

TOWN OF DERRY  
ZONING BOARD OF ADJUSTMENT MINUTES  
February 4, 2021

**Members Present**

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

**Members Absent**

**Alternates Present**

Gaspar Obimba

**Alternates Absent**

Donald Burgess

**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 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](http://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](mailto: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.

Mr. Perkins stated that in keeping with the mask mandate it has been reviewed that if all parties can maintain 6' distances then do not require to wear, however, if more comfortable to wearing then also have that option.

The Board members introduced themselves.

It was noted for the record that Mr. Perkins would set down from the following case and Mr. Corbett would sit as chair. It was also noted that Mr. Obimba would also sit for the following case.

**21-101                      Promised Land Survey, LLC**  
**Owner: George E. Simard Revocable Trust**

**The applicants are requesting a variance to terms of Article VI, Section 165-46.C.1.a of the Town of Derry Zoning Ordinance to allow the property to be subdivided into 2 lots with one of the lots to contain 0.94 acre where 1 acre is required at 61 Beaver Lake Ave, PID 09140, Zoned MDR**

Timothy Peloquin, Promised Land Survey, LLC, reviewed the criteria for the record. Mr. Peloquin further explained the concept of the plan how his client was seeking to subdivide the property for the Board.

**Board Questions**

Mrs. Evans asked if the access easement was part of the proposed lot. Mr. Peloquin said no and that this area had been in place for some time as it serves as access to the rear lot.

Mr. Perkins asked if the centerline of the property was the stream who owns. Mr. Peloquin said that the stream is not a navigable and that the centerline is typically center but brooks are typically the high water mark.

**Code Enforcement**

Mr. Mackey provided information with regard to the property for the record.

- The applicants are requesting a variance to subdivide the parcel into 2 lots.
- The property is located in the Medium Density Residential Zoning District (MDR) which requires a minimum of 1 acre and 125 feet of frontage for each lot.
- The existing home is proposed to be on a 1 acre lot with 270.54 feet of frontage and the new lot will have .94 acre and 274.86 feet of frontage. Therefore, a variance is being requested to the area requirement.
- The new lot is proposed to be serviced by Municipal Sewer.
- Per the Town's regulations, the new lot will be required to have fire protection either in the form of a residential sprinkler system or cistern.
- If approved, Planning Board subdivision approval will be required.
- There are pictures of the property in the file for review by the Board.

Mr. Corbett asked if the stream dried up how would it effect the line. Mr. Peloquin said that the stream moves gradually so property line moves to. If the stream were to move drastically then it would go to where the original line was located.

Mr. Peloquin said that the lot would be serviced by Town sewer but not Town water.

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**

Laura Brooks asked what parcel number was the property located. Mr. Corbett said the property lot was 09140 located at 61 Beaver Lake Road.

Mrs. Brooks said this was not the case she wished to speak on.

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.

### **Opposed**

No one spoke in opposition of the request.

There was no additional discussion.

Mrs. Evans motioned to go into deliberative session.

Seconded by Mrs. Morin.

Vote: Unanimous.

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

### **Deliberative Session**

Mr. Corbett reviewed the conditions for the record.

Mrs. Evans said that she felt it was a reasonable request as the lot was just shy of the required lot size.

Mrs. Morin said she agrees that the request was reasonable.

Mr. Corbett said he agrees also with the Board as the request was not overboard and the request was reasonable.

Mrs. Evans motioned come out of deliberative session.

Seconded by Mrs. Morin.

Vote: Unanimous.

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

**Mrs. Evans motioned on case #21-101 Promised Land Survey, LLC, Owner: George E. Simard Revocable Trust to Grant a variance to terms of Article VI, Section 165-46.C.1.a of the Town of Derry Zoning Ordinance to allow the property to be subdivided into 2 lots with one of the lots to contain 0.94 acre where 1 acre is required at 61 Beaver Lake Ave, PID 09140, Zoned MDR as presented with the following conditions:**

- 1. Subject to obtaining all State & Town permits and inspections.**
- 2. Subject to Planning Board approval.**

Seconded by Mrs. Morin.

