

**TOWN OF DERRY**  
**ZONING BOARD OF ADJUSTMENT MINUTES**  
**November 16, 2017**

**Members Present**

Lynn Perkins, Chairman  
Stephen Coppolo, Secretary  
Randall Kelley  
Michelle Navarro

**Members Absent**

Heather Evans

**Alternates Present**

Donald Burgess  
Evan Rathburn

**Alternates Absent**

James Webb

**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. Burgess would sit for the following case.

**17-127          Shawn Dupont**  
**Owner: Barbara A. Dupont Revocable Trust of 2008**  
**Barbara A. Dupont, Trustee**

**The applicant is requesting a variance to the terms of Article III, Section 165-9 of the Town of Derry Zoning Ordinance and an exception to NH RSA 674:41 to allow the construction of a single family home on a lot without frontage on an approved public street. 21 Morrison Road PID 10037, Zoned LDR**

Shawn Dupont, applicant said that he was representing the owner and a letter of authorization was in the file. Mr. Dupont reviewed the variance criteria for the record.

## **Board Questions**

Mr. Perkins asked if Mr. Dupont was the builder. Mr. Dupont said yes and was also the owner's son.

Mr. Coppolo asked if this was part of Keats Road. Mr. Mackey said no. He said that Keats Road comes in off of Sheldon Road and was a Town approved subdivision which abuts Morrison Road but has no access onto Morrison Road.

Mr. Perkins asked if this part of Morrison Road was onto Hampstead Road. Mr. Mackey said yes.

Mr. Coppolo asked what was the condition of the road. Mr. Dupont said the road was paved and that their association was in discussion of repaving.

Mr. Kelley asked if during the association meeting if a discussion with widening the road could be done. Mr. Dupont said that a meeting is scheduled for later this month and he would bring it up.

Mr. Burgess asked if the .89 acres utilized and rest of property be retained for current use.

Mr. Perkins said that was out of purview of the Board and will be addressed with the Tax Assessing Department.

Mr. Dupont said that there is an RSA pertaining to curtilage where one can build on .89 acres and maintain current use status.

Mr. Burgess said that he had driven down to the property and that the access was well maintained however it was not two car widths so had to pull over to let another car by so he felt that there may be a safety issue.

Mr. Perkins said that a request waiver for municipal liability and if they ever request for Town approval they will be required to widen the road. Mr. Mackey said that the current road is approximately 12 feet wide they may need to be 14 feet if redoing and they will be required to provide some sort of turn around on property for emergency vehicles.

Mr. Dupont said that he will propose the road widening to their association meeting.

## **Code Enforcement**

Mr. Mackey supplied the following information for the record:

- The applicant is requesting approval to construct a single family dwelling on a 10.89 acre parcel located on Morrison Road, a discontinued Class VI road that is not maintained by the Town.
- There are several other homes on this portion of Morrison Road that have received variances to build.

- The road has been paved (12' -14' in width) and is maintained through a private homeowner's association made up of the residents living on the road.
- A 3 bedroom home is being proposed. The home will be serviced by a private well and septic system.
- If approved, a notice of a waiver of municipal liability and responsibility must be recorded with the deed prior to issuance of a building permit.
- There are pictures of the property in the file for review by the Board.

### **Board Questions**

Mr. Kelley asked if the land past the area where proposing to build if it was owned by the applicant. Mr. Dupont said yes that she owned approximately 700' down the road.

Mr. Coppolo asked when was the road discontinued. Mr. Dupont said he did not know when the road was discontinued but it was a long time ago.

Mr. Perkins asked Mr. Mackey about past variances on Morrison Road and if that was the one that has come back to the Board. Mr. Mackey said yes that the other variance on Morrison Road comes out onto Damren Road which is still vacant and he believes the variance is due to expire. He said this request is for the other side approximately a third of a mile in off of Hampstead Road and the road to access is paved.

