



Zoning Board of Adjustment Meeting
Monday, August 6, 2018 7:00 PM
City Hall Council Chambers

MINUTES
Approved 9/4/2018

Call to Order by the Chair

Mr. Hurd called the meeting to order and asked for a roll call.

I. Attendance/Roll Call

Present & Participating: Richard Collins, Michael Hurd, Carolyn Towle, James Petrin, Patrick Howe

Absent: Abigail Kier, Tracy Pope

City Staff: Michael McCrory, City Planner

Mr. Hurd appointed Mr. Howe to sit in for Mrs. Pope and Mrs. Towle to sit in for Mrs. Kier.

II. Minutes of Previous Meetings

A. June 4, 2018

Motion: To accept the minutes as read for June 4th

Made by: Mrs. Towle **Second:** Mr. Collins

Vote: Unanimous in favor

B. June 26, 2018

Motion: To accept the June 26th minutes

Made by: Mr. Petrin **Second:** Mrs. Towle

Vote: Unanimous in favor

III. Old Business

A. (ZO 2018-00005) Christopher Anastopoulos, 269 Pleasant St – Application for a Special Exception for a Family Dog Training Facility as a Home Occupation at 269 Pleasant Street. Map 143, Lot 44. Zoning District: R1 (Cont. from June 26, 2018)

Mr. Hurd read the public notice. He cautioned all parties involved to focus on the application and the criteria only. Mr. Hurd clarified that this application is (now) for a Special Exception permit for a business as a dog training facility with only two dogs plus the owner's dog on the premises (the applicant's home) at any given time – there will be no "doggy daycare". Mr. Anastopoulos concurred that that was the application before the board at this meeting.

Mr. Hurd asked Mr. McCrory if Mr. McCrory had anything new to add.

Mr. McCrory: "We didn't get to go through the memo ... since the June 26th special meeting was not effectively heard. There is a June 20th memo and this is where I reviewed... sort of what ... as Mike

just reviewed - the amendment to the Home Occupation scope – the first meeting there was a lot of discussion on how many dogs – the amendment is that there are two dogs to be trained at one time, plus his personal canine – and we can go into more detail. Chris can talk to that a little bit more. But there was a question about how a kennel was defined. And I dug into the City code a little bit – I dug into what other ordinances and regulations say about kennels – including state law – and that’s in this memo. I can review this if you like – if you guys have read it – have any questions.”

Mr. Hurd – “We’re not considering this as a kennel?” (unclear if this was a question or a statement.)

Mr. McCrory – That’s one of the questions that needed to be answered.

Mr. Hurd – “Right and we’re not considering - that was the purpose of me saying ‘this is for a special exception’ and the term we’re using is ‘family dog training facility’ – not using it as a kennel. That’s the new amended terminology – that’s two dogs only at any one given time plus his dog, 7 days a week, 52 weeks a year, 365 days – no ifs, no ands, no buts.”

Mr. McCrory – “When we do the motion, let’s use that terminology specifically, whatever the decision is.”

Mr. McCrory had nothing else to add.

Mr. Hurd – “Being that this a continuance, I’m not going to ask for an abutters’ roll call. With our new amended application – Chris if you would step up and, I guess, just tell us for sure that’s the direction we’re heading.”

Mr. Anastasopoulos; “First off – Mr. Petrin, I want to apologize - from the first meeting when I left of course I didn’t have a good taste in my mouth cuz I’d never been here before and while I was standing outside I saw with another neighbor I saw a congregation of Mr. Hurd and the abutters and I’m like this just doesn’t feel right. So I confirmed with Mike that the rules are that you can’t really talk about any of that outside of the meeting – I wasn’t aware of that. So when I approached you I wasn’t trying to be malicious at all. I was trying to get clarification of that. So I wanted to apologize to you.

