

**TOWN OF DERRY**  
**ZONING BOARD OF ADJUSTMENT MINUTES**  
**November 5, 2015**

**Members Present**

Lynn Perkins, Chairman  
Allan Virr, Vice Chairman  
Heather Evans, Secretary  
Teresa Hampton  
Stephen Coppolo

**Members Absent**

**Alternates Present**

Katherine Prudhomme-O'Brien

**Alternates Absent**

Dana Nauerz  
Michael Demeo

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.

**15-123          Christopher Mastriano**

**The applicant is requesting a variance to the terms of Article VI, Section 165-48B.4 of the Town of Derry Zoning Ordinance to allow reconstruction of a dwelling with less than the required property line setbacks for the district Parcel ID 18026, 25 Taylor Brook Lane, Zoned LDR**

Tim Lavelle, Lavelle Associates, said that he was representing the applicant. Mr. Lavelle read the application for the record. He said that the property is located on Taylor Brook which currently has an existing dwelling on it and across the street on another lot is where the septic system is to be constructed and also a garage. Mr. Lavelle said that the property had a Shoreland permit but it has expired and that the applicant is in the process of resubmitting. He said that the wetlands permit has also been reviewed as they had fixed the wall on the property.

## **Board Questions**

Mr. Perkins asked if the Shoreland permit needed to be granted before construction could proceed. Mr. Mackey said yes and the office has received notice stating that the applicant has applied.

Mrs. Hampton asked if the property is being converted from seasonal to year round. Mr. Lavelle said yes and that they are seeking to be 9' 3" on one side and expand and encroach on the other lot line.

Mrs. Evans asked if the proposed septic across the street was not currently what the applicant utilizes now. Mr. Lavelle said that was correct.

Mr. Virr asked if Taylor Brook Road was private and if a Waiver of Municipal Liability would be required. Mr. Mackey said that Taylor Brook Road was private and the Board could make a condition that a waiver would be required to be on the safe side.

There was some discussion with regard to non-conforming lots and frontage requirements on Town approved roads.

Mr. Perkins asked how pipe would be installed across the road for the proposed septic system. Mr. Lavelle said that it would be sleeved with SDR which is rated for tractor trailers and it will also be a pump system to assist with any possible frost.

Mr. Virr asked if there were any special setbacks on the lake. Mr. Mackey said that more of the rear lot line the State has a primary setback of 50' and the lot already has an existing dwelling located so the property will require Shoreland permit.

Mr. Lavelle said that the proposed structure will be moving away from the lake by 2 feet.

Mr. Coppolo asked if anything else was currently being proposed on the adjacent parcel other than the septic and garage. Mr. Lavelle said that was all he was aware of at this time.

Mr. Virr asked if there would be any flood insurance requirements. Mr. Mackey said that the property will require a flood elevation certificate ensuring that the dwelling will be above flood plain.

Mr. Perkins said a condition of being subject to all State and Local permits and inspections be noted.

## **Code Enforcement**

Mr. Mackey provided the Board with the following information:

- The applicant is requesting a variance to tear down the existing seasonal home located on the property and to rebuild a new single family home.

- The new structure is proposed to be 9.3 feet and 11.60 feet from the side lot lines where 15 feet is required and 19.45 feet from the front lot line where 35 feet is required.
- The lot is located on Big Island Pond in an area of similar sized lots created prior to zoning regulations.
- A new septic system is proposed to be installed on the lot across Taylor Brook Lane which is also owned by the applicant. The plan has received State approval.
- As the property is located within 250 feet of the lake, a State Shoreland Permit must also be obtained by the applicant. A permit was granted in 2009 to construct an addition to the property. This permit is being amended to include rebuilding the structure.
- If approved, a flood elevation certificate will be required to insure that the new structure is not located within the 100 year flood zone.
- There are pictures of the property in the file for review by the Board.

### **Favor**

No one spoke in favor of the application.

### **Opposed**

No one spoke in opposition of the application.

Mrs. Evans motioned to go into deliberative session.

Seconded by Mr. Coppolo.

Vote: Unanimous.

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

### **Deliberative Session**

Mr. Perkins said that the following conditions be made as part of the motion:

1. Subject to obtaining all State and Town permits and inspections.
2. Subject to waiver of municipal liability to be recorded with the Rockingham County Registry of Deeds.

