

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

DATE: OCTOBER 15, 2014

CASE NO.: 10/15/2014-1

APPLICANTS: JACK A. SZEMPLINSKI  
1F COMMONS DRIVE, SUITE 35  
LONDONDERRY, NH 03053

HAROLD KICZA  
86 ADAMS ROAD  
LONDONDERRY, NH 03053

LOCATION: 62 REAR ADAMS ROAD, 6-113-1, AR-I;  
86 ADAMS ROAD 6-90 AR-I; AND  
88 ADAMS ROAD, 6-90-1, AR-I

BOARD MEMBERS PRESENT:

JIM SMITH, CHAIR  
JIM TIRABASSI, VOTING MEMBER  
ANNETTE STOLLER, VOTING ALTERNATE  
JACKIE BENARD, ACTING CLERK

REQUEST: VARIANCE TO ALLOW THE SUBDIVISION OF A LOT WITHOUT FRONTAGE  
ON A CLASS V ROAD IN THE AR-I ZONE AS REQUIRED BY SECTION  
2.3.1.3.2 AND TO EXEMPT PROPOSED LOTS FROM THE CONSERVATION  
OVERLAY PROVISIONS OF SECTION 2.6.3.

PRESENTATION: Case No. 10/15/2014-1 was read into the record with no previous cases  
listed.

JOSEPH MAYNARD: Good evening Joseph Maynard, Benchmark Engineering. I represent Mr. Szemplinski and Mr. Kicza in this application tonight. As described there's actually three (3) pieces of property her today. There's an approximately thirteen (13) to fourteen (14) acre tract of land that is somewhat landlocked. When the Abbey Road subdivision on the Northerly end of the site of the Szemplinski parcel was developed a fifteen (15) foot right of way was actually left from the Abbey Road right of way into that property. The difficulty with that right of way that was left at that side is its right into a large vast wetland complex, and would require a substantial dredging and filling and constructions of a driveway of about a thousand (1,000) feet long through wetlands to get to the useable portion of the property. Mr. Szemplinski had approached Mr. Kicza about trying to obtain some sort of physical access to his property through one of the Kicza lots. When the Kicza lots were created back in 1989, Mr. Kicza had about five (5) acres of property. When the lot was subdivided it was done by lot size soils at that point in time that the Town had for its standards. In order to create the two lots subdivision...kind of a pork chop shaped lot had to be created. The lot that Mr. Kicza's house, which is on the

47 Easterly side of the lot...actually traverse to wetland, came up and it dog-legged behind the residential lot that  
48 he created. Mr. Kicza didn't want to allow an easement to cross two (2) properties in order for Mr.  
49 Szemplinski to be able to get access to his property. So, over the years, we've talked to Mr. Kicza. I think it's  
50 well over ten (10) years we've been talking to Mr. Kicza about some form of access to the rear lot. As early as  
51 this year, the conversation with Mr. Kicza was "well if you can straighten out my lot lines, so that you're not  
52 crossing two properties", he'd be willing to work with us to work with us to give us access to the Szemplinski  
53 property through a driveway easement. Therefore, the rear lot that Szemplinski owns would still not have  
54 legal frontage so to say except for that fifteen (15) foot right of way that was given off of Abbey. So, the  
55 variance we are requesting is to actually allow that large tract to be one single family house lot at this point  
56 and time without the required frontage. The second component that comes out of this is straightening out his  
57 lot lines. By straightening out his lot lines we're able to achieve by taking a portion of the Szemplinski  
58 property we're able to give Mr. Kicza enough land area now that to meet Town's current regulation for lot  
59 sizing. That his lot would no longer dog-leg out behind the other parcel that he owns, so that area that did  
60 dog-leg behind would just become part of that building lot. Therefore, this would be...it was a two (2) acre lot  
61 to start with, now it's a 3.2 acre lot because some land was given from the Szemplinski parcel to make this a  
62 standard lot. We are starting with three (3) lots of record. We're ending with three (3) lots of record. The  
63 second component past the application to allow the Szemplinski property to have...be a building lot without  
64 frontage. After 2000, any new subdivision type of thing, which this is considered a subdivision, is required to  
65 have a CO District. When you start applying a CO District to these properties, a lot of improvements that Mr.  
66 Kicza has on his existing single family home, end up with in a CO Buffer. Also, there's an existing driveway that  
67 is used for access to the other Kicza lot that stubs right to the Szemplinski property that if a CO Buffer was  
68 required, we'd place that driveway completely within the CO District Buffer. Therefore, the second  
69 component of this request is to actually allow the three (3) existing lots of record to still have the benefit of no  
70 CO District as if they were never back before the Board before a new subdivision. Again, the only reason, it's  
71 kicking in the CO District...lots that were created prior to the adoption of the ordinance in 2000 are strictly  
72 exempt from the CO District. So, if Mr. Kicza wanted to and he didn't come through a subdivision process  
73 there would be no CO District buffer on any of his properties. He will get a building permit and put a house  
74 right up adjacent to that wetland. Not that that's the game plan. The game plan is to be able to give him a  
75 bigger broader building envelope on this vacant lot that he has. Again, the second component is to allow the  
76 lots as they exist, or as they will exist to continue to have the benefit of no CO District unless they were further  
77 subdivided for any reason, which there are no plans, or anything of that nature. Because again the larger tract  
78 being the Szemplinski property does have an extensive wetland network on it, but it does have a larger  
79 useable portion for a single family home, or some sort of residence. Questions?  
80