Mr. Hurd – one thing for you – on the first meeting I looked at the video – one of the things you kind of last spoke of was – and I’m going to use my own words – ‘like we need one more car parking on Charles Street – it’s bad enough as it is.’ Sir – in all of this – from day one – the reference to Charles Street was my driveway access - so it’s a side street – not busy and its confined as Pleasant Street – I’ve got over 100 ft tarred driveway with ample room for 5-6-7 cars. I just wanted to be clear that I am not looking for people to park on Charles Street. That said the original reason why I came here real quickly was because I had forethought and I said people can’t google my driveway – they can only google 269 Pleasant Street. 269 Pleasant Street is a raceway – oaky – Pleasant Street on that side is a raceway and it’s very tight. There are fog lines that are being used as parking. That is illegal. But the City – the police department does not enforce that. So I said how do I put a sign up on my property – an architecturally aesthetic sign – both at the front of my property and at my driveway so if they google 6 Charles Street the house across from my driveway or Asetex Auto – I would have a sign so they could see it. Plus depending where this goes I have to address some safety issues – I have plans – if the City allows to actually put out cones when a customer is coming to my house to drop off to say no parking – whether I have to put them on my property, on

the sidewalk or in that fog lane – not the parking land, but the fog lane – those are the forethoughts that I have. So I just wanted to start with that.”

Mr. Hurd – “Mike, as far as his application with a special exception and the sign limitation – is he aware of all that?”

Mr. McCrory – “We’d be talking about the sign, yes – the signs are permitted separately – there are certain dimensional requirements ...”

Mr. Hurd - “I didn’t know if that was addressed to him – did he know ...”

Mr. McCrory – “We haven’t gotten to that detail.”

Mr. Anastasopoulos – “Honestly I felt like after the first meeting that was then that I was being punished for asking for permission not forgiveness. But anyway, I digress. Some of the abutters have addressed safety concerns and I get that. One of the abutters, Mr. Merchant, valid ideas – valid, valid points. I approached him twice before the meeting to talk to me with any concerns. His first was declining property values – I get that. Okay? Secondly was, what was his recourse if everything I wrote down didn’t go as planned. Up to ten dogs – holy crap. Barking all day – kennel, kennel, kennel. And that’s not what I am. So at the point – and I even said it at the meeting – actually there is nothing – as long as the dogs are barking between 7AM and 9PM- you can call the police but they’re just going to be here tomorrow. But I would think that if I were a business, and there was no ordinance, that the City would have more jurisdiction over me being that I’m a business. However, I’ve addressed that issue as well – in the meeting – I’ve confirmed with the police chief that we actually follow the state RSA. If a dog is found to be barking for a determined amount of time, there can be warnings, monetary penalties, up to the removal of those dogs. Now I just want to be clear – that if people are hearing barking dogs, that they know where they are coming from. Because I have two people who aren’t abutters, that are directly behind Mr. Pelton (who’s the direct abutter), and these dogs are indoors and some are outdoors, and they bark all day long. Also, across from Mrs. Miles, a couple of houses up,

Mrs. Towle: “Point of order. When you look back and talk backwards, the TV is not picking that up directly so you have to be careful.”

(Mr. Anastasopoulos apologized.)

Mr. Anastasopoulos: “Across from Mrs. Miles, somewhere, either on the corner or further up, there are at least a couple of dogs that are yipping often throughout the day. Okay? So I just challenge people to pick their battles. I cringed when I put in here ‘dogs are trained to bark or dogs are trained ... however I put it ... to audible. Basically I correct them for barking – we train to not bark. However, there is ‘play-bark’. But again these dogs are not unsupervised. ... To say there will never be a dog barking at my property is not true. But I want people to have a broader understanding of exactly what goes on there.”

“Other than that – more safety issues. Just to let you know I was pro-active with some of the safety issues and being a dog walker in town for my training clients, I get to walk the streets gingerly and notice a bunch of things. So Mrs. Merchant had some concerns about the highly-trafficked sidewalk which abuts my property and the kids that meet the school bus. Well, ‘highly-trafficked’ is debatable. However the kids meeting the school bus is a valid reason. They come down Ridge

Avenue, they come down Bible Avenue – both have sidewalks. What’s not there is a crosswalk or signs and what the kids do is play frogger every morning so they can congregate on Mr. Pelton’s driveway and meet the bus quickly on the same side. So I addressed that in the traffic advisory meeting with Police Chief Chase and he said that will be addressed with the bus driver, the students’ parents and the teacher. So I just wanted to let you know that I am being pro-active with these concerns. There’s also other cross walks that are going to be installed in the City based on my observation. There are zero cross walks from South Street all the way to Drapers Corner across the road. And again we have kids coming down Ridge and Bible and zero cross walk.”

