

TOWN OF DERRY
ZONING BOARD OF ADJUSTMENT MINUTES
April 16, 2020

Members Present

Lynn Perkins, Chairman
Heather Evans, Vice Chair
Craig Corbett
Crystal Morin

Members Absent

Alternates Present

Donald Burgess
Allan Virr

Alternates Absent

Code Enforcement

Robert Mackey, Code Enforcement Director

Mr. Perkins called the meeting to order at 7:00 p.m. with the salute to the flag. Mr. Perkins stated that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 this public body is authorized to meet electronically. He said that there was no physical location to observe and listen to this meeting. As such this meeting is being held remotely and providing public access to the meeting by telephone with additional access possibilities by video utilizing the ZOOM app for the electronic meeting. To participate in this meeting through dialing 323-909-140 or by clicking on the website address: derrycam.org/TuneIn the phone numbers are 646-558-865 or 312-626-6799 meeting ID: 323-909-140 or if anybody has a problem please call 603-845-5585 or email at: ginnyrrioux@derrynh.org. In the event that the public is unable to access the meeting, the meeting will be adjourned and rescheduled. Mr. Perkins said that all votes taken are taken during this meeting shall be done by roll call vote.

Mr. Perkins said that the start of the meeting will be taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during the meeting, which is required by the right-to-Know law.

The Board members introduced themselves.

Mr. Perkins said that the Election of Officers will not be conducted this evening due to full appointment and not present and would entertain a motion to table to the next meeting when a full panel could be present.

Mrs. Evans motioned to table the Election of Officers to the next meeting that a full panel was present.

Seconded by Mrs. Morin.

Vote: Unanimous.

Mrs. Morin, Mr. Corbett, Mrs. Evans, Mr. Perkins

It was noted that Mr. Virr would sit for the following case:

**20-111 Edward N. Herbert Associates, Inc.
Owner: Joseph McCarron/ Deborah Van Etten**

Rehearing request of denial of variance, case # 20-111 to the terms of Article VI, Section 165-46.C.2 of the Town of Derry Zoning Ordinance to allow the construction of a single family dwelling on a property which does not have frontage on a Town approved street at 13 Field Road, PID 56001, Zoned MDR

Mr. Perkins said that due to a matter of odd circumstances he was not present at the March 5, 2020 meeting but has watched the video of which Mrs. Evans resided as chair. He said that the meeting was conducted and a denial vote of 3 no votes and 2 yes votes had been reached. Mr. Perkins said since that initial meeting 2 members are no longer on the Board and new members have been appointed.

Mr. Mackey said that there were two letters from Attorney Cronin for the Board's review and he felt that the one dated March 20, 2020 was what the Board should review. The reason for the different letters was that Attorney Cronin did not want to lose his original filing date and the second letter was adding additional information that had been obtained.

Mr. Perkins said that he would like input from the Board to their opinions to re-hearing the case.

Mr. Virr said that he had reviewed the information provided from Attorney Cronin and feels that there is sufficient information that would warrant rehearing the case.

Mr. Corbett said he agrees with Mr. Virr as he also feels a rehearing was warranted.

Mrs. Morin said she had no objections to the request of rehearing.

Mrs. Evans said she also agreed there was information provided that had not been discussed at the prior meeting.

Mr. Perkins noted that he would like to request that the engineer return with a subdivision plan that indicates the map and lot numbers and properly identify the site in question as the provided plan did not correlate with the address on the application. He said he would also like to have an accurate portrayal of the square footage lot sizes to correlate with the

subdivision plan and the proposal from the engineers site plan. And additional photo's or images of the road and its current condition and where exactly it terminates to the relief sought being sought as opposed to just the drawn image of the engineer.

Mrs. Morin motioned to Grant a Rehearing of case #20-111 Edward N. Herbert Associates, Inc., Owner: Joseph McCarron/ Deborah Van Etten to the terms of Article VI, Section 165-46.C.2 of the Town of Derry Zoning Ordinance to allow the construction of a single family dwelling on a property which does not have frontage on a Town approved street at 13 Field Road, PID 56001, Zoned MDR

Seconded by Mrs. Evans.

