



ZONING BOARD OF ADJUSTMENT BELMONT, NH

Wednesday, June 22, 2022

Belmont Mill

Belmont, NH 03220

Members Present: Chairman Peter Harris; Vice Chair Norma Patten; Members Mark Mastenbrook, David Dunham and Sharon Ciampi.

Members Absent: Alternates Present: John Froumy

Staff: Elaine Murphy, Dawn Eastman and Sarah Whearty.

The Chairman opened the meeting at 6pm and welcomed those in attendance and announced that as Chairman of the Belmont Zoning Board of Adjustment, this public body is authorized to meet using electronic means. He said that the Board gave notice to the public of the necessary information for accessing the meeting using Zoom or telephone, and he announced that any party experiencing any difficulty in accessing the meeting at any point, should call 603-267-8300 x 101, and the meeting will be recessed until access can be restored for all parties.

Chairman Peter Harris, meeting room

Norma Patten, Zoom

Mark Mastenbrook, meeting room

David Dunham, meeting room

John Froumy, meeting room

Sharon Ciampi, meeting room

Sarah Whearty, Dawn Eastman and Elaine Murphy meeting room

ABUTTERS HEARING –TRADZ LLC: Continuation of a request for a Special Exception of Article 5 Table 1 of the Zoning Ordinance to allow motor vehicles sales and repairs in the “R” Zone. Property is located at 194 Gilmanton Road, Tax Lot 241-019-000-000, ZBA #1622Z.

P. Harris stated he will still chair the meeting but will recuse himself from voting on this application. He appointed J. Froumy as voting member for this application.

M. Mastenbrook stated that this application was tabled at the last meeting to allow the Board members to view the site. He stated that the Board needs to focus on the Special Exception request and not go over everything that was discussed at the last meeting.

J. Froumy stated he did visit the site and took notes. Looking east towards Gilmanton the visibility is about ¼ mile. To the west there is a knoll with visibility of ¼ to ½ mile. This is a 50 mph zone and it takes around 7 seconds to stop. The visibility in a 50 mph zone needs to be 500’ with a

stopping distance of 130'-140'. There is considerable room to the east and sufficient room to the west to slow down or stop.

There was discussion of the possibility of having this operation in the Commercial Zone. The Rural Zone allows this use with a Special Exception. The allowed use by Special Exception was voted on by the majority of voters. There are numerous allowed uses in the Rural Zone and this is one of them with an approved Special Exception. The Special Exception is written in the Ordinance. The Board has to make their decision based on the criteria, not their opinion, if it should or shouldn't be allowed.

P. Harris stated the Board is elected by the people of this town. They address the criteria with the help of the professional Department Heads in Town, such as the Town Planner, Fire and Police Departments, Water and Sewer, Public Works, etc. There were no concerns from the Town's departments. The Departments are the eyes and ears for the Board. The Board works on keeping rural areas rural. They are increasing a use beyond what is already there.

M. Mastenbrook wanted to know on average how many times a day car would be moved in and out of the site. Mr. Stephan Condodemetraky stated TradZ has two active trucks that they own and one contracted truck that may go in and out. Mr. S. Condodemetraky stated the three trucks are only visible from the road for three seconds. Typically, there are two trips per vehicle, one in and one out. On Thursdays there may be five or six trucks, others days only two. M. Mastenbrook confirmed the average is between two and seven loads per day.

J. Froumy stated he is concerned about noise. We cannot change the law based on a petition received at a meeting. At the last meeting noise was a concern. The applicant stated that trucks are not loaded or unloaded on the road but the Board received pictures showing that happening. The Board needs assurance that it will not happen again. They could condition the approval on not loading or unloading vehicle on Rte. 140 and if it violated it would be a violation of the Special Exception conditions. S. Whearty stated that the fines, \$275 a day, are not set by the Town but by the Court. J. Froumy stated if it is a condition of approval then it must be followed. Mr. S. Condodemetraky agreed with the condition that all trucks loading and unloading is done on the lot and not seen from the road. He explained that recently they had site work down on the property and that's what the pictures showed. The loader and excavator were there to do work on the site and had nothing to do with the business.

