

`TOWN OF DERRY
ZONING BOARD OF ADJUSTMENT MINUTES
March 17, 2022

Members Present

Lynn Perkins, Chairman
Craig Corbett
Allan Virr
Donald Burgess

Members Absent

Crystal Morin
Heather Evans

Alternates Present

Michael Donlon

Alternates Absent

Gaspar Obimba
Richard Tripp

Code Enforcement

Robert Mackey, Code Enforcement Director

Mr. Perkins called the meeting to order at 7:06 p.m. with the salute to the flag. Mr. Perkins stated that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 this public body is authorized to meet now physically and also electronically. As such this meeting is being held and will also be providing public access to the meeting by telephone with additional access possibilities by video utilizing the ZOOM app for the electronic meeting. To participate in this meeting, you can be present or by dialing 323-909-140 or by clicking on the website address: derrycam.org/TuneIn the phone numbers are 646-558-8656 or 312-626-6799 meeting ID: 323-909-140 or if anybody has a problem, please call 603-845-5585 or email at: ginnyrioux@derrynh.org. In the event that the public is unable to access the meeting, the meeting will be adjourned and rescheduled otherwise the meeting will end at 10:00 PM. Mr. Perkins said that all votes taken are taken during this meeting shall be done by roll call vote.

Mr. Perkins stated that in keeping with the mask mandate it has been reviewed that if all parties can maintain 6' distances then do not require to wear, however, if more comfortable to wearing then also have that option.

The Board members introduced themselves.

It was noted for the record that Mr. Donlon would sit for the following cases.

The applicants are requesting a variance to the terms of Article VI, Section 165-47.B.4 of the Town of Derry Zoning Ordinance to allow the existing woodshed to remain less than 15 feet from the side property line at 8 Jewell Lane, Parcel ID 09030-021, Zoned LMDR

Kevin P. Kuncik, owner, reviewed the required criteria for the record.

Board Questions

Mr. Perkins asked what the lot size was. Mr. Kuncik said he had a little over an acre. He said that the cement wall near the driveway and grade of property restricted him to where he wished to originally place the woodshed.

Mr. Perkins asked if the footings were down 4 feet. Mr. Kuncik said yes.

Mr. Corbett asked what the pallets were to be used for. Mr. Kuncik said that was where he previously stored the wood, and they were currently frozen so unable to move.

Mr. Burgess said that he drove by the property, and it does have a good slope to the land.

Mr. Virr said that he admired the shed as it looks well built and has a metal roof.

Code Enforcement

Mr. Virr reviewed the following information that had been provided by Mr. Mackey for the record.

- The applicants are requesting approval to remove and then rebuild the 2nd floor of the home.
- The existing structure is located less than 15 feet from the right side (looking from the street) property line and is considered legal, pre-existing, non-conforming.
- The rebuilt 2nd floor will add some additional living space (volume) within this setback which is considered an increase in the non-conformity. Therefore, a variance is being requested.
- If approved, appropriate permits and inspections will be required. The applicants will also need to obtain any required State Shoreland permitting.
- There are pictures in the file for review by the Board.

Mr. Perkins asked how incident happened. Mr. Kuncik said that he helped his neighbor cut wood in his driveway and had some material so thought would be helpful if had a shed where the wood could be under from the weather so built it. He said that he originally was going to have on blocks but found that it would not sit to well so installed

the sona tubes and when inspector came to inspect discovered was to close to the property line.

Mr. Corbett asked if the property on the other side sloped. Mr. Kuncik said yes that his property slopes on a couple of sides and thought about putting on other side of home but was not practical to access.

Mr. Virr said that when Mr. Wentworth viewed the footings and found not 15 feet to the lot line. Mr. Kuncik said he was not aware of the setback requirement.

Mr. Burgess said that there were other sheds closer to the property lines in Derry.

Mr. Perkins informed the public that now would be the time to call in favor of the proposed request. He said if wish to speak press star 9 and someone will answer your call.

Favor

No one spoke in favor of the request.

Mr. Perkins informed the public that now would be the time to call in opposition of the proposed request. He said if wish to speak press star 9 and someone will answer your call.

Opposed

No one spoke in opposition of the request.

Mr. Burgess motioned to go into deliberative session.

Seconded by Mr. Virr.

Vote: Unanimous.

Mr. Donlon, Mr. Burgess, Mr. Virr, Mr. Corbett, Mr. Perkins

Deliberative Session

Mr. Perkins said that if the structure was not there, he could still have placed the pallets there without an issue but where put in sona tubes and a roof required a building permit.

Mr. Donlon said he did not feel that there was any harm done.

Mr. Corbett said he felt it was an honest mistake.

Mr. Virr said that he also felt it was an honest mistake.

Mr. Burgess said he has seen sheds closer to the property line.

Mr. Perkins reviewed the condition for the record.

Mr. Burgess motioned to come out of deliberative session.

Seconded by Mr. Virr.

Vote: Unanimous.

Mr. Donlon, Mr. Burgess, Mr. Virr, Mr. Corbett, Mr. Perkins

Mr. Corbett motioned on case #22-122 Kevin P. Kuncik to Grant a variance to the terms of Article VI, Section 165-47.B.4 of the Town of Derry Zoning Ordinance to allow the existing woodshed to remain less than 15 feet from the side property line at 8 Jewell Lane, Parcel ID 09030-021, Zoned LMDR as presented with the following conditions:

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

Seconded by Mr. Virr.

Vote:

Mr. Burgess: Yes.

Mr. Donlon: Yes.

Mr. Virr: Yes.

Mr. Corbett: 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.

Approval of Minutes

Mr. Perkins said that he would like to table the minutes of March 3, 2022, until the next meeting due to the absence of members.

Mr. Corbett motioned to table the minutes of March 3, 2022, to the next meeting.

Seconded by Mr. Virr.

Vote: Unanimous.

Mr. Donlon, Mr. Burgess, Mr. Virr, Mr. Corbett, Mr. Perkins

Other Business

Mr. Corbett said that the annual spring training conference is coming up on April 30, 2022 and will be held remote this year. He believes they are starting online registration.

Adjourn

Mr. Virr motioned to adjourn.

Seconded by Mr. Burgess.

Vote: Unanimous.

Mr. Donlon, Mr. Burgess, Mr. Virr, Mr. Corbett, Mr. Perkins

Adjourn at 7:21 pm

Minutes transcribed from notes & tape:

Ginny Rioux

Recording Clerk

Approval of Minutes – April 7, 2022

Mr. Corbett motioned to approve the minutes of March 17, 2022 as written.

Seconded by Mr. Burgess.

Vote: Unanimous.

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