

**Town of Amherst
Zoning Board of Adjustment
Tuesday, March 18, 2014**

ATTENDEES: Doug Kirkwood- Chair, Joe Taggart- Vice Chair, James Quinn, Charlie Vars, Alex Buchanan, Rob Rowe, Sarah Marchant - Community Development Director

D. Kirkwood called the meeting to order at 7:03pm and explained the ZBA process.
Alex Buchanan (Alt) will be voting for J. Ramsay.

The case was read by J. Taggart.

1. Case #PZ 4812-021314 – Variance

Lydia Greene, 21 New Boston Road, PIN# 021-015-000, requests a relief from §IV, 3, D.3 of the Zoning Ordinance to allow a shed within the side and rear setbacks in the Rural/Residential Zone.

Jim Sickler came forward to represent Lydia Greene. He began by giving the history of events leading to this variance request. L. Greene called a shed company and they installed it on her property. Her neighbors complained to the town which started this process. Meridian created a certified plot plan with the shed on it. The 12x12 shed is located in the back corner of the lot 4' from the side lot line and 2' from the back fence.

Mr. Sickler spoke in reference to the tests as follows.

1. The Variance will not be contrary to the public interest.
The shed is currently located in the least visible and intrusive area of the property for both the abutters and the roadway. Granting the variance will not pose a threat to public health, safety or welfare.
2. The Variance is consistent with the spirit and intent of the Ordinance.
The shed location has no effect on direct abutters and it is consistent with similar structures in the immediate area.
3. Substantial justice is done.
Granting the variance will allow continued use of the shed in its current location without having to move it. It is a practical location for the shed on the lot. The lot is fully landscaped. Moving the shed will be a financial burden on the homeowner as well as negating the current use of their back yard. If the setbacks are enforced, the shed will be in the middle of the lot and more visible to abutters.
4. The values of the surrounding properties will not be diminished.
There are woods directly behind the shed on the right lot line. There is a fence next to the shed that separates the lot from the rear neighbor and their shed is directly on the other side of the fence.
5. Literal enforcement of the provisions of the Ordinance would result an unnecessary hardship. There would be financial expenditures involved to relocate the shed as well as loss of use of the back yard.

44
45 The most impacted abutter is the rear abutter on Old Coach Ln. That neighbor and L. Greene
46 have exchanged emails including one from the neighbor stating he has no objection to the shed
47 remaining where it is and is willing to aid her in any way to resolve the issue with the Town.
48

49 D. Kirkwood asked if the shed could be moved up the side lot line along the side fence to meet
50 the full setback for the rear lot line. The row of hemlock trees would have to be removed for
51 that to occur and it would put the shed in direct visibility to the house on the right as well as
52 the street. R. Rowe asked how recently the shed was installed. It was installed about a year ago.
53 R. Rowe asked what type of foundation the shed has. J. Sickler believes that it is supported by 6
54 blocks.
55

56 R. Rowe asked S. Marchant; in the ordinance, what is the definition of a structure? She replied
57 that the definition is extremely broad and this certainly fits within the definition. S. Marchant
58 clarified that that neighbor was the one who filed a written complaint with the office. He has
59 since changed his mind and was the one who wrote the email that was submitted earlier stating
60 he is ok with the shed's current position.
61

62 R. Rowe asked if the shed is movable. It is not permanently affixed to the ground, though it
63 would not be easy to move given the equipment needed and the confined space. R. Rowe
64 further asked who owns the fence. The neighbor owns it. D. Kirkwood asked where the leach
65 field is located. It is between the shed and the pool. Therefore, the only place to move the shed
66 is down the fence line. J. Quinn asked how far the hemlocks go down the fence line. About 30
67 feet, then there are rhododendrons.
68

69 D. Kirkwood asked if there were any further questions from the board or from the public.
70 Seeing none, the board moved to the next case.
71

72 J. Taggart read the cases

73 **2. Case #PZ4820-021414 – Variance**

74 Richard & Ellen Fallon, 9 Clark Avenue, PIN# 025-048-000, requests relief from §4.3, D.3 of the
75 Zoning Ordinance to allow for a shed within the side setback in the Rural/Residential Zone.
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77 **3. Case # PZ4821-021414 – Variance**

78 Richard & Ellen Fallon, 9 Clark Avenue, PIN# 025-048-000, requests relief from §4.3,D.5 from
79 the Zoning Ordinance to allow for a floor area ratio greater than 15% in the Rural/Residential
80 Zone.
81

82 Rich and Ellen Fallon were present and described the proposed changes to their home for case
83 PZ4820. Currently, the home has a first floor bedroom that is 14x20 in size. The owners propose
84 to tear it down, replace it with first floor living area 14x30 in size and add the bedroom onto
85 the second floor of the home. R. Fallon then addressed the tests as follows.
86

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

88 The addition will have no adverse effects on the health, safety or welfare of the abutters
89 and the overall structure will remain consistent with neighboring homes.

