

TOWN OF DERRY
ZONING BOARD OF ADJUSTMENT MINUTES
January 5, 2017

Members Present

Lynn Perkins, Chairman
Allan Virr, Vice Chairman
Heather Evans, Secretary
Stephen Coppolo
Donald Burgess

Members Absent

Alternates Present

Randall Kelley
Joseph Carnevale

Alternates Absent

Code Enforcement

Robert Mackey

Mr. Perkins called the meeting to order at 7:00 p.m. with the salute to the flag, and notice of fire and handicap exits and that this and all Zoning Board meetings are videotaped.

The Board introduced themselves for the record.

It was noted for the record that Mr. Coppolo would step down and Mr. Kelley would sit for the following case.

17-101 Henry Adams
Owner: Thomas M. & Sherry A. Dunne

The applicant is requesting a variance from the terms of Article VI, Section 165-48.B.4 of the Town of Derry Zoning Ordinance to allow the existing garage to be located 3 feet from a proposed relocated side property line where 15 feet is required at 15 Elwood Road, Parcel ID 14029-033, Zoned LDR

Attorney Elizabeth Richter, Germaine & Blaska, P.A., said that she was representing the applicant. Attorney Richter said that Henry Adams, Thomas Dunne and Robert Baskerville, Engineer for the applicant were also present this evening should there be any questions.

Attorney Richter addressed the criteria points and reviewed the letter of explanation for the record. She said that parties are in litigation with the abutter as the matter came into

light when the abutter had their property surveyed as they wished to either build a garage or put up a fence. They have since worked out the proposed plan and both parties are in agreement. Attorney Richter said that nothing will change in the visual appearance of the properties. She said that she feels that the criteria have been met in order to be granted a variance.

Board Questions

Mr. Coppolo said that the subdivision dates in the 1980's and asked if the litigation began when the structure was built. Attorney Richter said no that the structure was built in the spring of 2000 by a different owner.

Mr. Coppolo asked if both owners were different from when the structure was built. Attorney Richter said yes.

Mr. Perkins asked what was the RV that was drawn in on the proposed plan. Mr. Adams said that was his RV and it will be relocated. He said that it was placed there as there is currently a gravel driveway there.

Mr. Burgess asked where the proposed lot line transfer was for the other property. Mr. Mackey explained that the engineer could probably explain better but it is a piece of the property that runs towards the back of the property.

Robert Baskerville, Bedford Consultants, said that the triangle was created to give garage access. He said the .79 feet transfer is approximately 9 inches over the whole length of the lot line to the rear.

There was some discussion with regard to shed construction on the property.

Code Enforcement

Mr. Mackey provided the following information for the record:

- The applicant is requesting approval to allow an existing garage, which at present, encroaches on to the abutting property, to be located 3 feet from a proposed side lot line.
- The purpose of this request is to allow the garage to be located entirely on the correct lot.
- The building file for the property indicates that a building permit was granted for the construction of the garage in 1999, at which time it was represented that the garage would be located 18 feet from the side property line.
- The proposal is to exchange an equal amount of property (130 square feet) so the total area of the lots does not change.
- If approved, a lot line adjustment plan must be submitted to the Planning Board.
- There are pictures of the property in the file for review by the Board.

Favor

No one spoke in favor to the request.

Opposed

No one spoke in opposition to the request.

Mr. Burgess motioned to go into deliberative session.

Seconded by Mr. Virr.

Vote: Unanimous.

Mr. Burgess, Mr. Coppolo, Mrs. Evans, Mr. Virr, Mr. Perkins.

Deliberative Session

Mr. Virr said that this was a typical lot line adjustment and asked if it would go to Planning Board for review.

Mr. Mackey said that Planning Board review will be required.

Mr. Perkins reviewed the conditions to be subject to obtaining all State and local permits and inspections.

Mr. Virr motioned come out of deliberative session.

Seconded by Mrs. Evans.

Vote: Unanimous.

Mr. Burgess, Mr. Coppolo, Mrs. Evans, Mr. Virr, Mr. Perkins.

