

TOWN OF DERRY
ZONING BOARD OF ADJUSTMENT MINUTES
June 6, 2019

Members Present

Lynn Perkins, Chairman
Heather Evans, Vice Chairman
Stephen Coppolo, Secretary
Randall Kelley

Members Absent

Michelle Navarro

Alternates Present

Donald Burgess
Evan Rathburn
Craig Corbett
Crystal Morin

Alternates Absent

Allan Virr

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 that Mrs. Morin would sit for the following case:

19-119 Kids Coop Theatre, Inc.
Owner: Jarrell Revocable Trust

The applicant is requesting a Variance to the terms of Article VI, Section 165.46.A of the Town of Derry Zoning Ordinance to allow the building to be utilized for artistic office space at 46 East Derry Road, Bld A, parcel ID 39031, zoned MDR.

Ken Young, Board Member for Kids Coop Theatre, Inc., said they have been part of the community for 20 years and have done a lot of moving this past year as they lost their lease with the Upper Village Hall and have been actively seeking property to relocate as being displaced has impacted its members due to the driving to various location areas for rehearsals.

Mr. Young read his application and letter of explanation for the record.

Board Questions

Mr. Coppolo asked if the plans were to lease the whole space or if there would be other tenants. Mr. Young said they would be leasing the whole space as they need the area for their keyboards, sewing machines and costumes as well as area for rehearsals, etc.

Mr. Coppolo asked if there would be any disturbance with neighbors hearing music or strobe lights. Mr. Young said no as the windows would be shut to keep the climate consistent. He said that there are typically 10-15 kids at a time and any noise level would be children singing.

Code Enforcement

Mr. Mackey supplied the following information for the record:

- The applicants are requesting approval to allow the currently vacant building to be utilized for rehearsals for theatrical performances that their non-profit organization puts on each year.
- This is the same building that was recently approved by the Board for motor vehicle sales. That business has not begun operation.
- A variance is required due to the residential zoning of the property. The other businesses operating on the property exist by virtue of being pre-existing, non-conforming supplemented by several variance granted over the years.
- There are pictures in the file for review by the Board.

Mr. Kelley said that there also appears to be a limo service present on the site as there were multiple limousines present in the parking lot. Mr. Mackey said that he would investigate as he was unaware of any limousines service being operated from the property.

Mr. Perkins asked if this would now be sort of a dance floor. Mr. Young said yes as it has the same size area as the Upper Village Hall so it was a great find.

Mr. Perkins reviewed Section 165.46.A and asked if this type of activity falls into the list of approved uses. Mr. Mackey said yes.

Favor

No one spoke in favor of the request.

Opposed

No one spoke in opposition of the request.

Mrs. Evans motioned to go into deliberative session.

Seconded by Mr. Kelley.

Vote: Unanimous

Mrs. Morin, Mr. Kelley, Mr. Coppolo, Mrs. Evans, Mr. Perkins

Deliberative Session

Mr. Perkins said that the standard condition of obtaining all State and Town permits and inspections be made as part of the motion. He asked if the hour stipulation was any concern of long term conditions. Mr. Perkins said that he felt that this request grasps the spirit of what the ordinance is trying to achieve.

Mr. Kelley said that he was concerned with the impact of traffic with consideration of the request as the traffic flow after classes were over are a concern due to the bad intersection. He said that he also agrees that this request was a better suit for the property.

Mr. Perkins said that there was also a back entrance to the property on Pond Road and that Mr. Kelley brought up a valid point but it was not part of the criteria to enforce traffic flow. He said that hopefully people will learn the area as they had at the Upper Village Hall.

Mrs. Morin said that it was a possibility of car pooling as she sees that with various events with kids. She said that they were previously at the Upper Room so the traffic is similar in that area. Mrs. Morin said that as for the noise level she did not feel that it would be any louder than the church or the tavern.

