

CITY OF CONCORD, NH
ZONING BOARD OF ADJUSTMENT
August 7, 2019 MEETING
DRAFT MINUTES

Attendees: Acting Chair Jim Monahan, Andrew Winters, Robert Harrison Jr., Scott Sakowski, Laura Scott (Conflict with Case ##29-19).

Absent: Christopher Carley, Nicholas Wallner.

Staff: Craig Walker, Zoning Administrator
 Rose Fife, Clerk of the Board

Meeting commenced at 7:00 pm.

29-19 Nancy M. Paul for the Friends Program, Inc.: Applicant wishes to physically expand an existing Residential Social Service Center (RSSC) to accommodate a new intake area and convert an existing office to create an additional sleeping room increasing the number of sleeping rooms from 8 to 9 and requests the following:

- 1) **(Granted)** A Variance to Article 28-5-5, Residential Social Service Center, and Article 28-4-5(d)(1), Minimum Tract Requirements, to permit the expansion of an RSSC on a lot with 8,364 square feet +/- of area where minimum lot size required for an RSSC is 25,000 square feet of land,
- 2) **(Granted)** A Variance to Article 28-5-5, Residential Social Service Center, and Article 28-4-5(d)(2), Maximum Lot Coverage and Density, to permit the expansion of an RSSC to accommodate 9 sleeping rooms on an 8,364 SF lot and allow an equivalent unit density of 46 units per buildable acre where a maximum unit per buildable acre of land shall not exceed 12 units per buildable acre of land,
- 3) Variances to Article 28-7-1, Access, Circulation, Parking and Loading Requirements, to permit the existing non-compliant parking configuration to continue when access, circulation and parking requirements are required to be brought up to current requirements, including:
 - a. **(Granted)** Variances to Article 28-7-7(a), Standard Parking Spaces, to allow parking spaces 17 feet in length where nineteen (19) feet is required,
 - b. **(Recessed until August 7, 2019)** Variances to Article 28-7-5, Requirements for Handicapped Accessible Parking Spaces and 28-7-7(c), Handicapped Accessible Spaces, to not provide a compliant accessible parking space where 1 accessible parking space for is required and the first required space must be a van accessible space,
 - c. **(Granted)** Variances to Article 28-7-7(e), Minimum Aisle Width, To permit a parking lot configuration with a drive aisle 12 feet in width where a minimum width of 24 feet is required for two-way traffic,
 - d. **(Granted)** Variances to Article 28-7-7, Setbacks and Restrictions, Section (g)(2), Setbacks From Lot Lines, to permit parking not less than 6 inches from the easterly side property line where a minimum 5 foot setback from the adjacent property is required,
 - e. **(Granted)** Variances to Article 28-7-8, Access and Driveway Standards, Section (a), Restrictions on Backing into a Street, to permit a parking configuration that does not provide adequate onsite room for maneuvering and requires vehicles to back into and maneuver in the street to enter or exit the parking area,

for property located at 30 Thompson Street in an RD Residential Downtown District.

The Board for this case consisted of Monahan, Winters, Harrison and Sakowski.

Testified: Nancy M. Paul. Also testifying: Attorney Matthew Morrison of Cleveland Waters and Bass.

Attorney Morrison handed out plans showing the demarcation the handicapped space. They meet the width requirements set forth in the Ordinance for handicapped spaces. It will be a width of 9 feet with a 5 foot loading area. They also meet the 17 foot length requirement.

Walker explained that relief was already granted for the 17 foot length for all of the parking spaces, including the handicapped space.

Nancy Paul explained that last month the spaces were not marked off. The plan submitted this evening shows the handicapped space being marked on the plans. The space is closest to the street as it is the shortest distance to travel to the entry of the building. If they moved the spaces closer in, then it would negate access to the dumpster. Monahan asked if the variance is necessary as they do have a space now available. Attorney Morrison felt that it was no longer needed.

Walker explained that the Board needs only to acknowledge that the applicant came back before them and now meets the requirements.

In favor: none.

In opposition: none.

Code: none.

DECISION: A motion to deny the request (3b) was made by Winters as the applicant has provided the handicapped space and a variance is no longer needed as they do not need to meet the standards, seconded by Sakowski and passed by a 4-0 vote.

PUBLIC HEARINGS

36-19 Swim NH, LLC. Applicant was granted several Variances under Case #20-19 to enable the establishment of a privately owned indoor pool health and fitness center for swimming and water safety instruction (use C-4) and requests the following modifications and corrections to the relief previously granted:

- 1) Variance to Article 28-4-1(h), Table of Dimensional Regulations, to permit the following:
 - a. To allow a minimum 9.8' setback (9' 9.6") +/- from the northerly side property line where a 25' setback is required,
 - b. To allow rear setbacks ranging from 10.4' setback (10'4.8") +/- from the northeast rear corner of the proposed building to a minimum 22.4' (22'4.8") setback from the southeasterly rear corner of the proposed building,
 - c. To allow side setbacks ranging from 17.2' (17'2.4") to 16.9' (16'10.8") from the southerly side property line.
- 2) Variance to Article 28-7-7(g)(2), Setbacks From Lot Lines, and Article 28-7-10, Parking Lot Perimeter Landscaping Required, to permit a minimum parking lot setback of 7.3' (7'3.6") from the westerly front property line and corresponding perimeter landscaping reduction where a 10 foot setback and landscape strip is required, and to allow a front setback not less than 4 feet from a side where 5 feet is required.
- 3) A variance to Article 28-7-2(e), Table of Off-street Parking, to allow the provision of 15 parking spaces where 16 spaces are required,
- 4) A Variance to Article 28-8-3(c)(2), Conditions for Development of a Non-conforming Lot, to allow development of a non-conforming lot when setback and parking requirements are not met, for property located at 41 Hall Street in an OCP Opportunity Corridor Performance District.