Vote: Unanimous.

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

The rehearing request was Granted by a vote of 5-0-0.

It was noted for the record that Mr. Virr would sit for the following case.

Mr. Perkins provided the information to the public on how to access the case for the record. He informed that the Board would take a short break in order to bring Mr. Lane into video access for the meeting.

**20-113 Josh Lane
Owner: Michael & Michelle Demers**

The applicant is requesting a variance to the terms of Article VI, Section 165-32.A.1 of the Town of Derry Zoning Ordinance to allow the conversion of the first floor of the building into a 3 bedroom apartment at 34 Pinkerton Street PID 36016, Zoned GC

Josh & Jordan Lane, applicants were present remotely. Mr. Lane read his application criteria for the record. He said that he had acquired the property and was seeking to add another residence on the first floor and a small office for his roofing business.

Board Questions

Mr. Perkins asked when was the purchase of the building. Mr. Lane said that he started the paperwork in August and is currently under agreement.

Mrs. Evans asked what was the square footage of the building. Mr. Lane said approximately 2,800 square feet.

Mrs. Evans asked what was the size of the first floor. Mr. Lane said total was combined and that the first floor was 1,400 square feet.

Mr. Perkins asked what was the second floor apartment consist of. Mr. Lane said the existing apartment was 3 bedrooms and seeking to add a 3 bedroom apartment on the first floor with an office.

Mr. Perkins asked if trucks and equipment would be parked on the property. Mr. Lane said yes. He said that the front parking area would be utilized for his roofing business vehicles.

Mr. Virr asked what was the nature of work being done to the property currently. Mr. Lane said he is currently doing a significant clean up and has totally gutted the interior to update to current codes.

Mr. Perkins said that a complete interior remodel is being performed verses tearing down. Mr. Lane said yes.

Mr. Corbett asked if the proposal for the first floor office and apartment could be described. Mr. Lane described proposed layout for the record.

Mr. Perkins asked if the 14' x 14' area was proposed for the roofing business office and the rest for the proposed 3 bedroom apartment. Mr. Lane said yes.

Mrs. Morin asked there would be designated parking for employees. Mr. Lane described the parking for the record.

Mrs. Morin asked if the office area would have a bath and break room. Mr. Lane said no it would just be a small show room only.

Mr. Virr asked if Mr. Mackey knew when the existing apartment was approved. Mr. Mackey said he did not know the specific date but it was a number of years old. He said he had conducted a walk thru and if he were to guess it was at least 20 years old or more.

Mr. Virr asked if it would be considered non-conforming use. Mr. Mackey said at this time yes but before the zoning change could have had residential use. He said that the applicant is here tonight as the residential use has been removed from the general commercial zone. Mr. Mackey said that there has been a number of businesses there over the years from a nursery, ice cream stand, car dealer, landscaper to name a few.

Mr. Burgess asked if parking for the residential use had been designated. Mr. Lane said the number of parking spaces would be determined after the meeting.

Mr. Corbett asked why not rent to another business verses an apartment. Mr. Lane said that he did not want to share the lot with another business.

Mr. Corbett asked where would people park. Mr. Lane described the area and said that he had more than enough room for 2 apartments and that he had not really ironed out all the details at this time.

Mr. Corbett asked why would an apartment be better than a business use. Mr. Lane said that he would prefer not to have a convenient store or business there as he did not feel it would be the ideal setting.

Mr. Perkins said all good questions and that the area was zoned commercial and if creating a 14' x 14' office for your business how could another business fit into the other area. Mr. Lane said that he felt one commercial use would make more sense for the area.

Mr. Burgess said that he felt an insurance agent or doctor office would be more of a fit verses residential space as commercial was allowed.

Mr. Perkins asked why not putting another commercial use on the first floor. Mr. Lane said that he felt that his business consisting of roll off containers and number of vehicles would be busy and he did not wish to share parking area with another business use.

Mrs. Evans asked if the surrounding properties business use could be described. Mr. Lane described the surrounding area for the record.