Mrs. Evans motioned on case #17-101, Henry Adams, Owner: Thomas M. & Sherry A. Dunne to Grant a variance from the terms of Article VI, Section 165-48.B.4 of the Town of Derry Zoning Ordinance to allow the existing garage to be located 3 feet from a proposed relocated side property line where 15 feet is required at 15 Elwood Road, Parcel ID 14029-033, Zoned LDR as presented with the following conditions:

- 1. Subject to obtaining all State & local permits and inspections.**

Seconded by Mr. Virr.

Vote:

Mr. Virr: Yes
Mrs. Evans: Yes.
Mr. Kelley: Yes.
Mr. Burgess: Yes.
Mr. Perkins: Yes.

The application was Granted by a vote of 5-0-0. Anyone aggrieved by a decision of the Board has 30 days to file a request for a rehearing. After that the recourse would be to appeal to Superior Court.

It was noted for the record that Mrs. Evans would step down and Mr. Carnevale would sit for the following case.

17-102 Benchmark Engineering, Inc.
Owner: Matthew & Kathleen Goulet

The applicant is requesting a variance to the terms of Article III, Section 165-20a and Article VI, Section 165-48.B.4 of the Town of Derry Zoning Ordinance to allow the construction of an addition to the existing single family dwelling unit within 10 feet of a side lot line where 15 feet is required; to relocate an existing shed within 10 feet of the side lot line where 15 feet is required and within 16 feet of a wetland where 30 feet is required at 919 Whitney's Grove Road, Parcel ID 16014, Zoned LDR

Joseph Maynard, Benchmark Engineering, said that he was representing the applicant. Mr. Maynard read the application criteria and letter of explanation for the record.

Board Questions

Mr. Virr asked what was the proposed size of the addition. Mr. Maynard said approximately 25' x 32'.

Mr. Perkins asked if the depth was 25 feet. Mr. Maynard said yes as they could not go back further due to powerlines in the area.

Mr. Perkins asked if the garage would have habitable space over. Mr. Maynard said the proposal is an attached garage with habitable space over. He described the floor layout of the existing structure.

Mr. Burgess asked if they were building rooms over the garage would they be reconfiguring the existing floor layout. Mr. Maynard said yes that the second floor will be reconfigured to create access to the new area. He described the proposed changes for the record.

Mr. Coppolo asked if the proposed addition would add bedrooms to the existing shared septic. Mr. Maynard said no, that there would be no increase to the number of bedrooms so there would be no increase on septic load.

Mr. Perkins asked what the overall size of the structure would be when complete. Mr. Maynard said that the overall length without the farmers porch would be 60' with a habitable space on the second floor being 40' x 32'. He said that due to the water table on the property they could not have a basement that would allow for storage.

Mr. Maynard reviewed the existing and proposed property layout for the record.

Mr. Coppolo said that the proposed construction does not show driveway location. Mr. Maynard said that it was shown on the 32' side of the structure where the current shed is now and is where the addition would be placed.

Mr. Burgess asked if the shed was not under the power lines. Mr. Maynard said that was correct and that the shed will be relocated.

Mr. Virr said that he was concerned as the property was a crowded lot and they would be adding another structure with impervious services. Mr. Maynard said that the impervious surface would be less. He described predevelopment and post development construction with regard to impervious surfaces.

There was some discussion with regards to drainage.

Mr. Kelley asked what was the purpose for the expansion. Mr. Maynard said that the client has 2 children and no space for storage. He said that they wish to have a garage and larger rooms.

Mr. Coppolo asked if the State Shoreland Agency was not satisfied with the plan it would not be approved. Mr. Maynard said that was correct but they would then revise and resubmit with new calculations.

Mr. Perkins asked if the size could be shrunk down. Mr. Maynard said then the roof line would not match. He said that the 1st bedroom was approximately 8' x 9' with a small closet that is tough to actually call it a bedroom.

Mr. Perkins said that the constraint of the prior code to the existing code requirements make it difficult. Mr. Maynard said that was correct.

Mr. Virr asked if the shed had living space. Mr. Maynard said no and that it will be relocated as it is the only storage area for the existing home.