The Board from this point forward consisted of Monahan, Winters, Harrison, Scott and Sakowski.

Testified: Jonathan Halle of Warrenstreet Architects and Karen Genovese, owner of Swim NH. Walker explained this case was before the Board in May, 2019 and there were modifications/changes that needed to be made, therefore they are back.

Mr. Halle testified. He reviewed the plan with the Board. He explained that they are back before the Board to memorialize the accurate numbers. Nobis Engineering drew up the civil engineered drawings. They also need a variance to reduce the landscape buffer. They went before the ADR committee yesterday and suggestions were made by both them and the Engineering Division. They want to reduce the curb cuts from 24 feet to 18 feet to allow for a 3 foot island, as suggested. The committees want them to slide the parking lot 3 feet to the south so people can back out of the handicapped parking spots. He's raising the issue to the Board this evening because if it is not approved tonight they cannot go forward to the Planning Board. Walker explained that it was his understanding that it was just comments made by Engineering, not requirements.

L. Scott went through the hearing notice and made the following observations. Request #1 and #2 is before them to clean up last month's requests. Walker explained that request #3 and #4 were reiterations of what was already granted. L. Scott's concern is that Mr. Halle is asking them to grant something that was not noticed or before them on paper. Walker stated the Board could not take action on something that was not noticed. L. Scott reiterated that the Board only needs to act on request #1 and request #2 on the agenda. Halle stated that the language was changed in the notice and he would like action to memorialize that previous approval.

Sakowski asked if anyone spoke against this request at the previous hearing. Walker didn't believe so.

In favor: Mr. Costa Luzis who lives at 87 N. Spring but owns property on Hall Street. He feels the City would benefit from a program like this.

In opposition: none.

Code: none.

Monahan asked about the recommendation that the applicant spoke of. Walker explained that those came from the Engineering office. Monahan asked if they were recommendations or requirements. Walker stated recommendations. Much discussion ensued regarding this issue.

DECISION: Winters stated that the changes in the setbacks numbers were extremely minor. The Board can reference their prior discussion as they have already granted it at a previous meeting. Same rationale applies. Monahan agreed that was for request #1 and request #2. Walker explained that the decision would keep everything together under one hearing date. L. Scott felt that action on request #3 and request #4 were not necessary as the Board already had acted on them. She wasn't party to it originally so she didn't feel comfortable voting on #3 and #4.

A motion to approve request #1 and request #2, was made by Winters, seconded by L. Scott and passed by a unanimous vote.

A motion to approve request #3 and request #4, was made by Winters, seconded by Harrison and passed by a 4-0 with L. Scott abstaining.

35-19 [Crystal Sanders](#): Applicant wishes to remove an existing front entry and replace with an expanded front (farmers) porch and requests a Variance to Article 28-4-1(h), The Table of Dimensional Regulations, to permit a front setback of 9 feet +/- where a 25 foot front setback is required for property located at 25 Lawrence Street in an RM Residential Medium Density District.

Testified: Christopher Sanders, co-owner of 25 Lawrence Street. Adam Kristy, the builder was also available to testify.

The small "dog house" entry way in front of their home is old. The roof line has issues and they would like to take it off and put a small 3 season porch on. His neighbors have one next door and across the street.

Winters asked if they were encroaching closer to the street. Mr. Sanders stated they are using the same footprint. Monahan asked what year the home was built. Mr. Sanders thought the 1930's or 1940's. L. Scott asked if they were going to do the same foot print. She questioned if the 3 season porch would encroach closer to the front property line. Mr. Kristy stated that the three season porch would be approximately 8 feet off of the front of the house. The dog house is a little less than 8 feet and it will be the whole width of the house.

In favor: Peter Wenzel, 30 Lawrence St. The Sanders have been great neighbors and he feels that if they want to put a porch up it won't bother him or other neighbors. He's lived there for 23 years.

In opposition: none.

Code: none.

DECISION:

Harrison stated that the existing porch extends 8 feet out and the new one will extend 8 feet out. He feels it's a reasonable use.

A motion to approve the request was made by Harrison, seconded by Sakowski, and passed by a unanimous vote.

MINUTES: A motion to approve the Minutes with amendments requested by L. Scott was made by L. Scott, seconded by Winters, and passed by a unanimous vote.

*Respectfully submitted,
Rose Fife, Clerk Zoning Board of Adjustment*