Mr. Perkins said that the area surrounding was Shaw's Plaza and opposing property was a dental office and behind was a mixed use. He said it appears an overlap of different ordinances and feel that the intent was to transition out to commercial use. Mr. Lane said that he felt that the proposed first floor apartment would not interfere with the current zoning as he would also have his business use there.

There was some discussion with regard to the surrounding area.

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 converted into a 3 bedroom apartment.
- Currently, the building has an existing apartment which is in the process of being renovated, on the second floor. The first floor has been utilized for various commercial uses over the past several years.
- The applicant would like to have a small office for his roofing business located on the first floor with the rest of the space to be converted into an apartment.
- This applicant is seeking a variance because residential use is not permitted in the General Commercial District (GC) in which the property is located.
- If approved, all appropriate building and life safety regulations must be met.
- There are pictures in the file for review by the Board.

Mr. Perkins informed the public that now would be the time to call in favor of the proposed request. He said if wish to speak press #9 and will answer your call.

Favor

No one spoke in favor of the request.

Mr. Perkins informed the public that now would be the time to call in opposition of the proposed request. He said if wish to speak press #9 and will answer your call.

Opposed

No one spoke in opposition of the request.

Mrs. Morin motioned to go into deliberative session.

Seconded by Mr. Corbett.

Vote: Unanimous.

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

Deliberative Session

Mr. Corbett said that the area is able to use for commercial use and he was unable to see the hardship reason as to why it could not be utilized as ordinance allowed.

Mr. Perkins said that he asked why not keep in the spirit and intent of what the zone allows as the second floor apartment fits into the areas such as Rollins Street and center of town housing for downtown housing. He said that he was concerned of the public interest of how a 3 bedroom apartment where so much commercial congestion is surrounding the properties. Mr. Lane stated that he saw congestion of other business' as a concern and doesn't where a 3 bedroom apartment sits. Mr. Perkins said that it does not fit into the area and he could see where a studio apartment might be more of a solution. He said a variance is forever and granting would take away from what the ordinance is seeking to obtain.

Mr. Corbett said he agreed.

Mrs. Morin said that Mr. Corbett also brought up a great part of where parking would be and 24 spaces is hard to understand where there would be room for tenant parking.

Mr. Virr said he was concerned that it was contrary to the public interest and the spirit and intent of the ordinance was not being observed as the area is not a multi-use zone. He said he also did not feel it meets the criteria in order to be granted and if approved substantial interest is not observed.

Mrs. Evans said she agrees that the spirit and intent was not observed as ordinance is seeking to move away and keeping commercial use verses multi residential unit.

Mr. Perkins reviewed the conditions for the record.

Mr. Virr said he also said granting would increase the non-conformity which bears to unsubstantial justice.

Mr. Corbett motioned to come out of deliberative session.

Seconded by Mrs. Evans.

Vote: Unanimous.

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

Mrs. Morin motioned on case #20-113 Josh Lane, Owner: Michael & Michelle Demers to Grant a variance to the terms of Article VI, Section 165-32.A.1 of the Town of Derry Zoning Ordinance to allow the conversion of the first floor of the building into a 3 bedroom apartment at 34 Pinkerton Street PID 36016, Zoned GC as presented with the following conditions:

- 1. Subject to obtaining all State & Town permits and inspections.**
- 2. Subject to meeting all Building & Life Safety Codes.**

Seconded by Mrs. Evans.

Vote:

Mr. Virr:	No. Do not feel meets the spirit and intent of the ordinance. He also feels would be creating more non-conformity and do not feel would be in the public interest.
Mrs. Morin:	No. Do not feel have met the public interest or spirit and intent of the ordinance.
Mr. Corbett:	No. Spirit and intent of ordinance has not been met.
Mrs. Evans:	No. Spirit of ordinance has not been met as surrounding properties are mostly commercial use.
Mr. Perkins:	No. Do not see the hardship criteria being met and the aspect does not fit into the community given the size of the office space. Do not feel in the public interest to have a 3 bedroom apartment in a mostly commercial environment. Do not see substantial justice being obtained as ordinance seeking to preserve commercial space.

