



CITY OF MANCHESTER

PLANNING AND COMMUNITY DEVELOPMENT

Planning & Land Use Management
Building Regulations
Community Improvement Program
Zoning Board of Adjustment

Leon L. LaFreniere, AICP
Director

Pamela H. Goucher, AICP
Deputy Director Planning & Zoning

Michael J. Landry, PE, Esq.
Deputy Director Building Regulations

MANCHESTER ZONING BOARD OF ADJUSTMENT PUBLIC HEARING / LIMITED BUSINESS MEETING MINUTES August 10, 2016 – 6:00 p.m. Carol M. Rines Center, 1528 Elm Street, Room 164

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

Alternates Present: Jose Lovell

Absent: Anne Dalton (Alternate), Robert Breault (Alternate)

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:**

1. **ZO-66-2016**
102 Bay Street, Ward 3

Ben Gamache proposes to maintain parking as shown and use a 10'7"x14' room (approximately 390 SF) for a beauty shop and seeks a **variance** from Sections 5.10 (H-6)3 Beauty and Barber Shops, Tailors, Shoe Repair and Shoeshine Parlors, 10.07 (G) Landscaping, 10.07 (K)1 Parking Bumpers and 10.07 (K)4 Parking Screening, of the Zoning Ordinance, as per documents submitted through August 10, 2016.

Michael Landry advised the Board that Mr. Gamache provided some letters from abutters and a revised site plan and he distributed those documents to the Board.

Ben Gamache of 48 Brook Street appeared along with his daughter Lauren Gamache of 293 Wayne Street. Mr. Gamache said Gamache Properties, the company which he owns, is moving their offices to 102 Bay Street on the first floor and on the lower level. He said at that time, his daughter who is in the hair salon industry, would also like to open her private salon at 102 Bay Street which is inside the Gamache Property offices. He said the Gamache Property offices are zoned properly but the hair salon would have to be accepted before his daughter could move in. Mr. Gamache said the property down in the lower level which shows as a 390 square foot area would be large enough for his daughter Lauren to maintain a couple of hair stations and pedicures. She would not be doing massages or a full blown

salon but more of a hair salon and pedicures.

Mr. Gamache said they are asking the Board to allow this use. He said the property does have ample parking. The clients, which would probably be no more than two at a time if somebody is waiting in between appointments, would be parking in the parking lot. He said he doesn't think the traffic would hurt or encumber any of the neighbors in that office area on Bay Street or on North Street. He said he submitted two letters from abutters to the Board who appreciate the work he is doing on the property. He said he is completely refurbishing that building which is fairly old and dilapidated and he is bringing it up to 2016 standards.

Chairman Hendershot turned the hearing over to the Board.

Vice Chairman Dupre said he appreciated the work that Mr. Gamache was doing on the building as he has seen it over the years and it has kind of gone up and down and now it is looking good. Vice Chairman Dupre said he would like to talk about the parking. He said he had a question for Michael Landry to start with. He said he noticed the parking said 60% lot coverage and he was wondering if that was before or after the expansion that they have done. Michael Landry said he believed they weren't doing any expansion of the parking lot so the parking has existed in that condition for some time. He said the zoning review did not identify it as a count and lot coverage allowed in that district is actually 75% and they came in at 60%. Vice Chairman Dupre said he didn't know if that number was closer to 75% or 80% because it looks like Mr. Gamache had some bobcats out there working on it. Mr. Gamache said they are re-landscaping the whole property with irrigation, lawn, trees etc.

Vice Chairman Dupre said the second part of his parking question is that Mr. Gamache asked not to have parking bumpers but he is almost using his neighbor's building as his parking bumper. He asked if something could be done about that. Mr. Gamache said there were never parking bumpers. He said the parking bumpers were previously granted back in 1994 and he said he thought they were just continuing that same request that was already granted. Vice Chairman Dupre said it doesn't look like it was granted because there is a request for it in the variance application.

Vice Chairman Dupre said the he is also concerned about the retaining wall. Again, a car parking at the retaining wall could go over the wall into the funeral home next door. He said there wasn't a parking bumper there either. He said his concern is not having a parking bumper on the retaining wall or having one on his neighbor's building. Mr. Gamache said the parking lot faces a garage so maybe there are one or two spots that are kind of facing over the wall. He said here in New England with ice and winter and plowing, parking bumpers really make it difficult to remove the snow. Vice Chairman Dupre said that not having parking bumpers with a retaining wall and ice and snow makes it easy to slide over that retaining wall and also into his neighbor's building. Mr. Gamache asked if there was something instead of parking bumpers that they could use. Vice Chairman Dupre said bollards, maybe. Mr. Gamache said that or maybe a bar that is low enough. Vice Chairman Dupre said Mr. Gamache needed something to prevent cars from hitting the neighbor's building or from going over the retaining wall. Mr. Gamache said not to disagree with Vice Chairman Dupre, but it has always been like that. Vice Chairman Dupre said he appreciates

that it has been like that, but he needs to bring it up to 2016 standards. Again, somebody could walk across the parking lot and walk off of the retaining wall. He said it is not a six inch drop, it is not like walking off of a curb. Mr. Gamache said then he guessed they could put some bollards there.

Raymond Clement said he was looking at the drawing from the City showing the location of Mr. Gamache's property. He said it looks like the northern side of the building of the property to the south of Mr. Gamache's property is actually on Mr. Gamache's property. Mr. Gamache asked Mr. Clement if he was referring to Lambert's Funeral Home. Mr. Clement said he thought it was their garage. Mr. Gamache said it was not on his property. He said actually there is three feet right after the garage and some barriers right now in front of the other garage, so they own three feet after the garage. Mr. Clement said he was just looking at the GIS map of the area that was submitted. He said it looks like part of that property was on Mr. Gamache's property and he was wondering if it really was. Mr. Gamache said it is not.

Matt Routhier said he thought that the bollards were a probably a good idea. He said you see cars going through buildings and jumping curbs all the time on the news. Mr. Gamache said that was something they could do. He said they would install bollards.

Chairman Hendershot said he saw the property and knows Mr. Gamache's work and he understands that Mr. Gamache will probably do a really nice job with the landscaping and so forth so he really doesn't have a problem with the landscaping issue. He said he agreed with Vice Chairman Dupre and Matt Routhier and said he doesn't care how long it has been there if you are doing something new, he would like to see the parking bumpers and the safety issues dealt with. Chairman Hendershot said he didn't have a problem with the beauty salon. He said he wanted the City to look nice and be safe and he knows Mr. Gamache will do a good job landscaping but he would like to see the parking bumpers.