Mr. S. Condodemetraky stated they have six trucks in and out of the site and they will educate those people coming to the business to restrict unloading to between the hours of 11am and 6pm. He can't control trucks from sitting on the side of the road waiting to unload or load. They may have to put up a no parking sign but he can't prevent people from parking on the highway. M. Mastenbrook stated as the business owner you are responsible for vehicles coming onto the property, you can't allow unloading on the highway.

D. Dunham wanted to know if it is possible to construct a turn out on the property. Mr. S. Condodemetraky stated that they are creating a new driveway to separate the commercial business from the residence. Creating a turn-out on the property would be a financial undertaking. S. Whearty stated they can't use DOT ROW.

Mr. George Condodemetraky stated the driveway meets all sight distances. D. Dunham stated they are parking on the road now. Mr. G. Condodemetraky stated they have no control over the transports. Mr. S. Condodemetraky stated they are happy to accept reasonable requirements. He will do a better job to educate third parties and put up signage. They don't want it to be unsafe.

S. Whearty explained they need a state driveway permit and remarked that DOT commented on the application after reviewing it. The applicants will still have to go Planning Board for Site Plan approval. J. Froumy stated it is up to the applicant to keep customers from parking alongside the highway. Mr. S. Condodemetraky stated he will do his best to prevent transporters from parking on the side of the highway. He wants them to pull in the driveway.

J. Froumy stated there were complaints about headlights shining in the house across the street. A tow truck can go to the site at 2am because there is no time restriction on when a vehicle needs to be towed. S. Condodemetraky stated that is why he wants two separate entrances separating the commercial use and the residence. The Police Department wants to restrict traffic to left turns only going downhill.

J. Froumy questioned retail sales on site. At the last meeting it was stated that they will not have people coming to the site. S. Ciampi stated that the application lists online sales. She questioned how are customers getting the vehicles? Mr. S. Condodemetraky stated for the dealer's license they have to have retail sales and they do that through on-line sales and on-line auctions.

P. Harris stated the bottom line is this is a rural area and noise can be a factor. There is noise from air guns used in auto repair. Contractors tend to start early in the morning.

The Chairman opened the hearing to public comment.

J. Pike stated that he bought a repair facility and floor drains were required if damaged cars were stored on impervious surfaces. He had to go before the Zoning Board in 1998 even though it was a legal site. J. Pike stated he saw in the Laconia Daily Sun newspaper on Thursday, June 16, 2022, an advertisement for an auction for abandoned vehicles at 194 Gilmanton Road. He stated that it shows little respect for the Town as at the last meeting they indicated they would not have people coming to the site. This situation, of the business being on site, came to light because there was a garage fire and the emergency vehicles could not get around the building. Allowing the motor vehicles sales would amount to spot zoning. This is a rural area and lots of people think it should stay rural. This is not a small business it has a lot of traffic. He is speaking for the Board of Selectmen and they feel this proposal is a hard thing to justify. They need a lot more sight distance. What happens to the land? Where is the oil and antifreeze going?

Mr. Bruce Fletcher, 155 Gilmanton Road, stated he moved there 9 years ago and the site is high on the hill and everything runs downhill. He wants to know what type of signage they will be putting up. Mr. S. Condodemetraky stated they will need to obtain a sign permit and the sign will be 12" the same size as the egg sign. S. Whearty stated they will have to coordinate with DOT about installing no loading/parking signs along Rte. 140.

Mr. Fletcher stated that he is the person that started the petition that opposed the motor vehicles sales and repairs on that lot. He collected 22 signatures on that petition.

