

MINUTES
PEMBROKE ZONING BOARD OF ADJUSTMENT
June 24, 2019 Approved July 29, 2019

MEMBERS PRESENT: Bruce Kudrick, Chair; Tom Hebert, Vice Chair; Dana Carlucci, Natalie Glisson, Paul Paradis

ALTERNATES PRESENT: Robert Bourque, Blakely Minor III

EXCUSED:

STAFF PRESENT: Dana Pendergast, Code Enforcement Officer; Susan Gifford, Recording Secretary
The clerk took the roll call and seven members were present.

Chairman Kudrick called the meeting to order at 7:00 p.m. Chairman Kudrick stated that the meeting is being recorded and will be available to watch on the Town website. Five regular Zoning Board of Adjustment members and two alternate members are present.

Case #18-04-Z

Applicant:	Gallo Realty Group 34 Rundlett Hill Road, Suite 4 Bedford, NH 03110-5824
Property Owner(s):	Potential Properties Corp. 34 Rundlett Hill Road, Suite 4 Bedford, NH 03110-5824.
Property Address:	109 Wilkens Avenue Pembroke, NH 03275 Tax Map 266, Lot 117 in the R-1 Medium Density-Residential, B-1 Business / Residential and the AC Aquifer Conversation Zoning Districts

Case 18-04-Z Continued from August 27, 2018 A request has been made for a **Special Exception under Article IV Use Regulations, § 143-19 Table of Use Regulations #3**. The applicant, Gallo Reality Group, 34 Rundlett Hill Road Suite 4, Bedford NH 03110-5824 is requesting a **Special Exception** to construct 2, 6-unit townhouses. A **Special Exception** is required under **§ 143-19 Table of Use Regulations #3** in the R-1 and B-1 Zoning Districts. The property is owned by, Potential Properties Corp. 34 Rundlett Hill Road Suite 4, Bedford NH 03110-5824. The property is located at 109 Wilkins Avenue, Map 266 lot 117 in the R-1 Medium Density-Residential, B-1 Business / Residential and the AC Aquifer conservation zoning Districts.

Agent: Matt Peterson, Development Consultant, Hillside Design Group, LLC; 746 DW Highway, Unit B; Merrimack, NH 03054

Chairman Kudrick stated that the Board has five regular members present. Chairman Kudrick opened the hearing at 7:01 pm. This is a continued hearing.

The secretary read a letter dated June 13, 2019 from Matthew Peterson, Hillside Design Group, Merrimack NH requesting that application #18-04-Z be continued to the September 2019 Zoning Board of Adjustment meeting. Mr. Peterson stated in his letter that the Town of Pembroke and Town of Allentown have not finalized the court case regarding the availability of town sewer for the project.

MOTION: BRUCE KUDRICK MOVED TO CONTINUE CASE 18-04-Z TO MONDAY, SEPTEMBER 30, 2019 AT THE REQUEST OF THE APPLICANT. SECONDED BY DANA CARLUCCI. UNANIMOUSLY APPROVED.

Chairman Kudrick stated that the original abutters for this application would not be renoticed. The public hearing on Case #18-04-Z was continued to September 30, 2019. All interested parties are encouraged to check the Town website or call the Zoning Department to get information pertaining to future meetings and locations.

Case #19-02-Z

Applicant: Jerred Rounds
626 Buck Street
Pembroke, NH 03275

Property Owner(s): Jerred and Jennifer Rounds
626 Buck Street
Pembroke NH 03275

Property Address: 626 Buck Street
Pembroke, NH 03275
Tax Map 939 Lot 9 in the R3 Zoning District.

Case 19-02-Z A request has been made for a **Variance under Article IV Use Regulations, Section 143-19 Table of Use Regulations Residential #3 Multifamily dwelling**. The applicant, Jerred Rounds, of 626 Buck Street Pembroke NH 03275, is requesting a **Variance** to construct a third separate living unit on Lot 939-9. Multi-family homes are not permitted in the R3 zone. The property is located at 626 Buck Street, in the R3 zoning district and is owned by Jerred and Jennifer Rounds of 626 Buck Street.

Chairman Kudrick opened Board discussion at 7:04 p.m. The public hearing for Case 19-02-Z was closed on May 28, 2019.

