

TOWN OF DERRY
ZONING BOARD OF ADJUSTMENT MINUTES
October 20, 2016

Members Present

Lynn Perkins, Chairman
Heather Evans, Secretary
Teresa Hampton
Stephen Coppolo

Members Absent

Allan Virr

Alternates Present

Donald Burgess
Randall Kelley

Alternates Absent

Joseph Carnevale

Code Enforcement

Robert Wentworth

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:

16-122 Dona Nayomi Sheldon
Owner: Derek F. Sheldon

The applicant is requesting a special exception as provided in Article VI, Section 165-46B of the Town of Derry Zoning Ordinance to operate a home based business selling teas and spices at 2 Bill Street, Parcel ID 11040, Zoned MDR

Derek F. Sheldon, owner, read the application request for the record. He said that he did not know all of his abutters but did not see any reason that they would object to his wife having a small tea business at their residence. He said that his wife ran a similar type business as an exporter in Sweden and went to school for accounting. Mr. Sheldon said that they already have people asking when they would be opening.

Board Questions

Mr. Perkins said that the business would consist of selling different types of tea. Mr. Sheldon said yes.

Mrs. Hampton asked if had a degree in business. Mrs. Sheldon said yes, but only worked for family business.

Mrs. Hampton asked if there would be UPS or FedEx drop off or pick up. Mrs. Sheldon said both but not large scale.

Mr. Sheldon said that they would be regular size packages and he frequently purchases off Amazon or EBay so UPS and FedEx already frequents the home.

Mrs. Sheldon said that if people like her product and she outgrows her home she will be seeking to relocate to a space downtown.

Mr. Sheldon said that they had seen a small shop near Joseph's that would work and was just the right size but they are not ready to proceed to that scale yet.

Mrs. Hampton asked if there was any special way of storing tea in the home. Mr. Sheldon said that the tea did not have to be stored any special way.

Mrs. Hampton asked if there would be a humidor set up. Mrs. Sheldon said that the tea leaves are all sealed and in packages.

Mr. Sheldon said that the tea does not have to be climate controlled and should be able to handle with regular air conditioning.

Mr. Coppolo said that he felt it was a terrific idea and hopes their business grows as we need new businesses in Derry.

Mr. Burgess asked if there would be any type of resurfacing to the area for parking. Mr. Sheldon said that they would install some gravel at a later date.

Mr. Perkins asked if the google picture showing parking was for customers or personal parking and how many patrons would there be per day. Mr. Sheldon said the picture was showing patron parking and that he felt there may be 2-4 customers per day only on weekends.

Mr. Perkins asked what was the growth threshold. Mr. Sheldon said that they would relocate when it was feasible and still be able to make a profit.

Code Enforcement

Mr. Mackey provided the following information in his absence for the record:

- The applicant is requesting approval to operate a business selling teas and spices from her home, mainly to family friends and acquaintances in the Town.
- No non-residential employees are being requested.
- A 3 square foot sign is being requested.
- There are pictures of the property in the file for review by the Board.

Board Questions

Mr. Burgess said that the lot line setback parking requirement of 25' was from the property line and not the street. Mr. Wentworth said typically the lot line would be located 25' from the centerline of the street.

Mr. Perkins asked where would someone find that information. Mr. Wentworth said a surveyor would locate lot lines.

Mr. Sheldon said that the neighbor recently had a tree removed and a survey so he feels they should be able to locate his lot lines.

Mr. Kelley asked if there would be any laws with health. Mr. Wentworth said that there was no prepared food so not sure but will verify with Health Officer.

Mr. Coppolo asked what was the large lot behind the property. Mr. Sheldon said that belonged to a house on the other street and that the house was located beyond the wooded area.

Favor

No one spoke in favor to the request.

Opposed

No one spoke in opposition to the request.

Mr. Burgess motioned to go into deliberative session.

Seconded by Mrs. Evans.

Vote: Unanimous.

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

Deliberative Session

Mr. Coppolo said that he felt that the proposal should be approved as did not see any problems. He said that as far as conditions for the business that the standard condition of being subject to obtaining all State and local permits and inspections should also cover any Health Department concerns.

Mrs. Evans said that she agrees with Mr. Coppolo and it would be good to have a new business in Derry and did not feel it would be a high impact to the area.

Mr. Burgess said that he did not pick up that there might be an area for Health Department but also feels that the standard condition covers it.

Mrs. Hampton said that she was looking forward to having an elegant tea room in Derry.

Mr. Burgess motioned come out of deliberative session.

Seconded by Mrs. Hampton.

Vote: Unanimous.

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

Mrs. Evans motioned on case #16-122 Dona Nayomi Sheldon, Owner: Derek F. Sheldon to Grant a special exception as provided in Article VI, Section 165-46B of the Town of Derry Zoning Ordinance to operate a home based business selling teas and spices at 2 Bill Street, Parcel ID 11040, Zoned MDR as presented with the following conditions:

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

Seconded by Mr. Burgess.

Vote:

Mr. Coppolo: Yes.

Mrs. Hampton: Yes.

Mrs. Evans: Yes.

Mr. Burgess: 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. Coppolo wished to change wording on page 5 paragraph 2 to say 4th criteria not 5th criteria.

Mr. Coppolo motioned to approve the minutes of October 4, 2016 as amended.

Seconded by Mr. Burgess.

Vote: Unanimous.

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

Adjourn

Mr. Burgess motioned to adjourn.

Seconded by Mrs. Evans.

Vote: Unanimous.

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

Adjourn at 8:05 pm

Minutes transcribed from tape:

Ginny Rioux

Recording Clerk

APPROVAL OF MINUTES November 3, 2016

Mrs. Hampton motioned to approve the minutes October 20, 2016 as written.

Seconded by Mrs. Evans.

Vote: Unanimous.

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