



Zoning Board of Adjustment Meeting
Monday October 1, 2012 at 7:00 p.m.
City Hall, Council Chambers

MINUTES
Approved 11.5.12

I. Roll Call

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

Absent: Jim Hanson

City Staff: Tracey Hutton; City Planner; Kelly LeBlanc, Administrative Assistant

Mr. Caouette will sit in for Mr. Hanson.

II. Review Public Meeting Minutes from September 4, 2012

Motion: to approve minutes from September 4, 2012.

Made By: Mr. Caouette

Second: Ms. Towle

Vote: Unanimous

III. New Business

- **(ZO2012-0021) GIRARD R W/P L CO-TRUSTEES and GIRARD R W/P L REVOCABLE 2006 TRST, Claremont, NH-** The applicant is seeking a Special Exception for a Family Group Daycare Facility, Section 22-212. Property Location: **19 Nelmar Heights**, Tax Map 143, Lot 111, Zoning District R-1.

The applicant is seeking a Special Exception pursuant to 22-212, to allow for the establishment of a Family Group Day Care. This will be subject to State licensing and will have seven (7) to twelve (12) children from one (1) or more unrelated families.

This property is in a R-1 district on Nelmar Heights, a uniform residential neighborhood. The parking standards for this use would be, in the Planning and Development Department's opinion is analogous to a Home Occupations. The ordinance, in section 22-533, leaves the parking requirement for home occupations to the discretion of the Board. There are four spaces shown on the site plan and have been verified by the Planning and Development department. All state standards would need to be met including City Building codes.

Mr. Caouette asked about the amount of children currently at the day care. Ms. Brandi Girard stated there are 8 children currently and the Special Exception and state licensing would certify them for up to twelve (12) children.

Ms. Towle asked about the amount of parking for safety purposes. It was discussed that there were a minimum of 6 parking spaces in the driveway alone. Mr. Rock asked about the size of the lot. Ms Hutton reported that the lot size is .4 acres.

Open Public Hearing

No Abutters Present

Close Public Hearing

IV. Review Criteria

To approve a Special Exception the ZBA shall find favorably to the applicant on **all** the following Findings of Fact. The burden of proof is upon the applicant to demonstrate that the proposal meets the following criteria.

(1) The specific site is an appropriate location for such a use;

Yes, the daycare has been in existence and would be a continued use.

(2) Property values in the district will not be reduced by such a use;

Property values will not be affected as the daycare is already in existence.

(3) No nuisance or unreasonable hazard shall result;

There would be no nuisance as the business exists and there have been no complaints.

(4) No adverse traffic impact will result from such a use;

There would only be a few more vehicles on the road per day.

(5) Adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use, including water, sewer and parking;

The house utilizes both public water and sewer. There is ample parking on site.

(6) No adverse impact on the view, light and air of any abutter will result; and

No exterior changes proposed therefore there will be no adverse impact.

(7) The use will not place a disproportional burden on the city's operational services in comparison to the anticipated tax revenue associated with the property/use in question.

No burden of city services identified.

(8) Such a use would not be detrimental to the public health, safety and general welfare.

Traffic is minimal and the business is existing therefore there is no determined threat to public health, safety and general welfare.

(9) Such a use would be in harmony with the general purpose and intent of the zoning ordinance

The use would be in harmony with the zoning ordinance as the daycare already exists.

Motion: to approve the application for a Special Exception for a Family Group Daycare Facility, Section 22-212 with the following condition: (1) The applicant shall obtain and receive approval for all necessary permits as determined by the Local, State and Federal governments, (2) if the current applicant no longer resides in the residence then the Special Exception becomes vacated.

Made By: Mr. Russell

Second: Ms. Towle

Vote: Unanimous

IV. Adjournment

Motion: to adjourn

Made By: Ms. Towle

Second: Ms. Towle

Vote: Unanimous

Meeting adjourned at 7:15 PM
Respectfully Submitted by, Kelly LeBlanc