Board deliberations and a decision on the case were postponed to June 24, 2019 to obtain additional information including but not limited to:

1. A town legal opinion on whether the Zoning Board of Adjustment can place a condition that a manufactured home be removed once the owner's parents pass.
2. Verification of the date the property changed from two-family to 3+ multi-family.
3. Input on traffic and safety from Public Works and Police, particularly at the crest of the hill.
4. Confirmation from the Fire Department that the driveway is adequate to support fire and life safety equipment, and whether, as required since 1992, structures located more than 200 feet off the road must be sprinklered.
5. Input from water department, if residential sprinkler system is necessary, on adequate water line or does the owner need to upsize the water line.
6. Confirmation that the septic system is correctly sized for number of bedrooms.

Dana Pendergast provided photographs to the Board that he recently took standing in the driveway, at Thompson Road and looking toward Route 28. Dana reported that the Fire Department comments were that the manufactured home, if approved, should have its own house number. In addition, any residential structure located more than 200 feet from the main road must be sprinklered. Police Department reported that in the past 15 years there have been 90 accidents on Buck Street, none at this specific address. The closest accidents were nine at the intersection of Route 28 and Buck Street. Department of Public Works

has no additional comments. Dana Pendergast reviewed assessing and building records and found various permits issued for this address. The main house was converted into a 3-family dwelling sometime between 1983 and 1987. The exact date is unclear, but every five years, each property in Pembroke is reassessed. An email dated May 28, 2019 from Dana Pendergast to Laura Specter Morgan, Esq. was read into the record. The question was whether the ZBA could condition a variance such that a structure must be removed from the property after the death of the occupants. The attorney opinion was no, they could not order a building removed unless there was a disability.

The Zoning Board of Adjustment discussed the square footage necessary to have five units on a property. In the R3 zoning district, 75,000 square feet is needed for the main unit and for each additional unit. The lot is approximately 5 acres. There are four existing units on the property at this time. For five units, 225,000 square feet is required. The lot has 217,800 square feet so it is short square footage for five units.

Deliberations: ZBA members discussed the Variance criteria.

1. The variance will not be contrary to the public interest. Disagree, the lot is short the square footage needed to have five units.
2. The spirit of the ordinance is observed. Disagree, by allowing multiple single-family homes on one lot, there is increased risk of system failures that support all of the dwellings.
3. Substantial justice is done. Agree in part, the applicant is trying to provide housing for his parents. Unfortunately, the manufactured home would stay on the property after they pass. There are already four existing livable units on the property.
4. Property values are not diminished. Agree, will not diminish property values.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Disagree, the applicant has utilized the land and has an alternative to designate one of the three existing rental units for his parent's use.

MOTION: Tom Hebert moved to DENY **Case 19-02-Z A** a request for a **Variance under Article IV Use Regulations, Section 143-19 Table of Use Regulations Residential #3 Multifamily dwelling**. The applicant, Jerred Rounds, of 626 Buck Street Pembroke NH 03275, is requesting a **Variance** to construct a third separate living unit on Lot 939-9. Multi-family homes are not permitted in the R3 zone. The reason for denial is that the application does not meet the following variance criteria:

1. The variance will not be contrary to the public interest Disagree, the lot is short the square footage needed to have five units.
2. The spirit of the ordinance is observed. Disagree, by allowing multiple single-family homes on one lot, there is increased risk of system failure that supports all of the dwellings.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Disagree, the applicant has utilized the land and has an alternative to designate one of the three existing rental units for his parent's use.

Dana Carlucci seconded.

VOTE: PAUL - YES TOM - YES BRUCE - YES
DANA- YES NATALIE - YES

MOTION TO DENY VARIANCE PASSED ON A 5-0 VOTE

Case #19-05-Z

Applicant: Continental Paving, Inc
One Continental Drive
Londonderry NH 03053

Property Owner(s): Continental Paving, Inc
One Continental Drive
Londonderry NH 03053

Property Address: 773-793 North Pembroke Road
Pembroke, NH 03275
Tax Map 559 Lot 6 in the C1 Zoning District.

Present: Morgan Hollis, Esq. Gottsman & Hollis PA, 39 Pearl Street, Nashua NH; Brett Kay, Nobis Engineering; Mark Charbonneau, President and Rick Charbonneau, Vice President of Continental Paving, Inc.

Case 19-05-Z A request has been made for a **Variance under Article IV Use Regulations, Section 143-21 Table of Dimensional and Density I Maximum Height**. The applicant, Continental Paving, Inc. of 1 Continental Drive, Londonderry NH 03053 is requesting a **Variance** to construct 4 holding tanks fifty (50) feet in height and 4 silo tanks at ninety-five (95) feet in height where thirty-five (35) feet is permitted. The property is located at 773-793 North Pembroke Road in the C1 Zoning District and is owned by Continental Paving, Inc. of 1 Continental Drive, Londonderry NH 03053.

