



# TOWN OF HUDSON

## Zoning Board of Adjustment



J. Bradford Seabury, Chairman

Marilyn McGrath, Selectmen Liaison

12 School Street · Hudson, New Hampshire 03051 · Tel: (603) 886-6008 · Fax: (603)594-1142

### HUDSON ZONING BOARD OF ADJUSTMENT MEETING MINUTES April 23, 2015

#### I. CALL TO ORDER

Chairman Seabury called this meeting of the Hudson Zoning Board of Adjustment to order at 7:35 pm on Thursday, April 23, 2015, in the Paul Buxton Meeting Room in the Town Hall basement. Chairman Seabury then requested Clerk Dearborn to call the roll. Those persons present along with various applicants, representatives and interested citizens, were as follows:

##### Members

**Present:** Charles Brackett, Clerk Gerald Dearborn, Normand Martin, Jim Pacocha, J. Bradford Seabury, Donna Shuman

##### Members

**Absent:** Kevin Houle (excused), Mike Pitre (absent), Mr. Variadelis (excused)

##### Alternates

**Present:** Maurice Nolin

##### Alternates

**Absent:** None

##### Selectmen

**Liaison:** Marilyn McGrath

##### Staff

**Present:** Kevin Desmond, Zoning Administrator

**Recorder:** None present. Later transcribed by Melissa Mack

#### II. SEATING OF ALTERNATES AND ANNOUNCEMENTS

For the benefit of all attendees, Chairman Seabury noted that copies of the agenda for the meeting, as well as an outline of the rules and regulations governing hearings before the Zoning Board of Adjustment, were available at the door of the meeting room. He noted the outline includes the procedures that should be followed by anyone who wished to request a rehearing in the event the Board's final decision was not felt to be acceptable.

Chairman Seabury pointed out that the Board allowed rehearings only if collectively convinced by a written request that the Board might have made an illogical or illegal decision or if there were positive indications of new evidence that for some reason was not available at the hearing.

Chairman Seabury announced that Mr. Brackett will be a join member and a liaison between the Planning Board and the Zoning Board.

Ms. McGrath noted that she will be at the meetings to represent the Board of Selectmen and will participate in the discussion but will not be a voting member.

### **III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THIS BOARD**

- 1. Case 221-001 (04/23/2015): Atrium Medical Corporation, 5 Wentworth Drive, Hudson, NH requests a Variance for property located at 29 Flagstone Drive, Hudson, NH to construct a 100' x 100' addition that will be approximately 65' in height where 38' is the maximum height allowed. [Map 221, Lot 001, Zoned I; HZO Article III, § 334-14 Building Height.]**

Clerk Dearborn read aloud the posted notice, as recorded above.

Chairman Seabury asked Mr. Desmond to explain why the matter was before the Board.

Mr. Desmond explained that RTM International requested to place a manufacturing and testing facility in an Industrial Zone, which I informed them is allowed, ensuring that all health and safety ordinances are met. They requested the addition of a 65' building to be attached to the building. The company is seeking a Variance to construct a testing facility that is 65' high. The height limitation is 38' high.

Chairman Seabury read a letter addressed to Attorney Prunier from Chet Rogers, Commercial Real Estate Appraiser. His determination is that approving the Variance will not negatively impact the real estate value of the abutting properties.

Attorney Gerald Prunier, 20 Trafalgar Square, Nashua, NH is present representing the applicant. Jim Petropulos, a Civil Engineer at Hannah and Swanson, is also present to speak of the project and to provide facts to support Mr. Prunier's case.

29 Flagstone Drive, Hudson, NH is an existing building (~44,000 sq. ft.) It was previously occupied by Atrium Medical. The Variance is necessary for the building to have the testing facilities required by the manufacturer, RHM International.

RHM International develops and sells high voltage equipment used in power grids. Products include insulators, bushings, transformers...etc... They wish to purchase the facility to set up a U.S. based manufacturing company. Manufacturing is currently in Beijing, China.

Each product is tested for defects. This type of testing requires non-interference from other sources. It requires a lot of space and the space needs to be protected with a mesh cage which prevents interference of electronic waves in the space.

