

**LONDONDERRY ZONING BOARD OF ADJUSTMENT  
268B MAMMOTH ROAD  
LONDONDERRY, NH 03053**

**MINUTES FROM 06/20/18 MEETING**

The meeting was called to order at 7:00 p.m. Members introduced themselves. The following members were present: Neil Dunn, Chair; Jacqueline Benard, Vice Chair; Jim Tirabassi, Clerk; Suzanne Brunelle, member; Bill Berardino, member; member and Brendan O'Brien, alternate member. Also, in attendance were Richard Canuel, Senior Building Inspector, Laura Gandia, Associate Planner; and Beth Morrison, Recording Secretary. Chairman Dunn reviewed the hearing procedures.

I. APPROVAL OF MINUTES

**J. Tirabassi made a motion to accept the May 16, 2018 minutes as presented.**

**Motion was seconded by J. Benard.**

**Motion was granted, 5-0-0.**

II. REPORT BY TOWN COUNCIL – N/A

III. PUBLIC HEARING OF CASES

**A. CASE NO. 6/20/18-1: Request for a special exception from LZO 3.12 to allow a home occupation for a newspaper publishing business, 118 Hardy Road, Map 12 Lot 129, Zoned AR-I, Chris & Deb Paul (Owners & Applicants)**

J. Tirabassi read the case into the record, noting no previous zoning cases. Chris Paul, owner of Nutfield Publishing, addressed the Board. He informed the Board that he is being asked to leave his current property where he conducts his business and wishes to move the business to his home. He stated that the only employees would be himself, his wife and his daughter, whom all reside at the home. He noted that the business would occupy 300 SF out of the total living space of 2645 SF, which would account for 12%, where up to 25% is allowed by the ordinance. He stated there would not be any additional parking or traffic to the home with the business, as there is not a lot of walk-in business.

Chairman Dunn asked the Board if they had any questions.

Chairman Dunn asked for public input.

Martha Smith, 39 Shasta Drive, addressed the Board in favor of the special exception. She stated that she supports this special exception for this business as it would not impact the neighborhood and considers the business a valuable resource to the town.

Ann Chiampa, 28 Wedgewood Drive, addressed the Board in favor the special exception. She stated that she echoed M. Smith's comments and also thought it was a valuable resource for the town.

Chairman Dunn brought it back to the applicant to answer questions. C. Paul stated that if the Board did deny this exception, the business would not close, they would just find another place to run it.

Chairman Dunn brought the discussion back to the Board and began deliberation. N. Dunn stated that he thought this was a prime example of what a home occupation should be in Londonderry. J. Benard stated that she thought the home occupation met all the requirements and read from the special exception sheet. She stated that the home occupation shall be carried on by the home occupant only within a dwelling and/or garage, it will not change the residential character of the neighborhood, there will be no exterior renovation done, the home occupation may not occupy more than 25% and only immediate family members will be employees. She stated that the business hours will be Monday through Friday, 9 a.m. to 5 p.m.

**J. Benard made a motion to grant the special exception in CASE NO. 6/20/18-1, from LZO 3.12 to allow a home occupation for a newspaper publishing business, 118 Hardy Road, Map 12 Lot 129, Zoned AR-I, Chris & Deb Paul (Owners & Applicants)**

**B. Berardino seconded the motion.**

**The motion was granted, 5-0-0. The applicant's request for a special exception was granted.**

**B. CASE NO. 6/20/18-2: Request for a special exception from LZO 3.12 to allow a home occupation for a family daycare, Five Aspen Circle, Map 11 Lot 20, Zoned AR-I, Larisa & Paul Ogba (Owners) and Larisa Ogba (Applicant)**

J. Tirabassi read the case into the record, noting no previous cases. Larisa Ogba, owner and applicant, addressed the Board. She informed the Board that she is requesting the special exception to be eligible for the state licensing, as she felt this provides a level of protection for the families that she would be

working with, as well as herself to be up-to-date with policies and procedures. She stated that she originally thought she would have six children at maximum, which is what the state licensing allows, but understands that her neighbors are concerned about additional traffic and is requesting to have four children at maximum. She noted that without state licensing, she could have three children in her home and that could mean three different families with three additional cars coming and going. She stated that with four children, she would have two families and only two additional cars coming and going.