At the May 28, 2019 meeting, the clerk read the case description and the list of abutters. The clerk read an email dated May 24, 2019 from Morgan Hollis, Esq , Gottsman & Hollis PA, 39 Pearl Street, Nashua NH to Dana Pendergast, Code Enforcement Officer, representing the applicant. Continental Paving, Inc. is having conversations with the City of Concord NH on well head concerns and wished to continue this hearing until this month's ZBA meeting.

Chairman Kudrick opened the public hearing on Case 19-05-Z at 7:25 p.m. Chairman Kudrick explained the rules of the hearing. Anyone who wishes to speak will give their name, address and interest in the case. All questions are directed to me, the Chair.

Assessing cards, Site Overview, Conceptual Asphalt Plant Plan, and Typical Storage Silos plans prepared by Nobis Engineering; along with a copy of a Special Exception #09-18-Z approved September 28, 2009 and list of abutters were included in the agenda packet.

Morgan Hollis, Esq. stated that Continental Paving, Inc. was before the ZBA in 2011 requesting a height variance for their Ricker Road facility. In 2011 the variance was denied and went to court. It was later approved for the Ricker Road site. Due to a change in Pembroke zoning that allows asphalt manufacturing in the C1 zoning district, the company would like to move the move the Ricker Road operations to 773-793 North Pembroke Road. The site is 160 acres used as an active quarry. If a variance is approved, the next step is going to Pembroke Planning Board site review.

Morgan Hollis explained that there are two types of silos, a vertical silo 50 feet high for storing liquid asphalt that provides heat efficiency to mix with product from the excavation site. The mixing is done in a different silo designed to drop the mix directly into trucks. The height necessary to manufacture asphalt includes 15 feet for trucks to clear, 12 feet for the cone in the silo that directs the material, 35 feet for storage and space at the top to mix the product.

The catwalk is located at the top of the silo. Six silos are 50 feet high, and 3 silos are up to 95 feet high. The existing silos on Ricker Road will be moved to North Pembroke Road, leaving just a small batch operation at Ricker Road. The previous application included silos for fuel oil to heat the product but there will be no storage of fuel on this site. A natural gas pipeline on North Pembroke Road will be installed to

heat the asphalt. NH DES has confirmed that any asphalt that may leak would harden and not permeate into the soil. Nothing will pollute the ground at the site. A boom truck that can reach 110 feet will be kept on site and operational at all times. The applicant welcomes the ZBA to make this a condition of approval. Egress is through a private easement on Ladd property. Trucks will not exit to North Pembroke Road to Route 106. The applicant is in discussion with City of Concord and will provide the City's input to the Pembroke Planning Board.

Morgan Hollis stated that one of the two lawful reasons communities restrict height of unoccupied structures is whether fire apparatus can reach the top of the tower. The Pembroke Fire Chief now has a 200-foot ladder truck. A condition could be made that a boom truck of sufficient height be on site and operable at all times. The other reason is aesthetics. Because the silos sit on the floor of the quarry, it will not alter the view of the neighborhood or abutters. The silos will not threaten public safety nor adversely affect neighbors. The silos have been up on Ricker Road since 2007 with no incidents or problems.

Morgan Hollis stated that Continental Paving, Inc. engaged Chet Rogers, independent commercial appraiser, to look through appraising records and drive throughout the area. Neighboring views remain unobstructed due to natural barriers and the proposed silos will not affect values of surrounding real estate. The applicant will submit a copy of the report to the town for town files.

Morgan Hollis, Esq. addressed the Variance criteria:

Please give a detailed description of your proposal below:

We would like to construct four holding tanks up to 50 feet in height and four storage tanks up to 95 feet in height to hold materials associated with asphalt mixing /manufacturing facility where 35 feet in height is the maximum permitted height.

