

TOWN OF DERRY
ZONING BOARD OF ADJUSTMENT MINUTES
July 20, 2023

Members Present

Lynn Perkins, Chairman
Craig Corbett, Vice Chairman
Crystal Morin, Secretary
Donald Burgess
Richard Tripp

Members Absent

Alternates Present

Michael Donlon
James Dietzel
Gaspar Obimba

Alternates Absent

Code Enforcement

Robert Mackey, Code Enforcement Director

Mr. Perkins called the meeting to order at 7:00 p.m. with the salute to the flag. Mr. Perkins stated that 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. Mr. Perkins said that all votes taken are taken during this meeting shall be done by roll call vote and that the meeting will end at 10:00 PM.

Mr. Perkins informed the public that the Community Power meeting was being held downstairs and not in this meeting room.

The Board members introduced themselves.

23-117 James M. Lavelle, LLS
Owner: James J. Yaratz, III Revocable Trust
James J. Yaratz, III, Trustee

The applicants are requesting a variance to the terms of Article VI, Section 165-47.B.1 of the Town of Derry Zoning Ordinance to allow the property to be

subdivided into 2 lots with one of the lots containing 1.27 acres where 2.00 acres is required at 179 Hampstead Road, Parcel ID 10005, Zoned LMDR

James Lavelle, Lavelle Associates, said he was representing the owner this evening. Mr. Lavelle reviewed the required criteria for the record.

Board Questions

Mr. Perkins asked why were the soil types referenced and why are they significant. Mr. Lavelle said that both lots meet the state lot size by soil determination of 1.59 but Derry codes are .78. The soil types ensure that the property can handle an individual well and septic system.

Mr. Perkins said that the .78 size is less than the State requirement. Mr. Lavelle said yes the property currently has a negative value as meeting lot size for front but no value as added wetlands.

Mr. Corbett asked if poorly drained soils how would wetlands be affected. Mr. Lavelle said if request is granted a dredge and fill permit would be required for the driveway which would be a minimal impact but would require State approval.

Mr. Tripp asked if the proposed lot was to be usable it would require a dredge and fill permit. Mr. Lavelle said that the land has good soils but does have a wetland to the rear of the property and there is a building window located in the middle. He described the property for the record.

Code Enforcement

Mr. Mackey provided the following information with regard to the property for the record.

- The applicants are requesting a variance to allow the property to be subdivided into 2 lots. One lot will contain the existing home and the other will be for the construction of a new dwelling.
- The property is located in the Low Medium Density Zoning District (LMDR) which requires a minimum of 2 acres and 150 feet of frontage for each lot.
- This proposal seeks to create a 2 acre building lot leaving the existing dwelling with 1.27 acres. Therefore, a variance is being requested.
- The unique layout of the lots will provide the required 150 feet of frontage for each lot.
- The property is bisected by wetlands around existing home.
- If approved, Planning Board subdivision approval will be required.
- There are pictures in the file for review by the Board.

Mr. Perkins said that in creating the lot were working on obtaining the frontage requirement. Mr. Lavelle said yes.

Mr. Corbett 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. Corbett 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

Gerry Daigle, 2 Olesen Road, said that he was also representing his neighbor on the corner of Olesen Road and Hampstead Road, Mr. Buchanan as he could not be here tonight. Mr. Daigle said that their property would be directly affected by this request. He said that the wetlands on the property levels off into a water shed that runs across 1 & 3 Olesen Road then across Hampstead Road. Mr. Daigle said that he was also concerned with well as in the spring months always have water concerns.

Mr. Tripp asked if concern was that a subdivision would modify the water conditions. Mr. Daigle said yes and also have concern with location of the proposed driveway.

There was some discussion with the water shed and possible drainage concerns.

Mr. Perkins said that need to understand the approximate location of structure is proposed and dredge and fill concern Mr. Lavelle could address during rebuttal.

Rebuttal

Mr. Lavelle said that a dredge and fill permit from the state will ensure that the flow will continue as it does now and that the location of the proposed driveway would be as far from the lot line as possible. He said that the aim is not to interrupt the flow of water.