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

91 Yes- it will not interfere with any abutters.

- 92 3. Substantial justice is done.

93 The increase in square footage will not harm the public.

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

95 Neighboring property values will not be diminished. The overall square footage of this
96 home will increase therefore increasing its property value which will benefit the
97 surrounding properties. By adding the addition, the home will also receive new siding,
98 windows and roofing.

- 99 5. Literal enforcement of the provisions of the Ordinance would result an unnecessary har
100 dship.

101
102 J. Quinn asked about and clarified that the measurements for the existing space and the
103 proposed addition are 14x20 and 16x28 respectfully.

104 Rich and Ellen Fallon then described the details of their 2nd case - PZ4821. Their current shed
105 measures 8x8 and they wish to replace it with one that is 14x16. R. Fallon addressed the tests
106 as follows.

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

108 Granting the variance will allow for safe storage of bikes, yard tools, garbage cans and
109 wood that is currently stored outside. Abutter's health, safety and welfare will not be
110 threatened.

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

112 The shed will have no impact on abutters.

- 113 3. Substantial justice is done.

114 Items currently stored outside will be in the shed reducing tripping risks.

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

116 Adding a quality shed will increase the overall value of the home.

- 117 5. Literal enforcement of the provisions of the Ordinance would result an unnecessary har
118 dship.

119
120 This concluded the applicant's arguments. The board began asking their questions.

121 A. Buchanan asked for clarification on what was drawn on the map to the left of the addition. It
122 is an existing deck which will stay.

123 Just to clarify what is being sought, you are asking in the first case to increase the density of the
124 home by more than 15%? Yes. And for the shed, you want to put in a new shed that will
125 encroach into the side setback? Yes. Note: the existing shed also encroaches on the setbacks. It
126 has been there a long time.

127
128 Understanding that the purpose here is to prevent buildings from being too wide and long for
129 the size of its lot, R. Rowe asked S. Marchant what the logic is to the 15% square footage
130 increase including the 2nd floor instead of only the first floor. S. Marchant said that gross floor

area is what the ordinance states as the measurement and the second floor is included in that number. That number comes from the assessor's files.

R. Rowe noted that the proposed addition is only a small square footage increase to the first floor itself.

D. Kirkwood read a note on the sketch stating that the deck is to be removed for construction. A. Buchanan helped decipher the sketch and explained what is coming off and what is being retained or added.

C. Vars asked for the acreage of the lot. It is 0.23 acre. The owners co-purchased the lot next to theirs with their neighbors about 8 years ago and have since let it dissolve so each neighbor has half of it. The current lot size with the added land is 0.23 acre.

J. Taggart stated that the lot is approximately 10,018 sq. ft. He then asked what the proposed total square footage of the home will be. R. Fallon answered 2100 sq. ft. Therefore, it will be about a 21% increase.

R. Rowe said the shed is behind the driveway. Can it be moved northeast? Yes it can. Would that pose any problem? If not, you may not need the variance. The applicants replied that it is tight with some trees, a walkway, a propane tank and a well in that area. R. Rowe confirms that they are removing the old shed and shows on the map where he is implying the shed be placed.

D. Kirkwood asked if the applicants will be willing to accept a condition on the variance that it be placed to minimally encroach on the setback.

J. Taggart measured and revealed that it only needs to move 4' for it to be touching the setback, but not encroaching into it. The applicants stated that they would have to move 5 cedar trees to make it happen.

D. Kirkwood asked if there were any further questions from the board or from the public. Seeing none, the board moved to the next case.

J. Taggart read the cases

4. Case #PZ4813-021414 – Variance

Southern New Hampshire Medical Center, 2 Limbo Lane, PIN# 020-037-000, requests relief from §III, 3.11, B.6 of the Zoning Ordinance to allow construction of a medical building with associated site improvements within 100' of the scenic setback along NH Route 101 (Horace Greeley Highway) in the General Office Zone.

6. Case #PZ4815-021414 – Variance

Southern New Hampshire Medical Center, 2 Limbo Lane, PIN# 020-037-000, requests relief from §IV, 4.6, C.1. of the Zoning Ordinance to allow parking within the 50' front setback.