Chairman Dunn asked for questions from the Board. J. Benard asked if she would be putting in a fenced in area outside. L. Ogba stated that she wanted to find out from the state if a temporary toddler fenced in area would work versus a permanent fence. J. Benard asked what age the four children would be. L. Ogba stated the children are between three to five years of age with one infant. N. Dunn asked R. Canuel for clarification on the definition of family daycare. R. Canuel stated that with a family daycare the applicant is allowed up to six children of preschool age with an additional three children of full-time school age. N. Dunn asked if adults were included. R. Canuel stated there is also adult day care, which is different from this.

Chairman Dunn asked for public input.

Abutter John Sossei, Three Aspen Circle, addressed the Board in opposition of the special exception. He stated that he lived adjacent to the applicant and the cul-de-sac is sub-standard in the development making traffic and issue for him. He stated that the town garbage truck cannot make the circle and it very difficult to plow around the cul-de-sac. He stated that he did not want the traffic in the neighborhood and was concerned where the people would park. He asked if the applicant is applying for six children, and if so under the present ordinance, would it allow her to have up to nine children. He also asked what the hours of operation would be.

J. Benard stated that the applicant has requested the hours of operation to be Monday through Friday, 7 a.m. to 6 p.m. R. Canuel explained that the ordinance allows the applicant up to six children of preschool age and an additional three children at full-time school age, which could be nine children total. N. Dunn asked if the Board could restrict the number of children. R. Canuel stated the Board could restrict hours and days of operation, but not the number of children. N. Dunn stated the applicant herself stated she would be okay with four children because of the neighbors' concerns. R. Canuel stated the Board could not restrict that, as that is what the ordinance allows for and if the applicant meets the criteria, the Board has to grant the special exception. He stated that the Board could state the applicant's request to have four children. L. Ogba explained that her expectation for people dropping off their children would be for them to pull in her driveway and then pull out from the driveway. She stated that there is a family that is interested and they have been coming by for practice runs and they are backing into the driveway with no problem. B. Berardino asked how many houses are on the street. L. Ogba stated there are seven.

B. Berardino asked how many are in the circle. L. Ogba stated there are five. B. Berardino asked if the applicant would be agreeable to scheduled drop off times to help alleviate her neighbors concerns. L. Ogba stated that she would absolutely be willing to have drop off times. N. Dunn asked how far the woods go behind her property. L. Ogba stated that she did not know the exact answer. N. Dunn asked again about having a fenced in area. L. Ogba stated that she was waiting to find out how tonight went and then apply for state licensing where she would inquire about fencing. She stated that if she needs an actual fence, it would most likely deter the whole process, and is hoping the temporary fencing will meet the standards. S. Brunelle asked if she parked in her garage. L. Ogba stated she did. S. Brunelle asked if her neighbor parks in the garage. L. Ogba stated one car is usually in the garage and one is in the driveway.

Abutter Don Allaire, Seven Aspen Circle, addressed the Board in opposition of the special exception. He stated he has lived here for 42 years and the neighborhood has always been residential and has concerns about traffic.

Abutter Dana Coons, Two Aspen Circle, addressed the Board in opposition of the special exception. He stated he has concerns about traffic as well. He stated that when he first moved in 20-30 cars a day on his street and now there is more like 150 cars a day.

Abutter Michelle Sossei, Three Aspen Circle, addressed the Board in opposition of the special exception. She stated that she likes the quiet and private nature of living on a cul-de-sac. She expressed a concern for the children that would be in her care as she feels that it is not a safe place for children with the woods and culvert in the back of her yard, especially without a fence. She asked how the applicant can have a sign that states "Beware of dog" and have children coming into her house. N. Dunn asked if there was a dog that a stranger walking in the house should be aware of. L. Ogba stated that the sign is there to deter anyone from breaking in the house, as her dog would not harm anyone, and now her secret is out. She stated that it is okay with the state to have a dog, but her plan would be to put the dog in the basement when the children are there, as you never know what an animal might do. She pointed out that if the state requires an actual fence that would deter her from licensing. She stated that she is allowed to take care of three children without a license, which could mean three different families and three separate cars and more traffic than with licensing. N. Dunn asked R. Canuel if a person could care for three children without licensing. R. Canuel stated that was correct and per the town's ordinance a special exception is for a minimum of three children.

Abutter John Gould, Six Aspen Circle, addressed the Board in opposition of the special exception. He reiterated the concern about the size of the circle being too small that the circle as well as the traffic concerns.

