

MINUTES
PEMBROKE ZONING BOARD OF ADJUSTMENT
September 22, 2015

Pending 9-24-2015

MEMBERS PRESENT: William Bonney, Chair; Bruce Kudrick, Vice Chair; Tom Hebert, Dana Carlucci, Paul Paradis

ALTERNATES PRESENT: Mark Johansen

EXCUSED: William Faith, Mark Simard

STAFF PRESENT: Everett Hodge, Code Enforcement Officer; Susan Gifford, Recording Secretary

Chairman Bonney called the meeting to order at 7:01 p.m.

PUBLIC HEARING

Case #15-12-Z

Applicant: Larry D Wurster Enterprise Development, LLC
236 Fourth Range Road
Pembroke, NH 03275

Property Owner(s): Larry D Wurster Enterprise Development, LLC
236 Fourth Range Road
Pembroke, NH 03275

Property Address: 210 Fifth Range Road
Pembroke, NH 03275
Tax Map 939, Lot 63-2, located in the R-3D Rural Agricultural-
Residential Zoning District.

Continuation of Case 15-12-Z A request has been made for a **Variance** under Article V Dimensional and Density Regulations, § 143-21 Table of Dimensional and Density Regulations. The applicant, LDW- Enterprise Development, LLC is requesting a 140 foot reduction from the 200 foot frontage requirement on the Class V portion of Fifth Range Road. A Variance is required because proposed lot 63-2 has only 60 feet of frontage on the Class V portion of Fifth Range Road. The property is owned by Larry D. Wurster Enterprise Land Development, 236 Fourth Range Road, Pembroke, N. H. 03275. The property is located at 214-232 Fifth Range Road, Map (939) Lot (63), in the R-3D Rural Agricultural-Residential Zoning District.

Mr. Everett Hodge confirmed that all abutters were notified at the August 24, 2015 ZBA meeting. Due insufficient time to hear the case, Case #15-12-Z was continued to September 22, 2015.

Chairman Bonney opened the continued public hearing at 7:02 p.m.

There were 5 regular members and 1 alternate member present. Therefore, there was a full five-member board present for this hearing. Chairman Bonney explained the rules of the hearing. The Board makes its decision based upon the facts presented by the applicant. If any of these facts are subsequently found to be different, the Board reserves the right to revisit its decision.

Copies of tax map, assessment card and Subdivision Plan of Land dated May 20, 2015 prepared by Eric C. Mitchell & Associates, Inc. 106 So. River Road, Bedford, NH 03110., copy of DRAFT July 28, 2015 Planning Board minutes, July 9, 2015 letter from Partners LLC, New Boston NH were included in the agenda packet.

Larry Wurster provided revised plans because the Town of Pembroke Department of Public Works wants a turnaround installed at the end of the Class V section of Fifth Range Road. The Request for a Variance for Lot 63-2 on Map 939 is for a lot with a minimum frontage of 60 feet on a Class V Road. This proposed lot has 6.96 acres of land and 752 feet of frontage on a Class VI Road. Chairman Bonney summarized some of the testimony presented at the August 24, 2015 meeting to bring everyone up to date.

The purpose of this appeal is to subdivide existing Tax Map 939, Lot 63, which is 10.77 acres, into 3 building lots. One of the proposed building lots (Map 939, Lot 63) has an existing single family house on it. The proposed Lot 63 would retain the existing septic and on-site well. If approved, the other two building lots (Lot 63-1 and Lot 63-2) would be available for new single family home construction. Proposed Lot 63.2 is the lot which would require a variance for frontage with a minimum of 60 feet of frontage on a Class V Road.

Larry Wurster maintains that his contiguous frontage on proposed lot 939-63-2 is 217 feet including the perimeter of the proposed hammerhead or 138 straight line frontages along the road. The town's tax map shows the dividing line of Class V and Class VI road at the property line of Map 939 Lot 62 and Map 939 Lot 65 across the road. The turnaround requested by the town adds 138 feet along the street lot, and measures 217 feet along the right-of-way. The lot specifics are:

939-63	204.3 feet frontage	1.89 acres	81,600 sf buildable area	Existing house
939-63-1	200 feet frontage	1.85 acres	76,590 sf buildable area	
939-63-2	60 feet min frontage	6.96 acres	286,507 sf buildable area	

The turnaround is on a Class V road. Mr. Wurster will pave 10 feet from the dividing line of Class V and Class VI road. Larry Wurster provided copies of Exhibit E, maps of other turnarounds at end of roads in Pembroke showing right-of-way and cumulative frontage. Roads included Pheasant Run, Skyview Terrace, Mill Falls, Hillcrest Avenue, Plausawa Road, Ashley Drive, Colonial Drive and Eastview Drive. Larry Wurster stated that if all the perimeter of the proposed hammerhead is included in frontage calculation, his frontage on 5th Range Road meets the 200 feet frontage on a Class V Road requirement and a variance is not needed.