**Vote:**

**Mr. Obimba: Yes.**

**Mrs. Morin: Yes.**

**Mrs. Evans: Yes.**

**Mr. Virr: Yes.**

**Mr. Corbett: 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 that Mr. Perkins would resume his position of chair.

**21-102 Promised Land Survey, LLC  
Owner: William A. Fortier Trust**

**The applicants are requesting a variance to terms of Article VI, Section 165-48.B.2 & 3 of the Town of Derry Zoning Ordinance to allow the subdivision of the property into 2 lots with one of the lots having 86.52 feet of frontage (on Warner Hill Road) where 200 feet is required at 36 Floyd Road, PID 06064-001, Zoned LDR**

Timothy Peloquin, Promised Land Survey, LLC, reviewed the criteria for the record. Mr. Peloquin further explained the concept of the plan how his client was seeking to subdivide the property for the Board.

## **Board Questions**

Mr. Virr asked if the frontage access of the 85' driveway cut in was not part of the discontinued road area and cross wetlands. Mr. Peloquin said that there was buildable area in the front of the proposed lot but seeking to build further back so the driveway would require a minimal crossing of wetlands. He said that the Planning Board would determine if need to build in the front portion or if can request a waiver to build to the rear portion of the property.

Mr. Virr asked if a wetland crossing permit would be required. Mr. Peloquin said yes and it would be for one small crossing.

Mr. Perkins said if not granted a potential 11 to 12 acres lots could possibly be subdivided. Mr. Peloquin said yes that the property could potentially have 4 to 5 lots created.

Mrs. Evans asked where would the other lots be located. Mr. Peloquin said that he did not map out but the property could potentially host more lots but not explored at this time but there are other options than the single lot.

There was some discussion with regard to the building lot areas on the property and wetlands.

## **Code Enforcement**

Mr. Mackey provided information with regard to the property for the record.

- The applicants are requesting approval to subdivide the existing 11.26 acre parcel into 2 lots.
- The property is located in the Low Density Residential Zoning District (LDR) which requires a minimum of 3 acre and 200 feet of frontage for each lot.
- The parcel will leave the existing home on a 4.765 acre lot with it's existing frontage on Floyd Road. The new lot is proposed to have 6.495 acres and 86.52 feet of frontage on Warner Hill Road. Therefore, a variance is being requested.
- Per Town of Derry subdivision regulations, if approved, proper sight distance will need to be established and fire protection either in the form of a residential sprinkler system or cistern.
- The new lot is proposed to be serviced by a private septic system and well.
- If approved, Planning Board subdivision approval will be required.
- There are pictures for review by the Board in the file, some taken from Floyd Road and some from the frontage on Warner Hill Road.

Mr. Perkins said a letter had been submitted with questions to DES guidelines and parcel 068. Mr. Mackey said that he had reviewed the letter and believes the second paragraph

does not pertain to this proposal but a prior subdivision that is not shown on the GIS mapping.

Mr. Perkins said that he felt that was beyond the Board's purview and that the letter speaks about overcrowding and the abutter has been recognized.

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 favor of the proposed request. He said if wish to speak press star 9 and will answer your call.

### **Opposed**

Donald & Jennifer Tucker, 83 Warner Hill Road and also own 73 Warner Hill. Mrs. Tucker said that the property has been in the family since 1951 and that they do not have an issue with subdividing the property but do have an issue with the corner as the area has had numerous accidents in the last 3-4 years. She said that the area has recently had reflective markers installed but still have issues. Mrs. Tucker said that there are extensive wetlands on 73 Warner Hill Road and that Promised Land had surveyed the area and was unable to get to the back of the property due to the wetlands. There is also a beaver dam on the property and the wetlands are extending due to the dam and the property floods when the dam opens. Mrs. Tucker said that the corner is horrific and needs to be reviewed.