Mr. Anastopoulos gave a demonstration of walking a dog with collars and leash that ensure he never loses the dog. He also demonstrated an electronic collar that allows him to “drop that dog where it stands in an instant” if a dog should ever get loose. He wanted to know that all of these safety devices are on the dog before it goes outside.

Mr. Anastopoulos said he also wanted to apologize to Mrs. Miles about a conversation that had taken place earlier. “I was a little upset. However my issues were not false – so that’s a civil issue and we’ll be addressing those in civil court. I have since then been stymied having my property surveyed because two of the individuals that were going to have me surveyed before the last meeting and this meeting pulled a conflict of interest on me due to some civil issues that might arise. At the very least I want to know my property boundaries so I can put in a fence and make sure it’s on my side of the property. And I have stages of fencing coming in based on funds and based on how big this thing needs to be or can be – you tell me.”

Mr. Hurd asked for more information about the fence. Mr. Anastopoulos said, “PT posts; hemlock top rail and side rail; decorative caps; stained (because I love that red cedar look) and then I think it’s – don’t quote me – I think it’s called stockade fencing which the rectangle more solid close hanger heavy so you can see through it. It kinda blends except for the posts nearly every 8 feet.” He said he needed to find out how close to the boundary he’s allowed to have his fence because he is a bee-keeper and he will plant wildflowers that will grow up the fence.

Mr. Anastopoulos spoke about the amount of vegetative cover exists throughout his neighborhood. He had several photographs of the area that he wanted to share with the Board. Mr. McCrory had suggested to Mr. Anastopoulos that he bring the photos anyway, because Mr. McCrory didn’t see them as anything that would substantially change the application – they just further illustrate the application. The Board debated accepting the photographs.

Motion: To accept 6 pages of pictures to add (it’s not really new information – it’s just pictures)

Made by: Mrs. Towle **Second:** Mr. Collins

Vote: Unanimous in favor

Mr. Anastopoulos went through the photographs with the Board. The photos showed how the existing vegetation provides screening on most of his property lines. One exception being where the trees/shrubs are not tall enough to block the view of his yard from the 2nd and 3rd floor apartments of the Miles’ apartment building next door. Most of the vegetation is evergreen so it provides effective screening throughout the year. He said he would be consulting with an arborist or botanist to determine what he could plant to fill in any gaps. He said Mr. Pelton has a direct view of the backyard because Mr. Pelton has a deck. (There were no photos showing Mr. Pelton’s view.) He said he and Mr. Pelton had been good friends, but Mr. Pelton had said to Mr. Anastopoulos after

the first meeting – Mr. Hurd did not allow Mr. Anastaspoulos to complete the sentence. Mr. Anastaspoulos accepted this and offered to answer any questions the Board might have.

Mr. Hurd acknowledged that Mr. Anastaspoulos had addressed safety issues of walking the dogs and said the fence would have to be installed immediately (if this application should pass). Mr. Anastaspoulos asked Mr. Hurd to define “immediately”.

Mr. Hurd asked how big of an area would be fenced in the back (with the aim of keeping a new dog from bolting off the property the first time the door is opened). Mr. Anastaspoulos explained the current situation and what he plans to address this with limited access from the training room, some stairs, a gate and 5-ft fencing of a 50-ft x 80-ft area, all on the back of the house. He said he wanted to make it as aesthetically pleasing as possible.

Mr. Anastaspoulos summarized the ways in which he would address safety concerns, but then said, “Right now I am telling them (customers) ‘Google Asetex, 3 Charles Street and I’ll meet you at the end of the driveway.’ And they drive up.”

Mr. Hurd asked the Board if they had any questions for the applicant.