Larry Wurster, Owner/Manager addressed the variance criteria:

1. The variance will not be contrary to the public interest.

Construction of the T-Turnaround is in the public interest. Plows and public vehicles will be able to adequately turn around and plow the road without backing all the way up the road or backing into a private driveway. This will greatly improve plowing with reduced turnaround time and reduced potential for accidents (backing into a tree, a parked vehicle in a driveway or another car in the road). The T-Turnaround will make it much easier for maneuvering than within a tight right-of-way area or using the private driveway such as Lot 62's at the end of the street. Construction of the T-Turnaround will only add to the minimum existing 60 feet of paved Class V frontage for Lot 63-2, no matter how the frontage for the T-Turnaround is computed.

2. The spirit of the ordinance is observed.

The requirement of frontage in the zoning regulations is primarily for safe and satisfactory access to a lot and for control of house spacing along the street frontage. The reduced frontage in this application will not apply in either of these situations. Safe access to the lot will be created (through the T-Turnaround); no matter what the reduction of road frontage turns out to be. Emergency vehicles and other vehicles will have safe access to whatever structure is built on the lot. House spacing will not be an issue, since building set back limits will still govern and the lot size is 6.96 acres.

3. Substantial justice is done. By providing this variance the usefulness of Lot 63-2 a proposed 6.96 acre lot (as a single family house lot) can be achieved while benefitting the community by providing the T-Turnaround. By some interpretations a variance is not required because with the construction of the T-Turnaround, the lot would have 217 feet of frontage where 200 feet is required. The difficulties of developing a lot at the end of a Class V and Class VI Road are enormous, considering political factors and future expectations of Class VI development

4. The values of surrounding properties are not diminished. It is extremely difficult for drivers to find themselves at the end of a road with no place to turn around. Drivers are forced to turn around in a private nearby driveway, which they would rather not do. Property owners would rather not have drivers turn around in their driveway with the potential for collision, property damage or confusion with children or animals. The turnaround would prevent this and eliminate potential safety issues and confusion. This would benefit the surrounding properties and would certainly not diminish property values in the area. It would be a benefit to surrounding properties and to the community as a whole. The type of home which will be built on the newly created 6.96 acre Lot 939-63-2 will more than likely be a larger country style home. The existing houses in the area are ranches and capes, so it is thought that this variance should not diminish surrounding property values. Reduced frontage for the proposed lot 939-63-2 will not be noticed, as no one will be driving by the lot (at the end of the road). It will have no effect on diminished property values.

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

i. No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

ii. The proposed use is reasonable.

Holding to the strict zoning requirements in this instance is now warranted because the lot is located on a dead end road. There will only be a house on one side of the property (Lot 63-1). The location of the house will be governed by application of setback requirements. If the road is extended in some fashion, the newly created frontage for this Lot 63-2 would only increase and make this lot conforming to zoning regulations. There is great difficulty in expanding a Class V road in an area with wetlands. The right-of-way ditch lines direct water along stone walls. Overall, Larry Wurster stated he has 541 feet frontage on Class V road and 752 feet frontage on a Class VI road.

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 whole shape of this total parcel of land (Map 939, Lot 63) is irregular (pie shaped). The property is 10.77 acres in size and yet has 1,293 feet of contiguous frontage (541 feet on a Class V Road and 752

feet on a Class VI Road) and therein is the difficulties. The soils and topography are good (the land slopes gently from the back to the front). The shape however, and its location, straddling the end of a Class V Road and Class VI Road adds to the development difficulties. Also, the politics of some people not wanting to open up any more Class VI Roads in this town is another difficulty. The nature of the Class VI Road itself is a difficulty. The ditches, low lying topography and soils of the Class VI Road make upgrading of this portion of the road, by today's wetland permitting standards, impossible. Are tomorrow's wetland standards going to be better? I do not think so. This road, the Class VI portion will remain this way a very long time. It would be very appropriate and reasonable to have a T-Turnaround at the end of the Class V Road. It is also very reasonable to consider the contiguous right-of-way around the T-Turnaround as frontage, (217 feet), thus making this variance unnecessary.