Brian Jones approached the board to speak for Southern New Hampshire Medical Center. He works for Alan Major Associates. They are engineers, land surveyors and landscape architects. A representative from Southern NH Medical Center was also in attendance if needed. They are requesting two variances and both are related to the front yard setback so B. Jones dealt with them simultaneously while addressing the tests.

1. The Variance will not be contrary to the public interest.
The proposed medical building will provide much needed health care services for Amherst residents. The size of the lot is a six acre lot that is currently zoned for general office. It is a use that is allowed in that district. The development of a medical building fulfills the intended use of the property within general office district. The interest of the public is served by additional tax revenue and job opportunities as well as providing local health care services.
2. The Variance is consistent with the spirit and intent of the Ordinance.
Yes- The stated purpose of the scenic setback is to “preserve and enhance the rural and open character of the town as viewed from the main roads leading through the town and prevent unsightly development along these routes. “ The proposed 10’ setback satisfies these requirements due to the existing off site vegetation along the Horace Greeley Highway. An aerial photo of the property was shown highlighting the property lines. The property line is not parallel to the highway. At one end, the property line is 50’ from the highway and at the other end it is 150’ from the highway.
The stated purpose of the front yard setback is to maintain a natural vegetation or landscaped area between the structure and the highway. The proposed 10’ setback satisfies that because there is the large triangle area along Horace Greeley Highway (route 101) up to 150’ wide.
3. Substantial justice is done.
The existing off site vegetation along Horace Greeley Highway will provide a natural vegetative buffer for the project. For the front yard setback, the vegetation along Horace Greeley Highway provides that buffer for the project.
4. The values of the surrounding properties will not be diminished.
Values will not be diminished. The proposed development is approximately 250’ from the nearest dwelling in one direction on Blueberry Hill and 300’ from the nearest dwelling in other direction on Limbo Ln. The property is zoned as general office. It is a use allowed within the zoning district.
The proposed building is one story and the architectural style fits the character of the community.
5. Literal enforcement of the provisions of the Ordinance would result an unnecessary hardship.
B. Jones directed attention to the projection slide that highlights the remaining buildable envelope on the property with the strict application of the dimensional requirements. Neither a building nor parking can be put in the remaining areas. The grades are too steep on one side to build (40’ grade change) and that area is closer to the residences. In the middle of the property is existing wetlands that run parallel to route 101 and is subject to the wetlands conservation district. The special circumstances applicable to this property including its shape, topography, wetlands, location and surroundings render the strict application of the zoning ordinance will deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning. The specific conditions and physical characteristics of the subject parcel present a unique hardship. Should the ordinance be strictly and literally applied in this case, the

219 buildable envelope would be so narrow, that development within the parcel is not
220 practical.

221 He presented to the board a copy of the site plan.

222

223 A. Buchanan asked for a sense of the size of the building in relationship to others in the
224 neighborhood.

225 It is an 11,300 sq. ft. building. The length of the back of the building is 160 feet.

226

227 What is the intended use of the building? Offices?

228 Scott Cote, Vice President of facilities and emergency management for SNHMC came forward to
229 answer questions from the board. The Amherst Family Practice, which is currently located at
230 the meeting place plaza, plans to relocate their offices to this location. This facility will allow
231 two additional providers to the four that currently exist. They also intend to offer immediate
232 care at this site. That entails a patient seeing a primary care type doctor without an
233 appointment during office hours and pay a physician office copay rate. There will also be
234 radiology services for x-rays and lab services for drawing blood. They anticipate 20- 25
235 employees will work there.

236 D. Kirkwood asked if there will be emergency services. No.

237

238 Further discussion occurred to clarify the property lines and the setbacks and easements.

239

240 C. Vars mentioned that he knows this property very well and years ago brought variance
241 requests to the board to put Souhegan Congregational Church on that property. The variances
242 were granted including one for the 100' scenic setback. What concerns him is there is an
243 exception to the scenic setback listed on page A- 23 of the ordinance. It states that if you
244 preclude more than 60% of the lot, then the 100' setback should not apply. If it's subject to a
245 non-residential site, then the Planning Board has the final review- not the board of
246 adjustments. C. Vars asked S. Marchant why this is up for a variance, since it doesn't need to
247 be.

