

**APPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
May 26, 2020**

Present: Mark Wright, Chairman. Mike DiPietro, Vice-Chairman, Stephen Carroll, Kevin Stuart & Dennis Vieira, Members of the Board. Shawn Matte (7:18pm), Alternate. Minutes recorded and prepared by Denise Royce.

Also, Present: Carrie Rouleau-Cote, Building Inspector/Code Enforcement Officer. William Herman, Town Administrator.

Absent: Dale Phillips, Alternate.

Mr. Wright called the meeting to order at 7:07 p.m. to make sure everyone had phoned into the teleconference.

Mr. Wright began by reading the Meeting Preamble During COVID-19 Emergency which is as follows:

MEETING PREAMBLE DURING COVID-19 EMERGENCY

Good Evening, as Chairman of the Zoning Board of Adjustment, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19 and is reinforced by Emergency Order #16 issued by the Governor on March 23rd. In concurring with their determination, I also find that this meeting is imperative to the continued operation of Town government and services, which are vital to public safety and confidence during this emergency.

Governor Sununu issued Emergency Order #12 on March 23rd which provides local government boards the ability to conduct business using technology to hold remote meetings and not provide a public place of meeting but provide for the public's ability to listen to the

meeting. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote as required by RSA 91-A:2, III (e).

Let's start the meeting by taking a Roll Call attendance. When each member is called please state your name, and also please state whether you are physically attending the meeting or are remotely attending the meeting. If you are remotely in attendance, is there is anyone in the room with you during this meeting, which is required under the Right-to-Know law (RSA 91-A:2, III (c)).

Mr. Wright moved on to the roll call of attendees and began with the Board members as follows:

Mr. Wright introduced himself as Chairman of the Zoning Board of Adjustment and indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Wright moved on to call on Mr. Michael DiPietro. Mr. DiPietro indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Wright called on Mr. Stephen Carroll. Mr. Carroll indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Wright called on Mr. Kevin Stuart. Mr. Stuart indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Wright called on Mr. Dennis Vieira. Mr. Vieira indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mr. Wright called on Mr. Shawn Matte. Mr. Matte indicated that no one else was in the room with him and that he consented to this meeting being recorded.

Mrs. Phillips was not available.

Mr. Wright called on Ms. Denise Royce. Ms. Royce indicated that she was with Mrs. Rouleau-Cote at Town Hall.

Mr. Wright called on Mrs. Carrie Rouleau-Cote. Mrs. Rouleau-Cote stated that she was at Town Hall with Ms. Denise Royce and that she consented to this meeting being recorded.

Mr. Wright went on to say that, this is only the second time conducting the meeting via teleconference and thanked everyone for their patience during this difficult time. Mr. Wright went through the applicants to see if they were present for the teleconference and began with the first case.

Mr. Wright asked if Dustin and Cindy Bello were present at this time. Mr. Dustin Bello was present and that he was alone and consented to this meeting being recorded.

Mr. Wright called on Daniel and Cynthia Gagne. They were not present.

Lastly, Mr. Wright asked if anyone from Thibeault Corporation of NE was present. Mr. Vincent Iacozzi of Thibeault Corporation indicated that he was alone in his office and that he consented to the meeting being recorded. Mr. Jeff Burd of RJB Engineering indicated that he was alone and that he consented to this meeting being recorded.

Mr. Wright also noted from the website that there were other parties present and called on the ones that he saw and then those showing up as a wireless caller that he would then ask them to state their name. Mr. Wright commented that, he will go down the list and asked each one to state their name and address for the record please and indicate whether they were alone and whether they would consent to this meeting being recorded and state why they were on this call tonight.

Mr. Wright called on Mr. Jeff Burd. Mr. Burd reiterated that he was present tonight for Case #20-07 Thibeault Corporation and was the engineer for the project.

Mr. Wright called on Mr. John Jaworski. Mr. John Jaworski, 30 Dearborn Road, a concerned neighbor and not an abutter to Case #20-06 was alone and consented to this meeting being recorded.

Mr. Wright called on Mrs. Joy Jaworski. Mrs. Joy Jaworski, 30 Dearborn Road, concerned neighbor around the corner on Dearborn Road was present tonight for Case #20-06

regarding the ADU and stated she was alone and consented to this meeting being recorded.

Mr. Shawn Matte entered the teleconference at this time (7:17pm). Mr. Wright would get back to him.

Mr. Wright called on Mr. Scot MacDonald. Mr. Scot MacDonald, 34 Westford Drive, was present tonight for Case #20-07 as his property abuts the project and stated that he was alone and that he consented to this meeting being recorded.