Each product is rated and since they are international they have to meet all the codes in the countries where they sell. The higher the rating, the bigger the equipment needed. A larger area is needed to hold the equipment.

A photo of the equipment was supplied to the Chairman for review. The equipment needs certain setbacks from the other equipment and from the roof. This is why they are requesting the Variance for a 65' high building.

The front of the facility will not change. Current height of the existing building is 16'. There is a cell tower located directly across the street that is 100' tall. The Comerix building across the street has a 45' tall section.

Mr. Prunier pointed out that this is favorable to the public interest. It will provide jobs and tax revenue. There are no adverse effects to surrounding buildings nor is there a public safety issue for the town of Hudson. Surrounding values will not be impaired.

Ms. McGrath asked Mr. Petropulos what type of building material the testing facility will be made of.

Mr. Petropulos replied that the exterior is standard block construction. The steel mesh will be inside the floor, the ceiling and the side walls. *(Discussion took place away from the microphone that I was not able to hear in the video)*

Eric Euvrard, President of RHM International, was asked to come up to speak further to Ms. McGrath's questions.

Ms. McGrath asked if the mesh is flammable.

Mr. Euvrard advised it is not flammable, it's steel. The rest of the walls are standard according to construction codes.

Ms. McGrath asked if the testing being done is to meet FCC requirements.

Mr. Euvrard advised they have standards to follow from both the communications industry and the power industry.

Ms. McGrath noted that the original reason for the height restriction was because the fire equipment could not extend beyond that. However, they have equipment now that will reach a height of 65'.

Mr. Desmond asked how the equipment is being tested now without this building.

Mr. Euvrard replied that it's being done in their facility in Beijing, China.

Ms. Shuman and Mr. Martin inquired how Atrium Medical can authorize Atty. Prunier and Hannah Swanson, Inc. to represent the application on behalf of RHM International.

Chairman Seabury advised that the application as presented was acceptable.

Ms. Shuman and Mr. Martin just want to make sure that the owner knows what is happening. Mr. Martin wants the wording changed so that years from now no one questions it.

Mr. Euvrard noted on the application, in front of the Board, that he approves of Mr. Prunier and Mr. Petropulos representing him in front of the Board.

Mr. Brackett asked if this is considered a telecommunications tower.

After further discussion, the question was not answered and the conversation moved on.

Chairman Seabury asked Atty. Prunier to describe the hardship that warrants almost double the limit of the Ordinance.

Mr. Prunier advised that in order to complete the products to be manufactured they have to be tested and they need the height required in order to test.

Chairman Seabury asked if there are any other questions or comments from the members of the Board.

Mr. Martin commented that this is a wonderful opportunity to have a new employer in town. He will support the application.

Ms. McGrath commented that if the application is approved, she suggests a stipulation added that the screening to the rear of the property not be altered in any way.

Chairman Seabury commented that he is having a hard time with the hardship. He doesn't want Hudson to be known for not welcoming businesses but is not sure Hudson wants to give away things to get a few more businesses. He is not inclined to support the matter. Is concerned about the precedent that will be set.

Mr. Pacocha noted that a habitable structure cannot be higher than 35' but a non-habitable structure cannot be higher than 100'.

Mr. Martin made a motion to approve the application for the Variance with the stipulation that the buffer zone in the rear of the property not be disturbed.

Mr. Pacocha seconded the motion. The main concern is whether or not this is a habitable structure. People will be inside to conduct the testing but he feels it falls under the category of an uninhabitable structure.

Chairman Seabury commented that when these types of issues come up it makes sense to look at the Ordinance and decide whether the Ordinance needs to be changed. There is a process for doing that.

VOTE: Chairman Seabury asked Clerk Dearborn to poll the Board on the motion to approve the request for a Variance with the noted stipulation and to record the members' votes, which were as follows:

Ms. Shuman	To grant
Mr. Martin	To grant
Mr. Brackett	To grant

Mr. Pacocha To grant  
Mr. Seabury To deny

Chairman Seabury declared that there having been four votes to approve the request for a Variance, with the noted stipulation, the motion had carried.