Code Enforcement

Mr. Mackey provided the following information for the record:

- The applicants are requesting approval to construct an addition to the existing dwelling within 10 feet of the side lot line. They are also seeking approval to relocate the existing shed to within 10 feet of the side lot line and within 16 feet of a wetland where a 30 foot setback is required.
- The property is located on Whitney's Grove Road which is a private way not maintained by the Town.
- The property is located on Big Island Pond and if the variance is approved State permitting will be required under the Shoreland Water Quality Protection Act.
- Records indicate that the existing home was rebuilt on the existing foundation in 1998. A septic system, shared with the abutting property, was approved by the State in 1996.
- If approved, appropriate permits and inspections will be required.
- There are pictures of the property in the file for review by the Board.

Favor

No one spoke in favor to the request.

Opposed

No one spoke in opposition to the request.

Mr. Carnevale motioned to go into deliberative session.

Seconded by Mr. Coppolo.

Vote: Unanimous.

Mr. Carnevale, Mr. Burgess, Mr. Coppolo, Mr. Virr, Mr. Perkins

Deliberative Session

Mr. Virr said that he wanted to express his concern of crowded lots on Big Island Pond as this lot is congested and to over crowd it more is a problem. He said that the proposal is doubling the size of the existing house.

Mr. Coppolo said that the area is crowded and fire trucks, etc. already have access as it is what it is. He said that he did not picture exacerbation of percentage of impervious areas and that the next step would be the State which will review the proposal in depth. He said that all the lots were former camp lots that have been converted which do not meet today's zoning requirements.

Mr. Virr said that he understood the room sizes as minimum standard size of a bedroom and existing bedroom size don't meet code, however, the idea is to make it fit and there is only so much area that can be used. He said that the lots at the time were not thought to have 3 bedroom homes on a lake and he was concerned for water quality.

Mr. Burgess said that he visited the property and that most of the property is paved and feel that adding 5 square feet of impervious surface would be a major problem. He said there was not a lot of a turn around and that they may need a municipal waiver.

Mr. Coppolo asked if Planning Board would be involved.

Mr. Mackey said no.

Mr. Perkins asked if in structuring a motion if a condition of a recorded municipal waiver be requested.

Mr. Mackey said that the Board could make that as part of a condition.

Mr. Perkins said that the relocation of the shed is an ancillary use and relocating it away from the water and if there were any concerns from the Board.

There was some discussion with regard to shed location.

Mr. Perkins reviewed the following conditions for the record:

1. Subject to obtaining all State & Town permits and inspections.
2. Subject to obtaining a permit from the State as required by the Shoreland Water Quality Protection Act.
3. Subject to recording of Release of Municipal Liability and Responsibility with the NH Rockingham County Registry of Deeds

Mr. Carnevale motioned to come out of deliberative session.

Seconded by Mr. Burgess.

Vote: Unanimous

Mr. Carnevale, Mr. Burgess, Mr. Coppolo, Mr. Virr, Mr. Perkins

Mr. Coppolo motioned on case #17-102 Benchmark Engineering, Inc., Owner: Matthew & Kathleen Goulet to Grant a variance to the terms of Article III, Section 165-20a and Article VI, Section 165-48.B.4 of the Town of Derry Zoning Ordinance to allow the construction of an addition to the existing single family dwelling unit within 10 feet of a side lot line where 15 feet is required; to relocate an existing shed within 10 feet of the side lot line where 15 feet is required and within 16 feet of a wetland where 30 feet is required at 919 Whitney's Grove Road, Parcel ID 16014, Zoned LDR as presented with the following conditions:

1. Subject to obtaining all State & Town permits and inspections.
2. Subject to obtaining a permit from the State as required by the Shoreland Water Quality Protection Act.
3. Subject to recording of Release of Municipal Liability and Responsibility with the NH Rockingham County Registry of Deeds

Seconded by Mr. Burgess.

Vote:

Mr. Burgess: Yes.

Mr. Coppolo: Yes.

Mr. Virr: No. Feel contrary to the public interest. Limited access to emergency vehicles. Lot is already a crowded and congested lot. Violates spirit of the ordinance.

Mr. Carnevale: Yes.

Mr. Perkins: Yes.

The application was Granted by a vote of 4-1-0. Anyone aggrieved by a decision of the Board has 30 days to file a request for a rehearing. After that the recourse would be to appeal to Superior Court.