Mr. Wright called on Ms. Megan Dumont. Ms. Megan Dumont, Realtor to one of the cases being presented tonight indicated that she was alone and consented to the meeting being recorded.

Mr. Wright called on Mr. Curtis Morrill. Mr. Curtis Morrill, 38 Westford Drive, was present tonight for Case #20-07 as an abutter to the project and stated that he was alone and that he consented to this meeting being recorded.

Mr. Wright called on Ms. Monica Peguri. Mr. J.P. Peguri indicated that, that was his wife and that she was not present but that he was present as the Chairman of the Homeowners Association for the Wethersfield Subdivision, 14 Westford Drive, stated that he was alone and consented to this meeting being recorded.

Mr. Wright called on Mr. Shawn Matte, who is an alternate member of the Zoning Board of Adjustment. Mr. Shawn Matte stated that he was alone and that he consented to this meeting being recorded.

Mr. Wright stated that there were a few wireless callers and if they could please, one at a time, go through and state their name, address and why they were phoning in tonight.

Mr. Wright called on Mr. Daniel Gagne. Mr. Daniel Gagne, Case #20-06 indicated that he was alone and that he consented to this meeting being recorded.

Mr. Wright asked if there were anyone else that he has not called on or announced?

Mr. Robert Desfosses, 969 Londonderry Turnpike, who is an abutter to Case #20-07 indicated that he was with his neighbor Mrs. Bertha Stritch and that he consented to this meeting being recorded.

Mrs. Bertha Stritch, 959 Londonderry Turnpike, indicated that she was with her neighbor Mr. Desfosses and that she consented to this meeting being recorded.

Mr. William Herman, Town Administrator indicated that he was alone and that he consented to this meeting being recorded.

Mr. Wright asked one last time before he moved on to the meeting tonight if there were any other interested parties present. None were noted at this time.

Mr. Wright continued on to ask everyone that was not speaking at this time to please mute their phones to avoid any background noise during the discussion and when it comes time to speak, then they could remove the muting of the phone. Mr. Wright moved on to explain the procedure for tonight's meeting and that he would ask Ms. Royce to read the first case into the record to begin the meeting. Once the case has been read, he will ask the applicant to present their case and read through the factors to what they are requesting, whether it was for a Variance or a Special Exception. Mr. Wright explained that, he would ask that the Board to hold their questions until after the applicant has presented their case and also until after the abutters that are present have had an opportunity to ask questions or make comments. Mr. Wright also explained about, if the Board does enter into deliberation then everyone can hear what the Board is discussing but cannot ask questions at this time. Mr. Wright went on to explain that, there are alternates on the Board and they may ask questions and participate in the discussion but when it comes time to vote, only the members would be allowed to vote on the application. Mr. Wright asked the Board members and alternate members if they had any conflicts that would prevent them to participate on any of the cases before them tonight. Mr. Carroll did indicate that, he would be recusing himself from Case #20-07. Mr. Wright so noted Mr. Carroll's comment.

Mr. Peguri asked the Chairman if it was possible to do this on Zoom. Mr. Wright stated that we are only over the phone at this point. Mr. Wright reiterated to Mr. Peguri that, if he were to ask a question to please state your name as he was not good a voice recognition. Mr. Peguri asked if we could have this televised or have this on Zoom or Webex. Mr. Wright indicated that, that will not happen for this evening and asked Mr. Herman, Town Administrator to respond to this and did not believe we had the ability to have this televised. Mr. Herman commented that, it was legally allowable, but the governor's order requires the minimum of a telephone because not everybody has Zoom or internet access. They would have to establish an account to have Zoom and frankly the Selectmen have not been interested in doing that. Mr. Wright informed Mr. Peguri that, this was the answer and the hope is that they will not have to have this done so far in the future and they are not sure that all members of the public have access to the internet. Mr. Wright stated that they would look into it but for the time being they would keep it an audio hearing which is in full compliance with state law. Mr. Peguri disagreed with that statement. Mr. Wright suggested that he meet with the Selectmen and Mr. Herman as it is the call of the leaders of the town to set this up and assist the various Boards. Mr. Wright pointed out that, there is at least one member of the Board that is uncomfortable and does not access technology and believes that Zoom would even cut more members off.

Mr. Wright moved on to get right into the cases before the Board tonight and asked Ms. Royce to read the first case which was Case #20-05. Ms. Royce read the first case into the minutes for the record.

**Case #20-05
Dustin & Cindy Bello
52 Donald Drive, Tax Map 8, Lot 48-1-3
Zoned Residential Two zone**

Applicant is requesting a Variance from Article 4, Section 4.06(6) to allow the construction of a 30 foot by 50-foot structure (Garage) to be 10 feet from the side property line in a Residential Two zone.

