

TOWN OF AMHERST
Zoning Board of Adjustment

February 18, 2020

APPROVED

In attendance: Doug Kirkwood – Chair, Robert Rowe – Vice Chair, Jamie Ramsay – Secretary/Treasurer, Charlie Vars, and Danielle Pray.
Staff present: Nic Strong, Community Development Director, and Kristan Patenaude, Minute Taker.

Doug Kirkwood called the meeting to order at 7:04 pm. He introduced the Board members and explained the ZBA's process.

Jamie Ramsay explained that, in his role as Building Inspector for the town of Milford, he has worked with the Ciardelli brothers (EAM Amherst Holdings, LLC) on a number of projects. He does not believe this is a conflict of interest and will not be recusing himself.

BUSINESS:

1. CASE #: PZ12045–111519 – VARIANCE

EAM Amherst Holdings, LLC (Owner & Applicant) – 317 Route 101, PIN #: 008-072-000 – Request for relief from Article IV, Section 4.3 to allow for a self-storage facility. Zoned Residential Rural. Continued from December 17, 2019.

Jamie Ramsay read and opened the case.

Andrew Prolman, Esq., and Chad Branon, PE, of Fieldstone Land Consultants, presented the case. They were joined by Matthew and Andrew Ciardelli, members of EAM Amherst Holdings, LLC.

Andrew Prolman, Esq., explained that this case was requested to be continued in December, due to an exploration into using Red Gate Lane in order to access the proposed storage facility. The owners and operators of Red Gate Lane were presented this opportunity, but most were opposed. The amended plan has a couple of significant changes. First, due to comments from the owners/operators of Red Gate Lane, the proposed paved area has been shifted westward as much as possible. This will allow for a larger landscape buffer between the facility and Red Gate Lane. This line of vegetation will run the entire length of Red Gate Lane and could also turn the corner in order to better hide the storage facility. Secondly, a traffic study from Stephen Pernaw & Company, Inc., and a property value assessment from Berkshire Hathaway were received and entered into to the record.

Andrew Prolman, Esq., stated that this property is a two lot subdivision that totals 36 acres. Lot 1 is about two acres, right along Route 101. There is an existing house and barn on the lot that will be kept.

Tim Kachmar entered.

Andrew Prolman, Esq., stated that the rest of the property is about 34 acres. The proposed self-storage facility will sit on this land, and a 600' driveway will run to it from Route 101. Lot 2 has

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an irregular shape with a significant amount of wetland buffers. About 56.6% of the entire lot is wetlands, not including the wetland buffer area, an additional approximately 19 acres. 43% of the land is upland, so there are significant constraints to the lot itself. There are about 14 acres of land that can be built on. The entire property drops down from Route 101 about 10-12 feet to Joe English Brook and Red Gate Lane. Between Route 101 and the proposed facility there is a thick area of vegetation that can be left as a buffer. There is a bend in the proposed driveway which will act as additional buffering.

Andrew Prolman, Esq., stated that the proposed facilities will include seven buildings, for a total of 300 self-storage units. The buildings will be colored beige and green. He explained that there will be no stand-alone lighting, but simple downcast sconces on the buildings. The lighting will be as minimal as possible. There are no proposed hours of operation yet but they could be flexible to meet the Board's requirements.

Andrew Prolman, Esq., explained that a market study revealed a demand for approximately 97,000sf of storage facilities, which would fill up within a short time. Countryside Self Storage, located nearby, has been full for many years. There is a need for this type of business.

Andrew Prolman, Esq., stated that the traffic study completed by Stephen Pernaw & Company Inc., shows that very little traffic generated from this business. The AM peak projected numbers show about seven vehicle trips coming/going; the PM peak projected numbers show about 11 vehicle trips, with most coming from the east. The sight distance at the proposed location is excellent.

Andrew Prolman, Esq., also explained that Michael Scanlon, with Berkshire Hathaway, has looked at the plans and determined that the neighbors' property values will not be adversely affected, due to the planned location, topography of the site, and nature of the proposed business.

Chad Branon, PE, explained that the 600' driveway will be, at most, 24' in width, but 20' may be possible. There is a jurisdictional wetland on site, which is separated by the current access road. The proposed facility will be outside of the 100' wetland buffer, outside of the stratified drift aquifer, and also outside of the floodplain. The facility will be 100% self-contained in its design. The land will be graded to create a permanent swale back to the drainage area; this is also located outside of the 100' buffer area. All of the runoff will be captured and treated. This treatment will meet the town's stringent regulations and the project will also trigger a State Alteration of Terrain permit.