Abutter John Sossei, Three Aspen Circle, addressed the Board in opposition of the special exception again. He again, had a concern regarding the number of children that would be allowed. He stated that by law the Board cannot restrict the number of children she can have, and he felt granting this would be opening a can of worms. He also stated that the fence would have to be approved by Brook Park association, but he thought they would approve it. He stated that there have been some businesses that have been shut down by the town in Brook Park and he does not feel that this type of business is conducive to Brook Park. N. Dunn asked R. Canuel if he knew what businesses were restricted by the town. R. Canuel stated he did not know off the top of his head, but would have to be a business that did not meet the criteria of an ordinance within the town.

Abutter Denise Sawyer, Four Aspen Circle, addressed the Board in favor of granting the special exception. She stated that she thought this business would be great for the area. She pointed out from experience using a home daycare that it is different than a daycare center. She stated that this is a family daycare that will be serving two families with multiple children in one family. She stated that when she used to drop off her child, there was no lingering as she had to get to work, so it would be five minutes of a car parked in her driveway. She did not agree with the other neighbors regarding the concerns with traffic. She stated that she is retired now and stays home and does not see the amount of traffic the other neighbors described.

The Board closed public input and began its deliberation. J. Benard stated that she checked the calculations on the application and they were correct. N. Dunn stated he had concerns regarding the wooded area in the back of her yard. S. Brunelle stated that she thought that was outside the scope of this case. N. Dunn pointed out that the Board may impose a fence per the ordinance. J. Benard read from the application stating " The Board shall also consider whether the proposed Home Occupation will adversely affect the property involved or neighboring properties by reason of any unusual sight, light, noise, smell, traffic or other effects of the Home Occupation. The Board shall consider the adequacy of off-street parking for anticipated customers, although no parking areas in excess of those necessary for normal residential purposes will be allowed." J. Tirabassi voiced his opinion stating that throughout a normal day many people have visitors come to their house, which would increase traffic on any street. N. Dunn stated that he heard many residents state that traffic and parking would be an issue. J. Benard stated that there are five opposed and one for the granting of the special exception. S. Brunelle stated that, begrudgingly, based on the testimony of the neighbors there could be a traffic concern.

**J. Benard made a motion to deny the request for a special exception in CASE NO. 6/20/18-2 from LZO 3.12 to allow a home occupation for a family daycare, Five Aspen Circle, Map 11 Lot 20, Zoned AR-I, Larisa & Paul Ogba (Owners) and Larisa Ogba (Applicant)**

**B. Berardino seconded the motion.**

**The motion was denied 4-1-0. The applicant's request for a special exception was DENIED for the following reasons: the condition and width of the cul-de-sac created safety concerns for an additional traffic; there was also concerns for parking and additional traffic. The Board found there were safety concerns with the conditions (culvert/stream) and topography of the applicant's back yard.**

**C. CASE NO. 6/20/18-3: Request for a variance from LZO 2.3.1.3.C.2 to allow a pool to encroach 7 feet into the 15 feet side setback, 30 Hall Road, Map 15 Lot 10-4, Zoned AR-I, William & Kathleen Dentremont (Owners) and William Dentremont (Applicant)**

J. Tirabassi read the case into the record, noting no previous cases. William Dentremont, owner and applicant addressed the Board. He stated that he put in a pool in 2012 without realizing that a permit was needed and when he wanted to put in a generator that was when he found out the pool was too close to the setback. He stated that his only abutting neighbor has submitted a letter to the Board in favor of granting the variance.

He then reviewed the five criteria for the granting of the variance as follows:

- (1) The granting of the variance would not contrary to the public interest: because the pool does not alter the essential character of the neighborhood or threaten the health, safety and welfare of the general public.
- (2) The spirit of the ordinance would be observed: because the intent of the ordinance is to prevent overcrowding and the pool does not cause any overcrowding.
- (3) Substantial justice is done: because the loss to the applicant is greater than the loss to the general public.
- (4) Values of surrounding properties are not diminished: because the pool will increase property value and will be well maintained.
- (5) There is no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of the provision to the property: because the applicant has a recognized disability and it is a reasonable accommodation for him to use the pool. He stated that the house is unique as it is set back 200 feet from the street and is surrounded by wetlands and conservation land on all sides.

Chairman Dunn asked the Board if they had any questions. N. Dunn noted that the state has a medical exemption, statute RSA 674:33V that would remain in effect under the applicant for as long as he lives at this house. N. Dunn asked if the Board could put in a note with the deed to the house. R. Canuel stated that the variance is part of a public record but is not recorded with the deed. S. Brunelle asked

if the pool was above ground. W. Dentremont stated that it was. J. Benard asked how many months out of the year the pool was open. W. Dentremont stated it is open until he cannot tolerate the cold anymore. J. Tirabassi read the letter from the abutting neighbor into the record, Exhibit 1.

