MANCHESTER ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING / LIMITED BUSINESS MEETING MINUTES
Thursday, May 08, 2014 – 6:00 p.m.
City Hall, Third Floor – Aldermanic Chambers

Board Members Present: Chairman William Bevelaqua, Vice Chairman Mike Dupre, Craig Langton, Ray Clement, Allen Hendershot

Alternates Present: Thomas Puthota, Matt Routhier

City Staff Present: Matthew Sink, Deputy Director Building Regulations

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I. The Chairman called the meeting to order and introduced the Zoning Board Members and City Staff.

II. PUBLIC HEARING:

(Tabled from April 10, 2014)

1. **ZO-45-2014**
Anadina Zorilla (Agent) proposes to add sale of general goods to existing business service use under **variance** and seeks a variance from Section 5.10 (F)5 Retail General Goods & Merchandise, as per documents submitted through March 17, 2014 in Ward 7, District R-3 of the Zoning Ordinance at **201 Wilson Street**.

Lisa Hermanes of 201 Wilson Street appeared with her mother, Anadina Zorilla.

Ms. Hermanes advised that their botanica was originally located at 207 Wilson Street and they have now moved into the larger space at 201 Wilson Street. When they moved into the space they learned that they would need a variance to sell goods in that particular space. They only have a permit to be there and do services such as spiritual baths and readings and they cannot sell anything. As such, they are seeking a variance to be able to sell merchandise in this location.

There were no questions from the Board and the Chairman turned the hearing over to the public. No one came forward either in favor of or in opposition to this request.

There were no further comments from the Board and they proceeded to vote.

Yeas: Bevelaqua, Dupre, Hendershot, Clement, Puthota
Nays: None

Upon a unanimous decision the variance was granted.

2. **ZO-36-2014**

Cathy Champagne (Agent) proposes to erect a freestanding sign 0' from the front lot line and seeks a **variance** from Sections 9.07 (E) and 9.09 (A)1 Signs, as per documents submitted through April 1, 2014 in Ward 12, District B-2 of the Zoning Ordinance at **531 Front Street**.

Mr. Sink advised that due to the change of the opinion of the City traffic officer the citation of 9.07 (E) was no longer valid so the Board would only be deliberating on 9.09 (A)1.

Ms. Champagne advised that they are looking for a 0 foot setback where 5 feet is required. She provided the Board members with updated handouts to provide a clearer picture of what they are doing. She met with Bob Baskerville of Bedford Design Consultants on the property and he gave his opinion as to the lot line that was marked out by the City engineer. In looking at the first page of the handout, she did a composite showing the sign if it was installed at the 5 foot setback as well as the same sign as proposed with the 0 foot setback. The rest of the pages (2-6) show southbound and northbound views that pretty clearly show that the right-of-way is roughly 5-6 feet wider than what would be expected on normal streets of this type. That is mostly due to the bridge, which is just south of this property. When talking to the engineer, she said he commented that the road really can't be widened because of the bridge and because of the angle of the bridge the setback of this sign did look further back than others on the street.

The Chairman turned the hearing over to the public. No one came forward either in favor of or in opposition to this request.

In the first picture, Mr. Dupre said they show a sign that looks for available space. He asked if that sign was related to her business. Ms. Champagne advised that the rental sign is associated with 531 Front Street. It is on that property now. She could not speak as to whether they have a permit for that or not. She knows it is a temporary real estate sign.

Mr. Dupre asked if they have another renter in the building if they will want to also have their own freestanding sign or would they share the sign being proposed tonight. Ms. Champagne is aware that only one freestanding sign is allowed per lot. She pointed out the blank panel under the main ID, which would be for a future tenant. Mr. Dupre said that was what he wanted to hear.

There were no further comments from the Board and they proceeded to vote.

Yeas: Bevelaqua, Dupre, Hendershot, Clement, Langton
Nays: None

Upon a unanimous decision the variance was granted.

Chairman Bevelaqua advised that Mr. Langton had arrived and would replace Mr. Puthota.

(Current Cases)

3. **ZO-52-2014**
Patrick Cunan proposes to maintain newly paved areas and resultant increase in lot coverage and seeks a **variance** from Section 6.04 Lot Coverage, as per documents submitted through March 31, 2014 in Ward 4, District R-3 of the Zoning Ordinance at **403 Amherst Street**.

Don Duval appeared on behalf of Patrick Cunan who is hearing impaired. Essentially Mr. Cunan has a business that he bought in March 2013 and the issue is that there seems to be extra paving. He referred to aerial photographs that show in 2005 there was no pavement in this area and then in 2010 the area in question was paved. As such, the paving was done between 2005 and 2010, prior to Mr. Cunan purchasing this parcel. He is seeking a variance to maintain the property as it is.

The Chairman turned the hearing over to the public. No one came forward either in favor of or in opposition to this request.

Chairman Campbell asked if they were utilizing the whole space for parking of vehicles. Mr. Duval conferred with Mr. Cunan who advised that the area is "just there". The Chairman said he would hate to see cars crammed in all over the place. Mr. Cunan, through Mr. Duval, said he was not planning on anymore vehicles.

