

TOWN OF DERRY
ZONING BOARD OF ADJUSTMENT MINUTES
March 7, 2019

Members Present

Heather Evans, Acting Chair
Stephen Coppolo, Secretary
Michelle Navarro

Members Absent

Lynn Perkins
Randall Kelley

Alternates Present

Evan Rathburn
Crystal Morin
Craig Corbett

Alternates Absent

Donald Burgess
Michael Fodiman

Code Enforcement

Robert Mackey

Mrs. Evans 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. Corbett and Mrs. Morin would sit for the following case.

19-108 Scott D. Copeland Trust
Scott D. Copeland, Trustee

The applicant is requesting a variance to the terms of Article VI, Section 165-45.A of the Town of Derry Zoning Ordinance to allow the first floor of the residence, previously granted a variance for a dental office, to be utilized as a professional or medical office at 132 East Broadway, PID 37032, Zoned MHDR

Scott Copland, owner, read the application criteria and described area for the record. Mr. Copeland said that the previous tenant Simply Orthodontics moved to Crystal Ave and now he has a vacant space that he would like to obtain a variance for to continue the use of professional or medical office.

Board Questions

Mrs. Evans asked if he still resided there. Mr. Copeland said yes that he still resides on the property.

Mr. Corbett said that the area has a very busy rotary traffic volume and asked what sort of traffic would be generated. Mr. Copeland said that the volume of traffic from his property is approximately a tenth of what it used to be as he would see approximately 50 patients per day and had 3 staff employees for 33 years.

Mr. Coppolo said that he remembered the previous request so this request is different as not just seeking use for physical therapy. Mr. Copeland said no that he wished to have it open to professional or medical use so that if a tenant left he wouldn't have to keep coming back every 2 or 3 years. He said that was not seeking to have a tattoo studio just professional offices.

Code Enforcement

Mr. Mackey supplied the following information for the record:

- The applicant is requesting a variance to allow the first floor of the building to be utilized as a professional and/or medical office. A previous variance was granted by the Board in 2015 to allow this area to be utilized as a dental office. Prior to the variance being granted, the dental office operated per a Special Exception for a home occupation.
- The property is located at the Derry traffic circle and is zoned Medium High Density Residential (MHDR). The other properties located around the traffic circle are zoned General Commercial (GC).
- According to the applicant, the upper 2 stories of the building will remain residential.
- Granting the variance would allow for a professional office or medical office, as defined in the Zoning Ordinance, to be operated at the site.
- There are pictures of the property in the file for review by the Board.

Favor

No one spoke in favor of the request.

Opposed

No one spoke in opposition of the request.

Mr. Coppolo motioned to go into deliberative session.

Seconded by Mrs. Navarro.

Vote: Unanimous.

Mr. Corbett, Mrs. Morin, Mrs. Navarro, Mr. Coppolo, Mrs. Evans

Deliberative Session

Mr. Coppolo said that he felt that the request did not need an hour restriction as do not feel there would be a large traffic volume as it would be by appointment only.

Mrs. Morin said that she agreed.

Mrs. Evans reviewed the condition for the record.

Mr. Corbett said that the zoning ordinance has strict guidelines as stated by the Code Enforcement officer so he was comfortable with the proposed request.

Mrs. Navarro motioned to come out of deliberative session.

Seconded by Mr. Corbett.

Vote: Unanimous.

Mr. Corbett, Mrs. Morin, Mrs. Navarro, Mr. Coppolo, Mrs. Evans

Mr. Coppolo motioned motion on case #19-108 Scott D. Copeland Trust, Scott D. Copeland, Trustee to Grant a variance to the terms of Article VI, Section 165-45.A of the Town of Derry Zoning Ordinance to allow the first floor of the residence, previously granted a variance for a dental office, to be utilized as a professional or medical office at 132 East Broadway, PID 37032, Zoned MHDR as presented with the following conditions:

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

Seconded by Mrs. Morin.

Vote:

Mr. Coppolo: Yes.

Mrs. Navarro: Yes.

Mr. Corbett: Yes.

Mrs. Morin: Yes.

Mrs. Evans: 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 for the record that Mrs. Evans would recuse herself from the following case.

It was noted that Mr. Corbett, Mr. Rathburn and Mrs. Morin would sit for the following case.

19-109 Stephen Vadney & Shannon L. Vadney

The applicants are requesting a Variance to the terms of Article VI, Section 165-45.1.A of the Town of Derry Zoning Ordinance to allow the construction of a four (4) unit multi-family building after the subdivision of the property at 5 Ferland Drive PID 31017-001, Zoned MHDR II

Attorney Brian Germaine, Germaine & Blaska, said that he would like to request to have this case postponed to the next meeting due to some information that their engineer has drawn out and that they would like to supplement to the file with this information. Attorney Germaine said that they will provide the additional information to the Code Enforcement Office next week so the Board members would have time to review this information.

Mr. Coppolo said that there was no basis requirement to go forward if the applicant wishes to be tabled to the next meeting. He asked if the abutters would require additional notification.

Mr. Mackey said if the Board continues the case to the next meeting it would not require abutter notification. The Board just has to make motion to table and that would be notification.

Mrs. Morin said that she felt it was a reasonable request and did not see any abutters present at this time.

Mrs. Navarro motioned to table case #19-109 Stephen Vadney & Shannon L. Vadney to the March 21, 2019 meeting.

Seconded by Mr. Corbett.

Vote: Unanimous.

Mrs. Morin, Mr. Corbett, Mr. Rathburn, Mrs. Navarro, Mr. Coppolo

Approval of Minutes

Mr. Coppolo motioned to approve the minutes of February 21, 2019 as written.

Seconded by Mrs. Morin.

Vote: Unanimous.

Mrs. Morin, Mr. Corbett, Mr. Rathburn, Mrs. Navarro, Mr. Coppolo, Mrs. Evans.

Other Business

Mrs. Evans said that there was a “Right-To-Know” workshop to be held on March 26, 2019 at the Derry Municipal Center that members are encouraged to attend.

Adjourn

Mr. Coppolo motioned to adjourn.

Seconded by Mrs. Morin.

Vote: Unanimous.

Mrs. Morin, Mr. Corbett, Mr. Rathburn, Mrs. Navarro, Mr. Coppolo, Mrs. Evans

Adjourn at 7:21 pm

Minutes transcribed from notes & tape:

Ginny Rioux

Recording Clerk

Approval of Minutes March 21, 2019

Mrs. Evans motioned to approve the minutes of March 7, 2019 as written.

Seconded by Mrs. Navarro.

Vote: Unanimous.

Mrs. Morin, Mr. Corbett, Mr. Rathburn, Mrs. Navarro, Mr. Coppolo, Mrs. Evans.