Chairman Dunn asked for public input and there was none.

The Board closed public comment and began deliberations:

- (1) The variance would not be contrary to the public interest: because it does not alter the essential character of the neighborhood.
- (2) The spirit of the ordinance would be observed: because it does not alter the essential character of the neighborhood.
- (3) Substantial justice would be done: because there is no harm to the general public that is outweighed by gain to the applicant.
- (4) Values of the property would not be diminished: because it would not impact the surrounding property values.
- (5) There is no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because pursuant to RSA 674:33 V the applicant has a medical condition for which the pool is needed. The proposed use is a reasonable one.

**J. Benard made a motion to grant the variance in CASE NO. 6/20/18-3 from LZO 2.3.1.3.C.2 to allow a pool to encroach 7 feet into the 15 feet side setback, 30 Hall Road, Map 15 Lot 10-4, Zoned AR-I, William & Kathleen Dentremont (Owners) and William Dentremont (Applicant) with the condition that the variance is only valid so long as William Dentremont resides and has a need for the use of premises (see RSA 674:33 –V)**

**J. Tirabassi seconded the motion.**

**The motion was granted with conditions, 5-0-0.**

**D. CASE NO. 6/20/18-4:** Request for a variance from LZO 2.3.1.3.C.2 to allow the building of a shed (10x24) to encroach 11 feet into the 15 feet side setback, 591 Mammoth Road, Map 17 Lot 11-1, Zoned AR-1, Michael Benoit (Owner & Applicant)

J. Tirabassi read the case into the record, noting no previous cases. Michael Benoit, owner and applicant addressed the Board. He began by correcting the record to note the shed is 16X24 feet 11 feet into the 15 foot side setback.

He then reviewed the five criteria for the granting of the variance as follows:

- (1) The granting of the variance would not be contrary to the public interest: because the shed will not have any effect on public safety or wellbeing.
- (2) The spirit of the ordinance would be observed: because there is 260 feet from his house to his closest neighbor, he feels as if the spirit would be maintained.
- (3) Substantial justice is done: because the loss to the applicant is greater than the loss to the general public.
- (4) Values of surrounding properties are not diminished: because he feels the shed will not decrease property values and will instead only help the values as the shed will replace an existing old shed.
- (5) There is no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of the provision to the property: because the house is unique as it is located in the rear of the property and the land is sloped which makes it hard to build a shed anywhere else. He stated that he felt it was a reasonable request to build a shed on his property to store items you cannot store in the house.

Chairman Dunn asked the Board if they had any questions. N. Dunn asked where the existing shed was. M. Benoit stated that the shed has been torn down already. S. Brunelle asked if he had a garage. M. Benoit stated he did not and was hoping to build one in the future and pointed out where that would be located on the map the Board had in front of them. N. Dunn asked if he knew the dimension from his house to the property line. M. Benoit stated that he did not but thought roughly it might be 60 feet. J. Tirabassi stated it was 68 feet. S. Brunelle asked why the applicant is proposing the shed where it is. M. Benoit stated that everywhere else on his property there is a significant slope to the land and it would be difficult to build on. He stated that he has not looked into the building of the garage yet.

Chairman Dunn asked for public input and there was none.

Chairman Dunn brought it back to the Board for discussion. N. Dunn asked R. Canuel if a shed of this size requires footings or a foundation. R. Canuel stated that it does not. J. Benard asked how much of slope the applicant is talking about. M. Benoit stated he thought it might be 20 feet to 25 feet. J. Benard asked what would happen to the Quonset hut. M. Benoit stated he will take that down and build the shed where it is. N. Dunn stated that he felt there was room in the setback to build the shed and that is why he is having a problem with it, as the garage might be built in the future. J. Benard agreed with N. Dunn that the applicant has room to follow the ordinance and noted that the shed could be moved in the future if he indeed wanted to build a garage.

The Board closed public comment and began deliberations:



- (1) The variance would not be contrary to the public interest: because it would not alter the essential character of the neighborhood.
- (2) The spirit of the ordinance would not be observed: because the ordinance requirements can be maintained and the garage is speculative at this point.
- (3) Substantial justice would not be done: because the applicant did not prove the loss to himself would be worse than the loss the public.
- (4) Values of the property would not be diminished: because the shed would not impact the surrounding property values.
- (5) There is a fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because there is room to build the shed within the setback requirements. No hardship was presented. The proposed use is a reasonable one.