Mrs. Hampton said that the mortgage company would require flood insurance and not a purview of the Board.

Mr. Coppolo said that the applicant was lucky to have the lot across the street for the septic system.

Mr. Virr motioned to come out of deliberative session.

Seconded by Mr. Coppolo.

Vote: Unanimous.

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

**Mrs. Evans motioned on case 15-123 Christopher Mastriano to Grant a variance to the terms of Article VI, Section 165-48B.4 of the Town of Derry Zoning Ordinance to allow reconstruction of a dwelling with less than the required property line setbacks for the district Parcel ID 18026, 25 Taylor Brook Lane, Zoned LDR as presented with the following conditions:**

- 1. Subject to obtaining all State and Town permits and inspections.**
- 2. Subject to waiver of municipal liability to be recorded with the Rockingham County Registry of Deeds.**

**Seconded by Mr. Virr.**

**Vote:**

<b>Mr. Coppolo:</b>	<b>Yes.</b>
<b>Mr. Virr:</b>	<b>Yes.</b>
<b>Mrs. Evans:</b>	<b>Yes.</b>
<b>Mrs. Hampton:</b>	<b>Yes.</b>
<b>Mr. Perkins:</b>	<b>Yes.</b>

**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**

#### **15-124 MVP Development, LLC**

**The applicant is requesting a variance to the terms of Article VI, Section 165-39A, Section 165-45B.2.b and Section 165-45B.2.c of the Town of Derry Zoning Ordinance to construct multifamily (townhouses) on an industrially zoned parcel of land. Parcel ID 27094, 3 Nutfield Court, Zoned IND I**

George Chadwick, Bedford Design, said that he was representing MVP Development, LLC.

Mr. Perkins said that there was a letter of representation provided to the Board.

Mr. Virr said that the variance request was not on the Board's form and that its wording was not in the Board's format as the first part asks for not contrary to public interest. He felt that it would set precedence.

Mr. Coppolo said that the application states see attached and that he did not feel that there was a problem to how presented as long as it addressed the Board's criteria.

Mr. Virr said that he felt there should be a vote and it noted in the minutes.

Mr. Perkins asked if any members felt the applicant's format would be contrary to their decision on voting.

Mr. Virr motioned to accept the application as prepared by the applicant on his form.

Seconded by Mrs. Evans.

Mr. Coppolo said that he felt that used as statute and would need motion to strike any contrary language.

Mr. Virr withdrew motion

Seconded by Mrs. Evans.

Mr. Coppolo motioned to accept form of 5 criteria as submitted by the applicant but to strike any language that is contrary.

Seconded by Mrs. Hampton.

Vote: Unanimous.

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

Mr. Chadwick said that he also has a plan that he would like to present to the Board as it was a smaller version of the large one that he was showing on the easel. He also said it was the same plan that had been submitted to the Board but this was in color.

Mr. Perkins asked if anyone was opposed to the submission of the plan.

Hearing no opposition the plan was accepted.

Mr. Chadwick said he was representing MVP and that he apologized for the absence of Mr. Kumar and said that a letter of representation had been forwarded via an email. Mr. Chadwick read his application for the record.

### **Board Questions**

Mr. Perkins asked the Board if they had any concerns with the accepted uses.

Mrs. Evans had concerns of not listed as industrial use. Mr. Perkins said that development in Industrial Zone the Board needs to look at accepted uses then Mr. Chadwick is going to go into the next test.

Mr. Coppolo asked if the point of the street network was hardship for the proposal. Mr. Chadwick said that the streets are narrow in residential zones as compared to standard industrial zones the streets are generally wider where they can handle large tractor trailers as in a residential area the streets are narrower.

Mr. Chadwick said that the property was zoned Industrial prior to the rezoning of the area. He felt that this piece was left as industrial as it was being utilized as industrial at the time and medium high density was all around it. He said that the first request is for a use variance, the second is a dimensional variance which is sort of combined as frontage and lot width are together. He read Sections 165-45B.2 for the record. He said that he felt that it makes sense to develop to properties surrounding the area as he believes that the only reason that the property was left as industrial as it had industrial use at the time when the zoning changed.

