

City of Gardner
Zoning Board of Appeals

Minutes of Public Meeting – September 7, 2022
City Hall Annex

Members Present: Raymond LaFond, Chairman
Randall Heglin
Melory Cornett
David Antaya (participating via conference call due to illness)

City Officials: Mariela Negron, Board Secretary
WGET Videographer

Attendees: Applicants, Representatives, and Interested parties – Steven Rockwood, Fred Hurd, Tina Scanlan, Claude Boudreau, Mitchel Lorden, David Fenstermacher, Deborah Wilbur, Michael Diaz, Ken Matson, Christine Tree, David Trilongo.

Meeting opened at 6:30 PM by Chairman LaFond. Chairman read the ground rules upon which the Zoning Board operates.

Tonight's agenda includes public hearing which the Board will hear six cases, three cases of which are continued from the last meeting.

Meeting to include decisions and continued public hearings.

First public hearing case – Continued from July 19th meeting
Case 2022-07-01 – Special Permit; Mass Ave Rentals, 42-52 Parker Street, 29-unit apartments.

Members hearing this case – LaFond, Heglin, Antaya

Chairman LaFond read the denial from the application.

Chairman LaFond - At the last hearing, Applicant presented his case in detail and also addressed the criteria necessary for a Special Permit. Site visit was held.

Representative Mitchel Lorden gave the Board and attendees summary of the project, detailing changes to the exterior of the building from all elevations.

Member Heglin stated that at the previous hearing and site visit applicant indicated use of city lighting from adjacent lot and walkway proposed to be the illumination of the parking area. At site visit, illumination of the lot was discussed. Visited site in evening. Dark parking area and spaces closest to the building.

Member Antaya concurred and asked applicant to further explain lighting proposed especially in the vicinity of the resident entrance along Connors Street at the air lock and elevator.

Mr. Lorden indicated additional lights can be added. He addressed the additional lighting proposed at the resident entrance.

Chair LaFond concurred on additional lighting and the need for a lighting plan.

Chair LaFond opened meeting to audience. No comments or questions were asked by abutters, interest parties, in favor or against project.

Member Heglin asked Mr. Lorden about hours of construction. Mr. Lorden indicated typically 7-4 M-F with occasional Saturday.

Motion Heglin, seconded Antaya to close the public hearing and proceed with a decision on the Application. A roll call vote was taken due to Member Antaya participating in the meeting remotely. Unanimous yea.

Member Heglin listed potential conditions; Construction hours M-F 7-5, S at 7-2 and no Sunday or Holidays without prior approval of Building Commissioner.

Member Antaya discussed concerns about trash handling at the property and location of dumpster and truck's ability to service the dumpster. Chair LaFond asked Mr. Lorden to indicate on the submitted drawings where the dumpster is to be located. The areas were also represented at the site visit. Dumpster to be enclosed in privacy fencing.

Member Antaya and Chair LaFond inquired about snow removal. Mr. Lorden indicated that if piles impact parking, snow will be removed from the property.

Chair LaFond reiterated potential conditions. Hours of work. Lighting in parking area and airlock at resident entrance.

Conditions

- Hours of work M-F 7-5, Sat 7-2, No work Sunday & Holidays without prior approval of the Building Commissioner
- Lighting plan to be submitted to the Building Commissioner for approval addressing improved illumination in the Parking area and resident entrance.

Motion made by Member Heglin, seconded Member Antaya to approve Special Permit with conditions. Roll Call Vote – yea unanimous.

Second case Public Hearing –

2022-07-02 – Variance - Mattson Homes, 146-B Greenwood Street. Request for 40' wide driveway

Chairman LaFond read denial from the Application. Site visit held July 23,2022.

Applicant, Mr. Mattson briefly summarized his request.

Chairman LaFond asked how many cars to be accommodated at the duplex. Response – 6; three each unit with 1 in garage.

Mr. Mattson confirmed dwelling to be condos.

Member Heglin asked Mr. Mattson if any additional thought had been given about the grade of the driveway relative to the sidewalk and garage and the concern that cars may bottom out in the driveway. Mr. Mattson indicated no. Heglin asked if he has contacted the City Engineer about the final elevation of the driveway at the back of the walk. Response, no.

