

**ZONING BOARD OF ADJUSTMENT  
FEBRUARY 1, 2012 MEETING  
DRAFT MINUTES**

Board members present included Chairman Christopher Carley, Nicholas Wallner, David Parker, Robert Harrison Jr. and Stephen Norton. Also present Zoning Administrator Craig Walker.

**03-12 Fellowship Housing Opportunities Inc.:** Applicant wishes to convert an existing 3 unit residential structure into a 5 unit residential structure and requests the following:

- 1) Variances to Article 28-5-3, Conversion of a Residential Building,
  - a. Section (b)(1) Minimum Lot Size, to permit a 5 unit conversion on a lot of 4,367 square feet when a minimum lot size of 12,500 square feet is required,
  - b. Section (b)(2), Other Dimensional Requirements, and Article 28-4-1(h), Table of Dimensional Regulations
- 2) Variances to Article 28-7, Access, Circulation, Parking and Loading
  - a. Article 2(a), Computation of Number of spaces Required, to permit the provision of 2 compliant parking spaces, inclusive of 1 van accessible space when 10 spaces would be required,
  - b. Article 7, Parking Area Design Standards, to maintain the existing parking area without full conformance with the Ordinances parking area design standards.
  - c. Article 8(a), Restrictions on Backing into Streets, to permit a parking layout that requires vehicles to enter and exit the parking area by backing into Jackson Street, where such action would otherwise be prohibited.

All for property at 10 Jackson Street in an RD Residential Downtown District.

Attorney Richard Uchida of Orr & Reno testified as well as Page Cannon, Executive Director of Fellowship Housing Opportunities and John Turner, Engineer.

Attorney Uchida explained that the building was built in 1880. It has lead paint and it is not energy efficient. It is a 3 unit building as it sits today. They would like to convert it into a 5 unit building for lower income clients with mental illnesses that are self-sufficient. The use is permitted but they don't meet the parking or dimensional requirements. The building will go from 9 bedrooms to 5 bedrooms and the number of people and vehicles on site will be lowered. It will be a less dense use. The financing that they have sought requires a land use restriction agreement which restricts the use of 'population' that they serve.

Page Cannon testified. This building is 1 of 8 buildings that they own or manage. They receive funding from several areas. Their tenants do pay rent, but much lower than the average rent. Their tenants have mental illnesses. They have owned the Jackson Street property since 1996. The building was occupied at the time that they purchased it and they didn't ask those tenants to leave. In 2009 they engaged an engineering firm for a needs assessment. They decided after they were notified of the maintenance needs of this property that they would search for development money to redo the building. It is an ideal location for low income clients with mental illness. Single units are best for their tenants. John Turner, engineer, did a limited review and said the property was viable for rehabilitation. At one time or another, this property has housed up to 15 adults and children and as many as 7 vehicles. This will be less dense. The lot size is not an issue. Their tenants enjoy privacy but need less space than usual. As they are funded with federal dollars, the tenants are screened thoroughly. They will have a 30 year land use restriction attached to their deed. They are still paying taxes on the property just as they have at 70 Washington Street which they have owned for 14 years.

John Turner, engineer testified that it is a 'pretty' house but the house was never properly designed as a 3 unit, which makes it easy to remedy the asbestos and lead issues. The building has good framing and a good foundation. The proposed layout is a radical change to the interior, but it will address a lot of the life safety concerns.

Attorney Uchida explained their plans. They have handicapped accessibility that needs to be addressed. If granted there will be fewer people, fewer bedrooms, fewer vehicles and less density.

In September the Courts said that the Zoning Boards can look at a use of the building to help grant variances. He explained the parking lot layout. The Ordinance requires 75 foot frontage and they only have 70 feet. There is no other

property that they can purchase to alleviate this issue. He went over their requests. He explained that the population that they serve needs affordable housing.

In favor: Terry Marcille, 70 Washington Street. She has been a tenant there since 1998. Fellowship Housing maintains the property nicely. The tenants are respectful of others. Safety inspections are done monthly.

Herbert Carpenter, 41 Allison Street. In March 1993 Fellowship Housing opened a 7 unit building on Allison Street. They have been good neighbors and it is a well maintained property. In May of 2006 he joined the Board of Directors for Fellowship Housing.

Ilene Jones who has been a resident of Concord for 38 years and is a parent of a former resident. They maintain their property and other tenants were very nice.

In opposition: Sean Constant, former resident of 5 Jackson Street. He is not in favor, but he likes the idea of the project. He is worried about granting these request would set a president.

Jerry Bergevan, 6-8 Jackson Street is not for or against the request but he would like more information. He is concerned with aesthetics.

Paul Savage, 6 Lyndon Street submitted a letter in opposition. Felt the site was too small and that it would diminish the quality of life and property value. The parking is also inadequate.

Comments from Code Administration: none.

Rebuttal by Attorney Uchida. This request will also have to go before the Planning Board for site plan approval. Walker asked Attorney Uchida how this use is different in that they can limit their rentals to a certain type of population. Attorney Uchida stated that due to their financing they have a legal restriction recorded against the land.

DECISION: Discussion from the Board. It was noted that the dimensional reference was left out of 1b and is therefore an error in the notice for that request but each other question was valid. Carley was weary of granting with a condition of who they can rent to. Parker owns business property next to a fellowship property and they folks are out and about all the time. Five people on this property is a good size impact. Norton asked if this were not a question of population, would they grant the variances. (Probably not as there is no hardship. They feel it is more a legal question.) Norton is comfortable with approving with the condition that they table 1b until next month. Walker asked if they were struggling with the hardship. Carley stated that they were struggling with that and the Spirit of the Ordinance.

A motion to approval all but 1b was made by Harrison, seconded by Norton and passed by a 4-1 vote with Carley in the Minority. A motion to recess request 1b was made by Norton, seconded by Harrison and passed by a unanimous vote.

A TRUE RECORD ATTEST,

\_\_\_\_\_, CLERK  
ZONING BOARD OF ADJUSTMENT