81 JIM SMITH: Okay, do you want to go through the five point of law?  
82

83 JOSEPH MAYNARD: Sure, um hm, yup. Number one variance will not be contrary to the public interest. There  
84 are currently three existing lots of record. All lots existed prior to the adoption of the CO District ordinance.  
85 All of the properties are zoned residentially, and will be used as such. Lot 113-1 will share the existing  
86 driveway with lot 90-1. The existing driveway on lot 91 was constructed...well it was constructed well before  
87 the 1980's, but it was formally on the 1980's subdivision plan when it was subdivided from lot 90. If the Co  
88 District was on that property, the driveway would be completely within it. Lot 113-1 currently has some form  
89 of access from Abbey Road, but it would not be in the public interest to create a long driveway through  
90 wetlands to get to the buildable areas of this property when this option exists. Overall, the area zoned AR-1  
91 and all subject properties are, or will be developed as allowed in the AR-1 zone, and will be similar to other  
92 homes in the general area. Two, the spirit of the ordinance is observed because again there are currently  
93 three existing lots of record. All of these lots were created prior to the adoption of the CO District ordinance.  
94 Also, there's an existing driveway on lot 91 (90-1). Very little additional construction will be required upon  
95 construction on a new home on either the rear lot, or lot 90-1. This driveway will be shared with both lot 90-

96 1, and 113-1. Any new permitting for either lot 90-1, or 113-1 will require appropriate permits from the  
97 building department and state agencies to allow construction of new homes on these lots. Also, the buildable  
98 area for lot 113-1 is approximately five hundred (500) feet back from Adams Road, and it will not be visible  
99 from the street. Substantial justice will be done. Granting this variance will allow all the lots to maintain their  
100 exemption from the CO District ordinance. This variance will also allow 113-1 a more reasonable access than  
101 what currently exists today being the right of way off of Abbey Road. Access from Abbey Road although  
102 challenging, could be accomplished with the number of wetland impacts. Whereas, the proposed location  
103 comes off an existing driveway that is on lot 90-1 constructed when the lot was created. Granting this  
104 variance will allow lot 113-1 to become a buildable property. Existing properties surrounding the subject lots  
105 are also created prior to the adoption of the CO District ordinance and therefore they also have no CO  
106 District...