248 C. Vars and S. Marchant discussed their differing interpretations of the written ordinance.

249

250 R. Rowe stated that these points would be moot if you could move the building and parking
251 back, but it is too steep to do that, is that true? Yes, one side is too steep and closer to the
252 residences and the other side has wetlands that they are unwilling to fill in. R. Rowe also asked
253 if there is a right of way from this land to the parking lot of the Black Forrest. There is an
254 adjacent lot that has the easement.

255

256 J. Taggart had questions on the scale of the map. B. Jones clarified the scale.

257

258 A. Buchanan asked the scale from the highway. The highway is lower by 5'.

259

260 S. Marchant revised her opinion and agrees with C. Vars regarding if 60% of the lot is precluded,
261 the setback would not apply. There were no confirmed facts during the applicant's presentation
262 that listed the percentage, so the board moved forward with the application as is.

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J. Quinn moved to go into deliberations. A. Buchanan seconded. Vote Unanimous

DELIBERATIONS:

A. Buchanan moved that all cases tonight have no regional impact. J. Taggart seconded. Vote Unanimous

1. Case #PZ 4812-021314 – Variance

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

A. Buchanan Yes it doesn't have any adverse effect on public health, safety and welfare.

J. Taggart True there is a visual vegetative buffer and also the shed is not even two times the height of the existing fence that screens it from the adjacent property.

R. Rowe True

J. Quinn True

5 True.

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

J. Quinn True- the neighbor took back his complaint.

J. Taggart True

R. Rowe True

A. Buchanan True

5 True.

3. Substantial justice is done.

R. Rowe True it's in the corner, it's in the setback, and it's in keeping with the rural character of town. The benefits outweigh any disadvantage to abutters.

J. Taggart True there's no benefit to the land owner that outweighs loss to an abutter especially when you look at other sheds on this lot and adjacent lots. It's consistent with the neighborhood.

A. Buchanan True

J. Quinn True

D. Kirkwood said if the shed were moved, it would impact the visual characteristics and make it less desirable.

5 True.

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

A. Buchanan There won't be any diminishing value here. It's a simple shed for residential use.

J. Taggart True I agree.

R. Rowe True On the plan there is a barn on an abutting property that is quite close to it.

J. Quinn True

5 True

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

306 R. Rowe True It's located in the most beneficial location on the lot for all parties. It's not visible.
307 It wouldn't be agreeable to move it to another location where it would be far more visible.
308 J. Taggart True It's a lot that's less than one acre in size and it's surrounded on three sides by
309 abutters that you would need a set back from. If you literally enforce the provision, everyone
310 would need to put their shed in the middle of the yard which is where the kids are supposed to
311 play and they'd have to play on the edges which is where you're supposed to store your lawn
312 mower. It's a reasonable use.
313 A. Buchanan True I agree.
314 J. Quinn True Reasonable use.
315 5 True
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317 With the application having passed all the tests, the Chair stated that the variance is granted.
318
319 **2. Case #PZ4820-021414 – Variance**
320 1. The Variance will not be contrary to the public interest.
321 J. Quinn True It won't affect the public.
322 A. Buchanan True I agree.
323 J. Taggart True
324 R. Rowe True You have to consider the unique small nature of the lots in that area. I would
325 prefer that when it's constructed it be slid closer to the house, but I'm not going to make that a
326 condition.
327 5 True
328
329 2. The Variance is consistent with the spirit and intent of the Ordinance.
330 J. Quinn Yes, he's following the intent of the ordinance by not moving further into the setback
331 than he already is.
332 R. Rowe Yes considering the size of the lots in that area, it does follow the spirit and intent of
333 the ordinance.
334 J. Taggart agrees with Bob and Jim
335 A. Buchanan Agrees as does D. Kirkwood
336 5 true
337
338 3. Substantial justice is done.
339 A. Buchanan I think so. In this case what he's asking for is private rights of use and it's not a
340 detriment to any public right.
341 J. Taggart agrees.
342 R. Rowe True
343 J. Quinn True
344 5 True
345
346 4. The values of the surrounding properties will not be diminished.
347 J. Taggart True The only way I could see diminished values is if you overly encroached on the
348 neighbors or brought something unsightly forward. There's no encroachment to speak of and

349 you're rehabilitating the structure so I would see it as an overall improvement to surrounding
350 values.

351 R. Rowe I don't think the location on that lot would diminish the surrounding properties. The
352 only thing that might is the design and construction of it and we don't have any control over
353 that so, true.

354 J. Quinn True

355 A. Buchanan True

356 5 True

357

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

359 A. Buchanan First, it's a reasonable need and an allowable use. There's no public purpose that's
360 being protected by the ordinance that's going to be impaired by the creation of the addition he
361 wants to do with regard to the 15%.