2. **Case 204-020 (04/23/2015): Scott Lambert, 10 Burns Hill Road, Hudson, NH requests a Variance to allow the proposed 24' x 38' attached garage to be constructed within the front yard setback, 26'4" proposed and construct the proposed 8' x 18' farmer's porch within the front yard setback, 30'2" proposed, where a 50' front yard setback is required for both. [Map 204, Lot 020, Zoned R-2, HZO Article VII, §334-27, Table of Dimensional Requirements.]**

Clerk Dearborn read aloud the posted notice, as recorded above.

Chairman Seabury asked Mr. Desmond to explain why the matter was before the Board.

Mr. Desmond advised that the applicant has applied to put the addition onto his home within the 50' setback of an R2 zone. This was actually applied for and approved on October 25, 2012. The Variance has expired and he is here to re-apply.

Chairman Seabury asked if this Variance being requested is identical to the original request.

Mr. Lambert stated that, yes, the square footage is the exact same.

Chairman Seabury asked if any of the setback dimensions were changed.

Mr. Lambert stated no. There are no changes from original request.

Mr. Lambert noted the following in his application. The request is not contrary to public interest. His intention is to visually improve the property. No parking or traffic issues will be created if the Variance is granted. There is no conflict to surrounding homes. Cars are currently parked in the location where the garage will be built. No additional vehicles will be introduced. The farmer's porch will not infringe on any other properties, create a safety issue or disrupt the neighborhood. The addition of a garage, family room and farmer's porch will add value to the property. The 50' set back limit was not in place when the home was originally built so any improvements to the front of the home require a Variance. If the Variance is not approved, he will be required to put the front of the garage further back into the property which will impact the structure itself as well as he will lose some functionality in the back yard. The costs involved to move within the setback limits would be higher and a sewer and water sprinkler system would have to be modified as well.

Mr. Pacocha asked if there were any stipulations when the Variance was originally approved.

Chairman Seabury advised there are none in the minutes or on the decision sheet.

Mr. Pacocha made a motion to approve the request without stipulations.

Mr. Martin seconded the motion.

Mr. Pacocha advised that there are no significant changes to the original proposal therefore no reason to deny.

Mr. Martin agrees with Mr. Pacocha.

VOTE: Chairman Seabury asked Clerk Dearborn to poll the Board on the motion to approve the request for a Variance and to record the members' votes, which were as follows:

Ms. Shuman	To grant
Mr. Martin	To grant
Mr. Brackett	To deny
Mr. Pacocha	To grant
Mr. Seabury	To grant

Chairman Seabury declared that, there having been four votes to approve the request, the motion had carried.

- 3. Case 176-028 (4/23/2015): Mario and Denise Plant, 9 Old Derry Road, Hudson, NH requests a Variance for the property located at 222 Central Street, Hudson, NH to allow the conversion of a portion of an existing building from commercial to residential without conforming frontage, 170.56' existing, where 350' are required. [Map 176, Lot 028, Zoned R2 and B; HZO Article III, §334-10(A) 1, Mixed or Dual Use on a Lot.]**

Clerk Dearborn read aloud the posted notice, as recorded above.

Chairman Seabury asked Mr. Desmond to explain why the matter was before the Board.

Mr. Desmond explained that the applicants had submitted the application in order to change what was formerly a dance space into two apartments. They have been here previously and they had applied for smaller apartments at the time and it was denied.

Chairman Seabury advised that the applicants had actually been here twice before. The first one was granted but the second one was denied.

Chairman Seabury asked if this request is the same or different from the original request.

Tony Marcotte, a Civil Engineer, is present representing Mario and Denise Plant. They first appeared in 2007 to request a Variance to grant residential use on the 2<sup>nd</sup> floor. This application is identical to that application but the original grant has expired. They need the Variance in order to go before the Planning Board.

Mr. Marcotte advised that the change of use will reduce the amount of traffic in this neighborhood and fill a need that is in the best interest of the public. Per the Zoning Laws the only restriction is the amount of frontage on the property. The overall impact to the neighborhood will be minimized. The area is currently a mix of residential and commercial uses. Thus far, renting the units has been difficult so granting the Variance would allow the owners to better utilize the space. If the property owner cannot convert the space to residential it will most likely remain unrented. The owner was granted a Variance for the same use that is proposed in May 2007. Market conditions became unfavorable to build but now have become

favorable to justify the cost of converting a portion of the building to apartments. The building has existed for 30 years and is set back on the property so it's difficult to put a business on the 2<sup>nd</sup> floor for that reason.