Mr. Clement asked if those vehicles are for sale. Mr. Duval said the cars in front are for sale. Vehicles being worked on are kept in the enclosed area. Mr. Clement asked if Mr. Cunan was authorized to sell cars in that location. Mr. Duval was not sure if that was an allowed use in that area. Mr. Sink said it was for repair service.

There were no further comments from the Board and they proceeded to vote.

Yeas: Bevelaqua, Dupre, Hendershot, Clement, Langton
Nays: None

Upon a unanimous decision the variance was granted.

4. **ZO-53-2014**
Joshua Houghton proposes to pave area beside garage to create 2 new parking spaces and seeks a **variance** from Sections 10.09 (B) Parking, Setbacks and 10.08 (C) Driveways, Width, as per documents submitted through April 8, 2014 in Ward 8, District R-1B of the Zoning Ordinance at **66 Brent Street**.

Catherine Weatherbee, Joshua Houghton's wife, advised that they live at 66 Brent Street

and are looking to add additional pavement to their existing driveway adjacent to their garage to create two extra spaces. The reason a variance is required is because it is within 2 feet of the lot line and extends the overall width of the driveway.

The Chairman turned the hearing over to the public. No one came forward either in favor of or in opposition to this request.

Chairman Bevelaqua asked if that was going to be a paved area. Ms. Weatherbee said it would be. She explained that the current driveway in front of the garage doesn't meet actual standards so it is very difficult to back out and when anyone visits it makes a "crazy mess".

There were no further comments from the Board and they proceeded to vote.

Yeas: Bevelaqua, Dupre, Hendershot, Clement, Langton
Nays: None

Upon a unanimous decision the variance was granted.

5. **ZO-54-2014**

Jeffrey Marston proposes to establish parking as shown in order to convert carport to family room and seeks a **variance** from Section 10.09 (B) Parking, Setbacks, as per documents submitted through April 14, 2014 in Ward 12, District R-1A of the Zoning Ordinance at **85 Phillip Street**.

Jeffrey Marston of 75 Phillip Street appeared along with his contractor, Dave Givens.

Mr. Givens said they are trying to put a family room where the carport is right now. Mr. Givens advised that his daughter did most of the legwork on this so he asked her to come forward. Jennifer Florence of 85 Phillip Street said she is trying to make a family room out of her existing carport space.

Chairman Bevelaqua asked when the carport was initially built and Ms. Florence said she did not know.

The Chairman turned the hearing over to the public. No one came forward either in favor of or in opposition to this request.

There were no further comments from the Board and they proceeded to vote.

Yeas: Bevelaqua, Dupre, Hendershot, Clement, Langton
Nays: None

Upon a unanimous decision the variance was granted.

6. **ZO-55-2014**

Jeffrey Aboshar proposes to build a 30'x30' two-stall detached garage in the side yard, maintain front yard parking and place shed in the front yard and seeks a **variance** from Sections 8.29 (A)1 and 8.29 (A)2 Accessory Structures & Uses and 10.09 (B) Parking, Setbacks, as per documents submitted through April 11, 2014 in Ward 6, District R-1A of the Zoning Ordinance at **269 Morse Road**.

Jeff Aboshar of 269 Morse Road said he is looking to build a two-car detached garage that is larger than what the Zoning Ordinance allows. In addition, he would like to relocate an existing shed to the opposite side yard.

The Chairman turned the hearing over to the public. No one came forward either in favor of or in opposition to this request.

Chairman Bevelaqua asked if there was a reason he couldn't put the shed in the backyard. Mr. Aboshar said the location where he wants to put it would be more convenient for accessing the snow blower during the winter.

Mr. Dupre confirmed with Mr. Aboshar that it is a single family house. He asked him if he wanted to keep all that parking in the front yard. Mr. Aboshar said he did so it could be used as a turnaround. He explained that the driveway is kind of long and is quite a ways from the street so when backing out of the garage it provides an area to turn around.

Mr. Hendershot understands that the applicant has a big lot and he doesn't have a problem with the garage; however, he said he does not like the shed in the front yard.

Chairman Bevelaqua said it is a 2.19 acre lot and is back 40-50 feet from the road.

There were no further comments from the Board and they proceeded to vote.

Yeas: Bevelaqua, Dupre, Hendershot, Clement, Langton
Nays: None

Upon a unanimous decision the variance was granted.

7. **ZO-56-2014**

Donald Duval (Agent) proposes to consolidate 3 tracts of land and subdivide into 2 lots and maintain a single family dwelling on Lot 59 with a 23' rear yard where 30' is required and seeks a **variance** from Section 6.03 (B) Rear yard Setback at Lot 59, as per documents submitted through April 14, 2014 in Ward 1, District R-1A of the Zoning Ordinance at **1311 Chestnut Street**.

Don Duval appeared on behalf of Heidi Palmer. He advised that this parcel received a variance in 2011. Some of the abutters appealed it and the variance approval was upheld

and they proceeded to go before the Planning Board and receive subdivision approval. Unfortunately, Ms. Palmer suffered some family problems that basically took her mind off of everything such that the subdivision approval lapsed. As such, they have to start the process over.

Mr. Duval advised that because the abutters lost on the appeal they brought her to court. He said the court case was never heard because at that time Ms. Palmer agreed that she would tear the garage down or relocate it into conformity. Since that time her husband, who was the driving force on that project, passed away and she was unable to get it done.