Chad Branon, PE, explained that this type of business is appropriate to be considered for the residential zone as it is often considered a transitional use and will have no measurable impact compared to other types of development that could be seen on this lot.

Andrew Prolman, Esq., explained that the only town district that allows for self-storage facilities is the Limited Commercial District. The Limited Commercial District is located near the northern portion of Route 101, not far from the proposed location of this project. This section of

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Route 101 is a mixed use area, with homes and some businesses as well (LaBelle Winery, Amherst Garden Center, Salzburg Square, the Messiah Lutheran Church).

Andrew Prolman, Esq., ran through the five tests:

- 1) The variance will not be contrary to the public interest because the intent of the Residential/Rural District is to maintain a low density, rural, country-like community and the location of the proposed units will maintain the spirit of the ordinance and not change the character of the neighborhood or affect the general welfare of the public. He also noted that it will be meeting a need in this area and will not change the character of the neighborhood.
- 2) The variance is consistent with the spirit and intent of the Ordinance because the 100' setback will be maintained, and the facility will not be able to be seen from the road. The proposed facility will not have an adverse effect on the area and this will not unduly be changing the nature of the Ordinance.
- 3) Substantial justice will be done because the proposed facility will be a gain to the applicant without any adverse harm to the public. This is a reasonable use of the property, there is a demand for this type of business, and it will cause no adverse impacts to the neighborhood or town.
- 4) The values of the surrounding properties will not be diminished. There is enough of a buffer between the facility and any houses that it will not adversely affect the values.
- 5) Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship because this is a unique site. The property drops down away from Route 101 and there is a large vegetated wetland. The only area available for construction on the property is proposed for this use. There is no fair and substantial relationship between the purpose of maintaining rural character and prohibiting the storage units. This is a reasonable use and one that supports the neighboring residential properties. The use meets the goals of the zoning ordinance without adversely affecting property values or the neighbors.

In response to a question from Jamie Ramsay, Robert Rowe stated that Red Gate Lane is a private road that the neighbors fund and take care of.

Charlie Vars explained that the state has put Route 101 in this area into their 10-year plan for renovation. He stated that, if this area becomes a divided highway, the access to this site will be limited from the west. Chad Branon, PE, stated that this would be addressed in the future.

In response to a question from Doug Kirkwood, Chad Branon, PE, stated that they would work with the Amherst Conservation Commission regarding maintenance of the driveway. The runoff from the roadway would be captured and mitigated to some level.

In response to a question from Danielle Pray, Andrew Prolman, Esq., explained that the alternative use for this site would be for housing. The maximum number of units could be upwards of 24 on 14 acres of land. This would lead to more traffic, and an increased usage of the site. Chad Branon, PE, continued that if these were 2-3 bedroom units, they each could be around

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2,500sf in size. This usage would be more impactful on the land. There would be upwards of 24 septic systems, parking areas, etc.

In response to a question from Tim Kachmar, Chad Branon, PE, stated that there is an option to fence in the facility, but the owners have not had issues with security at their other self-storage facilities in the past. There is also an option to have the driveway gated.

In response to a question from Jamie Ramsay, Chad Branon, PE, stated that the lights on the buildings will be very low level. The lights will only be installed at about 8' high on the buildings and there will be tree canopy and vegetation surrounding.

In response to a question from Jamie Ramsay, Chad Branon, PE, stated that the buildings will be 12' tall at their peaks.

Jamie Ramsay stated that there appears to be a 10' difference between the road and the site. If the facility is prepared at the site elevation there will be no substantive build out that would allow the facility to be seen much at all from the road.

Chad Branon, PE, stated that the topography of the field will allow for the facility to be built at elevation. There will be a shallow swale along the edge that allows for drainage runoff. Building at the existing elevation will allow the facility to be above the 100 year flood elevation. The facility will also sit 600+' from the road, and so, even if it could be seen, it will feel further below the road.

In response to a question from Doug Kirkwood, Andrew Prolman, Esq., stated that there will be no external storage for boats, etc.

Charlie Vars stated that he has concerns about the applicant being able to prove a hardship in this case. There are 7/10 other uses allowed in the Residential/Rural zone that could be used on this site. The applicant will need to convince him of the literal enforcement of the ordinance and give a reason into the hardship.

Andrew Prolman, Esq., stated that this site was focused on due to it being unique in its topography, vegetation, and wetland areas. There are other permitted uses that could be sought on this site, but the applicant doesn't believe that these uses are the best possible ones without impacting the neighborhood.