**J. Tirabassi made a motion to deny the variance in CASE NO. 6/20/18-4 from LZO 2.3.1.3.C.2 to allow the building of a shed (10x24) to encroach 11 feet into the 15 feet side setback, 591 Mammoth Road, Map 17 Lot 11-1, Zoned AR-1, Michael Benoit (Owner & Applicant)**

**J. Benard seconded the motion.**

**The motion was denied, 5-0-0. The applicant's request for a variance was denied for the following reasons: substantial justice would not be done if the variance was granted because there is no loss to the applicant that is greater than any gain to the public. The applicant has other reasonable locations on the property to locate the shed which do not encroach into the setbacks; the applicant failed to demonstrate a hardship and failed to demonstrate uniqueness of his property; and the Board found there is a fair and substantial relationship of the general purpose of the ordinance as it relates to this specific property.**

**E. CASE NO. 6/20/18-5:** Request for a variance from LZO 2.3.1.4.A to allow a horse barn to encroach 10 feet into the 25 feet side setback, 362 Mammoth Road, Map 12, Lot 49, Zoned AR-I, Lisa Holmes (Owner and Applicant)

J. Tirabassi read the case into the record, noting no previous cases. Lisa Holmes, owner and applicant addressed the Board. She stated that she has a horse barn on her property that is only 15 feet away from the property line and she would like to keep it there.

She then reviewed the five criteria for the granting of the variance as follows:

- (1) The granting of the variance would not contrary to the public interest: because the barn in its current spot will not adversely affect the public, nor has it in the seven years that the barn has been in place given the consensus of the neighbors.
- (2) The spirit of the ordinance would be observed: because there is no adverse effect to the general public's safety or welfare where the barn is located now.
- (3) Substantial justice is done: because the loss to the applicant is greater than the loss to the general public.
- (4) Values of surrounding properties are not diminished: because there have only been increasing appraisals on her property since 2011 when she moved in.
- (5) There is no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of the provision to the property: because her property is located next to a church, a rather active church with many outside activities that the horses may find stressful. She stated that she felt it was a reasonable request to be able to keep the barn in its current location.

Chairman Dunn asked for questions from the Board. N. Dunn asked if churches are allowed in residential zones. R. Canuel stated that they were. S. Brunelle asked if the barn was there when she moved in. L. Holmes stated that she brought it with her when she moved. N. Dunn asked how big the barn is. L. Holmes stated 12X30 or 32. N. Dunn asked if it had doors and a floor. L. Holmes stated it does not have doors and dirt floor with rubber mats. J. Benard asked how big her property is. L. Holmes stated it was 2.2 acres. J. Benard asked why she placed the barn where it is. L. Holmes stated it was one of the flatter areas, she can see the barn from the house and it was far away from the church. N. Dunn asked if she pulled a permit to have the barn built. L. Holmes stated she hired someone to do this for her and assumed he was following all the zoning rules. N. Dunn asked what the procedure for pulling a permit is. R. Canuel stated that all the zoning requirements would be outlined on the permit and did not know why the barn was never checked on after installation. N. Dunn asked why R. Canuel visited the property now. R. Canuel stated it was because of a complaint. J. Benard asked if there was a reason why the applicant could not move the barn to another location on her property. L. Holmes stated that she could move it further in to comply with the zoning rules if necessary. She asked if the fencing would need to be moved as well. R. Canuel stated that the fencing area counts and also has to be 25 feet from the property line. J. Benard asked how many horses she had. L. Holmes stated she had three and would never have any more than that. J. Benard asked how she handled the manure. L. Holmes stated that she has a friend who comes in with a dump trailer and takes the manure out of the area. J. Benard asked how often. L. Holmes stated every 3 weeks. J. Benard asked if she would have any objection to the Board asking for the removal of the manure to be once a week. L. Holmes stated that she did not know if she could commit to every week and would not want to make a promise that she could not keep.

Chairman Dunn asked for public input.