Mr. Duval believed the court case had to deal with the other subdivision. Since that subdivision is null and void they are starting all over again. He does not know where that court case would fit. As far as he is concerned that was an old job and they are going to start new again. He said if the abutters have the same feelings they (the agent/applicant) would have to deal with it.

Mr. Dupre asked about moving the existing garage. Mr. Duval said because it was taking so long to get through the courts, the client agreed at the time to move the garage into conformity, which meant bringing it forward about 6-7 feet. It started to become a financial hardship as well as the other problems that she was going through so all in all the time period for the Planning Board approval lapsed.

Mr. Dupre asked if the financial hardship was based on the court case or based on the cost of moving the garage. Mr. Duval said it was based on the cost of moving it. It never really got to court as they reached an out of court settlement that the abutters agreed not to pursue the court case if she would tear the garage down but it got cost prohibitive. As such, Mr. Duval said they are going to try it again to see if they can get everybody to agree that it really didn't make sense to take this particular garage down because aesthetically it really fits with the house and it doesn't make sense to pick it up and move it 6 feet. He believed they were going to try to detach it from the house so they only needed a 4 foot rear setback and they had to move it back 6-7 feet so the front facade of the garage was behind the rear portion of the house. He said the issue was that the foundation on the rear of the house would probably be about 8-10 feet so that was the basic cost of moving it. It wasn't just like sliding it on level ground. With the height of the foundation that would have to be built out back that got to be cost prohibitive.

Chairman Bevelaqua turned the hearing over to the public and no one came forward in favor of this application. The Chairman invited those in opposition to this request to come forward.

Attorney Vincent Wenners advised that he handled the appeal of the variance on the behalf of several abutters. The variance before the Board this evening is the exact same one as in 2011. He said Mr. Duval was correct that there was an agreement, but it wasn't just an out of court agreement, it was agreed that the garage would be moved or taken down in

consideration which the appeal of the variance which they had filed was dismissed. As such, there is a binding deal and a court order and he suggested that "the matter is over".

Pamela Tatsernas of 519 North Adams Street said she was here today for the record to completely oppose and object to a variance being granted for a single family home to be built directly across from her residence by consolidating three tracts of land that are unbuildable and collectively only suitable for a shed or a gazebo to be built at best. She said her well established neighborhood, which she moved to 17 years ago, is respectfully divided with home lots being large enough for privacy yet zoned properly, which allows a neighborhood's controlled uniformity that is well known and very desirable in the north end of Manchester. To grant this variance would disturb the housing building code and jeopardize the sanctity of the neighborhood along with the resale value of all the surrounding homes that have been there since the 1970's and earlier. She said the owner, Heidi Palmer Real Estate, is not concerned with the negative impact this variance will have on the abutters as a collective neighborhood and on them as individual homeowners. She respectfully asked that the Board deny this request.

Mr. Duval said he and Ms. Palmer feel that the court agreement dealt with the previous approval.

In response to Ms. Tatsernas, Mr. Duval said if they were forced to remove the garage the subdivision would still move forward because they have more than enough area and frontage so it would be a conforming lot. The only reason they are asking for a variance is to hopefully not have to remove the garage.

Mr. Langton asked what the issue was with the garage to begin with and why they want it to be removed. Mr. Duval said the issue was that it required a 30 foot setback and they were asking for a 7 foot relief to 23 feet. Mr. Langton asked if the Board allowed it to happen as long as the garage was removed before. Mr. Duval said they received the variance and it was appealed and upheld and then it went to court. The agreement was that in order for there to be no opposition from the abutters they would either move or remove the garage. Basically if the garage stays it would have about a 23 foot setback. If the garage was moved back, it would probably have a 20 foot setback because it would be detached. It would have to be moved rearward, which would diminish the rear setback.

There were no further comments from the Board and they proceeded to vote.

Yeas: Bevelaqua, Dupre, Hendershot, Clement, Langton
Nays: None

Upon a unanimous decision the variance was granted.

8. **ZO-57-2014**

Melvin & Elaine Friese propose to construct a new front entrance and create front yard parking and seek a **variance** from Sections 6.03 (A) Front Yard Setback, 10.07 (B) Parking, Layout, 10.08 (C) Driveways, Width and 10.09 (B) Parking, Setbacks, as per documents submitted through April 14, 2014 in Ward 9, District R-1B of the Zoning Ordinance at **30 Dudley Street**.

Melvin Friese of 30 Dudley Street appeared along with Ray Lemay of212 River Road, Weare. Mr. Friese said they are proposing to create two parking spots basically on their front lawn and constructing a new front entrance. He advised that the width of the driveway is going to be about 30 feet. He said normally it would be about 24 feet and they are seeking a variance for the 6 feet and adding the parking on the front.

The Chairman turned the hearing over to the public. No one came forward either in favor of or in opposition to this request.

In looking at the plan, Chairman Bevelaqua said they are paving practically the whole front yard. Mr. Friese said he used to use the lot next to him but since there is a new building going up on it he can't use that space anymore. The Chairman asked if he could use some of the backyard. Mr. Friese said unfortunately with the porch there is no room to get into the backyard plus turning around would prove to be a problem once you got into the backyard.

The Chairman said the Board has shot down many of these cases before with so much parking in the front yard.