Mr. Ed Farmer, 205 Gilmanton Road, stated he is not a direct abutter but uses Mr. Gilbert's driveway. He stated that he came up the hill about one and a half weeks ago and there was a white one-ton trailer sticking out into the road. The mailman had to go around it. He stated that if they deliver cars or just stop for coffee you cannot get into the applicant's driveway without going across the street to swing in. It is a dangerous area; he has almost been hit many times. You can hear the cars on Gilmanton Road and they are not going 50mph. A couple of weeks ago there were ribbons along the driveway to keep trucks from entering.

Ms. Katherine McGlynn, 189 Gilmanton Road, stated there were two incidents where there were a couple of car haulers on the side of the road and cars had to go around them. On June 6th or 7th there was a Dodge car delivered to the site that drove out and made loud noises. She ended up calling the police on them. There are other people doing the same thing from that site.

Mr. Chris Gilbert presented a video showing car haulers along Gilmanton Road and entering the site. He has safety concerns about the traffic entering the site and parking along Gilmanton Road. It also showed bigger haulers blocking the road for minutes at a time as they slow down to enter the lot. There is a narrow shoulder along the road.

Mr. Gilbert stated he also has concerns about the noise. He can hear the beeping across the street when they are backing up. He also is concerned about them backing up on the road.

S. Ciampi stated that if you are behind a dump truck going up Rte 140 traffic does back up which is similar to what happens on this site.

Mr. G. Condodemetraky stated they showed a lot of vehicles but there have been no accidents because of the sight distances. When haulers are backing up they can see what is coming. P. Harris reminded everyone that you cannot cross the center line.

Ms. McGlynn stated that last night at 11:30pm there was a delivery of cars. She stated that the Mr. Condodemetraky has land in the Commercial Zone and they can put the business in the Commercial Zone. This is not a 9am-5pm operation.

There being no further questions or comments the chairman closed the public hearing.

J. Froumy stated that the video is pretty revealing. D. Dunham agreed they could address the traffic by having the haulers enter the site. J. Froumy stated it is a safety concern. M. Mastenbrook stated that people go 50mph plus and the trucks turning into the site actually slow vehicles down. It can be a form of traffic control. It is a state highway and people have to slow down, it is not a clear safety issue as cars have to slow down if trucks are entering the site. J. Froumy stated it is a hazard there and the safety concern is how driver responds to that hazard.

S. Ciampi stated the Board has to determine the merits of the criteria. The Planning Board addresses the other concerns. J. Froumy stated the first two criteria have been meet. It is an allowed

use by Special Exception and Article 13F does not apply. The property is of adequate size and is not incompatible to other uses through the creation of noise, fumes, odor or lighting. The fifth criteria, creating undue traffic congestion, is something that needs to be addressed. S. Ciampi stated that it is a State highway and there is adequate sight distance in both directions. She wanted to know if they could put up no parking signs and tell their vendors not to park on the State Road. There is no excessive demand on municipal services. There are no hazards to the health and welfare of the public.

S. Ciampi stated the Board relies on staff and Department Heads to address any concerns they have. They will have to address any issues that arise if it is a violation. M. Mastenbrook stated if the Police Department had concerns, they would have commented on the application. S. Ciampi stated she would be more comfortable if the departments had seen the video. P. Harris commented that what was submitted is a working situation and DOT is involved and Mr. Condodemetraky has to follow their rules. The Planning Board will work out the conceptual plans. J. Froumy stated he is troubled by the video. He needs to see what conditions would be placed on the motion before he can vote.

Mr. Fletcher stated the video showed them parking on the side of the road and that is breaking the law and is a navigation hazard. The beeping from the vehicles can be heard down the street.

Mr. S. Condodemetraky stated he is content having the Contractor's Yard which allows towing. He can continue to operate as this is grandfathered. P. Harris stated they don't have right to do so. S. Whearty stated that the auction, inspection and selling of vehicles are not grandfathered they have not been there since 1986.

J. Froumy stated he is not happy that they can't control trucks backing up on the wrong side of the road. The character of the land is a concern. The fact that you can't just drive in is a big problem. He cannot vote affirmative due to public safety concerns.