The application was Denied by a vote of 0-5-0. 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.

Mr. Perkins provided the information to the public on how to access the case for the record.

It was noted for the record that Mr. Burgess would sit for the following case.

20-114 Teresa Stevenson

The applicant is requesting a variance to the terms of Article III, Section 165-25.a,d & f of the Town of Derry Zoning Ordinance to allow the second story of an existing detached garage to be converted into an accessory dwelling 4 Desmarais Ave, PID 26159, Zoned MHDR

Teresa Stevenson, owner was present remotely with her grandson Forrest Shedd. Mrs. Stevenson said her grandson had permission to represent her during this meeting. Mr. Shedd read the application criteria for the record.

Mrs. Stevenson said that she wished to have her grandson move in as she needed some help on a daily basis but wants him to have his own space also.

Board Questions

Mr. Perkins asked if there was a business there and if it was just the top floor or both levels being requested to utilize. Mrs. Stevenson said just the 2nd floor of the garage is where her husband ran a small business from that already has a bathroom and electricity.

There was some discussion with the size of the requested use.

Mrs. Morin asked if the existing structure if use the existing people door or adding a doorway. Mr. Shedd said they were going to utilize the existing door there as currently there was another door at the top of the stairs to the proposed apartment.

Mr. Burgess asked who the proposed area would be used for. Mr. Shed said he would be using the area and his grandmother would stay in the house.

Mr. Corbett asked if there would be one address or different. Mrs. Stevenson said that the mailman had also asked the question and suggested 4 A&B.

Mr. Perkins asked Mr. Mackey how numbers were addressed. Mr. Mackey said that the Fire Department assigns the numbers.

Mr. Virr said that the assessing record indicates the finished area of 728 square feet. Mr. Shedd said the apartment is on the second floor and the first floor is the garage. He said that the second floor already has a bathroom a closet, etc. and the only thing that they will add would be a kitchen area.

Mr. Virr said that the ADU requirements are 800 square feet. Mr. Perkins said that difference is an ADU is attached and this is a detached use.

Mr. Burgess said that the 36' x 38' drawing submitted is a discrepancy of square footage. Mr. Shedd said that the drawing was estimated and described the area for the record.

There was some discussion with regard to the size of the existing structure and layout of the proposed use.

Mr. Virr asked if there would be any construction upstairs to increase space. Mr. Shedd said no that the layout is exactly what was there and no area to make more. He said that the garage has its own meter and bathroom and water and sewer hookups.

Code Enforcement

Mr. Mackey supplied the following information for the record:

- The applicant is requesting approval to allow the second floor of the existing, detached garage to be converted into an accessory apartment.
- Current zoning regulations require that an accessory dwelling unit be attached to the main dwelling and contain a maximum of 800 square feet of living space.
- The proposal is to install a kitchen in the finished area above the existing detached garage to create a 1,000 square foot apartment. Therefore, the variance(s) are required.
- If approved, permits and inspections will be required for the proposed renovations.
- There are pictures in the file for review by the Board.

Mr. Corbett asked if installing a kitchen how would adding a kitchen effect the square footage. Mr. Mackey said stay within the existing square footage and add a kitchen for an accessory is where would require a variance.

Mr. Shedd said reason for the request is to assist his grandmother with her medical needs and allow both to have their own space.

Mr. Perkins informed the public that now would be the time to call in favor of the proposed request. He said if wish to speak press #9 and will answer your call.

Favor

No one spoke in favor of the request.

Opposed

No one spoke in opposition of the request.

Mr. Burgess motioned to go into deliberative session.

Seconded by Mrs. Morin.

Vote: Unanimous.

Mr. Burgess, Mrs. Morin, Mr. Corbett, Mrs. Evans, Mr. Perkins

Deliberative Session

Mr. Perkins said he sees this as a community service of people seeking to help out each other.

Mrs. Morin said she sees the hardship and feel the request was reasonable.