Mr. Dupre confirmed with Mr. Friese that this is a single family residence.

Mr. Dupre said he felt the same as the Chairman as this would be essentially paving his whole front yard. He said it was excessive and noted that he was going right in front of his front door. He said the cosmetic improvements are nice but thought a 30 foot wide driveway was excessive. He said he would like to at least see the one space on the far right in front of the door removed.

Mr. Hendershot did not think this observes the spirit of the Ordinance at all to pave the entire front yard of a building and put in five parking spots in a single family house. He felt it would diminish the value of the surrounding properties.

Mr. Friese said his neighbor across the street is handicapped and he has a lot of nurses and handlers that park on the street so this would relieve some of the parking problem on this street. It is already hard enough to get vehicles up and down the street. With the house that has gone up 10 feet from the property line next to him the existing parking that is there, depending upon what they do may be "voided" if they put up a fence or something like that. As such, basically the 5 parking spots that he would have would be reduced to 3.

Chairman Bevelaqua said he did not see the hardship in this application. He felt it would diminish the value of the neighborhood and the value of the homes in the neighborhood by paving the front of the property. It would make it more like a commercial setting versus a residential setting. He said he could lengthen the driveway and put more parking down the side of his property versus paving the front of his property.

There were no further comments from the Board and they proceeded to vote.

Yeas: None
Nays: Bevelaqua, Dupre, Hendershot, Clement, Langton

Upon a unanimous decision the variance was denied.

9. **ZO-58-2014**
Kenneth & Michele Singelais propose to create a concrete storage area for a camper/trailer in the front yard beside the driveway and seek a **variance** from Section 8.29 (A) Accessory Structures & Uses, as per documents submitted through April 14, 2014 in Ward 8, District R-1B of the Zoning Ordinance at **52 Gantry Street**.

Kenny Singelais, the owner and resident of 52 Gantry Street, said he and his wife are in the process of obtaining permits to repave the driveway and they are applying for a variance to construct a cement pad beside the driveway for the storage of their camper.

Mr. Dupre asked how wide the curb cut would be if this is approved. Mr. Singelais said it is not going to cut into the curb as they are going to go at an angle up from the driveway so it will attach to the driveway at the bottom corner.

Mr. Dupre asked if they would have to go over the curb to take the trailer off. Mr. Singelais said he would go up at an angle from the driveway. The cement pad would be behind where the mailboxes are.

Mr. Dupre asked how big the trailer was and Mr. Singelais said it is 24 feet.

Mr. Dupre confirmed with Mr. Singelais that the parking would be 31 feet. Mr. Singelais said the cement pad will go just past the side door on the garage beside the driveway.

With respect to Mr. Dupre's question concerning the overall width, Mr. Sink said it scales to about 30 feet and that is at the property line, which is where the measurement is taken, not at the curb.

Mr. Singelais provided the Board with photographs.

The Chairman turned the hearing over to the public. No one came forward either in favor of or in opposition to this request.

Chairman Bevelaqua said they just had an application prior to this where the applicant wanted to pave basically half of the front yard. This is basically for all intents and purposes the exact same thing. He said there are storages places where trailers can be stored during the winter. He said it would be an eye sore to have a 24 foot trailer in the front yard.

Mr. Singelais said if they put the camper in storage, they would not have access to it to use it during the summer. They tow the camper when they go away with it so they are looking to store it there for use and access as well as storing it during the winter.

Mr. Clement agreed that the trailer is going to be way oversized for that type of application as far as storing it there. It will not do the neighborhood any good.

There were no further comments from the Board and they proceeded to vote.

Yeas: Langton
Nays: Bevelaqua, Dupre, Hendershot, Clement

Upon a split decision the variance was denied.

10. **ZO-59-2014**

Christine Curtis proposes to build a 13.5'x14.3' one story addition with a 17.4' front yard setback where 20' is required and maintain a shed in the rear yard and seeks a **variance** from Sections 6.03 (A) Front Yard Setback and 8.29 (A)3 Accessory Structures & Uses, as per documents submitted through April 15, 2014 in Ward 9, District R-1B of the Zoning Ordinance at **67 Gold Street**.

Kevin Pinard of 67 Gold Street said they were unaware that they needed a permit for the shed and that has been there for 50+ years. Both of the sheds that are currently there will be painted this year. The addition on the front of the house is to add another study room/bedroom and above that will be a walk-in closet. They are seeking approval for a 2-1/2 foot setback from the road. After the addition is completed the whole house will be resided as well.

Chairman Bevelaqua confirmed with Mr. Pinard that he was going to keep in line with the existing house.

The Chairman turned the hearing over to the public. No one came forward either in favor of or in opposition to this request.

There were no further comments from the Board and they proceeded to vote.

Yeas: Bevelaqua, Dupre, Hendershot, Clement, Langton
Nays: None

Upon a unanimous decision the variance was granted.

11. **ZO-60-2014**

Marc Grenier (Agent) proposes to construct an 8' wide dormer with a 13.5' street yard setback where 15' is required; also maintain deck and carport and seeks a **variance** from sections 6.03 (A) Street Yard Setback, 8.29 (A)2 and 8.29 (A)3 Accessory Structures, as per documents submitted through April 21, 2014 in Ward 9, District R-2 of the Zoning Ordinance at **234 South Elm Street**.