Chairman Hendershot turned the hearing over to the public and invited those in favor of or in opposition to 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 further questions or comments from the Board.

Chairman Hendershot asked if there was a motion to vote on this case.

Vice Chairman Dupre made a motion to grant variances for sections 5.10 (H-6)3 Beauty and Barber Shops, Tailors, Shoe Repair and Shoeshine Parlors, 10.07 (G) Landscaping and 10.07 (K) Parking Screening but require bollards in place of bumpers.

Ben Gamache said if the Board preferred bumpers, he could install those instead. He said he thought maybe hiring somebody to shovel around them would be a lot prettier than seeing big yellow pipes coming out of the ground. He said he would put the bumpers in. He said it is more of an aesthetic thing and would achieve both goals.

Michael Landry said if the Board simply does not grant relief for the parking bumpers, it

would be up to the applicant to comply.

Vice Chairman Dupre said he would like to re-make the motion.

Vice Chairman Dupre made a motion to grant the following variance counts for case #ZO-66-2016, sections 5.10 (H-6)3 Beauty and Barber Shops, Tailors, Shoe Repair and Shoeshine Parlors, 10.07 (G) Landscaping and 10.07 (K) Parking Screening which was seconded by Matt Routhier. (Motion Carried)

Yeas: Hendershot, Dupre, Clement, Puthota, Routhier

Nays: None

Upon a unanimous decision the variance was granted.

10.07 (K)1 Parking Bumpers was not granted. Chairman Hendershot said Mr. Gamache would have to install new parking bumpers.

2. **ZO-67-2016**
780 N. Commercial St./15 Fletcher St., Ward 3

Michael Hammer (Agent) proposes a subdivision and lot line adjustment in the B-2/A.M.X zoning district and seeks a **variance** from Sections **8.27 (D)** Fences Walls, **10.07 (G)** Landscaping and **10.07 (K)1** Parking Bumpers at 780 North Commercial Street (Map 276, Lot 5-1) in the AMX zoning district; **8.27 (D)** Fences Walls and **8.29 (B)** Accessory Structures and Uses at Map 276, Lot 5, Amoskeag Dam in the B-2/AMX zoning districts; and **6.02** Minimum Lot Frontage and Width at Fletcher Street, Map 276, Lot 5-2, Eddy Substation, in the B-2 zoning district, of the Zoning Ordinance, as per documents submitted through July 11, 2016.

Michael Hammer said he was a professional land surveyor for Meridian Land Services which is located at 31 Old Nashua Road in Amherst, New Hampshire. He said Michael Landry summed this proposal up pretty well and said he wasn't going to read his whole case as he was asked not to. He said what they have is a subdivision to conform with the directives to divest the power generation from the distribution for Eversource. This parcel dates way back into the 1930's. It used to be part of the Amoskeag Companies and they built the power generation shortly before they went out of business. When they went out of business in the 1930's, PSNH, its predecessors, acquired all of this land and they have been using it ever since. Mr. Hammer said he didn't have all the areas right in front of him but it is a very large parcel which spans the Merrimack River and has multiple uses. He said the optimal use of this property is to separate those uses into individual entities that can be managed individually or divested or sold.

Michael Hammer said because it is so large and has been under one entity for so long and

predates a lot of the zoning requirements, in order to subdivide it in a way that suits the property itself as opposed to all of the regulations, it comes in conflict with a few minor ones.

Michael Hammer said before he went on, he would like clarification for parking bumpers. He said it was his understanding that parking bumpers were necessary when a curb does not exist. He asked if this was correct. Michael Landry said that was correct. He said Glenn Gagne was out there and took a walk around and by the observation deck there is just a couple of spaces that went pavement to grass with no bumpers. Mr. Landry said this is a very large parking field and we are talking about a very few number of spaces and that would be on the headquarter parcel by the observation deck.

Michael Hammer said essentially they are dividing these into three parcels. He said the very large parcel will span the river and contains the damn and is a generation unit. It also falls under a Federal Energy Regulatory Commission licensing requirement so in order for them to operate the power generation, they have to get licensing from the Federal Government. There are certain requirements that they have in order to maintain that. This licensing line is this quasi-judicial non official governmental line. He said most of the property lines they propose try to capture that and include it with power generation so that any future owner would have control over the vast majority of lands that the license is subject to. Part of that is the observation deck as well, as Michael Landry previously mentioned. It is an existing observation deck that is there so the general public can go out and they can view the damn.

Michael Hammer said the principal items that he identified in his letter as well as others that Glenn Gagne picked out and did not communicate with him, which are all minor things, are all part and parcel with one another. He said they would begin lot by lot. He said he previously spoke about the power generation and the variance they are seeking there, the dimensional relief is for a tower that is part of the distribution system that stands on the lot. Mr. Hammer referred to sheet #2 and said there is a transmission tower that is roughly on the extension of Fletcher Street. It is a permanent structure and the minimum setback is 20 feet. It is approximately 8.7 feet so they are seeking for an eight foot dimensional setback at that particular location. He said that is the principal item on that particular lot.

Michael Hammer referred to sheet #2 and said the next variance is for the parcel that is identified as 276-5-2 and that is known as the Eddy substation. He said this could be seen coming off the Amoskeag rotary and it is right behind the hotel. He said that is a transformer station that is principal part of the distribution network, so while it ties into the power, it is more essential to distribution of operations. They would like to separate that because from his understanding, Eversource is staying in the transmission business but they are divesting themselves of their power. They need that as an integral part of distribution out of this particular generation area. This particular parcel is missing its minimum frontage. Fletcher Street comes to an end and in order to divide these two particular parcels they would require about 200 feet of frontage. They don't have quite 200 feet at this particular location and the reason why they opted for the 40 feet for one is to make one compliant lot and one lot that is less compliant. It also fits with the natural geometry of Fletcher Street.

To try and capture more lot area there would be coming off the end of Fletcher Street and creating something other than a right angle and anything other than a right angle only causes confusion. He said that is the principal item there, although the depth of lot was identified.

Michael Landry said Mr. Hammer needed to have the frontage on the street and he needs to carry it back 100 feet so if he didn't have the frontage, he wouldn't have the depth. Mr. Hammer said, so part and parcel.

