



CITY OF MANCHESTER

PLANNING AND COMMUNITY DEVELOPMENT

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MANCHESTER ZONING BOARD OF ADJUSTMENT PUBLIC HEARING / LIMITED BUSINESS MEETING AGENDA April 14, 2016 – 6:00 p.m. City Hall, Third Floor – Aldermanic Chambers

Board Members Present: Chairman Allen Hendershot, Vice Chairman Michael Dupre, Raymond Clement, Thomas Puthota, Matt Routhier

City Staff Present: Michael Landry, Deputy Director of Building Regulations

I. The Chairman calls the meeting to order and introduces the Zoning Board Members and City Staff.

II. PUBLIC HEARING:

(Tabled from March 10, 2016)

1. **ZO-16-2016**
211 Ash Street, Ward 2

Michael Soucy proposes to maintain an accessory structure converted to a single family dwelling in the R-2 zone and seeks a **variance** from Sections **5.08** for more than one principal structure; **6.01** for lot size of 5,891 SF where 10,000 SF is required; **6.02** for lot width of 50' where 75' is required; **6.03 (B)** for rear yard setback of zero (0) feet where 20' is required; **6.03 (C)** for side yard setback of 2' where 20' is required; **6.04** for lot coverage of 68.1% where 60% is allowed; **6.06** for floor area ratio of .57 where .5 is allowed; **10.03 (B)** for 5 parking spaces where 6 are required and 5.12 for relief from Planning Board approval for a planned development, of the Zoning Ordinance, as per documents submitted through April 6, 2016.

Michael Soucy of 211 Ash Street said he was asked at the March 10, 2016 ZBA Meeting to get an inspection from the Building Inspector, Don Veilleux, to see if the structure met the building code. Mr. Soucy said Don Veilleux did come and he checked out the place and told Mr. Soucy he would need to add an egress window in one of the bedrooms. Other than that, everything looked pretty good to him.

Mr. Soucy said he was also asked to obtain a certified plot plan and Mike Landry advised him there was already one on file, so he added the parking spaces to it and showed the outlines on the plan.

Michael Soucy said he is basically asking for relief to have that accessory building or cabana building into a legal apartment.

Chairman Hendershot said he just wanted to clarify that the Building Department did inspect the property. Michael Landry said Don Veilleux looked at it and said the structure itself was permitted and inspected in the day but not for the current use so Don went out there and saw no problems other than what Mr. Soucy mentioned.

Chairman Hendershot turned the hearing over to the Board.

Vice Chairman Dupre said when the Board requested a certified plot plan it was because they wanted to see everything sketched out for them. He said what Mr. Soucy submitted was something that was done thirty or forty years ago that may or may not be what was actually done because obviously it started off as one accessory use and kind of morphed into something else. Mr. Dupre said that is the first piece of it. The second piece of it that Mr. Soucy has penciled in his parking spaces and the Board cannot be sure that he is dimensionally accurate. Mr. Dupre said Mr. Soucy is talking about when he is parking right down his property line, assuming that is where his property line is and his measurements all add up. Vice Chairman Dupre said he is a little concerned about considering something like this given where Mr. Soucy started and where he is trying to go.

Michael Soucy said he completely understands where Mr. Dupre is coming from. He said he thinks part of this has to do with the additional parking space in the garage which is behind the dwelling and not in that actual driveway there.

Vice Chairman Dupre said he was talking about all of the parking. He said Mr. Soucy has five spots running down what he is assuming is the north side of the property. Mr. Soucy said that was correct. Mr. Dupre said the sizes are right on the lines and he didn't know how the rest of the Board felt, but this wasn't what he was looking for.

Chairman Hendershot said he didn't really notice that the plot plan was from 1982.

Michael Landry said he would like to weigh in on this. He said he told Mr. Soucy that he needed to provide a certified plot plan and he contacted a surveyor who noted that this plan was on record. This plan was approved by the Planning Department as a lot line adjustment so the survey, he believes, stands up. He said it is based on an as-built condition for the garage and the play room that is being talked about here as being converted to a dwelling unit. The only thing not shown on the survey, but was added by Mr. Soucy, was the carport which was a permitted addition back in the day. Mr. Landry said he told Mr. Soucy that he would be okay with this as a certified plot plan and the comments on the parking spaces are certainly for the Board to make.

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

Vice Chairman Dupre said he appreciated that this has been like this for as long as it has but he has a hard time looking at the value of the surrounding properties not being diminished. He said this lot is pretty much filled out with housing and parking and not much of anything else whereas most of the other houses in the neighborhood, if not all of them, have buffers around them. He said this seems to be the odd house in the neighborhood.

Michael Soucy asked Vice Chairman Dupre if in all due respect and out of curiosity, has he personally driven by the place. Vice Chairman Dupre said he had been by the place and he has been by the alley in the back where the plow comes and he knows the neighborhood. He said he knows Mr. Soucy is planning on parking six cars there. He said he knows there is probably parking that happens on the street. He said it is a tight neighborhood and there are a lot of multi-families and a few single families, but predominately multi-families, but they have green space. They have space around them. There are two families and three families, but they are triple deckers and maybe some front to back, but it is not multiple units. That is where he looks and says this is kind of not in keeping with the character of the neighborhood.

Chairman Hendershot said he feels that obviously if this was done a short time ago he would be opposed to it, but it has been there a long time and Mr. Soucy inherited it and there is no opposition from the neighbors. He said it is kind of like one of those things, it is what it is.

Raymond Clement said he agrees with Chairman Hendershot. He said the carport has been there for quite a few years. He asked Mr. Soucy when he bought the property. Mr. Soucy said roughly 2007. He is not exactly sure. Mr. Clement asked if the carport was there at that time. Mr. Soucy said the carport was there. Mr. Clement asked Mr. Soucy if he had changed anything else. Mr. Soucy said he had not. Mr. Clement said he feels if this was something new that was presented to the Board he wouldn't allow it, but since it has been like this all of this time and nothing has changed, he would be in favor of it.

There were no further questions or comments from the Board.

Raymond Clement made a motion to grant all the requested counts in variance case #ZO-16-2016 which was seconded by Thomas Puthota. (motion carried)

Yeas: Hendershot, Clement, Puthota, Routhier

Nays: Dupre

Upon a split vote the variance was granted.

(Current Items)

2. **ZO-22-2016**
89 Windswept Road, Ward 6

Timberstone Development proposes to construct a new single family dwelling with an accessory dwelling unit in the R1-A zoning district and seeks a **special exception** from Section **5.11 (A)1** Accessory Dwelling Unit, of the Zoning Ordinance, as per documents submitted through March 11, 2016.

Christine Dunham said she was representing Timberstone Development. She said Timberstone Development has been contracted to build a single family home with an accessory dwelling unit. She said they submitted a building permit for the home and the unit and the unit meets all of the requirements as outlined in Section 8.26 of the Zoning Ordinance and she is here for a special exception.

Chairman Hendershot turned the hearing over to the Board. There were no questions or comments from the Board.

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

Raymond Clement made a motion to grant the special exception requested in case #ZO-22-2016 which was seconded by Vice Chairman Dupre. (motion carried)

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

Upon a unanimous vote the variance was granted.

3. **ZO-23-2016**
61 Eve Street, Ward 1

Chris and Cynthia Induni propose to construct a new inground pool and maintain a shed within 4' of the rear lot line in the R-1A zoning district and seeks a **variance** from Section **8.29 (A)** Accessory Structures & Uses (2 counts) for the shed with less than 4' from the rear lot line and accessory structures with more than 25% lot coverage of the rear yard, of the Zoning Ordinance, as per documents submitted through March 15, 2016.

Cynthia Induni of 61 Eve Street appeared along with Phil Paquette of Paquette Pools. Mrs. Induni said they bought the house and she and her family moved to 61 Eve Street in October. She said the house had a nice big backyard and they envisioned putting a pool in there. She said they contacted Mr. Paquette and filed for a building permit to do so. Mrs. Induni said first of all, the shed was there when they bought the house and they don't care about the shed. She said there was also a basketball court which they also did not put in.

Phil Paquette said he did apply for the permit and it was denied. He said he was told he would have to take out 1,000 square feet of the basketball court.

Chairman Hendershot turned the hearing over to the Board. There were no questions or comments from the Board.

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

Vice Chairman Dupre made a motion to grant variance for accessory structure lot coverage in rear yard and accessory structure setback for case #ZO-23-2016 which was seconded by Chairman Hendershot. (motion carried)

Yeas: Hendershot, Dupre, Clement, Puthota, Routhier

Nays: None

Upon a unanimous vote the variance was granted.

4. **ZO-24-2016**

655 South Willow Street, Ward 9

Brian Pratt (Agent) proposes to further subdivide Lot 2 to create new Lot 2B off of Faltin Drive and then redevelop Lot 2 into a retail shopping center with more than 132,000 SF of retail space in the B-2 zoning district and seeks a **variance** from Sections **6.04** for lot coverage of 85.6% where 75% is allowed; **9.09 (A)1** for allowing the freestanding sign for the city athletic field to remain as the third freestanding sign on the lot and within 150 feet from a new proposed sign on the lot and within 150 feet of a freestanding sign on an adjacent lot; **10.07 (G)** for not providing a 10 foot landscape perimeter along Driving Park Road and South Willow Street and **10.08 (C)** for three driveways greater than 36 feet in width on Lot 2, of the Zoning Ordinance, as per documents submitted through March 15, 2016.

Brian Pratt of CLD Consulting Engineers said the purpose of his visit is to convert the former Osram Sylvania facility into a retail plaza. He said the Osram facility has been closed for a couple of years now and Dick Anganost and Brady Sullivan have purchased the property and they want to convert it. Mr. Pratt said Mr. Anganost and Brady Sullivan do not have any tenants set up yet but they do expect them to come once they have the zoning and site plan approvals.

Mr. Pratt said they are planning on tearing down a portion of the building closest to South Willow Street. He said basically that kind of blocks the visibility of the whole side so by tearing that down that allows them to get better access to the property and more parking.

Mr. Pratt said the plan he handed out to the Board is a colored rendering which makes it pop a little bit. He said they added the trees and the green spaces to try to help illustrate the purpose of the plan.