Marc Grenier of 45 Taylor Street appeared along with Brian Nolan of 51 Rundlett Hill Road, Bedford, who is a managing member of Ceilpro Consulting, the owner of the property.

Mr. Grenier advised that there is an existing 7'x12' deck in the backyard, which they recently determined was not built with benefit of a permit. It appears that it has been there for a long time as it is pretty weathered, but it is pressure treated and functional. He was advised by the Building Department that he needed a variance to maintain the deck.

Mr. Grenier stated that there is also an existing carport to the left of the garage that was also built without the benefit of a permit. As a licensed home inspector and building contractor, he said it is structurally sound but looks like "amateur style" construction.

Mr. Grenier advised that the main reason they are before the Board is because they would like to build an 8 foot wide dormer to put a bathroom upstairs, however, they are 2 feet short on the street yard setback. Mr. Nolan advised that the dormer will not impact the footprint of the building.

The Chairman turned the hearing over to the public. No one came forward either in favor of or in opposition to this request.

Chairman Bevelaqua said the carports look like they have been there for quite some time.

There were no further comments from the Board and they proceeded to vote.

Yeas: Bevelaqua, Dupre, Hendershot, Clement, Langton
Nays: None

Upon a unanimous decision the variance was granted.

12. **ZO-61-2014**

Ernest Bamford proposes to maintain garage and driveway entrance, both larger than approved by previous variance (case #40-ZO-2010) and seeks an **Equitable Waiver** from Sections 6.03 (A) Street Yard Setback, 6.03 (C) Side Yard Setback and 10.08 (C) Driveways, Width, as per documents submitted through April 8, 2014 in Ward 1, District R-1A of the Zoning Ordinance at **285 Eve Street**.

Ernest Bamford of 285 Eve Street said they have lived there for over 40 years and the garage was built about 30 years ago. He said they took out permits back then and now all of a sudden everything is too short and it's in the wrong place.

The Chairman turned the hearing over to the public. No one came forward either in favor of or in opposition to this request.

Chairman Bevelaqua asked Mr. Bamford if he built the garage and he said that he did.

Mr. Sink advised that the previous variance mentioned did not involve this particular lot necessarily. He explained that they created an additional lot next door in 2010. At that time the plan that was submitted showed the garage and the driveway entrance on this lot, but in speaking with the surveyor and asking him why it was so different now than it was back then his explanation was that he was concentrating on the new lot and the topography and the issues related to that property and his crew didn't really pay much attention to what they were measuring on the existing lot.

There were no further comments from the Board and they proceeded to vote.

Yeas: Bevelaqua, Dupre, Hendershot, Clement, Langton
Nays: None

Upon a unanimous decision the variance was granted.

13. **ZO-62-2014**

Donald Beaule proposes to construct an addition for a garage with a 13' side yard setback where 20' is required and seeks a **variance** from Section 6.03 (C) Side Yard Setback, as per documents submitted through April 21, 2014 in Ward 12, District R-1A of the Zoning Ordinance at **50 Allamimo Street**.

Donald Beaule of 50 Allamimo Street appeared along with his contractor, Mike Criscetti of 29 Reynolds Road, Concord.

Mr. Beaule said they would like to add two rooms and the variance is for a garage that he would like to have built on the side of the house. In essence, this garage would be replacing a previous garage that was there when the house was built, which was torn down about 20 years ago.

Chairman Bevelaqua inquired if it was going to be a two car garage. Mr. Beaule responded that it will be a one car garage.

Mr. Clement said he is in favor of the garage, but was concerned if things don't go right he would have to come back before the Board again. He advised Mr. Beaule that a certified plot plan would be required when he applies for a permit. Mr. Sink advised Mr. Beaule that

the plot plan needed to be prepared by a surveyor.

The Chairman turned the hearing over to the public. No one came forward either in favor of or in opposition to this request.

There were no further comments from the Board and they proceeded to vote.

Yeas: Bevelaqua, Dupre, Hendershot, Clement, Langton
Nays: None

Upon a unanimous decision the variance was granted.

14. **ZO-63-2014**
Scott Aubertin (Agent) proposes to erect a 1,000 SF roof mounted sign for a total of 1,007 SF where 500 SF maximum is allowed for the west wall of the building and seeks a **variance** from Section 9.09 (B) Signs, as per documents submitted through April 21, 2014 in Ward 3, District AMX of the Zoning Ordinance at **150 Dow Street**.

Scott Aubertin of 107 Hollis Street appeared along with Paul Mailhot, Vice President of Business Operations at Dyn. He resides at 48 Tirrell Road in Bedford.

Mr. Aubertin advised that they went back and evaluated very carefully the appropriateness of the size and position of the sign and have come back with what they think is a reasonable request. They have reduced the square footage of the sign by about 1/3 to roughly 1,000 SF. They were able to address the height issue by reducing the size of the mark and the sign itself and also moving the sign down closer to the roof. As such, they have gone from a 34 foot overall height to a 23 foot overall height. The length of the sign has been reduced from 72 feet to 58 feet. Most of the response they received through the discussions were very positive as to the benefits to Manchester of having the sign there as well as the other rooftop mounted signs that tell visitors who is here in Manchester and why Manchester is viable and why it's important.

