



**ZONING BOARD OF ADJUSTMENT  
MEETING**

Monday, March 6, 2017, 7:00 PM  
City Hall Council Chambers

**MINUTES  
Approved 4/3/2017**

Mr. Hurd called the meeting to order at 7:00 PM and asked for a roll call

**I. Attendance/Roll Call**

**Present & Participating:** Richard Collins, Michael Hurd, Carolyn Towle, Abigail Carman, Tracy Pope, Patrick Howe

**Absent:** James Petrin

**City Staff:** Jane Taylor, City Solicitor

**II. Minutes of Previous Meeting – February 6, 2017**

Mr. had a question about this exchange in the minutes:

*Mr. Hurd and Mrs. Pope both gave hypothetical examples of tradesmen who have a business with all of their tools contained within a van or truck that is parked at the home at the end of each workday. They each felt that this would not be a home occupation. Ms. Taylor disagreed.*

He asked if Ms. Taylor had disagreed. Ms. Taylor said yes, that she had disagreed, but she would look back at the video to see if she had elaborated. It was agreed to postpone approval of these minutes until Ms. Taylor's statement can be confirmed.

**Motion:** To postpone approval of the minutes till the next meeting.

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

**Vote:** Unanimous in favor

**III. Old Business**

There was no old business to discuss.

**IV. New Business**

**A. ZO 2017-00003 Scott and Beth LaCaillade, 83 Case Hill Road:** Applicants are seeking a variance from Section 22-166, Permitted Uses in the Rural Residential Zoning District, of the City Ordinance to permit a commercial use on a residential property that exceeds the standards of a home occupation. Tax map 159, lot 55. Zoning District: RR

Mr. Hurd said that Mr. Lacaillade's company had done some work for him on a project that was donated to the City of Claremont. He wanted to be certain that no one would have a problem with it. No one had a problem with it.

Mrs. Towle said she is a neighbor to the applicant and asked to step down.

Mr. Hurd appointed Mrs. Pope to sit in for Mrs. Towle. He appointed Mr. Howe to sit in for Mr. Petrin.

Mr. Hurd read the public hearing notice and asked for the abutters roll call.

### **Planner's Report**

(Ms. Taylor was standing in for Mr. McCrory.)

Ms. Taylor said that Mr. McCrory had met with the applicants and had determined that the Lacaillade business was not a home occupation. Therefore, for a commercial use to exist on this property it would need a variance. There are more employees than would be allowed for a home occupation. The applicants want to maintain their residence as the primary use, so the business would be an accessory-type of use.

Ms. Taylor said staff had discussed requiring a vegetative screening to preserve the sense of the neighborhood, but this was not included in the proposed conditions in Mr. McCrory's staff report. She said this case was not something that would go to the Planning Board for site plan approval, so this gives the Board a bit more leeway to add conditions it may feel are appropriate. The Board noted that this was discussed in the text of the report.

Mrs. Pope asked if the Board could specify the type of trees to be used in the vegetated screen. Ms. Taylor said yes, but it would not be appropriate to require specific species.

Ms. Carman said that in a document that was transmitted via email from December 2016 they listed an application for a variance that would seek permission from the zoning board to permit a contractor's yard *as a second principal use on the property*. She said the words "*second principal use*" are not used on any of the documentation that was sent to the Board. Ms. Taylor said that was something she could not expressly answer as to why Mr. McCrory determined it would be an *accessory* use, but it is pretty clear from his staff report.

Mr. Hurd said the difficulty is that the ordinance doesn't make provision for anything other than a home occupation which may not cover the various types of businesses that residents may have. Ms. Taylor said there are more of these types of businesses occurring in the rural areas. She said Mr. McCrory is researching the idea of adding a definition for these types of "ancillary commercial uses" – they are more than a home occupation, but less than a full-blown commercial site. It was agreed that this would be very helpful.

There were no further questions for Ms. Taylor.

### **Applicant's Presentation**

Mr. Lacaillade said he had received a notice a week ago. Since then he has removed the heavy equipment from his property and is now storing it elsewhere.

Mrs. Lacaillade said that clients do not come to their property. All of the masonry work is done on the job site. Occasionally an employee will come to their property to pick up their paycheck., but as a rule there is not a lot of traffic to and from the property.

The heavy equipment is being stored at Dexter's. The smaller equipment and pallets will continue to be stored on their property. Pallets are temporarily stored on the property until they are returned to the supplier.

There are currently a number of pallets of stone on the property. These are slated for a stone wall for their personal property.

Mr. Lacaillade said they have received compliments on the garage and other improvements they've made.

Mrs. Lacaillade said they are trying to make improvements to their property to make it look nice, but that it takes time because they have a business to run.