Richard Burton, 44 Floyd Road, said that this property was located behind his and that 86.52 feet of frontage is only a third of what is required so he has a lot of safety concerns due to the sharp corner. Mr. Burton said he felt that if this request was allowed it would alter the surrounding property values and that the reason, he purchased his property was that he did not have neighbors behind him. He said he was a huge wildlife advocate and allowing a home to be built there would displace the wildlife.

There was some discussion of what could be possibly done to the property other than a one lot subdivision.

Shawn Dumont, 44 Floyd Road, said he was opposed to the request due to the zoning requirements of low density and development regulations as 86.52 feet of frontage is not sufficient as the area requires 200 feet and the nature of the road holds safety concerns. Mr. Dumont said that the purpose of the ordinance is to prevent overcrowding and that the applicant is currently enjoying the intended use of his property and allowing would diminish surrounding properties as the 200 feet of frontage was to keep distances from

other properties. He said granting the request would be a disservice to the area also as the area is serviced by private wells that have poor yields and lose water in the dry months so adding another home could affect the aquifer.

Mr. Perkins said that surrounding lots were smaller than the proposed lot. He said that calculations of the 11 acres could have a road with 4-5 houses. The applicant is here requesting permission for 1 lot with permission and if go with the 4-5 houses a variance would not be required. Mr. Perkins asked how would one house lot compare to others in the area. Mr. Dumont said that the lots on Warner Hill were smaller and that he purchased his home with the understanding that the property would not be subdivided. He said that he has had to frack his well twice and that there are days when he has very low water pressure.

### **Rebuttal**

Mr. Peloquin said that he respects the abutters concerns and appreciates their comments. He reviewed the concerns as follows:

- Safety concerns with the road – Planning Board level will be reviewed and Police, Fire and Public Works will all weigh in and the applicant will have opportunity to make improvements. Possibly be addressed with a guard rail or shoulder widening could be implemented to ensure future safety.
- Out of character of surrounding properties - he disagreed with the argument of being out of character of surrounding properties as this lot was unique as it has double frontage and of abnormal shape and by subdividing off one lot would as one home would bring up values to surrounding homes.
- Beaver dam - He said that with regard to the beaver dam, he did not see it and wetlands need to be protected and have walked the area with conservation but issues would also be addressed at the Planning Board status. Mr. Peloquin said that beaver dams' cans be removed by hand with State approval and trapping and relocation is possible.

Mr. Peloquin said that he felt the request was reasonable and meets the requirements and will blend more in keeping within the character of the neighborhood.

Mrs. Morin said that she was familiar with the corner and knows how dangerous the area could be in inclement weather and asked how close to the 200' would be. Mr. Peloquin reviewed the area for the Board. He said that the right-of-way was 12' wide and extends over 100' but didn't measure and that it ends at the stonewall.

There was some discussion with regard to sight distance.

Mr. Perkins asked if the Planning Board would sort out issues of the beaver dam. Mr. Mackey said that would typically be sorted out with Conservation Commission and that the plan has to have several signatures from the various departments before obtaining approval from the Planning Board.

Mr. Corbett asked if there was any information with the water table for the area. Mr. Mackey said he was unaware of any water issues in the area and knows that Kilrea Road has had concerns and have deep wells.

Mr. Peloquin said that last summer was a drought so a lot of people had water issues.

Mrs. Evans motioned to go into deliberative session.

Seconded by Mr. Corbett.

Vote: Unanimous.

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

### **Deliberative Session**

Mr. Perkins said that have heard several concerns with regard to safety, wetlands are a marshy area. He said that compliances would be reviewed by local governments consideration.

Mr. Corbett said that he was initially concerned of the safety aspect but more concerned with having more homes added to the area. He said he didn't love the proposal but one lot is better than several.

Mr. Virr said that when he reads the newspaper always see trees and vehicles. He said that when he purchased his home in 1970 there were about 7,000 people now have several times that many people and homes. Mr. Virr said that the total lot space is substantial and that only requirement is 50' for a roadway to be cut.