1. **The variance will not be contrary to the public interest.** The current use of the site is mining and excavating and the future proposed use is for an asphalt manufacturing facility, a permitted use, which requires storage tanks for liquid asphalt and the finished product of hot asphalt. Vertical tanks are more efficient than horizontal tanks for liquid asphalt and are necessary for finished product storage. Due to the remoteness of the site, the extra height will not be noticeable and will not alter the character of the neighborhood. An aerial photograph was provided showing the 160-acre subject parcel and abutting properties. The fall zone is large. There are no threats to public health or safety.
2. **The spirit of the ordinance is observed.** The spirit of the ordinance is to control heights of structures for both aesthetic impacts and fire safety. Due to the remoteness of the site, the additional height will not affect the character of the neighborhood. Neither liquid asphalt nor finished hot asphalt are flammable products at the heat of storage. However, should the equipment combust for any reason, fire suppression equipment and firefighting equipment and apparatus of the Town can adequately control any fire that breaks out.
3. **Substantial justice is done.** Allowing tanks to be vertical instead of horizontal significantly improves efficiency and allows the proposed manufacturing use. If allowed, because of the isolated and remote location and the size of the property, it will not harm any public or private interest.
4. **The values of surrounding properties are not diminished.** The increased height will have no impact on values of surrounding properties given the isolated and remote location.
5. **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**
 - A. **For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:**

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; and:
ii. The proposed uses is a reasonable one.

The property is a 160+/- acre gravel excavation site, with no true visible frontage from a public way, and zoning was recently changed to allow manufacturing. It is truly too remote to be developed into a standard manufacturing use, however, an asphalt manufacturing facility is a natural fit. Enforcing the maximum height restrictions on unoccupied structures on this property that is in a remote area and is of sufficient size having more than sufficient area to accommodate “fall zones”, has no fair and substantial relationship to the purpose of fire safety, public safety or aesthetics. The applicant cannot perform asphalt manufacturing without the height and it is an allowed use in the C1 zoning district. The proposed use is a reasonable one.

B. If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to make a reasonable use of it.

Mark Charbonneau confirmed that the site would be illuminated at night for typical asphalt operations. Bob Bourque expressed concern about installing red warning lights at the top of the tower for safety of the local helicopter company and Concord regional airport. Bob Bourque directed his comment to Brett Kay of Nobis Engineering, who will check on the requirements for red lights.

Tom Hebert asked about the elevation of the silos from the pit floor. Brett Kay, Nobis Engineering, stated that survey information just came in. He estimates 10-15 feet at North Pembroke Road and 75-100 feet below Sam’s Club. The top of the silos will be below the roof of Sam’s Club. Tom Hebert asked if there were any intent to use North Pembroke Road for trucking. Brett Kay said no, Continental would continue to use the Ladd property easement to enter and exit. Chairman Kudrick asked for clarification on the number of liquid asphalt tanks. There were three silos on the first application for Ricker Road, and the applicant came back for approval on a fourth silo. Bob Bourque asked for clarification that Figure 3 is 95 feet and Figure 4 is 50 feet representations. That is correct. Blakely Miner asked about site security. Mark Charbonneau stated there are locked gates and cameras at the Ricker Road facility and it would be the same on North Pembroke Road. The cameras are installed to provide real time monitoring and live video. The Ricker Road plant will continue to make small, custom batches. The North Pembroke Road facility will make 100-200 ton of the same product.

Natalie Glisson summarized the case. This is **Case 9-05-Z A**, a request for a **Variance under Article IV Use Regulations, Section 143-21 Table of Dimensional and Density I Maximum Height**. The applicant, Continental Paving, Inc. of 1 Continental Drive, Londonderry NH 03053 is requesting a **Variance** to construct 4 holding tanks fifty (50) feet in height and 4 silo tanks at ninety-five (95) feet in height where thirty-five (35) feet is permitted. The property is located at 773-793 North Pembroke Road in the C1 Zoning District and is owned by Continental Paving, Inc. of 1 Continental Drive, Londonderry NH 03053. The attorney representing Continental Paving, Inc. stated that due to Pembroke zoning changes, they would like to move the Ricker Road site to North Pembroke Road. They would like to consolidate facilities to reduce mileage driving to pit and back for materials. Continental Paving previously obtained a variance for height on Ricker Road. Morgan Hollis explained the reason for height of asphalt silos. He stated there is no danger to the public if there is a leak. He suggested that if the Board approves a variance, that a stipulation is a boom truck on site to reach top of tanks. It was stated the proposal is in the public

interest because the operation would be more efficient. Mr. Hollis provided an aerial view of property showing space for silos and business. Attorney stated fire truck could reach catwalk. No flammables will be stored in silos. No problems have occurred at Ricker Road site. Morgan Hollis explained the need to have the tanks vertical. Morgan Hollis spoke about the appraiser report, which said the proposed silos would not diminish abutter property value. This is a unique parcel of land, encompassing 160 acres. Bob Bourque asked if tanks are illuminated at night. Bob Bourque directed his comment about possible need for red collision lights at top of silos for aircraft safety to Brett Kay, Nobis Engineering. Tom Hebert asked about elevation of sites. Brett Kay said from Route 106, you would not see the tanks. Brett Kay denied intent to use North Pembroke Road for trucks. Chairman Kudrick and Bob Bourque asked clarifying questions about the Figures on the plan. Blakely Miner asked about site security. Locked gates and cameras are the security plan. Applicant explained batch plant that will remain at Ricker Road. No one spoke in favor. No one spoke against.