Mr. Pratt said it is 132,000 square feet for the main facility and they expect multiple tenants but there could also be one large tenant. He said the way they have it shown is divided into about eight or nine different spaces of varying sizes. He said those will change once the tenants come in.

Mr. Pratt said their main access is off of Driving Park Road and that is a boulevard style entrance which lines up across from Leclerc Circle which is the loop road that wraps around Wendy's. That will funnel traffic up to the main portion of the building where they will have a nice wide drive aisle around the outside of the building. Mr. Pratt said there will be a secondary entrance at the end of Driving Park Road down near the parks as well.

Mr. Pratt said they will have a parking lot with 600 parking spaces and landscaped islands at the end of every endcap and handicapped spaces scattered throughout. The utilities are pretty much the same. They will do some minor changes to the utilities, but nothing major. They will significantly enhance the storm water system, adding some treatment for drainage. He said they have coordinated with DES about the storm water and they are very happy with the changes they are proposing. They are adding a couple of hydrodynamic separators which help to remove some of the sediment.

Mr. Pratt said the property as it exists right now shows the large building which is yellow on the plan and three existing other buildings that are accessed at Faltin Drive and those are at the top of the plan. He said those are not colored because they are just focusing on the retail center for this but those three buildings are actually connected right now as there are three connector hallways. Those three hallways are going to be taken down and the buildings are going to be separate uses. They are currently unoccupied because those were part of Osrams facility. They are seeking new tenants to occupy those spaces but right now they don't know who it is going to be.

Mr. Pratt said the first reason they are here is because of the subdivision. They are planning to subdivide to get those three buildings on their own separate lot. That will keep the retail plaza on its own lot and those three buildings can be on their own for whoever wants to occupy them. It affects their lot coverage because of the subdivision. That is the first variance they are asking for. Currently, as the site as it exists, it is about 85% impervious. In the back of the Faltin Drive lots, there is a lot of green space which is a wetland area. By subdividing it, it changes the ratio of where that green space is, so it makes their main property, the retail plaza, 85.6% which is a slight increase from where it is at today. The Faltin Drive Lot is around 71% so overall it is about the same impervious, it just makes the large lot non-conforming.

Mr. Pratt said the lot as it exists today has almost no landscaping except up along South Willow Street. As he mentioned earlier, they are planning on enhancing the landscaping significantly, adding endcaps at each parking row with trees and shrubs and adding a perimeter buffer around the outside where currently is none. The parking lot currently just goes right to the pavement at Driving Park Road. That is one of the other variances they are requesting. He said they did

originally try to make a 10 foot buffer around the perimeter, but after meetings with the City, they expressed the desire to have the sidewalk extended all the way from South Willow Street all the way down to the Rail Trail which is down through the baseball field or through the soccer fields. By doing that, they lost some of their buffer. The number of parking spaces on the side is critical and they really would like to have nice wide driving aisles for fire access and passenger vehicles to drive around the site. That is one of the other requests they have, to remove that 10 foot buffer down to a minimum of 5 feet. They do have it in a lot of the areas but there are just some areas where it is less.

Mr. Pratt said another variance they are requesting is for the sign for the soccer fields in the back. There is an existing sign on the property near Wendy's right on Driving Park Road. He said they don't want to lose that sign. They want to keep that sign there for the City so that people know where it is. They also don't want to be penalized and not be able to put their own sign on the property. Because the property is so large, they are allowed one full sized sign and one smaller sign that is half the size of the large one. He said they are requesting to keep the soccer sign but also keep what would be allowed for signage as well. The location of the soccer sign is going to fall within less than 150 feet from two signs, the Wendy's sign and the proposed sign on their property. They are asking for another variance to allow that sign to be less than 150 feet, from those other two free standing signs.

Mr. Pratt said also, along with the subdivision, they are required to have a 30 foot setback for the rear on that first building on Faltin Drive which is labeled as 75 Faltin Drive. By drawing that property line where it logically makes sense to split the lots, just one corner of that building is less than 30 feet, it is 21 feet. The other two buildings are all at least 30 feet so they need a variance for rear setback.

Mr. Pratt said the last variance is the driveway width. The reason that the driveways have to be wider than what is allowed is because trucks need to make the turns in and because they are adding extra lanes on Driving Park Road, the flares are actually pushed into the property a little which makes the driveway, by the City's definition, wider. It is actually 30 feet wide for the main driveway entrance and it is just the flares that push it out beyond the 36 feet.

Chairman Hendershot turned the hearing over to the Board.

Chairman Hendershot said he had a couple of quick comments. He said although it might seem minor, he is very happy that they added the trees. He said he understands they had to give up some of their land for turning lanes and making a sidewalk and so forth and he understands that made it difficult for the 10 foot buffer and he said he realizes they live in the City with zero lot lines and all that but he still appreciates some trees and green space. Mr. Hendershot said for him, that was an important addition.

Chairman Hendershot said also, on the signs, he doesn't have a problem with "grandfathering" the smaller sign in but he was wondering if they would be coming back to the Zoning Board again for a variance for the other two signs that they can do as a matter of Ordinance. Brian Pratt said

the intent now is that they think they can install the signs per the Ordinance. He said they would have one sign that is up to 200 square feet, up to 40 feet tall and they are thinking that will probably go at the intersection of South Willow Street and Driving Park Road. They are allowed a secondary sign that is half that size and they are thinking that is going to be up near the northerly entrance on South Willow Street.

Chairman Hendershot said he couldn't speak for the rest of the Board, but he would appreciate it if they would stay within that if the Board grants them the other sign. The sign would stay put for the youth athletics and so forth. Brian Pratt said the sign company drew up some preliminary signs and he thinks they looked fine and the size was okay. Mr. Hendershot said that sign has been there for a long time, too.

Matt Routhier asked Mr. Pratt if they would have any idea who their tenants would be. He asked what they would anticipate their required parking count is versus what they have shown. Brian Pratt said the actual required parking count, if this was just the 132,000 square feet, is around 515 spaces. He said according to the Ordinance, if it was all just one level it would be 531 spaces required. Based on other retailers that they have started talking to they all say that they want 600 spaces which feels like the right number based on the size which is exactly what they have.

Vice Chairman Dupre referred to the three Faltin Drive buildings they are looking to spin off on their own and asked Brian Pratt if they were planning on having a fence in between the two properties. Brian Pratt said they are going to stay connected and they will have access easements so you can drive back and forth throughout. It is good for emergency circulation and it is actually good to have back connectivity through some of these parcels so some of the people can sneak out and take some of the pressure off some of the signals up on South Willow Street.

Vice Chairman Dupre asked if they were planning on putting parking in on these buildings. Mr. Pratt said eventually. He said there are 70 something spaces striped on there right now and if they are occupied by a user that is a similar use to what is there, they do not need to come back to the Planning Board. If it is occupied by a use that is substantially different, they will need to go back to the Planning Board for a change of use site plan. They did some conceptual layouts to see what would happen if they just basically added some striping. He said they can get about 130 total spaces on that side up there. If it was some sort of mix of office and maybe research and development, storage or uses like that, he thinks there would be plenty of parking there for those three uses. He said they don't know yet because the buildings are set up, the first one, 75, is mostly offices he believes and the second one is a mix of offices and research and development and the third one is all shipping. It is just a wide open building with loading docks on the left hand side. Vice Chairman Dupre said then the access between the two properties so people could exit if they wanted to go out to Faltin Drive or come in on Faltin Drive. Mr. Pratt said there is a paved access way between 75 and 85 and they are going to maintain that connection. It is the same thing between 85 and 95 and then around the back of 95 is just kind of a big open loading area.

Vice Chairman Dupre said a couple of months ago the Board approved a subdivision at Lot 2A. He

asked Mr. Pratt where that stood right now. Mr. Pratt said that was conditionally approved and he said he believes the Zoning Board put the condition that they needed to get site plan approval. Vice Chairman Dupre asked Brian Pratt if they had to go before the Board of Mayor and Aldermen also. Mr. Pratt said that was for a rezoning. He said they appeared before the Board of Mayor and Aldermen to change the zoning from IND to B-2 and that passed. Mr. Dupre confirmed with Mr. Pratt that the whole area was now in the B-2 zoning district. Mr. Pratt said that subdivision is conditionally approved as part of the plan set they have that same subdivision plan but they added the new subdivision and that is why they are here. Mr. Dupre said he just wanted to make sure it was all in the B-2 zoning district now because he didn't want to see them back before the Board in another three months. Mr. Pratt said this should be the last time they were here for this.

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

Chairman Hendershot asked the Board if there was a motion to approve variance case #ZO-24-2016. Michael Landry asked Chairman Hendershot if someone could state the motion that the Board would be granting all relief requested, just to be clear.

Raymond Clement made a motion to grant all the variances requested by the applicant pertaining to case #ZO-24-2016 which was seconded by Vice Chairman Dupre. (motion carried)

Yeas: Hendershot, Dupre, Clement, Puthota, Routhier

Nays: None

Upon a unanimous vote the variance was granted.

5. **ZO-25-2016**

Whalley Road - Map 675, Lot 43, Ward 9

Gary Meehan (Agent) proposes to construct a single family dwelling on a lot that does not have minimum lot frontage for a depth of 100' and where the proposed residence is located within the required rear yard setback in the R-1B zoning district and seeks a **variance** from Section **6.02** Minimum Lot Width and **6.03 (B)** Rear Yard Setback, of the Zoning Ordinance, as per documents submitted through March 16, 2016.

Gary Meehan of 641 Black Brook Road in Goffstown appeared with the co-owner of the property, Kathleen Meehan. He said they were looking to construct a 2,400 square foot residence with a 720 square foot garage. The main hardship is the odd shape of the property. They are seeking relief from the rear setback which abuts a vacant lot which they believe will always be vacant because it is owned by the Manchester Airport Authority.