Mr. Wright explained to the Board members that this case was before the Board previously and Mr. Bello's was granted a Variance a few years ago to construct a 30-foot by 40-foot structure and Mr. Bello's apologized to the Board for hearing this case again but stated that he was basically looking at changing it to now be a 30-foot by 50-foot structure. Mr. Wright asked if there was anything else that was changing such as side setback and elimination of trees that was different than the first time other than the size of the structure. Mr. Bello's said no. At this time, Mr. Wright asked Mr. Bello to go through his application for the record for the Board. Mr. Bello read his application into the minutes for the record.

Mr. Wright asked if there were any abutters that would like to speak. None were noted. Mr. Peguri who was not an abutter and did not state his name before speaking asked a question about the buffer line so that the Wethersfield Subdivision would not see the two (2) duplexes being built. Someone indicated that he was speaking about another case and that his question did not have anything to do with this case being heard at this time. Mr. Wright informed Mr. Peguri that, he needed to wait until the case was being discussed as this case was for Donald Drive whereby the applicant is looking to build a 30-foot by 50-foot garage and believed the question was for another case and not this case. At this point, Mr. Wright moved on to the Board members and went through each member at this time. Mr. Wright began with Mr. DiPietro. Mr. DiPietro had no questions and remembered this case and also believed that this was the best location. Mr. Carroll did not have any questions and noted nothing was changing except for the structure being 10-feet longer correct. Mr. Bello said that, that was correct that the only change was that the structure was going to be 10-feet longer and would still be 10-feet from the property line. Mr. Stuart did not have any questions. Mr. Vieira stated that he remembered this case and did not have any questions. Mr. Matte did not have any questions, but the only comment was that he believed that there was no other place on the property.

Mr. Wright asked Mrs. Rouleau-Cote if she had any further questions or comments to add. Mrs. Rouleau-Cote stated that she did not have any concerns with the additional size with respect to the property lines but just wanted to make sure that the applicant received relief for what he is intending to build.

Mr. Wright asked Mr. Bello that, this was going to be a garage with no bathroom in it and would only be used for storage of equipment. Mr. Wright recalled that it was possibly going to be a pole barn and asked if there was anything that Mr. Bello wanted to add for details just so they confirm what they are approving and what the use will be. Mr. Bello

stated yes that they originally thought of doing a pole barn but at this point they are going to be doing a full foundation for a 30-foot by 50-foot structure. There will not be any water in the building for plumbing or bathrooms but would only be used for storage of excess stuff out of the basement. Mr. Wright asked if it was going to be a single-story garage with an accessible attic space above it. Basically, a single story with a truss structure with space for storage.

Mr. Wright did not believe they needed to go into deliberation but asked the Board members for a motion.

Mr. Vieira made a motion to vote on the application as described to construct a 30-foot by 50-foot garage to be no more than 10-feet from the property line for Case #20-05, 52 Donald Drive, Tax Map 8, Lot 48-1-3. Seconded by Mr. Stuart.

Mr. Wright stated that a motion has been made and seconded and that Mr. Wright, Chairman will call for a roll call vote.

Mr. DiPietro said he believes all five (5) factors have been met and voted to Grant; Mr. Carroll said all five (5) factors have been met and voted to Grant; Mr. Stuart finds all five (5) factors have been met and voted to Grant; Mr. Vieira voted to Grant as he feels all five (5) factors have been met; and, Mr. Wright also voted to Grant finding all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mrs. Rouleau-Cote wanted to clarify that Mr. Vieira's motion should say "no closer than 10 feet to the property line" and not "no more than 10-feet from the property line." Mr. Wright asked Ms. Royce to confirm that and suggested that they do a friendly amendment and asked Mr. Vieira and Mr. Stuart to both confirm that the motion and seconded is to reflect "no closer than 10-feet to the property." Mr. Vieira agreed and rephrased his motion to say, "no closer than 10-feet to the property line." Mr. Stuart stated that, that was his understanding as well and agreed. Mr. Wright stated that if there were no objections then the motion passed as follows:

Mr. Vieira made a motion to vote on the application as described to construct a 30-foot by 50-foot garage to be no closer than 10-feet from the property line for Case #20-05, 52 Donald Drive, Tax Map 8, Lot 48-1-3. Seconded by Mr. Stuart.

Mr. Wright informed Mr. Bello's that the Variance has been granted and he would need to receive his building permit from Mrs. Rouleau-Cote and that he had two (2) years for substantial completion of construction or he would need to come back before the Board to request an extension. Also, Mr. Wright informed Mr. Bello's that there was a 30-day appeal period whereby abutters or interested parties could appeal the ZBA decision.