Member Antaya continued with the line of inquiry about the grade of the driveway. Also asked about surface water runoff. On a recent drive-by, noted runoff from his property to abutting properties. Mr. Mattson confirmed and stated that he performed cleanup on abutting property.

Chairman LaFond asked about snow removal and melting.

Member Antaya asked if car has been driven on driveway. Ms. Mattson stated not aware if a car driven on driveway. Mr. Antaya asked if Mr. Mattson has any idea on the finish elevation of the driveway. Mr. Mattson responded 2 inches at curb.

Discussion continued on construction of driveway and dealing with surface water flow. Mr. Mattson stated that if driveway constructed 24' wide, surface water drainage would remain an issue.

Chairman LaFond indicated that not comfortable with proceeding to a decision this evening. Concern of runoff, impact on abutters, and resolution of issues. Concern about future owners dealing with unresolved issues.

Chairman LaFond asked Mr. Mattson for an extension of 45 days to address these issues. Mr. Mattson raised concern over additional time and end of construction season approaching. Mr. Mattson agreed to 45-day extension.

Motion made, seconded to accept extension. Roll call yea unanimous.

Third Case Public Hearing

Case 2022-07-03 Variance; Mr. Diaz, 29 Stephanie Drive, Request a second driveway

This is a continued Hearing.

Chairman LaFond read the denial from the application.

Chair LaFond provided summary of site visit that was held July 23, 2022. Applicant desires second curb cut to accommodate circular driveway. Applicant desires circular driveway to accommodate residents of the home with mobility issues.

Mr. Diaz asked by Chair LaFond if he had considered other options to the circular driveway such as extending existing driveway to the rear of the property. Mr. Diaz replied that he believes the circular driveway is the most desirable of the options and seeking permission from the Board. Member Heglin asked about width of existing driveway and whether angle parking can be accommodated. Mr. Diaz stated that there is insufficient room to do angle parking. Another alternative to widen existing curb cut to maximum allowed by Code.

Discussion on whether Mr. Diaz had discussed options with Building Commissioner or City Engineer. He stated that City Engineer viewed the proposal and did not see a problem.

Chairman LaFond requested that the Public Hearing be continued to the October 18th meeting to allow the applicant to consider all possible options.

Unanimous. Roll Call vote Unanimous. Public Hearing continued to October meeting.

Board took brief recess.

Meeting reconvened after approximately 10-minute recess.

Chairman LaFond announced that member Antaya has left the meeting and the third member will now be Mel Cornett.

Fourth case to be heard

Case 2022-08-01 Special Permit - Frederick Hurd, Jr & Tina Scanlon, 219 Clark Street, to demolish and reconstruct dwelling at 5 Cote's Cove Road.

Chairman LaFond read the denial. Mr. Hurd (Co-Applicant) explained that the property was an old camp that is desired to convert to year-round use. A contractor looked at the existing dwelling. To accommodate the conversion, significant structural work is necessary, including replacement of foundation. Existing dwelling constructed prior to the enactment of the Zoning Act. Decision to raze the existing structure, relocate on lot to reduce setback violation and expand footprint slightly 2 feet in one direction and 4' in another.

Mr. Hurd addressed the criteria for the granting of a Special Permit as delineated in the Code.

Member Cornett asked for clarification on submitted plans related to setbacks.

Member Heglin asked about the purpose of the right-of-way that traverses the property. Mr. Hurd stated that through his research, he believes it dates back to prior to the construction of Airport Road and part of the original subdivision for the lots around the south side and east side of Kendall Pond.

Chairman LaFond – proposal is major improvement to the property. Connection to public water and sewer won't degrade the quality of the water in Kendall Pond. Lot does not conform to the current code, and predates act. Moving the structure improves the nonconforming setbacks.

Chairman LaFond opened inquiries to the audience. Representatives of City, none. Abutters in favor/against or interested parties. None.