Michael Hammer said the last item which goes in part with the bumpers is going to be shown on sheet #3 in the vicinity of the deck near the thing identified as the "Red Gate House" and the remains of the upper canal. He said actually the Amoskeag zoning is kind of interesting as they have no minimum setbacks for structures, however, they have a ten foot buffer requirement for parking areas. He said in this particular line in this location is following that FERC License line and that is why he mentioned this earlier. He said they would really like to keep all the lands that are subject to the FERC License with that particular operation, the power generation. It is only sensible with the observation deck which is a requirement of the FERC License to keep that with the power generation, to keep all of that under control of whichever entity happens to be holding that, whether it is Eversource or someone else. In this particular spot the parking spots are relatively close to the observation deck so they are looking for relief to that particular portion of the dimensional requirements.

Michael Hammer asked if there was something that he missed. Michael Landry said yes and referred to sheet #3 for Lot 276-5 the generation lot and 276-5-1, the headquarters. He said that retaining wall that kind of goes out almost into the water, if you follow the lot line, it cuts across that block retaining wall. He said section 8.27 (D) says that retaining walls over four feet in height shall not be located closer than ten feet from the property line so that retaining wall is closer than ten feet on both lots so that was added as a count. Mr. Landry said this is just housekeeping. Michael Hammer said this is a circumstance which we have all seen before where the structural need for a retaining wall supersedes whatever that kind of improvement is. He said just as an example, the last gentleman's application, that retaining wall benefits entirely his particular property, where this retaining wall would benefit both properties if it is striking over the line. He said you couldn't have it on one and not have it on the other. Mr. Landry said for the record, it is a substantial granite block retaining wall which was probably constructed at the time that the canals were done. Mr. Hammer said it is from the channelization of the canal back in 1850.

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

Chairman Hendershot turned the hearing over to the Board.

Chairman Hendershot said he had a question for Michael Landry. He was wondering if the

Board would be giving away any future thing if people have different kind of developments for this particular property such as if they decide to put a hotel there, would that all be part of a future hearing and not have anything to do with this housekeeping issue. Michael Landry said the Board would be granting the relief that is requested to allow them to proceed with the subdivision and the Board would not be giving away anything more. He said it is their property. He said his answer would be no.

Raymond Clement asked if there were any future plans for the islands out there. He said at one time there were oil tanks on those islands. Michael Hammer said it would be very difficult to do something with it today because of Shoreland Protection as that is actually in the shoreland zone. Mr. Clement said he was thinking more along the lines of a recreation area for the City in the summer. Mr. Hammer said there aren't any immediate plans. Mr. Clement said it might be a good public relations thing at some point.

Raymond Clement made a motion to grant all counts for variance case #ZO-67-2016, Sections 8.27 (D) Fences Walls, 10.07 (G) Landscaping and 10.07 (K)1 Parking Bumpers at 780 North Commercial Street (Map 276, Lot 5-1) in the AMX zoning district; 8.27 (D) Fences Walls and 8.29 (B) Accessory Structures and Uses at Map 276, Lot 5, Amoskeag Dam in the B-2/AMX zoning districts; and 6.02 Minimum Lot Frontage and Width at Fletcher Street, Map 276, Lot 5-2, Eddy Substation, in the B-2 zoning district which was seconded by Thomas Puthota. (Motion Carried)

Yeas: Hendershot, Dupre, Clement, Puthota, Routhier

Nays: None

Upon a unanimous decision the variance was granted.

3. **ZO-68-2016**
100 McGregor Street, Ward 11

Scott Aubertin (Agent) proposes to erect a 3rd free-standing sign, raise the height of the main free-standing sign to 14'8" and erect 3 new additional wall signs and maintain 5 existing wall signs that exceed both the number of signs and total area of wall signs allowed and seeks a **variance** from Sections **9.09 (A)1 Signs**, **9.09 (A)2 Signs** and **9.09 (D) Signs**, of the Zoning Ordinance, as per documents submitted through July 12, 2016.

Scott Aubertin of 107 Hollis Street appeared along with Steve Freeman of Catholic Medical Center, 100 McGregor Street. Mr. Aubertin said the requested sign changes and additions are the result of feedback from marketing and facilities to address issues of visibility, brand awareness and way finding. He said the campus is expanding rapidly and needs to meet the needs of Manchester and the surrounding communities and this growth is making it necessary to improve visibility of the individual buildings and create a cohesive feeling, tie the buildings and unify the campus. The signs proposed were designed to be more legible than the existing signs to help both vehicular and pedestrian traffic to navigate the campus

and reduce congestion. The directional signs are prominent with larger lettering and the branding signs are designed to bring together the different buildings. The tower sign for example is a way to draw visitors to the main entrance and is visible from most points on the campus. The bridge signs they are proposing are more to establish as people come into the campus that they are on the campus and it is more for vehicles and for pedestrians and cannot be seen from any great distance.

Scott Auberton said he would give a quick overview of each individual element in the order that he believes they appear on the variance request. He said the first variance they are requesting is to erect a third directional sign on the main campus property where only two are allowed. He said they would be replacing an existing sign which is the same size that is there now. He said from what he understands, it is in violation as there was no permit ever secured for this sign and it has been there for fifteen to eighteen years now. He said they are looking to replace that. He said the sign is internally illuminated with an aluminum face which allows for illumination just of the copy. The base of the sign is the established sign standard which will be the brick base that matches the brick which they will be using in all of the newer buildings at the hospital. He said the sign is the first of three which is encountered by northbound traffic coming up McGregor Street and is designed to give direction to the Emergency Department and Trauma Center. This sign is consistent with a proposed sign standard in size to appropriately balance function and aesthetics. The scale and proportion of the campus justifies the need for this third directional. The impetus behind the directional is bolstered by the need to be very clear to people in a crisis mode or as an ambulance is approaching and things like that.

Scott Auberton said the second count for relief they are seeking is for the main property sign which is the one with the large CMC logo. He said the existing sign is already in excess of the twelve feet. It is twelve feet, eight inches and they are looking to go to fourteen feet, six inches he believes. It will be replacing the existing sign in the same location and will be the same number of square feet, simply taller. The main sign establishes the design for the secondary directional signs. The sign is larger than the secondary signs and by design taller to establish as the main entrance to the campus. The variance is required to allow for the sign to exceed the twelve foot height limitation, making the sign more in line with existing signs on abutting properties, also. The improved design has larger letter height, better contrast between copy and background and a non-obtrusive lighting source. The increase in height is seen as a way to reinforce the hospital's main entrance.