**17-103 Benchmark Engineering, Inc.
Owner: Stonemark Homes**

The applicant is requesting a variance to the terms of Article VI, Section 165-47.B.2 of the Town of Derry Zoning Ordinance to construct a single family dwelling on a 13± acre lot with 47 feet of frontage on Hilda Avenue where 150 feet is required at 36 Hilda Avenue, Parcel ID 11070, Zoned LMDR

Joseph Maynard, Benchmark Engineering, said that he was representing the applicant. Mr. Maynard read the application criteria and letter of explanation for the record. He said that the applicant has owned the property since the 1990's and was part of the Garvin Road subdivision and this is the residual portion of the property which was created as unbuildable. He said that at that time Hilda Ave was a dirt road and not Town owned and since has been taken over by the Town and paved of which the Town has also paved a portion of the lot. Mr. Maynard described the property for the record.

Board Questions

Mr. Perkins asked if the cul-de-sac area could be explained. Mr. Maynard explained that the frontage of the property is on Hilda Ave and described the lot for the record.

Mr. Coppolo asked if the right-of-way continued onto the abutting property. Mr. Maynard said no that it ends at the property.

Mr. Coppolo asked if the road could take a right turn. Mr. Maynard said no due to wetlands. He said that the entrance is a standard width for a driveway.

Mr. Coppolo asked if the proposed driveway to where the structure is indicated would be gravel or paved. Mr. Maynard said unsure as the proposed driveway is 400 to 500 feet to where the proposed dwelling would be located. He said that the driveway would be constructed to Town standards.

Mr. Mackey said that the Town has just adopted a minimum requirement to driveway standards. He described the requirement for the record.

Mr. Perkins asked what was the proposed length of the driveway. Mr. Maynard said approximately 570' to the house.

Mrs. Evans asked if the proposed driveway will go through the wetlands. Mr. Maynard said yes and it will require a dredge & fill permit. They will wait until spring to determine the exact area. He said also that Fish & Game is going to come out and do a study due to possible sightings of cottontail rabbits.

Mrs. Evans asked if he was the prior engineer on the previous subdivision. Mr. Maynard said that he was not the engineer at the time but that Benchmark Engineering was the engineering company and that it was Paul Pero.

Mr. Perkins asked why was the lot not buildable. Mr. Maynard said that the property subdivision was for Garvin Road. He said that the Hilda Ave access would have required updating the road to Town standards for 3 to 4 lots which was not financially economical at the time so the owner decided to sit on it. The property was logged last year and there have been inquiries to build one house on the lot.

Mr. Kelley said that he was concerned with opening a large property and if there was any possibility to getting accessibility to the abutting property. Mr. Maynard said that he was unable to speak to that and if they do they would need to be back before the Board for additional variances.

There was some discussion with regard to the proposed driveway.

Mr. Coppolo asked if a time line review could be given and as to when Hilda Ave was adopted by the Town and paved. Mr. Maynard said that when he was performing the initial survey to log the property it was not paved so he is unsure when the Town paved the area or adopted it to be a Town road but knows the Town has been plowing the area since the 1990's.

Mr. Virr said that he believed the road was adopted a year ago.

Mrs. Evans said that the subdivision approval in the 1990's deemed the lot unbuildable. Mr. Maynard said yes as there was no access to a Town approved road at that time.

Code Enforcement

Mr. Mackey provided the following information for the record:

- The lot in question was created by virtue of a variance granted in 1991 which allowed a separate lot (11070-0011) to be created which fronted on Garvin Road. The result of the subdivision left the remaining lot (11070) with frontage only on Hilda Ave, which at the time was a private road. A condition was placed on the variance that lot 11070 would be deemed unbuildable (see attached ZBA minutes from 1991). The applicant is now before the Board seeking a variance to build on the lot and to essentially nullify the condition imposed in 1991.
- Since that time, maintenance of Hilda Ave has been taken over by the Town and it is now considered a Town approved road.
- If approved, the applicant will be required to submit an amended plan to the Planning Board in order to amend the “non-buildable” status noted on the approved subdivision plan.
- There are pictures of the property in the file for review by the Board.

Mr. Coppolo asked if Mr. Mackey could explain how the property was rendered non-buildable. Mr. Mackey explained the map and the creation of lot 11 which created a lot with no frontage on a Town approved road.

