

TOWN OF DERRY
ZONING BOARD OF ADJUSTMENT MINUTES
October 15, 2020

Members Present

Lynn Perkins, Chairman
Craig Corbett – Vice Chair
Heather Evans, Secretary
Crystal Morin
Allan Virr

Members Absent

Alternates Present

Donald Burgess
Gaspar Obimba

Alternates Absent

Code Enforcement

Robert Wentworth, Assistant Building Inspector

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 now physically and also electronically. As such this meeting is being held and will also be 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 you can be present or by 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: ginnryrioux@derrynh.org. In the event that the public is unable to access the meeting, the meeting will be adjourned and rescheduled otherwise the meeting will end at 10:00 PM. Mr. Perkins said that all votes taken are taken during this meeting shall be done by roll call vote.

The Board members introduced themselves.

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

The applicants are requesting a variance to the terms of of Article VI, Section 165-45.1. B. 1. d. i of the Town of Derry Zoning Ordinance to allow the construction of a 26 foot by 34 foot two car garage less than 35 feet from the front property line at 9 Hillside Ave PID 29042, Zoned MHDR II

Nicholas Couture, Crossroads Contracting, said he was representing the owners. Mr. Couture read the application criteria for the record.

Board Questions

Mr. Perkins asked if the size of the garage could be clarified for the record. Mr. Couture said that the proposed garage was 26' x 34' attached to the existing structure. He said that a 2 car garage is normal in residential properties. Mr. Couture said that this was a small lot with some wetlands located to the rear of the home. He explained the layout of the property and where the proposed garage would be located for the record.

Mr. Perkins asked how far into the setback was being requested. Mr. Couture explained the proposed garage would be approximately 8'2' into the setback.

Mr. Perkins asked what the distance of the screenhouse was to the wetland. Mr. Couture said he they did not measure that as they were proposing a 26' x 34' structure. The intent was a drive in with 34' depth as to pick up the loss of the shed.

Mr. Corbett said there appears to be 7' to the screen house so would have enough room to push back. Mr. Couture said that if did that it would be to close to the screen house and moving vehicles around would be difficult.

Mr. Corbett asked why a 2 car garage verses a single car garage could be built without a variance. Mr. Couture said his clients both have a vehicle and a 2 car garage was a standard in the area.

Mr. Burgess said that there is 28' to rear garage and if move back closer to the green house it would be less of an impact. Mr. Couture said yes but seeking to maintain the distance to the green house and keep proposed garage in line with the existing driveway.

There was some discussion with regard to the distances to the green house and proposed garage.

Mr. Corbett asked if there would be a second floor. Mr. Couture said yes so as to match existing roof line.

Code Enforcement

Mr. Perkins said that Mr. Mackey had provided information with regard to the property for the record.

Mr. Wentworth said he did not have anything additional to add at this time.

Mr. Perkins reviewed the proposed garage outline with distances to property lines for the record.

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

Favor

No one spoke in favor of the request.

Mr. Corbett informed the public that now would be the time to call in opposition of the proposed request. He said if wish to speak press star 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 Mr. Corbett.

Vote: Unanimous.

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

Deliberative Session

Mr. Perkins said that the articture of the proposed garage fits the neighborhood. He said that the neighborhood possibly predates zoning. Mr. Perkins said there was some discussion with regard to possibly removing the screen house so as to build without infringement of setbacks but only requesting an 8' difference. He said that the distance from the screen house to the proposed garage would be a safe distance from one to the other. The driveway has an existing hammer head and not seeking to alter only to align with what is currently there.

Mrs. Morin said she agrees as the proposal was designed to utilize the existing paved area and be able to pull in and back out.

Mr. Virr said that he agrees that the proposed design would fit with the current articture of the existing structure.

Mr. Corbett said that his concern was to the frontage and that the applicant had answered.

Mrs. Evans said she agreed with the Boards comments.

Mr. Perkins reviewed the condition for the record.