Scott Auberton said the third sign change they are requesting is an additional sign for the elevator tower. He said it is a halo illuminated stainless steel letter which is designed to draw attention to the main entrance and is delineated by the exposed elevator brick tower. The new logo will be anchored by the central image and be a primary branding element for the hospital. The sign is internally illuminated using high output low voltage LEDs which will halo illuminate the image and light the front lenses using the logo colors.

Mr. Auberton said the scale of the campus and the variety of the buildings and their locations dictate the necessity to exceed the number of allowable signs and to exceed the allowable size. Because of the scale of the buildings and the vast number of surface plains,

the additional signs required do not appear to be excessive. They are in different locations all over the hospital and aimed at different purposes. They have a roof top sign which is for greater distances and these signs are designed to be more on campus signs.

Mr. Auberton said the third sign they are looking to add is actually lettering on the pedestrian bridge. The pedestrian walkway connecting the main hospital and the Notre Dame Bridge Pavilion has become a landmark on the west side of Manchester and it affords the hospital a stellar opportunity to define that you are on the CMC campus. Branding of the pedestrian bridge is critical to tying in the opposite sides of the street and connecting the campus. The position of the sign is designed to be way finding for pedestrian and vehicular traffic at close range. The integrated lettering is not intrusive and is effective and the fabrication is modeled on the elevator tower sign to create a cohesive feel to make all the signage be consistent throughout the campus.

Michael Landry said he would just like to comment that they are increasing the height of the main freestanding sign and just for clarification he asked if Mr. Auberton said they were increasing to fourteen feet, six inches. Mr. Auberton said it is fourteen feet, eight inches. Mr. Landry said he just wanted to be clear that the Board was considering relief for fourteen feet, eight inches.

Chairman Hendershot turned the hearing over to the Board.

Vice Chairman Dupre asked if all the signs were being illuminated except for the informational one. Mr. Auberton said there is illumination on all of them. He said they are internally illuminated and the ground signs are illuminated in such a way that just the lettering lights up. The wall signs are halo illuminated letters which are applied to the background so the light is actually designed to reflect off the building in the back. In this case it will also come through the lens in the logo colors so they are all illuminated. Vice Chairman Dupre asked Mr. Auberton if these were all fixed signs and would not have digital scrolling. Mr. Auberton said that was correct.

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

Chairman Hendershot turned the hearing back over to the Board.

Chairman Hendershot said since we are getting a lot of residential areas downtown, he would not be in favor this if there wasn't halo lighting and so forth because it would affect the Brady Sullivan building across the street. He said it seems as though they are going to keep it low key with not a lot of light. Scott Auberton said that is why they really did avoid going with a white background. Chairman Hendershot said he knows what that kind of backlighting means and he is ok with that. He said he would not be in favor of this if it was affecting the people across the street because he wants to protect residents downtown.

Thomas Puthota made a motion to approve all counts for variance case #ZO-68-2016, Sections 9.09 (A)1 Signs, 9.09 (A)2 Signs and 9.09 (D) Signs which was seconded by Vice Chairman Michael Dupre. (Motion Carried)

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

Upon a unanimous decision the variance was granted.

4. **ZO-69-2016**
245 Youville Street, Ward 11

Joshua Rivera proposes to maintain a shed 0' from the side lot line where 4' is required within the rear yard and maintain a second shed in the side yard 0' from the lot line where 10' is required and seeks a **variance** from Sections **8.29 (A)2** and **8.29 (A)3** Accessory Structures and Uses, of the Zoning Ordinance, as per documents submitted through July 11, 2016.

Joshua Rivera of 245 Youville Street appeared along with his wife, Vanessa Rivera of 245 Youville Street. Vanessa Rivera said they bought the house in 2012 and the sheds in question were already there. She said their children have always wanted a pool so they got the permit for the pool and put the pool in. She said what they are looking to do is to build a deck so that the kids can have better access in and out of the pool and they would also like to replace the old boards on the existing deck to match the boards on the new deck without having to move the sheds.

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 invited those in opposition to this application to come forward.

Madeline Prince said she is the property owner of 229 Youville Street and an abutter. She said she is here in opposition to the variance and the maintenance of the shed that is already there. She said she did send in a letter of opposition and said she is not sure if the Board had it. She said she would like to read her revised letter.

"I have been the property owner for eighteen years. It has been in my family's history for sixty years. The house was built by my father in 1951. In addition to being my place of residence, this property is of deep sentimental value to myself and members of my family. I am here tonight to voice my profound opposition to the variance requested by the owner of the property and to the continued maintenance of the shed in the rear yard. The shed was built by the previous owner within zero feet of the property line where four feet was required. No variance was ever obtained. I am asking that this shed be removed from the current location and placed elsewhere to adhere to the zoning regulations. Each day as I walk into my yard this is what I see. In addition to being unsightly the structure prevents light from entering the yard, adds to the congestion of the already congested area and

without a doubt, negatively affects the value of my property. Needless to say, I am deeply opposed to the variance requested tonight for an additional shed to be built on the side of my house. A new structure would greatly affect the aesthetics of the area and destroy precious open space that is hard to find in this neighborhood. I cannot state how personally devastating it would be for me to wake every morning and see a shed outside my window. There is land available on the property in question for several sheds to be built which would not violate the zoning regulations nor need a variance in order to do so. I urge the Board to consider the above and reject the variance requested tonight. Thank you.” Ms. Prince said she would like it stated for the record that this is her revised letter.

Chairman Hendershot turned the hearing back over to the Board.

Vice Chairman Dupre said he had a question for Madeline Prince. He asked her how long the shed has been there. Ms. Prince said she thinks it was a year before the house was sold and they bought the house in 2013. Chairman Hendershot asked Ms. Prince if this was the big shed on the side that she supplied a picture of to the Board. Ms. Prince said what they are requesting is zero feet from the property line which would be right in her window.