Mr. Aubertin said he took photographs from the highway and superimposed to the best of his ability to scale what the sign would actually look like from the highway, which is obviously what they are trying to do.

Chairman Bevelaqua inquired how this sign compares to the Pandora sign. Mr. Aubertin advised that "P" on the Pandora sign was 26 feet tall. The mark on this logo is 20 feet tall. The length of the Pandora, because it said "Home of Pandora Sweaters", was about 120 feet long.

Chairman Bevelaqua turned the hearing over to the public and invited those in favor of this application to come forward.

Ralph Sidor of 15 Glen Eagle Drive, Bedford said his mother was May Sidor Gruber who owned and ran Pandora for many years until she passed away a year ago. He said they own 150 Dow Street and he is the property manager. The original Pandora sign was in his mother's handwriting and she and her husband wanted the sign that big because they wanted to create an identity not just for Pandora but for the City. At the time the only sign that could be seen from a distance, such as the highway that had just been built when the sign was put up, was the Amoskeag Bank sign. About a year and nine months ago Dyn approached him about the roof sign. He said he does not make aesthetic decisions so he took the question to his mother. Not only did she think it was positive for the same reason she had thought it was positive to put the Pandora sign on 88 Commercial Street, but she wrote out "Dyn" so it is with her script that Mr. Aubertin has reproduced the sign. He said they are strongly in favor of it.

Robert Baines of 70 Rosemont Avenue. For the purpose of full disclosure, Mr. Baines said he is working on an educational project here in Manchester that is supported by Dyn and Texas Instruments, but he is not here in that capacity. He said the Millyard is a beacon for economic vitality of this City. When he became mayor he said he started going out and visiting businesses and the first business he went to was Riverstone Group down in the Millyard. At that time he asked Bob Warren, the vice president of the company at the time, how they ended up in Manchester. He said they had come from the Chicago area to locate a business in New Hampshire and somebody involved in the company suggested Hanover. When they landed at Manchester Airport they got on the highway to head up I-93 and they saw the mills. They went up to Hanover and looked at the property there they were not interested in it so they came back and did a series of inquiries and ended up coming to Manchester. They were one of the first companies to come to the Millyard.

Mr. Baines said he is very proud of Dyn, especially because Jeremy is a former student of his and was in his last graduating class at West High School, where he served as principal. He is 31 years old and has created one of the fastest growing companies right now here in Manchester and in New Hampshire. His company has sort of given a signal that this is a place for young professionals. He said that New Hampshire has a "brain drain" going on right now as young professionals are not coming to New Hampshire or staying in New Hampshire and he is trying to recruit young people to bring some vitality to the City. He is doing that on the ground. But what can happen at a higher level with the signage is that Manchester is open for business and this is a vibrant business community.

Going back in time, Mr. Baines said no one ever objected to that Pandora sign. That Pandora sign was the beacon in the hay day of when Manchester was a thriving mill city and the largest textile manufacturing center in the world. He said the City has an opportunity with the new economy and the new energy that companies like Dyn bring.

Ward 3 Alderman Pat Long of 112 Hollis Street said when looking at that sign, his patio sits directly behind it. He said he is very proud that the company has Manchester natives and he would certainly be proud to have that sign as a beacon over Manchester's Millyard. He

does not find the sign offensive. He thinks it is a sign of Manchester moving forward. He asked that the Board vote in favor of this request.

The Chairman invited those opposed to this application to come forward. There was no one.

Mr. Clement doesn't think any of the Board members were against the sign originally they just wanted it toned down a bit. He thought they did a tremendous job and it will look great and he will vote in favor of it.

Mr. Langton said he was the one in favor of the larger sign the first time and he thought the new sign will still do.

There were no further comments from the Board and they proceeded to vote.

Yeas: Bevelaqua, Dupre, Hendershot, Clement, Langton
Nays: None

Upon a unanimous decision the variance was granted.

15. **ZO-64-2014**
Joseph Wichert (Agent) proposes to adjust lot line and reduce frontage to 70.88' where 75' is required and reduce parking setback to 1.6' where 4' is required and seeks a **variance** from Sections 6.02 Minimum Lot Front and Width, 10.09 (B) Parking, Setbacks and 8.29 (A)2 Accessory Structures & Uses, as per documents submitted through April 14, 2014 in Ward 7, District R-2 of the Zoning Ordinance at **105 Belmont Street**.

Joe Wichert appeared on behalf of Steve Dion and his parents, Diane & Michael Dion, who are the trustees of the Michael & Diane Dion Revocable Trust. The subject lots are 105 and 115 Belmont Street. This property has been in the Dion-Croteau family since 1953. It was owned by Mrs. Dion's father and there were actually two houses on the property up until 1996 when they subdivided the property. When they went for the subdivision they went for this lot configuration that is shown on the plan. Practically speaking, they have never lived to it. In looking where the line cuts through the parking stalls for 115 Belmont and then the chain link fence that actually extends almost to the edge of the driveway on 105 Belmont, that is how they have always lived on this land. He explained that Mrs. Dion used to live at 115 Belmont and then purchased 105 Belmont in 1996 at which time Steve purchased 115 Belmont from his parents in 2006. Mr. & Mrs. Dion are looking to retire and downsize so they are looking to sell 105 Belmont Street and before they do that they would like to adjust the lot lines to match how they have always historically used them. Unfortunately, doing that reduces the frontage from the 88 feet to the 70.88 feet so they are approximately 4.12 feet short of what is required by the Ordinance. In doing so that reduced the setback to the parking stalls, which they were aware of. During the subsequent zoning review the shed closest to the house was called out as either being too close to the house or being built

without benefit of a permit. He advised that the shed has existed since the 1970's.