D. Dunham wanted to know if they make a motion to deny can the applicant come back with a revision. S. Whearty stated the application has to be changed. They cannot come back with the same application. P. Harris stated they can challenge the Board's decision and ask for an appeal.

BOARD ACTION – TRADZ LLC:

MOTION: J. Froumy moved to deny a Special Exception of Article 5 Table 1 of the Zoning Ordinance to allow motor vehicles sales and repairs in the "R" Zone as it doesn't meet all the criteria.

1. The proposal is specifically authorized as a Special Exception by the ordinance.
2. The proposal satisfies the Special Exception criteria set forth in Ordinance Article 13.F. does not apply.

Mr. S. Condodemetraky stated that they are withdrawing their application and left the room.

Members of the public wanted to know what will happen now. S. Whearty stated that it becomes a Code Enforcement issue. Mr. Gilbert stated that anyone making a complaint should put it in writing.

P. Harris rejoined the Board and J. Froumy stepped down as a voting member.

ABUTTERS HEARING – RUDOLPHE DION: Request for a Variance of Article 5 Table 2 of the Zoning Ordinance to construct a detached garage closer (47.49') to the front property line than allowed (50'). Property is located at 21 Leisure Lane in the "RM" Zone, Tax Lot 121-028-000-000, ZBA #1922Z.

The chairman stated the following definition will be used to determine if the applications before the Board tonight have a regional impact. He explained that in order to provide timely notice, provide opportunities for input and consider the interests of other municipalities, the Board shall act to determine if the development has a potential regional impact as defined by RSA 36:55. Impacts may include, but are not limited to: relative size or number of dwelling units as compared with existing stock; proximity to the borders of a neighboring community; transportation networks; anticipated emissions such as light, noise, smoke, odors, or particles; proximity to aquifers or surface waters which transcend municipal boundaries; shared facilities such as schools and solid waste disposal facilities.

Mr. Scott Frankiewicz was present for this application.

Mr. Frankiewicz stated they want to build a 20'x 20' garage. Currently there is a house and shed on the property. They are asking for Variance from the 50' setback requirement. They will be 47.49' to the front property line.

MOTION: S. Ciampi moved that the proposal does not have a potential regional impact.

The motion was seconded by M. Mastenbrook and carried. Roll Call P. Harris aye, M. Mastenbrook aye, D. Dunham aye, Sharon Ciampi aye, and N. Patten aye. (5-0)

P. Harris stated it has minimal impact on the neighborhood as there are other garages in the neighborhood and there were no concerns from the departments.

J. Froumy stated that the depth of the property makes it impossible to meet the setbacks. At least 50% of the properties in the area have garages. The garage is keeping with the character of the neighborhood.

The chairman read the Land Use Technician's comments that the garage is set back as far as possible without encroaching on the rear setback.

The chairman opened the hearing to public comment. There being no questions or comments the chairman closed the public hearing.

BOARD ACTION – RUDOLPHE DION:

- MOTION:** D. Dunham moved to grant approval for a Variance of Article 5 Table 2 of the Zoning Ordinance to construct a detached garage closer (47.49') to the front property line than allowed (50') as it meets all the criteria.
1. The Variance will not be contrary to the public interest because other property owners in the area have garages and this is similar to others in the neighborhood. It also is further back from the road than the existing house.
 2. The spirit of the ordinance is observed because it is set back from the road and does not impact emergency vehicles.
 3. Substantial justice will be done because it does not create over development and is similar to others in the area.
 4. The Variance would not diminish the value of surrounding properties because the garage is an improvement and could improve the value of the subject property as well as surrounding properties.
 5. Owing to special conditions of the property, that distinguish it from other properties in the area, denial of the Variance would result in unnecessary hardship because of the following:
 - A. no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because the garage sets back from the road and does not impede emergency vehicles.

and

 - B. the proposed use is a reasonable one because it develops the property similar to others in the neighborhood.