A letter dated September 22, 2015 from Ashley Scott, Esq. of Cronin, Bisson and Zalinsky P.C., 722 Chestnut Street, Manchester NH on behalf of her clients, Arick and Doris Drache, was read into the record. The Draches oppose a variance to the 200 foot frontage requirement.

Ashley Scott, Esq. of Cronin, Bisson and Zalinsky P.C., 722 Chestnut Street, Manchester NH stated she is representing abutters Doris and Arick Drache. Attorney Scott stated it is not correct that there is no dispute about the paved section of 5th Range Road being Class V road. There was extra asphalt after the paving project so additional road was paved. The paving does not reflect the boundaries of Class V/Class VI road as stated. The town determined that the Class V Road ends at the Drache/Nash end of their property not the Cavallaro/Drache end. Also, Attorney Scott stated that statutorily, the applicant cannot count the perimeter of the hammerhead because it does not meet the State of NH definition of "road" under RSA 229:1. It is laid out, conveyed and constructed. It is not accepted and dedicated to the town. It has not been used for public travel for 20 years prior to 1958. In fact, 5th Range Road stops being Class V before Mr. Wurster's lot starts.

Doris Drache, 217 Fifth Range Road, stated that snow melt and drainage on the left side of the road affects her driveway. Doris stated that her handicapped brother lives there and he is in a wheelchair. Ingress and egress of his handicapped van is affected by snow melt pouring in the driveway, and by snow from plowing that they have to shovel to get into their driveway. A hammerhead would cause further flooding. Hunters park along the road, as well as family gatherings, precluding entry to our driveway.

Michael Carraway, 165 Dudley Hill Road, asked where is the end of 5th Range Road Class V. Why would the town allow the perimeter of the proposed turnaround to be counted as frontage when it is just for emergency vehicle use? There is an adverse effect on the character of the neighborhood by allowing small lots. Most lots in the area are 4 acres or more. His lot is 80,000 square feet but it is rectangular without wetland and setback constraints. A home on an undesirable lot will be different than the other homes in the area.

Mark McAlpine, 217 4th Range Road, stated the proposed lot does not meet the 200 feet frontage requirement. He suggests having an independent professional check area wells. Trash trucks, postal delivery and plow trucks will suffer wear and tear accessing this area. Development will increase traffic. I am opposed to a variance at this time.

Gene Gallison, 201 4th Range Road, stated that frontage is lacking on proposed lot 936-63-2 and there is no guarantee there will be just one home. The lot could be further subdivided and developed. Who will

be responsible for maintenance of the hammerhead? Mr. Gallision is concerned about drainage along the Class VI road. Many vernal pools exist to support animal and wild life.

Rebuttal from Larry Wurster – Mr. Wurster stated that the Draches indicate that the Class V road ends before their property line. The northerly corner is the division line on Town assessor maps. The prior owner allowed turnaround in their driveway. There is no variance on file for the Drache lot. The hammerhead will require 75 additional feet of plowing and will move the snow storage further down the road. This should improve drainage into their driveway. Parking issues require enforcement.

Attorney Ashley Scott stated that the issue of where the Class V/Class VI line on 5th Range is located was brought up at Planning Board in regard to another case. There is no answer yet. The Draches built their house in 1984 with no need for variance at the time. The road does not end where Class V and Class VI meet. The road becomes gravel and dirt so vehicles are not trapped.

Mike Carraway, 165 Dudley Hill Road, stated that whether or not the Draches received a building permit doesn't establish the end of the Class V road.

Mark McAlpine, 217 4th Range Road, stated he is concerned about increased traffic and increased town expense if a hammerhead is built.