Chairman Hendershot said Mr. and Mrs. Meehan obviously have a hardship with the size of the lot and if this was in any other neighborhood he certainly would be opposed with a 6 foot rear

setback, but since they have a several thousand acre forest behind them, he thinks that is less important. He was wondering if they have any idea what the Airport's intention of that land is. Is it just a buffer for plane crashes or do they have any long term plans for that land. Mr. Meehan said the reason that they demolished all of the houses on Brown Avenue was so they would have the buffer and they would get rid of the curb cuts on that road. He said he spoke with the Assistant Director last year and he felt they had no objection to the variance.

Chairman Hendershot turned the hearing over to the public and invited those in favor of this application to come forward. No one came forward to this request.

Chairman Hendershot then invited those in opposition of this application to come forward.

Dave Carlson of 40 Whalley Road, Lot 42, said this would be right next to his bathroom window. He said he has lived in his house for about twenty-two years and it seems this proposal would be awful close to his house to make the setbacks from the road and his property line to get a 2,400 square foot house so he would rather there not be a house there. Chairman Hendershot asked Mr. Carlson how far his house was from the lot line. Mr. Carlson said he thought it was about 5 feet.

John Booth of 107 Whalley Road said this whole section of land that is being talked about tonight was slated to be a house lot back twenty-two years ago and was fought by the same people, who are asking for it to be a house lot again. He said the Assessors said yes, we made a mistake and there isn't anywhere near enough land for this. Mr. Booth said there are no utilities on this road. There is no water or sewerage on the road and to bring it in from down below would be an exorbitant amount of money and there isn't a whole bunch of acreage behind the land. There is probably 120 feet and then you hit Brown Avenue. There is just a small pie shaped area that comes all the way down through and it would make that whole area very congested.

Sabrina Thomas and **John Thomas** of 23 Dixwell Street said they are directly across the street from this proposed variance. Mrs. Thomas said they have a couple of oppositions to this proposal, but mainly they oppose the size of the lot. She said the lot is pie shaped and if a house were to go in there it would have to go almost directly on top of Mr. Carlson's house which is next door. Mrs. Thomas said this would be a little bit different character-wise than their neighborhood is currently. The houses in their neighborhood are almost right in the middle of their lots. She said they live in an R-1B zone and the houses are not 10 or 20 or 30 feet away from each other. They are planted right in the middle of their lots. It would be significantly different and out of character if this house were to go in there because it is such a small pie shaped lot. Mr. Thomas said he believes that the size of the house would probably not substantially add property value to his land or the applicants. He thinks it is too large of a house to fit the neighborhood and he believes it would lower his property value because it is right next door and it wouldn't really be worth what it should be because there is no land with the house.

Gary Meehan said regarding the proximity to the Carlson property, the required setback from

that side of the property is 10 feet and they are respecting that in their proposal. He said they have a right to build up to within 10 feet of that property. Mr. Meehan said in fact, there is more than enough square footage on the property to make it a buildable lot. Regarding the utilities, they can be added if they need to be added. He said as far as the property values in the neighborhood, they submitted a letter with their package regarding Profile Realty saying it would not significantly reduce the property values in the neighborhood. Mr. Meehan said he objects to the fact that this would be too large of a house because it is really not that large a house, it is only 2,400 square feet which is consistent with the other houses in the rest of the neighborhood.

Kathleen Meehan said she and her sister inherited this land when their parents passed away and they tried to sell it with the property that was across the street with the house but the people that were buying it didn't want to. She said they have been paying taxes and having it insured. Right now it is a vacant lot and over the years, since they kind of lagged and not applied for a variance, people have trespassed on this property. There were signs and they tore them down. Neighbors have put grass clippings and leaves on the property and young boys in the neighborhood made a lean to kind of up on the hill but they had to trespass on their property to do so. They were building campfires on the lot. She said she can't see how leaving this vacant lot is going to value any of the area. She grew up in this neighborhood, living right across the street and putting their home on this lot would only add value to the neighborhood, not the way it is now.

Chairman Hendershot turned the hearing over to the Board.

Vice Chairman Dupre said he appreciated that this neighborhood is in an R-1B zoning district and they have over 11,000 square feet so they have plenty of space. He said the neighbor that abuts the applicants to north at 40 Whalley Road has had the benefit of not having a house there for as long as he has been there so he doesn't have to look out his window and see a house. Mr. Dupre said Mr. Carlson is only 5 feet from the line and they are talking about 10 feet from the line which is within reason.

Vice Chairman Dupre said he would like to propose a thought that may weigh in on people's decision. He proposed swapping the garage and the residence so the garage goes on the residence side and the residence side goes on the garage side. He said this would be for a couple of reasons. It would cut down on the amount of traffic that the gentleman would see in his property and he would be able to have his residence on the open yard side to be able to appreciate that side of the yard. Mr. Dupre said he lived in a neighborhood that was packed in tight and he doesn't want to say he was asking for grey poupon through the window, but 15 feet between houses is tight regardless of the zoning. He said he doesn't know how the Board feels and if they would consider that as an idea maybe to appease the neighborhood a little bit. That is just his thought.

Gary Meehan said they would be willing to entertain that. Kathleen Meehan said Mr. Meehan is an architect so he can draw it up any way the Board thinks best. Vice Chairman Dupre asked the rest of the Board members how they felt about this. He asked if this would sway anybody's

opinion.

Matt Routhier asked Mr. and Mr. Meehan if there were any intentions of putting up a deck in the future. He said that would change how this all lies out. Vice Chairman Dupre said that is the other reason he was thinking of swapping the two because if a deck went off the side towards the small pie piece rather than coming in for another variance possibly and encroaching on Mr. Carlson's property if it is so approved. It would mitigate a little bit of this. Mrs. Meehan said they have all of that land to the south. Mr. Meehan said they would be willing to work with the Board on this.

Chairman Hendershot said he liked that idea. He said he missed how close the two were together. He asked if there were a way to slide the house down a little bit and still move it more into the lot. Mr. Meehan said they could slide it slightly but it would just end up getting closer to that back lot line. Chairman Hendershot asked if that was the length that the driveway has to be. Matt Routhier said it had to be 18 ½ feet and they have 20 feet. Vice Chairman Dupre said they could drop it down a foot and a half and come over a little more. Chairman Hendershot said the house doesn't have to be 30 feet deep, either.

Raymond Clement said he thought this could be made to work as Mr. Meehan is an architect and he thought he could come up with some type of solution. Chairman Hendershot asked if the garage had to be 30 feet deep. Mr. Meehan said it did not. Mr. Hendershot said if Mr. Meehan flipped it over the other way, then he could slide it over or if he kept it where it is and didn't make it 30 feet he could slide it over making more distance between houses. Vice Chairman Dupre said he still believe swapping the residence to the other side will also cut down on the general homeowner noise. He said he is trying to consider the abutter in this and that is why he is putting the residence on the opposite side.

Gary Meehan said they could live with the 24 foot depth on the garage.

Raymond Clement asked if Mr. and Mrs. Meehan would have to come back before the Board with these changes. Chairman Hendershot said he didn't think so. Vice Chairman Dupre said if they are shrinking, they probably do not have to. He said the footprint they are proposing is just being flipped. Mr. Clement said he is in favor of what Mr. Dupre is suggesting and he said he thinks they can make it work to everyone's advantage down there. He said he doesn't want to deny them the use of their property. Vice Chairman Dupre said he doesn't want to deny them the use but he would like to set some conditions before they leave tonight.

Chairman Hendershot said there are two things. If they leave the garage where it is and made it 24 feet deep instead of 30 feet deep they can make that 10 foot side yard setback quite a bit bigger. Mr. Hendershot said Mr. Meehan was the architect and asked him how much more could the side yard setback be increased if he made the garage 24 feet and shifted it to the right. Mr. Meehan asked if he could slide it close enough to the back property line where they would be within a foot or so. Chairman Hendershot said they would prefer he keep some and 6 feet is pushing it. Mr. Hendershot said if Mr. Meehan made it 24 feet deep and the Board said he had to

keep the 6 feet, he might get an extra 5 feet. That would make it 20 feet between the houses. Mr. Meehan said he could do that.

Vice Chairman Dupre said then they would be leaving the residence then on the left side. Chairman Hendershot said he liked Mr. Dupre's idea and asked Mr. Meehan if he was talking a 24 foot depth or width. Mr. Meehan said the depth of the garage which is now 30 feet and they can reduce it to 24 feet.

Matt Routhier said his only comment would be with the garage on that side, in winter there are cars running right next to the abutters houses as opposed to it being on the other side. He said if you are showing the garage and you sliding everything away then that kind of null and voids that need to put the garage on that side.

Raymond Clement said if everyone is making suggestions, maybe you could have that driveway come in and the garage door facing north. Vice Chairman Dupre said they would need extra clearance to do that. Mr. Clement said maybe they could move it down more.

Matt Routhier suggested a motion be made to leave the garage with it being shortened up and sliding it over so it maintains the 6 feet to the rear. Chairman Hendershot said a motion could be made for both of them.

Michael Landry said he would like to get a clarification. If they are flipping the garage and changing the depth, they are still hung up with that 6 foot setback which they are seeking relief from. Matt Routhier said that is why he is saying maintain the garage in its location and shorten it up and that will slide everything over.

Vice Chairman Dupre said before the Board goes down that path, he doesn't know if that is going to help them. He referred to the plan and said if the garage is 24 feet they still have a house that is now going to be encroaching on the area shown on the plan. Matt Routhier said if Mr. Meehan is lopping 5 feet off of that thing, he will be able to slide it. Chairman Hendershot said they could go almost 10 or 12 feet before they are going to get to 6 feet. He referred to the plan and said from this distance from here to here just put your thumb there and that is almost twice as big right there so that means the corner of that house would have to come all the way down to here before you violated the 6 feet. Mr. Hendershot said this is a straight line and the corner of the house would have to come all the way down to where the garage is now, before it was 6 feet. He said he is thinking you could get at least 10 feet.

Raymond Clement suggested tabling the case to next month so the applicants can come up with a different proposal. He said abutters would not have to be re-noticed. He said they are shooting at the wind right now. Let's have a definite plan from them that will as satisfactory to the abutters as possible. Chairman Hendershot agreed with Mr. Clement. Raymond Clement asked Michael Landry if he could work with the applicants on this. Mr. Landry said he could.