Mr. Perkins said that testimony stated that the client purchased property with the understanding that it could be multi-family. Mr. Chadwick said that his client had positive feedback from various departments that it would be suitable for multi-family.

Mr. Perkins said that would still be required to come before the Board and in no way utilized to persuade Board. Mr. Chadwick said that was correct.

Mr. Coppolo said that in reviewing the notes the property is 4.2 acres and net buildable area is 183,174 square feet according to zoning density in which the plan allows for 35 units and only proposing 28. Mr. Chadwick said that was correct and explained note #7 for the record.

Mr. Perkins said that he has concerns with density.

Mr. Coppolo said that the parcel was sizable and concerned how density fit in.

Mr. Virr asked Mr. Mackey what the property was zoned that abutted this parcel. Mr. Mackey said that the property was called Chelmsford Hardy and it consisted of elderly and zoned MHDR.

Mr. Perkins asked if Chelmsford Hardy was a Town road. Mr. Mackey said no.

Mr. Coppolo asked if there were proposed sidewalks onto South Ave. Mr. Chadwick said yes. He said that density requirements also speak to recreation space and he explained for the Board.

Mr. Virr said that 28 units possibly consisted of 56 automobiles and that the streets are narrow and trying to get out of Nutfield Court may be an issue. Mr. Chadwick said that the area is currently 20' and will be rebuilding it to a 24' roadway.

Mr. Perkins asked if building to road standards. Mr. Chadwick said yes but it would be a driveway.

There was some discussion with regard to the road and traffic congestion.

Mr. Virr asked if the proposal was 2-story structure. Mr. Chadwick said the proposal was a 2-story structure consisting of 28 2-bedroom units.

Mr. Virr asked if the Barka property was formerly commercially zoned. Mr. Mackey said yes and now MHDR.

There was some discussion with regard to use and hardship.

Mr. Coppolo said that he felt that the street has a lot of run down properties and that it continues to deliberate on his mind that if allowed would bring the area back to life.

### **Code Enforcement**

Mr. Mackey provided the Board with the following reference:

- The applicant is requesting approval to construct a multi-family (Townhouse style condominiums) on the property which is zoned Industrial I.
- The property, which is sandwiched between properties zoned MHDR, formerly housed Chism Machinery.
- In addition to requiring a variance for the proposed use, a variance is also required for insufficient frontage as Nutfield Court is not a Town approved road. The lot does have some frontage on Highland Ave.
- As there are no regulations for the development of multi-family in the Industrial I Zoning District, if approved, The Board may wish a condition that all other aspects of the plan must comply with the regulations for development of multi-family in the Medium High Density Zoning District.
- If approved, Planning Board Site Review will be required and aspects such as parking, site lighting, buffers, green space, etc. will be addressed.
- There are pictures of the property in the file for review by the Board.

Mr. Coppolo asked how long was the property not utilized. Mr. Mackey said possibly 1-2 years. He said that it formerly had a powder coating business being operated there.

### **Favor**

No one spoke in favor of the application.

### **Opposed**

Mr. Burgess, High Street, said that the Barka property formerly was a car wash with 2 buildings in the front. The Pleasant Street request had similar case where the applicant wished to put condos in an area where there were small narrow streets which the Board denied. He said that 28 units collect taxes but also possibility of 56 kids entering into the school system which in the end lose money. He said that the industrial use can also make

money and do not feel that the Board should change the zoning to residential just because of purchase as there are other uses that can be utilized on the property.

### **Rebuttal**

Mr. Chadwick said the South Ave project was different as there is no on street parking allowed. He said that yes there was a possibility of 2 children per unit but the number of kids going to schools in Derry has decreased and he believes that there is sufficient room in the schools to accommodate any proposed children that this project creates.

Mrs. Evans motioned to go into deliberative session.

Seconded by Mr. Coppolo.

Vote: Unanimous.

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

### **Deliberative Session**

Mr. Virr said that he has concerns with the street and structure but those are Planning Board matters and they will determine how many units can be constructed there. He said that the parcel lends to be developed well in that manner despite insufficient frontage.

Mrs. Hampton said that she has concerns with substantial justice as unable to see where the purchase of the property was based upon possibility of putting a bunch of units on it.