Chairman Seabury noted that when this was originally approved in 2007 the only stipulation was that they would have to meet all the fire requirements including sprinklers installed in the residential units.

Mr. Nolin asked if the plan is to start with two and then build up to fourteen.

Chairman Seabury advised that the apartments still have to be 750 sq. feet or larger regardless of how many there are.

Mr. Marcotte indicated they will start with two and build more but they understand they still have to be within the allowed size.

Mr. Dearborn commented that this application is requesting a Variance for two apartments. When they go for the other apartments will they have to come back for another Variance?

Mr. Desmond advised that, yes, they will have to come back to us because they will be converting the space again.

Mr. Marcotte commented that the intent of the application is for the dual use, not specifically for the two units.

Chairman Seabury asked if we are allowing dual use or are we allowing two apartments.

Mr. Desmond commented that if they want to expand beyond two apartments they do need to come back for another Variance.

Mr. Martin's interpretation is that he is applying for dual use and they don't have to come back.

Ms. McGrath commented that if they end up converting all but one of the spaces (on both the top and bottom floor) to residential apartments how would Mr. Desmond respond to that? Would he require them to come back or does the dual use Variance cover that change?

Mr. Desmond advised that he assumed the original intent was to keep the first floor as commercial use. In hind sight, he would not have passed it the first time around.

Chairman Seabury indicated that if the Variance passes they can stipulate that they are only authorizing residential use on the 2<sup>nd</sup> floor. If they want to convert any units on the 1<sup>st</sup> floor to residential they will need to come back to the Board for another Variance.

Mr. Brackett commented that the intent in 2007 was just the top floor.

Ms. McGrath indicated that when the building was built there were fire safety concerns. Before granting a Variance it would be appropriate to have the fire department comment about adding residential property to the top of the building.

Ms. McGrath asked what type of apartments these are going to be. Will there be children? Is there ample recreational space outside for them?

Mr. Marcotte responded that the intent of the application is for the 2<sup>nd</sup> floor only and they would accept that restriction. There is a grass area behind the building. The intent is for two bedroom units.

Mr Desmond asked Mr. Marcotte if a layout of the project was presented to the Planning Board when the project was presented to them.

Mr. Marcotte advised that this exact layout of two proposed apartments on the second floor was submitted to the Planning Board.

Mr. Desmond asked if he has a final design.

Mr. Marcotte said no because they would need to go in front of the Planning Board to see what is approved before spending the money to create a final design.

Chairman Seabury commented that he believes the minimum square feet for a residential apartment is 850 sq ft., not 750 sq. ft. After further discussion, it is confirmed that it's 750 sq. ft.

Ms. McGrath asked how this is different from the conversion on Central Street as far as the fire department is concerned. She would like to get a report from the fire department up front before a decision is made because once the Variance is granted it's done and the Planning Board's hands are tied. She is very concerned about the building and concerned about the application.

Mr. Dearborn recommends a site visit prior to ruling on this application.

Mr. Martin asks if the Board can make a ruling that is subject to the fire departments report.

Mr. Brackett advises that the Board should defer to next meeting and have the fire department review in the meantime.

Mr. Pacocha advised that when the Variance was initially granted there was a stipulation about fire safety.

Mr. Brackett makes a motion to defer the ruling to next month so that the Board can do a site walk and get a fire department report.

Ms. Shuman seconds the motion.

The date for the site walk is 6:30 PM Wednesday, May 20<sup>th</sup>. Mr. Desmond will get copies of the fire department report and supply it to the Board prior to the site walk.

Mr. Desmond advised that the fire department will only be able to give a safety assessment on the building as it currently is.