Abutter Kathy White, 7 Bancroft Road, addressed the Board in opposition of the variance. She stated that her property abuts the applicant's property in the back. She stated that she was never notified when the applicant put the barn up. She stated that her husband has gone over several times to speak to the applicant about the manure situation. She stated that the smell is overwhelming and getting worse. She stated that for many years on Sundays a tractor would haul manure from the applicant's barn to her backyard and dig holes to dump the manure in. She stated that she had videos on her phone of this if the Board would like to see them. She expressed concern regarding her well, which is very close to where the manure was being buried. She noted that she thought three weeks was too long for the removal of the manure. She stated that she thinks the barn is lowering her property value with the smell and location. She noted another case, CASE 1/16/2013-2 and read from the variance regarding livestock.

Abutter Bill White, 7 Bancroft Road, addressed the Board in opposition of the variance. He stated that he did not feel her property was made to have horses, even though she does have 2 acres. He stated he felt the barn is a nuisance and decreases his property value.

Ashley Holmes, 632 Holly Ave, Manchester, addressed the Board in favor of granting the variance. She stated that the applicant is her sister and she lived with her at this residence for 6 months in the summer. She did not think that there was a smell issue and feels that her sister takes very good care of her horses. She noted that her sister has never had any formal or informal complaints until this. She stated that her sister bought this house because she could bring the barn since it has the required two acres. She stated there is a glass door from which her sister can see the barn and to move it elsewhere her sister would not be able to see the barn.

Abutter Kathy White, 7 Bancroft Road, addressed the Board in opposition to the variance again. She clarified that she does not think the applicant does not take care of her horses. She thinks that the location of the barn and the manure are bothersome. She wants the barn moved to the opposite side of the property.

Jim Butler, 57 Mammoth Road, addressed the Board in opposition to the variance. He also noted an ordinance 2002-15, which was adopted on 11/18/2002, that speaks about livestock 404, where it stated that "agriculture livestock, poultry and horses will not be permitted except for houses with two acres or more. All buildings, runs, pens and kennels, excluding pastures, will be located at a minimum of 25 feet from any property line. At no time shall a public nuisance be created to sight, sound, smell or any other action which would interfere with nearby property owner's rights." He stated that in his opinion, he would not live at 7 Bancroft or buy the house if it was on the market. He stated that in his opinion, the barn should be moved off the setback.

Chairman Dunn brought it back to the Board for discussion. N. Dunn stated that the case was regarding the setback violation, nothing else. J. Benard agreed but wanted the concerns about the manure to be noted.

The Board closed public comment and began deliberations:

- (1) The variance would be contrary to the public interest: because it would alter the essential character of the neighborhood.
- (2) The spirit of the ordinance would be observed: because the essential character of the neighborhood would be altered. The setback for livestock is to help reduce any potential nuisance and this spirit would not be observed by allowing the encroachment.
- (3) Substantial justice would not be done: because the applicant did not prove the loss to herself would be worse than the loss the public.
- (4) Values of the property would be diminished: because the Board's consensus was the barn might lower property values.
- (5) There is a fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because there is no uniqueness noted to this specific property as churches are allowed in a residential zone. The proposed use is a reasonable one.

**J. Benard made a motion to deny the variance in CASE NO. 6/20/18-5 from LZO 2.3.1.4.A to allow a horse barn to encroach 10 feet into the 25 feet side setback, 362 Mammoth Road, Map 12, Lot 49, Zoned AR-I, Lisa Holmes (Owner and Applicant)**

**S. Brunelle seconded the motion.**

**The motion was denied, 3-2-0. The applicant's request for a variance was denied for the following reasons: granting of the variance would be contrary to the public interest because the character of the neighborhood would be altered; the spirit of the ordinance would not be observed due to health and safety concerns of having livestock closer than 25 feet to the property line; granting of the variance would not do substantial justice as the applicant can locate the barn so there is no encroachment – the public benefits from having the ordinances enforced; the values of surrounding properties would be diminished as setback provides for appropriate buffers to mitigate nuisance concerns; there were no unique characteristics about the property; and there is a fair and substantial relationship of the general purpose of the ordinance as it relates to this specific property.**

- II. Communications and miscellaneous: The Board reviewed the variance criteria worksheet which was prepared by Staff. This worksheet will be sent to all abutters for variance applications.
  
- III. Other business: N/A

**Adjournment:**

**J. Benard made a motion to adjourn at 10:00 p.m.**

**B. Berardino seconded the motion.**

**The motion was granted, 5-0-0. The meeting adjourned at 10:00 p.m.**

RESPECTFULLY SUBMITTED,

  
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CLERK

TYPED AND TRANSCRIBED BY Beth Morrison, Recording Secretary.

**APPROVED (X)** WITH A MOTION MADE BY James T, SECONDED BY SB, 3-0-1.