Mr. Perkins said as presented the substantial justice was weighed out by Mr. Chadwick. He stated that the neighborhood and additional components being suggested in the proposal brings forth. He questioned if denial would that be a taking away.

Mr. Virr said that the number of children cost of Town and decline of enrollment not proposing to build new schools. He said would a manufacturing business even look at this property with its narrow streets. He said that he also recognizes the practicality of zoning.

Mr. Coppolo said that substantial justice one thing that needs to be looked at is the configuration of the land and its surroundings. He said that this parcel as Industrial in a sea of residential does not make sense. He felt that industrial businesses want to be located near exits so they can have access for their trucks to enter and exit. He said in reviewing the section in the zoning ordinance for allowed uses on that property he would rather have cars so he understands the density concerns. He felt that this area of Town is a challenge and to add development money to it would be a good idea.

Mr. Perkins said that he also reviewed the allowed components and do see other uses that could be utilized as well on the property as it could easily be a sand and gravel pit.

Mr. Virr said that the previous owner walked away. He said that the request is for 3 variances and questioned if should be voted on separately or as presented. He said that the applicant is seeking relief of zoning but will still be required to have Planning Board approval.

Mr. Perkins said that the Board needs to structure a motion and vote to allow changed use. He said that he felt that the Board should vote on each request separately and that the conditions should be as follows:

1. Subject to Planning Board approval.
2. Subject to obtaining all State and Town permits and inspections.
3. Subject to regulations for multi-family in the Medium High Density (MHDR) Zoning District.

There was some discussion with regard to putting as one or to vote on each article separately.

Mr. Coppolo said that in reviewing list of allowed uses can build private school in MHDR zones.

Mr. Perkins said that he felt should have specific conditions to MHDR only multi-family only. He asked if Board wished to list 4<sup>th</sup> condition of residential housing.

Mr. Coppolo said that he did not feel a fourth condition was necessary.

There was some discussion and it was determined that only the three conditions would be listed as part of the motion.

Mrs. Hampton motioned to come out of deliberative session.

Seconded by Mr. Virr.

Vote: Unanimous.

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

**Mrs. Evans motioned on case #15-124, MVP Development, LLC to Grant a variance to the terms of Article VI, 165-45B.2.b, of the Town of Derry Zoning Ordinance to construct multifamily (townhouses) on an industrially zoned parcel of land. Parcel ID 27094, 3 Nutfield Court, Zoned IND I as presented with the following conditions:**

- 1. Subject to Planning Board approval.**
- 2. Subject to obtaining all State and Town permits and inspections.**
- 3. Subject to regulations for multi-family in the Medium High Density (MHDR) Zoning District.**

**Seconded by Mr. Virr:**

**Vote:**

**Mr. Virr: Yes.**  
**Mrs. Evans: Yes.**  
**Mr. Coppolo: Yes.**  
**Mrs. Hampton: Yes.**  
**Mr. Perkins: No. Reason as no substantial justice has been shown.**

**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.**

**Mrs. Evans motioned on case #15-124, MVP Development, LLC to Grant a variance to the terms of Article VI, Section 165-45B.2.c, of the Town of Derry Zoning Ordinance to construct multifamily (townhouses) on an industrially zoned parcel of land. Parcel ID 27094, 3 Nutfield Court, Zoned IND I as presented with the following conditions:**

- 1. Subject to Planning Board approval.**
- 2. Subject to obtaining all State and Town permits and inspections.**
- 3. Subject to regulations for multi-family in the Medium High Density (MHDR) Zoning District.**

**Seconded by Mr. Virr:**

**Vote:**

**Mr. Virr: Yes.**  
**Mrs. Evans: Yes.**  
**Mr. Coppolo: Yes.**  
**Mrs. Hampton: Yes.**  
**Mr. Perkins: No. Reason as no substantial justice has been shown.**

**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.**

**Mrs. Evans motioned on case #15-124, MVP Development, LLC to Grant a variance to the terms of Article VI, Section 165-39A, of the Town of Derry Zoning Ordinance to construct multifamily (townhouses) on an industrially zoned parcel of land. Parcel ID 27094, 3 Nutfield Court, Zoned IND I as presented with the following conditions:**