Mr. Howe asked Mr. Anastaspoulos if he was currently running the business that he was seeking a permit for. Mr. Anastaspoulos replied yes.

Mr. Howe, “And if you are turned down tonight, are you going to continue running the business?”

Mr. Anastaspoulos, “I’m not sure how three dogs on my property is against the ...”

Mr. Anastaspoulos – I have clients that have dogs that are out of town – I have to. ... If I get turned down tonight, I cannot return those dogs. So I technically have to continue running my business.”

Mr. Hurd cited tradesmen who use their addresses for their businesses, but don’t actually work on their property. He asked Mr. McCrory if Mr. Anastaspoulos could do the same.

Mr. McCrory said that if there is a training facility being run out of this building, then the home occupation needed to be approved for it to continue.

It was agreed to limit the discussion to the application in front of the Board at this meeting.

Mr. Hurd invited the abutters to speak. He asked that all testimony be new, not anything that had already been discussed or presented.

Bonnie Miles asked how the permit – if approved – would be enforced. Mr. McCrory said “we” don’t police, but “we” do respond to complaints. He said the general process is a site visit is made following receipt of a complaint and an attempt is made to obtain voluntary compliance. If compliance is not obtained, a citation is issued. Mrs. Miles said thank you.

Joella Merchant, abutter from across the street, asked if issuance of this permit would change the residential status of the neighborhood. Mr. Hurd said no.

Gary Merchant asked how long the grace period would be for Mr. Anastaspoulos to get his yard in order. He said he was concerned for the safety of school children and un-contained dogs. Mr. Hurd said those concerns would be addressed in the conditions of the permit, if the permit is approved. Mr. Merchant said the grace period should end before the school year begins.

Mr. Anastaspoulos said dog-aggressive dogs and human-aggressive dogs would not be allowed on his property. He also said that Chief Chase told him that once the school year starts, the kids would no longer be crossing the street (to his side of the street) until the bus has arrived, so they should not be congregating near his property. In addition he would be using the driveway onto Charles Street and placing cones on the Pleasant Street side, all for safety purposes.

No other comments were made. Mr. Hurd closed the public hearing. He called for discussion from the Board.

Mrs. Towle said she had definite conditions in mind if the application is approved – 50-ft x 80-ft containment “right off the bat”, but she said she was “swayed quite a bit” to learn that the business is already in operation.

Mr. Hurd said he agreed completely. He said he had viewed the property that evening and thought it would a lot to have to fence the entire back yard. He repeated Mr. Anastaspoulos’s assertion that the dogs would not be able to get out when people bring them to the property. He added that he had never seen Mr. Anastaspoulos walking a dog that looked vicious.

Mr. Hurd called for a motion. No one volunteered. Mr. McCrory suggested modifying the recommended motion in the staff report to reflect the change in the proposal since the staff report had been written.

Mr. Hurd turned to reviewing the nine criteria for a Special Exception permit:

1. *The specific site is an appropriate location for such a use;*
2. *Property values in the district will not be reduced by such a use;*
3. *No nuisance or unreasonable hazard shall result;*
4. *No adverse traffic impact will result from such a use;*
5. *Adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use, including water, sewer and parking;*
6. *No adverse impact on the view, light and air of any abutter will result;*
7. *The use will not place a disproportional burden on the city's operational services in comparison to the anticipated tax revenue associated with the property/use in question;*
8. *Such a use would not be detrimental to the public health, safety and general welfare; and*
9. *The specific use is in harmony with the general purpose and intent of this chapter and shall be in accordance with the general or specific rules contained in this chapter.*

Mr. Hurd didn’t see any negatives. None of the other Board members contributed to the review. He said two of the abutters were concerned about the dogs being loose.

Mrs. Towle said she applauded the applicant for coming to the Board, but said she was “stuck a little bit”.

Mr. Hurd said he felt the applicant had addressed one of the biggest stumbling blocks for the Board by reducing the number of dogs from 10 to 2.

Mr. Petrin called for a 5-minute consult with staff.