Mr. Coppolo said that this is the fifth application request for the property and that this is the best suited for the area. He said that he felt that this area should be rezoned and not have to keep coming to the Board for any changes.

Mrs. Evans said that she agreed that this is a great use and for kids to stay off the streets and get involved with the arts.

There was some discussion with regard to hours of operation.

Mr. Perkins said that a condition of stipulation noted for hours to be 6:30 AM to 9:00 PM. Weekdays.

Mr. Kelley motioned to come out of deliberative session.

Seconded by Mrs. Evans.

Vote: Unanimous

Mrs. Morin, Mr. Kelley, Mr. Coppolo, Mrs. Evans, Mr. Perkins

Mr. Perkins asked the applicant if there was any concern with hour restriction. Mr. Young said that the Upper Village Hall had some restrictions of use but would like to be

able to host monthly board meetings of which consists of 11 members once a month. He said that kids are typically there from 2:00 PM to 9:00 PM weekdays with rehearsals ending at 8:30 then there is clean up. Mr. Young said that his space will allow more flexibility so they would like to be open weekends so kids could come in for auditions and rehearsals.

Mr. Coppolo said that he did not see a need for hour restriction.

Mr. Corbett said that someone sewing costumes may be there during various hours.

Mrs. Morin said that volunteers are the ones typically doing the sewing so she did not have a problem with hours.

Mr. Young said that sometimes they have parent meetings or photographers, etc. so the use is multi-faceted.

Mr. Perkins asked if the Boys Club had restricted hours. Mr. Mackey said that he was unsure.

Mr. Coppolo said to make hours 7:00 AM -9:00 PM Monday – Sunday.

Mr. Kelley motioned to go into deliberative session.

Seconded by Mrs. Evans.

Vote: Unanimous

Mrs. Morin, Mr. Kelley, Mr. Coppolo, Mrs. Evans, Mr. Perkins

Deliberative Session

Mr. Perkins reviewed the conditions for the record.

Mr. Coppolo motioned to go come out of deliberative session.

Seconded by Mr. Kelley.

Vote: Unanimous

Mrs. Morin, Mr. Kelley, Mr. Coppolo, Mrs. Evans, Mr. Perkins

Mr. Coppolo motioned on case #19-116 Kids Coop Theatre, Inc., Owner: Jarrell Revocable Trust to Grant a Variance to the terms of Article VI, Section 165.46.A of the Town of Derry Zoning Ordinance to allow the building to be utilized for artistic

office space at 46 East Derry Road, Bld A, parcel ID 39031, zoned MDR as presented with the following conditions:

1. Subject to obtaining all State & Town permits and inspections.
2. Hours 7:00 AM – 9:00 PM – Monday - Sunday

Seconded by Mrs. Evans.

Vote:

Mrs. Morin: Yes.
Mr. Kelley: Yes.
Mr. Coppolo: Yes.
Mrs. Evans: 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.

It was noted for the record that Mr. Perkins would be recusing himself from cases 19-117 & 19-118 and Mrs. Evans would resume the position of Chair.

It was also noted for the record that Mr. Corbett and Mr. Rathburn would sit for the following case:

19-117 Promised Land Survey, LLC
Owner: Riccardo L. & Tracy I. Buzzanga

The applicants are requesting a Variance to the terms of Article VI, Section 165-9 of the Town of Derry Zoning Ordinance to allow the subdivision of the property into 3 lots with 2 of the lots having frontage on a private way rather than a Town approved road at 8 North Shore Road, PID 55022, Zoned MDR

Timothy Peloquin, Promised Land Survey, LLC, said that he was here representing the owners who were also present this evening. Mr. Peloquin read the application criteria for the record. He reviewed section 165-9 of the ordinance for the record and said that this property has some unique conflict so here requesting a variance.

