

TOWN OF DERRY
ZONING BOARD OF ADJUSTMENT MINUTES
September 5, 2019

Members Present

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

Members Absent

Michelle Navarro

Alternates Present

Donald Burgess
Craig Corbett
Crystal Morin
Allan Virr

Alternates Absent

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 members introduced themselves and Mr. Perkins said that Mr. Wentworth was representing Code Enforcement this evening.

It was noted for the record that Mr. Coppolo stepped down and that Mrs. Morin and Mr. Virr would sit for the following case:

19-123 Sean LeBlanc
Mammoth Properties

The applicant is requesting a variance to the terms of Article VI, Section 165-34.B.7 & 165-49.B.1.b of the Town of Derry Zoning Ordinance to allow an existing commercial space on the first floor to be converted to a residential living unit at 60 West Broadway, Parcel ID 26146, Zoned OBD

Sean LeBlanc, applicant, said he that the former owner Barry Cohoon was also available to answer any questions that may arise. Mr. LeBlanc read the application criteria for the record. Mr. LeBlanc explained the location of the property and what currently existed at the property. He said that he wished to convert the lower unit into a 1 bedroom studio style apartment as the unit was hard to rent for a business type use due to the layout. Mr. LeBlanc said that he felt that there was an extreme need for

affordable housing in the area and that he did not feel that the abutting properties would be affected by the change as there were currently apartment buildings on both sides of his property.

Board Questions

Mr. Perkins asked if the property was the last parcel located in the OBD District. Mr. LeBlanc said that he was unsure.

Mr. Perkins asked if the area around the property could be defined. Mr. LeBlanc explained the properties surrounding his property for the record.

Mr. Perkins asked if a floor plan was available. Mr. LeBlanc said he did not have a floor plan but it would be around 800 square feet with and described what he was planning for the design layout to create a modern and affordable living area.

Mr. Coppolo asked if this unit formally was a music business. Mr. Cohoon said yes.

Mr. Coppolo asked if the proposed 800 square foot apartment was to be located in the front or back. Mr. LeBlanc said it would be in the front off the porch.

There was some discussion with proposed apartment and size requirements.

Mr. Kelley said that he was concerned with the possibility of installing a 2 bedroom apartment as no floor plan had been submitted. Mr. LeBlanc said that he could sketch one out and submit it for the record.

Mr. Perkins asked what currently existed at the property. Mr. LeBlanc said that the upstairs consisted of a 3 bedroom unit that accesses from a small entrance off the porch that also allows access to the proposed studio apartment. He said that the hair salon works but for some reason the other side does not work for business use due to the small entrance. Mr. LeBlanc said that a Town Councilor has been noted to say that Derry is in need for affordable housing.

Mr. Coppolo said that he was concerned as if grant and find that the unit is 850 square feet they would need to come back. Mr. Wentworth said that 900 square feet is part of the Zoning Ordinance and said that studio apartments are small.

Mr. Virr said that he supports landowners and that if the Board grants variance for a studio apartment they are small and if the property owner finds that this does not work and later wants to rent as an office, he could do without coming back. He said that the property was built as a residential structure and feel a lot of people willing to rent a small apartment.

Mrs. Morin said she looked up other apartments in Town and a one bedroom apartment starts at 528 square feet and up.

Mr. Burgess asked if there was off street parking. Mr. LeBlanc said yes, that they created parking behind the structure and the salon utilizes the on street parking.

Code Enforcement

Mr. Wentworth supplied the following information for the record:

- The applicant is requesting approval to convert an existing commercial space, located on the first floor, to be converted to a residential unit.
- Per the proposed permitted uses located in the Office Business District, multi-family is allowed (see attached Section 165-34). This section allows multi-family subject to the rules contained in Section 165-49.B.1 which are the rules for multi-family in the Traditional Business Overlay District. (The Planning Board public hearing for these proposed changes is scheduled for August 7, 2019. As the rules have been officially posted, they are now in effect.)
- One of the regulations under Section 165-49.B.1 states that residential uses shall not be permitted below the second floor. Therefore, a variance has been requested.
- If approved, appropriate permits and inspections will be required from the Building Department & Fire Inspector's Office.
- There are pictures in the file for review by the Board.

Favor

Barry Cohoon, former property owner, said that he was in favor of the proposed use as he has tried to rent to several different business uses and all unfortunately did not work due to the tenants utilizing the same access. He said that studio apartments do not put kids in school system. He said that in a 2017 workshop regarding Route 28 Jim Morgan stated that he embraced the idea of 1 bedroom apartments and also Beverly Donovan said that there was a need for smaller apartments as there are 20 apartments in the granary with a waiting list. Mr. Cohoon said that with the Exit 4A coming it may decrease downtown traffic and felt that Mr. LeBlanc's proposal would be a benefit to downtown Derry.

Mr. Coppolo asked when was the building constructed. Mr. Cohoon said he believed the building was built in the late 1800's.

Mrs. Morin said that walk ability to the recreation center was good.

Opposed

No one spoke in opposition of the request.

Mrs. Evans motioned to go into deliberative session.

Seconded by Mr. Kelley.

Vote: Unanimous.

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

Deliberative Session

Mr. Perkins said that he felt that Mr. Cohoon's testimony is good as testifies on growth and redevelopment of the downtown growth. He said that he also sees Mr. LeBlanc's points in reasoning for his request.

Mr. Kelley said that he agrees with Mrs. Morin that Derry does need smaller 1 bedroom apartments.

Mrs. Morin said that he agrees with Mr. Kelley.

Mr. Virr said that he did not see anything that would contradict with the required 5 criteria.

Mrs. Evans said that she agreed with Mr. Virr that the applicant has met the 5 criteria.

Mr. Perkins reviewed the conditions for the record. He said that the applicant spoke with regard to parking was created in the rear of the building for tenants.

Mrs. Morin motioned to come out of deliberative session.

Seconded by Mr. Kelley.

Vote: Unanimous.

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

Mr. Kelley motioned on case 19-123 Sean LeBlanc, Mammoth Properties to Grant a variance to the terms of Article VI, Section 165-34.B.7 & 165-49.B.1.b of the Town of Derry Zoning Ordinance to allow an existing commercial space on the first floor to be converted to a residential living unit at 60 West Broadway, Parcel ID 26146, Zoned OBD as presented with the following conditions:

- 1. Subject to obtaining all State & Town permits and inspections.**
- 2. Converted space to be utilized as studio style apartment only.**

Seconded by Mrs. Evans.

Vote:

Mr. Virr: Yes.
Mrs. Morin: Yes.
Mr. Kelley: 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.

Approval of Minutes

Mr. Coppolo motioned to approve the minutes of August 15, 2019 as amended.

Seconded by Mrs. Evans.

Vote: Unanimous.

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

Correspondence

Mrs. Evans said that the annual Land Use Conference has been scheduled for Saturday, October 5, 2019 at the Holiday Inn in Manchester. She said that registration is open and informed the members that they should register early as the conference fills up fast.

Other Business

Mr. Perkins informed the Board that Evan Rathburn has resigned from the Board due to relocating outside the Derry community. He said that Mr. Rathburn's time served on the Board was greatly appreciated and that he wished him well in his future endeavors.

Adjourn:

Mr. Burgess motioned to adjourn.

Seconded by Mr. Kelley.

Vote: Unanimous.

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

Adjourn at 7:44 pm

Minutes transcribed from notes & tape:

Ginny Rioux
Recording Clerk

APPROVAL OF MINUTES September 19, 2019

Mr. Burgess motioned to approve the minutes of September 5, 2019 as written.

Seconded by Mr. Kelley.

Vote: Unanimous.

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