



Zoning Board of Adjustment Meeting
Monday, November 4, 2013 at 7:00 p.m.
City Hall Council Chambers

MINUTES
Approved December 2, 2013

I. Roll Call

Present: Todd Russel, Tom Rock, Carolyn Towle, Mike Hurd, Jim Hanson, David Nichols (alt), Dan Worcester (alt)

City Staff: Mike McCrory, Interim City Planner; Jane Taylor, City Solicitor; Danielle Coolidge, Minute Taker

Mr. Hurd stated that Mr. Nichols and Mr. Worcester will sit for the meeting but will not be voting since all board members are present.

II. Review Public Meeting Minutes from October 7, 2013

Motion: to approve the meeting minutes from October 7, 2013

Made By: Mr. Russel **Second:** Ms. Towle **Vote:** Unanimous

III. New Business

- **(ZO2013-00016)** True Tool Innovations, Claremont, NH - The applicant is seeking a Variance for light industrial in an R2 zone, Section 22-226. Property Location: 75 Winter Street, Tax Map 108, Lot 103, Zoning District R-2.

The applicant is seeking a variance from Section 22-226, Permitted Uses in the R-2 Zoning District, to allow a light industrial use.

The subject property is the former New Hampshire National Guard Armory building. This property, given its history, has contained grandfathered, non-conforming uses to the surrounding zoning districts. The applicant plans to purchase the property from the City after acquiring municipal approvals for the proposed use, which include this variance request and Site Plan Review by the Claremont Planning Board.

True Tool Innovations plans to relocate its operations to this property, which consists of small tool bit machining for precision drill and medical tool bits within Computer Numerical Control (CNC) machine. The manufacturing process, products produced, intensity of the use of the site, and type of waste generated by the operation makes this proposed use as light industrial in nature.

Mr. McKahan, the applicant, was present to discuss the application. He stated that his business is currently located in Croydon, NH and that he is seeking a larger property in order to expand his business. Mr. McKahan stated that True Tool Innovations is a high tech industry that uses CNC machines and synthetic materials to manufacture medical equipment. He also stated that he would

like to eventually add another position to his business and he feels his business would be an asset to Claremont's local economy.

Mr. Hurd asked if there would be any outside storage.

Mr. McKahan stated that there would not be any outside storage. He stated that waste materials from carbides are collected into a slug bag and then emptied into a drum within the facility. When the drum is approximately half full, it is emptied offsite.

Mr. Hanson asked if there would be three operating shifts.

Mr. McKahan stated that at the current time there would be only two shifts, however he does hope to expand to three shifts in the future.

Ms. Towle asked about the decibel level of noise produced by the machinery.

Mr. McKahan stated that the machines are relatively quiet and approximates the decimal level at 12-13 decibels. He also stated that his employees are not required to wear hearing protection and that the noise cannot be heard from outside the building.

Ms. Towle asked about what kinds of tools True Tools Innovations manufacture.

Mr. McKahan stated that his company mostly manufactures small orthopedic tools.

Mr. Rock asked if there would be trucks entering in and out of the property if the business expands to three shifts.

Mr. McKahan stated that he will be using standard UPS mailing services and have approximately 8-9 truckloads of material per year.

Mr. Hurd asked if there would be an increase in water use.

Mr. McKahan stated that other than regular human use, the machines require approximately 60 gallons of water for cleaning every 2-3 months.

Open Public Hearing-

No Abutters Present

Thomas Dombroski was present to speak in favor of approving True Tool Innovations application.

Close Public Hearing

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 all necessary criteria are met.

Variance To review a 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?
Yes, it would be an asset to the city's local economy and the building is setup to allow for light manufacturing.
- 2) Would granting the Variance be consistent to the spirit of the ordinance?
Yes, the property already borders other zones that would allow the business.
- 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?)
Yes, it is a reasonable use for the property and will not increase traffic.
- 4) Does the proposed use maintain the value of surrounding properties?
Yes, surrounding property values will not be negatively affected.
- 5) Would denial of the variance by literal enforcement of the ordinance result in unnecessary hardship to the owner under either condition below?
Yes, this building would remain empty otherwise.

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 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?

Motion: to APPROVE the application for a Variance for light industrial in an R2 zone, Section 22-226 with the following conditions: (1) The applicant shall obtain and receive all necessary permits and approvals as determined by the Local, State and Federal governments, (2) This Variance shall be recorded in the chain of title, (3) Conveyance of the property to True Tool Real Estate, LLC, (4) Compliance with the site plan as may be approved by the Claremont Planning Board.

Made By: Mr. Russel

Second: Mr. Rock

Vote: Unanimous

- **(ZO2013-00017)** Diana Gauthier, Claremont, NH - The applicant is seeking Variances from Sections 22-189 & 22-112 to construct a 66 square-foot addition to a residence. Property Location: 198 Bible Hill Road, Tax Map 166, Lot 41, Zoning District RR-2

The applicant is seeking a variance from Section 22-112, Setbacks for Nonconformances, to allow construction of a 66 square-foot residential addition within 15 feet of the property line and 35 feet of the adjacent road centerline.

The applicant is seeking a variance from Section 22-189, RR-2 Yard Requirements, to allow construction of a 66 square-foot residential addition within 50 feet of the public right-of-way.

Ms. Gauthier, the applicant, was present to discuss the applications.