362 J. Quinn I think it's a reasonable use.

363 R. Rowe True

364 J. Taggart True

365 5 true

366

367 D. Kirkwood stated that with this application having passed all of the tests, the Chair declares
368 the request for variance is granted.

369

370 **3. Case # PZ4821-021414 – Variance**

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

372 R. Rowe True it is further improvement of the area and I've previously explained my
373 interpretation of the 15% calculation.

374 J. Quinn True no effect on the public.

375 A. Buchanan I agree

376 J. Taggart True

377 5 True

378

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

380 A. Buchanan yes, for the reasons discussed.

381 J. Taggart True The spirit of the ordinance is to not have a structure that dwarfs the lot size, and
382 I don't see substantial increase over what's there now.

383 R. Rowe True

384 J. Quinn True

385 5 True

386

387 3. Substantial justice is done.

388 J. Quinn Yes

389 A. Buchanan I agree.

390 R. Rowe True There's certainly no detrimental effect on the public.

391 J. Taggart I agree with Bob, True

392 5 True

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394 4. The values of the surrounding properties will not be diminished.
395 R. Rowe True They would not diminish the surrounding properties. That whole area is being
396 built up and this is in keeping with the general nature of the neighborhood.
397 J. Quinn True
398 A. Buchanan I agree
399 J. Taggart True
400 5 True
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402 5. Literal enforcement of the provisions of the Ordinance would result an unnecessary hardship.
403 J. Taggart True though what sets it apart from other properties in the area is that it is larger
404 having had half of another lot added to it. Therefore, it is appropriate and a reasonable use to
405 increase the area from 15% to 21%.
406 R. Rowe True
407 J. Quinn True
408 A. Buchanan I agree
409 5 True
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411 D. Kirkwood stated that with the application having passed all of the tests, the request for
412 variance is granted.
413
414
415 **4. Case #PZ4813-021414 – Variance**
416 General Discussion
417 C. Vars said earlier we discussed the percentage of the lot. I believe the numbers being shown
418 are 1.2 acres to the left and .5 acres to the right which gives us a total of 1.7 acres. Having done
419 a quick calculation, it comes out at 28.1% of the lot. That being the case, I don't believe a
420 variance is required and part of my concern as an owner would be that it might complicate the
421 legal process as it moves forward if we were to grant a variance that wasn't required.
422 R. Rowe stated that if the planning board calculates differently, it may come back to us. But if
423 we grant it, and the planning board doesn't end up needing our variance, that's fine. It may be
424 more efficient in the long run and shorten the process so the only thing the planning board
425 needs is a site review.
426 D. Kirkwood said also, there were two interpretations of the ordinance here tonight – one of
427 them requiring a variance. There may have been agreement at the end, but that confusion
428 lends weight to dealing with the variance and making a decision.
429 J. Quinn mentioned that C. Vars and S. Marchant ended up agreeing on the interpretation, if
430 not the square footage. She now agrees that if it takes up more than 60%, they don't need a
431 variance.
432 D. Kirkwood said but we had two different interpretations of that. Then they got together and
433 agreed, but it's possible that the planning board could find themselves in the same position.
434 R. Rowe said perhaps we should leave it up to the applicant whether they want us to go
435 forward or not.

436 J. Taggart said first, I'm not sure I agree with the calculations. Those numbers were put forth as
437 the buildable envelope after restrictive grades. The setbacks do not contemplate restrictive
438 grades. They contemplate setbacks which in this case would be from the wetlands, the scenic,
439 and the front yard. The 1.7 acres could actually be larger than that. Based on the discussion,
440 there was no calculation made by the applicant of what the 'magenta' area is so we can't
441 consider it. In my opinion, the application for variance is here for us to vote on and I would like
442 to move on that. If the applicant feels aggrieved by the decision, then they may have another
443 avenue in which to seek recourse other than petitioning this board.

444 A. Buchanan thought the board should deal with the application. They had an opportunity to
445 ask us to continue it so they could investigate and decide if they want to come back for a
446 variance or not, but they didn't so I say we vote on it.

447 The chair concurred.

448

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

450 R. Rowe True The entire project is in the public interest. And considering the nature of the
451 topography there and the uniqueness of the land being part of the old highway, it's certainly
452 not contrary to the public interest.

