

TOWN OF DERRY
ZONING BOARD OF ADJUSTMENT MINUTES
February 16, 2017

Members Present

Lynn Perkins, Chairman
Allan Virr, Vice Chairman
Stephen Coppolo
Donald Burgess

Members Absent

Heather Evans

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.

Mr. Perkins asked in the absence of Mrs. Evans if Mr. Carnevale would be comfortable to sit for the request for re-hearing. Mr. Carnevale declined. Mr. Perkins then asked if Mr. Kelley would sit. Mr. Kelly accepted and it was noted that he would sit for the re-hearing request.

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

Request for Re-Hearing of 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

Mr. Virr said that he originally voted in the affirmative for the original request and that in reading the material submitted by Attorney Bronstein that he does agree with some of the points brought up and feels that the Board should rehear the case.

Mr. Coppolo said that he feels that the Board did review the information presented and listened to several abutters that spoke in opposition. He said that he still feels that there was no evidence of hardship presented in the request and he did not see any new information presented that would warrant a rehearing of the case. Mr. Coppolo reviewed information on page 4 of the request and said that substantial justice of criteria #3 was discussed in those terms. He said that he originally voted no as he still feels there is no hardship as they are the same applicant who agreed to subdivide 26 years ago and established the condition of the lot being unbuildable.

Mr. Burgess said that the cul-de-sac that was put in by the Town does not provide the applicant with sufficient frontage as they still only have 47' and are missing 100 plus feet of frontage.

Mr. Perkins said that the Board needs to focus on the points of the case. He feels that the Board missed some of the information and that the lot size exceeds requirements as it could easily have 2 homes. He said that he felt that the information provided warranted a rehearing.

Mr. Burgess said he had read the minutes from the 1991 meeting and that the applicant clearly stated that the lot was unbuildable until they had adequate frontage and that they still do not have proper frontage.

Mr. Virr said that he agreed with Mr. Perkins that there was some new information that would warrant a rehearing with regard to substantial justice.

Mr. Kelly said that he knows the property and that they would have to build a million dollar home to just get a return on their investment. He said that he disagrees as he did not see any information submitted that had not been reviewed during the initial meeting that would warrant a rehearing. He said that he believes that this piece of property was set aside due to the cost factor and that they knew what they were purchasing when purchased so there is no new information.

Mr. Coppolo said that the 3 denial votes were not in reference to substantial justice but were in reference to no unnecessary hardship shown. The applicant agreed to pay taxes on the lot and that the circle of frontage would need to have been deeded to the Town and accepted and they still would not have 150' of road frontage.

Mr. Virr motioned to Grant a Rehearing of 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

Seconded by Mr. Burgess.

Vote:

Mr. Virr: Yes
Mr. Coppolo: No. Do not find any new information presented that would warrant a rehearing.
Mr. Burgess: Yes.
Mr. Kelley: No. Do not see any new evidence presented.
Mr. Perkins: Yes.

Rehearing Request was Granted by a vote of 3-2-0.

Mr. Perkins asked for the case to be put on 1st for the next meeting. Mr. Mackey said that the applicant will need to submit an application to the office first so will not be able to be added for the March 2nd meeting but possible for the March 16th depending on when the applicant submits their application.

Approval of Minutes

Mr. Virr motioned to approve the minutes of January 19, 2017 as amended.

Seconded by Mr. Kelley.

Vote: Unanimous.

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

Other Business

Mr. Mackey said that he had received an email with regard to the Annual Spring Conference of which no agenda was attached. He said that registration usually opens in March and that he will forward the email to the Board members.

Adjourn

Mr. Kelley motioned to adjourn.

Seconded by Mr. Burgess.

Vote: Unanimous.

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

Adjourn at 7:30 pm

Minutes transcribed from tape:
Ginny Rioux
Recording Clerk

Approval of Minutes March 16, 2017

Mr. Perkins motioned to approve the minutes of February 16, 2017 as amended.

Seconded by Mr. Virr.

Vote: Unanimous.

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