Mrs. Rivera said the shed was built in 2010 or 2011. Ms. Prince said that was one shed and they are asking to build another on the side of the house. She said she believes that is what it says in the application. Chairman Hendershot said the Riveras aren't asking to build another shed. Ms. Prince said in the side yard. Chairman Hendershot said they want to build a pool which is not a problem and they want to build a deck which is not a problem. The problem is that they have two sheds that are not zoned properly. Michael Landry said they want to maintain those two sheds. Chairman Hendershot said they are not going to build another shed. Michael Landry reviewed the plan with Ms. Prince. Ms. Prince said it was her understanding when she got the letter that the Riveras were building another shed. Chairman Hendershot asked Ms. Prince if the Riveras were not building another shed and only building a deck for the pool, would she still be in opposition to this application. Ms. Prince said she would still like to have that shed removed. Chairman Hendershot said that her opposition is still that she doesn't like the shed zero feet from the lot line next to her property, knowing that they aren't going to build another shed. Ms. Prince said she thought for the aesthetics and the property value she thinks it would still be a good thing. Chairman Hendershot confirmed with Ms. Prince that she is still opposed to the non-conforming shed that is near her property.

Vice Chairman Dupre asked what that shed in question was used for. Mr. Rivera said he stores the children's bikes and stuff like that in there. Vice Chairman asked Mr. Rivera if he meant motorcycles or just bikes. Mr. Rivera said just bikes. He said the other shed is used to store car equipment and stuff like that. Vice Chairman Dupre asked Mr. Rivera if the garage was for the snowblower. Mr. Rivera said the snowblower is in that other shed. Vice Chairman Dupre said he is trying to envision how the shed is with the roof off of the side. Mr. Rivera said when it was built they put a little roof on the side by Ms. Prince's house because the previous owner had it for the trash. It has a closing door so they can put seven barrels in there so no animals can get in. That is what that little addition is for. Vice

Chairman Dupre said he when he went out to view the property he couldn't get in the back yard because they have it fenced in with the pool. Vice Chairman Dupre confirmed with Mr. Rivera that the bikes are kept in the shed and the little roofed in area is where he keeps the trash. Vice Chairman Dupre asked Mr. Rivera if that little roofed in piece could be disassembled. Mr. Rivera said it is completely part of the roof.

Thomas Puthota asked Mr. Rivera what the size of the shed was. Mr. Rivera said he had no clue. When he purchased the house he purchased it with the sheds. Mr. Puthota asked Mr. Rivera if he had space to move the shed a couple of feet away from the property line. Mr. Rivera said they bought the house like that and if he moves the shed it is going to be at his cost. He said he understands the concerns of Ms. Prince but they bought it like that and they are here to get a deck. He said the shed that is in question when the Building Inspector came out wasn't that shed but the other one that was two inches away from the property line. He said he understands what Ms. Prince is saying but he purchased the home like that and he would have to move the shed at his cost because it is literally in there, you can't just pick it up. He would have to get someone else to move it as it is not something that someone can just do. He would need someone with equipment to move it. Mrs. Rivera said there is not enough space to move it out of that area. If anything, they could move it toward the alley but Ms. Prince would still see it regardless from her yard. There is not enough space in that area especially with the pool in to put it on the other side of the yard.

Chairman Hendershot said he had one question. He asked Ms. Prince if her address was 251 Youville Street. Ms. Prince said her address is 229 Youville Street.

Vice Chairman Dupre said he thought it would be too cost prohibitive to move that thing. He said according to the sketch the Board has, it is about ten feet by seven feet, plus or minus. He said you are talking about a thousand pounds if not more and they would have to get a tractor in there to drag it or whatever. He said if the sketch is accurate, just taking off that little roof section and re-siding the shed, Ms. Prince can't say they are not five feet into their property. Mr. Rivera said if that is what it takes, he will do that. He said he is here to do the right thing and put a deck in but if he has to break that down then he will break it down. Vice Chairman Dupre said he shouldn't have to break the whole shed down. Mr. Rivera said just that section that is for the trash. Vice Chairman Dupre said then he could just throw some siding up on it. He said moving the shed is not an option. Mr. Rivera said that would be impossible as it is literally stuck there. Vice Chairman Dupre said if Mr. Rivera tried to move it the shed could fall apart.

Raymond Clement said he didn't think it was right for the Riveras to have to pay for the previous owner going against the Ordinance and building that shed. He is sure the previous owner never got any permits to do that. He thinks it is hard to throw the burden on the Rivera's when they had no knowledge that this was not within the regulations. Mr. Clement asked Mr. Rivera if the asphalt was put in by the previous owner. Mr. Rivera said it was put in by the previous owner. He said he has not done anything to that property at all.

Chairman Hendershot said all of these houses, even 229 Youville Street, are all within feet of

the property line. It is what it is. Again, everyone in the neighborhood has things within feet of the property line. He said there may be an issue as there are no certified plot plans and the shed may be on her property but that is an issue between the neighbors. He said he really doesn't have a problem with them building a deck and not removing those two structures.

Raymond Clement made a motion to grant all counts for variance case #ZO-69-2016, including Sections 8.29 (A)2 and 8.29 (A)3 Accessory Structures and Uses which was seconded by Matt Routhier. (Motion Carried)

Yeas: Hendershot, Dupre, Clement, Puthota, Routhier

Nays: None

Upon a unanimous decision the variance was granted.

5.

ZO-70-2016

317 Trolley Street, Ward 8

Richard Dryer (Agent) proposes to maintain expansion of driveway resulting in one front yard parking space and seeks a **variance** from Section **10.09 (B)** Parking Setbacks, of the Zoning Ordinance, as per documents submitted through July 14, 2016.

Richard Dryer of 109 Tennyson Drive appeared along with Gregory Laughlin of 317 Trolley Street who is the owner of the property. Mr. Dryer said this all started when they went to the Planning Department because they needed a plot plan and a permit to install an above ground pool in the back yard. During that process, through google maps it was discovered that a permit was never pulled for the driveway as it was a little bit wider than it was originally. That driveway was in that manner when the Laughlins purchased the home. Nothing has been done to it since they purchased the home in 2013. Mr. Dryer said this all came as a surprise to the Laughlins. They were told they would have to go through this process to ask for the driveway to remain as is. He said the driveway itself is professionally landscaped and is not offensive at all to the neighbors or the neighborhood. It seems to be the norm within the neighborhood as far as length and width.

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 or in opposition to this application to come forward. No one came forward to this request.

Chairman Hendershot turned the hearing back over to the Board.

Thomas Puthota made a motion to grant the requested variance for case #ZO-70-2016, Section 10.09 (B) Parking Setbacks which was seconded by Vice Chairman Dupre. (Motion Carried)

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

Upon a unanimous decision the variance was granted.