At this time, Mr. Bello thanked the Board members for their time and approval.

Mr. Wright asked Ms. Royce to read the next case into the minutes for the record. Ms. Royce read the application into the minutes.

Case #20-06
Daniel & Cynthia Gagne
66 Freedom Lane, Tax Map 8, Lot 42-6
Zoned Residential Two

Applicant is requesting a Special Exception from Article 2, Section 2.02(28) to allow an Accessory Dwelling Unit (in-law apartment) to be approximately 720 square feet where 750 square feet is the maximum allowed in a Residential Two zone.

Mr. Wright asked Mr. Gagne to read his application into the minutes for the record. Mrs. Rouleau-Cote interjected as she wanted to correct the request for Special Exception. Mrs. Rouleau-Cote wanted to clarify that the Special Exception pertained to Article 4, Section 4.06(5)(i) as he needs a Special Exception to allow an Accessory Dwelling Unit in the Residential Two zoning district. There is not a need for a Special Exception for the size of the Accessory Dwelling Unit because he complies with Article 2, Section 2.02(28) because the size is under the 750 square feet maximum allowed. The Special Exception is actually for the use within that zoning district under Article 4. Mrs. Rouleau-Cote also pointed the Board to the Zoning Determination located in their package for this case. Mr. Wright read a portion of the Zoning Determination indicating the Action Required for this case which reads as follows:

- Applicant shall seek Special Exception under AZO Article 4.06(5)(i).
- Accessory Dwelling Unit shall comply with all provisions of AZO Article 2.02(28).
- Accessory Dwelling Unit shall meet all building and life safety codes.

Mr. Gagne began by reading his application.

Mr. Wright asked if there were any abutters or interested parties who would like to speak and if so, could you please state your name and address before doing so. Mrs. Joy Jaworski of 30 Dearborn Road, who is an interested party had a question on the definition of an Accessory Dwelling Unit where it shares a common habitable wall and was unclear how that worked in a basement. Mr. Wright asked Mrs. Rouleau-Cote to comment. Mrs. Rouleau-Cote explained that, the habitable floor/ceiling assembly would be considered the habitable wall assembly. They cannot share exterior garage walls as it must be able to communicate from the habitable portions of both the single-family home and the Accessory Dwelling Unit. This particular ADU will have access through both the single-family home and ADU within the basement will all be communicating through that habitable space. A brief discussion ensued with regard to habitable space. Mrs. Jaworski asked, with this development, how many other buildings could potentially have these because the area is pretty congested already around Dearborn Road. Mr. Wright was unsure and did not know if Mrs. Rouleau-Cote had any idea at this point because they would have to come before us. Mr. Wright talked about State Statute and the Town of Auburn's regulations. Mrs. Rouleau-Cote stated that, the Town of Auburn meets State

Statute along with this request. Mrs. Jaworski had a concern with regard to increased traffic because of this development. Mr. Wright commented that, the Planning Board would have been the place to start when this development was going through the subdivision planning process as each Board has different roles and that would be a Planning Board issue where you would voice your concerns.

Mr. Wright asked if there was anyone else that would like to speak. Mr. John Jaworski of 30 Dearborn Road asked about an outbuilding being used as an Accessory Dwelling Unit and what is to say if this can be turned into an ADU later on. Mr. Wright commented that, they can only decide on things that are presented to them and they set the perimeters for relief. Mrs. Rouleau-Cote wanted to point out that, the lot that the Gagne's are building on has only one structure on that lot. There is an adjacent lot that has a detached garage that is part of the single-family home, but it is not the case with this lot. There is only one structure on this lot right now. Mr. Wright thanked Mrs. Rouleau-Cote and asked Mr. Jaworski if he was all set. Mr. Jaworski said that he was looking at the wrong lot and asked if he knows something that he should contact Mrs. Rouleau-Cote correct. Mr. Wright said yes.

Mr. Wright asked if there were any other abutters that would like to ask a question or make comments. None were noted. Mr. Wright explained that he would go through each Board member to see if they have any questions or comments.

Mr. Wright called on Mr. DiPietro. Mr. DiPietro did not have any comments or questions. Mr. Wright called on Mr. Carroll. Mr. Carroll did not have any questions. Mr. Wright called on Mr. Stuart. Mr. Stuart did not have any questions or comments. Mr. Wright called on Mr. Vieira. Mr. Vieira did not have any questions or comments. Mr. Wright called on Mr. Matte. Mr. Matte did not have any questions or comments.