Board Questions

Mr. Coppolo asked if the road would be accepted as a private road. Mr. Peloquin said not at this time as the Public Works Department and the Fire Department have 2 very important criteria that needs to be addressed which will be reviewed at the Planning Board review stage. He said that Mr. Buzzanga has been a local in the Town for a number of years and he would like to address the Board.

Riccardo Buzzanga, owner, said that he has been a resident of Derry for a number of years and described the various boards and committees that he has been part of and his and his wife and children's accomplishments. Mr. Buzzanga also described the existing property for the record. He said that he wished to build a smaller ranch style home for himself and his wife and did not wish to put in a road with storm drains and asphalt as wished to have a private road.

Mr. Coppolo asked what the width of a public road was. Mr. Mackey said a road with is 50' which consists of 24' of pavement.

Mr. Coppolo said that the applicant could put in a public road as of right. Mr. Mackey said that was correct.

Mr. Buzzanga said that he only wished to build a 1,500 square foot home and if unsuccessful tonight may have a developer doing anyway.

Mr. Burgess asked what would be the length of the proposed access. Mr. Peloquin said it would possibly be 537' so to be able to create ample frontage per lot.

Mr. Burgess asked if there would be width for emergency vehicles. Mr. Peloquin said yes and will be drawn on plan to be submitted to the Planning Board and it will also be reviewed by Fire.

Code Enforcement

Mr. Mackey supplied the following information for the record:

- The applicants are requesting approval a variance to allow the subdivision of the property into 3 lots with 2 of the lots having frontage on a private way.
- The existing home will maintain its frontage on a Town approved road (North Shore Road) and the 2 other lots are proposed to have their frontage on a private way.
- Per the Town of Derry Zoning Ordinance, Article III, Section 165-9, each lot must front on an approved public street. Therefore, a variance is required for this subdivision.
- The proposed lots will meet the 1 acre minimum area required for the Medium Density Residential District (MDR).
- The lots are proposed to be serviced by municipal sewer and private wells.
- If approved, Planning Board subdivision approval will be required.
- There are pictures in the file for review by the Board.

Mr. Coppolo asked if the Public Works would require pavement verses gravel. He also asked if a site walk would be conducted as he thought 40' of a private way has to be paved. Mr. Mackey said that there may be additional waivers at the Planning Board level that would be required and a discussion with Public Works. He said that the proposal still needs to go to the Planning Board and will have a technical review with Public Works if approved here tonight which may include a site walk.

Mr. Buzzanga said that the Conservation Commission will also do a site walk.

Mr. Mackey said that there are a few private roads in Derry such as Indian Hill and the Frazier Farm that are privately maintained but built to certain specifications.

Mr. Burgess asked if a waiver of municipal liability would be required. Mr. Mackey said if a private way then possibly advisable from the Board to make as part of a condition.

Mrs. Evans asked if there were any wetlands on the property and any flooding issues. Mr. Buzzanga described the property for the record.

Mrs. Evans asked if he could for see any change if granted. Mr. Buzzanga said no.

Mr. Peloquin said that the wetlands would be delineated on the plan as part of the Planning Board submission for approval.

Mr. Mackey reviewed a letter dated June 2010 from DES for the record.

Favor

Michael Lucci, 5 North Shore Road, said that he was in support of Mr. Buzzanga's request and has known the family for many years and he did not feel that they would harm the area knowing his involvement with the Town. He said that he was a member of the Beaver Lake Association so very concerned with any runoff but feel that Mr. Buzzanga will address any concerns at the Planning Board.

Kate & Dave Tetzl, 9 North Shore Road. Mr. Tetzl said that the Buzzanga family have been very courteous and involved with the lake and they were in favor of granting the request.

Jerry Tierno, 2 Lake Shore Road, said he has known Mr. Buzzanga his whole life and he is an asset to the community and has made the property better and he approves of granting the request.

Diane Legare, 7 North Shore Road, said she was in favor of the proposal as the Buzzanga's are a great family.