In response to a question from Charlie Vars, Chad Branon, PE, explained that the front buffer to the road is a jurisdictional forested wetland. This would be maintained and could be augmented with additional landscaping. This type of use is typical in many residential areas because it has a low-impact nature. There are many types of commercial uses along Route 101 near this location. Each of these could have been a residential development, but it was determined there was a better use. A residential development would be a permitted use on this site, but the applicant

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doesn't believe it would be the best use. The applicant believes the proposed use would be a great balance considering all of the sensitive features around the property.

Robert Rowe stated that each piece of property is unique. The Board must perform a balance test to consider if there is a great cost/benefit to the applicant versus the town. There are many other permitted uses on this property and it must be shown why this application is in the best interest of the town.

Andrew Prolman, Esq., explained that other potential uses would likely have a greater impact than the proposed use. There seems to be a need for this usage and there will be no negative impact to the town from it.

In response to a question from Robert Rowe, Chad Branon, PE, explained that, if the state does decide to create a divided highway in this area, it is a condition that exists in many places. This is not something that is discounted, but does not have a negative impact on this project.

In response to a question from Jamie Ramsay, Chad Branon, PE, explained that the wetland area has existing scrub/shrub/bush type material. The forested area has some mature trees. The site layout is typical of a self-storage site layout. He explained that the Ciardellis keep very clean, nice sites for their facilities. The buildings will have pitched roof systems. The average distance between self-storage facility buildings is about 24'.

In response to a question from Doug Kirkwood, Chad Branon, PE, stated that a secondary access point is not usually required for self-storage facilities. The loop system means that there are technically two access ways into the facility area. The Fire Department may require the project to have underground utilities. The project will have to come back before the Board for buffer impacts, and there will be more information regarding landscaping and any requests from the Fire Department at that time.

In response to a question from Jamie Ramsay, Chad Branon, PE, stated that the power is located on the project's side of the road. There is a pole nearby that can be accessed. There may need to be an additional pole placed in order to drop the power down and then go underground. This will not include any additional impacts or cutting. There will be no exterior lighting and no service outlets.

Danielle Pray expressed concerns regarding the spirit of the ordinance and an impact on the health, safety and welfare of the public. She explained that the ordinance is meant to implement the goals of the Master Plan; one of those goals was to envision Route 101 in the Horace Greely Road area as a preserver of the nature of the 101 corridor.

Andrew Prolman, Esq., stated that the benefit of choosing this site is that one will only see a driveway leading into the woods, thus going along with the intent of keeping Route 101 rural and not overdeveloped.

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Danielle Pray stated that, while this advocates for the site view, it doesn't necessarily speak to not changing the character of the area.

Chad Branon, PE, stated that there will not be a measurable felt impact from this proposed facility as driving down the road. This will not change the character of the area because the existing house and barn at the front of the property will be maintained; the rest of the facility won't be seen from the road. The applicant will provide adequate buffers to the abutters and will mitigate any runoff. A potential housing development on this site could be a much greater magnitude of impact. The proposed facility will maintain the rural character because it will keep the same view and feeling as currently exists.

Danielle Pray stated that she is not sure that commercial buildings were being considered as part of preserving the character of the area when the Master Plan was created.

Public Comment:

Richard Ball, Goffstown, and member of the Messiah Lutheran Church (303 Route 101), stated that he has an issue with the traffic pattern in this area. There have been three deaths in the past 20-25 years in the area of Pine Rd and Schoolhouse Road. There are a few feeds that come into the highway, and any additional ones may make things more difficult, unless the state puts in a few more turnarounds.

Susan Lebel and Kevin Bevis, 45 Embankment Road, addressed the Board using many maps, photos, and visual aids. Susan Lebel stated that this area is zoned for residential use, not commercial use. She fails to see how this is not contrary to the public interest. This proposal does not observe the spirit of the ordinance because it is in conflict with the ordinance itself. She explained that this proposal is located on a very sensitive piece of waterway. She showed FEMA maps and explained that this area has been catastrophically affected by recent 100 year floods.

Kevin Bevis stated that cutting an approximate acre of trees in order to complete the project is not a minimal thing. The vegetation and hill in this area protect the land from being flooded. He believes the proposed facility is only about 8" above the flood stage. The hill on the lot will need to be taken down in order to have a flat space to build. This project does not fit in with the current neighborhood. He also believes that the applicant has left space on the land in order to come back and subdivide it eventually.

