

June 20, 2023

APPROVED

1 In attendance: Doug Kirkwood (Chair), Danielle Pray (Vice Chair), Charlie Vars, and Tony Ortiz
2 (alternate)

3
4 **6:00 p.m. Non-public session pursuant to RSA 91-A:3, II. (I) Consideration of legal**
5 **advice provided by legal counsel, either in writing or orally, to one or more members of the**
6 **public body, even where legal counsel is not present**

7
8 Doug Kirkwood called the meeting to order at 6:14pm.

9
10 *Tony Ortiz sat for Tracy McInnis.*

11
12 **Danielle Pray moved to enter Non-Public Session at 6:15pm. Charlie Vars seconded.**
13 **Voting: 4-0-0; motion carried unanimously.**

14
15 Discussion and consideration of legal advice. No votes taken or decisions made.

16
17 **Charlie Vars moved to exit Non-Public Session at 6:54pm. Danielle Pray seconded.**
18 **Voting: 4-0-0; motion carried unanimously.**

19
20 **PUBLIC SESSION:**

21
22 In attendance: Doug Kirkwood (Chair), Danielle Pray (Vice Chair), Jamie Ramsay (Secretary),
23 Charlie Vars, and Tony Ortiz (alternate)

24 Staff present: Kristan Patenaude, Recording Secretary (remote)

25
26 Doug Kirkwood called the meeting to order at 7:00pm. He outlined the process and introduced
27 Board members and staff present.

28
29 *Tony Ortiz sat for Tracy McInnis.*

30
31 **PUBLIC HEARINGS:**

- 32
33 **1. CASE #: PZ17270-042623 – VARIANCE**
34 **Scott McEtrick (Owner & Applicant); 6 North End of Lake, PIN #: 008-066-000 –**
35 **Requesting relief from Article III, Section 3.5, Paragraph C to allow construction of**
36 **an accessory dwelling unit on the second floor of a proposed detached garage on a non-**
37 **conforming lot. *Zoned Residential Rural. Continued from May 16, 2023.***

38
39 Jamie Ramsay read and opened the case.

40
41 **Charlie Vars moved to untable this case. Jamie Ramsay seconded.**
42 **Voting: 5-0-0; motion carried unanimously.**

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44 Daniel Muller, Attorney at Cronin, Bisson, & Zalinsky, P.C., explained that the Board closed the
45 public hearing on this case during its last meeting and was deliberating when a question arose.
46 He stated that, unless the Board needs additional information from him at this time, he would
47 like to move this item to deliberations.

48
49 Doug Kirkwood noted that the Board previously had questions regarding two references within
50 the applicant's materials. Attorney Muller explained that, in applying for a variance, he
51 references the broadest relief and the narrower relief. When this request previously went to the
52 Planning Board, there was a question as to whether a non-conforming lot could satisfy one of the
53 elements for a Conditional Use Permit (CUP). In his experience, if there is a condition that
54 practically cannot satisfy the broader relief, the next step is to seek approval of the use through a
55 variance. The narrative supplied with this application cited two sections, one which would allow
56 for the use via a variance, and the other narrower relief which would allow the Planning Board to
57 grant a CUP for the non-conforming lot. In the second option, this case would go back to the
58 Planning Board for its consideration under a CUP. The intention of citing both items was to
59 cover the bases for his applicant and to pave a way forward through different options.

60
61 Doug Kirkwood explained that the requested variance is to allow for construction of an
62 accessory dwelling unit (ADU) on the second floor of a detached garage on a non-conforming
63 lot. Attorney Muller explained that, in his experience, if there is an issue under the CUP for a
64 special exception, the use can be requested under a variance. The Board could also choose a
65 narrower relief and allow the use on a non-conforming lot, while leaving the rest of the item to
66 be decided on by the Planning Board.

67
68 There were no questions or comments from the Board at this time. There was no public comment
69 at this time.

70

71 **2. CASE #: PZ17414-053123 – VARIANCE**

72 **Scott W. & Susan Jacobs O'Connell (Owners & Applicants); 3 Mack Hill Road,**
73 **PIN #: 020-029-000** – Requesting relief from Article III, Section 3.9, Paragraph D to use
74 an existing driveway to access a newly created back lot. Existing driveway is within 500'
75 of an existing intersection of a publicly traveled road. *Zoned Residential Rural*.

