

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
(ADOPTED)  
January 23, 2023  
Held: Pembroke Academy Auditorium**

**MEMBERS PRESENT:** Bruce Kudrick, Chairman, Thomas Hebert, Vice Chairman, Dana Carlucci

**ALTERNATES PRESENT:** Robert Bourque, Blakely Miner III

**EXCUSED:** Paul Paradis, Natalie Glisson, Wendy Chase

**STAFF PRESENT:** Paul Bacon, Code Enforcement Officer

Chairman Kudrick called the public hearing to order at 7:12 p.m.

Roll call was taken by the Reporting Secretary.

Chairman Kudrick appointed Alternate Member Miner to vote in place of Member Glisson and Alternate Member Bourque to vote in place of Member Paradis.

Noting that the applicant for Case 22-11-Z was not present, Chairman Kudrick proceeded with the next case in hopes that the applicant would soon arrive.

**Case 22-09-Z** A request has been made for a **Special Exception under Article IV Use Regulations, § 143-19 Table of Use Regulations, Community Facilities, #10.** The applicant, Fieldstone Land Consultants, PLLC, representing Live Free Recovery Services, LLC c/o Joel Asadoorian, of 273 Currier Rd., Candia, NH, 03034, is requesting a **Special Exception to allow a residential drug treatment/detox facility at the former site of the TD Bank.** The property is located at 50 Glass St., Map VE, Lot 137, in the B-2, Central Business District, and is owned by McDall, LLC, c/o David A. Moore.

**Applicant:** Live Free Recovery Services, LLC c/o Joel Asadoorian  
273 Currier Road  
Candia, NH 03034

**Property Owner(s):** McDall LLC c/o David A. Moore

**Property Address:** 50 Glass Street  
Tax Map VE, Lot 137 in the B-2, Central Business District.

Chairman Kudrick announced that the Applicant for Case 22-09-Z withdrew his application.

Gerald Fleury, Kimball Street, asked if the applicant would be allowed the opportunity to modify their application and resubmit?

Chairman Kudrick said that if the applicant returned to the Zoning Board, it would be considered a new case. They would have to submit a new application and all the abutters would be notified.

**Case 23-01-Z A request has been made for a Special Exception under Article IV Use Regulations § 143-18.1 Accessory Dwelling Units.** The applicant, William Byrne, of 336 Pembroke Hill Rd., is requesting a Special Exception to construct an ADU. A Special Exception is required under § 143-18.1. The property is located at 336 Pembroke Hill Rd., Map 264, Lot 80, in the R-3D Rural/Agricultural-Residential district, and is owned by the applicant.

**Case 23-02-Z A request has been made for a Variance under Article IV Use Regulations § 143-18.1 Accessory Dwelling Units “B”.** The applicant, William Byrne, of 336 Pembroke Hill Rd., is requesting a Variance to construct an ADU which will be detached from the single-family dwelling, where ADU’s that are attached or within, only, are allowed. The property is located at 336 Pembroke Hill Rd., Map 264, Lot 80, in the R-3D Rural/Agricultural-Residential district, and is owned by the applicant.

**Case 23-03-Z A request has been made for a Variance under Article IV Use Regulations § 143-18.1 Accessory Dwelling Units “A”.** The applicant, William Byrne, of 336 Pembroke Hill Rd., is requesting a Variance to construct a 965 sq. ft. ADU where 750 sq. ft. is allowed. The property is located at 336 Pembroke Hill Rd., Map 264, Lot 80, in the R-3D Rural/Agricultural-Residential district, and is owned by the applicant.

**Case 23-4-Z A request has been made for a Variance under Article IV Use Regulations § 143-18.1 Accessory Dwelling Units “G”.** The applicant, William Byrne, of 336 Pembroke Hill Rd., is requesting a Variance to allow a separate septic system for the ADU where only one electric, water and sewer system, serving both units, is allowed. The property is located at 336 Pembroke Hill Rd., Map 264, Lot 80, in the R-3D Rural/Agricultural-Residential district, and is owned by the applicant.

**Applicant:** William Byrne

**Property Owner(s):** William Byrne

**Property Address:** 336 Pembroke Hill Road  
Tax Map 264, Lot 80 in the R-3 Rural/Agricultural-Residential District.

**Included in the Member Packets:** Unity Homes floor plan, arial view of property.

Chairman Kudrick said that with regard to Cases 23-01-Z, 23-02-Z, 23-03-Z, and 23-4-Z they have been delayed until the February meeting because the post office did not deliver some of the notifications to the abutters.

Since the applicant for Case 22-11-Z was not present, Chairman Kudrick said that he would recess the meeting until 7:30 pm.

The meeting recessed at 7:15 pm.

The applicant for Case 22-11-Z arrived at 7:19 pm and Chairman Kudrick reopened the hearing at 7:19 pm.

