

**TOWN OF DERRY
ZONING BOARD OF ADJUSTMENT MINUTES
May 17, 2012**

Members Present

Allan Virr, Chairman
Albert Dimmock, Vice Chairman
Ernest Osborn, Secretary
Lynn Perkins
Donald Burgess

Members Absent

Alternates Present

Louis Serrecchia
Joseph Carnvale
Frank Mazzuchelli
Teresa Hampton

Alternates Absent

Mr. Virr called the meeting to order at 7:00 p.m. with the salute to the flag, and notice of fire and handicap exits and that this and all Zoning Board meetings are videotaped.

12-110 Lori E. Groleau

Applicant is requesting a Special Exception per Article VI, Section 165-46B of the Derry Zoning Ordinance to allow the operation of a hair salon at the residence, Parcel ID 08036-004, 102.5 By-Pass 28 Zoned MDR

Lori Groleau, owner, read her application for the Board.

Board Questions

Mr. Virr asked what was the distance of the driveway to the side lot line. Mrs. Groleau said that there is an easement located on the side and it is a few feet away from that.

Mr. Burgess said that it appears that the home has a 3 bedroom septic and asked if it was checked to be able to support the business use. Mrs. Groleau said that she was told that the system would support the business use as there are currently only 3 people residing in the home.

Mr. Perkins motioned to go into deliberative session.

Mr. Osborn said that the Board had not heard from Code Enforcement so unable to go into deliberative session.

Mr. Perkins withdrew his motion.

Code Enforcement

Mr. Mackey said that the applicant is proposing to operate a single station hair salon at the residence. The home was constructed in 1986 and is serviced by a private well and 3 bedroom septic system. If approved, the applicant must obtain the appropriate permits and inspections for the renovation work. A state license is required. There are pictures in the file for review by the Board.

Mr. Burgess asked if the State would perform a reinspection of the septic system. Mr. Mackey said that they did not do that.

Favor

No abutters were present.

Opposed

No abutters were present.

Mr. Perkins motioned to go into deliberative session.

Seconded by Mr. Burgess.

Vote: Unanimous.

Mr. Burgess, Mr. Perkins, Mr. Osborn, Mr. Dimmock, Mr. Virr

Deliberative Session

Mr. Osborn said that he did not see a problem with the request.

Mr. Virr said that he did not feel that the use would change the residential character of the home.

Mr. Burgess said that he only had concerns with regard to the septic system which was addressed.

Mr. Perkins said that the abutter on the left had been issued an exception for a massage parlor and that he knows that septic systems were designed according to the number of bedrooms in the home.

Mr. Virr reviewed the conditions for the Board.

Mr. Osborn motioned to come out of deliberative session.

Seconded by Mr. Mr. Dimmock

Vote: Unanimous.

Mr. Burgess, Mr. Perkins, Mr. Osborn, Mr. Dimmock, Mr. Virr

Mr. Osborn motioned on case #12-110, Lori E. Groleau to Grant a Special Exception per Article VI, Section 165-46B of the Derry Zoning Ordinance to allow the operation of a hair salon at the residence, Parcel ID 08036-004, 102.5 By-Pass 28 Zoned MDR, as presented with the following conditions:

- 1. Subject to obtaining all Town and State permits and inspections.**
- 2. Sign permit required to be obtained from Code Enforcement.**
- 3. Hours of operation 9:00 am – 8:00 pm Tuesday - Saturday.**

Seconded by Mr. Dimmock.

Vote:

Mr. Perkins: Yes.
Mr. Burgess: Yes.
Mr. Osborn: Yes.
Mr. Dimmock: Yes.
Mr. Virr: Yes.

The application was Granted by a vote of 5-0-0. Anyone aggrieved by a decision of the Board has 30 days to file a request for a rehearing. After that the recourse would be to appeal to Superior Court

Approval of Minutes

Mr. Dimmock motioned to approve the minutes of May 3, 2012.

Seconded by Mr. Burgess.

Vote: Unanimous

Mr. Burgess, Mr. Perkins, Mr. Osborn, Mr. Dimmock, Mr. Virr

Other Business

Mr. Mackey said that the Town had received the Court ruling regarding the daycare at 22 Crescent Street.

Mr. Virr said that the 30 day ruling begins the day after the hearing.

Adjourn

Mr. Osborn motioned to adjourn.

Seconded by Mr. Dimmock.

Vote: Unanimous.

Ms. Hampton, Mr. Carnvale, Mr. Mazzuchelli, Mr. Serrecchia, Mr. Burgess, Mr. Perkins, Mr. Osborn, Mr. Dimmock, Mr. Virr

Adjourn at 7:25 pm

Minutes transcribed by:

Ginny Rioux

Recording Clerk

Approval of Minutes June 21, 2012

Mr. Dimmock motioned to approve the minutes of May 17, 2012.

Seconded by Mr. Burgess.

Vote: Unanimous

Mr. Burgess, Mr. Osborn, Mr. Dimmock, Mr. Virr