107  
108 [New CD]  
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110 JOSEPH MAYNARD: ...existing prior to the adoption of the CO District ordinance and therefore under 2.6.3.6 if  
111 nothing was done to adjust and correct the lot line there still would be no CO District buffer required. The  
112 main purpose of the lot line adjustment as we touched on before is to straighten out some awkward lot lines  
113 and to create a driveway easement to lot 113-1 which currently only has a small right of way off Abbey Road  
114 and does not have any frontage on Adams Road. Access from Adams Road will be share with lot 90-1 along  
115 the existing driveway that currently services only the vacant lot 90-1. The majority of this existing driveway  
116 would be in the CO District if this lot was to have one. No new lots are being created with this plan. Only  
117 adjusting the lot lines and creating a shared common driveway to a parcel of land that has no frontage on a  
118 Town road. Also, the main buildable area on lot 113-1 is substantially closer to the Adams Road side then the  
119 Abbey Road side. Again, as we said, if access were constructed from the existing right of way on Abbey Road  
120 the driveway would exceed a thousand (1,000) feet; whereas, the existing driveway on the Kicza property  
121 comes to within about fifty (50) feet of lot 113-1. The proposed use is a reasonable one. The three subject  
122 lots were all created prior to the adoption of the CO District ordinance along with many of the other lots in  
123 this area. Also, existing improvements on the developed property being the existing house and driveway on  
124 lot 90, and the existing driveway on lot 90-1 would be located within the CO District buffer if not exempted or  
125 under that Section 2.6.3, or by this variance. The property owners only wish to reconfigure and straighten out  
126 the lot lines, provide better buildable area on lot 90-1, and allow driveway access to lot 113-1. Lot 113-1, the  
127 buildable area is more on the Adams Road side of the track then on the Abbey Road side where the only  
128 access currently exists. And B, if Subparagraph A are not established being that lot 113-1 is a lot of record, and  
129 the only access is from a fifteen (15) foot wide right of way granted to this previously land locked parcel when  
130 the Abbey Road subdivision was constructed. The existing access point being roughly one thousand (1,000)  
131 feet away from the buildable portions of lot 113-1; whereas, the existing driveway on lot 90-1 is only about  
132 fifty (50) feet away from the buildable portions of this lot. Also, the shapes of lot 90 and 90-1 are quite unique  
133 being that there is a large upland in the rear of lot 90 being inaccessible unless through lot 90-1 because of the  
134 wetland that separates it from the improved portion of the lot along Adams Road where the house and all of  
135 the other improvements are located. The buildable area on lot 90-1 is presently constrained by lot 90 and lot  
136 90-1 was created in the 80's by soil based lot sizing and the shape of the lot was dictated by the regulations at  
137 that time. Now with the proposed lot relocation plan there is more land available for reconfiguration figuring  
138 all three properties with more uniform lot lines and better buildable areas. Then the surrounding lots are  
139 already developed and there is no additional land available to make lot 113-1 anymore conforming on the  
140 frontage aspect.

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142 JIM SMITH: Okay, any further comments from you?

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144 JOSEPH MAYNARD: Not at this time, unless you have some questions?

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JIM SMITH: Okay, any questions from the Board? Okay, anyone in favor of this proposal? Anyone with either questions, or objections? Do you want to approach the mic, and identify yourself, sir?

DAVE ADAMKOWSKI: My name is Dave Adamkowski, 14 Abbey Road. I've lived there for eighteen (18) years. They're saying they have access off of Abbey Road, and it was brought to my attention tonight that it actually is cutting right down my property line from Abbey Road, and I wasn't aware of that. It was never on my...you know giving somebody access rights to you know their property that I had no idea my neighbor next to me...you know marker, we know our property lines, and all that. I didn't know I had to give anybody access to you know another means of access off of...you know so they could get to their property that was land locked. I was just concerned...you know because it was just brought to my attention...you know if they were going to come off of this...you know when I seen all of this proposal going on. My neighbor brought it to my attention, and I was just concerned. That was my main concern is what...

JIM SMITH: Are you talking about the existing access?

DAVE ADAMKOWSKI: The existing access I've never seen it on any of the...it was never written on...I had to give somebody access to their property back there. On my original...all the plot plans when I first bought the property there. So...

JIM SMITH: It was on the subdivision plan?