Mr. Russel asked if the proposed addition will impede on the road any more than other parts of the existing house.

Mr. McCrory stated that there are other parts of the original house that are more non-compliant than the proposed addition.

Mr. Russel asked if the addition could go anywhere else on the house.

Mr. McCrory stated that it could not because of the septic and well.

Ms. Gauthier stated that she no longer wants her laundry facilities in her kitchen and would like to build the addition to serve a place for her laundry and a mudroom.

Mr. Hanson asked if there would still be a form of egress with the addition.

Ms. Gauthier stated that the addition would serve as the front entrance and would have a door.

Open Public Hearing-

No Abutters Present

Close Public Hearing

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 all necessary criteria are met.

Variance To review a 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?
Yes, other parts of the house impede on the road more than the addition
 - 2) Would granting the Variance be consistent to the spirit of the ordinance?
Yes, the addition would add to the function of the house
 - 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?)
Yes, there is no other place the addition could be placed
 - 4) Does the proposed use maintain the value of surrounding properties?
Yes, the addition would only add to property values
 - 5) Would denial of the variance by literal enforcement of the ordinance result in unnecessary hardship to the owner under either condition below?
Yes, the proposed use is reasonable and does not impede any more than other parts of the original house.
- 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 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?

Motion: to APPROVE the application for a Variance from Section 22-112 to construct a 66 square-foot addition to a residence with the following conditions: (1) The applicant shall obtain and receive all necessary permits and approvals as determined by the Local, State and Federal governments, (2) This Variance shall be recorded in the chain of title.

Made By: Mr. Hurd

Second: Mr. Russel

Vote: Unanimous

Motion: to APPROVE the application for a Variance from Section 22-189 to construct a 66 square-foot addition to a residence with the following conditions: (1) The applicant shall obtain and receive all necessary permits and approvals as determined by the Local, State and Federal governments, (2) This Variance shall be recorded in the chain of title.

Made By: Mr. Russel

Second: Mr. Hanson

Vote: Unanimous

- **(ZO2013-00018)** Brendan and Jennifer Armstrong, Claremont, NH – The applicant is seeking a Special Exception for a Home Occupation per section 22-207. Property Location: 8 Westside Ave. Tax Map 106, Lot 28, Zoning District R-1.

The applicant is seeking a special exception in accordance with Section 22-207, Special Exceptions, to allow for the establishment of a home occupation on the property.

The applicant proposes an embroidery business inside the home with principal visits to the residence by delivery vehicles. Customer interactions and transactions will be principally by telephone and internet-based.

Mr. Armstrong, the applicant, was present to discuss the application. He stated that he would like to run an embroidery business from home in a spare bedroom. The proposed home occupation would take up 15% of the total square feet of the house. Mr. Armstrong also stated that there would be no work outside of the house, no increase in traffic, and no noise could be heard from outside the house.

Mr. Hanson asked if the applicant's driveway would be made available for UPS deliveries because otherwise vehicles would be using the neighbor's driveway to turn around on the dead end street.

Mr. Armstrong stated that he would ensure his own driveway was available for UPS to turn around.

Mr. Russel stated that typically applicants provide a map of the house with the proposed space for the home occupation labeled.

Mr. Hanson asked if there was means of egress in the spare bedroom.

Mr. Armstrong stated that the spare bedroom is on the first floor and has two windows for egress. He also stated that the embroidery machine uses a standard voltage outlet and would be placed up against the wall allowing easy access out of the room.

Mr. Russel asked if there would be any signs outside of the house.

Mr. Armstrong stated that there would be no signs outside of the house and that there would be no customers coming to the house. All products would be shipped.

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. The specific site is an appropriate location for such a use;
Yes, the home occupation will be 15% of the total square feet of the house.
2. Property values in the district will not be reduced by such a use;
Yes, property values will not be affected.
3. No nuisance or unreasonable hazard shall result;
Yes, no noise can be heard from outside the property.
4. No adverse traffic impact will result from such a use;
Yes, the applicant's driveway will be made available for mail deliveries.
5. Adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use, including water, sewer and parking;
Yes, no customers will be coming to the property for transactions.
6. No adverse impact on the view, light and air of any abutter will result;
Yes, there will be no impact on the view, light and air of any abutter.
7. The 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.
Yes, it will not affect the anticipated property tax revenue.
8. Such a use would not be detrimental to the public health, safety and general welfare.
Yes, there is proper means of egress.
9. Such a use would be in harmony with the general purpose and intent of the zoning ordinance
Yes, the proposed use fits the definition of home occupation.

Motion: to APPROVE the application for Special Exception for a Home Occupation per section 22-207 with the following conditions: (1) The applicant shall obtain and receive all necessary permits and approvals as determined by the Local, State and Federal governments, (2) Ongoing operations of this home occupation shall abide by "Home Occupation" in Section 22-1 of the City Code (3) The special exception approval is limited to the Home Occupation activity requested by the applicant (4) The driveway will be made available for deliveries.

Made By: Mr. Hanson

Second: Ms. Towle

Vote: Unanimous

V. Correspondence

VI. Other

VII. Adjournment

Motion: to adjourn

Made By: Mr. Russel

Second: Mr. Hanson

Vote: Unanimous

Meeting adjourned at 7:57 PM

Respectfully Submitted by, Danielle Coolidge