Opposed

Charles Pearson, said his sister is a direct abutter to the Buzzanga property and he also had lived on Worthley Road for a number of years. Mr. Pearson handed the Board a packet of information for review in opposition of the request.

Mr. Coppolo asked if the Board was required to accept as it appears to be a lot of information and may need to review and if so, could the Board table the case until they have time to review the information provided.

Mrs. Evans said that there was a lot of information to review but the abutters are here so may wish to hear their testimony and see after what the Board wished to do.

Nancy Farmer, 12 Worthley Road, said she was opposed to the request as approximately 12-15 years ago they came to say they would be cutting trees down on their property and at that time I made them aware of the wetland area and was told he was a farmer and could do what he wished to the property. She said that her once dry cellar is now wet and in a flood zone. Mrs. Farmer said that she has been a resident for 40 years on Worthley Road but has been a Derry resident for 76 years and her parents resided here in 1938. She said that there are 4 houses on Worthley Road that are all occupied year round and when they cut the trees down one actually landed on her shed and bent a bench on her property. She said that the applicant installed a French drain along the lot line and they still have a large stump pile and a 4 wheeler area that she has been looking at from her kitchen window for the past 13 years. Mrs. Farmer said that when they installed the pond it has made her deck unuseful. She said that she would like her brother to now speak on her behalf as the applicant was offered to purchase 8 Worthley Road at one time but refused.

Charles Pearson, brother to Mrs. Farmer, said that the Board has heard what the applicant has done for the community but not what he has done to his own property. Mr. Pearson said that the Town had to put a drainage siltation on the road due to the runoff from the property. He said that he was a civil engineer and had approached Mr. Buzzanga with regard to purchasing 8 Worthley Road so would not have to be here requesting a variance. He said the information he provided to the Board has a number of issues and a lot to digest so he said that if there were other abutters who wished to speak, he would let them speak first before he got into his concerns. Mr. Pearson said that he was concerned with the 25' private driveway and a number of technical issues.

There was some discussion with regard to possibly table the meeting so as to review the information provided.

Michelle Boucher, 8 Worthley Road, said that she was not necessarily opposed but do see a number of concerns that need to be addressed. She said she was concerned with the drainage factor and presentation as when it rains the water undermines the slope of the land and if heavy rain a lot of soil and rocks do go into the lake and see potential of property if allowed a gravel road of it going into the lake. She said she supports the family but also concerned with the area.

Mr. Coppolo read a letter from Edward Mazzone, 14 Worthley Road in opposition of the request for the record.

Mr. Pearson said that he offered Mr. Buzzanga to purchase 8 Worthley Road in 2009-2013 and he was only willing to purchase for half of market value. If he had purchased the property it would have eliminated his need for a variance.

Mrs. Morin asked what changed in 2009. Mr. Pearson said that if he had purchased the property it would have allowed him to have access to the rear of his property for possible subdivision.

Mr. Corbett said that he was having a hard time finding relevance to the request. Mr. Pearson said the applicant had access purchase the land but didn't want to pay for it.

Mr. Coppolo said that they still will be required to go to the Planning Board if granted it could still no be approved by the Planning Board.

Mr. Kelley said that the Board needs to review the five criteria in order to approve or deny the request.

Mrs. Evans asked if could speak more to the zoning as may have more basis to review reasons of what seeking.

Mr. Pearson said that the Town requires 50' for a right-of-way and they are only asking for 25' and if so, would it be required to be built to Town standards and if private road and not maintained by the Town it may also require an additional variance. Mr. Mackey said that the plan is to be a private right-of-way.

Mr. Pearson said that the inherent hardship in land argument by Promised Land are personal hardship and believe can be used as a valid argument as personal and financial hardships are not inherent in the land. He said that the applicant states that they have enhanced the land is not true as they have violated wetlands and created a small pond with no permits. Mr. Pearson said that the proposal will set precedence to other properties that could seek similar relief and reviewed map of area showing similar properties.