Additional conditions:

1. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
2. The applicant and owner are solely responsible to comply with the conditions of approval. Contractors should be sufficiently warned regarding same.
3. Approval expires on 6/22/24 if use is not substantially acted on and if an extension is not granted. Approval also expires if use ceases for more than two years.
4. A Certified Foundation Plan, showing the setbacks, signed by a Licensed Land Surveyor should be submitted to the Land Use Office before framing begins.

The motion was seconded by N. Patten and carried. Roll Call P. Harris aye, M. Mastenbrook aye, D. Dunham aye, Sharon Ciampi aye, and N. Patten aye. (5-0)

ABUTTERS HEARING – VERNCO BELKNAP LLC: Request for a Variance of Article 3 Section D of the Zoning Ordinance to allow an Adult Daycare Facility (unlisted use). Property is located at 96 Daniel Webster Highway in the “C” Zone, Tax Lot 201-009-000-000, ZBA #2022Z.

MOTION: P. Harris moved that the proposal does not have a potential regional impact.

The motion was seconded by M. Mastenbrook and carried. Roll Call P. Harris aye, M. Mastenbrook aye, D. Dunham aye, Sharon Ciampi aye, and N. Patten aye. (5-0)

Mr. Evan Mullen, Ms. Kathy Franson (via Zoom) and Mr. Kevin Sousa were present for the application.

Mr. Evan Mullen stated that adult daycare is not currently defined in the Zoning Ordinance. Daycare is currently defined as care for young children.

The proposal is for adult daycare in the 9,800sf tenant space in the Belknap Mall. It will be located on the backside of the mall next to Planet Fitness.

D. Dunham stated there is plenty of parking. S. Whearty stated that they will be busing the clients to and from the site. This type of business does not need road frontage so being in the rear of the mall is a good location for them.

D. Dunham wanted to know if there is a bathroom in the facility. Mr. Mullen explained they will be doing a tenant fit up which will include a bathroom.

Mr. Sousa stated they currently have other facilities, one being in Hooksett.

Ms. Franson stated the Belknap Mall facility will not be accessible through the interior of the mall, it will have its own direct access. The access will have a handicap ramp.

P. Harris stated this will increase the property value of the mall. They need something in that unit.

The chairman opened the hearing to public comment. There being no questions or comments the chairman closed the public hearing.

BOARD ACTION – VERNCO BELKNAP LLC:

MOTION: M. Mastenbrook moved to grant approval for a Variance of Article 3 Section D of the Zoning Ordinance to allow an Adult Daycare Facility (unlisted use) as it meets all the criteria.

1. The Variance will not be contrary to the public interest because the use is not in the ordinance. There is no impact to the public. It is in the rear of the mall and will not affect people going in and out of the facility.
2. The spirit of the ordinance is observed because daycares are an allowed use and the only difference is the age of clients. The request aligns with the ordinance other than the specified age group.
3. Substantial justice will be done because it allows senior citizens in the community a place to go and provides a service to a broader population.

4. The Variance would not diminish the value of surrounding properties because the mall is in the Commercial Zone and this facility will enhance the mall by filling vacant site.
5. Owing to special conditions of the property, that distinguish it from other properties in the area, denial of the Variance would result in unnecessary hardship because of the following:
 - a. no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because the ordinance is so restrictive it unfairly excludes a group of people.
and
 - b. the proposed use is a reasonable one because there will be a proposed amendment at a later date to allow adult daycare. Daycare is an especially narrow definition. An amendment would allow the facility to be used by a broader population and gives senior citizens a place to go.

Additional conditions:

1. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
2. The applicant and owner are solely responsible to comply with the conditions of approval. Contractors should be sufficiently warned regarding same.
3. Approval expires on 6/22/24 if use is not substantially acted on and if an extension is not granted. Approval also expires if use ceases for more than two years.
4. Site Plan approval from Planning Board required.