**Continued Case:**

**Case 22-11-Z** A request has been made for an **Appeal of Administrative Decision under article XIV, Zoning Board of Adjustment, Variances, and Special Exceptions, §143-112, Appeal of a decision made by the code Enforcement Officers.** The Applicant, Jerica-Lee Bell, 1009 Rimrock Road, Billings, MT 59102 is appealing the **Denial of a Building Permit** by the Code Enforcement Officer to build on a Class VI road. The applicant seeks a determination by the Board to establish that the lot is a buildable lot in accordance with §143-103. The property is owned by Jerica-Lee Bell and is located at 119-145 Seventh Range Rd., Map 868, Lot 29, in the R-3 Rural/Agricultural-Residential District.

**Applicant:** Jerica-Lee Bell

**Property Owner(s):** 1009 Rimrock Road, Billings, MT 59102

**Property Address:** 119-145 7<sup>th</sup> Range Road  
Tax Map 868, Lot 29 in the R-3 Rural/Agricultural-Residential District.

**Included in the Member Packets:** Fee Schedule Worksheet, Tax map, assessing card, list of abutters, Warranty Deed of Herbert J. Hodgdon, II and Donna J. Hodgdon to Jerica-Lee Bell and Paul Henry Asenjo dated May 13, 2022, recorded at Merrimack County Registry of Deeds, Book 3792, Page 424; Deed of George P. Cofran to George B. Lake, dated October 23, 1914 and recorded at the Merrimack County Registry of Deeds, at Volume 419.

**Present:** Jerica-Lee Bell

The Reporting Secretary read the case aloud.

Chairman Kudrick read aloud the rules governing the hearing: (1) Applicant will present its case; (2) Those in favor of the application will speak; (3) Those opposed to the application will speak; (4) Rebuttal by the applicant and those in favor of the application will speak; (5) Rebuttal by those in opposition to the application will speak.

He stated that anyone wishing to speak must first give their name, address, and interest in the case. All questions and comments will be directed to the Chairman. The Board will base their decisions on facts presented by the applicant. If any of the presented facts are found to be different than what was presented, the Board reserves the right to reconsider its approval.

Ms. Bell said that she would like to build a residence on the property and was denied a building permit by the Code Enforcement Officer.

Mr. Bacon said that he denied the permit because the Town's current zoning regulations require a lot be on a Class 5 or better road in order to issue a building permit. This lot is located on a Class 6 road.

Chairman Kudrick stated that Mr. Bacon followed the rules and regulations of the Town and denied the application.

Mr. Bacon said yes. The Town has agreed that this lot is a lot of record.

Member Carlucci asked if the applicant had obtained a building permit in the past to build a house on the lot.

Ms. Bell said no.

The Board had no further questions.

No one from the public spoke in favor or in opposition to the application.

The Applicant had nothing to add.

Chairman Kudrick summarized the case as follows: **Case 22-11-Z, a Request for an Appeal of Administrative Decision under Article XIV, Zoning Board of Adjustment, Variances, and Special Exceptions, §143-112, Appeal of a decision made by the Code Enforcement Officer.** The Applicant asked for a building permit and was denied by the Code Enforcement Officer because of the rules and regulations of the Town. She has a lot of record which is a requirement in order to continue to follow the NH RSAs.

Chairman Kudrick stated that the Board will decide all cases within 30 days. The Notice of Decision will be posted for public inspection within 5 business days of the decision and will be sent to the applicant. The Board will either approve, deny, or continue deliberation on the case. No comments will be taken from the audience.

Ms. Bell asked the Board what the process would be if her application was not approved.

Mr. Bacon said that she could appeal the decision.

There being no further questions, Chairman Kudrick officially closed the hearing at 7:25 pm.

Chairman Kudrick said that the Board must follow RSA 674:41.

**MOTION:** In reference to Case 22-11-Z, Vice Chairman Hebert moved that, after discussion, the Board has determined that the lot is a lot of record as outlined by the Pembroke Zoning Regulations. However, by taking this action, the Board is not granting a building permit. It is merely the next step that the Applicant must follow in order to secure a building permit by completing the steps outlined in RSA 674:41. Seconded by Alternate Member Bourque.

**MOTION IN REFERENCE TO CASE 22-11-Z THAT, AFTER DISCUSSION, THE BOARD HAS DETERMINED THAT THE LOT IS A LOT OF RECORD AS OUTLINED BY THE PEMBROKE ZONING REGULATIONS. HOWEVER, BY TAKING THIS ACTION, THE BOARD IS NOT GRANTING A BUILDING PERMIT. IT IS MERELY THE NEXT STEP THAT THE APPLICANT MUST FOLLOW IN ORDER TO SECURE A BUILDING PERMIT BY COMPLETING THE STEPS OUTLINED IN RSA 674:41 PASSED ON A 4-1 VOTE.**

#### IV. Approval of Minutes – December 19, 2022

## VI. Adjournment

The meeting adjourned at 7:32 pm.

Minutes of Meeting  
January 23, 2023 (Adopted)