VOTE: Chairman Seabury asked Clerk Dearborn to poll the Board on the motion to defer the request for a Variance and to record the members' votes, which were as follows:

Ms. Shuman In favor of the motion to defer  
Mr. Martin In favor of the motion to defer  
Mr. Bracket In favor of the motion to defer  
Mr. Pacocha In favor of the motion to defer  
Mr. Seabury In favor of the motion to defer

Chairman Seabury declared that, there having been five votes to defer the request for a Variance the motion had carried.

**4. Case 130-007 (4/23/2015): Rhona Charbonneau, PO Box 2, Hudson, NH requests a Home Occupation Special Exception for the property located at 2 Old Derry Road, Hudson, NH to allow Dr. Roger Gosselin to conduct a chiropractic business out of the existing dwelling. [Map 130, Lot 007, Zoned G; HZO Article VI §334-24 Home Occupations.]**

Clerk Dearborn read aloud the posted notice, as recorded above.

Chairman Seabury asked Mr. Desmond to explain why the matter was before the Board.

Mr. Desmond advised that Dr. Gosselin is applying to run his chiropractic business out of the residence at 2 Old Derry Road which requires a Variance. It was discovered in December during an inspection (furnace installation) that the business is already in there and we've asked him to apply to obtain the Variance.

Chairman Seabury advised that the Board had received a letter from Ms. Charbonneau authorizing Mr. Marcotte to act as her agent in this case. We also have a series of form letters stating consent of Dr. Gosselin's practice. One is signed by Daniel Dubowik (neighbor). However, we later received a second letter revoking his letter of consent. He no longer supports the chiropractic business to operate out of that location.

Tony Marcotte, a Civil Engineer in NH, is representing the Charbonneau's for the Home Occupation Exception. Dr. Gosselin is also present at the meeting.

Mr. Marcotte presented the board with a google map of the home plus two tax maps.

Mr. Marcotte advised the following: Dr. Gosselin lives in the dwelling as does his secretary. The home business takes up less than 30% of the home. Children reside there sometimes (single father). There is a building adjacent to the main home that is currently not occupied as well as a garage which he would someday like to move the business to. The property has mature landscaping and does not lose its buffer during the winter. The property over the years has had many commercial uses including a church, a catering business and a garage. Dr. Gosselin's intent is to keep the structure as is. The business area contains adjustment tables, one water jet massage, a reception desk and other tables. The kitchen is on the first floor and all the bedrooms are upstairs. The garage is used for personal vehicles.

The only sign will be one that is permitted and in the same color scheme of the home. A picture of the sign was supplied to the Board. There is no exterior storage proposed. Old Derry Road already has

significant traffic due to commuters and the addition of this business will not add any more traffic. There are currently two driveways to enter and leave the property.

Chairman Seabury advises that he will step down from the case because Ms. Charbonneau is an old family friend so there is a conflict of interest. Mr. Martin will act as the Chairperson for this case.

Mr. Martin seated Mr. Nolin in place of Mr. Seabury.

Dr. Gosselin takes the podium and advises that, under Section 334-24 Home Occupation in the Town Ordinances, a special exception is only needed when the home is in a more traditional setting.

Ms. McGrath asks Mr. Gosselin if he is leasing the property.

Mr. Gosselin answers that it is a lease with option to buy.

Lynn Sabeau, an attorney with Boutin and Altieri out of Londonderry, NH takes the podium. She is representing Dan Dubowik of 223 Derry Road and 221 Derry Road. Ms. Sabeau provided the Board with maps showing the relationship between 2 Old Derry Road and 221/223 Derry Road. Mr. Dubowik is the only abutter to the property of 2 Old Derry Road; therefore, he is the most affected person by the application.