Mr. Wright stated that Mrs. Rouleau-Cote has provided some excellent guidance and input and asked if she had any further questions or comments to add. Mrs. Rouleau-Cote said no but stated that, the applicant does have a septic design for the proper sizing of the septic system for the proposed house and Accessory Dwelling Unit. Mr. Wright thanked Mrs. Rouleau-Cote and stated that, if there were no further questions or comments from the Zoning Board that he would entertain a motion to vote on this application as submitted. Mr. Wright asked for the Board member making the motion to please state their name.

Mr. DiPietro made a motion to vote on the application for Special Exception to allow an ADU as presented tonight in a Residential Two zone for Case #20-06, 66 Freedom Lane, Tax Map 8, Lot 42-6. Seconded by Mr. Carroll.

Mr. Stuart would like to make a friendly amendment to the motion to include to require that the Accessory Dwelling Unit shall comply with all provisions of AZO Article 2.02(28) and that the Accessory Dwelling Unit shall meet all building and life safety codes. Mr. Gagne commented that, they did make the dwelling unit to meet all the required codes and was done by the book. Mr. Wright thanked Mr. Gagne for that comment and asked

both Mr. DiPietro and Mr. Carroll if they were comfortable with Mr. Stuart's friendly amendment. Mr. DiPietro and Mr. Carroll both were okay with the amendment to the motion.

Mr. DiPietro made a motion to vote on the application for Special Exception to allow an ADU as presented tonight and to include that, the Accessory Dwelling Unit shall comply with all provisions of AZO Article 2.02(28) and that the ADU shall meet all building and life safety codes in a Residential Two zone for Case #20-06, 66 Freedom Lane, Tax Map 8, Lot 42-6. Seconded by Mr. Carroll.

At this time, Mr. Wright conducted a roll call vote with each of the members of the Board.

Mr. Vieira voted to Grant as he believed all factors have been met, Mr. Stuart voted to Grant as he believed all factors have been met, Mr. Carroll voted to Grant as he believed all factors have been met, Mr. DiPietro voted to Grant as he believed all factors have been met, and, Mr. Wright also voted to Grant as he believed all factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Wright commented that, Mr. Gagne has been granted a Special Exception to have an Accessory Dwelling Unit and that he has two (2) years for substantial completion for that ADU. Mr. Wright also mentioned that, there was a 30-day appeal period where abutters and interested parties could appeal the ZBA decision. Mr. Wright also suggested that he work with Mrs. Rouleau-Cote with securing the necessary permits. Mr. Gagne thanked Ms. Royce for all her help and thanked the Board as well and the discussion ended.

Mr. Wright asked Ms. Royce to continue on to read the last case into the minutes for the record. Ms. Royce read the case into the minutes for the record.

Case #20-07

**Thibeault Corporation of NE
Peabody Lakeside Properties, LLC
Londonderry Turnpike, Tax Map 1, Lot 27
Zoned Rural**

Applicant is requesting a Variance from Article 4, Section 4.05 to allow the construction of two (2) Duplex (Condo) units on one lot that has the required acreage in a Rural zone.

Mr. Wright asked a representative for this case to begin their presentation. Mr. Vincent Iacozzi of Thibeault Corporation of NE wanted to give a little history of what has transpired for the Board. Mr. Iacozzi began by saying that, in February, they met with Mrs. Rouleau-Cote and Ms. Royce and the Planning Board in an informal session. During that discussion, it was decided that, due to the uniqueness of the wetlands and the Cohas Brook, that what they were proposing to do with four new lots would not work. Mrs. Rouleau-Cote provided him with a Zoning Determination approximately two (2) weeks later and although they have the required acreage to do four individual lots, it was not the

highest and best use of the property so that is why they are applying for a Variance. Mr. Iacozzi began going through his application request for a Variance for the Board members. Mr. Iacozzi commented that, Mr. Burd, their engineer was also on the line as well to answer any questions concerning the layout. Mr. Wright asked Mr. Burd if he had anything to add before he opened it up to questions from abutters and questions from the Board. Mr. Jeff Burd, Engineer for the project commented that, they did go to the Planning Board and they seemed to be in favor of the project and there were no real opposition with the Board. Mr. Burd went on to say that, he believed that someone from the Conservation Commission was there and he had no objection to the project as well. Mr. Burd did indicate that he would be more than happy to answer any other questions that anyone may have. Mr. Burd added that, the road design would be to town standards but would be a privately owned road and it will end in a hammerhead turnaround which will go off the driveways. Mr. Wright thanked Mr. Burd for that information.

Mr. Wright moved on to ask for questions or comments from abutters or interested parties and asked them to state their name and address please. Mrs. Bertha Stritch, 969 Londonderry Turnpike and her concern is that there will be more traffic on the turnpike and the noise will be louder and reduce the water level as well as do away with wild animals and birds.