76

77 Jamie Ramsay read and opened the case.

78

79 Jason Bolduc, Meridian Land Services, explained that the applicants are requesting relief from
80 the provisions of Article 3, Section 3.9, paragraph D., to use an existing driveway access for a
81 newly created backlot. The existing driveway is located within 500' of an existing intersection
82 along a publicly traveled road. The existing house was constructed in 1820 and it would be
83 reasonable to conclude that the driveway has been providing access to the lot since that time.
84 There are no proposed changes to the existing driveway. The only change is the classification of
85 the lot from a frontage lot to a reduced frontage lot. The subdivision regulations do not allow for
86 a driveway within 500' of a publicly traveled way. The existing driveway meets or exceeds the
87 current Town driveway regulations in Chapter B, Section 3.10. The purpose of this Section

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88 states, “in as much as driveways, entrances, and access points are, in effect, intersections, and
89 therefore require certain controls as to size, location, and construction in order to provide safe
90 and efficient access to property fronting on the public way, as well as surface drainage in and
91 around said driveways,” essentially allowing for safe access to the lot. This is contradictory to
92 the 500’ separation distance in the subdivision regulations. The regulations require a 10’ wide
93 driveway, paved, with grades less than 8%. The existing driveway is 11’ wide on average.
94 According to the regulations, driveways must be 100’ from the intersections of roads. This
95 driveway is 200’ from the intersection of Manchester Road and Mack Hill Road. The intention is
96 to keep the driveway where it is currently located and create two lots in the back of the property,
97 each which will have a separate driveway along Manchester Road. Two driveway plans will be
98 presented to the Planning Board tomorrow to this effect.

99
100 Charlie Vars explained that the subdivision of the two lots removes the frontage from Lot 20-29.
101 Jason Bolduc agreed and noted that this changes the classification of the lot which kicks it to the
102 500’ requirement. Charlie Vars asked if the same issue will come into play for newly created lot
103 20-29-1, regarding the distance from the intersection, and asked if it would be prudent to run the
104 driveway off the existing driveway. Jason Bolduc explained that the new lots will be frontage
105 lots and thus do not need to meet the 500’ requirement. He asked what the difference is between
106 frontage lot driveways and backlot driveways regarding the space requirement, if they serve the
107 same purpose.

108
109 Charlie Vars suggested a common driveway for the two new lots off the existing driveway. Jason
110 Bolduc stated that the new driveways are shown on the plan. The existing driveway has existed
111 since approximately 1820 and has caused no known safety issues.

112
113 Doug Kirkwood stated that the application requests relief from Article 3, Section 3.9, paragraph
114 D., but there is no paragraph D. Danielle Pray noted that this updated language was placed in the
115 Board’s packet.

116
117 Danielle Pray suggested that the applicant read through the variance criteria.

118
119 Jason Bolduc read the variance criteria:

120
121 *1. How will granting the variance not be contrary to the public interest?*
122 Granting of this variance will not be contrary to the public interest, as there is no harm or
123 adverse impact by the continued use of the existing driveway. Continued use of the
124 existing driveway from 1820 will neither alter the essential character of the neighborhood
125 nor threaten the health, safety, or general welfare of the public.

126
127 *2. How will the granting of the variance ensure that the spirit of the ordinance will be*
128 *observed?*
129 The spirit of the ordinance will be observed because, to the best of our knowledge, the
130 driveway has been providing safe access to the lot since at least 1820. Since there is no
131 known design or safety basis for the new 500’ separation requirement, we rely on the

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132 Town's driveway regulations to conclusively state the existing driveway far exceeds the
133 required safety separations. The spirit of the ordinance is observed by the continued use
134 of the existing driveway.

135

136 3. *How will substantial justice be done?*

137 Substantial justice will be done because the parent lot's access will remain the same and
138 has historically not been the result of hazardous situations to vehicular traffic or
139 pedestrians. Continued use of the current driveway would not be outweighed by any
140 perceived gain by the general public, especially as there is no proven benefit for the 500'
141 separation value. No public benefit will occur by denial of this application.

142

143 4. *How will the value of the surrounding properties not be diminished?*

144 The value of the surrounding properties will not be diminished because the continued use
145 of the current driveway will not diminish the values of the surrounding properties, as the
146 location and use of it will not change.

147

148 5. *Literal enforcement of the provisions of the ordinance would result in unnecessary
149 hardship because:*

150 (A) *For the purpose of this sub paragraph, "unnecessary hardship" means that
151 owning to special conditions of the property that distinguish it from other
152 properties in the area:*

153 No fair and substantial relationship exists between the general public purposes of the
154 ordinance provision and the specific application of that provision to the property because
155 this proposal distinguishes the property from others as it does not propose a new
156 driveway to a new dwelling. The special conditions of the existing driveway location still
157 comply with the Town's driveway regulation separation requirements, which provides for
158 proper protection of the health, safety, and general welfare of the public. The full
159 application of the ordinance to this particular property is not necessary to promote a valid
160 public purpose.