Mr. Perkins asked Mr. Mackey if the width of a road was 75'. Mr. Mackey said it was 50' and that a driveway over 150' would need to meet the Town specifications of 14' minimum width with 2' clear shoulder and a turn around for fire apparatus.

There was some discussion with layout of property.

Mr. Corbett motioned to go into deliberative session.

Seconded by Mr. Burgess.

Vote: Unanimous.

Mr. Tripp, Mr. Burgess, Mrs. Morin, Mr. Corbett, Mr. Perkins

Deliberative Session

Mr. Corbett said it was an interesting property shape and design of the property strange setup for proposal.

Mr. Tripp said subdividing into 2 building lots and that .78 requirements for soil determination is an issue for concern.

Mr. Perkins said that the area created meets the 2 acre requirements but not 2 acres of usable property and one lot that will have the required frontage but not lot requirement. The second lot would conform to and new lot is unique on how lot frontage is created.

Mr. Mackey said that typically a property would have building width at the 35' setback however this proposal does not.

Mr. Perkins said that if the property was 300' front and back there would be no argument and not have to be here.

Mr. Burgess said that the property to be subdivided would need to cross wetlands and a unique way to create a lot but reduces the main lot to less than the requirement.

Mr. Corbett said he also feels the same as to get to usable portion of usable land is pretty far back.

Mrs. Morin said she also has concerns as property will meet setbacks but would be creating own hardship.

Mr. Tripp said that he agrees with Mr. Corbett that the existing lot only piece viable as surrounded by wetlands. They could possibly change access to rear to be wider but would not change rear wetlands as not affected portion of property but is an interesting drawing concept.

Mr. Perkins reviewed the conditions for the record.

Mr. Burgess motioned to come out of deliberative session.

Seconded by Mr. Corbett.

Vote: Unanimous.

Mr. Tripp, Mr. Burgess, Mrs. Morin, Mr. Corbett, Mr. Perkins

Mrs. Morin motioned on case #23-117 James M. Lavelle, LLS, Owner: James J. Yartz, III Revocable Trust, James J. Yartz, III, Trustee to Grant a variance to the

terms of Article VI, Section 165-47.B.1 of the Town of Derry Zoning Ordinance to allow the property to be subdivided into 2 lots with one of the lots containing 1.27 acres where 2.00 acres is required at 179 Hampstead Road, Parcel ID 10005, Zoned LMDR as presented with the following conditions:

1. Subject to obtaining all State & Town permits and inspections.
2. Subject to Planning Board subdivision approval.

Seconded by Mr. Burgess.

Mr. Corbett reviewed the findings of fact as follows:

- The property is located in the Low Medium Density Residential District (LMDR).
- The applicant is requesting a variance to Article VI, Section 165-47.B.1
- Both lots will provide the required 150' frontage requirement.
- The proposed lot new lot will meet the 2 acre requirement, however the existing lot requires a variance as will only have 1.27 acres after subdivision.
- The existing home is bisected by wetlands.
- The property will require a dredge and fill permit.

The Board also includes all facts found in the meeting minutes for this application and incorporates all meeting minutes into its finding of facts and decisions.

Vote:

Mr. Tripp: Yes.

Mr. Corbett: Yes.

Mr. Burgess: No. Feel request would be contrary to the public interest.

Mrs. Morin: No. Feel would be contrary to the public interest and no hardship has been shown.

Mr. Perkins: No. Feel configuration and disputes of wet area does not meet the hardship as lot is usable itself. Dispute hardship of second lot being created to achieve lot.

The application was Denied by a vote of 2-3-0. 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.

23-118 Joshua & Shannon Shedd

The applicants are requesting a variance to the terms of Article VI, Section 165-46.C.4 of the Town of Derry Zoning Ordinance to allow the installation of an 8 foot by 12 foot shed to be located less than 35 feet from the front lot line at 11L Blackberry Road, Parcel ID 22004-012L, Zoned MDR

Joshua Shedd, owner, reviewed the required criteria for the record. He said that he started building the shed not realizing that a permit was required. Mr. Shedd said that the location is the only feasible for placement due to the property layout.

Board Questions

Mr. Perkins asked if it was due to ledge. Mr. Shedd said yes, and that there was quite a hill in the back of the property.