Mr. Burgess said he sees use as being needed and under 800 square feet. He said he also feels substantial justice is done as owner needs some assistance and it meets the criteria.

Mrs. Evans said she agrees that it meets the criteria.

Mr. Corbett said he also agrees and does not feel there will be drastic changes made. He said that he feels the wording should reflect the square footage as that was a concern as original request is 1,000 square feet.

Mr. Perkins said that the motion did not state size and testimony given notes correction. He reviewed the conditions for the record.

Mr. Burgess motioned to come out of deliberative session.

Seconded by Mrs. Evans.

Vote: Unanimous.

Mr. Burgess, Mrs. Morin, Mr. Corbett, Mrs. Evans, Mr. Perkins

Mrs. Morin motioned on case #20-114 Teresa Stevenson to Grant a variance to the terms of Article III, Section 165-25.a,d & f of the Town of Derry Zoning Ordinance to allow the second story of an existing detached garage to be converted into an accessory dwelling 4 Desmarais Ave, PID 26159, Zoned MHDR as presented with the following conditions:

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

Seconded by Mr. Burgess.

Vote:

Mr. Burgess: Yes.
Mrs. Morin: Yes.
Mr. Corbett: 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.

Mr. Perkins provided the information to the public on how to access the case for the record.

It was noted for the record that Mr. Virr would sit for the following case.

20-115 Grey Goose Truck & Auto/Gerald Silva
Owner: 9 Madden Road Holdings, LLC

The applicant is requesting a variance to the terms of Article VI, Section 165-42.C.2 of the Town of Derry Zoning Ordinance to allow the sale of used automobiles at the property at 9 Madden Road, Unit #7 PID 31013-001, Zoned IND IV

Gerald Silva, applicant was present remotely. Mr. Silva read his application criteria for the record. He said that he had formally been located on Rockingham Road for a number of years and has relocated to this property and seeking have a few vehicles on display for sale.

Mr. Perkins asked Mr. Mackey if this was the area where 4A was proposed. Mr. Mackey said yes that it was proposed to come down through the property.

Code Enforcement

Mr. Mackey supplied the following information for the record:

- The applicant is requesting approval to conduct automobile sales at the property.
- The zoning ordinance specifically prohibits the sale of automobiles in the Industrial IV zoning district (Section 165-42.C.2) although the repair of vehicles is permitted.
- The applicant is requesting approval to allow the outdoor display of up to 5 vehicles.
- The building is an eight unit – multi-tenant industrial/commercial condominium.
- If approved, a State DMV retail dealers license is required.

- There are pictures in the file for review by the Board.

Mr. Perkins asked Mr. Mackey if Industrial IV allows repairs and push to reduce used car lots. Mr. Mackey said yes for this area and Tinkham Ave but not in the aquifer so does not require a joint meeting.

Mr. Virr said he remembers Dusty Old Cars being somewhere near here. Mr. Silva said same location and he was in the second building next to American Excavating.

Mr. Virr said that he had concerns as the former dealer had vehicles everywhere on the property for sale.

Mr. Perkins asked if request is only for 5 vehicles on display. Mr. Silva said yes and others would be inside the garage or located in the rear of the building but not with visible display of sale.

Mr. Perkins asked if the property was being taken by the State by eminent domain. Mr. Silva said that the owners were meeting within the next few weeks but no formal date or money has transferred at this time.

Mr. Corbett asked the display of 5 vehicles and others behind building would be consisting of what types of vehicles. Mr. Silva said that he typically deals in BMW's, Mercedes, and other higher end vehicles.

Mr. Virr asked what age group would the vehicles be. Mr. Silva said from 2002 to current so around 8-10 year old vehicles.

Mr. Corbett asked if most sales were conducted online. Mr. Silva said yes and he occasionally has some foot traffic.

There was some discussion with the number of vehicles on site and stored on the property.

Mrs. Morin asked what would be the hours of operation. Mr. Silva said 7 days a week typically 9 to 5.