Mr. Wright asked if there were any other abutters. Mr. J.P. Peguri of 14 Westford Drive indicated that, he is across the street from the abutters. As the Chairman of the Wethersfield Homeowners Association, he wanted to make sure that the clearance is significant where the abutters have tree line and don't see through to By-Pass 28. What is the buffer line that is proposed and lastly, how many townhouses are they building, and could they see a picture of what is going up so they can have a clear understanding of what is being proposed? Mr. Peguri stated that he was not opposed to it, they just don't want to see clear to By-Pass 28. Mr. Wright asked if the applicant wanted to make any comments or address these questions. Mr. Iacozzi began by saying that, the no-cut, no disturb buffer is clearly marked on the plan and 50-feet around the whole Cohas Brook is a no-cut, no disturb buffer and there is a 125-foot wetlands buffer which is also no-cut, no disturb. The buildings will be two (2) duplexes and each will be colonial in design with a farmer's porches in the front and a two (2) stall garage for each unit. There will only be two (2) duplexes and they'll have a private driveway which will only have one curb cut off of By-Pass 28. All of the drainage will go to a pond which is shown on the plan which is outside of the wetlands area. Basically, they are dropping two (2) units in the middle of the woods and leaving the buffer intact. A brief discussion ensued with regard to the two (2) units.

Mr. Wright asked if there were any other abutters. Mr. Robert Desfosses, 969 Londonderry Turnpike commented that he noted in the preliminary meeting with the Planning Board that one of the Selectmen objected to the hammerhead and recommended that it become a cul de sac for access for fire equipment and asked what the status of that request was. Mr. Iacozzi commented that, the status is that, if this Variance is approved that they will have to go back to the Planning Board with a site plan showing a roadway and roadway construction and that the Planning Board Chairman said

it would be best to speak with the Fire Chief to see whether it would be better to have a hammerhead or cul de sac and it would be addressed at the Planning Board submittals. With that said, they left everything as it was for the time being to avoid any unnecessary engineering. Mr. Desfosses had another question regarding his neighbor, Mrs. Stritch who's septic system is in the northeast corner of her property and said it would be very close to the property line with the 75-foot perimeter of the well as well as the proposed septic location. Mr. Burd commented that, they have plenty of room to move the well. A brief discussion ensued with regard to the hammerhead/cul de sac and Mr. Burd indicated that the hammerhead would be moved closer to the By-Pass and that it would not be a problem if they had to make adjustments. Mr. Desfosses said thank you and ended his questions.

Mr. Peguri asked where the wells and septic systems would be located. Mr. Iacozzi stated that each unit would have its own well and septic system. Mr. Peguri asked about the low well pressure on abutting lots and wanted to be sure that their pressure was not impacted. Mr. Burd pointed out that the houses located on Westford Drive would be over 600-feet from these duplexes. Mr. Peguri asked if the houses on Westford Drive see the back of these duplexes. Mr. Iacozzi reiterated that would be over 600-feet from the houses on Westford Drive to where the back of these duplexes would be.

Mr. Morrill of 38 Westford Drive again asked about the buffer zone and if it would be cleared and the distance to the houses on Westford Drive. Discussion ensued with regard to distance. Mr. Iacozzi further explained that, the setback line is simply to show the building envelope and they have no intention of cutting that part back because it serves no useful purpose. Mr. Iacozzi also indicated that, they could possibly increase that buffer zone when they present to the Planning Board. Mr. Wright commented that, he would encourage abutters to watch for the notice and show up to the Planning Board meeting as the applicant is open to doing the right thing and those types of questions and concerns could be handled at that time.

Mr. Morrill of 38 Westford Drive asked about sight distance and driveway curb cut. Mr. Iacozzi stated that, where the curb cut is shown that they meet the sight distance for the speed limit that they meet sight distance. Mr. Burd, Engineer added that, they have more than 400-feet of sight distance which is more than what is required by NHDOT. 400-feet is required, and they exceed that. Mr. Morrill also wanted to clarify that the member of the Planning Board that is on the Conservation Commission was not opposed to what was being presented as a Planning Board member and not as the Conservation Commission. Mr. Morrill also asked if they had the wetlands delineated. Mr. Iacozzi explained that they did it on a preliminary basis and was done on a highwater table. Mr. Morrill believed he had a 250-foot wetland buffer on his property and believed that would encroach upon what they have on their property. A brief discussion ensued with regard to the wetland buffer. Mrs. Rouleau-Cote wanted to clarify what was being said. Mr. Wright again wanted to point out that these questions are really not within the Zoning Board's jurisdiction but belong at the Planning Board level and again encouraged them to handle these questions at a Planning Board level. Mr. Wright turned the meeting over to Mrs. Rouleau-Cote for comment. Mrs. Rouleau-Cote wanted to clarify that the 250-

foot buffer that is being referenced is actually the cluster buffer as part of the Wethersfield subdivision and is not labeled as a wetland buffer but is a cluster buffer that surrounds the perimeter of the Wethersfield Subdivision so that is what is being referred to there. Mrs. Rouleau-Cote also wanted to clarify that, this is a Variance for the purposed use of a multi-family in the rural zone and a lot of the comments that are being made are probably better brought up during the site plan review process before the Planning Board should the Variance be granted. Mr. Wright agreed.