- 1. Subject to Planning Board approval.**
- 2. Subject to obtaining all State and Town permits and inspections.**

**3. Subject to regulations for multi-family in the Medium High Density (MHDR) Zoning District.**

**Seconded by Mr. Virr:**

**Vote:**

**Mr. Virr: Yes.**  
**Mrs. Evans: Yes.**  
**Mrs. Hampton: Yes.**  
**Mr. Coppolo: 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.**

**15-125 Erik Young/Derry Dental Associates  
Peabody Road Dental Office, LLC**

**The applicant is requesting a variance to the terms of Article III, Section 165-20.a and Article VI, Section 165-32B.3.b of the Town of Derry Zoning Ordinance to construct an addition (approximately 17' x 58') less than 30 feet from a wetland and less than 20 feet from the side property line. Parcel ID 36013, 7 Peabody Road, Zoned GC**

Erik Young, owner, read his application for the record. Mr. Young said that Derry Dental has had an influx of new patients as now accept new insurances and a growing population they would like to add some new chairs and expand their facility. He said that Promised Land Survey indicated based on the drawings that the proposal would have minimal impact on the surrounding area.

**Board Questions**

Mr. Perkins asked if the proposal would be encroaching on the wet area. Mr. Mackey said that was correct and also would be impacting the residential setback requirements which require being 20'.

Mr. Coppolo said it appears that already encroaching on the side setback.

Mr. Young said that he understands the laws occurred after the building was constructed. Also feel that the area was designed by Shaw's who created the drainage ditch so now wetland material is growing there due to the birds. Feel was originally just a drainage ditch and do not feel nature of his business would have any negative affect on the area.

## **Code Enforcement**

Mr. Mackey provided the Board with the following reference:

- The applicant is seeking approval to construct an addition (approximately 16' x 58') on the back of the existing building.
- There is a narrow, created wetland/drainage ditch along the right side of the property which requires a 30 foot building setback where approximately 13 feet to 15 feet is being proposed.
- In addition, a 20 foot side setback is required where 13 feet (+/-) is being proposed.
- If approved, appropriate permits and inspections will be required.
- There are pictures of the property in the file for review by the Board.

Mr. Virr asked if during the Mother's Day flood were there any issues. Mr. Young said that they did see some but notified Shaw's as the ditch is maintained by them. Mr. Young explained where the ditch goes. He said that Shaw's sent someone over who dredged the area and took care of the matter.

Mr. Coppolo said that he was interested in the wetlands and why they are there was explained and wanted to know when Shaw's was constructed. Mr. Mackey said that Shaw's was constructed in the early 70's.

Mr. Coppolo asked if they diverted groundwater. Mr. Mackey said no and now have rules in effect that restrict what can be done in the area.

Mr. Virr said that Clearbrook Plaza has a drainage ditch that goes to a culvert.

Mr. Coppolo said that he was glad to hear that a business is doing well.

Mrs. Hampton said that testimony was given that he has a lot of patients in the area or he would have relocated.

Mr. Young said that he has patients that walk from Pinkerton for appointments so wished to stay in the same area.

## **Favor**

No one spoke in favor of the application.

## **Opposed**

No one spoke in opposition of the application.

Mrs. Evans motioned to go into deliberative session.

Seconded by Mrs. Hampton.

Vote: Unanimous.

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

### **Deliberative Session**

Mr. Perkins asked if there were any concerns to move forward with applicant's request.

Mr. Coppolo asked if there would be any Conservation issues. Mr. Mackey said that possible convenience to notify but did not feel there were any issues.

Mrs. Evans said that a condition of being subject to all permits and inspections be noted.

Mr. Virr asked if it would be a Planning Board matter. Mr. Mackey said that he had spoken to Planning felt it was a small matter and did not feel necessary to have full site review.

Mr. Perkins asked if wish to have subject to TRC. Mr. Mackey said that possibly just subject to Planning Office review.

Mr. Virr motioned to come out of deliberative session.

Seconded by Mr. Coppolo.

Vote: Unanimous.