Mrs. Morin said that she also struggles with the corner as well and do not know what can be done to alleviate the concern but it would be reviewed at the Planning Board. The applicant has plenty of land to do 2 properties.

Mrs. Evans said that she felt the request was reasonable. It is always nice to see wildlife and rural areas so do not feel that 2 lots would be a huge impact to the area.

Mr. Perkins said that he empathizes with the abutters concerns and the rights of the property could be more as a road could be put in creating more of an apex than a single driveway. He said that the Planning Board would review and Conservation would also be address concerns of the abutters. He reviewed the conditions for the record and said that conservation would also be considered as part of standard motion but can be made as a separate condition.

Mr. Corbett said that the letter concerning the lot line does not impact this proposal.

Mr. Virr motioned to come out of deliberative session.



Seconded by Mrs. Evans.

Vote: Unanimous.

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

**Mrs. Evans motioned on case #21-102 Promised Land Survey, LLC, Owner: William A. Fortier Trust to Grant a variance to terms of Article VI, Section 165-48.B.2 & 3 of the Town of Derry Zoning Ordinance to allow the subdivision of the property into 2 lots with one of the lots having 86.52 feet of frontage (on Warner Hill Road) where 200 feet is required at 36 Floyd Road, PID 06064-001, Zoned LDR as presented with the following conditions:**

- 1. Subject to obtaining all State & Town permits and inspections.**
- 2. Subject to Planning Board approval.**

**Seconded by Mrs. Morin.**

**Vote:**

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

**21-103            Randall Coate**  
**Owner: James L. Sullivan & Maureen Doherty**

**The applicant is requesting a variance to the terms of Article III, Section 165-9 and Article VI, Section 165-46.C of the Town of Derry Zoning Ordinance to allow the construction of a single family dwelling on the property which is located on a private road and which will have less than the required building setbacks at 17 Charlestown Place, PID 51099, Zoned MDR**

Randall & Linda Coate, applicants were present. Mrs. Coate reviewed the required criteria for the record.

Board Questions

Mr. Perkins asked if this request was a 2 prong variance one of lot size and the other frontage. Mrs. Coate said yes as the property is on a private road and the size of the lot and setback requirements.

Mr. Coate said if approved they would like to place a small home with one car garage.

Mr. Perkins asked if structure would have own well and septic. Mr. Coate said no that the property does have access to town sewer but no water so would need a well.

Mr. Virr said that if approved would require a waiver of liability as on a private road. He asked how much frontage did the property have. Mrs. Coate said it was 50' wide.

Mr. Virr asked what was the width of the proposed structure. Mr. Coate said they were looking at a 25' x 30' home. He said that this was the only lot on the road without a home.

Mr. Virr said that the planned space was to have a 3 bedroom home and asked if there was any proposed livable space above the second floor. Mrs. Coate said no.

Mr. Virr asked Mr. Mackey if the setbacks were 15' to side and rear and 35' front. Mr. Mackey said that there was a provision in the ordinance that allows the average front setback to homes 300' on either side to the front lot line. He said that if do average setback will be less than the 35' required.

Mr. Virr said the proposed drawing states 40' from center of the road and asked how many feet from the front lot line would the structure be located.

Mr. Corbett reviewed some of the other property distances from the GIS mapping and said that some homes were closer than 35' to the front lot line.

### **Code Enforcement**

Mr. Mackey provided information with regard to the property for the record.

- The applicant is requesting a variance(s) to construct a dwelling on the property.
- The property is an existing lot of record and per the Town's appraisal information, contains .08 acres or 3485(+/-) feet.
- Charlestown Place is a private road and is not maintained by the Town. There are currently several, pre-existing year round residences located on the road.
- Therefore, the applicant is requesting approval to build on a private road and install the dwelling closer than the required side and front setbacks.
- The property is proposed to be serviced by municipal sewer and a private well.
- The Board has been provided with two motions to vote on. The first motion concerns the private road issue and the second deals with the proposed setbacks.
- Per RSA 674:41, if approved, a waiver of municipal liability and responsibility must be recorded with the deed.
- There are pictures of the property in the file for review by the Board.