The motion was seconded by S. Ciampi and carried. Roll Call P. Harris aye, M. Mastenbrook aye, D. Dunham aye, Sharon Ciampi aye, and N. Patten aye. (5-0)

1. **ABUTTERS HEARING – CJM INDUSTRIES LLC:** Request for two Variances of the Zoning Ordinance to construct single-family residences:
 - A. Article 5 Table 1 - in the Commercial Zone in compliance with the Residential Single-Family Zone dimensional requirements, ZBA #2122Z.
 - B. Article 5 Table 2 - in the Rural Zone in compliance with the Residential Single-Family Zone dimensional requirements. ZBA #2222Z.

Property is located along Route 3 & 45 Westview Drive in the “C” and “R” Zones, Tax Lots 201-016-000-000 & 201-025-000-000.

Mr. James McLoud and Mr. Nicholas Golon were present for this application.

MOTION: P. Harris moved that the proposal does not have a potential regional impact.

The motion was seconded by M. Mastenbrook and carried. Roll Call P. Harris aye, M. Mastenbrook aye, D. Dunham aye, Sharon Ciampi aye, and N. Patten aye. (5-0)

P. Harris read staff’s comments. The applicant is proposing a residential subdivision. They intend to meet the Residential Single-Family dimensional requirements to match the character of the

neighborhood. A Variance is required for the use in the Commercial Zone and a Variance is required to change the dimensional requirements in the Rural Zone. Subdivision approval from the Planning Board will be required.

M. Mastenbrook wanted to know how many lots will access off Westview Drive. Mr. Golon stated the access will be determined by the Fire Department during the Planning Board process.

D. Dunham wanted to know if they could request a zone change. S. Whearty stated that would require a vote at town meeting. M. Mastenbrook was concerned on the impact on rural development. P. Harris was concerned about the impact on schools and municipal services and the affect it has on the commercial tax base. D. Dunham stated that he can't see that lot being developed commercially.

Mr. Golon stated the site is adjacent to a residential use and Catholic Charity. P. Harris stated the lots will be in conformance with the residential single-family dimensional setbacks.

S. Whearty stated she heard the abutters are happy with the proposal for residential homes as it will fit with the character of the neighborhood.

The chairman opened the hearing to public comment.

Mr. Dennis Chapman, 31 Westview Drive an abutter, stated when he first became aware of them accessing off Westview Drive, he stated he was concerned. There is no way they can use Westview Drive because the road is in bad shape. With the traffic on Rte. 3 you have a hard time getting off the road. The road is in disrepair and has poor drainage that flows into the yards. The Director of Public Works also has concerns.

Mr. Golon stated they need Planning Board approval to move forward.

Mr. Jim McCloud stated Westview Drive may be used as egress for emergency use but they haven't done the plans yet. The plan presented tonight is just a conceptual plan.

The new owner of 41 Westview Drive stated he has concerns because he bought the property knowing that it was in Rural Zone and he wasn't shown the proposed plans when he signed the papers. Mr. McCloud stated that no one on Westview Drive will be affected by this proposal.

There being no further questions or comments the chairman closed the public hearing.

M. Mastenbrook stated single-family houses are the best option. It is a friendly use for the neighborhood compared to a commercial use.

BOARD ACTION – CJM INDUSTRIES LLC:

MOTION: M. Mastenbrook moved to grant approval for a Variance of Article 5 Table 1 of the Zoning Ordinance to construct single-family residences in the Commercial Zone in compliance with the Residential Single-Family Zone dimensional requirements as it meets all the criteria:

1. The Variance will not be contrary to the public interest because the proposed use will not impact the character of the neighborhood, as the most direct abutters consist of residential single-family lots.
2. The spirit of the ordinance is observed because it is the most appropriate use of the land, conserves natural resources and stabilizes the value of land and buildings.
3. Substantial justice will be done because any loss to the individual that is not outweighed by a gain to the general public is an injustice. It will provide much needed housing to the community.
4. The Variance would not diminish the value of surrounding properties because the surrounding new homes will increase property values to the adjacent neighborhood.
5. Owing to special conditions of the property, that distinguish it from other properties in the area, denial of the Variance would result in unnecessary hardship because of the following:
 - A. no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because the proposal is compatible with the character of the adjacent neighborhood. They are mandated to protect the public health, safety and welfare which the proposed residential use does not impair.
and
 - B. the proposed use is a reasonable one because the uniqueness of the land, topography and access limitations prevent commercial development.