Mr. Tripp asked if the shed had a basement. Mr. Shedd said no. He said that it is built on a skid and so it is movable if need to but the entire property slopes and if need to put further back would require a machine to dig into the hill.

Mr. Tripp asked if that location was the only flat spot. Mr. Shedd said yes and that he felt a shed was better looking than a storage container.

Code Enforcement

Mr. Mackey provided the following information with regard to the property for the record.

- The applicants are requesting a variance to allow the construction of a shed less than 35 feet from the front property line.
- While performing an inspection in the neighborhood, it was noted that the applicants had begun the construction of a shed which appeared to be located to close to the front property line. At that time, they were advised to cease construction. They are applying for a variance to request that the shed remain in its current location and be completed.
- Due to slopes in the rear of the property, there are limited areas for the placement of a shed on the property.
- If approved, the applicants must obtain a building permit for the shed.
- There are pictures in the file for review by the Board.

Mr. Burgess said he drove down the road and can see concerns but the property does have restrictions.

Mr. Tripp said it looks like a condex and do they own. Mr. Shedd said his neighbor has no concerns and that they both own their own side of the home.

Mr. Corbett 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. Corbett 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. Corbett motioned to go into deliberative session.

Seconded by Mr. Burgess.

Vote: Unanimous.

Mr. Tripp, Mr. Burgess, Mrs. Morin, Mr. Corbett, Mr. Perkins

Deliberative Session

Mr. Corbett said its nice to have a shed but close to the property line however there does not appear to be much room for different location.

Mr. Burgess said it was just a shed.

Mr. Tripp said he also agrees and it was only a shed.

Mrs. Morin said she felt it was a reasonable request due to the layout of the property.

Mr. Perkins reviewed the condition for the record.

Mr. Perkins motioned to come out of deliberative session.

Seconded by Mr. Burgess.

Vote: Unanimous.

Mr. Tripp, Mr. Burgess, Mrs. Morin, Mr. Corbett, Mr. Perkins

Mrs. Morin motioned on case #23-118 Joshua & Shannon Shedd to Grant a variance to the terms of Article VI, Section 165-46.C.4 of the Town of Derry Zoning Ordinance to allow the installation of an 8 foot by 12 foot shed to be located less than 35 feet from the front lot line at 11L Blackberry Road, Parcel ID 22004-012L, Zoned MDR as presented with the following conditions:

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

Seconded by Mr. Burgess.

Mr. Corbett reviewed the findings of fact as follows:

- The property is located in the Medium Density Residential zone (MDR).
- The applicant is seeking relief from Article VI, Section 165-46.C.4 of the Town of Derry Zoning Ordinance
- Construction had previously been started and discovered by Town staff.
- Due to the sloping of the property there are limited areas for placement of a shed.
- A building permit will be required to be obtained from the Town.

The Board also includes all facts found in the meeting minutes for this application and incorporates all meeting minutes into its finding of facts and decisions.

Vote:

Mr. Tripp: Yes.
Mrs. Morin: Yes.
Mr. Burgess: 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.

Mr. Perkins said that he would step down for an alternate to sit. It was noted that Mr. Obimba would sit for the following case.

#23-119 Promised Land Survey, LLC
Owner: James & Lisa Whiteneck

The applicants are requesting a variance to Article III, Section 165-25.e of the Town of Derry Zoning Ordinance to allow the construction of a detached accessory dwelling unit (ADU) on the property 112 Island Pond Road, Parcel ID 06023-003, Zoned LDR

Timothy Peloquin, Promised Land Survey, LLC, said he was representing the owners. Mr. Peloquin reviewed the required criteria and described the property for the record.

Board Questions

Mr. Corbett said he was familiar with the property and asked if the proposed home would be located where the fruit trees were located. Mr. Peloquin said yes.

Mr. Burgess asked how far from the current building would it be located. Mr. Peloquin said it would be approximately 400' or so. He said that he provided the plans of the property before and after it was subdivided.

Mr. Burgess asked if it could be located closer. Mr. Peloquin said that it could but then it could be in the way of the current business operation.

Mr. Obimba said that this appears to be so far off the roadway if it would count as a second dwelling unit. Mr. Mackey said yes and that the existing building currently has an apartment over it so seeking to build a detached unit.