Mr. Dupont said that the other side of Morrison Road was not part of their association.

Mr. Coppolo said the other property was a frontage issue due to inadequacy of the road.

Mr. Kelley said that he felt it was a huge asset that the road was paved.

Mr. Perkins asked if the proposed driveway would be paved. Mr. Dupont said it would be paved.

### **Favor**

No one spoke in favor to the request.

### **Opposed**

No one spoke in opposition of the request.

Mr. Burgess motioned to go into deliberative session.

Seconded by Mr. Coppolo.

Vote: Unanimous.

Mr. Burgess, Mrs. Navarro, Mr. Kelley, Mr. Coppolo, Mr. Perkins

## **Deliberative Session**

Mr. Coppolo said that the road appears to be in good condition. He said he remembers a case off Walnut Hill that was in need of some attention but was not the case here as this area actually has a homeowners association established.

Mr. Perkins said that the conditions on a previous case the road needed to be upgraded for fire. This area has an association that appears to keep the road well maintained. He reviewed the conditions for the record.

Mr. Coppolo said that he did not feel there was a concern as there was no one in opposition present this evening.

Mr. Burgess motioned to come out of deliberative session.

Seconded by Mrs. Navarro.

Vote: Unanimous.

Mr. Burgess, Mrs. Navarro, Mr. Kelley, Mr. Coppolo, Mr. Perkins

**Mr. Coppolo motioned on case #17-127 - Shawn Dupont, Owner: Barbara A. Dupont Revocable Trust of 2008, Barbara A. Dupont, Trustee to Grant a variance to the terms of Article III, Section 165-9 of the Town of Derry Zoning Ordinance and an exception to NH RSA 674:41 to allow the construction of a single family home on a lot without frontage on an approved public street. 21 Morrison Road PID 10037, Zoned LDR as presented with the following conditions:**

- 1. Subject to obtaining all State & Town permits and inspections.**
- 2. Subject to Waiver of Municipal Liability to be recorded with the Rockingham County Registry of Deeds.**

Seconded by Mrs. Navarro.

Vote:

<b>Mr. Kelley:</b>	<b>Yes.</b>
<b>Mrs. Navarro:</b>	<b>Yes.</b>
<b>Mr. Burgess:</b>	<b>Yes.</b>
<b>Mr. Coppolo:</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.**

### **Approval of Minutes**

Mr. Perkins motioned to approve the minutes of October 19, 2017 as written.

Vote: Unanimous.

Mr. Rathburn, Mr. Burgess, Mrs. Navarro, Mr. Kelley, Mr. Coppolo, Mr. Perkins.

Mr. Perkins motioned to approve the minutes of November 5, 2017 as written.

Vote: Unanimous.

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

### **Other Business**

Mr. Mackey informed the Board that he was in receipt of a letter from Robert Harris that he received from NH State DOT indicating that they have worked out an agreement with regard to the tree cutting along the buffer and will only be installing the 60' sign as opposed to the 120' sign for Daltile on Kendall Pond Road.

Mr. Burgess said the Special Olympics will be hosting a benefit at Park Place Lanes in Windham on November 11, 2017 from 12:00 to 3:30 pm

### **Adjourn**

Mrs. Navarro motioned to adjourn.

Seconded by Mr. Burgess.

Vote: Unanimous.

Mr. Rathburn, Mr. Burgess, Mrs. Navarro, Mr. Kelley, Mr. Coppolo, Mr. Perkins.

Adjourn at 7:30 pm

Minutes transcribed from notes & tape:

Ginny Rioux

Recording Clerk

### **APPROVAL OF MINUTES December 7, 2017**

Mr. Perkins motioned to approve the minutes of November 16, 2017 as written.

Vote: Unanimous.

Mr. Rathburn, Mr. Webb, Mr. Burgess, Mrs. Navarro, Mr. Kelley, Mr. Coppolo, Mrs. Evans, Mr. Perkins.