Motion: To have a 5-minute consult with staff

Made by: Mr. Petrin Second: Mrs. Towle

Vote:

The Board left the Chambers and the CCTV camera was turned off.

When the meeting reconvened, Mr. Hurd called for a motion on the application. Again, no one volunteered. Mr. Hurd asked Mr. McCrory to again describe the enforcement proceedings, which he did as described earlier in the meeting. He said he would call for a two-week period for voluntary compliance. He provided additional details on citations and the court process. Mr. Hurd again called for a motion to either approve or deny.

Motion: *To grant the Application for a Special Exception for a family dog training facility in accordance with Section 22-207 to permit a home occupation use at 269 Pleasant Street with the conditions:*

- *that there is a fence put up within the next 30 days of the dimension he gave us of 50 x 80 or smaller to be in the backyard to be on his property which I think we determined he knows roughly where that is*
- *that this is limited to only two dogs at any given time – 365 days – plus your (the applicant's) dog – so you have two dogs that are not yours and yours (speaking to the applicant)*
- *no doggy daycare*
- *no additional dogs coming over for playtime*
- *that's two dogs only*
- *that it's no more than 20% of the house to be used*
- *be limited to those incidental and accessory to the home occupation*
- *the home occupation shall remain subordinate to the residential use and operated by the property owner to whom the subject property is primary residence*
- *The home occupation shall have no more than two non-resident employees*
- *Any information that was provided to the Board for case 2018-00005 will be added to the record.*

Made by: Mr. Hurd **Second:** Mr. Collins

Mr. Hurd returned to the review criteria. He said the Board had addressed the safety concerns. He said the Board had determined that there is no impact to the City's operational services compared to the anticipated tax revenue associated with the property. He said the board had addressed the public health, safety and general welfare as far as the dogs – if they were to be loose – by having the fenced in area and the dogs limited. The applicant addressed that the dogs are kept inside unless he brings them outside. He said he felt these dogs are under a little more supervision than most home-owner's dogs are. The nuisance or unreasonable hazards have also been addressed. Mr. Hurd felt there would be no traffic impacts because he felt the applicant has enough room to do what he wants to do.

Mr. Hurd asked for additional input from the Board. There was none.

Vote on the motion: (Roll call vote)

Mrs. Towle: No
Mr. Petrin: No
Mr. Collins: Yes
Mr. Hurd: Yes
Mr. Howe: No

The motion failed.

Motion: To deny

Made by: Mr. Howe **Second:** Mr. Petrin

Discussion: Mr. Howe said his biggest concern was safety and noise, “even though he says he has it under control – the fence isn’t up. There are already concerns about safety and children and the school season is starting. He’s already running the business to begin with.” Mr. Howe felt that if the applicant was truly being proactive, the fence would already be up.

Mrs. Towle said she was unsure of criterion #3: *No nuisance or unreasonable hazard shall result*. She said this has been an issue in the past. She agreed with Mr. Howe, that the fence should already be in place, “because of the issues before”.

Mrs. Towle also focused on criterion #8: *Such a use would not be detrimental to the public health, safety and general welfare*.

There was no further discussion.

Vote on the motion: (Roll call vote)

Mrs. Towle: Yes
Mr. Petrin: Yes
Mr. Collins: No
Mr. Hurd: No
Mr. Howe: Yes

The application is denied.

IV. New Business

- A. (ZO 2018-00006) Howe Motors Inc dba McGee Toyota of Claremont, 114 Charlestown Road:** Application for a variance from Sect.22-186 and 187 of the City Zoning Ordinance to permit construction of a full Toyota dealership with sales and service at **168 Charlestown Road**. Map 165, Lot 16. Zoning District B2 and RR2.

Mr. Hurd said that Mr. McGee’s “outfit” does business with him and asked if the board felt there might be a biased opinion of him by sitting on the application. He said he didn’t look at the application as his personal views, but rather what is better for the community. Board members said they had no problem with it. Mr. Hurd asked the applicant if they had an issue with it. (Unable to hear applicant’s response.)