6. **ZO-71-2016**
645 Summer Street, Ward 5

Viktor Celaj proposes to construct a 20'x30' carport in the rear yard occupying 37.5% of the rear yard area where 25% maximum is allowed and allow a 4th parking space 0 feet from the carport where 4 feet is required in the R-2 zoning district and requests a **variance** from Sections **8.29 (A)3** Accessory Structures and Uses and **10.09 (B)** Parking Setbacks, of the Zoning Ordinance, as per documents submitted through July 28, 2016.

Viktor Celaj of 645 Summer Street appeared along with his wife, Dhurata. He said they are proposing to build a carport to protect his car. He said he is working so hard and his wife gets up early in the morning to go to work so he is thinking of building the carport.

Chairman Hendershot turned the hearing over to the Board.

Chairman Hendershot said he had a question for Michael Landry. He asked if this is considered a permanent structure by the Building Department. Michael Landry said this is not one of those membrane structures that they've been talking about. He said he has been talking to Mr. Celaj through the whole process and he has seen engineering plans and it is a pretty substantial structure and will meet all of the building codes. Chairman Hendershot said all he has is a little picture that looks like a tent and that is why he is asking the question. He asked if as far as the Building Department and the Building Inspector, Don Veilleux, are concerned, will this will meet code. Michael Landry said this carport will meet the snow loads, it meets the wind loads and will be fastened to the ground with a mechanical system that is designed especially for this use. It is going to be done right.

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

Don Montplaisir of 651 Summer Street said he abuts Viktor and his wife. He said Viktor bought the home a few years ago and has done nothing but improve the property. He said Mr. Celaj has been to his house with his plans going over different things and he just wants to back him up. He has done nothing but good things for the neighborhood.

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

Chairman Hendershot then turned the hearing back over to the Board.

There were no further questions or comments from the Board.

Raymond Clement made a motion to grant all counts for variance case #ZO-71-2016, Sections 8.29 (A)3 Accessory Structures and Uses and 10.09 (B) Parking Setbacks which was seconded by Thomas Puthota. (Motion Carried)

Yeas: Hendershot, Dupre, Clement, Puthota, Routhier

Nays: None

Upon a unanimous decision the variance was granted.

7.

ZO-72-2016

32 Roy Avenue, Ward 7

Glen Brehio (Agent) proposes to build a 368 SF deck with a rear yard setback of 12.7 feet where 20 feet is required and maintain a detached garage with a 2 foot side yard setback where 10 feet is required in the R-2 zoning district and seeks a **variance** from Sections 6.03 (B) Rear Yard Setback and 8.29 (A)2 Accessory Structures and Uses, of the Zoning Ordinance, as per documents submitted through July 18, 2016.

Glen Brehio said he was from TAAG Home Improvement of 38 Taylor Road, Hopkinton, New Hampshire. Mr. Brehio said he was hired to build a deck at the said property. He said they had a certified plot plan done and from that certified plot plan is where they found out they were intruding upon the setback. He said obviously, when they did the certified plot plan they found the garage, which has probably been there for a hundred plus years, was also in the setback.

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 or in opposition to this application to come forward. No one came forward to this request.

Chairman Hendershot turned the hearing back over to the Board.

Raymond Clement made a motion to grant all counts for variance case #ZO-72-2016, Sections 6.03 (B) Rear Yard Setback and 8.29 (A)2 Accessory Structures and Uses which was seconded by Thomas Puthota. (Motion Carried)

Yeas: Hendershot, Dupre, Clement, Puthota, Routhier

Nays: None

Upon a unanimous decision the variance was granted.

8. **ZO-73-2016**
2060 Brown Avenue, Ward 9

Steve Clermont (Agent) proposes to utilize up to 100 of the existing parking spaces for storage of vehicles and not provide the required screening in accordance with Section 8.28 in the IND zoning district and seeks a variance from Section **8.28** Outside Storage of Vehicles, of the Zoning Ordinance, as per documents submitted through July 28, 2016.

Steve Clermont was not in attendance. Vice Chairman Dupre asked if there was anyone in attendance from the public. Chairman Hendershot asked if there was anyone in the audience who was here to speak either in favor of or in opposition to this application. No one came forward to this request.

Vice Chairman Dupre asked the Board if they would like to table this case until later. Chairman Hendershot asked the Board if there was a motion to table this case until next month. Michael Landry asked the Board if they could discuss the reason for tabling this case. He said he is not trying to sway the Board but they have the matter before them. If the Board sees a reason to table it, then they should table it. He said the proposal is pretty straight forward and if they are familiar with the property, this is Quirk Motors and they are going to be storing brand new vehicles there. He said they really can't dictate or tell the Board how many vehicles. Chairman Hendershot said he read the proposal. He asked if the Board wished to discuss whether or not they wanted to table this case. Chairman Hendershot said it is an industrial area and all of the buildings in that area are pretty much the same. He said he doesn't have a problem voting on the issue tonight. He asked how the rest of the Board felt.

Raymond Clement said he had a question for Michael Landry. He asked if they were planning on adding anything else there or were they just planning on using what is already existing there. Michael Landry said that is what he understands but he doesn't really want to make any representations to the Board so if the Board is looking for representations that aren't clear in the material, then tabling it may be the way to go.

Vice Chairman Dupre said he had one more question for Michael Landry. He said Mr. Landry called this out saying they are not providing the required screening in accordance with Section 8.28 in the Industrial Zoning District but he is only calling out 8.28 Outside Storage of Vehicles below. He asked if there was a reason for this. Michael Landry said it is 8.28 Outside Storage of Vehicles and the vehicles they are talking about are brand new automobiles that they will sell. He said he does know that customers will not be traipsing around this property. Vice Chairman Dupre asked if 8.28 spoke about screening also. Chairman Hendershot said whether customers are going to be at this place or not is speculation. He said they want to put a hundred cars out there and if the Board grants this variance he could have people there every day if he wants to. He said he thinks the real issue is if the Board wants to discuss tabling this or not. Raymond Clement said he didn't think the Board had to table this. He said if this was a regular plant as it used to be more

businesslike in the past, this could be employee parking and wouldn't require a variance. Chairman Hendershot asked there was a motion to table this case until next month or did the Board want to vote on this variance today.

Raymond Clement made a motion to hear case #ZO-73-2016 which was seconded by Chairman Hendershot.