Dave Carlson asked if the applicants were planning on living in the house or were they planning

on building a house and selling it. He said there is an existing property directly across the street from the applicants right now that no one can represent because the house is up for sale. He said that person who is across from the entire lot that they are proposing would have some kind of question about what they are building, how close their driveway is going to be. Right now, their garages are the exact opposite so if they start changing the driveways, the existing house there is going to have an issue with their driveway as well.

Chairman Hendershot said if the applicants come back to the Board with what they are talking about, the driveway will not be in the same spot. Mr. Carlson asked if it was possible that the applicants could contact the landowners next to them and ask what would be beneficial to everyone. Mr. Hendershot said if this case was tabled, the abutters were welcome to return next month and testify again. Chairman Hendershot advised Mr. Carlson that abutters will not be notified of the May ZBA Meeting.

Chairman Hendershot said the Board was going to take a vote to table this case to give the applicant a month to come up with a different plan that will move the building to try to maximize the distance to the lot line on the left. The caveat is that the Board is not giving the applicant more than 6 feet. Mr. Meehan said they could live with that. Vice Chairman asked the Board if they wanted Mr. Meehan to do both plans including the one where he would swap the garage. Chairman Hendershot told Mr. Meehan he could bring back another plan if he wanted to, where he was switching the garage to the other side as well. Mr. Hendershot said he thought the Board would put in a motion that 6 feet was the maximum.

Raymond Clement commented that the back of that lot is just a steep hillside and he is not too concerned about that lot line there. Chairman Hendershot confirmed with Mr. Clement that he didn't care about the 6 feet that much. Vice Chairman Dupre said it would require a re-notification and everything else so why doesn't the Board stick with what they have. Matt Routhier asked Michael Landry if it would require a re-notification and Mr. Landry said technically, yes.

Kathleen Meehan said where the house is on the plan they submitted to the Board, directly across from that is part of 71 Whalley Road where the gentleman has said right now nobody owns it. She said that is a vacant lot. Her dad had a tree nursery and that was part of farm land and is not a buildable lot. She said that house would look out and there isn't anything to look at other than a field. Chairman Hendershot said that was basically irrelevant to this case.

Raymond Clement made a motion to table case #ZO-25-2016 to the May 12, 2016 ZBA Meeting so that the applicant can return with a revised plan making it more conforming to the neighborhood and keeping a 6 foot setback from the rear property line which was seconded by Vice Chairman Dupre. (motion carried)

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

Upon a unanimous vote the variance was tabled.

Michael Landry announced that this case would be heard May 12, 2016 at 6:00 pm and no further notice would be given.

6. **ZO-26-2016**
51 Carolina Way, Ward 1

Jeffrey Kelley (Agent) proposes to construct a single family dwelling on a lot with no frontage on an accepted street in the R1-A zoning district and seeks a **variance** from Section **6.02** Minimum Lot Frontage, of the Zoning Ordinance, as per documents submitted through March 19, 2016.

Michael Landry said he would like to note that this property was granted the same relief back in October, 2013 and the variance expired and so that is why they are here.

Jeffrey Kelley said he was representing Kindler Development Group of 440 Hanover Street and appeared along with Mark Roy of 608 River Road. Jeffrey Kelley said that Carolina Way, while it is not an accepted City street, it is a fully developed street by any measure. Anyone driving down there would recognize no difference between the two. There is City water, City sewer, drainage and curbing in a fully functioning neighborhood. He said they have a couple hundred feet of frontage along Carolina Way. The reason that the variance expired is because the economic conditions were such that it didn't make sense to build a new construction back while the original variance was granted. Things have thankfully turned and changed and they are now looking to construct. The home would be the same style that matches the existing neighborhood which would be a single family, split level home.

Chairman Hendershot turned the hearing over to the Board. There were no questions or comments from the Board.

Chairman Hendershot turned the hearing over to the public and invited those in favor of this application to come forward. No one came forward to this request.

Chairman Hendershot then invited those in opposition of this application to come forward.

Serena Lemieux Crotty of 124 Carolina Way said she is not totally in opposition. She said she just wanted to ask the Board for clarification. She wanted to know exactly what the variance they are asking for means. She said she has been trying to do research and she did pull up minimum lot frontage, but she doesn't understand exactly what they are asking for.

Michael Landry asked Chairman Hendershot if he would like him to take a stab at it. Chairman Hendershot said he would. Michael Landry explained that state statute requires that in order to get a building permit for a lot you need to be on an accepted City street. Mr. Landry said that is the real difference and said Mrs. Crotty probably knew more about her street than he did. He

said for whatever reason, the street was constructed as a private way. There was the road maintenance agreement so the owners on that private way are responsible for its maintenance. That is the variance, to get a building permit on a lot that is not an approved City street. It is a private street so it needs a variance. Chairman Hendershot said it meets every other requirement.

Mrs. Crotty asked if they just had to come for a variance because it is a private road and not a City road. Chairman Hendershot said yes. Mrs. Crotty said they aren't opposed to a house being built that is in accordance with all of the houses on the road right now. The only thing is it is not a fully functioning road and she didn't know if the Board was aware of this. She said there are no sidewalks on either side of the road. There is only curb on the existing part of the road and no curb on their side of the road. There are no City lights on the road and the residents would be responsible for putting those in and they do pay for their own plowing, trash pick-up and their own recycling. She said she didn't know if this would make a difference, but it is not a fully functioning City road.

Chairman Hendershot said that Mrs. Crotty did have an agreement between all of the abutters that takes care of that. Mrs. Crotty said she was just giving information to the Board. Chairman Hendershot said if their variance is granted, they would obviously join the group and the Board could also make that a requirement that they do. Michael Landry said yes, but he believes it is probably inherent in their deed.

Mrs. Crotty said she had one last question for the Board. She said on the chart for an R-1A family detached, because of the odd shape of the land, they do still have to maintain the lot frontage, the rear side measurements that are on the application, so they aren't asking to come closer to the road with the house. Chairman Hendershot said if their variance is granted, whatever house they build there has to meet all of those front, back and side setback requirements. They cannot just put it anywhere they want. They will have to take a plan to the Building Department and the Building Department will review the plan and if it meets all the ordinances, they can get a building permit. If it doesn't, then they can't unless they come before the Zoning Board again. Mrs. Crotty confirmed with Chairman Hendershot that after today, if this is approved, they can't just put up a house, they have to go to the Building Department and must meet all of the requirements. Chairman Hendershot said this has nothing to do with the building of the house. This is just whether they have the right to build the house.

Mark Roy said this process is very similar to the ones the original developer went through when he created this subdivision. The private roadway that was created was created through the permitting, Zoning and Planning Board processes. He said they were coming in years later because this was a City owned piece of property across the street from the original subdivision even though it had frontage on the unaccepted way, so it was left out of the original permit process. He said they would have to conform with, as was stated earlier, everything that original developer went through. As far as the frontage, they are part of a road agreement and are part of the original covenants that are required by deed for the other existing homes. He said they would have to match the same rules as the other home owners in the neighborhood.

Chairman Hendershot said then that is already a done deal, that whole agreement. Mr. Roy said it is all signed, sealed and will not only follow through with this ownership, but any subsequent ownership for the time that the home stands there. Mr. Roy said as was previously stated, all of the setbacks and all of the building code requirements will be the same updated versions of when the other houses across the street were built. He said they will gladly meet any of those and work with the Building Department to conform. Hopefully, this puts people's minds at ease.

Chairman Hendershot turned the hearing back over to the Board. There were no further questions or comments from the Board.

Thomas Puthota made a motion to grant variance case #ZO-26-2016 which was seconded by Matt Routhier. (motion carried)

Yeas: Hendershot, Dupre, Clement, Puthota, Routhier

Nays: None

Upon a unanimous vote the variance was granted.

7. **ZO-27-2016**
115 Oak Hill Avenue, Ward 2

Kevin Ransom proposes to construct a 12'x16' shed in the front yard and within the required side yard setback, maintain parking spaces in front yard which results in more than one parking space in the front yard setback and maintain a deck in the rear yard setback in the R-1B zoning district and seeks a **variance** from Sections **6.03 (C)** Side Yard Setback, **8.29 (A)1** and **8.29 (A)3** Accessory Structures & Uses and **10.09 (B)** Parking Setbacks, of the Zoning Ordinance, as per documents submitted through March 17, 2016.

Kevin Ransom of 115 Oak Hill Avenue said he purchased this property about two months and came into town a couple of days before closing to get a permit for a shed because the dwelling has no outside storage for fuels or lawn mowers, etc. He said the staff at the Building Department informed him that the previous owner who is now deceased had done some work to the driveway which is paving an extra two spaces without a permit. Before the Building Department is able to give him a building permit for the shed, he has to get a variance on the driveway. He said his hardship this shed being in the front yard where there is a sewer easement in the backyard and Stockholm Street is a very steep street which would not be safe for access in and out of that shed.

Chairman Hendershot turned the hearing over to the Board.

Vice Chairman Dupre asked Mr. Ransom why he couldn't put the proposed shed at the end of his driveway. Mr. Ransom said it is so steep there on Stockholm Street. Mr. Dupre said he went out there and thought it was flat enough to put what he wanted there. He said it would be more convenient with a snow blower. Mr. Ransom said it is not just a snow blower. He said there

would also be lawn mowers and a motorcycle and he couldn't back the motorcycle up because his driveway is extremely steep also. He said he could not back the motorcycle out that way. Being that it is on Stockholm Street, there are actually a lot of accidents on that hill with the traffic. He said at the other end of his driveway, it doesn't block anybody's view and that portion of Oak Hill Avenue is only servicing his house and his neighbor's house. There is no real traffic that goes through there so it would make the most sense for safety to put the shed over in that end.

Vice Chairman Dupre asked Mr. Ransom how close the shed would be to the side yard. Mr. Ransom asked if he meant toward the property line. Mr. Dupre said yes. Mr. Ransom said in his diagram, he thinks he has it about three to four feet. Mr. Dupre said Mr. Ransom was called out on his deck but not on the shed. Michael Landry said the shed is in the side yard setback and he scaled it off as 2 feet. Mr. Landry said the shed has two counts, one being in the front yard and the second being the two foot setback.