453 J. Quinn Yes It's fronting on a highway and it's in the best interest of the town.

454 A. Buchanan I agree.

455 J. Taggart True and there was no member of the public here to express that it was not in their
456 interest.

457 D. Kirkwood the location of the building is such that there is sufficient distraction between the
458 highway and the location to break up the size of the building. It respects the desire of the
459 master plan and the plan of the northern rural zone to have a reasonably rural entrance into
460 town.

461 5 True

462

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

464 A. Buchanan True based on the applicant's references in their attachments to the application-
465 siting the scenic setback is 100' to the property line but the property line is the road and there
466 is the added vegetation buffer.

467 J. Taggart The only place you can see on that property is where the realtor sign is. The spirit of
468 the ordinance is so that it's not unsightly. The only line of site will only show a corner of the
469 building. If you moved it back, it would be on the hill and be much more visible. It is completely
470 consistent with the spirit of the ordinance.

471 R. Rowe True

472 J. Quinn True

473 5 True

474

475 3. Substantial justice is done.

476 R. Rowe No harm done to any abutters, true.

477 J. Quinn No abutters here to speak on it. True

478 A. Buchanan I agree with Bob.

479 J. Taggart I agree with Bob.

480 5 True
481
482 4. The values of the surrounding properties will not be diminished.
483 J. Quinn Nobody has come here to object and it's zoned for general office use. Hopefully the
484 building will blend in with the town. True
485 A. Buchanan With the low profile of the building and the distance to surrounding homes, I don't
486 think there will be any negative value.
487 J. Taggart True
488 R. Rowe True
489 5 True
490
491 5. Literal enforcement of the provisions of the Ordinance would result an unnecessary hardship.
492 J. Taggart True It's a reasonable use to have office use within general office zone. A non-
493 conforming property relative to surrounding properties, this piece makes a great claim on the
494 hardship because the property line was arbitrarily drawn from the old bypass. If it were laid out
495 correctly with a property line that was 30'-60' from 101, it would be in conformance with the
496 100' setback.
497 R. Rowe True This is truly a unique lot based upon the fact that it is made up of the
498 discontinued bypass. It's got a strange line, strange topography and it's a good use of the tract
499 of land.
500 J. Quinn True Certainly a reasonable use of the property and with the soil conditions, wetlands
501 and elevation changes, there aren't too many places on the lot you can build.
502 A. Buchanan True
503 D. Kirkwood agrees and observes that not only does it use the anticipated use of general office
504 zone; it also has a conservation use. In using this lot the way it is, there's a large portion of the
505 lot which will remain undeveloped for a long time.
506 5 True
507
508 D. Kirkwood stated that with the application having passed all of the tests, the request for
509 variance is granted.
510
511 **6. Case #PZ4815-021414 – Variance**
512 General Discussion
513 R. Rowe said all of the same comments apply as the previous case. He would like to apply the
514 same testimony as Case #4813 to this case. The board agrees unanimously that all of the same
515 arguments and opinions apply from case #4813.
516 1. The Variance will not be contrary to the public interest. 5 true
517 2. The Variance is consistent with the spirit and intent of the Ordinance.
518 5 true
519 3. Substantial justice is done.
520 5 true
521 4. The values of the surrounding properties will not be diminished.
522 5 true
523 5. Literal enforcement of the provisions of the Ordinance would result an unnecessary hardship.

524 J. Taggart mentioned that for special circumstances, the parking as it's laid out now is currently
525 paved so if you were to force them back they would have to pave essentially an identical
526 section. 5 True

527
528 D. Kirkwood stated that having passed all of the tests, the request for variance is granted.
529

530 J. Quinn moved to come out of deliberations. J. Taggart seconded. Vote Unanimous

531 **Old Business:**

532 **Minutes:**

533

534 J. Taggart asked what the intention of the snow day minutes are as presented. To fulfill the
535 Right-to-Know laws, S. Marchant wrote down the details of how the meeting came to be
536 postponed. They are considered minutes.

537 J. Taggart was not in attendance, but is listed as an attendee. That should be changed.

538 C. Vars moved to approve the minutes of February 25th and include the pre discussion with the
539 correction that has been made. J. Quinn seconded. Vote: 4 in favor, none against. J. Taggart
540 and D. Kirkwood abstained.

541 C. Vars moved to approve the minutes of February 18th with the change that J. Taggart's name
542 be removed from the list of attendees and changed to 'in communication with'. R. Rowe
543 seconded.

544 Vote Unanimous

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547 J. Quinn moved to adjourn at 9:15pm. A. Buchanan seconded. Vote Unanimous

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550 Respectfully submitted,

551 Jessica Marchant

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554 Minutes approved as presented on April 15, 2014.