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

**Mrs. Evans motioned on case #15-125 Erik Young/Derry Dental Associates, Peabody Road Dental Office, LLC to Grant a variance to the terms of Article III, Section 165-20.a and Article VI, Section 165-32B.3.b of the Town of Derry Zoning Ordinance to construct an addition (approximately 17' x 58') less than 30 feet from a wetland and less than 20 feet from the side property line. Parcel ID 36013, 7 Peabody Road, Zoned GC as presented with the following conditions:**

- 1. Subject to obtaining all State and Town permits and inspections.**
- 2. Subject to Planning Office review or TRC.**

**Seconded by Mr. Virr.**

**Vote:**

**Mrs. Evans: Yes.**  
**Mrs. Hampton: Yes.**  
**Mr. Coppolo: Yes.**  
**Mr. Virr: 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.**

**15-119 Philip and Lorraine Peterson**

**Request for Rehearing of variance to the terms of Article VI, Section 165-45B.d.ii of the Town of Derry Zoning Ordinance to allow the construction of a 10' x 20' cold storage addition to the existing garage, less than 15 feet from the side property line. 31 Jefferson Street, Zoned MHDR, Parcel ID 29016**

Mr. Virr said that he did not see any errors in the decision in judgement or law made on the September 3, 2015 hearing.

Mrs. Hampton said that she had voted yes during the September 3<sup>rd</sup> meeting. She said that she felt some members did not take into consideration of where the home was located and the applicant did have a neighbor present in favor of the proposal. Feel pictures showing yard in disarray and that it could be remedied if allowed to construct something that would help relocate some of it. The couple have good intentions and feel that they deserve a rehearing so they could articulate the case better.

Mr. Perkins said that he supports Mr. Virr's points and also do not see any new evidence or different information that was not previously discussed the night of the meeting.

Mrs. Evans said that she agrees with both parties and also sympathetic to the applicant but also have not seen any additional information that would change her original decision but could possibly give another chance to possibly allow the applicant to explain.

Mr. Coppolo said that he does not feel the Board made an error in judgement. The applicant has put a lot of effort into a visual presentation with the tarp in various locations but not in favor of rehearing as do not see any new evidence that would change his original decision.

**Mr. Virr motioned to Grant Re-Hearing Request on case #15-119 Philip and Lorraine Peterson for variance to the terms of Article VI, Section 165-45B.d.ii of the Town of Derry Zoning Ordinance to allow the construction of a 10' x 20' cold storage addition to the existing garage, less than 15 feet from the side property line. 31 Jefferson Street, Zoned MHDR, Parcel ID 29016.**

**Seconded by Mrs. Evans.**

**Vote**

**Mrs. Evans:** No. Sympathetic to applicant but did not see new evidence that would warrant a rehearing.  
**Mr. Virr:** No. Believe the Board did not make an error in law or judgment on case.  
**Mr. Coppolo:** No. Believe that the evidence presented would not change original decision.  
**Mrs. Hampton:** Yes.  
**Mr. Perkins:** No. No new evidence presented that would warrant a rehearing.

**The Request for Rehearing was Denied by a vote of 1-4-0. Recourse would be to appeal to Superior Court.**

**Approval of Minutes**

Mr. Virr motioned to accept the minutes of October 1, 2015 as amended.

Seconded by Mrs. Evans.

Vote: Unanimous.

Mrs. Prudhomme-O'Brien, Mr. Coppolo, Mrs. Hampton, Mrs. Evans, Mr. Virr, Mr. Perkins

**Adjourn**

Mrs. Evans motioned to adjourn.

Seconded by Mr. Virr.

Vote: Unanimous.

Mrs. Prudhomme-O'Brien, Mr. Coppolo, Mrs. Hampton, Mrs. Evans, Mr. Virr, Mr. Perkins

Adjourn at 9:18 pm

Minutes transcribed by:

Ginny Rioux

Recording Clerk

**Approval of Minutes on November 19, 2015**

Mr. Perkins said that the vote on motions for the MVP case should reflect numbers 1 through 3 not 4, 5, 6.

Mrs. Evans motioned to approve the minutes of November 5, 2015 as amended.

Seconded by Mr. Coppolo

Vote: 4-0-1

Yes: Mrs. Prudhomme-O'Brien, Mr. Coppolo, Mrs. Evans, Mr. Perkins

Abstain: Mr. Virr