Susan Lebel explained that the applicant's two other storage locations in Milford are highly visible. She believes this facility will be a magnet for crime, and that this will also affect property values. This will ruin the rural character of this area. She explained that this is also a natural wildlife habitat and corridor.

Kevin Bevis stated that he believes a residential development of about five houses could be put on this lot. That is an acceptable use for this zone.

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Susan Lebel stated that this proposal is located near Baboosic Lake and Joe English Brook. She believes there are many items that can be brought into these units that could then spread into these sensitive areas.

Jeanne Weller, 7 Saddle Hill Road, stated that she has a concern regarding turning onto Route 101. She believes the proximity of the proposed driveway could set up for accidents to happen. She would also like to hear more information regarding signage for the facility and lights.

Don Gagnon, 31, 33, 35, 37 Embankment Road, stated that he disagrees with the applicant stating that there will be a minimal traffic impact. While that might be true on Route 101, he doesn't believe that will be true on Red Gate Lane. He believes that people will access it more often and that it will become a magnet for undesirable traffic.

Jebb Curelop, President of the Baboosic Lake Association, addressed the variance tests:

- 1) He stated that the proposal is contrary to public interest, as evidenced that its business is not supported by the town zoning in this area. He also believes that the demand is far less than the applicant is suggesting. He stated that there are about 12 self-storage facilities within a 5-10 mile radius of the area. Based on a phone call to the storage facility mentioned nearby, it is only at about 78% capacity. There are other zones/areas in town that are already established for this type of business.
- 2) He also stated that the spirit of the ordinance is not observed with this proposal. This area has been set aside for residential dwellings and to place this facility in the middle of it would be contrary to the spirit of the ordinance. He also believes that impervious surfaces will be installed to the detriment of the wetlands and that the water from this facility, including salt, sand, etc., will drain right into the nearby wetlands.
- 3) He stated that substantial justice is not done, as there is no injustice to the landowner that needs to be corrected. The applicant knew what this land was zoned for when it was purchased.
- 4) He explained that the value of surrounding properties will be diminished. He doesn't believe anyone wants to live right next to a self-storage facility. There are many vacation homes nearby and he doesn't believe this type of facility meets the high bar established by the ordinance's criteria.

He respectfully asked the Board to decline this application.

Louis Imbriano, 8 Lake Outlet Road, stated that he has lived on the Lake for 50 years. He has a fear that apartments or condominiums being built on this site would cause a much greater impact than the proposal. He explained that Red Gate Lane already has had an increased usage and that, perhaps, the applicant should agree to maintain the road if the variance is granted. He stated that there is crime in a lot of places, not just in storage units. He believes the self-storage units would be less impactful on the neighbors. If condos are built there instead, that will add more people who will find their way over to the Lake. He believes that change brings the person doing the change and that Matthew Ciardelli is an honorable person.

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Jan Langer, from the Baboosic Lake Association Board of Directors, has lived on the Lake for 69 years. She has concerns regarding the 100 year flood plain. She stated that the Baboosic Lake Association is very diligent regarding what happens on the Lake. This is against what everyone wants to see happen near the Lake. She believes the best use for the land is for it to be left as is.

Keith Wentworth, from the Baboosic Lake Association, stated that, though a market need was shown by the applicant, there was no community need shown. He would like to see how this proposal would be a benefit to the community. He doesn't believe there is a hardship to the applicant, as this zoning was in place when the property was purchased. He also believes that this proposal could become a safety issue and fire hazard for those who live on the nearby roads. Steven Sher, 24 Lakeside Drive, Merrimack, stated that businesses of this type must be visible and he believes the owners will have to find a way to let people know they're there – either through signage, lights, etc. He also believes that these units will be used for things like tractors, etc., which are the last things people want near the Lake. This will change the character of the area because this type of business cannot exist without making itself known.

Karry Pena, 6 Lake Outlet Road, stated that she believes this facility will be a huge eyesore. This will increase traffic on Red Gate Lane, which could damage the road and weaken the bridge. She would like to know what the applicant plans to do to maintain and improve Red Gate Lane if the variance is granted.

Richard Pena, 6 Lake Outlet Road, stated that he would like to see this land remain as it is. He would also like to see the road and bridge on Red Gate Lane improved. He also stated that he believes storage units are not the safest of places and that they bring crime to areas.