JOSEPH MAYNARD: It's on the recordable plan on the Registry of Deeds and Mr. Szemplinski actually has a written access agreement from the developer of the Abbey Road subdivision for that purpose. When the Abbey Road subdivision was being done, the Town actually wanted to leave a fifty (50) foot right of way to Mr. Szemplinski's property through that last lot where the easement is actually generated. Mr. Szemplinski actually met with the Town. He said fifty-fifty doesn't make sense because it'll never be a road through that portion, but he agreed with the original developer to just accept the fifteen (15) foot right of way at that time. But again, it's not a practical...it could be built? It'd be costly and ineffective to build it that way. I've often said it to Mr. Szemplinski, I'm willing to try it, but this option with Mr. Kicza has been around for a number of years, and this makes more sense to come in from the Adams Road side and not the Abbey Road side.

JIM SMITH: Okay, I think what he's suggesting...

DAVE ADAMKOWSKI: Right...

JIM SMITH: ...whoever did your plot plan didn't show everything that was on the subdivision plan, but what their prosing tonight...

DAVE ADAMKOWSKI: Right, right...

JIM SMITH: ... is to not to use that...

DAVE ADAMKOWSKI: ...I understand...I understand that.

JIM SMITH: ...and they're trying to get some other access to it.

DAVE ADAMKOWSKI: Just on the record that it was never put...you know...the way my plot plan is divided off...my markers and all that, there was never any...anything stated there was a means of access even if they

194 wanted to do what they have to do. I know it would be costly because there is wetlands back there, but there  
195 was...

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197 JIM SMITH: Okay, but what he suggested...if you go to the Registry of Deed and look up the subdivision plan  
198 for those lots involved...

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200 DAVE ADAMKOWSKI: Right.

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202 JIM SMITH: ...you will find in fact the paperwork that established that fifteen (15) foot right of way.

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204 DAVE ADAMKOWSKI: Thank you.

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206 JIM SMITH: Okay.

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208 [Overlapping comments]

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210 JIM SMITH: Anyone else?

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212 MIKE SPELTZ: Mike Speltz, 18 Sugarplum, and I guess in part representing the Conservation Commission. The  
213 applicant came before the Commission with this plan, and at the time seeking, I think a Conditional Use  
214 Permit. Right, Joe?

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216 JOSEPH MAYNARD: We did go before Conservation. They actually said they weren't going to make any  
217 decision on it until after the Zoning Board's decision on whether or not there would be a CO District, or not?

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219 JIM SMITH: Okay.

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221 MIKE SPELTZ: That was my point number one. We intentionally did not take a position because we didn't  
222 want to get ahead of what you are doing here. If you didn't grant the first waiver on the lack of access...lack of  
223 frontage on a classified road then the whole thing would have been moot. I'm not suggesting your decision on  
224 that one way or the other, now however should you decide to grant the first variance. It would be my  
225 recommendation that you not grant the second variance. I would argue that there is a public interest in  
226 protecting our wetlands, and that's why we put the Conservation Overlay district in place, and it now applies  
227 to this property assuming that the lot lines are adjusted. The ordinance provides an avenue for a person like  
228 the applicant to get a Conditional Use Permit to allow things like the existing driveway to be in the  
229 Conservation Overlay District. So with that policy is established. There is a procedure...there's a way to go  
230 about getting what they want. We don't need to just willy-nilly take the Conservation Overlay District away  
231 from these three reconfigured parcels. It is in the public interest to follow the procedure for figuring out the  
232 way we can best meet the applicant's needs with a Conditional Use Permit, and at the same time, to the best  
233 extent that we can, protect the wetlands. Thank you.

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235 JIM SMITH: Okay, for clarification...Richard, if they reconfigure it, the things that would be infringing into the  
236 CO District that already exists. What's there [inaudible]?

237  
238 RICHARD CANUEL: The house that's there already developed. That house would now be located within that  
239 CO District buffer that would make it an existing non-confirming structure at that point.

240  
241 JIM SMITH: So, it could stay there for...