Chairman Hendershot said if Mr. Ransom had a motorcycle in there, he found it hard to believe he would not have some kind of surface because he would want to go out on Oak Hill Avenue with the motorcycle. Mr. Ransom said he would want to back out onto Oak Hill Avenue. Mr. Hendershot said he wouldn't want to be driving that out onto the grass, he suspects. So Mr. Ransom would be building some kind of "driveway" to go to Oak Hill Avenue. Mr. Ransom said there would be a double door there with a four foot ramp. Chairman Hendershot said Mr. Ransom is going to have a driveway between the street and the shed.

Chairman Hendershot said he is not a big fan of sheds in the front yard. He said he didn't see why Mr. Ransom couldn't put the shed at the end of the driveway as Mr. Dupre suggested. Mr. Ransom said coming down that driveway, he would be plowing that and an area for snow to be plowed in. Vice Chairman Dupre said Mr. Ransom just said he would be buying a snow blower. Mr. Ransom said there are driveways and walkways all the way around the property into the back and the sides are all paved that would be snow blown or shoveled. Mr. Dupre confirmed with Mr. Ransom that this is a single family home. Mr. Ransom said it has three bedrooms and two baths. Mr. Dupre asked if there was a garage. Mr. Ransom said there is no garage and no outside facilities for storage. Mr. Dupre confirmed with Mr. Ransom that there is parking for four vehicles. Mr. Dupre suggested that Mr. Ransom take one of those vehicle spots for the shed. Mr. Ransom said the driveway is on an extreme angle. Mr. Dupre said he knew it was definitely extreme down towards Mammoth. Mr. Ransom said he took pictures and he could share them with the Board. Mr. Ransom approached the Board and submitted the pictures and said there were some notes on the corner describing the pictures.

Chairman Hendershot said he didn't think it was that steep. Mr. Ransom said the abutter where he would be putting his shed has given her approval.

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

Chairman Hendershot turned the hearing back over to the Board.

Matt Routhier said looking at these pictures and having been a rider of motorcycles for quite a long time, that driveway looks pretty flat to him to the point that he could easily put a shed there without too much of a problem. He said he couldn't say he supports granting the variance for the shed. Chairman Hendershot said it didn't look that steep to him either. Mr. Ransom said the driveway is not flat whatsoever. He said if he were to put a trailer there he would definitely have to chock it.

Chairman Hendershot asked for a motion to break this up first of all and grant the parking situation.

Matt Routhier made a motion to grant section 10.09 (B) for two parking spaces, case #ZO-27-2016 which was seconded by Vice Chairman Dupre. (motion carried)

Yeas: Hendershot, Dupre, Clement, Puthota, Routhier

Nays: None

Upon a unanimous vote the variance for section 10.09 (B) was granted.

Chairman Hendershot mentioned they probably should have included the deck in the previous motion. Chairman Hendershot asked for a motion to grant the deck.

Raymond Clement made a motion to grant section 6.03 (C) to maintain the deck, case #ZO-27-2016 which was seconded by Vice Chairman Dupre. (motion carried)

Yeas: Hendershot, Dupre, Clement, Puthota, Routhier

Nays: None

Upon a unanimous vote the variance for section 6.03 (C) was granted.

Chairman Hendershot addressed Mr. Ransom and said he now had his deck and his parking and that leaves the shed.

Raymond Clement asked Michael Landry if since that shed is not a permanent structure, could that go into the backyard over the easement. Michael Landry asked what type of easement it was. Kevin Ransom said it is a sewerage easement for his home and his neighbor's home. Mr. Landry asked who owned the pipe. Mr. Ransom said it is privately owned between him and his neighbor. Mr. Landry said then the City wouldn't prohibit that and he knew that the Department of Public Works would allow a shed to be located on a drainage easement. He said he hasn't seen this for a sewer easement but usually the sewer is running in the street so if it is a private easement between Mr. Ransom and his neighbor he didn't see why he couldn't put a structure like that on it. The likelihood of having to move it to repair the pipe is fairly remote and if that should happen, it is a doable thing to move the shed temporarily.

Vice Chairman Dupre said the pitch down that end is steep. Mr. Ransom said the whole hill from top to bottom is extremely steep. It is so steep that when the City plow comes by, the City has to send over another vehicle to stop traffic at the bottom of the hill so the plow can slide down through the intersection and not get into an accident. It is extremely steep. He said that is why he is asking to go onto the other side of the yard and not have to deal with Stockholm Street.

Chairman Hendershot asked Michael Landry if the shed goes at the end of the existing driveway, is that within all the setbacks. Michael Landry said setback requirements are four feet for the rear yard and ten feet in the side yard so there might be an issue. Mr. Ransom said there are some windows on that side of the house that would be blocked by the shed and he thinks they are egress windows.

Raymond Clement said it doesn't happen very often, but in the past the Board has allowed a shed in the front yard because of land conditions and that was the only sensible location that the owner could put the shed. He said he does remember one or two that the Board allowed in the north end. Chairman Hendershot said the Board also knows that Mr. Ransom is going to put a ramp into the street and he is going to put gravel or he is going to pave that little spot so he can get his stuff in and out. Mr. Clement said Mr. Ransom said the only other abutter is the one that lives right next to him and that road isn't used that often.

Kevin Ransom said his abutter asked him to make sure that it was a nice shed and so he has had matching siding, roof and cupola on put it so it is a brand new shed that will match the house.

Michael Landry said to Chairman Hendershot that he was concerned that the ramp is not shown on the drawing. The ramp is going to go right to the property line and he is not sure where the property line is in relation to the edge of pavement. He said the ramp could get chewed up by the plow. He said Mr. Ransom is showing a four foot setback and that four foot setback with the ramp is basically zero. He asked Mr. Ransom if it was possible that he could move the shed back. Mr. Ransom said there is room to move the shed back off the side property line, absolutely. Mr. Landry said he was talking about the front property line. Mr. Ransom said there is room for both. Mr. Landry said four feet on the side would be better than two feet.

Chairman Hendershot asked Mr. Ransom why he couldn't move the shed back eight feet. Mr. Ransom said he could move it back but there probably was six feet and he was thinking about mowing behind it. Mr. Hendershot said if this drawing is to scale, Mr. Ransom should be able to move the shed eight feet. Michael Landry addressed Chairman Hendershot and said if you look at the front yard and the setback against the front property line, Mr. Ransom has that dimensioned as four feet and the space between the shed and the row of hedges there is maybe slightly more so he would think it is less than eight feet for sure and probably less than six feet, almost five or six feet. Mr. Landry said the Board is looking at a four foot setback and he is suggesting if Mr. Ransom can maintain the four foot front yard setback with the ramp he thinks that is something the Board could consider.

Raymond Clement said Mr. Ransom has suggested that he will move it back and get the ramp out

of the road. Chairman Hendershot said the Board had two things. They can either deny the shed and Mr. Ransom can put it over in the driveway or they can modify the plan and say he has to be “X” number of feet from the road in the front. Michael Landry said the Board is certainly entitled to put a condition on the side yard setback, also. He said the Board might want to have a condition with maintaining a four foot setback that includes the ramp on the front and a four foot setback on the side, but the Board is certainly entitled to make its own conditions.

Vice Chairman Dupre made a motion that the shed should be placed in the side yard at the end of the driveway which was seconded by Matt Routhier (motion carried)

Chairman Hendershot said the Motion is to put the shed where the car is at the end so the shed does not go past the side of the house. Vice Chairman Dupre added that the shed will not encroach on any egresses.

Yeas: Hendershot, Dupre, Clement, Puthota, Routhier

Nays: None

Upon a unanimous vote the variance for the shed was granted with stipulations.

Chairman Hendershot told Mr. Ransom if he wanted a shed, he would have to put it where the last car is in the pink area. Mr. Ransom said that parking space is about eight and a half or nine feet wide and the shed is twelve feet wide. He asked if that would be a problem with the side setbacks. Chairman Hendershot said Mr. Ransom would have to maintain the four foot side setback but he thought Mr. Ransom could come pretty close to getting that.

Vice Chairman Dupre confirmed with Mr. Ransom that his plan was drawn to scale. After discussion from the Board Members, Chairman Hendershot said it looked like the shed would be two or three feet from the side yard. Chairman Hendershot suggested there should be another motion made with a stipulation. Mr. Hendershot said Mr. Ransom could put the shed in the in the previously discussed spot and since the Board does not have the exact number, but it looks to be within two feet on one corner. He said Mr. Ransom would be okay on the back, but there will just be a little bit on the front.

Chairman Hendershot suggested a motion be made to allow the twelve foot shed to be placed in the existing driveway with the parking which was previously granted with the front left corner less than four feet away from side setback.

Raymond Clement suggested the Board look back at how Mr. Ransom is proposing to put his shed and have him move it back. He said he is looking at the plan and that part of Oak Hill Avenue is basically the driveways to both of these houses here. Mr. Clement referred to the plan and said Oak Hill Avenue goes up and they just happen to have this off shoot there where they have the address on Oak Hill Avenue, but they are really the only two people who are going to be

seeing this. It will not affect anyone else.

Chairman Hendershot said the Board already voted on this. Raymond Clement said the Board could reconsider this. Michael Landry said the Board has latitude. He said let's get it right. Chairman Hendershot said he didn't mind discussing it again he just wanted to make sure the Board could do this. Raymond Clement said that part of Oak Hill Avenue, that appendage is basically a driveway for them. He said he didn't know why they set it up like that when they put this development in but they did. The only people who would be affected by putting this shed where it is proposed is the owner and the abutter. He said this is just an off shoot of Oak Hill Avenue, not the main road and nothing else is ever going to happen down there.

Mr. Ransom said the abutter has a double garage and driveway and said the proposed placement of the shed would not obstruct her view out of any of her windows and she has given her blessings on it.

Vice Chairman Dupre asked Mr. Ransom if this road was plowed by the City. Mr. Ransom said it was. He said that the City plowed but mail was not picked up on that road as well as trash.

Chairman Hendershot addressed the Board and asked if they would like to make a motion to move the shed back to the original space.

