



Zoning Board of Adjustment Meeting
Monday, April 1, 2019 7:00 PM
City Hall Council Chambers

MINUTES
Approved 5/6/2019

Mrs. Kier called the meeting to order at 7:00 PM and asked for a roll call. (Mr. Hurd arrived during roll call.)

I. Attendance/Roll Call

Present & Participating: Richard Collins, Michael Hurd, Carolyn Towle, Abigail Kier

Absent: Tracy Pope, Patrick Howe, James Petrin

City Staff: D. Scott Osgood

II. Minutes of Previous Meeting – March 4, 2019

Mr. Hurd asked if the motion corrections should be done when reviewing the minutes or if they should be done under Old Business. He said they couldn't accept the minutes because the minutes are incorrect and there weren't enough members at this meeting that had been at that meeting.

Mr. Osgood stated that the minutes were correct and that the motions were not correctly made at the meeting of 3/4/2019.

Approval of the March 4th minutes was tabled to the next meeting.

III. Old Business

A. ZO 2019-00002 Mark Limoges, 296 Elm St – New motion to approve this application for a garage at 19 Royce Street– needed to correct the previous motion made on 2/4/2019.

Motion: Approve the Application for a Variance from Section 22-389, Setbacks, in the CR2 Zoning District, to permit construction of a 2-car garage within 5 feet of both rear property lines at 19 Royce Street (Tax Map 107, Lot 195) 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: Mrs. Kier **Second:** Mrs. Towle

Vote: Unanimous in favor

B. ZO 2019-00003 Michael Lemieux, 519 Jarvis Hill Rd – New motion to approve this application for a storage facility on Plains Road – needed to correct the previous motion made on 2/4/2019.

Motion: Approve the Application for a Variance from Section 22-320, Setbacks, in the I-1 Zoning District, to permit construction of five self-storage units within 40 feet of the front property line on the Industrial Boulevard side of the property on Plains Road (Tax Map 117, Lot 003) 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: Mrs. Kier **Second:** Mrs. Towle

Vote: Unanimous in favor

IV. New Business

A. ZO 2019-00005 Michael Lemieux, 519 Jarvis Hill Rd – Application for a dimensional variance to construct a 24-ft. x 160 ft., 10-unit storage facility within the side setback on the lot at **8 Park Avenue**. Tax Map 131, Lot 89. Zoning District: CB-2

Mr. Hurd read the public notice and asked for an abutters' roll call. He appointed Mrs. Towle to sit in for Mr. Petrin. Mr. Osgood read the abutters' roll.

Mr. Osgood said that Mr. Lemieux is asking to place a building on the north side of the lot at 10 feet from the property line. Fifteen feet is required. The house that is currently on the lot will be torn down. The plan shows that two-thirds of the house is in the I-2 zone; the remaining third is in R-1. Mr. Osgood said the businesses are in the CB-2 zone; the houses are in the R-1 zone. Mr. Hurd estimated that the zone line is approximately 20 feet from the property line. Mr. Lemieux said the new building would be eight feet from the property line.

Mr. Osgood said that one abutter came to his office to see the application. She did not attend the hearing.

Mr. Hurd closed the public hearing.

Motion: Approve the Application for a Variance from Section 22-389, "Setbacks", in the CB2 Zoning District, to permit construction of a 24-ft. x 160 ft., 10-unit self-storage facility within 8 feet of the westerly side property line at 8 Park Avenue (Tax Map 131, Lot 89) with the following conditions:

1. The project shall be completed as presented in application #ZB 2019-00005 and as presented to the Zoning Board at the public hearing on 4/1/2019.
2. An approved special use permit from the Planning Board is required as per Section 22-387.17.
3. An approved site plan is required before the storage facility can be opened for business.
4. The applicant shall obtain and receive all necessary permits and approvals as determined by the Local, State and Federal governments.
5. This Variance shall be recorded in the chain of title.

Made by: Mrs. Kier **Second:** Mr. Collins

Discussion: Mrs. Kier said it wouldn't be contrary to public interest because the new building will be staying within the same footprint. There won't be substantial change in the setback of the existing building. Mr. Hurd said the new building won't be a burden on City services as it won't

require water or sewer service. The new building will not pose the same fire risk as the existing house. The new building will be up to current building codes. Mrs. Kier said it won't diminish property values. Mr. Hurd said it's a feasible use for "our past allowances of cross-zoning – being in two zones." It's a reasonable use for the setting. It will increase the property values.