161 (i) This driveway has existed since 1820 and has not presented a hazardous
162 situation to vehicular traffic or pedestrians. Denial of this variance would
163 result in unnecessary hardship to the owner, as it would result in the denial
164 of a subdivision that, to the best of our knowledge, meets all other Town
165 subdivision regulations.

166 (ii) The proposed use is a reasonable one because we know of no engineering
167 design or public safety requirements which support what appears to be an
168 arbitrary value of 500' and otherwise meets all other Amherst driveway
169 regulations.

170

171 (B) *Explain how, if the criteria in subparagraph A above are not established, an
172 unnecessary hardship will be deemed to exist if, and only if, owing to special
173 conditions of the property that distinguish it from other properties in the area, the
174 property cannot be reasonably used in strict conformance with the ordinance, and
175 a variance is therefore necessary to enable a reasonable use of it:*

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176 The proposed parent lot's reduced frontage will utilize the existing access which is within
177 500' of Mack Hill Road and Manchester Road. However, the driveway meets or exceeds
178 all regulations within the Amherst driveway regulations. The driveway is continued use is
179 a reasonable one, as the special conditions of its existing location neither negatively
180 affect area properties nor alter the essential character of the neighborhood.

181
182 Danielle Pray stated that there were some questions asked by the Planning Board for this item,
183 regarding an easement to the north of the property on Mack Hill Road. Jason Bolduc stated that a
184 neighbor was concerned about rights to this 16.5' frontage area. This proposal will not impact
185 anywhere near this area. This space is not adequately sized to place a driveway and there would
186 have to be a large wetland crossing.

187
188 Jamie Ramsay asked if Manchester Road is considered a scenic road. Jason Bolduc stated that he
189 is unsure. Jamie Ramsay asked that the applicant review this. He noted that this is located within
190 the Historic District and asked if the proposal meets the setbacks for the building envelope in the
191 District setbacks. Jason Bolduc stated that the Planning Board asked that the existing structure
192 meet the required separation distance to an existing pool house, which is noted on the plan.
193 Accessory structures have a reduced setback requirement to property lines.

194
195 Jamie Ramsay noted that Lot 20-29-1 has a 100' setback from Mack Hill Road but not
196 Manchester Road. As this is a corner lot, it needs to meet the setback requirements for both
197 roads. Jason Bolduc stated that he will verify if Manchester Road is a scenic road or not, as this
198 may allow for a larger setback. Jamie Ramsay stated that, if this is not a scenic road, there could
199 be additional requirements, due to it being in the Historic District. The other subdivided lot, 20-
200 29-2, also could have a 100' setback requirement in the Historic District. Jason Bolduc explained
201 that the plan includes Note 3 that Mack Hill Road is classified as a scenic road and a 100' front
202 setback. The Note also includes any relevant overlay districts. Jamie Ramsay stated that he does
203 not believe Note 3 is specific to the Historic District overlay. Jason Bolduc stated that the Note is
204 supposed to apply to any relevant overlay districts. He will review the Historic District setback
205 requirements.

206
207 Charlie Vars noted that this variance is only for the use of an existing driveway to access back
208 lots. He stated that he cannot think of a safer way to access these lots than the proposal. These
209 new proposed lots will then need to go before the Planning Board for a Conditional Use Permit
210 (CUP).

211
212 Doug Kirkwood asked for public comment.

213
214 Reed Panasiti, 11 Mack Hill Road, asked for clarification on the location of this driveway and
215 how the new lots will be accessed. Jason Bolduc showed on a map the location of the existing
216 driveway and explained that the new lots will be accessed from Manchester Road. Reed Panasiti
217 stated that he believed, per the last Planning Board meeting on this item, that this was not an
218 option. Jason Bolduc explained that this was a question of the Planning Board. Tomorrow night,
219 the applicant will show the Planning Board engineered plans with sight distances, showing that

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220 the two proposed access points to the lots meet the regulations. The existing driveway will not be
221 altered in any way.