Raymond Clement made a motion to grant section(s) 8.29 (A) and 8.29 (A)3, case #ZO-27-2016 moving the shed back to the original proposed space with conditions: shed, exclusive of four foot ramp, must be eight feet from the street lot line and four feet from the side lot line, which was seconded by Thomas Puthota. (motion carried)

Yeas: Hendershot, Clement, Puthota

Nays: Dupre, Routhier

Upon a split vote the variance for the shed was granted with stipulations.

8. **ZO-28-2016**

146 Arizona Street, Ward 1

Philip Paquette (Agent) proposes to construct a new 16'x32' inground swimming pool with a concrete apron in the R-1A zoning district and seeks a **variance** from Section **6.04** Lot Coverage Greater than 40%, of the Zoning Ordinance, as per documents submitted through March 21, 2016.

Philip Paquette of Paquette Pools, 49 Fletcher Lane, Contoocook, New Hampshire appeared as agent along with Lynn McDonald of 920 Ray Street, owner of the property. Mr. Paquette said he was granted a permit to construct the inground pool but Lynn McDonald wanted to make the

deck area a little larger to make it easily accessible for her parents, who reside in the house. He said he does meet the setbacks. The hardship is that it's a small lot, 100' X 100' and they do meet the setbacks on three sides with the decking. The only one they do not reach is one of the sides which is really the back because it is a corner lot. That setback would only be sixteen feet. Chairman Hendershot said that is not listed on the application. He said Mr. Paquette said it is the apron. Mr. Hendershot said it is the apron, but it that is not a count. It is his lot coverage. Mr. Hendershot said that is the only thing they are talking about. Michael Landry said everything else looks fine as presented.

Mr. Paquette said as previously mentioned, the hardship is the 100' X 100' lot with a shed in the back and the pool is a 16' X 32' non-diving pool. Chairman Hendershot said the lot coverage is Mr. Paquette is asking for is 47% which is the only thing they are talking about.

Chairman Hendershot turned the hearing over to the Board. There were no questions or comments from the Board.

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

Marie Ledoux of 185 Whitney Avenue said she is directly around the corner from 146 Arizona Street and her north yard abuts directly to their backyard. She said she has no problem with the pool. She feels it is a perfect spot for a pool and she hopes they enjoy for a long time. Her only concern is what kind of fencing is going to go up and around that pool, only because she is ignorant of the statutes. She said their two yards are wide open and they have full access from one yard to the other and she has small grandchildren, one of whom is five years old and slightly autistic. She said the curiosity factor sometimes can get children into trouble. She said she has another grandchild with ADHD, so she is just concerned about what kind of fencing is going to be going around, whether it is going to skirt the apron of the pool or fencing that will go up between the two properties. She is just looking for some kind of security for when children come and visit her. Other than that, she has no problem with the pool.

Lynn McDonald said on the original application, there is a plot plan and the fencing right now is going to be on the lot line between the two homes and it is a six foot privacy fence that will be going on that back lot line.

Chairman Hendershot then invited those in opposition of this application to come forward. No one came forward to this request.

Chairman Hendershot turned the hearing back over to the Board.

There were no questions or comments from the Board.

Raymond Clement made a motion to grant variance case #ZO-28-2016 which was seconded by Matt Routhier. (motion carried)

Yeas: Hendershot, Dupre, Clement, Puthota, Routhier

Nays: None

Upon a unanimous vote the variance was granted.

9. **ZO-29-2016**
250 Dubuque Street, Ward 11

Louise Fontaine and Fred Fricker (Agents) propose to operate a restaurant serving alcohol in the R-2 zoning district and seek a **variance** from Section **5.10 (G)1** Restaurant up to 5,000 SF serving alcohol, of the Zoning Ordinance, as per documents submitted through March 29, 2016.

Fred Fricker of 182 Willow Street appeared along with Louise Fontaine of 195 Tarbell Street. Mr. Fricker said he had been looking for a place to put a restaurant on the west side for about 15 years. He said he actually looked at this place about 15 years ago and the owner wanted a little bit too much money for it. He said if he had bought it then, he probably wouldn't be here today worrying about this liquor license. He said they purchased the property last week from the previous owners and they would like to put in a very nice neighborhood restaurant. This is something he wanted to do on the west side for a long time and he thinks there were some concerns in the past concerning the liquor. The place got a little bit crazy and out of control and he wants to stress that it is not going to be that kind of place. It is going to be a neighborhood restaurant serving liquor. Mr. Fricker said being a neighborhood restaurant, they cannot be successful unless people in the neighborhood want them there and will give them their business.

Chairman Hendershot said when this place was serving liquor previously it was obviously prior to 2001. He asked how it would be able to serve liquor before without a variance. Michael Landry said a variance was granted for this property and it was then surrendered. Chairman Hendershot said he didn't see that. Vice Chairman Dupre agreed that he did not see that. Chairman Hendershot said it was not on the Variance History sheet. Vice Chairman Dupre asked what sort of liquor license was granted. He asked if it was for a grocery store or a restaurant. He said he remembered this case from years ago. He said there was a request for a liquor license and the Board tabled it for more information and then the case was withdrawn. He asked Mr. Fricker if he knew when it was a restaurant that served alcohol. Mr. Fricker said it was in 2001 or 2002. Mr. Dupre asked if it actually had a liquor license to which Mr. Fricker said "yes". Mr. Dupre asked Mr. Fricker what kind of restaurant it was. Mr. Fricker said it was a bar. Chairman Hendershot said if it was prior to 2001 they may have been able to do this without a variance. Mr. Dupre said they would at least have to go to the State to get a liquor license.

Vice Chairman Dupre said in 2005 it was converted from a store to a restaurant. He said he was trying to get a sense of when it was an actual bar and for how long it was a bar. Mr. Fricker said he looked back and in 2004 it was a bar. He said in 2001 through 2003 the owner changed it into a breakfast place. He said he didn't know the dates exactly.

Michael Landry said the property was a business known as Sub-Contractors Bar and Grill and it was shut down in late 2010. He thinks that was the last time liquor was served there.

Raymond Clement asked Mr. Fricker what the hours of operation would be and how many days a week would they be open. Mr. Fricker said they are planning on opening from the hours of 3:00 pm to 9:00 pm or 10:00 pm, something like that. He said they were going to try to do breakfast on the weekends. He said they were also going to try to do some functions such as birthdays, funerals and stuff like that in the afternoons to use some of the space up. Raymond Clement asked Mr. Fricker if he was planning on serving all types of liquor, hard stuff and beer or just beer and wine. Mr. Fricker said he was planning on serving some hard liquors such as tequilas and craft whiskeys which are popular right now. He said he didn't know if they would be a high end restaurant or a middle of the road. He doesn't want to say they would be having \$20.00 drinks as that may not fly. He would like to make it a little bit higher-end. Mr. Clement said more of a dining establishment than a drinking establishment. Louise Fontaine said a place where you can go have a drink and relax while you are eating your meal. A family atmosphere. Raymond Clement asked if they are going to be catering to any ethnic group or just American food. Mr. Fricker said just general American food.

Vice Chairman Dupre asked if they planned on having any live entertainment. Mr. Fricker said they were not. Mr. Dupre asked how late they were planning on staying open on a Friday or Saturday night. Mr. Fricker said probably 10:00 pm. Chairman Hendershot asked if the building was sprinkled. Mr. Fricker said it was not. Mr. Hendershot said if the building is not sprinkled, they cannot get an assembly permit anyway, unless he has less than 100 people. He said they cannot have dancing without sprinklers anyway, so he doesn't think the live entertainment would be an issue. Vice Chairman Dupre said the reason he was asking was because this is in an R-2 zoning district, so maybe discussions of conditions as far as hours are concerned to avoid any late night rowdiness and that sort of stuff.

Mr. Fricker said they bought the building, so they plan on being there a long time. He said they want to be good neighbors and he has talked with a few of them, not all of them yet, but if they have any issues, he would like for them to get in touch with him so they can avoid any problems. It is very important to them that they are very good neighbors, otherwise they won't be successful.

Vice Chairman Dupre said he drove by there today and saw people working on the property trying to clean it up a bit and he was wondering if there is signage out there. Mr. Fricker said there is a sign in the front. Mr. Dupre asked Mr. Fricker if that was going to be his sign and if he would be looking for more signage. Mr. Fricker said they haven't gotten that far yet. Mr. Dupre said obviously there are rules. Mr. Fricker said he knew that and he couldn't put a big neon sign on the roof.

Chairman Hendershot turned the hearing over to the public and invited those in favor of this application to come forward. No one came forward to this request.

Chairman Hendershot then invited those in opposition of this application to come forward.

Steven Dusseault of 98 Katinka Drive said he owns the property at 247 Dubuque Street which is directly across the street from this property. He said he is speaking tonight because he does have some grave concerns. He said last time this property was allowed to have a restaurant, “aka a bar” at this location they had severe problems with people loitering out front and disturbances late at night. Mr. Dusseault said there were thefts in some of the vehicles on the properties adjacent to it and gang markings placed on the building properties around the building. He said he has concerns as this is a multi-family residential neighborhood. There are also issues with parking. He said he wasn’t sure the building had adequate parking for a restaurant. Mr. Dusseault said though he is not opposed to having a restaurant across the street, a true family restaurant to make this property productive, he certainly doesn’t want to get into a situation like they had in 2010 with the last business at that location.

Charles Dusseault of 45 Lynchville Park Road in Goffstown and he owns the property across the street from the restaurant. He said he owns a nine family and a two family over there. He said he remembers when they were first serving liquor there when they had the bar open. He said there were people drinking, yelling, screaming and smoking outside and disturbing his tenants. He said some of his tenants had to move because of these people. Finally, the City denied them the permit for their license for liquor. That is why they shut down the restaurant.

Louise Fontaine said she and Mr. Fricker were not there at that time. She said she can truly feel for what they are saying. She said they have worked hard all their lives so they can have a nice place to live and they are trying to earn a penny there by renting their apartments and they probably keep their apartments very nice and their sidewalks nice. She said they would like to do the same thing. They want to have the same niceness that they are having around their apartments. They don’t want the loitering, the cigarettes, the drinking outside, the swearing and the graffiti. They are already making plans to change the graffiti that is already there. They want to have a nice atmosphere outside as well as inside.

