

ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
AUGUST 18, 1994

MEMBERS PRESENT: Dean Trefethen, Bill Colbath, Bob Callan, Rick Callaghan, David Paolini and John Murphy Jr.

ALSO PRESENT: Thomas Clark and Bruce Woodruff

Dean Trefethen, Chairman, called meeting to order.

ITEM #1: New Business

- A. Dean Trefethen read a letter from Brenda Whitmore resigning as a member of the Zoning Board of Adjustment. He also requested that the process be initiated for replacing Brenda as an alternate member. Also, to begin the process to reappoint the two (2) members whose term will be expiring in October.
- B. Dean Trefethen announced that there will be a Planning Workshop offered by the State Planning Office on October 15, 1994. Two workshops are offered - one for Planning and one for Zoning Boards. A sign-up sheet is available for anyone who would like to attend.
- C. Dean Trefethen announced that the New Hampshire Municipal Association will be having their seventh annual Municipal volunteer awards. Anyone wishing to sign someone up may do so.
- D. Dean Trefethen had a correction to the minutes of July 21, 1994 meeting. On page 3 delete the word "no" in the second sentence.
Bill Colbath made the motion to accept the minutes with the above correction.
John Murphy seconded the motion.
U/A

ITEM #2: Old Business

- A. Z 94-16, Berr Par, Inc., (applicant: The Housing Partnership), Wentworth St., a/k/a Assessor's Map 20, lots 55 & 55-A, zoned RM-10, requests a Special Exception as provided by the terms of Article VI, Section 170-25.1 and Article XII, Section 170-52.C(3), to construct one (1) four-family dwelling on each lot. (This item was tabled from the meeting of July 21, 1994).

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The Board members had their site walk as scheduled at 6:15, prior to this evening's meeting.

Dana Lynch submitted another conceptual plot plan.

Dana Lynch - The new plan that was submitted gives more information showing parking and the placement of the buildings. This new plot plan does require a lot line adjustment. It will meet the open space requirement. In regards to the off-street parking regulations - each unit will have two parking spaces. This is accomplished by having garages under. Also provides for a twenty-four foot lane to access each of the 4-unit clusters. That lane provides each vehicle with room to back out without backing out into the street. Parking lot will be 5 feet from the side lot line and exceeds the 10 foot requirement from the front. The parking area screening will be taken up with the Technical Review Committee. Setback requirements have been met. Other issues will be taken up with each individual City department. Feel that all requirements have been met for the Special Exception.

Dean Trefethen - The original four will sit in on this case. Dave Paolini will step down. John Murphy Jr. was given the option to sit in or step down since he was not at last month's meeting. John chose to sit in.

Dean Trefethen - The new plans appear to show an encroachment on the drainage easement on rear of lot.

Dana Lynch - The plan can be reconfigured to accommodate this drainage use. The drainage easement was to allow for discharge from a pipe from adjacent land to avoid future dispute over the discharge.

Dean Trefethen - Questioned what the reconfiguration would be.

Dana Lynch - Suggests at least 20 feet upgrade from the pipe and 20 feet away from the discharge point of the pipe and continue down to northerly boundary line.

Dean Trefethen - Questioned the cemetery in the vicinity and construction within the vicinity of the cemetery.

Dana Lynch - Chapter 289 of the RSA's under cemeteries. From the site walk it appears that the cemetery in question is approximately 70 to 75 feet away from the northern most boundary line of the parcels. Dana read the regulation on cemeteries which gives a minimum of 25 foot separation.

Dean Trefethen - Location of a pond.

Tom Clark - Since it is a permitted use the project can proceed provided it is not actually in the wetlands.

Dean Trefethen - Asked if this is the plan to be used.

Dana Lynch - Yes. There will be more details to it for the Planning Department and the Technical Review Committee.

Charles Boyle - 9 Wentworth St. Still concerned with the traffic, safety and width of street as he stated at the last meeting.

William Tolend - 3 Court St. Still concerned with the traffic and safety as stated in the previous month's meeting.

Tom Hardiman - Resident of Locke St. Parallel to Court St. Is against the proposal because of the traffic situation. Needs to reexamine the cemetery lot.

Ann Rugg - Executive Director of the Housing Partnership - In favor of the proposal because of the need for affordable housing.

Dean Trefethen - Due to the concern of traffic getting out of Wentworth St onto Court St., what are the applicant's feelings on widening that intersection.

Dana Lynch - It depends on the intended improvements and cost. It will need to be discussed.

There was a discussion by the Board members of the possibility of the City digging the street and replacing the water lines and have the road widened at the same time.

Charles Boyle - Still concerned with traffic and Wentworth St. being a dead end street. The narrow street which makes it difficult for various trucks and emergency vehicles to pass. Also concerned with the snow removal.

The Board members discussed whether or not the Zoning Board's concerns in regards to widening the intersection of Court and Wentworth Sts. will be addressed and imposed by the TRC and Planning Board or whether conditions should be placed by the Zoning Board. Or, the applicant can go before the other Boards and then back to the Zoning Board.