222

223 There was no further public comment at this time.

224

225 **REQUEST FOR REHEARING:**

226

227 **3. Request for rehearing, CASE #: PZ17271-042623 –VARIANCE**

228 **Louise Norwood (Owner & Applicant); 89 Chestnut Hill Road, PIN #: 011-007-**

229 **001** –Request for relief from Article III, Section 3.1, Paragraph D to operate a private

230 wedding venue as a Home Occupation. *Zoned Northern Rural.*

231

232 Jamie Ramsay read and opened the case.

233

234 There was no one present from the applicant's team.

235

236 Doug Kirkwood explained that, as this is a request for a rehearing, the Board generally considers
237 the letters it received for this item, and then makes a decision.

238

239 **Charlie Vars moved to enter deliberations. Danielle Pray seconded.**

240 **Voting: 5-0-0; motion carried unanimously.**

241

242 The Board discussed tabling the second agenda item, as there were questions posed of the
243 applicant during the presentation. A member of the public asked to make comments regarding
244 the second agenda item.

245

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

247 **Voting: 5-0-0; motion carried unanimously.**

248

249 Daphne Jackson, 5 Mack Hill Road, stated that she believes the proposal could impact
250 neighborhood values because it would lead to additional driveways and structures in this area.

251 This area has always been a quiet private property, not a business. This proposal would

252 essentially alter the character of the neighborhood. It is currently a quiet open field, and this

253 proposal would impact lower Mack Hill.

254

255 Dean Jackson, 5 Mack Hill Road, asked if there is enough land to develop the two additional
256 backlots proposed. This was always a pasture for horses. He does not want to see this area

257 become all houses. He would like the Board to maintain the character of this community. Doug

258 Kirkwood explained that the Planning Board would be an appropriate venue for these comments.

259

260 **Charlie Vars moved to enter deliberations. Jamie Ramsay seconded.**

261 **Voting: 5-0-0; motion carried unanimously.**

262

263 **CASE #: PZ17270-042623 – VARIANCE**

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264 **Scott McEttrick (Owner & Applicant); 6 North End of Lake, PIN #: 008-066-000 –**
265 **Requesting relief from Article III, Section 3.5, Paragraph C to allow construction of**
266 **an accessory dwelling unit on the second floor of a proposed detached garage on a non-**
267 **conforming lot. *Zoned Residential Rural.***

268
269 **Danielle Pray moved no regional impact. Charlie Vars seconded.**
270 **Voting: 5-0-0; motion carried unanimously.**
271

272 Charlie Vars explained that this was sent to the Zoning Board because the Planning Board was
273 unsure if a variance was necessary, and partly because the ADU would not be adjacent to the
274 existing house and, instead, on top of a detached garage. He does not believe a variance is
275 required for this item and suggested that it should be sent back to the Planning Board for a CUP
276 discussion.

277
278 Danielle Pray agreed that the threshold question is if a variance is required. If the Board
279 determines it is, then there was additional testimony tonight regarding what the applicant is
280 seeking to do.

281
282 Jamie Ramsay asked Charlie Vars why he believes a variance is not required. Charlie Vars stated
283 that any owner is allowed to construct an ADU on a piece of property. The reason for the
284 variance request is as it relates to the size and dimensions of this lot. The Board has always
285 acknowledged that lots around Baboosic Lake are undersized, but owners still have the right to
286 an ADU. If this variance request is strictly based on the size of the lot, he does not believe a
287 variance is needed. Instead, this could be handled by the Planning Board through a CUP process.

288
289 Danielle Pray stated that she believes this reasoning has merit. Per Section 4.2 Lots of Record,
290 this is a lot of record, regardless of its size. This variance request is based on the size of the lot,
291 and this is the reasoning for not requiring a variance in this case.

292
293 Jamie Ramsay noted that this is a preexisting non-conforming lot of record.

294
295 **Danielle Pray moved that a variance for relief from the dimensional requirements of**
296 **Section 3.18.C.1.A for an attached ADU is not required for owner Scott McEttrick,**
297 **CASE #: PZ17270-042623. Jamie Ramsay seconded.**

298
299 **Discussion:**

300
301 **Charlie Vars noted that this decision will send this item back to the Planning Board**
302 **for a decision regarding if the application meets the requirements for a CUP.**

303
304 **Voting: 5-0-0; motion carried unanimously.**

305
306 **CASE #: PZ17414-053123 – VARIANCE**

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307 **Scott W. & Susan Jacobs O’Connell (Owners & Applicants); 3 Mack Hill Road, PIN #:**
308 **020-029-000 – Requesting relief from Article III, Section 3.9, Paragraph D to use**
309 **an existing driveway to access a newly created back lot. Existing driveway is within 500’**
310 **of an existing intersection of a publicly traveled road. Zoned Residential Rural.**