Mr. Wright asked if there were any other abutters that have not spoken. Mr. Scot MacDonald of 34 Westford Drive asked about affecting property values. Mr. Iacozzi explained that it was commercial on both size with this piece of property being residential and believed that this would be the best use of this property.

Mr. Wright thanked everyone and asked if there was anyone else that has not spoken yet. Mr. Peguri agreed with Mr. MacDonald's comment and thought it made sense but was concerned about the lot next to that one that may be for sale in the near future and asked whether they had any information on that. Mr. Peguri wanted to make sure that this was not going to be a cluster of duplexes beyond what is being discussed today as there is a rumor that a lot may be sold off along By-Pass 28 that may contribute to these duplexes along Wethersfield. Mr. Iacozzi stated that they are not looking to acquire any additional property there and did mention that, one of his associates did speak with Mr. Desfosses early in January and Mr. Desfosses stated that he had no interest in selling and his property would be the only property that would make any sense to them.

Mr. Wright asked Mrs. Rouleau-Cote if she had anything else to add before he moved on to ask the Board members for questions. Mr. Rouleau-Cote said no and that each Board member should have a Zoning Determination in their packets. Mrs. Rouleau-Cote also mentioned that, she and Ms. Royce had met with these gentlemen several months ago and we had encouraged them to do the informal meeting with the Planning Board to just make sure that any Planning Board comments were incorporated into their design before going to the Zoning Board to seek relief. When we originally saw this it was for four (4) individual houses with four (4) individual driveways and after having much discussion with them and sending them to the Planning Board that it was somewhat agreed to that it would be best to limit it to one curb cut off of Londonderry Turnpike meeting all the state requirements for the curb cut and consolidating the four (4) dwelling units into the two (2) duplex design that you see before you. They do have sufficient acreage for the four (4) dwelling units as they actually have the sufficient frontage for it but there are just limitations to the lot that have brought them before you for this configuration. Mr. Wright thanked Mrs. Rouleau-Cote for her input.

With that said, Mr. Wright opened it up to Zoning Board members and commented that, he would call each member in order. Mr. Wright asked Mr. DiPietro if he had any questions or comments. Mr. DiPietro indicated that, he had no questions or comments. Next, Mr. Wright asked Mr. Carroll. Mr. Carroll reminded Mr. Wright that he had to recuse himself from this case. Mr. Wright stated that Mr. Carroll was recusing himself and with that in mind, elevated Mr. Shawn Matte as a full voting member for this case so that they

would have five (5) voting members. Mr. Wright moved on to Mr. Stuart. Mr. Stuart asked the applicant that, in the application they indicated that the plan would protect the wetlands and would that be done by deeding the property to the Homeowners Association. Mr. Iacozzi stated that, the way they would propose to protect the wetlands is that it would be in the condominium documents as permanent open space and not developable because of the wetlands. Mr. Stuart thanked Mr. Iacozzi and stated that he did not have any further questions. Mr. Wright asked Mr. Vieira. Mr. Vieira stated that, he had the same question as Mr. Stuart, but that Mr. Iacozzi just answered the question. Mr. Wright asked Mr. Matte. Mr. Matte asked if they had a specific plan for the duplexes that maybe if the people were to see that it might ease their mind a little bit. Mr. Iacozzi commented that, they plan to have building plans with the Planning Board submittal if they are allowed to proceed further. It will be presented as part of the Planning Board package. A brief discussion ensued with regard to the look of the duplexes. Mr. Iacozzi informed the Board that, they have built 55 and over communities that all have farmers porches and two (2) stall garages that are very nicely done that are definitely upscale buildings. Mr. Peguri commented that, it would be nice to see what these duplexes would look like. Mr. Wright stated that, he does appreciate the additional comments, but he would like to keep a bit of order as part of the Zoning Board relief and not the Planning Board.

