In attendance: Doug Kirkwood- Chair, Robert Rowe – Vice Chair, Jamie Ramsay – Secretary/Treasurer, Charlie Vars, Danielle Pray, and Tim Kachmar – Alternate.

Also present were Nic Strong, Community Development Director, and Kristan Patenaude, Recording Secretary.

Doug Kirkwood called the meeting to order at 7:05 pm. He explained the ZBA process and introduced the Board members.

NEW BUSINESS:

1. **CASE #: PZ11383-052819 – VARIANCE**

**Kerry Farwell (Owner) & Dania Ortiz Trinidad (Applicant) – 9 Warren Way, PIN#: 002-146-042 – Request for relief from Article 3, Section 3.15, Paragraph G-3 to operate a nail salon as a Home Occupation. *Zoned Residential/Rural.***

Jamie Ramsay read the public hearing notice.

The Board noted that neither the owner, nor the applicant, were present at the meeting to present the case.

 **Robert Rowe moved to enter into executive session. Jamie Ramsay seconded.**

 **No vote was taken on this motion.**

Discussion: Dan Mangan, an abutter, stated that he had received notice of this hearing which stated that he would have the opportunity to speak and that there were no caveats included in that letter, such as if the applicant was not present. The Board agreed that those present should have the opportunity to speak.

**Robert Rowe withdrew his previous motion. Jamie Ramsay seconded. No vote was taken on this motion.**

Members of the public approached the Board.

Dan Mangan, owner of 8 Warren Way, stated that his son and wife, who currently reside at the property, live directly across from the proposed nail salon. He and his wife have owned the home since 1983. He believes that the nail salon will be harmful to the neighborhood. He explained that the neighborhood is a small one, which is child-friendly. It has no sidewalks or parking lanes. He believes a business could add increased traffic to the neighborhood. He also does not believe that this proposal is in keeping with the town of Amherst. He appreciates a person wanting to make a living, but doesn’t believe Warren Way is the proper place to do so. He stated that this proposal would have long-term effects, all of which are net negatives to the neighborhood.

Peter Cobleigh, 5 Warren Way, explained that the neighborhood is horseshoe-shaped and frequently used by the high school and middle school runners for training. He stated that the nature of this proposed business deals with certain chemicals. He has concerns regarding those chemicals leaching into nearby Honeypot Pond, and also the neighbors’ wells.

Jan Merill, 7 Warren Way, stated that she has concerns regarding the fact that the proposed business would abut wetlands/vernal areas. There are many species of frogs in these vernal areas and they can be indicators of how healthy the water in the area is. She is worried that these animals are sensitive and it wouldn’t take much to disrupt them.

Barbara Mangan, 8 Warren Way, explained that the law states that a nail salon is a business, and this neighborhood is zoned as residential/rural. Runners use the area quite often for training. She cannot imagine a benefit to putting a business in this area.

 **Robert Rowe moved to enter deliberations. Jamie Ramsay seconded.**

 **All in favor.**

**CASE PZ11383-052819**

 **Jamie Ramsay moved no regional impact. Robert Rowe seconded.**

 **All in favor.**

**Robert Rowe moved to deny the application due to fault on the part of the applicant to appear and present the case; there has been no response to the application, public notice has gone out to the applicant and the abutters as to the time and the place of the hearing and the applicant has made no effort to communicate with the Board or the Town requesting a continuance.**

**Charlie Vars seconded.**

Discussion: Community Development Director, Nic Strong, asked if the Board would consider amending this motion to include the language “without prejudice.” Doug Kirkwood stated that the neglect is on the part of the applicant in this case, not with the Board, as the applicant is responsible to show up to the meeting or to communicate the absence ahead of time.

 **Voting: all in favor.**

 **Charlie Vars moved to exit deliberations. Jamie Ramsay seconded.**

 **All in favor.**

OTHER BUSINESS:

1. **Minutes: June 18, 2019**

**Danielle Pray moved to accept the minutes of June 18, 2019 as submitted. Jamie Ramsay seconded.**

**All in favor.**

**Charlie Vars moved to adjourn at 7:37 p.m. Robert Rowe seconded.**

**All in favor.**

Respectfully submitted,

Kristan Patenaude

Minutes approved, as amended: August 20, 2019