Mr. Fricker said they have a picture of what they want the restaurant to look like and asked the Board if they would be interested in looking at it. Chairman Hendershot said he has no problem that they are telling him the truth. He said they could sell it to the next guy. Once the variance is granted, it is there and that’s the real problem.

Chairman Hendershot asked Michael Landry if the Board could put stipulations on this variance regarding hours of operation. Michael Landry said if it is reasonably related to the relief they are requesting, yes. Chairman Hendershot asked Mr. Landry if the Board could say something such as the Board has granted the variance but they cannot stay open past 10:00 pm. Mr. Landry said whatever the Board thinks is reasonable. Chairman Hendershot said his only issue is that he doesn’t mind a little neighborhood restaurant/bar, but obviously, this one has had problems in the past.

Raymond Clement said he thinks they have all had problems in the past if they haven’t been

managed right. It all depends upon management. You have to keep control of it. Mr. Clement said Mr. Fricker already said that his hours of operation would be from 3:00 pm to 9:00 pm. Louise Fontaine said some people like to stay up a little later so they were thinking maybe 10:00, but they would be serving dinner at the same time. It is not just going to be “come on in and have a drink” and they would drink and drink and drink. Mr. Clement asked if they were planning on just having tables or were they planning on having a standing bar. Fred Fricker and Louise Fontaine both said there is a bar. Chairman Hendershot said the bar is not the problem. It is the management and the crowd. Mr. Clement agreed and said that would fall entirely upon Mr. Fricker and Ms. Fontaine and that is what the Board is concerned about. Mr. Clement said he can understand the concerns of the neighborhood because he wouldn’t want to have a bar next to his place if they are up all night.

Chairman Hendershot asked Mr. Fricker and Ms. Fontaine if they had any comment about whether the Board puts a stipulation that because it is a neighborhood bar in a quiet neighborhood that they cannot stay open past 10:00 pm. Raymond Clement said he thought the Board could put a stipulation that the serving of liquor stops at 9:00 pm and they close at 10:00. Ms. Fontaine said what if people come in after 9:00 and they want a drink. Chairman Hendershot said they could stop serving alcohol at 10:00 pm and close at 11:00 pm. He asked Mr. Fricker and Ms. Fontaine if they would be agreeable to that stipulation. Ms. Fontaine said she didn’t want to be taking away from their business.

Mr. Fricker said they have been there for about a month, a month and a half cleaning. He said as they have been doing that, people in the neighborhood approach them and ask them what is going on. They have been saying they have heard rumors that condos were going to be built there or a church or something like that. He said they have been telling people they are planning on putting in a restaurant. He said all they have been getting is positive news from everybody. He said he has tried to get ahold of all of the abutters to talk with them but obviously he hasn’t been able to talk to everybody.

Chairman Hendershot said Mr. Fricker stated to the Board that they would be closing at 10:00 pm, so they shouldn’t have a problem with a stipulation of 10:00 pm. Mr. Fricker said there could be a wedding or something that goes past 10:00 pm and maybe he misspoke when he said that. Vice Chairman Dupre said the problem is that they are in a residential neighborhood and they have to be conscientious of the neighborhood. If they start hosting a lot of weddings, then they would be open until 11:00 pm, 12:00 am or 1:00 am and that residential feel kind of gets lost for people. If they start hosting weddings, they wouldn’t have enough parking either. Mr. Fricker said this property actually was a supermarket years ago and it was a commercial property before the zoning was put in place. Mr. Dupre said a supermarket has constant traffic but with a wedding, people tend to go and park and are there for a period of time. Chairman Hendershot said they could host weddings in the afternoon.

Raymond Clement made a motion to grant variance case #ZO-29-2016, allowing operation of a restaurant serving alcohol in the R-2 zoning district with a stipulation that hours of operation will be from 6:00 am to 10:00 pm and applicant may apply to the Zoning Board of Adjustment to modify hours of operation after one year, which was seconded by Thomas Puthota. (motion carried)

**Yeas: Hendershot, Dupre, Clement, Puthota, Routhier
Nays: None**

Upon a unanimous vote the variance was granted.

At this time, the Board took a short recess.

10. **ZO-30-2016**
1474 & 1514 Wellington Road, Ward 2

Joseph Wichert (Agent) proposes to consolidate Lots 13X and 13Z on Tax Map 360, located at 1514 and 1474 Wellington Road respectively, and to further subdivide consolidated parcel into 12 lots within frontage on a new public street. Proposed subdivision will result in development activity within 50' of waterways or wetlands in the Lake Massabesic Protection Overlay District as shown on plan dated March 3, 2016 in the R-1A zoning district and seeks a **variance** from Section **7.11 (C)2** Lake Massabesic Protection Overlay District (7 counts), of the Zoning Ordinance, as per documents submitted through March 22, 2016.

Daniel Muller, Esq., of Cronin, Bisson and Zalinsky, 722 Chestnut Street appeared along with Joseph Wichert who is the surveyor on this proposal. Attorney Muller said they were appearing on behalf of Gerard and Manon Therrien, Trustees, who are the owners of the properties of 1474 and 1514 Wellington Road. Attorney Muller said the only issue with this proposal is that some of the houses and some of the driveways and the proposed street would encroach within 50 feet of low functioning wetlands which are located on this property. The property is technically within the Lake Massabesic Protection Overlay District. He said they have contacted Manchester Water Works who obviously has an interest in these sorts of things and they do not have an objection to their proposal. Attorney Muller said he also understands that the Board received from the Manchester Conservation Commission, a copy of a letter where they have recently reviewed this project as well. In terms of the proposed conditions, while those appear to be addressed, the Planning Board looks to this Board to impose similar conditions. The only note or observation they would make is with respect to the use of limited salt for winter plowing within the subdivision. This is going to be a public street and therefore they have no ability to bind the City of Manchester and its Public Works Department.

Chairman Hendershot turned the hearing over to the Board. There were no questions or comments from the Board.

Michael Landry confirmed with the Board Members that they did receive a letter from the

Conservation Commission and two letters from abutters.

Chairman Hendershot turned the hearing over to the public and invited those in favor of this application to come forward. No one came forward to this request.

Chairman Hendershot then invited those in opposition of this application to come forward.

Raymond Boucher of 61 Highview Terrace said he purchased his property there in 1986, so he has been there for about 30 years. He said his rear boundary line has always been a rock wall and that rock wall goes through the entire development which separates the two properties and was probably built 100 years ago or more. He said his concern is that rock wall and if it is going to stay as their boundary line. He is also concerned about some of the trees that are at that rock wall. Some of the trees are on both sides of the wall as well as coming up through the rock wall. He said those trees give them some privacy and he is wondering if they are still going to be there. Mr. Boucher said his only other question is what size the houses are going to be. He is wondering if they are going to be 2,000 square feet, 3,000 square feet, single story or two-story houses. He said he really doesn't have opposition to the development he just has some questions and concerns. Chairman Hendershot confirmed with Mr. Boucher that one of the letters the Board received from abutters was his.

Chairman Hendershot said he also had a letter that he would read into the record. The letter is from Denis Dion of 37 Highview Terrace. "We have concerns about the project. We don't want to lose our rock wall and we're concerned about the size of the house and the privacy that we have right now and the view."

Joseph Wichert referred to the plan and said the stone wall that is there kind of meanders and he doesn't believe that stone wall was intended to be the lot line. There is a plan that creates that neighborhood and they are a series of iron pipes and in Mr. Boucher's case, the iron pipes are actually on the west side of the wall. He said their intent obviously, is they are holding the back line of the plan that created those lots off of Highview Terrace, so they are not planning on changing anything that exists now. He said the wall is kind of like a feature and he doesn't know if it came before or after, but it doesn't quite match up 100% to the lot lines but as far as he knows they have no intention of removing the wall. Chairman Hendershot asked Mr. Wichert if the stone wall was entirely on the proposed property. Mr. Wichert said it meanders, if you look at Lots 3 and 4 are, it is actually on the Highview side and if you look at where Lots 5 and 6 are, it is on their side and if you look at Lot 7 it goes back to the Highview side. In regards to privacy, and the tree buffer, the intent for the plan is to have a road that runs parallel to Highview Terrace and that is going to be the rear setback of all those houses, so there will be a 30 foot setback. The only relief they are asking for on this is relative to the Lake Massabesic Overlay. They are not asking for any dimensional relief. In regards to the size of the houses, he thinks the way the market is and what Mr. Therrien is envisioning is that the houses that will be built will be comparable in size and in value if not higher than some of the surrounding neighborhoods because there are not a lot of R-1A lots on the market right now.

Chairman Hendershot turned the hearing back over to the Board.

Chairman Hendershot said this should address some of Mr. Boucher’s concerns. He said they are planning on leaving the rock wall and they are not asking for any relief from any rear yard setbacks to Mr. Boucher will still have 30 feet from the rock wall before there is a house and then whatever is on Mr. Boucher’s side. There will be a pretty big buffer there.

Raymond Clement asked Joseph Wichert how long the road was to the cul-de-sac. Mr. Wichert said it was about 850 to 875 feet. Mr. Clement asked if that went over 600 foot limit. Mr. Wichert said luckily, he believes the City adopted new rules and lengthened that out to 1000 feet. Mr. Clement said he guesses he is just catching up.

Matt Routhier said he didn’t have any problem with the reduction in the setback to the isolated wetlands. Chairman Hendershot said as long as the Water Department is signing off on it. He said it is kind of bad timing with the things happening in Merrimack, Londonderry, Bedford and Manchester right now. Mr. Routhier said the only other comment he could make is pretty much to the fact that he is sure the City salts and sands within that much closer an area than that.

Raymond Clement made a motion to grant variance case #ZO-30-2016 which was seconded by Vice Chairman Dupre. (motion carried)

Yeas: Hendershot, Dupre, Clement, Puthota, Routhier

Nays: None

Upon a unanimous vote the variance was granted.

11. **ZO-31-2016**
95 Blackstone Street, Ward 9

Scott Keenan (Agent) proposes to construct an expansion of the stair landing in the front yard setback in the R-1B zoning district and seeks a **variance** from Section **6.03(A)** Front Yard Setback, of the Zoning Ordinance, as per documents submitted through March 22, 2016.