Sean Facey, 2 Saddle Hill Road, stated that he does not believe there is a need for storage units in town and that the town has already decided this area should be zoned residential. This proposal is directly in the middle of a residential zone which he believes could lower the value of surrounding properties. He stated that there is no middle turning lane on Route 101 for this area currently. He also believes that possibly more than half of the facility will be visible from the road. He stated that this land is viable as a residential development and thus there is no reason to turn it into an industrial property.

Matthew Ciardelli, EAM Amherst Holdings, LLC, stated that his family has lived in Amherst, Milford, and Hollis for over 100 years, and they have the same values as many of the residents. He explained that many of the concerns brought up tonight are issues that will have to be addressed at future Planning Board hearings for this application. He commended the attorney and engineer for presenting a compelling case. He explained that, if this application is denied, he and his brother will have to go to market with this property. At that point it could pass on to someone who would have a much greater impact on this land.

Ron Nelson, 14 Saddle Hill Road, stated that he would be fine if the land was sold and redeveloped in a different manner. He requested that the Board deny the application. He

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explained that the applicant failed to adequately pass the five tests. He believes that this is Amherst, not Brookline, and that people do not want to see this type of facility in this location.

Joanne Farley, 333 Route 101, stated that she believes the proposal will affect the character of her property. The Board's choice will set a precedent for what she will ultimately do with her property.

Kevin Bevis again stated that he believes the applicant has enough land to put three businesses on this property.

Doug Kirkwood explained that, if the variance is not granted tonight, the applicant has the opportunity to reapply or have their case reheard. If the variance is granted, the applicant will still need to go through the Planning Board, ACC, supply data from traffic studies, and have the plan reviewed by the Fire and Police Departments.

The Board took a five minute recess.

Andrew Prolman, Esq., stated that the Ciardellis own and operate other self-storage facilities and have never had any issues with security or unsafe items. The applicant does see the concern voiced by the public and has agreed to fence in the area around the proposed facility with a gate at the main entrance. The applicant has also heard the public's concerns regarding visibility of the facility and the buffers; thus, they agree to remove building #7, the eastward most building on the site. This will allow for the thickening of the buffer off Red Gate Lane. If, at a later date, the Planning Board decides it would like the facility to have a fence in this location, the applicant will also consider it. In regards to this use not being allowed in this zone, there are other businesses nearby which must have also received variances in the past. In regards to the comments regarding there being enough land on the site for three businesses, he explained that this application is for a self-storage facility only. As for keeping the site how it currently he, he stated that something will be done with this site. The proposed facility will have much less impact than squeezing a bunch of condos onto this lot.

Chad Branon, PE, explained that the self-storage facility is located outside of the 100 year floodplain, outside of the aquifer district, and outside of the 100' wetland buffer. While some of the maps shown tonight by the abutters were taken from aerial photography and topography, Fieldstone Land Consultants uses a licensed surveyor to look at the profile of the watershed and determine the floodplain. The application is not proposing anything that it not permitted on this site, and it will follow all of the necessary regulations. He explained that the bridge on Red Gate Lane is actually restricting the water flow to this area, which is creating some floodplain on an uphill zone here. Simply because the project isn't wanted by some of the residents of the area, doesn't mean it will cause a negative impact on the floodplain. He also explained that Fish & Game puts a wildlife corridor on almost every non-developed tract of land. The applicant will be working directly with Fish & Game on this project due to the Alteration of Terrain permit. In regards to the possible crime mentioned, with a fence and a gate around the facility, if there is ever an issue on site, the owners will know who caused it. There will be additional buffer room if

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the #7 building is removed, as proposed by the applicant, creating an additional visual barrier. Also, the number of peak trips proposed for this facility would never warrant off-site improvements by the applicant. This proposal allows for the character of the area to remain intact. It will be a much less impactful project than a development that would include increased traffic, septic systems, wells, yards, and additional children in the school district. This project will meet all local and state regulations.

In response to a question from Jamie Ramsay, Chad Branon, PE, stated that the stormwater management plan for the site is taken up by the Planning Board at a later hearing in the process.

Robert Rowe commented that he was unclear that EAM Amherst Holdings, LLC included the Ciardelli brothers. While he has known the Ciardellis for a long time, he does not find himself to be prejudiced in this case.

**Jamie Ramsay moved to enter deliberations. Charlie Vars seconded.
All in favor.**

**CASE #: PZ12045-111519:
Charlie Vars moved no regional impact. Jamie Ramsay seconded.
All in favor.**

Doug Kirkwood pointed out that any decisions made apply to this case only. No precedent is set.