There being no further comment, Chairman Kudrick closed the public hearing at 8:00 p.m.

Deliberations: Dana Carlucci stated for the history of this case, in 2011 the ZBA members took a field trip to observe the Londonderry NH plant operating at night, because paving is prohibited on Route 106 at night. Asphalt manufacturing serves a public interest. It is a clean operation and minimal noise was heard. Members traveled to a residential area. A beeping backup tone was barely heard at one mile. A buffer of trees contained most noise from the site.

ZBA members discussed the Variance criteria.

1. The variance will not be contrary to the public interest. Agree, this is a commercial area and will have minimal impact on abutters.
2. The spirit of the ordinance is observed. Agree. Fire safety plan is in place. Boom truck will be on site and operational at all times. Pembroke Fire Department has a 200 foot ladder truck.
3. Substantial justice is done. Agree, Asphalt manufacturing is an allowed use in the C1 zoning district.
4. Property values are not diminished. Agree, will not diminish property values.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Agree, it is more efficient to use vertical silos and to load the material by force of gravity.

MOTION: Tom Hebert moved to approve **Case 9-05-Z A**, a request for a **Variance under Article IV Use Regulations, Section 143-21 Table of Dimensional and Density I Maximum Height**. The applicant, Continental Paving, Inc. of 1 Continental Drive, Londonderry NH 03053 is requesting a **Variance** to construct 4 holding tanks fifty (50) feet in height and 4 silo tanks at ninety-five (95) feet in height where thirty-five (35) feet is permitted. The property is located at 773-793 North Pembroke Road in the C1 Zoning District.

Approval is subject to the following conditions:

1. Applicant will follow all state and local regulations.
2. Applicant will adhere to site plan as submitted except for approved Planning Board changes and final plan approval.
3. A boom truck of adequate height to reach the top of the silos will be on site and operational at all times.

Dana Carlucci seconded.

VOTE: PAUL - YES TOM - YES BRUCE - YES
DANA- YES NATALIE - YES

MOTION TO APPROVE VARIANCE WITH CONDITIONS PASSED ON A 5-0 VOTE

Case #19-06-Z

Applicant: Nataliya Gaponov
8 Peaslee Drive
Pembroke, NH 03275

Property Owner(s): Nataliya Gaponov
8 Peaslee Drive
Pembroke NH 03275

Property Address: 8 Peaslee Drive
Pembroke, NH 03275
Tax Map 565 Lot 51-12 in the R1 Zoning District.

Case 19-06-Z A request has been made for a **Variance under Article V Use Regulations, Section 143-21 Table of Dimensional and Density Regulations G Side Set Back**. The applicant, Nataliya Gaponov, 8 Peaslee Drive, Pembroke, NH, is requesting a **Variance** to construct a 12' x 12' shed 12 feet from the side lot line where 15 feet is required. The property is located at 8 Peaslee Drive, in the R1 zoning district and is owned by Yuriy and Nataliya Gaponov, 8 Peaslee Drive.

Chairman Kudrick opened the public hearing at 8:15 p.m. Chairman Kudrick explained the rules of the hearing. Anyone who wishes to speak will give their name, address and interest in the case. All questions are directed to me, the Chair.

Assessing card, tax map and list of abutters were included in the agenda packet.

Nataliya Gaponov stated they have seven children, 6 of them boys and teenagers. The children have a lot of bicycles and things to store. The garage is too full. She has a small half acre lot that slopes and has wetlands. The best location for the shed is beside the house. They need to keep the utility boxes clear on the side of the house.

Dana Carlucci asked if this is a cluster subdivision. Nataliya stated it is a half acre lot and the house was built in 2002. Dana Pendergast asked if the town plows the road. Yes, the town plows the road. In response to a question about a vinyl shed listed on the assessing card, Nataliya stated that the small plastic shed is gone because it was too small.