Chairman Bonney summarized the case. This is **Case 15-12-Z**, a request for a **Variance** under Article V Dimensional and Density Regulations, § 143-21 Table of Dimensional and Density Regulations. The applicant, LDW- Enterprise Development, LLC is requesting a 140 foot reduction from the 200 foot frontage requirement on the Class V portion of Fifth Range Road. A Variance is required because proposed lot 63-2 has only 60 feet of frontage on the Class V portion of Fifth Range Road. The property is owned by Larry D. Wurster Enterprise Land Development, 236 Fourth Range Road, Pembroke, N. H. 03275. The property is located at 214-232 Fifth Range Road, Map (939) Lot (63), in the R-3D Rural Agricultural-Residential Zoning District. Larry Wurster maintains his Class V frontage on 5th Range Road is 217 feet including the hammerhead. The turnaround would add 138 linear feet of frontage. Mr. Wurster gave several examples of end of road right-of-ways. Due to wetlands it would be very difficult to construct a Class V road in the area. It was stated that these new lots would not diminish property values in the area. It was discussed that not a lot of cars would drive by Lot 63-2. Mr. Wurster is requesting a Variance for either 60 or 138 feet of frontage where 200 feet frontage is required. The back lot referenced in Attorney Scott's letter was part of a previous plan that was withdrawn. We are fairly sure there is 60 feet of frontage on a Class V road for Lot 63-2. Attorney Scott stated that the ZBA should not create a non-conforming lot where there is no need to do so. There is a dispute that the Class V portion of 5th Range Road may end before the Draches lot. The Draches ingress and egress are directly impacted by snow and drainage now. Hunters park along the road and further preclude access. If the hammerhead was approved as frontage, it would create a dangerous precedent. However, the Zoning Board of Adjustment does not set precedent but takes each case on its merits. There are abutter concerns of additional traffic, including trash pickup and postal delivery. Animals feed on natural vernal pools. There would be an increased cost to the town to plow a 75 foot hammerhead. It was stated that Public Works did not require the hammerhead, but suggested it as an alternative.

There being no further comment, Chairman Bonney closed the public hearing at 8:10 p.m.

Deliberations: ZBA members discussed the Variance criteria.

- 1) The variance will not be contrary to the public interest. Disagree, Bruce Kudrick stated that because no one knows where the end of the Class V road is, the ZBA would be creating a non-conforming lot. Dana Carlucci agreed.
- 2) The spirit of the ordinance is observed. The ordinance states 200 feet frontage is required. To consider a variance, the applicant should have something close to that figure. Also, the hammerhead cannot be used to calculate frontage because it is not a road under RSA 229:1.
- 3) Substantial justice is done. Again, where is the end of the Class V road? The ZBA gave the applicant time to determine this fact. The case has been continued and withdrawn. Mark Johansen stated that the tax map shows a line at the Draches but it is not known what the intent of the line is.
- 4) Property values are not diminished. No testimony that property values would be diminished was provided.
- 5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship Disagree; there are methods and means to build a Class VI road up to Class V. There is no hardship of the land.

MOTION: Bruce Kudrick moved to DENY the Variance requested in Case #15-12-Z under Article V Dimensional and Density Regulations, § 143-21 Table of Dimensional and Density Regulations. The applicant, LDW- Enterprise Development, LLC is requesting a 140 foot reduction from the 200 foot frontage requirement on the Class V portion of Fifth Range Road. A Variance is required because proposed lot 63-2 has only 60 feet of frontage on the Class V portion of Fifth Range Road. The property is owned by Larry D. Wurster Enterprise Land Development, 236 Fourth Range Road, Pembroke, N. H. 03275. The property is located at 214-232 Fifth Range Road, Map (939) Lot (63), in the R-3D Rural Agricultural-Residential Zoning District.

The denial was for the following reasons:

1. Granting the Variance would be contrary to the public interest as reducing the required frontage would create a non-conforming lot.
2. The spirit of the ordinance would not be observed as per RSA 229:1 the proposed turn-around cannot be considered a “highway/Town Road” and used as frontage for the proposed lot.
3. Substantial justice would not be done by granting the Variance as there was no determination as to where the Class V portion of Fifth Range Road stopped and the Class VI portion begins.
4. No hardship was established as there is a process for bringing the Class VI portion of Fifth Range Road up to Class V standards for the required 200 foot frontage.

Tom Hebert seconded.

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

MOTION TO DENY VARIANCE REQUESTED IN CASE #15-12-Z FOR FOUR REASONS PASSED ON A 5-0 VOTE.