***Yeas: Hendershot, Clement, Puthota,
Nays: Dupre, Routhier***

Raymond Clement made a motion to grant the requested variance for case #ZO-73-2016, 8.28 Outside Storage of Vehicles which was seconded by Thomas Puthota. (Motion Carried)

***Yeas: Hendershot, Clement, Puthota,
Nays: Dupre, Routhier***

Upon a split decision the variance was granted.

9. **ZO-74-2016**
650 Elm Street, Ward 3

Nicolaas Meijer (Agent) proposes to erect a 5'x12½' projecting sign that is larger than the 8 feet in height maximum allowed and for use by occupants on upper or lower floors with no sign frontage in the CBD zoning district and seeks a variance from Sections 9.07 (F) Signs and 9.09 (A)3 Signs, of the Zoning Ordinance, as per documents submitted through July 21, 2016.

Chairman Hendershot turned this case over to Vice Chairman Dupre and recused himself from this case as he is an abutter. Alternate Member Jose Lovell will sit in on this case.

Attorney Nicolaas Meijer said he was counsel for 650 Elm Street, LLC and his business address is 1662 Elm Street. Bob Perry said he was with Sousa Signs and his address is 3 Orchard Street, Goffstown. Attorney Meijer said very briefly, this is an application for a sign variance at 650 Elm Street. He said the sign would be at the corner of Elm and Granite Streets and it would be a blade style sign attached to the building. The purpose of the sign would be to communicate tenants with the public. He said this is a very unique building and he said he tried to highlight that in his application to the Board. He said it is a semi-circle and the round portion of it is out toward Granite Street and it cuts back sharply for the entry way where it says "650". He said it is quite difficult to see this from the road and tenants are also challenged because first of all, it is one of the more unique buildings in Manchester as it is seven stories tall and has gold mirrored windows. There really is a limited opportunity to follow the statute and put signs in the windows for upper levels, not to mention that it is so high. He said this sign would be 12 ½ feet tall which is 4 ½ feet more than the 8 feet

allowed. They would also like to be able to place upper level tenants on the sign.

Vice Chairman Dupre turned the hearing over to the Board.

Vice Chairman Dupre said he had a couple of questions. He said they have seven slots on the plan and was wondering if there would be seven companies listed. Bob Perry said that is the intent and that at some point in time they would have the ability to have seven tenants. Vice Chairman Dupre asked Mr. Perry if they were going to see them get smaller and smaller or have a desire to expand this up higher. Mr. Perry said no. Vice Chairman Dupre also asked about illumination and how that would be handled. Mr. Perry said it is internally illuminated and the letters will be illuminated at night and the black background would be opaque so all you see is the letters. Vice Chairman Dupre asked if the letters could be seen from both the Elm Street side and the Granite Street side. Mr. Perry said correct, it is double sided, illuminated on both sides and the cabinet is ten inches thick.

Matt Routhier asked if the existing sign on the corner was going to stay or would it be removed. Bob Perry said the building's owner would like to keep it there. Vice Chairman Dupre asked what the advantage was for keeping them both there if they were listing their tenants on this new sign. Attorney Meijer said he thought it was a matter of presence to the tenant of the building. He said he wasn't sure there the same people on the freestanding sign outside. He said he wasn't sure they would have the same tenants or not.

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

Vice Chairman Dupre turned the hearing back over to the Board.

Raymond Clement made a motion to grant all counts for variance case #ZO-74-2016, Sections 9.07 (F) Signs and 9.09 (A)3 Signs, which was seconded by Thomas Puthota. (Motion Carried)

Yeas: Dupre, Clement, Puthota, Routhier, Lovell

Nays: None

Upon a unanimous decision the variance was granted.

Chairman Hendershot returned to the Board.

81 Mack Avenue, Ward 9

Robyn Casey (Agent) proposes to replace an existing free-standing sign with an area of 152 SF and 33 feet in height with a new free-standing sign with an area of 225 SF and 35 feet in height in the IND zoning district and seeks a **variance** from Section **9.09 (D) Signs (2 counts)**, of the Zoning Ordinance, as per documents submitted through July 22, 2016.

Robyn Casey of Casey Signs in Londonderry, New Hampshire said she was there to request a variance to remove the existing pylon sign at 81 Mack Avenue and replace it with a larger freestanding sign. She said the area square footage will be bigger and will also be two feet higher than the existing sign.

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 or in opposition to 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 all counts for variance case #ZO-75-2016, Section 9.09 (D) Signs (2 counts), which was seconded by Thomas Puthota. (Motion Carried)

Yeas: Hendershot, Dupre, Clement, Puthota, Routhier

Nays: None

Upon a unanimous decision the variance was granted

11. **ZO-76-2016**
140 Blaine Street, Ward 10

Daniel Silva (Agent) proposes to convert a sheet metal shop to a landscape contractor shop in the B-2/R-3 zoning districts and seeks a **variance** from Section **5.10 (C)2 Building Contractor Yards**, of the Zoning Ordinance, as per documents submitted through July 26, 2016.

Daniel Silva of 878 Beech Street said they have this property at 140 Blaine Street that was originally built as a trucking company. The trucking company was there from 1960 to roughly 1962. He said at that point, the structure became used as the LaFayette Press and remained so until 1997 when Mr. Colburn purchased the building and has been using it as a sheet metal fabrication shop since then. He said the building has been sold and the buyers

would like to use it as a landscaping contractor facility. They aren't intent on parking any of their heavy equipment on the site because of the nature of their contracts most of the heavy equipment is left on site such as the Elliot at River's Edge, the Elliot Hospital and those types of accounts. What they need is just the ability to park their vehicles, pick-up trucks, snow blades, snow blowers and those types of things within the facility. That is basically a continuation of what the building has always been used for in one form or another.

Chairman Hendershot turned the hearing over to the Board.

Vice Chairman Dupre asked if there were any plans for hazardous materials inside the building, such as fertilizers. Mr. Silva said he did not believe so. Vice Chairman Dupre asked if it would be used for disposal of landscaping grass clippings and things like that. He said there was someone in the back of the room shaking their heads. Mr. Silva said those gentlemen were the proposed tenants and buyers. The gentlemen in the back said there would be nothing like that. Vice Chairman Dupre said the warehouse would just have the snow plow blades, snow blowers, etc.

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. He then invited those in opposition to this request to come forward.