243 RICHARD CANUEL: It could stay there indefinitely. However, any future development would have to be done  
244 in compliance with the ordinance which means they would have to be outside of that fifty (50) foot buffer.  
245

246 JIM SMITH: What about the driveway?  
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248 RICHARD CANUEL: The driveway as Mike Speltz's had mentioned, the applicant can go through the application  
249 process to request a Conditional Use Permit to will allow the driveway to exist within the bugger.  
250

251 JIM SMITH: That wouldn't be grandfathered?  
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253 RICHARD CANUEL: That's a good question, I don't think so because you're driveway isn't necessarily a  
254 structure like the house would be, and there is a process whereby to allow that driveway within that CO  
255 buffer, so I think the proper avenue would be to request that Conditional Use Permit to allow that driveway.  
256

257 JOSEPH MAYNARD: I just would like to say, I'd agree with Mike if I was creating new lots that you know...we  
258 should have to abide by the regulatory requirements, but there are two properties here being Mr. Kicza's two  
259 lots that have been reasonably developed and utilized in a manner that if a CO District buffer was to be put,  
260 especially on those two properties. It would actually end up being a burden on a property owner. Because  
261 every time they wanted to do any little thing...again like Mr. Kicza, if he wanted to add a garage to his house,  
262 he's before the Zoning Board now to be able to put a garage on his house, where as if we didn't go through  
263 this process to not only help him adjust his lot lines, make a better buildable area on his vacant lot. Again,  
264 there's some give and take here. Where Mr. Kicza is working with Mr. Szemplinski to help give him the access  
265 to his rear lot, but to all of the sudden start burdening lots of record, which in my take, this is really a minor lot  
266 line adjustment between existing property owners to correct some really awkward lot lines that you know  
267 where pretty popular so to say through the 1980's when you were trying to create some sort of subdivision  
268 and generate lots. So again, if we were trying to get a fourth lot out of this in some manner, I would agree  
269 who heartedly you know that the buffer should apply and be enforced on all properties, but we're looking at  
270 three existing properties. You know, we're not looking to violate any wetlands, or anything and cause any  
271 damage to any of those. These are just single family house lots. Everything else that's in the general area is  
272 single family house lots. They are all developed at this time. They did not have so to say the burden of a CO  
273 District. Again, if we weren't here trying to straighten out these, if Mr. Kicza would have been fine with Mr.  
274 Szemplinski just cutting across two lots with an easement none of the three lots would have this. We wouldn't  
275 be here. Well, I'd be here because of the frontage requirement for the rear lot, but I wouldn't be asking for  
276 the relief from the CO buffer requirements.  
277

278 JIM SMITH: Any questions? Any further comments from the audience? Seeing none, we'll [inaudible]...  
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280 [Overlapping comments]  
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282 JIM SMITH: The first thing, we can split the decision, and grant a variance within the buildable [Inaudible] of a  
283 lot without a frontage, but not grant the Overlay District variance we wish to.  
284

285 [Overlapping comments]  
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287 JACKIE BENARD: Okay, so split it because technically, it's two in one here?  
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289 JIM SMITH: Yeah.  
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291 [Overlapping comments]

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JACKIE BENARD: Are we in discussion, or is it closed?

JIM SMITH: Yeah, we're in discussion.

JACKIE BENARD: Okay.

DELIBERATIONS:

JACKIE BENARD: Okay, the objective of the Conservation Overlay District is very specific in Section 2.6.3. Has very strong language as to why it is, and one of the functions is to preserve preservation of water resources promoting the general public health, safety, welfare. So, it's...this one case has two very important parts, and one I'm okay with and then I'm not okay with the other, so are we going to go through the five points of law...

JIM SMITH: Yeah.

JACKIE BENARD: ...on the first, and then five points of law on the second, or are we combining them as a whole?

ANNETTE STOLLER: They were combined on the application.

JACKIE BENARD: They were combined in the application?

ANNETTE STOLLER: It looks like it?

JACKIE BENARD: I guess each point of law is going to have a two part answer in some cases?

ANNETTE STOLLER: May I ask the applicant something?

JIM SMITH: Yeah, if you want.

ANNETTE STOLLER: Very simply, why did you combine them?