Discussion:

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

- C. Vars – not true, this proposed use is in the wrong place.
- J. Ramsay – true, there is no issue to the safety and welfare of the public from this proposal. While he doesn't dismiss the concerns of abutters, he believes this is a thoughtful proposal as Amherst is being inundated with high-density housing development proposals. This project has a low-impact on the community but a high-impact on the abutters.
- R. Rowe – not true, Amherst has put time and effort into maintaining the character of the Route 101 entrance into Amherst; this proposal would change that character.
- D. Pray – not true, persuaded by the residents, she believes this will be an eyesore and not in keeping with the character of the area.
- D. Kirkwood – true, he believes the public interest would be better served with a lower impact use, such as this, than a number of housing units.

2 True, 3 Not True

2. The Variance is consistent with the spirit and the intent of the Ordinance

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- J. Ramsay – true, the spirit of the ordinance is in not changing the character of the neighborhood and not imposing a threat to public safety; any proposal will change the character of this section of 101, but this is a reasonable proposal to consider.
- R. Rowe – not true, this area allows for many other types of uses and this proposal doesn't maintain the open and rural character.
- D. Pray – not true, there are other uses allowed in this zone. The Master Plan language looks to preserve the character of Route 101 by keeping the area residential and not changing it to commercial.
- C. Vars – not true, there are numerous potential uses that could be considered first and he is having a hard time accepting that this will not affect the rural character, region, and abutters.
- D. Kirkwood – true, not every requirement of the zone can be met by every parcel that is why the Board issues variances. He believes that, in time, there will be pressure to develop the east side of Route 101 as well and it will become difficult to maintain the rural character of the area. He believes this lower impact use addresses the spirit of the ordinance.

2 True, 3 Not True

3. Substantial justice is done.

- R. Rowe – not true, each and every person should have the ability to have a reasonable use for their property, however, getting more money for a certain type of use is not justification for a variance. There are other allowed usages on this site that may not be as profitable as this proposal, but that are reasonable uses of the property under the terms and conditions of this ordinance.
- D. Pray – not true, the applicant is not shut out of using this property for other purposes, but the neighbors, abutters, and public have shown their concerns over this project.
- C. Vars – not true, this proposal is not fitting with the character of this neighborhood.
- J. Ramsay – true, this application has the best use of the property. There may be other allowed uses on site, but they do not appear to be viable.
- D. Kirkwood – true.

2 True, 3 Not True

4. The values of the surrounding properties will not be diminished.

- D. Pray – not true, she weighed the letter submitted by the broker against the abutter concerns.
- C. Vars – true, there was nothing stated that refuted the broker submitted letter.
- J. Ramsay – true.
- R. Rowe – not true.
- D. Kirkwood – true, determining if the value of the surrounding properties will be diminished is as subjective of an opinion as one can get. The applicant is willing to collect all stormwater runoff and drainage and treat it.

3 True, 2 Not True

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

- C. Vars – not true, he was not convinced of any hardship.
- J. Ramsay – true, there is a hardship because, while the use is not permitted in this zone, the applicant contemplated a use that would be a lower impact on a unique piece of property.
- R. Rowe – not true, there is a fair amount of useable land on this property that could be utilized for an allowed use under the terms and conditions of the zoning ordinance.
- D. Pray – not true, there is no hardship as there are other uses that are allowed on this property. This would change the character of the neighborhood, and the fact that it is a lower impact usage is not critical for her.
- D. Kirkwood – not true, this ordinance lists a number of permitted uses in the residential/rural zone, some of them are more/less impactful than others. These permitted uses have been specified for a fair length of time and the economy of the area has changed. Some of the allowed uses are probably not viable on this site. He didn't hear the applicant articulate all of those possibilities and relate them to the specific conditions of the property. He believes the only other option on this site is a housing development.

1 True, 4 Not True

The Chair stated that the application, as it did not pass all of the tests, is denied.

**Charlie Vars moved to exit deliberations. Jamie Ramsay seconded.
All in favor.**

OTHER BUSINESS:

1. Minutes: January 21, 2020

**Charlie Vars moved to approve the minutes of January 21, 2020, as amended [Amend Line 160 to read: "1) The materials used for the decking shall have at least 1/4" spacing between..."]. Jamie Ramsay seconded.
All in favor.**

**Robert Rowe moved to adjourn at 10:31 p.m. Jamie Ramsay seconded.
All in favor.**

Respectfully submitted,
Kristan Patenaude

Minutes approved: November 17, 2020