The Chairman turned the hearing over to the public. No one came forward either in favor of or in opposition to this request.

There were no further comments from the Board and they proceeded to vote.

Yeas: Bevelaqua, Dupre, Hendershot, Clement, Langton
Nays: None

Upon a unanimous decision the variance was granted.

16. **ZO-65-2014**
Jeffrey Martin proposes to erect a 12'x24' deck with a 28.8' rear yard setback where 30' is required and seeks a **variance** from Section 6.03 (B) Rear Yard Setback, as per documents submitted through April 25, 2014 in Ward 9, District R-1B of the Zoning Ordinance at **60 Fox Street**.

Jeffrey Martin of 60 Fox Street would like to build a deck on the back of his house. The length of it will be 24 feet and will go out about 12 feet so he can enjoy his family and grandkids.

The Chairman turned the hearing over to the public. No one came forward either in favor of or in opposition to this request.

Chairman Bevelaqua said it would seem that he was only off about 3 inches or so from the actual required setback. Mr. Martin said he was told that the furthest he could go out from his house would be 10'9".

There were no further comments from the Board and they proceeded to vote.

Yeas: Bevelaqua, Dupre, Hendershot, Clement, Langton
Nays: None

Upon a unanimous decision the variance was granted.

17. **ZO-66-2014**
Robert Blaisdell proposes to move existing 6' privacy fence into the front yard and erect a 10'x16' storage shed and seeks a **variance** from Sections 8.27 (B) Fences, Walls and 8.29 (A) Accessory Structures & Uses, as per documents submitted through April 28, 2014 in Ward 1, District R-1A of the Zoning Ordinance at **1481 Union Street**.

Robert Blaisdell of 1481 Union Street said he is looking for two things through this variance. The first is to utilize what very flat land he has on his property for his three children ages 8, 6

and 2. He referred to a picture of his backyard provided in the Board members' packets which shows that it is on ledge and it is all on a slope. They are looking to take the side yard, which is currently not usable. Being on a busy street they are looking to bump that fence out roughly 20 feet. The trees have already been removed and it is ready to go and to be used. In addition to that they are also looking to put a shed in the northwest corner. Again, for the same reasons, it is the only logical place for the shed to go on his property because of the ledge and the slope of the backyard.

The Chairman turned the hearing over to the public. No one came forward either in favor of or in opposition to this request.

Chairman Bevelaqua asked if he was going to keep that in line with the existing fence on the neighbor's property. Mr. Blaisdell said that was correct.

There were no further comments from the Board and they proceeded to vote.

Yeas: Bevelaqua, Dupre, Hendershot, Clement, Langton
Nays: None

Upon a unanimous decision the variance was granted.

18. **ZO-67-2014**
John Kucich (Agent) proposes to reconfigure drive-thru and maintain parking and curb cut and seeks a **variance** from Sections 6.08 (B)5 and 6.08 (B)6 Screening/Buffers, 10.08 (C) Driveways, Width and 10.09 (A) Parking, Setbacks, as per documents submitted through April 29, 2014 in Ward 8, District B-2 of the Zoning Ordinance at **2287 Brown Avenue**.

John Kucich of Boller Engineering appeared on behalf of McDonald's who is looking to renovate their existing restaurant on Brown Avenue. Essentially they are looking to modify the façade and give it a fresh look, to make the site compliant with ADA regulations they are essentially replacing the sidewalk and parking and to enhance the drive-thru that exists today to make it more efficient. All of the proposed work is within the existing perimeter of the site. They are not expanding beyond their boundaries. It actually results in a decrease in impervious area. The reason they are here this evening is because the site is actually split zoned with the rear of the site being residentially zoned. As such, on the existing site the drive-thru window, the stacking lane and the menu boards are currently within the 50 foot setback thus the proposed work would be within the 50 foot setback as well. They are not expanding any further.

When they received the building inspector's letter, he pointed out that the existing driveway exceeds the 36 foot width requirement. He believes it is 40 feet with a three lane turn and the parking on the left side. He didn't originally say that in his application, but it was advertised that way and it was in his letter.

With it being on Brown Avenue, Mr. Langton asked if they were going to need a NHDOT driveway permit. Mr. Kucich said as they are not expanding the use he did not believe they needed such a permit.

Mr. Dupre asked if they were planning to repave the parking lot. Mr. Kucich said a good portion of it is going to need to be repaved based on making the grades accessible. Definitively they will need to replace the right side of the pavement. It is his sense that they are likely going to repave everything so it doesn't look choppy, but he doesn't know that definitively.