Scott Keenan of 7 Lasala Road, Hillsborough said he was representing Don and Rita Marshall, owners of 95 Blackstone Street. He said right now, they have an existing walkway that is flush to grade level and Mrs. Marshall wants to carry the existing concrete step out of the front door to go across to the driveway and have two steps down where there is only one step down now. It is too much for her so she wants to decrease the rise of the stairs to provide a safer run to the driveway. Mr. Keenan said he believes it is fifteen feet, three inches to the edge of the existing structure so they will not be changing anything. They won’t be going more to the road they will just be going straight over to the driveway.

Chairman Hendershot turned the hearing over to the Board. There were no questions or comments from the Board.

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

Vice Chairman Dupre made a motion to grant variance case #ZO-31-2016 which was seconded by Chairman Hendershot. (motion carried)

Yeas: Hendershot, Dupre, Clement, Puthota, Routhier

Nays: None

Upon a unanimous vote the variance was granted.

12. **ZO-32-2016**
845 Second Street, Ward 10

Kevin Isabelle (Agent) proposes to construct a 10'x10' addition to the rear restaurant building in the required side yard setback and an 8'x5' concrete pad in the B-2 zoning district and seeks a variance from Sections **6.03 (C)** Side Yard Setback and **6.04** Lot Coverage Greater than 75%, of the Zoning Ordinance, as per documents submitted through April 6, 2016.

Kevin Isabelle said he is representing KC's Rib Shack at 845 Second Street and along with him was Kevin Cornish of 509 Charles Bancroft Highway, Litchfield, owner of KC's Rib Shack. Kevin Isabelle said they were here proposing a 10' X 10' addition. He said unfortunately, their setbacks are at ten feet from the property line. He said they are looking to expand the kitchen area to make it more functional. With that addition, they are proposing to add on a smoker which will be able to double the amount of production of the kitchen. Doing this will make the kitchen area so much more functional. They are looking to shut down the restaurant for a couple of weeks to do this work and make it nice and bring everything up to code.

Chairman Hendershot turned the hearing over to the Board. There were no questions or comments from the Board.

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

Vice Chairman Dupre made a motion to grant variance case #ZO-32-2016 which was seconded by Thomas Puthota. (motion carried)

Yeas: Hendershot, Dupre, Clement, Puthota, Routhier

Nays: None

Upon a unanimous vote the variance was granted.

13. **ZO-33-2016**
409 Beech Street, Ward 5

Jonathan Halle (Agent) proposes to erect two 20'x30' (2 @ 600 SF) wall signs in addition to an existing projecting sign, all where one 20 SF sign is allowed by right in the R-3 zoning district and seeks a variance from Section **9.08 (A)1** Signs Permitted in Residential Districts (2 counts), of the Zoning Ordinance, as per documents submitted through April 5, 2016.

Jonathan Halle of Warrenstreet Architects, 27 Warren Street, Concord appeared along with David Mara, retired Chief of Police in Manchester and also Chairman of the Police Athletic League Board and Tony DaCosta of Turnstone Corporation, 479 Nashua Street, Milford.

Jonathan Halle said he is actually here as co-chair of Building on Hope. He said the Board may be aware that MPAL was chosen as their 2016 project. He said they are a group of individuals, if you will, that do an extreme makeover for a non-profit organization every other year. They have been working with MPAL now for about eight months and working with the City. The City has, at the last Council Meeting granted them a half million dollar loan to support this project Mr. Halle said he wants the Board to understand that MPAL is not a 501 (C)(3). They are not an organization, they are basically a group of about forty individuals that rally basically the architectural and construction community to come together and do a project. Mr. Halle said as of today, the value of the renovation that will ultimately be done on May 22nd is 1.8 million dollars. He said they have been able to secure 1.3 million in donations to do this. MPAL was chosen because of the work that they do in the inner City through this building. MPAL supports or has an impact on about a thousand youth within a mile radius of this building. He said they are renovating the first two floors, putting a new commercial kitchen in, doing the community room over and as he said, it is a fairly large project that they have taken on.

Jonathan Halle said one of the components they are trying to do to meet the mission of the project is to create a safe haven for kids so that they know that this building is a place for them to go and get the support that they need. Part of what they are proposing with the signage, and it is really is not as much signage as it is graphics that begin to explain to the kids in that neighborhood what this building is about. If you see the elevations they are proposing, on the existing building there is a T1-11 band that is about six feet high that wraps the building. They are going to have the community come in and as a project they are going to paint that out on the bottom. The signage that they are applying up top is actually as much a memorial as a message to the community of what MPAL is about. Mr. Halle said if you view that “inspiration, support, community”, he realizes that is text, but it is more of a message to the kids that this is a place to come. The photographs you see of the kids here boxing and coming together as a group along with the fallen officer, representing the connection between the Manchester Police Department and the kids is what they are trying to achieve.

Jonathan Halle said the signage that is allowed is simply twenty square feet and there is a small marquis sign, a horizontal projected sign on the diagonal on the corner of the building that if it really became an issue, they would be willing to take that down in lieu of what they are trying to

do here. That is the intent and he knows Chief Mara would like to say a few words.

Chief David Mara said he is sure everyone on the Board has been by the building many times. Currently, what they have been able to do over the years is provide different activities, primarily wrestling, boxing and judo. He said they also offer scholarships to kids who can't afford perhaps to play football or they will pay the fees or provide equipment for other sports which they do not provide. What they are hoping to do is reach out to more of the demographic in that area. With the programs he previously mentioned, it takes commitment and time. The demographic they want to reach are kids who don't want to do that but they want to have an activity and a safe place to go. With these renovations, they are going to be able to do that. Chief Mara said you may ask how a sign would help them do that. They want to be able to attract those kids. He said Jonathan Halle previously mentioned about this building being a sanctuary. It is a sanctuary. He said they want it to be a bright light, not figuratively, but they want the signs and paintings that are up there to be a bright light in that neighborhood, like an anchor, to attract more kids. With the kitchen, they are hoping to provide teaching kids skills. A lot of the kids they service have no idea how to cook a meal and they have no idea how to take care of themselves. What they want to do is provide skills like that. They are going to really step up their homework lab, their tutoring and so many other things. Chief Mara said the signage they are talking about, and he really can't even call it a sign as it doesn't protrude and it is really going to be graphics. He said they feel it will really stand out in the neighborhood, attract kids and really be that beacon, that sanctuary. He said he was a police officer in Manchester for 29 years and he patrolled that area and he has been a member of that Board for many years. He said two of his children went to MPAL activities and he really believes that this all ties into what they are trying to do and he thinks it will be a great thing.

Chairman Hendershot said he really thinks the spirit of the Ordinance in this is more about commercial and this certainly isn't one. He thinks this is great and he has no problem with it. In fact, he thinks they should have a free wall and let the kids do graffiti on it, too.

Raymond Clement ask how the stars would fit in. He asked if they were going to be on the building, too. Johathan Halle said they would. This being the old Community Center for the Church across the street, it is a very big building. He said honestly, they talked internally amongst the Building on Hope group as to how they would change the outside of the building and do it in a way that they can afford. He said anything that you see here proposed on these elevations has already been donated. The 20' X 30' signage on the corner was donated by Kingspan, which is a national metal panel company. The graphics themselves are being done by a company in Manchester called I-4. He said quite frankly, they do try to consolidate the dollars they do have and they are spending them on the inside of the building. What they are trying to do on the outside is to do something in a way that allows them to identify the building as something different and something special without trying to paint the whole building. The building is old aluminum siding and you know what happens to aluminum siding, it starts to get kind of like a chalky surface and it is very difficult to paint so the stars come out of the badge of a police officer and you can see there are actually two around the corners of the building so as you are driving south on Beech Street you are going to see a star on that corner and as you are coming down

Lake Avenue you will see a star around that corner. It is a very simple, graphic way to draw attention to the building to say “hey, there is something different here!” The colors in the band across the bottom will be painted by the community. It is kind of contemporary graffiti if you will that is kind of controlled. The sign with the officer that you see there is Michael Briggs who patrolled that area and this is actually called the Michael Briggs Center. In a way it is a memorial and in a way it is a message to the community and the kids that this is a safe place to go. Chief Mara said Officer Briggs was actually shot and killed a short distance away from that building.

Thomas Puthota asked how many children they expected would use this facility. Chief Mara said they are going to be offering a lot more than what they have now so they are expecting a lot more children, but couldn’t give a definitive number. He said on any given day they can have a hundred kids in there doing different activities, but it varies. With more programming added, they are expecting a lot more. That is their hope.

Vice Chairman Dupre questioned if the stars were part of the hearing. Michael Landry said he thought they are part of the 20’ X 30’ sign. Vice Chairman Dupre said he didn’t think it was part of the sign. Michael Landry said Vice Chairman Dupre was correct. Raymond Clement said he was just making a notation. Mr. Dupre asked if the stars were illuminated or were they just pictures. Mr. Halle said they were just pictures.

Matt Routhier made a motion to grant variance case #ZO-33-2016 which was seconded by Raymond Clement. (motion carried)

**Yeas: Hendershot, Dupre, Clement, Puthota, Routhier
Nays: None**

Upon a unanimous vote the variance was granted.

Vice Chairman Dupre made a motion to close the public hearing which was seconded by Matt Routhier. (motion carried)

**Yeas: Hendershot, Dupre, Clement, Puthota, Routhier
Nays: None**

III. BUSINESS MEETING:

1. ADMINISTRATIVE MATTERS:

1. Review and approval of the March 10, 2016 Zoning Board of Adjustment Minutes.

Review and approval of the minutes was tabled to the May 12, 2016 Meeting.

2. Any other business items from Zoning Staff or Board Members.

There was no new business items brought forward.

Attest: _____

Michael E. Dupre, Vice Chairman
Manchester Zoning Board of Adjustment

APPROVED BY THE ZONING BOARD OF ADJUSTMENT: June 9, 2016
WITH AMENDMENT

**Full text of the agenda items is on file for review in the Planning & Community Development Department.
The order of the agenda is subject to change on the call of the Chairman.**