Mrs. Evans asked the reason for the subdivision. Mr. Maynard said that the intention was for the Garvin Road subdivision and in order to extend the road to Hilda Ave it would have required more investment than yield at the time.

Favor

No one spoke in favor to the request.

Opposed

Beth Johnson Crawford, 34 Hilda Ave, said that the property is currently vacant and that it was recently logged. She said that the Town paved Hilda Ave about 8 or 9 months ago. Mrs. Crawford said that the property was a huge prime wetland area and a wildlife corridor. She said that the finger portion of the property runs behind their property and is completely unbuildable as it is all wetland. She said that the applicant said that there were bridges built on the property which is untrue as they are logs that have been left behind from the loggers. Mrs. Crawford said that they are concerned that if they get this variance that they will be back for another as they only want to build now that the road is paved.

Mr. Perkins said that permitting will address concerns. Mrs. Crawford said that she would rather have Derry purchase the property for conservation.

Diane Imondi, 32 Hilda Ave, said that of the 13 acre parcel there are 4 plus acres behind her and Beth that is all wetlands and that the other part of the property also has a lot of wetlands on it. She said that she did not feel that the applicant would stop at just one home and that they will be back for another after they get this variance as she has seen builders build on water as they just fill them in. She said that when they were blasting that her neighbor lost their well. Ms. Imondi said that she has waited 40 years for a paved road and now have one and now that the road is paved they want to put a 500' driveway in for one house over a lot of wetlands and it seems unreasonable and the wetlands need to be protected.

Mikael, Monsen, 24 Hilda Ave, said that he was concerned with the conservation area as 3 months ago they destroyed all the trees. He said he wants to ensure that the wetlands were protected.

Thomas Beaumier, 14 Garvin Road, said that all the lots on the west side were created in 1992 and sold by Spofford Builders. He said that he was told by Spofford Builders that the property behind his was wetlands and unbuildable. He said that he was here tonight representing 12 & 14 Garvin Road and that he feels that this construction would decrease values to their properties. He said that the property is a wildlife corridor and was told that the property was locked land for conservation. Mr. Beaumier said that Garvin Road is located at high elevation then it dips down drastically. He said that he felt that in order to build one home it would require a lot of blasting which could damage their foundations and wells. He was told by Spofford Builders that #14 was the last house to be built and was the only access to the lot.

Mr. Perkins asked how deep was his property. Mr. Beaumier described the property. He said Garvin Road sits high then drops down to a large wetland area. He said that he was told that the 13 acre parcel was unbuildable and he purchased his home in 1992 and that the other lots were conservation.

Rebuttal

Mr. Maynard said that the wetlands have been identified and he personally performed the test pits on the property and they were down 5 feet and other than pulling up 3 foot boulders he did not believe that there will be a need for blasting.

Mr. Perkins asked if the wet area would prohibit more than one home. Mr. Maynard said that based on the buildable areas they could get 2 houses but they are here seeking one house and that would be acceptable as a condition.

Mr. Maynard said that Stonemark Homes did not do the Garvin Road development as it was sold to a builder and he was unsure what the builder told homeowners. He said that the 13 acre lot does not have the finger as shown along the side of the Visa Ave property and that it goes straight across. He said that there is no access proposed to Garvin Road. He said if that were to happen there would be a lot of hurdles to cross. He said that the property still has Conservation Commission and State permits to obtain. The proposal is for one house lot with standard dredge & fill applications being made and there is no

intention to build on the lower portion. He said that if the property were to be sold to the neighbor it would need to have subdivision approval.

Mrs. Evans asked if Hilda Ave properties were camp lots. Mr. Maynard said that he believed they were originally camp lots but have since been converted from 1958 forward.

Mrs. Evans asked when was Garvin Road subdivided and if meets current zoning. Mr. Maynard said that it was done in two sections to Visa Ave which was 1970's to early 1980's. He said as for zoning it was 1 acre and that Hilda Ave lots were 5,000 to 10,000 square foot lots and that Garvin Road were one acre plus.

Mr. Coppolo reviewed the minutes from 1991 for the variance that created the lot on Garvin Road.

There was some discussion with regard to the non-buildable notation.

Mrs. Evans motioned to go into deliberative session.