311
312 **Danielle Pray moved no regional impact. Charlie Vars seconded.**
313 **Voting: 5-0-0; motion carried unanimously.**
314

315 In response to a question from Danielle Pray, Charlie Vars explained that the engineer’s plan
316 shows an existing driveway frontage access of 115.11’, where the ordinance requirement is 50’.
317 There does not seem to be a better way to handle access to the lots. Further development would
318 be difficult, as it would be hard to find 50’ of right of way to access the back acres of the lot.
319 Owners have a right to subdivide their lots. The 500’ distance seems arbitrary. The State of NH
320 right of way requires a 400’ line of sight distance, and this certainly exists for the driveway. This
321 would meet the State line of sight requirements for a public road.

322
323 Danielle Pray stated that the Board is responsible to follow the Zoning Ordinance, which takes
324 precedent over the regulations. The 500’ requirement is in the Zoning Ordinance and the Board
325 must consider this, regardless if the applicant feels it is arbitrary based on what is in the
326 regulations. Relief can be sought, which is the purpose of this application.

327
328 The Board reviewed the criteria tests:

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

- 330 • D. Pray – true, one item to be considered is whether the request would change the
331 character of the neighborhood. This is an existing driveway and so it would not
332 change the character of the neighborhood in any way. Secondly, the Board must
333 consider if this would impact the public health, safety, or welfare. There is no
334 indication that allowing an existing driveway to remain in use would impact these
335 items.
- 336 • T. Ortiz – true, there was no evidence shown that this proposal will impact the public
337 health, safety, or welfare, or impact the character of the neighborhood. There is no
338 change proposed to the driveway which has previously allowed for access to the lot.
- 339 • C. Vars – true, this is an existing driveway and is as far from the intersection as it
340 could be.
- 341 • J. Ramsay– true, for the reasons previously stated.
- 342 • D. Kirkwood – true, as previously stated by other Board members.

343 **5 True**

344
345 **2. The Variance will ensure that the spirit of the ordinance will be observed.**

- 346 • T. Ortiz – true, there's nothing to suggest granting the variance will alter the character
347 of the neighborhood or negatively impact the health, safety, and welfare to the public.
- 348 • C. Vars – true, this is the safest access point and will not change the appearance of the
349 neighborhood.
- 350 • J. Ramsay– true, there is no opportunity from this to endanger the public safety.

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- 351 • D. Pray – true, this does not affect the public health, safety, or welfare. This is an
352 existing driveway that is currently in use and there will be no change to it.
353 • D. Kirkwood – true, as previously stated by other Board members.

354 **5 True**

355 **3. Substantial justice is done.**

- 356 • C. Vars – true, there will be no changes to the entrance of the site, which will not
357 diminish any surrounding property values.
358 • J. Ramsay – true, allowing use of the existing driveway will not alter the character of
359 the neighborhood.
360 • D. Pray– true, the there is no gain to the general public in not allowing the driveway
361 to be used as it is currently used. The applicant’s harm thus outweighs the public gain
362 in not granting the variance.
363 • T. Ortiz – true, the proposed use is a reasonable one, the benefit of the applicant is not
364 outweighed by hardship to the public, and this makes use of an existing driveway.
365 • D. Kirkwood – true, as previously stated by other Board members.

366 **5 True**

367
368 **4. The values of the surrounding properties will not be diminished.**

- 369 • J. Ramsay– true, the value of surrounding properties will not be diminished.
370 • D. Pray – true, the applicant stated that the continued use of the existing driveway
371 will not diminish values of the surrounding properties, as the location and use will not
372 change.
373 • T. Ortiz – true, there is no evidence provided that would suggest a negative impact on
374 surrounding properties.
375 • C. Vars — true, there is no necessity for the 500’ as far as substantial justice and this
376 will not diminish the value of surrounding properties to allow access from the
377 existing driveway to the backlot.
378 • D. Kirkwood – true, as previously stated by other Board members.

379 **5 True**

380 **5. Literal enforcement of the provisions of the ordinance would result in an**
381 **unnecessary hardship**

- 382 • D. Pray – true, the Board has to determine special conditions of the property. This is a
383 fairly large lot on a corner and the current driveway impacts whether this applicant
384 can subdivide the property. Not every driveway in this area is within 500’ of an
385 intersection, but this one is. There is an existing driveway currently used by the
386 owners, with no changes proposed. This creates a hardship to the applicant in terms of
387 subdividing the lot. The use is a reasonable one and people have a right to subdivide
388 their property, in compliance with Town ordinances. This will allow the owners to
389 develop their property in a meaningful way.