Nataliya Gaponov addressed the Variance criteria:

Please give a detailed description of your proposal below:

The shed is 12' x 12'. It would be located 12 feet from the side lot line where 15 feet is required. We are asking for a variance of 3 feet.

1. **The variance will not be contrary to the public interest.** The difference is only 3 feet and does not make much difference. The house is there to separate the neighbors view of the shed.
2. **The spirit of the ordinance is observed.** It is a shed and will not make a significant impact.
3. **Substantial justice is done.** There will be no loss to individuals. The construction of the shed is consistent with the area's present use.
4. **The values of surrounding properties are not diminished.** The values of surrounding properties will only increase with the added value of the shed. The neighborhood will be improved with the look of the construction.

5. **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**

A. **For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:**

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; and:

ii. The proposed uses is a reasonable one.

The project will not create any problems for boards and neighbor’s properties.

B. If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to make a reasonable use of it.

The lot is sloped and we have wetlands located in the back yard. We could not find a better place to locate the shed,

Yuriy Gaponov, 8 Peaslee Drive, spoke in favor of the variance.

Natalie Glisson summarized the case. This is **Case 19-06-Z**, a request for a **Variance under Article V Use Regulations, Section 143-21 Table of Dimensional and Density Regulations G Side Set Back**. The applicant, Nataliya Gaponov, 8 Peaslee Drive, Pembroke, NH, is requesting a **Variance** to construct a 12’ x 12’ shed 12 feet from the side lot line where 15 feet is required. Affected abutter, Kathleen Davidson, 4 Peaslee Drive, submitted a letter stating she has no objection to the 3-foot variance being granted for the shed, which was read into the record. Nataliya Gaponov has seven children, including teenagers with many things. The shed would benefit the family greatly by providing more storage. The house is built on a slope with wetlands in the back. Nataliya Gaponov gave the board a map of her lot and a copy of the assessing card showing slope and wetlands. Dana Carlucci asked a question about whether or not the area is a cluster subdivision. Yuriy Gaponov spoke in favor. No one spoke against.

Deliberations: ZBA members discussed the Variance criteria.

1. The variance will not be contrary to the public interest. Agree, would be in the public interest to store the items that do not fit in the garage.
2. The spirit of the ordinance is observed. Agree, would maintain the value of the property-.
3. Substantial justice is done. Agree, Material can be stored out of view.
4. Property values are not diminished. Agree, will not diminish property values.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Agree. It is a half-acre lot with slopes and wetlands.

MOTION: Tom Hebert moved to approve This is **Case 19-06-Z A** request for a **Variance under Article V Use Regulations, Section 143-21 Table of Dimensional and Density Regulations G Side Set Back**. The applicant, Nataliya Gaponov, 8 Peasley Drive, Pembroke, NH, is requesting a **Variance** to construct a 12’ x 12’ shed 12 feet from the side lot line where 15 feet is required.

Approval is subject to the following conditions:

1. Applicant will follow all state and local regulations.

2. Applicant will coordinate with the Code Enforcement Officer to arrange a site visit to identify the side setback line and the location of the shed to ensure the 12 feet setback is maintained.
3. The shed will be located no closer than 12 feet from the side property line.

Dana Carlucci seconded.

VOTE: PAUL - YES TOM – YES BRUCE – YES
DANA- YES NATALIE - YES

MOTION TO APPROVE VARIANCE WITH CONDITIONS PASSED ON A 5-0 VOTE

CORRESPONDENCE – none

MINUTES OF PREVIOUS MEETINGS

MOTION: Tom Hebert moved to approve the minutes of May 28, 2019 as amended. Paul Paradis seconded.

VOTE: PAUL - YES TOM – YES BRUCE – YES
DANA- YES NATALIE - YES

MINUTES OF MAY 28, 2019 APPROVED AS AMENDED ON A 5-0 VOTE.

OLD BUSINESS -none

NEW BUSINESS – Dana Pendergast will attempt to arrange more training sessions by Town Counsel for ZBA members, if it is in the contract.

NEXT MEETING

Date of next ZBA meeting – Chairman Kudrick noted the next ZBA meeting would be on **Monday, July 22, 2019 at 7:00 p.m.**

ADJOURN **Motion:** Tom Hebert moved to adjourn. Dana Carlucci seconded. Vote was unanimous in favor of motion. Meeting adjourned at 8:35 p.m.

Respectfully submitted,
Susan P. Gifford
Recording Secretary