Bob Callan - Feels that the plan meets the criteria and that we should set down recommendations in regards to the widening of the intersection.

Dana Lynch - Stated that the applicant is willing to make adjustments to the radius of Wentworth and Court Sts. if they are permitted by the Public Works Dept. and accept that as a condition made by this Board.

Rick Callaghan - Feels that this Board does not have the technical skills to address the abutters concerns. Feels that this should go before the TRC and Planning Board first. Then, using their recommendations, make a just decision.

The Board members discussed the need to upgrade the underground utilities in this area. It is a requirement to upgrade from 3" pipes to 6" pipes to accommodate the area.

Kerry Forbes - Abutter - Concerned with whether or not the TRC will be in agreement with the Zoning Board. Feels that the Zoning Board should approve with conditions.

PUBLIC HEARING CLOSED

Bill Colbath - Traffic is indeed a problem and there should be no parking signs posted. The Board discussed the posting issue.

Dean Trefethen - Summary:

- 1) The applicant meets the 63% in area
- 2) Meets off-street parking - has 2 per unit
- 3) Has 5' from property line for parking lot
- 4) Meets the building setback requirements
- 5) Parking will be screened - vegetation and screen on the street side.

The Board discussed the traffic concerns and City utility lines.

Bob Callan made the motion to grant the Special Exception with the following condition: The Curb radius shall be moved to the maximum possible at the intersection of Court and Wentworth Sts.

John Murphy seconded the motion.

U/A

Rick Callaghan made a motion to amend the first motion with the following: Applicant be required to go to Technical Review Committee and the Planning Board for these bodies to add any additional requirements as they see fit in meeting 170-52.C(3), and specifically address the drainage easement and screening.

Dean Trefethen seconded the amended motion.

U/A

Rick Callaghan stepped down from the next case.

ITEM #3. Z 94-17; R. W. Realty, Inc. (applicant: Kenneth Linseman), New Plaza Drive, a/k/a Assessor's Map 38, Lots 15A & 15B, zoned B-3, requests a variance from the terms of Article IX, Section 170-32.D.1, to erect a free standing sign on a lot different from the use it identifies.

Malcolm McNeill - Represented the applicant. Mr. McNeill submitted a site plan to the Board members. This site plan depicts the area after the reconstruction takes place by the State in 1995 showing the new Plaza Dr. The problem for people coming off the Spaulding Turnpike is that the sign would not be seen until after they passed the access to Plaza Dr. The proposed sign also will limit the number of signs in this area because it will be a consolidated sign of businesses. Mr. Malcolm reviewed the 5 criteria. A condition can be placed on the variance, if the State does not do any reconstruction at the Weeks traffic circle, to make the variance null and void because the sign will not be necessary.

Dave Paolini - Asked if the sign size will be in compliance with the requirements for R. W. property, size and height.

Malcolm McNeill - Yes.

Bill Colbath - Questioned the signage for the two different buildings.

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Tom Clark - The provision for the sign was discussed with Mr. Stowell and the proposed signage for both buildings will be less than the maximum allowed for either building.

Dave Paolini made the motion to accept the case.
John Murphy seconded the motion.
U/A

Bruce Woodruff - The Planning Dept. supports this application for the same reasons stated by Mr. McNeill.

John Murphy - Feels that a condition should be placed on the variance that if the reconstruction does not take place than the variance is considered null and void.

Dean Trefethen - Will the tenants of the Tamposi building not have any other free standing signs.

Tom Clark - The existing free standing sign will come down and be replaced with the consolidated sign. There is also potential for one more free standing sign.

5 CRITERIA;

1. The applicant does face an unnecessary hardship. Direct access from Central Ave. will be involuntarily removed by proposed road reconfiguration, therefore not allowing access for reasonable use of existing commercial use.
2. The variance will deliver substantial justice. It will allow reasonable identification to means of access to the property.
3. The variance will be in harmony with the spirit and intent of the zoning ordinance. It will allow reasonable signage for the building at the access and will consolidate signs for several tenants.
4. The variance will not result in a diminution in value of surrounding properties. The sign location is at a reasonable location and also consolidation of signs produces a desired effect.

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5. The variance will be of benefit to the public interest. The proposed location is at point of access allowing easy identification of access to businesses and promotes safety of traffic.

Dave Paolini made the motion to grant the variance.
Bob Callan seconded the motion.
U/A

The Board discussed the number of signs for the two lots.

John Murphy made a motion to amend the previous motion. It is understood, the variance is for a combined sign for the owner and applicant.
Bill Callan seconded the amendment.
U/A the amendment.

MEETING ADJOURNED

List of members with expiration dates

	<u>Term Starts</u>	<u>Term Exp.</u>
William Colbath	10/23/91	10/23/94
David Paolini	10/23/91	10/23/94
Dean Trefethen	12/31/91	12/31/94
John Murphy Jr.	12/31/92	12/31/95
Robert Callan	4/13/94	4/13/97
Richard Callaghan	4/13/94	4/13/97