Vote: Unanimous in favor

B. ZO 2019-00006 Michael & Elizabeth Lemieux, 519 Jarvis Hill Rd – Application for a use variance to establish an event venue at **519 Jarvis Hill Road**. Tax Map 128, Lot 1. Zoning District: R1.

Mr. Hurd read the public notice and asked for an abutters' roll call. Mr. Osgood read the roll.

The board spent several minutes getting oriented on a plan provided by the applicant.

Mr. Osgood noted that the property is located in three different zoning districts.

Mr. Hurd asked if the barn would be used. Mr. Lemieux said he wasn't planning on it at this time. They used to have an ice cream stand on this property, but that use was discontinued a few years ago. He was only seeking a variance to use the land. Mr. Osgood said Mr. Lemieux needed to explain the scope of the proposal and describe what kind of impact it would have. He said Mr. Lemieux needed to introduce the neighborhood, introduce what kind of impact it will have, and what kind of benefit it would have. Delving into temporary vs permanent buildings, water, etc. will be done during site plan review. The use itself is what the board should be concerned with.

Mr. Lemieux said one of his daughters would like to use the property for weddings, anniversaries, etc. He said it is a large property that lends itself well to that. He said there is nothing like it (outdoor event venue) in the area. It would create business for other businesses like catering, lodging and shopping. He said he would like it to start off slowly and see where it goes. He said his daughter doesn't anticipate any events for this year as weddings are usually planned a year or more in advance. She is looking for approval so she can get started on it with landscaping and such.

Submitted with the application were letters of approval from neighbors and abutters, all of whom had no objection to the proposal. Mr. Lemieux said his daughter went around to the neighbors getting the signatures.

Mrs. Towle asked what other types of events might be held there. Mr. Lemieux said basically any type of event that could be held outside under a tent. He said he has had numerous weddings there already and Canam has had their company picnics there a few times.

Mr. Hurd asked, since the tent locations are in the R-1 portion of the property and Mr. Lemieux's house is located in the AR portion of the lot, shouldn't the board use the AR standards instead of the R-1 standards. Mr. Osgood said the AR zone allows outdoor activities far more than the residential zones. Mr. Hurd said, "Reading the R1 district, the 75-ft stuff is right there." He said he assumed the AR zone shares the same principal. The majority of the property is in the AR zone.

There were no further questions for Mr. Lemieux. No one from the audience wished to speak. Mr. Hurd closed the public hearing.

Mr. Hurd called for a motion.

Motion: Approve the Application for a Variance from Section 22-206 to permit operation of a Wedding/event venue at 519 Jarvis Hill Road (Tax Map 128, Lot 1) in the R-1, RR-2, and AR districts with the recommended conditions of approval:

Recommended Conditions of Approval

1. The project shall be completed as presented in application #ZB 2019-00006 and as presented to the Zoning Board at the public hearing on 4/1/2019.
2. An approved site plan from the Planning Board is required before opening the venue for business.
3. The applicant shall obtain and receive all necessary permits and approvals as determined by the Local, State and Federal governments.
4. This Variance shall be recorded in the chain of title.

Made by: Mrs. Kier **Second:** Mrs. Towle

Discussion:

Mr. Hurd said, “With the size of the lot and the majority, the large amount being that this would be permitted, I think we would be doing him unfair justice by not allowing him something of this to happen. I think it’s a reasonable use. He’s not downtown Claremont. He has an ideal location for something of this nature and the potential for it to grow into something that the community does need ...”

Mrs. Kier said it would helpful for the public interest because it would be a business and bring people to Claremont who might not otherwise be here using our resources.”

Mr. Hurd said, “You’re very limited to a venue in this area – I’m going to vouch for that because if you’re looking for something, there’s nothing that fits all the criteria. You either have a hall with a kitchen or a venue that’s too small.” He said others have expressed interest in doing something similar, but they have not come to pass.

Mrs. Towle said it is supported by the neighborhood.

Mr. Hurd said Mr. Lemieux is not building a 10-story hotel.

Mrs. Kier said there weren’t any permanent structures so it’s not diminishing any property values. Mrs. Towle said the barn might be restored if the operation were successful.