JOSEPH MAYNARD: I have to say, I didn't write the whole application.

ANNETTE STOLLER: Jack wrote it?

JOSEPH MAYNARD: Jack wrote it. Since we're talking also, I know that 2.6.3 is very strongly about why there is a Conservation requirement, but also, if you read further there is strong language as the exemption for existing lots of record. When that came to vote, it lost the first time because there was such public outcry about putting a buffer on existing lots of records that they put that section in the ordinance very specifically so that it would pass because it was...I was at some of those meetings they filled the school. The people came and were very adamant that if this was put on everything every time you go to do anything you need a variance, or you need to get a special permit, so...

ANNETTE STOLLER: So, they wanted to protect historic properties?

JOSEPH MAYNARD: Well, it wasn't even historic...well anything historic prior to 2000. You know, I guess if you want to call it anything like that. This ordinance isn't that old, it was written late in the late 1990's and

341 adopted in around 2000, but there is a very strong section in there about exemptions for existing lots and  
342 homes of record. It's not even homes of records, just lots of record.

343 [Overlapping comments]  
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345 JOSEPH MAYNARD: Again, we site that in the variance request what section that is.  
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347 JIM SMITH: Um, Richard, I was just looking over 2.6.3.6, and it addresses preexisting residential structures,  
348 uses and lots.  
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350 RICHARD CANUEL: That's right.  
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352 JIM SMITH: Would a driveway be considered a use?  
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354 RICHARD CANUEL: Nope, not necessarily because there are specific provisions in the ordinance regarding  
355 Conditional Use Permits for driveways and access roads.  
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357 JIM SMITH: Did we get any kind of...I'm looking at 2.6.3.8. It reads in part, "Prior to holding a public hearing  
358 on an appeal or variance, the Zoning Board shall forward a copy of the plan and application form to the  
359 Conservation Commission for review and comment. The Conservation Commission shall, after reviewing the  
360 plan and application, forward any applicable [sic] recommendations to the Zoning Board of Adjustment for  
361 their consideration."  
362

363 ANNETTE STOLLER: It seems like they've gone before the Conservation Commission?  
364

365 JIM SMITH: Well, we don't have a written...  
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367 ANNETTE STOLLER: Right, we don't have anything in front of us?  
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369 JOSEPH MAYNARD: May I ask the board a question?  
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371 JIM SMITH: Yeah.  
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373 JOSEPH MAYNARD: Just as information. I'll just state, I did go to Conservation and their comment to me was  
374 they had no comment and they wanted to see what the Board would do. From the sounds of it, the Board  
375 would like to break this in to two parts and grant, or I'm sorry...speak about one being the access portion? If it  
376 was required to have the Conservation component for the second part of this request, I would ask the Board if  
377 you could at least continue with the no frontage requirement for 113-1, so that we can start a plan application  
378 for design review with the Planning Board. In the interim, I'd ask for the second prong of this to be continued  
379 to your next available meeting, so that I could speak to Conservation and have them comment. If that is the  
380 hold up on this? Again, we have an agreement with Mr. Kicza that we need to move this along, I can't file for a  
381 formal application unless I can make the rear lot a buildable lot. The second component of this, if I was to lose  
382 a CO District request under variance by the time we got to Planning Board, I could add it to the plans and go  
383 back before Conservation...you know round four with Conservation to get through this process. I know it's  
384 late; I'm just trying to help move this along.  
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386 JIM SMITH: Okay, first, Richard do we need to do that?  
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388 RICHARD CANUEL: Well, that's certainly the way the ordinance reads.  
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[Overlapping comments]

RICHARD CANUEL: It might be advisable for the Board to continue the case pending a receiving comment from the Conservation Commission.

ANNETTE STOLLER: That's what it says here.

RICHARD CANUEL: I mean, Mike Speltz presented...

JIM SMITH: I understand that...

RICHARD CANUEL: the Conservation Commission, but that...

JIM SMITH: ...but he's not the whole Board.

RICHARD CANUEL: ...not the Conservation Commission's official word.