Mr. Hurd read the public notice and asked for an abutters’ roll call. Mr. Hurd noted that the subject property is now owned by the applicant and the T-Bird station had also changed owners

since the time of the application. Mr. McCrory said every reasonable effort had been made to notify all parties.

Planner's Report

The subject property is in two zoning districts – the front is B2, the back (and larger portion of the lot) is RR2. Auto dealership is not an allowed use in the RR2 zone. The variance is to extend the dealership into the RR2 zone. The proposed use will extend more than 75 into the RR2 zone. The project will require site plan review with the Planning Board.

Applicant's Presentation

Phil Gregoire, General Manager and Austin Turner, engineer with (?) Engineering, the firm hired to assist with the project, presented the application. Mr. Gregoire explained that the existing dealership is outdated and too small to upgrade. The proposed site is currently vacant. They are proposing new buildings for various function and parking for 400-500 vehicles. The locations of the features are not finalized.

Mr. Turner described the lot – 12-15 feet change in elevation in the front part of the lot; toward the back the elevation changes another 15 feet; the site is “a big pile of rocks”.

The parking area is where the cars are viewed; the buildings are where the transactional and administrative activities occur. The sales floor is what attracts customers so it needs to be up front. Cost-effective engineering calls for sloping the parking lot – not the buildings. The intent is to limit the site work to the area that has already been cleared by previous uses.

1. *Would granting the Variance be in accord with the public interest?* This project is located in a commercial corridor. This project will be surrounded by similar and complimentary uses. The variance would allow the use of the lot for which it was intended. The use footprint will fall within the area that was used by the previous use. It is very much within the spirit and intent of the zoning ordinance.
2. *Would granting the Variance be consistent to the spirit of the ordinance?* The zone was designed to have businesses up front. The lot is 24 acres, but only 6 acres are developable. 5 of those acres are in the B2 zone.
3. *Would granting the variance, as requested, do substantial justice?* Substantial justice would be done by allowing the intended development of this property within the portions of the property that have already been developed. It would allow the McGee business to remain a viable, competitive business without having to completely level the lot.
4. *Does the proposed use maintain the value of surrounding properties?* This proposal is very much in line with other developments within this commercial corridor. The applicant predicted that properties adjacent to the new dealership will see an increase in their property values because of the money being spent on the dealership.
5. *Would denial of the variance by literal enforcement of the ordinance result in unnecessary hardship to the owner?* Denial of the variance would put the applicants at a competitive disadvantage. The truly developable portion of the property is in the RR2 zone. Forcing all of the development into the B2 zone would force the parking of the bulk of the vehicle inventory behind the buildings which is not how retail auto sales works.

The board asked questions about the amount of rock that would have to be removed for the project and if the engineer planned to have a gradual slope to the buildings or a terraced arrangement.

There were no further questions from the board. There were no abutters wishing to speak. Mr. Hurd closed the public hearing.

Mr. Hurd said this is a great project. Mrs. Towle said it will increase values and she appreciated the buffering being left in the back. She said she faltered a bit on hardship, but agreed that the topography of the site was the hardship. Mr. Hurd said the project will bring in money for taxes (public interest). Mr. Howe said it would be a destination stop. Mr. Hurd said the variance will allow them to use the property to its fullest potential (spirit of the ordinance). He said this is a reasonable request.

Motion: That we grant the variance to Section 22-186 and 22-187 for property located at 168 Charlestown Road [NOTE: There was an error in the public notice – it read Section 22-181 instead of 22-187]

Made by: Mr. Hurd **Second:** Mr. Petrin

Vote: Unanimous in favor

B. (ZO 2018-00007) Barbara Fielder, 205 Britton Road, Unity NH: Application for a Special Exception to permit establishment of a massage therapy studio as a home-based business at 4 **Maple Ave.** Map 143, Lot 135. Zoning District: R1.

Mr. Hurd read the public notice and asked for an abutters' roll call.

Planner's Report

The application is for a massage therapy studio in one of the units in the building. The applicant will be living on premise. There will be no staff or employees. This is not a high-traffic business.