Mr. Dupre said he asked that because one of the things they got called out on was screening and buffering. In looking at the lot, he said they are pretty maxed out on impervious surface with parking. He asked if they could add some trees in there and take some of the parking spaces out to get some of that buffer back in there. Mr. Kucich advised that to accommodate the drive-thru they actually needed to reduce the parking. There are currently 63 parking stalls today and it will be 46 spaces with the improvements. The spaces right at the front will be removed at the suggestion of the Planning staff to get some additional buffer. Mr. Dupre asked if they are going to put grass in there. Mr. Kucich said it will be landscaped. Mr. Dupre said the site looks very stark and this would be a good opportunity to make it look a little bit nicer.

In looking at the lot, Chairman Bevelaqua said the whole back is all trees. He thinks putting the double drive-thru in will reduce the stacking, which is needed. He likes the new design of the double stacking. Mr. Kucich said they help out quite a bit.

Chairman Bevelaqua said the redesign is beneficial for the whole site as it is planned.

The Chairman turned the hearing over to the public. No one came forward either in favor of or in opposition to this request.

There were no further comments from the Board and they proceeded to vote.

Yeas: Bevelaqua, Dupre, Hendershot, Clement, Langton
Nays: None

Upon a unanimous decision the variance was granted.

19. **<u>ZO-68-2014</u>**
Joseph Hingst proposes to construct a 10'x12' deck and stairs within the required rear yard setback and seeks a **variance** from Section 6.03 (B) Rear Yard Setback, as per documents submitted through April 30, 2014 in Ward 4, District R-1B of the Zoning Ordinance at **211 Maryland Avenue**.

Joe Hingst of 211 Maryland Avenue said he is requesting a variance for a deck on the back of

his house that will be 10 feet out into the backyard and 12 feet wide. He reached out to all of his abutters and he got a letter from each of them stating that they have no objections.

The Chairman turned the hearing over to the public. No one came forward either in favor of or in opposition to this request.

There were no further comments from the Board and they proceeded to vote.

Yeas: Bevelaqua, Dupre, Hendershot, Clement, Langton
Nays: None

Upon a unanimous decision the variance was granted.

Hendershot/Dupre: Motion to adjourn the public hearing. (Motion Carried)

III. BUSINESS MEETING:

1. <u>ADMINISTRATIVE MATTERS:</u>

Review and approval of the Zoning Board of Adjustment Minutes of April 10, 2014.

- *Dupre/Hendershot: Motion to accept the Minutes of April 10, 2014 as submitted. (Motion Carried)*

Discussion concerning the proposed fee increases and the scheduling of a public hearing.

Chairman Bevelaqua advised that the proposed new fees have to be voted on by this Board. He said the Board of Mayor and Alderman passed the responsibility on to this Board. Mr. Sink said it is State law that requires the Zoning Board to establish its own fees.

Mr. Sink said it was the consensus of the Board that it is time to level all of the cases out at the same amount. The Chairman said the fees haven't been raised in 6 years. Mr. Sink advised that a public hearing would have to be held.

- ***Hendershot/Bevelaqua: Motion that the Zoning Board not have a joint meeting with the Planning Board. (Motion Carried)***

It was the consensus of the Board to hold a special public hearing not to coincide with a regularly scheduled ZBA meeting. Mr. Sink advised that he would check with the City Clerk's office to determine the availability of the Aldermanic Chambers and will email the members with potential dates for the hearing.

2. REGULATORY MATTERS:

ZO-47-2014 ***(Request for Rehearing of Special Exception and Variance)***
Attorney Daniel Muller proposes to re-hear case ZO-47-2014, appealing the decision of the Zoning Board of Adjustment denying the request to allow a grocery store and a non-illuminated 6'x20' sign together with the modification of an existing loading dock at **300 Hanover Street**.

Chairman Bevelaqua advised that this Request for a Rehearing was just received and some of the members didn't have an opportunity to review the information.

Mr. Sink advised that the Board could suspend the decision appealed from. He explained that State law says that within 30 days of the filing of the motion, the Board has to either grant it, deny it or the Board can put it off but they would essentially have to suspend the order or decision complained of pending further consideration.

Mr. Dupre asked if they would basically be suspending the Board's decision from last month. Mr. Sink said that was correct. He went on to say that effectively the case is not denied completely yet because they are still in the appeal process.

Chairman Bevelaqua said the problem was that the Board just received the information this evening and some members didn't have an opportunity to review it.

Chairman Bevelaqua said it is alleged that the Board did not afford the applicant an opportunity to respond to the questions that were put forth by the two attorneys who spoke when the hearing was opened to the public.

Mr. Clement said as far as he could recall the applicant just sat there. Mr. Hendershot said the applicant did not say a word.

Mr. Sink reminded the Board that at the beginning of the hearing when instructions are given applicants are advised that they are allowed to respond to testimony.

- ***Bevelaqua/Hendershot: Motion to suspend the decision complained of pending further consideration. (Motion Carried)***

It was Chairman Bevelaqua's opinion that the case should be reheard.

- ***Bevelaqua/Hendershot: Motion to adjourn. (Motion Carried)***

ATTEST:_____
William A. Bevelaqua, Chairman
Manchester Zoning Board of Adjustment

APPROVED BY THE ZONING BOARD OF ADJUSTMENT: _____

☐ With Amendment
☐ Without Amendment

The above minutes are a summary of the meeting and are not intended to be verbatim.
Audiotapes are available in the Planning and Community Development office for a limited time.

Transcription by Lori Moone, Planning & Community Development