JIM SMITH: Okay, can we split this case?

RICHARD CANUEL: Well, it's one variance application?

JIM SMITH: I know.

RICHARD CANUEL: Even though there are two parts to the application.

JIM SMITH: Yeah.

RICHARD CANUEL: The Board can certainly make two different decisions based on the application, but being a variance application, its ether grant, or deny.

JIM SMITH: Okay, so I think we're stuck with continuing? I think that's our only choice?

JACKIE BENARD: Well, I'm leading to that to because of the way it's written with the word, and, we can't...

JIM SMITH: Right.

JACKIE BENARD: ...we can't split it.

JIM SMITH: Well, okay, we have two choices. We can continue it, or if you want to withdraw it and reapply at two cases?

JOSEPH MAYNARD: The timing for me is the same. Again, it doesn't help me any with our agreement with Mr. Kicza. Ultimately, I'm not sure where this will go at this point because we have some agreements with Harold as to when this will be submitted and approved. At this point and time then if that's the choice of the Board, I would ask to be continued because from a timing perspective for me...

JIM SMITH: Okay.

439 JOSEPH MAYNARD: ...it would be easier.  
440  
441 JIM SMITH: Okay.  
442  
443 JACKIE BENARD: Can I ask Richard one thing?  
444  
445 JIM SMITH: Sure.  
446  
447 JACKIE BENARD: If we decided, and we wrote it that, if we all agreed that we would grant the first part, and  
448 put language under restrictions that they'll be no decision made until the Conservation. Can we do it that  
449 way? Until the Conservation Committee...  
450  
451 RICHARD CANUEL: Um, I'm not quite sure that would meet the intent of the ordinance? The intent being is  
452 that for the Board...well actually, it should have been before the Board actually held a public hearing, but...  
453  
454 JACKIE BENARD: Okay.  
455  
456 RICHARD CANUEL: ...that's water under the bridge now, but...  
457  
458 JACKIE BENARD: Okay.  
459  
460 [Laughter/Overlapping comments]  
461  
462 RICHARD CANUEL: ...before the Board makes any decision what so ever, you definitely need to get comments  
463 back from the Conservation Commission.  
464  
465 JACKIE BENARD: Okay, alright, so that won't work.  
466  
467 JIM SMITH: Okay.  
468  
469 JACKIE BENARD: Okay.  
470  
471 JIM SMITH: So, we're going to continue it.  
472  
473 JOSEPHY MAYNARD: Date specific?  
474  
475 JIM SMITH: I believe it's November 19<sup>th</sup>?  
476  
477 JACKIE BENARD: 19<sup>th</sup>.  
478  
479 JIM SMITH: Would that fit the Conservation Commission's...?  
480  
481 JOSEPH MAYNARD: Yeah, they're beginning of November.  
482  
483 JIM SMITH: Okay.  
484  
485 [Overlapping comments]  
486  
487 JIM SMITH: As long as it's going to fit? So we are continuing. I need a motion.

488

489

JACKIE BENARD: Mr. Chairman, I'd like to make a motion to continue case number 10/15/2014-1.

490

491

JIM SMITH: Until November 19<sup>th</sup>?

492

493

JACKIE BENARD: Until November 19<sup>th</sup>.

494

495

JIM SMITH: Okay.

496

497

ANNETTE STOLLER: Second.

498

499

JIM SMITH: All those in favor?

500

501

ALL: AYE:

502

503

RESULT: THE MOTION TO CONTINUE CASE NO. 10/15/2014-1 WAS APPROVED, 4-0-0.

504

505

RESPECTFULLY SUBMITTED,

506

507

508

A handwritten signature in cursive script, appearing to read "Jackie Benard", enclosed in a rectangular box.

509

JACKIE BENARD, ACTING CLERK

510

511

TYPED AND TRANSCRIBED BY NICOLE DOOLAN, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT SECRETARY

512

513

514

**APPROVED APRIL 15, 2015** WITH A MOTION MADE BY NEIL DUNN, SECONDED BY JACKIE BENARD AND APPROVED 5-0-0.

515