Applicant's Presentation

The subject property is a duplex – one side will be for the business, the other for the applicant and her family. It is a part-time business. The hours would be Mon – Thurs, 6 PM – 9 PM; Fridays 3 PM – 9 PM; Saturdays 9 AM – 9 PM; Sunday 9 AM – 7 PM. The business will not generate anymore traffic than a resident. Lighting and noise should not be issues. There are no smells or hazards and no increase in City services. Dekamp Trucking picks up the trash at the corner. There's not a lot of garbage.

Mrs. Towle said she would have liked to have seen a floor plan of the unit. Ms. Fiedler said the unit is a 2-bedroom (treatment rooms), with a kitchen, living room (waiting room) and one bathroom. The applicant is a New Hampshire licensed therapist, registered with the state. She did not know if her facility had to be inspected. Mr. McCrory said the facility would be inspected by the Building Inspector for the Certificate of Occupancy.

There were no other questions from the board. There was no one from the public that wished to speak. Mr. Hurd closed the public hearing.

Mr. Hurd felt the applicant had addressed the 9 criteria. There is sufficient parking. The City and her insurance company will critique lighting, exits, etc. It has City water and sewer. There will be no new curb cuts.

Mrs. Towle said adequate and appropriate facilities are there.

Motion: That we grant the Special Exception for a massage therapy studio as a home business with the conditions:

1. The proposed use shall be maintained in accordance with the information provided by the applicant in the Application for a Special Exception, ZBA Case No. ZO 2018-00007, and testimony during the public hearing for said case.
2. The Home Occupation shall have no more than two non-resident employees.
3. The residential portion of the building shall be the primary residence of the owner of the Home Occupation.
4. The Home Occupation shall remain subordinate to the residential use and operated by the property owner, for whom the subject property is his primary residence.
5. There shall be no on-site retail sale of stock in trade on the premises, except as an accessory sale to the services provided.
6. The area utilized for the Home Occupation shall occupy no more than 20 percent of the residential building.
7. There is no residential use in unit 4A.

Made by: Mr. Hurd **Second:** Mr. Howe

Vote: Unanimous in favor

C. (ZO 2018-00008) Francis Gagne Jr, 75 Veterans Park Road: Application for a variance from Sect. 22-169(1) to permit construction of a porch within the front setback at 75 Veterans Park Road. Map 97, Lot 14. Zoning District: RR.

Mr. Hurd read the public notice and asked for an abutter's roll call.

Mr. Gagne said he spoke with all of his neighbors – they had no objections to his proposed porch and signed a paper stating as such. He gave the paper to Mr. McCrory for the record. The board accepted the document without viewing it.

Motion: To accept the list for the record.

Made by: Mr. Petrin **Second:** Mr. Howe

Vote: Unanimous in favor

Everyone had gone to see the property before the hearing.

At is closest, the porch will be 20 feet from the road.

The board had no questions. There was no one from the public to speak. Mr. Hurd closed the public hearing.

Mr. Hurd said there was no other place to put the porch. Mr. Collins said it wouldn't devalue any of the properties. Mr. Hurd said the hardship is the road. The porch will add value to the

property. Mr. Hurd said it was within the spirit of the ordinance and that there was no other place to put the porch.

Motion: Approve the Application for a Variance from Section 22-169, Yards in the Rural Residential District, to permit a deck within the front yard setback at 75 Veterans Park Road (Tax Map 97, Lot 14) with the following conditions:

1. The proposed structure shall be constructed substantially in accordance with the information provided by the applicant in the Application for a Variance for ZBA Case No. ZO 2018-00008 and testimony during the public hearing for said case.
2. The applicant shall obtain and receive all necessary permits and approvals to complete the work.
3. This variance shall be recorded in the chain of title.

Made by: Mr. Petrin **Second:** Mr. Collins

Vote: Unanimous in favor

V. Communications

- A. *Town and City* magazine

VI. Other Business

- A. Mr. McCrory thanked the board for their letter of support on the housing grant application. The grant was awarded to the City. He invited board members to consider serving on the steering committee for the housing study under the grant.

VII. Adjournment

Respectfully submitted,
deForest Bearse