Mr. Peloquin said that the property would possibly still share the same well but may have it's own septic system verses installing a pump system.

Mr. Tripp said it was similar to a shed request. Mr. Peloquin said that the proposed structure would be a single story unit and that the property has ample allowances for what is needed.

Mr. Donlon said he feels that the substantial justice has been met as there is a need for housing and as stated there is ample land available as the property could be subdivided and a road installed and build more homes but want parents to live on the property with them.

Code Enforcement

Mr. Mackey provided the following information with regard to the property for the record.

- The applicants are requesting a variance to allow the construction of an 800 sq. ft. detached, accessory dwelling unit (ADU).
- Per Article III, Section 165-25 of the Town of Derry Zoning Ordinance, the construction of accessory dwelling units (ADU's) is permitted in the Town providing the regulations listed in this section are followed.
- One of the requirements is that the ADU must be attached to or contained within the existing single family.
- The applicants are requesting a variance to this section in order to construct a detached, 26' x 32' single level, ADU.
- The property, which is 22 acres, currently houses a landscaping and nursery business as well as living quarters for the owners.
- If approved, a state approved septic system must be approved for the building.
- There are pictures in the file for review by the Board.

Mr. Burgess asked what was the driveway width. Mr. Mackey said that the property was developed prior to the current regulations.

There was some discussion with regards to driveway width.

Mr. Corbett 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. Corbett 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. Peloquin said that this was an unusual request and that the property and feel that it meets the requirements.

Mr. Burgess motioned to go into deliberative session.

Seconded by Mrs. Morin.

Vote: Unanimous.

Mr. Obimba, Mr. Tripp, Mr. Burgess, Mrs. Morin, Mr. Corbett

Deliberative Session

Mr. Burgess said that he has concerns with the ADU access.

Mr. Corbett said he also had same concern but also see how attaching to the existing structure would be an issue due to the location and the business aspect of the property.

Mr. Tripp said that the reason here is that the ordinance states must be attached but feel would be hard to attach to a second floor dwelling.

Mrs. Morin said she felt that the request was reasonable.

Mr. Obimba said that he felt that they meet the substantial justice criteria as unable to attach to the second floor unit.

Mr. Corbett said that there was plenty of viable land for the proposal and reviewed the conditions for the record.

Mr. Obimba motioned to come out of deliberative session.

Seconded by Mr. Burgess.

Vote: Unanimous.

Mr. Obimba, Mr. Tripp, Mr. Burgess, Mrs. Morin, Mr. Corbett

Mrs. Morin motioned on case #23-119 Promised Land Survey, LLC, Owner: James & Lisa Whiteneck to Grant a variance to the terms of Article III, Section 165-25.e of the Town of Derry Zoning Ordinance to allow the construction of a detached accessory dwelling unit (ADU) on the property 112 Island Pond Road, Parcel ID 06023-003, Zoned LDR, as presented with the following conditions:

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

Seconded by Mr. Tripp.

Mr. Corbett reviewed the findings of fact as follows:

- The property is located in the Low Density Residential District (LDR).
- The applicant is requesting a variance to Article III, Section 165-25.e
- Accessory dwelling units (ADU's) are permitted in the Town providing the regulations of the ordinance are met.
- The missing regulation is that the ADU must be attached or contained to the existing single family structure.
- The applicant is requesting to allow construction of a detached, single level ADU as it was found to be unfeasible due to the retail shop (garden center) with 2,000 sq. ft. of living are above.
- A state approved septic design will be required to be obtained.

The Board also includes all facts found in the meeting minutes for this application and incorporates all meeting minutes into its finding of facts and decisions.

Vote:

Mr. Obimba: Yes.

Mr. Tripp: Yes.

Mr. Burgess: Yes.

Mrs. Morin: Yes.

Mr. Corbett: 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 that Mrs. Morin would step down and Mr. Donlon would sit for the following case.