She said she didn't know there were going to be any issues. She said they started in 2009 with Mr. Lacaillade and a couple of employees. She said it's not going to get any bigger or have anything more come in or build anything. They obtained a permit for the garage and just planned on using the garage. Now there are some things from the business alongside the garage.

Mr. Lacaillade said the lawn had been previously leveled for a volleyball net, but it is now fully grassed in. Mrs. Lacaillade said they plan on planting hedges next.

Mrs. Lacaillade said she takes care of the books for the business. She said the business is not big enough for them to afford to rent a commercial space. She said there are 7-8 employees who, for the most part, do not come to the property. Occasionally an employee will park their car on the property when they need to bring a pick-up truck to a job site. Mr. Lacaillade said he still has his plow truck on the property, but all the other trucks are off-site. The plow truck is used for plowing their own yard. He also stores a snowmobile trailer behind the garage.

Ms. Carman asked about the pallets. Mrs. Lacaillade said there may be up to thirty pallets stacked at a time and they may stay on the property temporarily. (This doesn't include the pallets of stone for their personal stone wall.) Ms. Carman asked if the pallets can be transported in their own personal vehicle or if a large truck was necessary. (Unable to hear answer.) Mr. Lacaillade offered to find a place to store the pallets on his property that is not visible to the neighbors.

Mrs. Lacaillade said they were glad to work with whatever concerns there are. She said they didn't know about any concerns until they received the call from the City.

Mr. Howe asked about the nature of their work, for example concrete forms. They said they do not have concrete forms – they only do flat concrete work. They have four

mixers and a job trailer on the property. Mrs. Lacaillade said that typically the job trailer is on site and not at their residence. She said most of the equipment is in the garage. The mixers are stored outside next to the trailer.

The Board had no further questions for the Lacaillades.

### **Public Hearing**

Brenda Ranney, 99 Case Hill Road, said she opposed the application. She said she herself has a big garage and stores everything in it, not all over her property. She bought her property in 1998 because it was a rural residential neighborhood. She said Mr. Lacaillade had told her everything would be in the garage they were building because they didn't want kids to steal anything. She said it is an eyesore to her every time she drives by because everything is out on the property - lots of cars and pallets. She said it looks like a junkyard and it is getting harder and harder for her to enjoy her property because of it. She said she thought it was going to get worse. She said in her opinion the number of things on the property has grown over time. She said it is a commercial use and should be somewhere else. She didn't think an evergreen screen would make it any better. The garage should have been built big enough to hold everything. Noise is not an issue – just appearance. She was not aware that anything had been moved from the property.

Carolyn Towle said she, too, is a neighbor, and she, too, drives by the property multiple times a day. She said right now the property looks aesthetically terrible and needs to be cleaned up. She said it is being used as a commercial property. She said, "I think that's the focus here, including things that are permanent. Whatever the storage unit behind the garage is, it's a permanent structure. I don't know what it's used for, it hasn't moved, it's behind the garage and it's there. There are several other items there that haven't moved that are still there. There's piles of rock, there's pallets. I hear beeping with trucks going in. There's usually one or two cars parked in that driveway during the day. They do disappear in the late afternoon. But, the focus is the commercial property and you have to think about where we are." She said she would like to know more about the application that was originally obtained for the garage, even though that is "over and done with at this point".

Mrs. Pope asked, when they sought the building permit for the big garage, did they tell "them" that it was going to be to store equipment for the business or did you just say it was a garage? Mrs. Lacaillade said, "Ya, we have a small business, so we said we needed to build a shop. It wasn't an issue when we built it." She said they have grown some, because of the nature of the business. Mrs. Pope said she was puzzled why, if they had told them when they applied for the permit for the garage for their business, why this hadn't come to light back when they were building it. Mrs. Lacaillade said she didn't remember the wording. She said she wasn't sure why it didn't come to light then. She said they weren't trying to hide anything. She said they sought a driveway permit for the new driveway. They didn't know they were doing anything wrong.

**Motion:** To continue this application to next month and between now and next month have a site visit so we can go out to the property and see for ourselves.

**Made by:** Mrs. Pope      **Second:** Ms. Carman

**Vote:** Unanimous in favor

The Board asked Ms. Taylor to look at the building permit that was issued for the garage.

**V. Communications**

There were no communications.

**VI. Other Business**

There was no other business.

**VII. Adjournment**

**Motion:** To adjourn the meeting.

**Made by:** Mrs. Pope      **Second:** Ms. Carman

**Vote:** unanimous in favor

The meeting adjourned at 7:40 PM.

**Respectfully submitted,**

*deForest Bearse*