Mr. Perkins said that the Board needs to review the average setbacks and if the applicant can build on a non-approved road.

Mr. Corbett said that he believes the proposed home could be moved a bit but not much.

Mr. Perkins asked if this would be their primary home. Mrs. Coate said no that it would be an investment build and sell.

Mr. Perkins asked how the design was determined. Mr. Coate said that they only reviewed a few designs and it has not been determined if the proposed structure would have a basement to allow placement of the utilities.

Mr. Perkins said that the new structure proposed is short on frontage and that the side and rear setbacks and a 25' wide structure is proposed and parking may be an issue. The width of the garage is 12' which is reasonable and would allow for a second vehicle parked in front but the structure is very confined on the lot.

There was some discussion with regard to proposed structure and setbacks.

Mr. Corbett said that the purchase and sales agreement speaks to Charlestown and Tobacco Road put together. Mr. Coate said no that they were purchasing both but they were separate lots.

Mr. Mackey said that the applicant is here seeking relief to building on Charlestown Road only and that Tobacco Road if decide to build would be a separate request. He said that if the applicant combined the lot, they would not need setback relief but only for relief of the private way as Tobacco Road is also a private way.

Mr. Perkins asked if the center of road or road edge of was considered road edge. Mr. Mackey said that Charlestown Road is an old travel way and a survey would need to be done to find lot line.

Mr. Virr asked if purchasing 13 Tobacco Road also. Mr. Coate said yes but not seeking on doing anything yet on that lot and only here for Charlestown Place.

Mr. Perkins said that the lots were on non-Town approved roads. If the applicant eliminates the balcony and structure is to be 30' from setback and keep balcony it appears that it would infringe on Tobacco Road property line. Mr. Mackey said that there is a provision in the ordinance that allows average front setback to be adjusted. A survey would need to be conducted to calculate the average and then the applicant could meet that.

Mr. Perkins asked if willing to do a survey to obtain average and meet setbacks. Mr. Coate said willing to do and if it would register with GIS.

Mr. Mackey said that the issue is the lot on a private road and a survey would show the exact allowances.

Mr. Virr said that if build to close to the rear property line would be infringing on self and may need to do a lot line adjustment. Mr. Mackey said that anything built on Tobacco Road would be subject to meeting the required setbacks.

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 favor of the proposed request. He said if wish to speak press star 9 and will answer your call.

### **Opposed**

Laura Brooks, 19 Charlestown Place, said that she has an issue with a 1,200 square foot home being built as it would not be in keeping with neighboring properties as most homes were single stories consisting of 544 square feet as were former summer cottages. Ms. Brooks said that was told that the property was to be used for a driveway to the rear property and not a buildable lot.

Mrs. Evans asked if other properties were single story. Ms. Brooks said all the homes along Charlestown except for one were single story homes. She said that they all live on a private road that they all take turns shoveling.

Ken Stevenson, 15 Charlestown Place, said that 13 Charleston has a second story but they did not alter the size. Mr. Stevenson said he had several concerns with the proposed structure as all the houses on the road were previous cottages built in the 1950's consisting of 500-1,200 square feet. He said that he was told by the real estate agent that the lot was to be used as access to 13 Tobacco Road so how would address if inaccessible. Mr. Stevenson said that he also has concerns with well location as would require 75' radius from septic's and 19 Charlestown is serviced by a septic system. The road is also a private road that is maintained by himself and his neighbors who all pay high taxes.

### **Rebuttal**

Mr. Coate said that as far as the septic concern that the lot would be tying into Town sewer.

Mr. Perkins asked about the well radius concern. Mr. Mackey said that Town sewer stops in front of 15 Charlestown and that 19 Charlestown may have their own well and

septic. He said that the applicant will need to work with Public Works to bring sewer to the property.