Vote: Unanimous in favor

Mr. Lemieux said he would like to rescind his previous application for a storage facility on Park Ave.

Motion: So moved

Made by: Mrs. Towle **Second:**
Vote: Unanimous in favor

C. ZO 2019-00007 Nicole Neal, Derry NH – Application for a use variance to convert a single-family home to an assisted living facility serving up to 8 residents at 15 Skinner Street. Tax Map 107, Lot 161. Zoning District: CB-2

Mr. Hurd read the public notice and asked for an abutters' roll call. Mr. Osgood read the abutters' roll. There were abutters present.

Mr. Osgood said the applicant had come to the department about a month ago looking for a beneficial use of this property. After discussions, Ms. Neal agreed to move forward with plans for an 8-unit assisted living facility. He said this use "comes very close" to an allowed use in the district, but it is not specifically allowed. That's why she is before the board.

Mr. Hurd said his not knowing the footprint of the home was a concern of his – what it is, how it's going to be changed. He asked if the applicant had anything that would help, which she did.

Motion: To accept the new material
Made by: Mrs. Kier **Second:** Mrs. Towle
Vote: All were in favor

Mr. Hurd asked Ms. Neal if she had a point at which residents would transition from manageability to not being manageable. He asked if there was a back-up place for them to go. Ms. Neal said there is a skilled nursing facility within 1.1 miles of this location with which she would have a relationship.

Mrs. Towle asked for Ms. Neal's "back history" and what she felt "this particular application is for, for you". She asked, "How did you get to this point and what are you hoping for this application?" Ms. Neal said she has been in healthcare for many years. She is currently a nursing home administrator, working for the same company for 19 years, serving the elderly. It has always been a passion of hers. Her desire is to create a "home feeling" for people who can no longer be at home. She said there aren't a lot of assisted living facilities available in larger communities. She said her own mother is at this stage now.

Mr. Hurd agreed there is nothing in this area that is affordable, like the Wahrlichs and other families that used to do this. He said he had recently faced this need in his own family and the options are limited.

Mr. Hurd asked if there was a major time constraint on this application or whether there was time to hear from the abutters and perhaps have a site visit.

Chad Finnell, Ms. Neal's contractor, said the exterior of the building won't change. They will be adding parking on the lot. Some of the yard will be fenced. It will be nicely landscaped. Both floors inside the building will be fully renovated to accommodate the residents.

Mr. Rzczycki said his only concern is traffic. It's a quiet street with a handful of houses on it. He lives right across the street from the project. Mr. Hurd assured him the board would take his concern into consideration.

Nicole Frysinger said she shared the concern about traffic. It is a dead-end road that is very narrow. She is also concerned about being able to get into her driveway when ambulances and fire trucks are called. She believes there will be a lot of people coming and going. There are children in the neighborhood. She wants to be sure her property value won't change. She works in healthcare and welcomes the proposed use into the community, but wants to be sure she can get in and out of her property as needed. Ms. Frysinger also lives across the street from the project site.

Mr. Hurd asked Ms. Neal if she would be willing to ensure that all vehicles will be able to park off-street on the lot. She agreed.

Mr. Hurd asked how many employees would there be. Ms. Neal said during the day there might be up to 5, with fewer in the evening. She said calls to 911 would be rare. Residents might have cars of their own, although she didn't foresee that happening. The building will be secured with coded entry/exit. The windows will have guards on them.

People from the audience were asking questions of Ms. Neal, when Mrs. Towle called for a point of order and directed participants to come to the microphone to ask their questions.

Mr. Hurd called for a motion to continue the hearing to do a site visit.

Motion: To continue this hearing to the May 6th Zoning Board meeting with the understanding that we will do a site visit before or on that date.

Made by: Mrs. Kier **Second:** Mrs. Towle

Vote: Unanimous in favor

V. Communications

VI. Other Business

Mr. Osgood said he and deForest would like to change the application submission dates on the annual meeting schedule. We would like the application deadline pushed back by one week. Mr. Hurd asked to be assured that such a change will not affect statutory timelines that could cause the need for special meetings. No vote was held.

VII. Adjournment

Motion: To adjourn the meeting

Made by: Mrs. Towle **Second:** Mr. Collins

Vote: Unanimous in favor

The meeting adjourned at 8:17 PM.

Respectfully submitted,

deForest Bearse