Mr. Corbett motioned to come out of deliberative session.

Seconded by Mrs. Evans.

Vote: Unanimous.

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

Mrs. Evans motioned on case #20-142 Crossroads Contracting, Owner: Nicole Chalfant & Robert Carleton to Grant a variance to the terms of of Article VI, Section 165-45.1. B. 1. d. i of the Town of Derry Zoning Ordinance to allow the construction of a 26 foot by 34 foot two car garage less than 35 feet from the front property line at 9 Hillside Ave PID 29042, Zoned MHDR II as presented with the following conditions:

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

Seconded by Mr. Corbett.

Vote:

Mr. Corbett: Yes.

Mr. Virr: Yes.

Mrs. Evans: Yes.

Mrs. Morin: 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. Corbett provided the information to the public on how to access the case for the record.

20-143 Jeffrey C. Duncan

The applicant is requesting a variance to the terms of Article VI, Section 165-45. B. 1. d. ii of the Town of Derry Zoning Ordinance to allow the construction of a 6 foot by 10 foot storage shed less than 15 feet from the side and rear property lines at 20 Pinehurst Ave PID 24033, Zoned MHDR

Jeffrey Duncan, owner, reviewed the required criteria for the record.

Board Questions

Mr. Perkins said that the property was not on Town sewer. Mr. Duncan said no.

Mr. Burgess said that it appears that it was the only place that a shed could be located on the property.

Mr. Virr asked what were the structures behind the home. Mr. Duncan said that behind his home is the leach field which is exactly in the middle of his back yard. He said that the septic to the right and the vent was on the left.

Mr. Virr asked if the ground was flat. Mr. Duncan said yes and described the property for the record.

Mr. Virr asked if the shed would be stick built. Mr. Duncan said no that it was a prefab shed.

Mr. Duncan said that he has a letter from his neighbor stating no objection if the Board wishes to have.

Code Enforcement

Mr. Perkins said that Mr. Mackey had provided information for the record.

Mr. Wentworth said that he had no additional information to add at this time.

Mr. Virr asked if a permit would be required. Mr. Wentworth said yes.

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

Favor

No one spoke in favor of the request.

Mr. Corbett informed the public that now would be the time to call in opposition of the proposed request. He said if wish to speak press star 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 Mr. Virr.

Vote: Unanimous.

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

Deliberative Session

Mr. Perkins reviewed the condition for the record.

Mr. Corbett motioned come out of deliberative session.

Seconded by Mrs. Morin.

Vote: Unanimous.

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

Mrs. Evans motioned on case #20-143 Jeffrey C. Duncan to Grant a variance to the terms of Article VI, Section 165-45. B. 1. d. ii of the Town of Derry Zoning Ordinance to allow the construction of a 6 foot by 10 foot storage shed less than 15 feet from the side and rear property lines at 20 Pinehurst Ave PID 24033, Zoned MHDR as presented with the following conditions:

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

Seconded by Mrs. Morin.

Vote:

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

Mrs. Evans motioned on case #20-139 Promised Land Survey, LLC, Owner: South Range Realty Trust to Grant a variance to terms of Article VI, Section 165-47.A of the Town of Derry Zoning Ordinance to allow the construction of a two-family

Approval of Minutes

Mr. Corbett motioned to approve the minutes of October 1, 2020 as amended.

Seconded by Mrs. Evans.

Vote: Unanimous.

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

Other Business

Mr. Burgess said to please vote on the upcoming election.

Adjourn

Mrs. Evans motioned to adjourn.

Seconded by Mr. Burgess.

Vote: Unanimous.

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

Adjourn at 7:36 pm

Minutes transcribed from notes & tape:

Ginny Rioux

Recording Clerk

Approval of Minutes November 5, 2020

Mrs. Evans motioned to approve the minutes of October 15, 2020 as written.

Seconded by Mr. Virr.

Vote: Unanimous.

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