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- 390 • T. Ortiz – true, the proposal is a reasonable one as it utilizes the existing driveway
391 with no proposed changes. Denial would negatively impact the applicant and the
392 proposed plans for the property which is out of the Board’s purview.
393 • C. Vars — true, this does comply with the Town’s driveway regulations and to deny
394 it would be a hardship.
395 • J. Ramsay– true, as previously stated by other Board members.
396 • D. Kirkwood – true, as previously stated by other Board members.
397 **5 True**

398 Doug Kirkwood stated that the application, having passed all of the tests is granted.
399

400 **Request for rehearing, CASE #: PZ17271-042623 –VARIANCE**

401 **Louise Norwood (Owner & Applicant); 89 Chestnut Hill Road, PIN #: 011-007-001 –**
402 **Request for relief from Article III, Section 3.1, Paragraph D to operate a private wedding**
403 **venue as a Home Occupation. Zoned Northern Rural.**
404

405 Doug Kirkwood explained that the variance granted to the owner is being requested to be
406 reheard.
407

408 Jamie Ramsay stated that the appellant for this item was not noticed of the meeting. Notice of the
409 meeting was not required to this owner though and the hearing was otherwise properly noticed.
410

411 Danielle Pray stated that she favors a rehearing. Although this item was properly noticed, she
412 sees a huge defect in that someone can own a property next to their property to which those
413 abutters do not get noticed. This is not the applicant's fault, nor the interested party's fault, but
414 seems unfair. This is a defect that the Board should correct. This variance would affect the
415 abutters in question quite considerably, in regard to where cars are going to be parked and wat
416 time people will leave the property. She would have liked to have heard more about those
417 comments during the hearing. She is in favor of a rehearing.
418

419 Charlie Vars stated that the Board was very generous in its interpretation based on the
420 applicant’s reputation. Recognizing that the variance runs with the property, some of the items
421 brought to light by abutters may have brought about additional discussion by the Board. A future
422 owner could look to expand the use, which may impact the abutters in question. He is in favor of
423 a rehearing.
424

425 Jamie Ramsay agreed. He does not feel that the Board was not presented with an accurate
426 presentation of the proposed use by the owners, but there is concern for the future of this
427 property. A subsequent owner could expand this use and there would be nothing to prevent that.
428

429 Tony Ortiz stated that he would like to hear some clarification regarding the proposed 10:00 PM
430 end time for the events. He would support a rehearing.
431

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432 Doug Kirkwood stated that there can be layers of abutters. There is question as to where this
433 stops though. The issue of no notification in this case should be recognized and corrected. This
434 gives justification for a rehearing. However, the person requesting this does not have any legal
435 standing. Danielle Pray noted that this person is an interested party under the State law, RSA
436 677:2, to apply for a rehearing. This does not need to be an abutter. This language is included in
437 the Staff Report for this item. The interested party has made a case that they could be impacted
438 by this item.

439

440 Charlie Vars stated that, in a rehearing, he would not be looking to eliminate the variance
441 provided, but he would like to hear testimony if the Board missed details during the last hearing
442 that could be corrected within the variance regarding the future and parameters of use. The Board
443 has been reasonable about granting rehearsings in the past, in order to do the best for all involved.

444

445 **Jamie Ramsay moved to grant a rehearing as requested by the interested parties at**
446 **the July 18, 2023 meeting, at 7pm, at Town Hall. Tony Ortiz seconded.**

447

448 **Discussion:**

449 **Charlie Vars explained that this hearing would not contain new documentation**
450 **necessarily and would not necessarily lead to a different outcome.**

451

452 **Danielle Pray noted that this will be a de novo hearing, as though the Board is**
453 **hearing it for the first time.**

454

455 **Voting: 5-0-0; motion carried unanimously.**

456

457 **OTHER BUSINESS:**

458

459 **1. Minutes: May 16, 2023**

460

461 The Board did not address these at this time.

462

463 **2. Any other business that may come before the Board**

464

465 **Jamie Ramsay moved to adjourn the meeting at 8:40pm. Charlie Vars seconded.**

466

467 **Voting: 5-0-0; motion carried unanimously.**

468

469 Respectfully submitted,

470 Kristan Patenaude

471

Minutes approved: August 15, 2023