Additional conditions:

1. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
2. The applicant and owner are solely responsible to comply with the conditions of approval. Contractors should be sufficiently warned regarding same.
3. Approval expires on 6/22/24 if use is not substantially acted on and if an extension is not granted. Approval also expires if use ceases for more than two years.
4. Subdivision approval from the Planning Board required.
5. Lots 201-025-000-000 and 201-016-000-000 shall be merged.

The motion was seconded by S. Ciampi and carried. Roll Call P. Harris aye, M. Mastenbrook aye, D. Dunham aye, Sharon Ciampi aye, and N. Patten aye. (5-0)

MOTION: M. Mastenbrook moved to grant approval for a Variance of Article 5 Table 2 of the Zoning ordinance to construct single-family residences in the Rural Zone in compliance with the Residential Single-Family Zone dimensional requirements as it meets all the criteria.

1. The Variance will not be contrary to the public interest because the proposed use will not impact the character of the neighborhood, as the most direct abutters consist of residential single-family lots.
2. The spirit of the ordinance is observed because it is the most appropriate use of the land, conserves natural resources and stabilizes the value of land and buildings.
3. Substantial justice will be done because any loss to the individual that is not

outweighed by a gain to the general public is an injustice. It will provide much needed housing to the community.

4. The Variance would not diminish the value of surrounding properties because the surrounding new homes will increase property values to the adjacent neighborhood.
5. Owing to special conditions of the property, that distinguish it from other properties in the area, denial of the Variance would result in unnecessary hardship because of the following:
 - A. no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because the proposal is compatible with the character of the adjacent neighborhood. They are mandated to protect the public health, safety and welfare which the proposed residential use does not impair.
and
 - B. the proposed use is a reasonable one because the uniqueness of the land, topography and access limitations prevent commercial development.

Additional conditions:

1. All representations made by the applicant during the public hearing are incorporated as a condition of this approval.
2. The applicant and owner are solely responsible to comply with the conditions of approval. Contractors should be sufficiently warned regarding same.
3. Approval expires on 6/22/24 if use is not substantially acted on and if an extension is not granted. Approval also expires if use ceases for more than two years.
4. Subdivision approval from the Planning Board required.
5. Lots 201-025-000-000 and 201-016-000-000 shall be merged.

The motion was seconded by S. Ciampi and carried. Roll Call P. Harris aye, M. Mastenbrook aye, D. Dunham aye, Sharon Ciampi aye, and N. Patten aye. (5-0)

OTHER BUSINESS:

BOARD'S ACTION -MINUTES:

MOTION: On a motion by M. Mastenbrook it was voted unanimously to accept the minutes of May 25, 2022 with the following changes:

Page nine, seventh paragraph, second sentence change the word cannot to can. The sentence will read: "Creating more taxes for the town is not something the Board can base their decision on."

The motion was seconded by S. Ciampi and carried. Roll Call P. Harris aye, M. Mastenbrook aye, D. Dunham aye, Sharon Ciampi aye, and N. Patten aye. (5-0)

ADJOURNMENT:

MOTION: On a motion by P. Harris seconded by M. Mastenbrook it was voted unanimously to adjourn at 8:20 pm. Roll Call P. Harris aye, M. Mastenbrook aye, D. Dunham aye, Sharon Ciampi aye, and N. Patten aye. (5-0)

Respectfully submitted,

Elaine M. Murphy
Land Use Coordinator