Mr. Perkins said that a lot of online sales and wish to have availability 7 days a week 9-5 and rely on technology to allow customers to see vehicles. Mr. Perkins asked if there were any repairs performed at the site. Mr. Silva said he is already located there in unit #7 of which consists of 15,000 square feet and up and running. He said that he does have one lift and tools for minor repairs.

Mr. Corbett asked if already there and just seeking sales. Mr. Silva said yes.

Mr. Burgess asked how many bays were there. Mr. Silva said just one.

Mr. Mackey asked if approved he would like to have the Board put the maximum number of vehicles allowed on display as part of the condition.

Mrs. Morin said that the picture shows 68' and that when she was there, she felt that the area was not a lot of room out back for emergency vehicle access.

Mr. Mackey said that the approved site plan shows dumpsters there so may be less parking.

Mr. Silva said that he has 10 spaces out back and number 8 has some vehicles and there are also tractor trailers out back.

There was some discussion with regard to the area and parking.

Mrs. Morin asked if there needed to be a specification with regard to set hours of operation. Mr. Mackey said no.

Mr. Perkins informed the public that now would be the time to call in favor of the proposed request. He said if wish to speak press #9 and will answer your call.

Favor

No one spoke in favor of the request.

Mr. Perkins informed the public that now would be the time to call in opposition of the proposed request. He said if wish to speak press #9 and will answer your call.

Opposed

No one spoke in opposition of the request.

Mrs. Evans motioned to go into deliberative session.

Seconded by Mrs. Morin.

Vote: Unanimous.

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

Deliberative Session

Mr. Perkins reviewed the motion and discussed the restriction of hours of operation be established however, Code Enforcement said that it was not necessary but asked for a limit of vehicles. Mr. Perkins said that it was discussed that a limit of 25 vehicles be a threshold and that no more than 5 vehicles be on display out front.

Mr. Virr asked if the 5 on display was part of the total count.

Mr. Corbett said it had been discussed at prior meetings that this type of activity is a moving target and wondered how to regulate if there were more than stipulated.

Mr. Perkins said that historically stipulations are made in order to keep peace and some sort of balance to the area. He said that Mr. Silva has been in the community for a number of years and feel that the conditions made by the Board if granted will be met.

Mrs. Morin read letter from Chris McCarthy, owner of 9 Madden Road, in favor of the request for the record.

Mr. Perkins reviewed the conditions for the record.

Mrs. Evans motioned to come out of deliberative session.

Seconded by Mr. Corbett.

Vote: Unanimous.

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

Mrs. Morin motioned on case #20-115 Grey Goose Truck & Auto/Gerald Silva, Owner: 9 Madden Road Holdings, LLC to Grant a variance to the terms of Article VI, Section 165-42.C.2 of the Town of Derry Zoning Ordinance to allow the sale of used automobiles at the property at 9 Madden Road, Unit #7 PID 31013-001, Zoned IND IV as presented with the following conditions:

- 1. Subject to obtaining all State & Town permits and inspections.**
- 2. No more than 25 vehicles in dealer's possession at one time.**
- 3. No more than 5 vehicles on display out front.**

Seconded by Mrs. Evans.

Vote:

Mr. Virr:	Yes.
Mrs. Morin:	Yes.
Mr. Corbett:	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.

Mr. Perkins provided the information to the public on how to access the case for the record.

It was noted for the record that Mr. Burgess would sit for the following case.

20-116 Bridget Doyle

The applicant is requesting a special exception as provided in Article VI, Section 165-48.A of the Town of Derry Zoning Ordinance to operate a part-time, single chair hairstyling business at the residence at 5 Ballard View Circle PID 07001, Zoned LDR

Bridget Doyle, owner was present remotely and read her application criteria and letter of intent for the record. She said that she feels that she meets the criteria in order to be granted an exception. Mrs. Doyle said that she was looking to have 3 clients a day and knows her application request was asking for 5 but that would be the maximum amount in one day. She said that she has worked the same hours for over 15 years and now seeking to convert a 170 square foot area of her home to have single chair and sink installed in her home. She said her clients would be by appointment only and that her driveway has ample room.