Charles Capistran of 281 Rhode Island Avenue said he is an abutter to this property. He asked if they pulled in with all kinds of equipment onto Cleveland Street, how they would get into the property without parking in the street. He said that whole section is no parking. Mr. Capistran said Cleveland Street has a bad bend and he was wondering if they are going to park there to take plows off or whatever and then try to get into that property. He said he has lived there for 47 years now and he knows how bad it is there. He said that is his only concern, getting into that property without blocking that street.

John Russo said he is the new proprietor of the building. He said he understands what Mr. Capistran is saying about the back area there. He said they did clean out all of the side area and Cleveland Street streaks around the back side. He said he wasn't sure which side Mr. Capistran is an abutter on but between the lots, there is not a house within 100 feet of the corner in which he speaks. He said it is a wide open gate and right now tractor trailers back up because they have loading docks. It hasn't been a problem over the last 20 years so he doesn't see an issue now. Chairman Hendershot asked Mr. Russo if tractor trailers go there now. Mr. Russo said that was correct. He said that is how Mr. Colburn got his steel deliveries. He said he doesn't think anything is going to change in that aspect.

Chairman Hendershot turned the hearing back over to the Board.

Raymond Clement asked if they had any plans to tidy it up in the back as it looks like the walls are coming apart and breaking down. He said he could see where that could lead to difficulties backing up trucks there in the summer or in the winter. Daniel Silva said his understanding is that they have already started that process. John Russo said they have

already started cleaning the back side.

Chairman Hendershot asked if there were any more questions or comments.

Paul Colburn said he was the former tenant at that property. He said he was there from 1997 up to last week. He said he had steel deliveries coming in and tractor trailers backing in. Back when he bought the property he took liberty of making sure that on the boundary between Mr. Capistran's property, they brought the corner of the chain link fence way back in so it would not prevent trucks from backing in so they would not be blocking the road. He said he could show the Board two properties right behind and right next to it, including Mr. Capistran's property and you can see that there are cars parked all up and down the street there and it has never been an issue backing tractor trailers in or out. He said they also had some work trailers that they bring in and out and that was never a problem either so he doesn't see why it would be an issue for these gentlemen to bring their equipment in and out. Most of their equipment is on site all the time anyway so they might occasionally have to bring equipment into the building to do maintenance on it but it wouldn't be an issue as far as obstructing traffic in any way.

Chairman Hendershot asked if they were planning on using this property to work on their equipment inside the building and asked if they had big front end loaders. He asked if any of the gentlemen in attendance could answer his questions. Paul Colburn said he is the former owner and indicated the new owners. John Russo said back in the day they brought this to the attention of the Board and said they were the gentlemen who were looking at Caron Street and asked if any members of the Board remembered that. Chairman Hendershot said he did not remember that and said his question was, are they going to be working on their equipment inside the building. Mr. Russo said yes they would be doing repairs inside. Chairman Hendershot asked if they would be working on front end loaders, etc. Mr. Russo said yes, inside the building. Chairman Hendershot asked Michael Landry if that was an issue. Michael Landry said he believed it was incidental to the main use. He said if you are doing landscaping you necessarily need to maintain your equipment. Chairman Hendershot said he understood that, but these are not lawn mowers, they are front end loaders and so on and so forth. He asked if the Planning and Building Department had an issue with them working on front end loaders in this building. Michael Landry said the use includes the heavy equipment.

Raymond Clement made a motion to grant the requested count for variance case #ZO-76-2016, Section 5.10 (C)2 Building Contractor Yards which was seconded by Matt Routhier. (Motion Carried)

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

Upon a unanimous decision the variance was granted

12. **ZO-77-2016**
308 Lake Avenue, Ward 5

Khalid Mohamed (Agent) proposes to use convenience store office for taxi company consisting of one vehicle driven by store owner and only operated while store is closed in the R-3 zoning district and seeks a **variance** from Section **5.10 (E)1** Taxi, Bus, Railroad passenger Terminal, of the Zoning Ordinance, as per documents submitted through July 27, 2016.

Khalid Mohamed of 21 Blakes Hill Road, Deerfield, New Hampshire said he has had this store for almost six years now. He said his problem is that he does not have a cash flow to start a new business. He said he came up with the idea for a taxi because he is presently working for Uber and he uses the same car and with a taxi he could make more money to help to run the store.

Chairman Hendershot turned the hearing over to the Board.

Vice Chairman Dupre said he had a question for Michael Landry. He asked where the City stood with Uber. Michael Landry said he honestly could not answer that question. Chairman Hendershot said he read in the paper that supposedly, Uber is all set right now. Vice Chairman Dupre said that was his concern on voting for something like this. Chairman Hendershot said he didn't think that was a concern of the Board if the City deep sixes Uber. Vice Chairman Dupre said if Mr. Mohamed is coming before the Board to open a taxi stand, will that fall under someone else's purview. Chairman Hendershot said if the Board gives the applicant the right to run a taxi out of there, he has to comply with the City regulations just like with a building permit.

Michael Landry asked Khalid Mohamed if he was planning on getting a medallion or taxi license. Mr. Mohamed said he is planning on getting the license for a taxi.

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

Chairman Hendershot turned the hearing back over to the Board.

Raymond Clement made a motion to grant the requested count for variance case #ZO-77-2016, for one taxi vehicle only, Section 5.10 (E)1 Taxi, Bus, Railroad passenger Terminal which was seconded by Thomas Puthota. (Motion Carried)

Yeas: Hendershot, Dupre, Clement, Puthota, Routhier

Nays: None

Upon a unanimous decision the variance was granted

Raymond Clement made a motion to close the public hearing which was seconded by Vice Chairman Dupre. (Motion Carried)

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

III. BUSINESS MEETING:

1. ADMINISTRATIVE MATTERS:

1. Review and approval of the ZBA Minutes of July 14, 2016.

Vice Chairman Dupre made a motion to approve the minutes of July 14, 2016 without amendment which was seconded by Raymond Clement. (Motion Carried)

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

****Hendershot and Routhier did not vote as they were absent from the 7/14/16 Meeting.***

2. Any other business items from the Zoning Board of Adjustment staff or Board Members.

There was no new business items brought up.

Attest: _____

***Allen D. Hendershot, Chairman
Manchester Zoning Board of Adjustment***

APPROVED BY THE ZONING BOARD OF ADJUSTMENT: September 8, 2016 With Amendment
 Without 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.**