Motion to close the hearing and act on the Application made by Member Heglin, seconded by Member Cornett. Unanimous.

Motion to approve the Special Permit as presented made by Heglin, seconded Cornett. No Conditions. Unanimous.

Fifth case to be heard.

Case 2022-08-02 – Variance – 21 Timpany Boulevard. David Fenstermacher, VHB, Bedford NH, agent for Hannaford Market. Allocate dedicated parking spaces for on-line shoppers.

Chairman LaFond read the denial letter. Desire to dedicate 6 parking spaces for on-line shoppers. Number of existing parking spaces in lot do not conform with the number required for the use.

Mr. Fenstermacher went over the request, the reason for desiring dedicated parking spaces. Chair LaFond asked representative whether these dedicated spots can be found elsewhere on the lot. Mr. Fenstermacher stated that the lot is built out, the parking is maximized, and the proposed location for dedicated spaces is best suited for the customer and store operations related to the on-line fulfillment. On-line shopping has become important to shoppers and became popular during Covid, for those with busy schedules, children in vehicle or otherwise seeking greater convenience

Mr. Fenstermacher addressed the criteria for a Variance.

Member Cornett asked about the location of the proposed spaces especially in front of the store and the relocation of an existing handicap parking spot. Applicant feels this is the best location and has least impact on other physical shoppers. It was stated that the spaces, while signed for on-line pick-up, it will not be enforced if physical shoppers use the spaces.

Member Heglin asked why 6 spaces. Not 4 or 8. Mr. Fenstermacher stated that this is Hannaford's standard number based on experience at other locations.

Chair LaFond opened to audience for questions/comments. Representatives of City; None. Abutters and interested parties in favor or against; none.

Member Cornett asked about signage. Mr. Fenstermacher showed signage that is proposed.

Motion made by member Cornett, seconded by Heglin to close the hearing and grant the Variance as presented to allocate 6 parking spaces as "Hannaford to go" spaces. Discussion about this proposal will not take away any existing spaces and will not change the total number of spaces, but will only allocate the spaces to on-line shoppers.

Variance granted, Unanimous.

Sixth case to be heard.

Case 2022-08-03. Amend existing Variance. Chair City Church, 112 Central Street, to install one-free standing non-illuminated sign advertising the previously variance granted breakfast and lunch café. Chair City Church represented by Attorney Christine Tree.

Chairman LaFond read denial letter.

Attorney Tree presented proposal to install sign on Lynde Street and requested amendment to previous granted Variance. Proposed sign to be free standing 84" tall and 24x30 non-illuminated.

Member Cornett asked if there are any other signs to be installed. Response no.

Chairman LaFond asked about the hours of operation. Attorney Tree concurred that hours identified in the granted Variance as 6AM to 2PM. Breakfast and Lunch.

Chairman LaFond opened to audience for questions/comments. Representatives of City; None. Abutters and interested parties in favor or against; none

Chairman LaFond requested that the Board consider as a possible condition if the Amendment is granted that if the restaurant ceases operation, the sign to be removed within 7 days of closing.

Motion to close the hearing and move on the application made by Member Heglin, seconded by Member Cornett to grant the amendment with 1 condition. Unanimous.

Variance amendment granted with following condition.

Should the Restaurant cease operation, the sign to be removed within 7 days of closing.

Board took brief recess.

Meeting reconvened.

Approval of minutes –
May 17, 2022
July 23, 2022 – site visit
July 19, 2022

Minutes approved. Unanimous


Election of officers for FY 2023


Motion Heglin, seconded Cornett to nominate Raymond LaFond Chairman. Unanimous

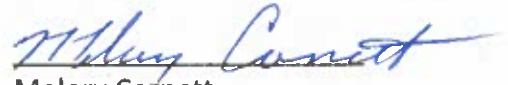
Motion LaFond, seconded Cornett to nominate Randall Heglin ZBA Clerk. Unanimous.

No other business before the Board, motion member Cornett, seconded Heglin. Unanimous

Meeting Adjourned 8:30PM


Raymond LaFond
Chairman


Randall Heglin, Clerk


Melory Cornett

David Antaya