23-120 Robert Cook & Melina Mavroforos

The applicants are requesting a variance to the terms of Article VI, Section 165-45.B.1.a.ii of the Town of Derry Zoning Ordinance to allow the conversion of the existing single family home back to a two-family dwelling at 6 Abbott Street, Parcel ID 32108, Zoned MHDR

Attorney Meredith Goldstein, Orr & Reno, said she was representing Mr. Cook and Miss. Mavroforos this evening and that they both are present to help answer any questions. Attorney Goldstein said that the zoning for the area had changed and that the lot requirements are larger than when the home was originally constructed. She said that the home was previously a duplex that had been converted to a single family however, the interior design still is still in a duplex status minus a lower level dividing wall. Attorney Goldstein reviewed the required criteria for the record and reviewed the floor layout for the record.

Board Questions

Mr. Perkins said that the regulations have changed and that the applicants only purchased a year ago and have seen accelerated offers and asked if a home inspection had been performed. Attorney Goldstein said yes and that the previous owner had only removed a dividing wall and the second kitchen but the two stairways exists and there is no access on the second floor to pass into without coming down a stairway and going up another stairway.

Mr. Tripp asked how much square footage is required. Attorney Goldstein said today requires 10,000 square foot per dwelling so would require 20,000 square feet and currently the lot is 4,500 square feet.

Mr. Donlon asked what was the plan of the other unit. Attorney Goldstein said that her clients would put the wall back up and possibly rent or sell the other unit for extra income.

Mr. Donlon asked what was the parking situation. Attorney Goldstein said it would be the same and described the property for the record.

Code Enforcement

Mr. Mackey provided the following information with regard to the property for the record.

- The applicants are requesting a variance to allow the home to be converted back to a 2-family dwelling.
- The building file for the property indicates that a building permit was issued in June 2018 to convert the building to a single-family dwelling.

- The property is located in the Medium High Density Residential Zoning District (MHDR) which allows 2 family dwellings with lot size requirements of 10,000 sq. ft. per dwelling unit. The property in question contains 4,356 sq. ft. Therefore, a variance is being requested.
- The property is located in a mixed-use area which contains a mix of multi-family, 2 family and single-family dwellings.
- There are pictures in the file for review by the Board.

Mr. Donlon asked if the building file had the proper permits to change from a 2 family to a single family. Mr. Mackey said yes that a permit was issued in 2018.

Mr. Obimba asked if a duplex could be constructed there today. Mr. Mackey said no that the lot is undersized even for a single family for today's zoning requirements.

Mr. Burgess asked if quotes for the cost of construction had been obtained. Mr. Cook said that he will be doing most of the construction of installing the kitchen cabinets himself and will hire a contractor to install the main support area to help reduce the cost.

Mr. Perkins asked if this would require any special permits to convert back to a 2-family. Mr. Mackey said that the wall would need to meet current fire codes with a 1 hour fire separation.

Mr. Cook said that the home still has 2 separate electrical panels.

Mr. Tripp asked if there was parking to the rear of the building. Mr. Cook described the parking area for the record.

Mr. Tripp asked if the parking meets today's codes. Mr. Mackey said that parking is 1.5 spaces per bedroom but typically not applied to a single family or 2-family.

Mr. Cook explained the parking layout for the record.

Attorney Goldstein said that there was currently a multi-family next door with less parking and described the area for the record.

Mr. Donlon asked how many bedrooms were in the unit. Attorney Goldstein said that there was 4 of which would be 2 on each side.

Mr. Corbett 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. Corbett 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 to the request.

Attorney Goldstein said that the neighborhood was full of multi-family structures and that it was an old neighborhood that does not fit with today's lot size requirements.

Mr. Tripp motioned to go into deliberative session.

Seconded by Mr. Donlon.

Vote: Unanimous.

Mr. Donlon, Mr. Tripp, Mr. Burgess, Mr. Corbett, Mr. Perkins

Deliberative Session

Mr. Perkins said he had concerns about the square footage requirement as the property was formerly functioning as a 2 family.

Mr. Corbett said that he can see the point of changing into a single family in 2018 and struggle with the 4,400 verses 20,000 square feet.

Mr. Donlon said was the value as was an existing duplex is different than building new on the lot.