Mr. Coate said that the home will fit on the property.

Mr. Virr said that in reviewing property disclosure it does state sewage disposal was public.

Mr. Perkins said that would have to tie into Town sewer and pay to extend service.

Mrs. Morin said that the disclosure does state single family residence on combined lots.

Mr. Virr asked if possible, to postpone to investigate sewer issue. Mr. Coate said that he has no problem paying for running sewer to the property as can see the manhole out front.

Mrs. Evans said that an abutter spoke of 500 square foot homes if could speak on conformity. Mr. Coate said that he did not measure the homes but are single story but they could build up also. He said that the proposed home would not be blocking anyone's view as the property is located up hill.

Mrs. Evans said she was concerned that the proposed home was three times larger than existing structures in the area. Mr. Coate said that they were all old homes that will eventually be torn down and rebuilt.

Mrs. Evans motioned to go into deliberative session.

Seconded by Mr. Corbett.

Vote: Unanimous.

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

### **Deliberative Session**

Mr. Perkins said that the standard condition of waiver of municipal liability and subject to all State and Town permits and inspections apply.

Mr. Corbett said a possible condition be added to tie into Town sewer.

Mr. Virr said he seconded that condition.

Mr. Perkins said the other matter is the building setbacks and possible to have certified by a surveyor. He said he wonders if averaging should be reviewed with new structure with relation to surrounding properties and keep with the points of the 5 criteria.

Mrs. Morin said she was concerned of the sizes of surrounding homes being 520 – 744 square feet.

Mr. Perkins said that Mr. Virr suggested to table to research sewer option and applicant said that he had no objection to pay to extend sewer.

Mrs. Evans said she would be more comfortable to see sizes of abutting properties.

Mr. Virr said he also agrees and to show setbacks of structures as possibly rebuilt could set precedence so feel could be contrary to public interest.

Mr. Perkins asked if Board wished to table proceedings to obtain more information.

Mr. Virr said to proceed.

Mrs. Morin said she would like research the sizes of abutting homes so wish to table to the next meeting.

Mr. Corbett said he wished to table so as to obtain additional information.

Mr. Perkins said it would require a vote.

**Mrs. Evans motioned to table case #21-103 Randall Coate, Owner: James L. Sullivan & Maureen Doherty, 17 Charlestown Place, PID 51099 to the next meeting so can obtain additional information of abutting properties.**

**Seconded by Mrs. Morin.**

**Vote: Unanimous.**

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

Mr. Mackey asked if the applicant was to provide the requested information.

Mr. Perkins asked if research self or Board research.

Mrs. Evans said that the applicant should research the sewer connection and average setback and that the Board could research size of structures.

Mr. Coate said that other homes in the area could also add a second story to their homes if they wished.

Mr. Perkins said that the requested information needs to be provided to the Board within 7 days of the next meeting.

Mr. Perkins noted that due to the time that case #21-105 Douglas C. & Cheryl A. Kimball would not be heard this evening so need to motion to postpone to the next meeting.

Mr. Corbett motioned to table case #21-105 Douglas C. & Cheryl A. Kimball to the next available meeting.

Seconded by Mrs. Evans.

Vote: Unanimous.

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

The Board took a short break and reconvened at 9:33 PM.

#### **21-104 Paul C. Doolittle**

**The applicant is requesting a variance to terms of Article III, Section 165-8 and Article VI, Section 165-47.A of the Town of Derry Zoning Ordinance to allow the use of the property as a non-profit religious/educational retreat center/sanctuary to include multi-unit residential and campground accessory uses at 33 Old Chester Road PID 09138, Zoned LMDR**

Paul Doolittle, 33 Old Chester Road, read the application criteria and reviewed the information submitted describing his proposed sanctuary.

