



**Zoning Board of Adjustment Meeting**  
Monday, April 7, 2014 at 7:00 p.m.  
City Hall Council Chambers

**MINUTES**  
**Approved 5/5/2014**

Chairman Hurd called the meeting to order at 7:00 PM. Chairman Hurd appointed Mr. Worcester to sit in for Ms. Towle. Chairman Hurd explained to the applicant that there were only four members present and asked if the applicant wished to continue his hearing until a full board was present, or proceed with the members present this evening.

**I. Roll Call**

**Present:** Michael Hurd (Chair), Jim Hanson (Vice Chair), Todd Russell, Daniel Worcester

**Absent:** Carolyn G. Towle

**City Staff:** Michael McCrory, Interim City Planner; deForest Bearse, Resource Coordinator

**II. Review Public Meeting Minutes from December 2, 2013**

**Motion:** to accept minutes from December 2, 2013

**Made By:** Mr. Worcester

**Seconded by:** Todd Russell

**Vote:** Unanimous

**III. Old Business**

There was no old business to discuss.

**IV. New Business**

- **(ZO2014-00001) Gustavo Moral, Manchester, NH** - The applicant is seeking a Variance for a general office use. **Property Location:** 55 Tyler St, **Tax Map** 119, **Lot** 155, **Zoning District** CR-2.
- **Abutter's Roll Call**

Chairman Hurd called for an abutter's roll call. Present in the audience were Anthony and Patricia Daniels aka Mulberry Park LLC.

**Project Description from Mr. Michael McCrory, Interim City Planner:**

Mr. McCrory stated that the city had adopted zoning changes and a new map (approximately one year ago) that changed the array of allowed uses in the district in which the applicant's property is located, making the medical office use in existence at 55 Tyler Street a nonconforming use. A general office use is not allowed there either. Therefore this application is being reviewed as changing from one nonconforming use to another nonconforming use and there are four criteria under the zoning ordinance that the Board must address in their review. Address the difference between the existing and proposed uses; the nature of the proposed activity and whether it will be injurious in any way in the neighborhood; the intensity of the proposed activity; the demands of the proposed use on city facilities.

### **Applicant Gustavo Moral presented his case:**

- The office would be occupied from 9AM – 5PM.
- The occupancy of the space would be limited to a small number of people.
- The use of the parking lot will be minimal.
- He does not see that the traffic to/from this building will not add to traffic congestion in the neighborhood.
- It will be a professional office; specifically the space will be rented to an agency that serves people with disabilities. It will serve as a corporate facility for that company. The services are not provided there, onsite. The space would only be used for offices.
- There will be no requirement for deliveries or pick-ups.
- The company that will be the tenant has been in business in New Hampshire for about 25 years and in the area for about 12 years. There have not been any issues in any of the places that the company has located.
- The company is regulated by the Department of Health and Human Services, the Bureau of Developmental Services, and the Division of Children, Youth and Families.
- Proposed improvements will be limited to the inside of the building.
- The bushes that are close to the building will be removed. Damages will be repaired. They will put up a fence near the brook that is behind the property.
- There is an existing exterior light. They will install a security system.
- Any building code issues relative to safety will be addressed.
- No money is kept on the property.

### **Questions from the Zoning Board to Mr. Kevin Bonneau:**

- Chairman Hurd expressed concern about the parking lot, specifically whether spaces would be delineated or not. The applicant stated that the intention is to delineate the parking spaces with paint.
- Mr. Russel expressed concerns about whether there would be sufficient parking for the proposed use. Mr. McCrory stated that the parking standards are based on the square footage of the building and that this parking area complies with the standards for this building.
- Chairman Hurd asked about the impact on city services, to which the applicant stated that they would be using significantly less water than the medical office.
- **Public Hearing Opened**
  - Chairman Hurd asked Mr. & Mrs. Daniels if they had any comments to make. Mr. Daniels said his only concern was about noise, but he was satisfied with the applicant's presentation and felt that noise would not be an issue with the proposed use. He said he was in favor of the proposal.

Chairman Hurd asked the applicant once more whether he wanted to postpone or proceed. The applicant said to proceed.

**At 7:17 PM, Chairman Hurd closed the public hearing.**

**Motion:** to grant a permit for a change of nonconforming use from a medical office to a general office at 55 Tyler Street 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 approval is limited to the proposed general office use in accordance with the operational parameters presented by the applicant. Future expansion of the approved nonconforming use shall require a permit from the Zoning Board of Adjustment and Site Plan Amendment approval from the Planning Board.

**Discussion**

1. Parking, sewer and water will not be adversely impacted.
2. There will be less traffic than the current use.
3. The proposed use will not have any greater impact on the neighborhood than the medical office.
4. The office will be in use while kids are in school, so it should not impact school-related traffic.
5. It's a good use of the building.
6. **Made by:** Mr. Russel **Second by:** Mr. Hanson **Vote:** Unanimous

**V. Correspondence**

The Board has received an invitation to the 20<sup>th</sup> annual Spring Planning & Zoning Conference.

**VI. Other**

A joint training session for the Zoning Board and Planning Board will be scheduled at a later date.

Mr. Russel asked that the Board members be emailed w eek prior to each meeting as a reminder.

**VII. Adjournment**

**Motion: to adjourn at 7:26 pm**

**Made by:** Mr. Hanson **Seconded By:** Mr. Worcester **Vote:** Unanimous

Respectfully Submitted,  
deForest Bearse