Mr. Wright wanted to point out that, Mrs. Rouleau-Cote did a fantastic job on the Zoning Determination as always. Mr. Wright wanted to point out that, the action required has already been followed by an informal with the Planning Board and put it out to the members of the Zoning Board that would be acting on this that, it would be appropriate if we take action on this and there is a motion to approve that they also condition it upon compliance with all state regulations and securing necessary Planning Board approval and that way, the other things that Mrs. Rouleau-Cote mentioned that are not within our review process is tied to the Variance and the Planning Board will have a full opportunity to review this and that abutters will have more opportunities to voice their concerns.

Mr. Wright asked the Board if they desired to enter into deliberations and if not, that he would entertain a motion to move on the application.

Mr. DiPietro made a motion to move on the application as presented with the condition of meeting state regulations and securing the necessary Planning Board approval and Fire Department input with regard to the hammerhead or cul de sac, for Case #20-07, Londonderry Turnpike, Tax Map 1, Lot 27, in the Rural zone. Seconded by Mr. Matte.

Mr. Wright indicated that a motion has been made and seconded and asked if there was any discussion. Hearing none, Mr. Wright moved to roll call vote of the Zoning Board of Adjustment Members.

Mr. Stuart voted to Grant as he believed all five (5) factors have been met and that it was a unique property with a lot of wetlands, Mr. Matte voted to Grant as he believed all five (5) factors have been met and agreed with Mr. Stuart, Mr. Vieira voted to Grant as he believed all five (5) factors have been met based on the discussion tonight, Mr. DiPietro voted to Grant as he believed all five (5) factors have been met, and, Mr. Wright also voted to Grant as he believed all five (5) factors for a Variance have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Wright wanted to thank the abutters for raising concerns and questions and that there will be another opportunity for them to raise those at the Planning Board level. Mr. Wright also wanted to thank the applicant for doing a thorough job and responding to the questions in an appropriate manner and thanked the engineer for adding background. Mr. Wright thanked Mrs. Rouleau-Cote for her input.

In conclusion, Mr. Wright stated that, there is a 30-day appeal period where someone could appeal the Board's decision and request a rehearing. Mr. Wright also stated that they had 2-years for substantial completion and if construction was not completed that they would have to come back before the Board to request an extension.

Mr. Iacozzi wanted to also thank both Mrs. Rouleau-Cote and Ms. Royce that for the past four (4) months that have assisted us through this and that they sincerely appreciate all their hard work and also wanted to thank the Zoning Board as well. Mr. Wright again thanked the applicant.

At this time, Mr. Wright wanted to close the part of Public Hearing and pointed out to everyone that they could sign off now if they would like as all the cases were completed. This discussion ended.

Minutes

Mr. Vieira made a motion to accept the minutes of April 28, 2020 as written, seconded by Mr. DiPietro.

Mr. Matte voted to approve the minutes, Mr. Vieira voted to approve the minutes, Mr. Stuart voted to approve the minutes, Mr. Carroll voted to approve the minutes, Mr. DiPietro voted to approve the minutes, and, Mr. Wright also voted to approve the minutes. A vote was taken and, all were in favor and the motion passed.

Other Business

Mr. Wright asked Ms. Royce when the next hearing was scheduled. Ms. Royce indicated that the next Zoning Board meeting is scheduled for Tuesday, June 23rd. Mr. Wright

asked if there were any cases for June 23rd. Mrs. Rouleau-Cote stated that, they have one application that has been submitted and that Ms. Royce was trying to keep it for June in order to give the Zoning Board Members the month of July off. Mr. Wright asked when the cutoff date was. Ms. Royce stated that, the cutoff date was June 1st. Mr. Wright asked the Board members if anyone knew if they could not make the June 23rd meeting at this time. There were no comments. Mr. Wright pointed out that, it was very important that they let everyone know if they are unable to make it as there were only two (2) alternates on the Board at this time and mentioned how Mr. Carroll had to recuse himself from one of the cases. Mr. Matte apologized for calling into the meeting late.

With that said, Mr. Wright commented that, he had nothing further to add and commended the Board members for doing an excellent job and asked if anyone had any suggestions on how they could improve on anything moving forward. Mr. Wright further added that, if no one had anything to add that he would entertain a motion to adjourn.

Adjourn

Mr. Vieira made a motion to adjourn, seconded by Mr. DiPietro.

Mr. Matte voted to adjourn, Mr. Vieira voted to adjourn, Mr. Stuart voted to adjourn, Mr. Carroll voted to adjourn, Mr. DiPietro voted to adjourn, and, Mr. Wright also voted to adjourn. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 9.10 p.m.

Mr. Wright again thanked Ms. Royce and Mrs. Rouleau-Cote for putting this all together and being there to support the Board in making this process smoother.

The Zoning Board of Adjustment is scheduled for June 23, 2020 at 7:00 pm. Due to Governor Sununu's Emergency Order #12 on March 23rd, all meetings will be held via teleconference until further notice.