed

III. **Old Business**

IV. Reports from Boards and Commissions

V. Other

Mayor Lovett asked how previous decisions are enforced. She said there are businesses that appear to be out of compliance with approved plans – e.g. Cumberland Farms on Pleasant Street is not maintaining their landscaping; the Easy Mart on Maple Avenue has a lot of tall weeds in the front. She also asked about site work being done before any permits have been granted, saying that the Board might be pressured into approving plans simply because time and money had already been spent. She said it also puts the abutters in a position of feeling like it's already a “done deal”.

Mr. McCrory said the Board has the authority to revoke site plans. He said he could do a review of previously approved plans (with site visits to plans approved within the last two years) to determine the degree of compliance if the Board wants him to do that. Mr. Wahrlich felt Mr. McCrory should take action when there is a complaint, but not spend the time doing a comprehensive review. Mr. Greenrose wanted to avoid an appearance of unfair practices. He asked if there is a formalized escalation process in place so the Board can be consistent in its actions. Mr. McCrory said at present there is no such process in the local ordinances – only what may be stated in the State statutes regarding revocation of an approved plan. However, the Board had discussed this informally before and outlined a process whereby a complaint is brought to the Board; the Board makes a determination to inform the property owner that there is a violation of the approved site plan and that at a certain point, the Board is going to consider revocation of the plan. If that point is reached, the Board holds a public hearing to revoke the site plan. This process gives people a chance to respond.

Mayor Lovett said the conditions on the approvals that say “improve and maintain” need to be followed up on to ensure the conditions are being met. She said the City needs to do a better job in maintaining properties. Properties that are allowed to languish for too long send a message.

Mr. Short asked if the Board has the authority to create a timeline with consequences. Mr. McCrory said yes, the Board can do that.

Ms. Harris suggested a type of audit with random selection of plans.

Mr. Bergeron said it is only the Board members who are aware of site plan violations. He agreed that the ordinances need to be updated.

Ms. Harris said the issue with Imperial Auto has been ongoing since she got on the Board. She wanted to know if at some point fees or fines are applicable and asked Mr. McCrory to consider that when developing a process. Mr. McCrory said the difficulty lies in determining the timing of such levies and that it involves going to court.

Mr. Kolenda said his primary concern in allowing people not to meet their site plan conditions is the message it sends to future applicants – that there will be no expectation to comply. He asked Mr. McCrory if Imperial Auto had been contacted about coming back to

the Board to amend the plan. Mr. McCrory said yes, and he had been patient, but thought it was time to move forward. Mr. Bergeron said enforcement is important, it must be done properly and consistently or it will come back onto the Board at some later time.

Mr. Putnam said he would like to follow the example of the Zoning Board where they continued a hearing because the application was incomplete. He said he thought it's fine for some information to be presented at the meeting as long as it does not substantially change the application. He said the policy for this should be very clear so as to not waste anyone's time. Mayor Lovett said the Board should review its own bylaws because some of what's being talked about is already in them and the Board is not complying with some others. Mr. McCrory said the Board will be reviewing various aspects of the zoning ordinance, the site plan regulations, and the bylaws very soon.

VI. **Correspondence**

VII. **Adjournment**

Motion: To adjourn the meeting.

Made by: Mr. Putnam **Second:** Mr. Greenrose

Vote: Unanimous in favor

The meeting adjourned at 9:02 PM.

Respectfully submitted,

de Forest Bearse