Seconded by Mr. Coppolo.

Vote: Unanimous

Mr. Burgess, Mr. Coppolo, Mrs. Evans, Mr. Virr, Mr. Perkins

Deliberative Session

Mr. Virr said that most of the lot is wet. He believed that the lot was declared unbuildable as they probably did not know that a driveway could have been constructed.

Mr. Perkins said that if Hilda Ave had been a Town approved road the owner could have subdivided. Changes in the zoning ordinance have changed the requirements.

Mr. Coppolo asked Mr. Mackey when the road status changed. Mr. Mackey said that the lot width requirement changed. The status of the road changed about 5 or 6 years ago.

Mr. Coppolo said that he was concerned as it was a large piece of property with a number of subdivisions done over the years. Now, 26 years later, the same owner is here to build a home. He said that he was concerned of another subdivision being created.

Mrs. Evans said that she was hung up on the hardship criteria as she feels it is a self-created hardship and does not see unnecessary hardship.

Mr. Virr said that Hilda Ave is now an accepted road and that a driveway can provide access to the property.

Mr. Coppolo said that he was concerned that the same builder accepted the non-buildable status that was put on the property.

Mr. Perkins said that he agreed with Mr. Virr and that the times have changed and properties have become more valuable.

Mr. Virr said that they are unable to predict what will happen in 20 years. Stonemark has paid taxes on the property for a number of years.

Mr. Burgess said that Stonemark Homes agreed to the condition of the lot being non-buildable in order to build homes on Garvin Road. The property does not have 150' of frontage but does have 47' of which 20' will be utilized for a driveway. He said that a 500' driveway is ungodly but a choice and that most of the property is wetlands. Mr. Burgess said that he also did not see a hardship.

Mr. Perkins said that he agreed with Mr. Virr and that the hardship falls into the situation as the lot now fronts on a Town approved road.

Mr. Virr said that before Hilda Ave was not paved or an accepted Town approved road. The residents wanted pavement and now that it is paved the property has access onto a Town approved road.

Mr. Coppolo said that the applicant agreed to the non-buildable lot status.

Mrs. Evans said that they also had heard testimony that an abutter offered to purchase the property. She said that she feels it is now for monetary gain.

Mr. Burgess said that the minutes state the lot was unbuildable until such time as adequate frontage could be obtained.

Mr. Perkins said that regardless of 2 homes or 1, testimony from the engineer said that they could get 2 lots but they are here only for 1 house lot.

There was some discussion with regard to use of the property.

Mr. Perkins asked if the testimony of 14 Garvin Road stating diminished property values was a matter for discussion.

Mr. Virr said that he felt that the property owners of Garvin Road would not see the home and did not feel there was a need for discussion.

Mr. Coppolo said that he felt it was against the spirit and intent of the ordinance. He said as far as property value decrease there was no evidence shown.

Mr. Perkins reviewed the conditions as follows for the record:

1. Subject to obtaining all State & Town permits and inspections.
2. Subject to Planning Board approval.
3. Only 1 residential structure to be built on the property.

Mr. Virr motioned to come out of deliberative session.

Seconded by Mr. Burgess.

Vote: Unanimous

Mr. Burgess, Mr. Coppolo, Mrs. Evans, Mr. Virr, Mr. Perkins

Mrs. Evans motioned on case #17-103 Benchmark Engineering, Inc., Owner: Stonemark Homes to Grant a variance to the terms of Article VI, Section 165-47.B.2 of the Town of Derry Zoning Ordinance to construct a single family dwelling on a 13± acre lot with 47 feet of frontage on Hilda Avenue where 150 feet is required at 36 Hilda Avenue, Parcel ID 11070, Zoned LMDR as presented with the following conditions:

- 1. Subject to obtaining all State & Town permits and inspections.**
- 2. Subject to Planning Board approval.**
- 3. Only 1 residential structure to be built on the property.**

Seconded by Mr. Burgess.

Vote:

Mr. Coppolo: No. Feel is contrary to spirit and intent of the ordinance. Does not meet the unnecessary hardship criteria.

Mr. Burgess: No. Agree with Mr. Coppolo. Feel that the applicant made the lot unbuildable and that it is not in the best interest of the public.

