



**Zoning Board of Adjustment Meeting**  
Tuesday, January 3, 2012 at 7:00 p.m.  
City Hall, Council Chambers

**Minutes**  
**approved 2.6.2012**

**I. Roll Call**

**Present:** Tom Rock, Carolyn Towle, Mike Hurd, Todd Russel, Jim Hanson, Pierre Caouette (alt), Dan Worcester (alt)

**Absent:** Ed Friedman (alt)

**City Staff:** Tracey Thibault; City Planner; Kelly LeBlanc, Administrative Assistant

**II. Election of Officers**

**Nomination of Mike Hurd as Chair**

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

**Nomination of as Vice Chair**

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

**III. Review Public Meeting Minutes from December 5, 2011**

**Motion:** to approve meeting minutes from December 5, 2011

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

**IV. Old Business**

- **(ZO2011-0019) Nassau Broadcasting Holdings, Inc., Princeton, NJ-** The applicant is seeking a Variance from Section 22-655 to allow for the replacement of a telecommunications tower within 1500 feet of other towns and within the boundary line setback. Property Location: **153 Cat Hole Road**, Tax Map 75, Lot 1, Zoning District AR. – **COROSPONDENCE FROM APPLICANT.**

**Motion:** to continue the application for Nassau Broadcasting Holdings, to the February 6, 2012 meeting of the ZBA.

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

**V. New Business**

- **(ZO2012-0001) George J and Mary Halliday, Claremont, NH-** The applicant is seeking a variance from Section 22-169, Yards, to allow for the construction of a front entry ramp. Property Location: **66 Stewart Avenue**, Tax Map 159, Lot 43, Zoning District RR.

Ms. Thibault reported that the applicant is seeking a variance from Section 22-169, Yards, to allow for the construction of a front entry ramp. The applicant proposes a handicap accessible ramp at the single family dwelling on the property for an impaired family member. This means that there is a 50 foot setback from Stewart Avenue and the ramp will be approximately 30 feet from Stewart Avenue.

Ms. Jessica Taylor, applicant, was present to discuss the application. The ramp is temporary as it was donated and will be given to a family in need after Ms. Taylor's family member passes away.

**Open Public Hearing**

No abutters present

**Close Public Hearing**

**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, the family member would not be able to get out of the house in an emergency.**

2. Would granting the Variance be consistent to the spirit of the ordinance?

**Yes, the ramp is an addition for safety and will be removed when no longer needed.**

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, this is an addition to assist in the safety of the applicant/family member using the ramp. There is no threat to public health, safety or welfare.**

4. Does the proposed use maintain the value of surrounding properties?

**Yes, the values are maintained, and this ramp will be removed when it is no longer needed.**

**Motion:** grant a variance from section 22-169 to allow construction for a front entry ramp 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) The Variance shall only be valid as long as one or both of the current owners, George and Mary Halliday, occupy the premise and (3) This Variance shall be recorded in the chain of title.

**Made By:** Mr. Russel

**Second:** Mr. Rock

**Vote:** Unanimous

- **(ZO2012-0002) Collins Mary F Revocable Trust, Whitinsville, MA-** The applicant is seeking a variance from Section 22-266, Permitted Uses, to allow for resumption of a single family residential use. Property Location: **31 Middle Street**, Tax Map 120, Lot 109, Zoning District B-1.

Ruhama & Steven Picano, abutters, were present for this application.

The applicant is seeking a Variance from Section 22-266, the list of permitted uses to allow for the resumption of use of a structure as a single family dwelling. The use had been discontinued for a period

of time when the structure was unoccupied. Residential uses are not permitted in a B-1 district except with Special Use Permit under specific circumstances. The applicant's proposal does not meet the criteria for a Special Use Permit because the residence would occupy the entirety of the structure, including both floors.

Mr. Brian Whipple, applicant, was present to discuss the application. He explained that the house was vacant for multiple years. There have not been any locks separating the two sections of the house to signify a multi-family property. Mr. Whipple stated that a family member was looking to purchase and renovate the house as a second home.

Mr. Rock asked if there would be any exterior changes. Mr. Whipple stated there will be some cosmetic changes made. The intent was to improve the property quality.

Mr. Hurd asked about the amount of kitchens in the building. Mr. Whipple stated there are 2 bathrooms in the house and that there are 2 sinks. The sinks would be the only indication of a second kitchen. No second stove or refrigerator exists. There is one electric service for the entire house.

Mr. Caouette asked about how the post office sees the building. Mr. Whipple stated that it is addressed as 31 Middle Street. The tax card states it is a 2 family but it has not been used for this purpose and no second address exists.

Ms. Towle asked about the time frame of the purchase and renovation. Mr. Whipple stated they would plan to close on the property in a few weeks and within a few month start renovation work.

Mr. Caouette asked about the parking versus bedrooms. Ms. Thibault stated that two parking spaces are required for a single family dwelling.

Mr. Russel confirmed that the Variance will go to the Trust and then be carried on to the new owners.

### **Open Public Hearing**

Steven Picano, abutter, stated that the house has always been well cared for and that the family who has been watching the house have been good residents. He is in support of the application. Mr. Picano asked why Middle Street is in B-1 when there is no business. Mr. Hurd stated that the Master Plan designated some of the zoning. These issues are being worked on by the Claremont City Center Project.

### **Close Public Hearing**

### **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, a single family home will be a value to the neighborhood and support public interest.**

2. Would granting the Variance be consistent to the spirit of the ordinance?

**Yes, the Variance is consistent with the spirit of the ordinance.**

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, a single family home will have more of a value in the long term real estate market compared to multifamily. This is more of a clarification of paperwork. No threat to public health.**

4. Does the proposed use maintain the value of surrounding properties?

**Yes, the surrounding properties will benefit because the house will be maintained or increase in value.**

5. Would denial of the variance by literal enforcement of the ordinance result in unnecessary hardship to the owner under either condition below?

**Yes, it would be more of a hardship not having a family member living in the house. The family has also shown that they are responsible in maintaining the home regardless of occupancy.**

- 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.

**Motion:** to grant the Variance from Section 22-266, to allow the resumption of a single family residential use on the property with the conditions, (1) The applicant shall obtain and receive all necessary permits and approvals as determined by the Local, State and Federal governments and (2) This Variance shall be recorded in the chain of title.

**Made By:** Mr. Hurd

**Second:** Mr. Hanson

**Vote:** Unanimous

## **VII. Adjournment**

**Motion:** to adjourn

**Made By:** Mr. Hanson

**Second:** Mr. Rock

**Vote:** Unanimous

Meeting adjourned at 7:26 PM

Respectfully Submitted by, Kelly LeBlanc