Mr. Coppolo asked what is the applicant doing that is so different than other subdivisions. Mr. Pearson said they want to create a subdivision without paying for it.

There was some discussion with regard to proposed use and creating of a private right of way.

Richard Joyner, 4 Worthley Road, said that this was the first time seeing plan and he has been listening to debate and agrees that things could have been done and proposal is less evasive so he supports the plan.

Rebuttal

Mr. Buzzanga said he was not interested in purchasing the property on Worthley Road and he did say in passing that if the property was free, he would take it as at that time he was building to farm the property now things have changed and seeking to downsize.

Mr. Peloquin said that the property was not a steep slope and was very easy to walk up.

Mrs. Evans asked if the wetland criteria was met. Mr. Peloquin said yes and reviewed the map for the record. He said that the swale has always naturally channeled that way. Mr. Coppolo asked if the proposed road has been assessed for fire equipment. Mr. Peloquin said not at this time and will be addressed at the Planning Board.

Mr. Buzzanga said that DES did not come out to his property and he was on the Conservation Commission for 10 years so knows what is considered a wetland. So, the answer if DES found any wetlands the answer is no.

Mr. Peloquin said that Mr. Buzzanga was correct and creating a private way and it is intended to be private and not Town approved so essentially creating a common driveway. He said it will need to provide access to service emergency vehicles and still need to go to the Planning Board for review. Mr. Peloquin said that several neighbors have spoken in favor of the request. He said that he has reviewed 3 pages of the abutters letter and takes exception to the last part in involvement of Conservation Commissions to being personal reasons. As for Worthley Road it was once utilized for summer homes that have since been converted to year road. This proposal will have no negative impact to the area. Mr. Peloquin said that the request if approved still needs to meet Planning Board criteria and this is the first step before full plan presented to the Planning Board.

Mr. Coppolo motioned to go into deliberative session.

Seconded by Mr. Corbett.

Vote: Unanimous.

Mr. Corbett, Mr. Rathburn, Mr. Kelley, Mr. Coppolo, Mrs. Evans

Deliberative Session

Mr. Coppolo said that he felt the proposal appears to be a reasonable plan and should be able to go to the Planning Board for a more professional review. He said that he appreciates the input from abutters with regard to the area. Mr. Coppolo said that he felt that 2 lots would be better than 3 but did not see where 2 lots on 3 acres on a private way where other lots in the area were significantly smaller.

Mr. Corbett said the private road is of concern but what is the relief of a dead end road. As for setting a precedence what would the road accomplish what benefit for Town.

Mr. Kelley said he felt that putting a road in would be setting a precedence and a 3 lot subdivision on a 25' wide road is not proper width requirements and have a concern with small road and build 3 houses on it.

There was some discussion with road width.

Mr. Kelley said he would like some time to digest the information submitted.

Mr. Coppolo asked to take a vote to table.

Mr. Coppolo motioned to come out of deliberative session.

Seconded by Mr. Kelley.

Vote: Unanimous.

Mr. Corbett, Mr. Rathburn, Mr. Kelley, Mr. Coppolo, Mrs. Evans

Mr. Kelley motioned to table the case until June 20, 2019

Seconded by Mr. Rathburn.

Vote:

Mr. Kelley:	Yes.
Mr. Coppolo:	No.
Mr. Corbett:	No.
Mr. Rathburn:	Yes.
Mrs. Evans:	No.

Motioned failed to table to June 20, 2019.

Mr. Coppolo motioned on case #19-117 Promised Land Survey, LLC, Owner: Riccardo L. & Tracy I. Buzzanga to Grant a Variance to the terms of Article VI, Section 165-9 of the Town of Derry Zoning Ordinance to allow the subdivision of the property into 3 lots with 2 of the lots having frontage on a private way rather than a Town approved road at 8 North Shore Road, PID 55022, Zoned MDR as presented with the following conditions:

- 1. Subject to obtaining all State & Town permits and inspections.**
- 2. Subject to Planning Board approval.**
- 3. A waiver of Municipal Liability and Responsibility must be recorded with the deed prior to obtaining a building permit.**

Seconded by Mrs. Evans.