#### **Board Questions**

Mr. Perkins said the Board is not focusing on the 501 status but on the multi-living and campground accessory use. Mr. Doolittle said he was told the last time he was before the Board that he needed to obtain the IRS certification which he has done.

Mr. Perkins said that he was on the Board then and recall that there were also multiple steps to get to the proposal of a church establishment. He said it appears that it has grown more than just a church worship. Mr. Doolittle said his plan is for mobile housing, RV park where people can come and experience the footprint of the property. He said that the tiny houses were not necessarily permanent and reviewed the proposed layout of the property for the record. Mr. Doolittle said he wished to remain agricultural and that the first step is ability to have hookups for housing.

Mr. Perkins asked if the humanure, urine tank etc. on the information submitted to the Board could be explained. Mr. Doolittle said that they were existing and that they humanure and graywater system has been there for many years. He said that there has been a 9 bedroom septic system that has also been installed many years ago. Mr. Doolittle said that the humanure pile is something that he encountered when he traveled to China in 1980 and created when returned home and have been utilizing for a number of years as want to have alternative methods to offer sustainability of the planet.

There was some discussion with regard to the existing septic system and proposed layout design.

Mr. Virr asked if the Urt had been removed. Mr. Doolittle said yes and that there have been a variety of camping facilities on the property over the past years.

Mr. Virr said that the assessors site says that there are 3 residential canopies. Mr. Doolittle said yes and that he has been living in the chicken coop for the past 57 years with no running water and utilizing humanure for that long.

Mrs. Evans motioned to extend the meeting until 10:10 pm.

Seconded by Mr. Corbett.

Vote: Unanimous.

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

Mrs. Evans asked how many people attend this sanctuary. Mr. Doolittle said that he felt that always had a relationship with the Town as being grandfathered as started this in 1964 and have been trying to keep up with all the legal matters. He said that he has never been inside of a number and not aware of permitting or regulations.

Mr. Virr asked if this was just doing what he wished. Mr. Doolittle said he has always done religious things on the property so now reaching for a definition of what seeking to do with his property and move forward. He said that churches are allowed anywhere in Town.

Mr. Corbett asked if the pink items shown on the plan what are they proposed to be and are the circles campsites. Mr. Doolittle said that they are existing as one is a summer campsite and of one RV and the other is two containers. He said the circle area is where the urt used to be that is now gone.

Mr. Perkins asked if the containers were habitable. Mr. Doolittle said not yet but soon to be.

Mr. Obimba asked if the proposed plan would be meeting health standards. Mr. Doolittle said yes.

Mr. Perkins said that he would like to continue this case to the next meeting and request that the applicant do some follow-up with wastes DES disposal before the next meeting.

Mrs. Morin said that labeled non-profit so wish to have map area labeled with areas designated for church, sanctuary and educational areas noted.

Mr. Mackey said that the property falls under various classifications that of a church h and an umbrella of uses. He said that the applicant was looking to utilized the containers for living space so was told needed to come back before the Board as uses such as RV,



tiny homes are non-traditional housing and nontypical housing is not typical use. Mr. Mackey said that he has spoken to Mr. Doolittle that there are certain State requirements for the proposed humanure system proposed.

Mr. Corbett motioned to table case **#21-104 Paul C. Doolittle 33 Old Chester Road PID 09138 to the next meeting.**

**Seconded by Mr. Virr.**

**Vote: Unanimous.**

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

### **Approval of Minutes**

Mr. Corbett motioned to approve the minutes of January 7, 2021 as written.

Seconded by Mrs. Morin.

Vote: Unanimous.

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

### **Adjourn**

Mr. Corbett motioned to adjourn.

Seconded by Mrs. Morin.

Vote: Unanimous.

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

Adjourn at 10:11 pm

Minutes transcribed from notes & tape:

Ginny Rioux

Recording Clerk

### **Approval of Minutes February 18, 2021**

Mr. Virr motioned to approve the minutes of February 4, 2021 as amended.

Seconded by Mrs. Evans.

Vote: Unanimous.

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