Board Questions

Mr. Burgess asked what was the length of the driveway. Mrs. Doyle said her driveway was located away from her neighbors and was very long.

Mrs. Evans asked what the hours of operation would be utilized. Mrs. Doyle said for the past 15 years she has done Wednesday and Thursday 10:00 am – 8:00 pm and Friday she does 9:00 am – 2:00 pm with occasional Saturdays.

Mr. Corbett asked if there would be some overlapping of clients at the home. Mrs. Doyle said possibly if a client took a bit longer may have the next client come before actually finished.

Mr. Virr asked if she had spoken to her neighbors where she was looking to have approximately 10 clients per day. Mrs. Doyle said she sent letters to her neighbors describing what she was looking to do. She said that there are other businesses in the area and felt that there would be no notice of anyone there as it would be like friends visiting her home.

Mr. Virr asked what other businesses were in the area. Mrs. Doyle said that Tree Line had started their business from the home on Island Pond Road.

Mrs. Morin asked how were her products received. Mrs. Doyle said that she picks up her own products.

Code Enforcement

Mr. Mackey supplied the following information for the record:

- The applicant is seeking approval to operate a single station hair salon in a 14.5' x 12' room located in the home.
- Records indicate the home was constructed in 1993 and is serviced by a private well and septic system.
- The proposal is for appointment only customers and no sign is being requested.
- If approved, a plumbing permit will be required for the installation of the sink.
- There are pictures in the file for review by the Board.

Mr. Mackey said that Tree Line operated from a property on Island Pond Road and has since moved to Rockingham Road.

Mr. Perkins informed the public that now would be the time to call in favor of the proposed request. He said if wish to speak press #9 and will answer your call.

Mr. Perkins said that he understands objections and voice concerns and that the focus of the Board is to allow applicants to use their property with reasonable means. In order to uphold point, need to know what objections are.

Favor

No one spoke in favor of the request.

Mr. Perkins informed the public that now would be the time to call in opposition of the proposed request. He said if wish to speak press #9 and will answer your call.

Opposed

Joseph Decollibus, 6 Ballard View Circle, said that he previously sent an email to Mr. Mackey expressing his concerns. He said that he retired 5 years ago and that there are only 6 houses on the entire street that does not have much traffic. He said that his concern is that allowing 5 clients 3 days a week would be an increase in traffic as the street is also utilized for walks more now since having to stay at home. Mr. Decollibus said he did receive a letter from Mrs. Doyle stating the reason for her request was due to the rising cost of renting space and did not feel that was a concern for him or his neighbors. He said 5-6 more cars extra per day would drastically have affects to the neighborhood and also safety concerns.

Mr. Burgess motioned to extend the meeting another 15 minutes.

Seconded by Mrs. Evans.

Vote: Unanimous.

Mr. Burgess, Mrs. Morin, Mr. Corbett, Mrs. Evans, Mr. Perkins.

Margaret Stewart, 5 Ballard View Circle, said she has resided here for 20 years and that it was a very private street with no thru traffic. Mrs. Stewart said that there was some talk of clients coming in and out five times a day. She said that she lives on a street where they all know who is on the street coming and going for the most part. Mrs. Stewart said that she was concerned for devaluation of her property and how it would impact the value of her property. She felt that there are other options for Mrs. Doyle to do rather than creating a business in her home. Mrs. Stewart said she was opposed to the granting of the request.

Mr. Perkins said if it were an attorney operating a home business, they would have clients and how would that affect any different. Mrs. Doyle said she did not feel there would be any difference to the nature of the business as this area was not right for business use as it was very residential.

Jeffrey Higgins, 1 Ballard View Circle, said he was not approached and was an attorney. He said that he was opposed to the increase of traffic. Mr. Higgins said that children are always riding their bikes in the area and people area always walking in the area. He said that he was concerned for chemicals going into the septic as they were located next to Ballard Pond and all have wells and septic systems.