PUBLIC HEARING

Case #15-11-Z

Applicant:

Next Level Church
PO Box 736
Somersworth, NH 03878

Property Owner(s): 79 Sheep Davis Road LLC
210 Pine Street
Manchester, NH 03103

Property Address: 79 Sheep Davis Road
Pembroke, NH 03275
Tax Map (561) Lot (6) in the C-1A Commercial/Light Industrial and the
AC Aquifer Conservation

Continuation of Case 15-11-Z A request has been made for a **Variance** from Article V §143-19 Table of Use Regulations. The applicant, Next Level Church of Pembroke is requesting permission to operate a church at 79 Sheep Davis Road in the C-1 Zoning District. A Variance is required because Article V §143-19 Table of Use Regulations prohibits the operation of a church in the C-1 Zoning District. The property is owned by 79 Sheep Davis Road, 241 Pine Street, Manchester, N. H. 03103. The property is located at 79 Sheep Davis Road Map (561) Lot (6) in the C-1A Commercial/Light Industrial and the AC Aquifer Conservation Zoning Districts.

Mr. Everett Hodge confirmed that all abutters were notified at the August 24, 2015 ZBA meeting. As Chairman Bonney noted on August 24, 2015 the agenda was very full. The Zoning Board of Adjustment stops consideration at 10:00 p.m. If a case cannot be heard or completed, it will be continued to the next meeting. Abutters will not be renoticed. They can follow the case in the ZBA minutes. It was very clearly stated in the August 24, 2015 minutes that this case was continued to TUESDAY, September 22, 2015,

Chairman Bonney opened the continued public hearing at 8:19 p.m.

There were 5 regular members and 1 alternate member present. Therefore, there was a full five-member board present for this hearing. Chairman Bonney explained the rules of the hearing. The Board makes its decision based upon the facts presented by the applicant. If any of these facts are subsequently found to be different, the Board reserves the right to revisit its decision.

Chairman Bonney stated that a lot of testimony was heard at the August 24, 2015 Zoning Board of Adjustment meeting. The Board also discussed the criteria for a Variance in depth.

Chairman Bonney read a brief summarization to get everyone up to date on this case.

Chairman Bonney summarized the case. **Case 15-11-Z** A request has been made for a **Variance** from Article V §143-19 Table of Use Regulations. The applicant, Next Level Church, P. O. Box 736, Somersworth, N. H. 03878, is requesting permission to operate a church at 79 Sheep Davis Road in the C-1 Zoning District. A Variance is required because Article V §143-19 Table of Use Regulations prohibits the operation of a church in the C-1 Zoning District. The property is owned by 79 Sheep Davis Road, 241 Pine Street, Manchester, N. H. 03103. The property is located at 79 Sheep Davis Road Map (561) Lot (6) in the C-1A Commercial/Light Industrial and the AC Aquifer Conservation Zoning Districts. Next Level Church started about 7 years ago and their largest facility is in Somersworth, NH with 220 parking spaces. Since March 2015 the church has been renting Mill Brook School in Concord NH for weekend services. About 120-130 people attend these services. There are 79 parking spaces at the Sheep Davis Road property which would allow 316 person building capacity based on parking. The church would never approach that number of people at one time, and would offer multiple services. The church would change the entryway and enhance the landscaping. If the church located in the C1 zone, they would probably not pay taxes. They would make use of police and fire

services and should consider a payment in lieu of taxes. The building has been vacant for 2 and a half years, has high ceilings and has access to a main road. Next Level Church looked at dozens of other potential locations in both Concord and Pembroke before choosing this location as the best fit for their church. The church would be taking commercial property off the tax rolls but would use less water and sewer than the prior use.

The Zoning Board of Adjustment discussed the Variance criteria in depth at the August 24, 2015 meeting and was close to making a decision. The Board decided to continue Case #15-11-Z to TUESDAY September 22, 2015 for the following reason:

1. The Board wanted to obtain legal interpretation of (RLUIPA) before rendering a decision.

Pastor Daniel King, Operations Pastor, Next Level Church, stated that the Pembroke Sewer Commission has acknowledged the church would use less water than the prior use.

Tony Fallon, Architect, Strafford NH stated that at one point it was stated that there were 65 parking spaces at 79 Sheep Davis Road. There are actually 79 parking spaces which would allow assembly of 316 people.

Pastor Daniel King stated that:

- 1) Our attorney was going to attend the next hearing with a court reporter. We understood that meeting date to be September 28, 2015. Everett Hodge referred to the August 24, 2015 minutes and his conversation with Pastor King. If cases are not completed at the first meeting, they are not renoticed.
- 2) All criteria not met due to economic or tax issues are not a valid reason to deny a church use. There are multiple other churches located in the area. The prior occupant was a non-profit agency.