Vote:

Mr. Corbett:	Yes.
Mr. Kelley:	Yes.
Mr. Coppolo:	Yes.
Mrs. Evans:	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.

It was noted the Mrs. Morin and Mr. Corbett would sit for the following case:

19-118 Kevin & Kathryn Coyle

The applicants are requesting a variance to the terms Article VI, Section 165-46.A of the Town of Derry Zoning Ordinance to allow the construction of a 2 family dwelling for persons over 65 on the property at 87 North Shore Road PID 09139-001, Zoned MDR.

Kevin & Kathryn Coyle, owners, were present. Mr. Coyle said that with regard to the previous case Mr. Corbett spoke that the applicant could build multi-family is untrue as the area is single family zone.

Mr. Coyle reviewed the application criteria for the record. He said that the use requested they are seeking to build a duplex to fit elderly and disabled people as finding a big need in Derry. Mr. Coyle said that they could easily build a single family 4 bedroom home that would possibly put 3-4 more children into the school district. This proposal is to build a duplex and implement a deed restriction of 65 or older which would be tax positive and seeking to do what is good for neighbors. Mr. Coyle said that the last duplex built in Derry was 12 years ago as he built it.

Board Questions

Mrs. Evans asked if the intent was to rent or sell. Mr. Coyle said they plan to rent and retain ownership.

Mr. Corbett asked where the subdivision plan was. Mr. Coyle said that the property has already been subdivided and proposal is to build on lot 1.

Mrs. Evans asked if the abutters were duplexes. Mr. Coyle said yes and all are pre-existing. Mr. Coyle described the area surrounding the property for the record.

Kathryn Coyle said that they had recently sold a ranch style home on Old Chester to someone with handicap needs. She said that this brought up the fact that aging couples are seeking to maintain their independence without the yard maintenance. Mrs. Coyle said that they are looking to build a handicap accessibility as there is a lack of opportunity in Derry to keeping our elders as independent as possible. She said that it is more costly to build a handicap accessible structure than your standard homes and that they have an opportunity to be able to build this type of unit.

Mr. Coppolo asked if the property would be deeded separate. Mr. Coyle said no.

Mrs. Evans asked if there was a special process to 65 or older as a deed restriction and if it was even allowed. Mr. Coyle said that they were willing to add in the deed and transfer into an LLC to put resident age of 65 or older.

There was some discussion with regards to deed restriction.

Mr. Coppolo reviewed RSA 354:4A for the record.

Mr. Corbett said that if motion is to have restriction of 65 or over in the deed if rejected then the variance would be void.

Mr. Kelley said that he understood intent and did not think that the applicant would put in the deed if unable to do and he liked the idea. He said that he also agreed that if unable to have recorded in the deed then variance would be void.

Mr. Corbett said that he understands applicant's intention but if sold would like some sort of stipulation that it remains 55 or over.

Mr. Kelley said that would be the applicant's burden.

Code Enforcement

Mr. Mackey supplied the following information for the record:

- The applicants are requesting a variance to allow the construction of a two-family dwelling on the property of which the occupancy will be limited to persons 65 and older.
- As the property is zoned Medium Density Residential District (MDR) only single family dwellings are permitted. Therefore, a variance is required.
- The property in question was subdivided from the parent lot in 2018. Per the approved subdivision plan, the dwelling(s) must be connected to municipal sewer and a sprinkler system is required for fire protection.
- The motion by the Board should include the requirement that the occupancy be limited to persons 65 and older and also include a deed restriction or other legal document that would ensure the age restriction can be enforced.
- There are pictures in the file for review by the Board.

Favor

No one spoke in favor of the request.

