



**ZONING BOARD OF ADJUSTMENT
Public Hearing**

Monday, December 1, 2014
City Hall, Council Chambers at 7:00 PM

**MINUTES
Approved 1/5/2015**

I. Roll Call

Present: Michael Hurd, Jim Hanson, Richard Collins, Todd Russel, Daniel Worcester

Absent: Caroline Towle, Dave Nichols, Amy Richardson

City Staff: Michael McCrory, Interim City Planner, Jane Taylor, City Solicitor

Mr. Hurd asked Mr. Worcester to sit in for Mr. Nichols for this meeting.

II. Review Public Meeting Minutes from:

- November 3, 2014

Motion: To accept the minutes of November 3rd

Made by: Mr. Russel **Second:** Mr. Collins **Vote:** All in favor

III. Old Business

There was no old business.

IV. New Business

- ***(ZO 2014-00013) ML Limoges, 296 Elm Street** – for a variance from Sections 22-387 of the City Zoning Ordinance for installation of 2nd 30,000-gal LP bulk storage tank at **286 Main Street**. Tax Map: 107, Lot: 125. Zoning District: CB-2.

Mr. McCrory called the abutters roll. No abutters were present.

Mr. McCrory stated that this property has been used for fuel storage for decades. Recent zoning changes have rendered this use nonconforming. Adding a second storage tank is considered a substantial expansion of the use, thus requiring a variance. The application states that the second tank will not cause any increase in activity on the site. The application has received site plan approval from the Planning Board, which was conditioned upon receipt of the variance. The plan shows that the tank will be less than 50 feet from the property line, which will require a variance of the fire protection code from the State Fire Marshall.

The Board was given the opportunity to question the applicant. Mr. Limoges said the second tank would not be very visible from the street.

Mr. Hurd closed the public hearing.

The Board discussed the application.

Motion: To grant a variance from section 22-387 to expand the nonconforming bulk storage units at 286 Main Street, map 107, lot 125 with the addition of one 30,000-gal liquefied petroleum gas (LPG) storage tank with the conditions that:

1. The applicant shall obtain a variance from the New Hampshire Fire Code.

2. The applicant shall obtain and receive all other necessary permits and approvals as determined by the Local, State and Federal governments.
3. This variance shall be recorded in the chain of title.

Made by: Mr. Russel **Second:** Mr. Hanson

Discussion:

Board members made the following findings:

The proposal will not affect neighboring properties because the change is minimal.

There are no abutters present to object.

The proposed location is the best possible location for the site.

The proposed location for the tank meets zoning setback requirements.

Moving the tank to another location would cause unnecessary hardship.

The tank will be partially hidden by other buildings on the property.

It is in the public interest for the applicant to have sufficient volume of product on the property.

The proposed expansion of the use is reasonable.

The application is consistent with the spirit of the ordinance.

The State Fire Marshall will determine if there is any threat to public safety.

Vote: Unanimous in favor

- ***(ZO 2014-00014) Lingling Horton, 264 Chestnut Street** – application for a special exception under Sect. 22-207 of the City Zoning Ordinance to allow the addition of a Home Occupation to the duplex at **264 Chestnut Street**. Tax Map: 145; Lot: 15-2. Zoning District: R-1

Mr. Russel recused himself from this review.

Mr. McCrory called the abutters roll.

Mr. Hurd explained to the applicant the consequences of having a 4-member board hear her application and offered her the opportunity to have the hearing continued until a full board could be present. The applicant chose to wait until the next meeting.

Motion: To continue this application to January 5, 2015.

Made by: Mr. Hurd **Second:** Mr. Collins **Vote:** Unanimous in favor

V. Correspondence

VI. Other

VII. Adjournment

Motion: To adjourn the meeting

Made by: Mr. Hanson **Second:** Mr. Hurd **Vote:** Unanimous in favor

The meeting adjourned at 7:30 PM.

Respectfully submitted,
deForest Bearse
Resource Coordinator