Chairman Bonney stated that the ZBA has communicated with its counsel but the Board's attorney is not present at this meeting tonight.

Sally Hyland, Bachelder Road, stated that the intent of the Town voters to extend water and sewer lines along Route 106 was to expand the commercial tax base.

Pentti Aalto, Bachelder Road, stated that regardless of more or less tax, there is relatively little commercial space in Pembroke and it is important to retain it for commercial/light industrial use.

There being no further comment, Chairman Bonney closed the public hearing at 8:32 p.m.

Deliberations: ZBA members discussed the Variance criteria. Dana Carlucci stated that with 13,000 acres available in town, only 1,056 acres are in the CI Commercial/Light Industrial District. The Town already has the burden of the National Guard property taking 100+ acres and other non-profits in the Commercial District. There is 5,700 acres of undeveloped land in Pembroke. Citizens are not in favor of locating churches in the commercial district. There is ample land in the B1, B2, R1, and R3 districts that would welcome a church. The Town of Pembroke's commercial area is small. The town is trying to offset property taxes with business tax. Bruce Kudrick stated that the town spent 3.2 million dollars in 1995 to build sewer and protect the aquifer. Citizens voted to make this investment to bring commercial growth to the town. It was discussed that there is no hardship because the church can build or locate in over 90% of other locations in town. Bruce Kudrick noted that the Town of Pembroke is very helpful to in town or out of town entities that want to locate in Pembroke NH. Bruce Kudrick recalled the town

helped an existing motorcycle sales company find a suitable location to expand that also protects the town water sources.

The Board reviewed the individual criteria:

- 1) The variance will not be contrary to the public interest. Disagree, the town spent 3.2 million dollars in 1995 to build sewer and protect the aquifer. Citizens voted to make this investment to bring commercial growth to the town in the C1 District.
- 2) The spirit of the ordinance is observed. Disagree, the proposal does not fit with the Pembroke Master Plan
- 3) Substantial justice is done. Disagree; there is ample land in the B1, B2, R1, and R3 districts that would welcome a church. The Town of Pembroke's commercial area is small.
- 4) Property values are not diminished. No testimony that property values would be diminished was provided.
- 5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. No hardship shown.

MOTION: Bruce Kudrick moved to DENY the Variance requested in **Case 15-11-Z** from Article V §143-19 Table of Use Regulations, by applicant, Next Level Church of Pembroke to operate a church at 79 Sheep Davis Road in the C-1 Zoning District. A Variance is required because Article V §143-19 Table of Use Regulations prohibits the operation of a church in the C-1 Zoning District. The property is owned by 79 Sheep Davis Road, 241 Pine Street, Manchester, N. H. 03103. The property is located at 79 Sheep Davis Road Map (561) Lot (6) in the C-1A Commercial/Light Industrial and the AC Aquifer Conservation Zoning Districts.

The motion to deny was made for the following reasons:

1. Granting the Variance would be contrary to the public interest because locating a church in the Commercial district does not follow the guideline outlined in the Master Plan adopted by the voters of the Town of Pembroke.
2. Granting the Variance would not observe the spirit of the ordinance because the Master Plan is not being followed.
3. Substantial justice would not be done by granting the Variance as there is adequate land in the R-1, B-1, B-2, and R-3 districts available for this type of use.
4. There was no hardship of land proven.

Tom Hebert seconded.

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

MOTION TO DENY THE VARIANCE REQUESTED IN CASE #15-11-Z FOR FOUR REASONS PASSED ON A 5-0 VOTE.

MINUTES OF PREVIOUS MEETINGS

MOTION: Tom Hebert moved to approve the minutes of August 24, 2015 as amended. Bruce Kudrick seconded.

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

MINUTES OF AUGUST 24, 2015 APPROVED AS AMENDED ON A 5-0 VOTE.

Pending 9-24-2015

OTHER

OLD BUSINESS

NEXT MEETING

Date of next ZBA meeting – Everett Hodge noted the next ZBA meeting would be on **Monday, October 26, 2015 at 7:00 p.m.**

ADJOURN **Motion:** Dana Carlucci moved to adjourn. Bruce Kudrick seconded. Vote was unanimous in favor of motion. Meeting adjourned at 8:40 p.m.

Respectfully submitted,
Susan P. Gifford
Recording Secretary