Thomas Mullins, 4 Ballard View Circle, said he echoes neighbors concerns as due to COVID-19 situation more people are outside walking for exercise. He said that the neighborhood all looks out for each other and want what is best for the neighborhood. Mr. Mullins said environmental wise all of the homes have wells and live on Ballard Pond.

Rebuttal

Mrs. Doyle said that she shares the same concerns as her neighbors as she also has children. She said that they may not know her clients but she did. Mrs. Doyle said she may have only lived on the street for the past 2 years but felt that her neighbors would not know she was operating a business as it would be small and by appointment only. She said that may have 20 clients a week but them may not have any depending on whether they were due for a cut or a color. Mrs. Doyle said her retired neighbor has a lot of company in and out frequently and she did not feel that if a client coming to her home would be no different than having family come for a visit and her clients would be more like visitors as she did not have family that lived nearby. She said also cars come onto her road to turn around from Island Pond Road frequently. Mrs. Doyle said that rent was not the only reason for her request as she was uncertain if her request would be able to

support and live here too. She felt that her request was reasonable and would be private enough to not even be noticed.

Mr. Burgess motioned to extend the meeting for 15 additional minutes.

Seconded by Mr. Corbett.

Vote: Unanimous.

Mr. Burgess, Mrs. Morin, Mr. Corbett, Mrs. Evans, Mr. Perkins.

Mrs. Doyle said that the property value would not change as only adding a sink and not ripping down walls etc. She said that she did not work with criminals and not a lawyer that her clients were from the community and she lives and works here too.

Mr. Perkins said the safety and decrease of value was addressed if she could address the chemical concern. Mrs. Doyle said that she has to follow State sanitation rules and she has her septic pumped on a yearly basis.

Mr. Perkins asked if there would be any toxins going into her septic. Mrs. Doyle said no.

Mrs. Morins asked if there would be chemical use. Mrs. Doyle said yes, as there were chemicals in hair coloring which is washed down drains all over town. She said that her sink would be required to have a catch basin.

Mr. Perkins said that safety, property values and septic concerns were heard and felt were addressed.

Mr. Burgess asked what were the hours of operation being requested again. Mrs. Doyle said Wednesday, Thursday, Friday, and occasional Saturdays and all by appointment only. She said Saturday was possibly one time a month. Her hours for the past 15 years have been Wednesday 10:00 am to 8:00 pm, Thursday 10:00 am to 8:00 pm, Friday 9:00 am – 2:00 pm. She described her outline of workload for the record.

Mr. Burgess said if requesting Saturday need to put hours of operation. Mrs. Doyle said 8:00 am – 12:00 pm.

Mr. Perkins asked if possibility of shortening evening hours. Mrs. Doyle said she was declining second half of career and may go to one night a week. She said it would be hard but could do if required.

Mr. Corbett asked if advertised on social media to get new clients. Mrs. Doyle said there would be no advertising as she works with her existing clientele.

Mr. Perkins said that he wished for a motion to continue this case to the next meeting.

Mr. Corbett said he wished to further discuss the hours and restrictions.

Mr. Burgess motioned to continue this case to the meeting of May 7, 2020.

Seconded by Mrs. Evans.

Vote: Unanimous.

Mr. Burgess, Mrs. Morin, Mr. Corbett, Mrs. Evans, Mr. Perkins.

Correspondence

Mr. Perkins said that the annual Spring Conference has been postponed to October 30, 2020.

Approval of Minutes

Mr. Corbett motioned to approve the minutes of March 5, 2020 as written.

Seconded by Mrs. Evans.

Vote: Unanimous.

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

Other Business

Mr. Perkins said that he appreciated the former members Mr. Kelley and Mrs. Navarro and thanked them for their service and wished them well.

Adjourn

Mr. Burgess motioned to adjourn.

Seconded by Mrs. Morin.

Vote: Unanimous.

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

Adjourn at 10:31 pm

Minutes transcribed from notes & tape:

Ginny Rioux

Recording Clerk

Approval of Minutes May 5, 2020

Mr. Burgess motioned to approve the minutes of April 16, 2020 as amended.

Seconded by Mr. Virr.

Vote: Unanimous.

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