Opposed

George Simard, 61 Beaver Lake Road, said that he grew up on Beaver Lake and have seen summer homes turned into year round homes and small homes built larger and he

was not in favor of building a duplex. He said that he did not mind a home being built there but not a duplex.

Rebuttal

Mr. Coyle said that he would like to point out that Mr. Simard lives in a duplex.

Mr. Coppolo motioned to go into deliberative session.

Seconded by Mrs. Morin.

Vote: Unanimous.

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

Deliberative Session

Mrs. Evans reviewed the conditions for the record and to have an age restriction added to be subjective to have at least one occupant 55 or older.

Mrs. Morin said that she believed the applicant will review and if unable to have deed recorded to reflect condition, they will be back to amend the variance.

Mr. Coppolo reviewed the conditions for the record.

Mr. Coppolo motioned to come out of deliberative session.

Seconded by Mr. Kelley.

Vote: Unanimous.

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

Mr. Kelley motioned to extend the meeting until 10:10 PM.

Seconded by Mr. Coppolo.

Vote: Unanimous.

Mr. Corbett, Mrs. Morin, Mr. Rathburn, Mr. Burgess, Mr. Kelley, Mr. Coppolo, Mrs. Evans

Mr. Coppolo motioned on case #19-118 Kevin & Kathryn Coyle to Grant a Variance to the terms Article VI, Section 165-46.A of the Town of Derry Zoning

Ordinance to allow the construction of a 2 family dwelling for persons over 65 on the property at 87 North Shore Road PID 09139-001, Zoned MDR as presented with the following conditions:

- 1. Subject to obtaining all State & Town permits and inspections.**
- 2. Both units subjective to have at least 1 occupant 55 or older.**

Seconded by Mr. Kelley.

Vote:

Mr. Coppolo: No. Feel variance would contradict to public interest as not what zoning ordinance was intending when districts changed.

Mr. Kelley: Yes.

Mr. Corbett: Yes.

Mrs. Morin: Yes.

Mrs. Evans: Yes.

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

Approval of Minutes

Mrs. Evans motioned to approve the minutes of May 2, 2019 as written.

Seconded by Mr. Kelley.

Vote: Unanimous.

Mr. Virr, Mrs. Morin, Mr. Corbett, Mr. Rathburn, Mr. Burgess, Mrs. Navarro, Mr. Kelley, Mr. Coppolo, Mrs. Evans, Mr. Perkins

Mr. Corbett motioned to approve the minutes of May 16, 2019 as written.

Seconded by Mr. Rathburn.

Vote: Unanimous.

Mr. Virr, Mr. Corbett, Mr. Rathburn, Mr. Burgess, Mrs. Navarro, Mr. Coppolo, Mr. Perkins

Other Business

Mr. Perkins said that the summer schedule the Board typically meets the third Thursday's during the months of July and August. So those dates would typically be as follows:

July 18, 2019
August 15, 2019

Mr. Mackey informed the Board that there was a special Council meeting to be held on July 18, 2019 so the meeting would need to be held in 207 or possibly changed to another date.

Adjourn:

Mr. Burgess motioned to adjourn.

Seconded by Mrs. Evans.

Vote: Unanimous.

Mr. Virr, Mrs. Morin, Mr. Corbett, Mr. Rathburn, Mr. Burgess, Mrs. Navarro, Mr. Coppolo, Mrs. Evans, Mr. Perkins.

Adjourn at 10:10 pm

Minutes transcribed from notes & tape:

Ginny Rioux

Recording Clerk

Approval of Minutes July 11, 2019

Mrs. Evans motioned to approve the minutes of June 6, 2019 as written.

Seconded by Mr. Kelley.

Vote: Unanimous.

Mr. Virr, Mrs. Morin, Mr. Rathburn, Mr. Burgess, Mrs. Navarro, Mr. Kelley, Mr. Coppolo, Mrs. Evans, Mr. Perkins