Mr. Virr: Yes

Mrs. Evans: No. Feel does not meet criteria #5 as unnecessary hardship not shown. .

Mr. Perkins: Yes.

The application was Denied by a vote of 3-2-0. Anyone aggrieved by a decision of the Board has 30 days to file a request for a rehearing. After that the recourse would be to appeal to Superior Court.

The Board took a brief recess at 9:24pm and reconvened at 9:33pm

**17-104 Robert Allen
By his attorneys Beaumont & Campbell, PA**

The applicant is requesting a variance to the terms of Article VI, Section 165-48.A of the Town of Derry Zoning Ordinance to construct a self-storage facility consisting of 138 units in four (4) buildings with an office structure for an on-site manager at the property at 343 Island Pond Road, Parcel ID 17002, Zoned LDR

Attorney Bernard Campbell, Beaumont & Campbell, PA, said that he was representing the applicant who is present and the surveyor, Karl Dubay from The Dubay Group, Inc.

Attorney Campbell read the criteria requirements and letter of explanation for the record. He presented the Board with another plan and explained the pictures and history of the property for the record with regard to the 5 criteria.

Code Enforcement

Mr. Mackey provided the following information for the record:

- The applicant is seeking approval to construct a self-storage facility on the property which is located in the Low Density Residential Zoning District (LDR).
- The parcel, which is now vacant, formally had a home and a commercial vehicle repair business that had existed for many years as a pre-existing, non-conforming use and by virtue a variance granted in 1968.
- Several years ago the Town and State were involved with legal action with the former owner to the number of unregistered motor vehicles and junk that had been accumulated on the property and the abutting parcel to the rear. This situation has since been resolved.
- The Board will need to insure that all of the criteria for a variance have been satisfied in order to grant this request.
- If approved, Planning Board site review will be required where issues such as site lighting, parking, buffering, etc. will be discussed.
- There are pictures of the property in the file for review by the Board.

Mr. Virr motioned to continue the meeting until 10:10pm

Seconded by Mr. Burgess.

Vote: Unanimous

Mr. Burgess, Mr. Coppolo, Mrs. Evans, Mr. Virr, Mr. Perkins

Mr. Perkins said that in light of the hour and seeing that there are a number of abutters in the audience that may wish to speak in favor or opposed to the applicants request that this case will be continued to the January 19, 2017 meeting as our meetings normally end at 10:00 pm.

Board Questions

Mr. Burgess asked what percentage of the lot would be utilized. Attorney Campbell said that the property consisted of a 3 acre parcel and they will utilize the entire space.

Mr. Coppolo asked how many units were proposed. Attorney Campbell said 138 units were proposed.

Mr. Coppolo asked if applicant would be satisfied with a condition of only 4 buildings. Attorney Campbell said yes, that the plan submitted is substantially complete to what would be submitted to the Planning Board.

Mrs. Evans asked what size each building would be. Attorney Campbell said that each building would be 30' x 150'.

Mr. Burgess asked if there would be any other residential use. Attorney Campbell said that the proposal does not include an on-site residence.

Mr. Perkins said that due to the time they would conclude the meeting until January 19, 2017.

Approval of Minutes

Mr. Virr motioned to approve the minutes of December 17, 2016 as amended.

Seconded by Mr. Burgess.

Vote: Unanimous.

Mr. Kelley, Mr. Burgess, Mr. Coppolo, Mrs. Evans, Mr. Virr, Mr. Perkins.

Adjourn

Mr. Carnevale motioned to adjourn.

Seconded by Mr. Burgess.

Vote: Unanimous.

Mr. Kelley, Mr. Carnevale, Mr. Burgess, Mr. Coppolo, Mrs. Evans, Mr. Virr, Mr. Perkins.

Adjourn at 10:05 pm

Minutes transcribed from tape:

Ginny Rioux

Recording Clerk

APPROVAL OF MINUTES January 19, 2017

Mr. Perkins motioned to approve the minutes January 5, 2016 as amended.

Seconded by Mr. Coppolo.

Vote: Unanimous.

Mr. Carnevale, Mr. Kelley, Mr. Burgess, Mr. Coppolo, Mrs. Evans, Mr. Virr, Mr. Perkins