Mr. Perkins said that the spirit of the ordinance leaves certain parcels outdated and that need to evaluate timeline of zoning and its intention. He said that the Board is here to create remedies to help resolve issues that arise. Mr. Perkins said that in 2018 property was changed into a single family and a year later the world changed, and property values accelerated and that he did not understand why one would take a property out of income earning status.

There was some discussion with regard to layout of home and size of lot.

Mr. Tripp said he was not concerned with the undersized lot as is a pre-existing condition. He said that the spirit of the ordinance hard to see why someone would convert a 2-family to a single family may have been to knock down density but reasons are unknown.

Mr. Perkins asked if substantial justice would be met if allowing to convert back to a 2-family. It leaves an odd staircase in a single family and other sense it is still a 2-family minus the interior first floor wall.

Mr. Corbett said that the photos provided show that have to go downstairs to go back upstairs. He said that he felt that the former owner never finished what previously started.

Mr. Donlon said that the point of substantial justice said that he feel the intent of the building was to be a 2-family by the design. He said that he had some concerns about the potential of 2 rental units and may have a parking situation.

Mr. Tripp said he did not believe that there would be any diminution to surrounding properties.

Mr. Burgess said that he also felt that the area would not be affected.

Mr. Corbett said that in the public interest there were studio apartments smaller. There was some discussion with regard to affordable housing.

Mr. Donlon said that hardship criteria exists.

Mr. Tripp said that he also agrees and that the building could produce income to the applicant.

Mr. Corbett said that the house could function as a single family with an odd stairway.

Mr. Perkins said that the Board has reviewed the criteria and reviewed the condition for the record.

Mr. Donlon motioned to come out of deliberative session.

Seconded by Mr. Tripp.

Vote: Unanimous.

Mr. Donlon, Mr. Tripp, Mr. Burgess, Mr. Corbett, Mr. Perkins

Mrs. Morin motioned on case #23-120 Robert Cook & Melina Mavroforos to Grant a variance to the terms of Article VI, Section 165-45.B.1.a.ii of the Town of Derry Zoning Ordinance to allow the conversion of the existing single family home back to a two-family dwelling at 6 Abbott Street, Parcel ID 32108, Zoned MHDR, as presented with the following conditions:

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

Seconded by Mr. Donlon.

Mr. Corbett reviewed the findings of fact as follows:

- The property is located in the MHDR zoning District.**
- The applicant is requesting to convert the single-family house back to its previous status as a 2-family dwelling.**

- The property was constructed in 1090 and was reclassified to a single-family structure in 2018.
- The property does not meet the lot requirements for a 2-family within the MHDR zone (4,356 vs 20,000 total sq. ft.)
- The property is located in a mix of multi-families, 2-family, and single-family dwellings.

The Board also includes all facts found in the meeting minutes for this application and incorporates all meeting minutes into its finding of facts and decisions.

Vote:

Mr. Tripp: Yes.
 Mr. Corbett: Yes.
 Mr. Burgess: Yes.
 Mr. Donlon: 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.

Other Business

Mr. Perkins informed the Board that they had received the Town & County magazine.

Mr. Corbett said that the case before the Supreme Court was granted in favor of the Zoning Board's decision.

Approval of Minutes

Mr. Obimba motioned to approve the minutes of June 1, 2023 as amended.

Seconded by Mr. Corbett.

Vote: Unanimous.

Mr. Obimba, Mr. Dietzel, Mr. Donlon, Mr. Tripp, Mr. Burgess, Mrs. Morin, Mr. Corbett, Mr. Perkins.

Adjourn

Mr. Burgess motioned to adjourn.

Seconded by Mr. Donlon.

Vote: Unanimous.

Mr. Obimba, Mr. Dietzel, Mr. Donlon, Mr. Burgess, Mrs. Morin, Mr. Perkins.

Adjourn at 9:21 PM

Minutes transcribed from notes & tape:
Ginny Rioux
Recording Clerk

Lynn Perkins
Zoning Board Chairman

Approval of Minutes

Mrs. Morin motioned to approve the minutes of July 20, 2023 as written.

Seconded by Mr. Donlon.

Vote: Unanimous.

Mr. Obimba, Mr. Dietzel, Mr. Donlon, Mr. Tripp, Mr. Burgess, Mrs. Morin, Mr. Corbett,
Mr. Perkins.