Mr. Dubowik has the following concerns: He doesn't feel that the applicant has demonstrated that the general and specific rules of the Zoning Ordinances for a Home Occupation Special Exception have been met. Thus, without sufficient evidence to show that all the criteria have been met the application should not be granted. His concerns are not knee-jerk responses; he toured the facility, spoken with Dr. Gosselin and considered all the home occupation requirements before retaining legal counsel. He asks the Board to consider whether they have sufficient information to make a decision. During his home tour, Mr. Dubowik observed that there are about 20 machines for the business, taking up the entire first floor of the property. There is also a secretary there but there has been no mention of whether or not she lives on the property. The board has not been provided a diagram of how the machines are laid out nor how much of the first floor they actually take up which, in his estimation, is larger than the stated 30% of the home. There are no affidavits in the application from either Dr. Gosselin or Ms. Charbonneau taking responsibility for violations of this chapter which is one of the requirements of the application. Mr. Dubowik would like such an affidavit to be a condition of approval of the Variance. Also, Mr. Dubowik is not convinced that Dr. Gosselin lives there. The kitchen does not have a fridge or a stove, again raising questions about whether they live there. One of Mr. Dubowik's big concerns is the septic system. There are discharges from the septic system going onto his property and he feels that 20 clients per day would significantly impact the septic capacity. This is before considering the water jet massage which would further tax the septic system because the water needs to be changed between each use. Regarding parking, Mr. Dubowik is requesting that there be no customer parking to the side of Mr. Gosselin's garage since it is close to his property.

Jake Holden, a relative of the Dubowik's and a resident of 8 Old Derry Road takes the podium. He does not support the business being in the home at 2 Old Derry Road. He owns a business and has a separate location for it and feels that Mr. Gosselin should as well.

Ms. McGrath asked considering there are 20 cars per day, how many patients does Dr. Gosselin anticipate.

Dr. Gosselin answers that they are open 10 hours per day. They have 25 patients on a good day, spread over a 10 hour timespan. Dr. Gosselin has one employee, a secretary.

Ms. McGrath asked if there are appliances in the kitchen.

Dr. Gosselin answers yes the kitchen is fully furnished and invited the Board to do a site visit to confirm. He advised that Mr. Dubowik has a beef with Rhona Charbonneau and that none of this has anything to do with him personally.

Ms. McGrath comments that regarding the septic system, it can't be in failure and cannot be causing a problem to him or neighbors. It must be able to accommodate the addition of 25 patients per day.

Dr. Gosselin states that the septic system was inspected 2 years prior by a company in Londonderry and was fine. It was done as part of a home inspection because Dr. Gosselin intended to buy the property but it fell through due to financing.

Mr. Desmond asked Dr. Gosselin if his address has been officially changed yet. Dr. Gosselin said yes.

Mr. Desmond asked Dr. Gosselin to confirm that he has no other residences.

Dr. Gosselin confirmed he has no other residences.

Mr. Dearborn asked why the two opposing neighbors were originally were in favor and what changed their mind.

Jake Holden of 8 Derry Road said he was never in favor of the home chiropractic office. However, the Zone Board is in possession of a form letter from Audrey Holden (Mr. Holden's wife, Mr. Dubowik's daughter) stating she was in approval of it. Mr. Holden seemed to not be aware of this letter.

Mr. Brackett asked Dr. Gosselin to explain the parking situation. Where will customers park?

*Dr. Gosselin left the microphone to go to the screen so I was unable to hear him clearly over the video.* He discussed his intent for parking and reiterated that he wants to keep the area nice and be flexible with the neighbors.

Ms. McGrath asked if we were to grant the Variance, would you limit the parking to the area you pointed out as a condition of the Variance?

Dr. Gosselin said yes.

Ms. Shuman asked Mr. Desmond a question. If the practice gets too big and needs to be moved out to the separate garage structure on the property, does that require Dr. Gosselin to come back in front of the Zoning Board?

At first, Mr. Desmond answered yes but after further discussion it is not clear at this time what would happen in the case.

Ms. McGrath suggests that a stipulation be added that since Dr. Gosselin is leasing the property and does not own it, that the Variance is only for him and his business. It does not mean someone else can move in and open a business.

Mr. Marcotte resumed the podium and advised that the business does not take up more than 30% of the home, as was questioned by Attorney Sabean.

Attorney Sabean reiterated that if the law is not being met, please don't grant the Variance. If it is, then grant it.

Mr. Brackett asked if the Board is ok with the lack of a plot plan with the application.

Ms. Shuman advised that the Board does not typically get a plot plan for a Home Occupation Exception. Mr. Martin agreed. Plot plan is not required.

Ms. McGrath reminded the Board that Attorney Sabean would like an affidavit concerning responsibility for the business and supports the idea.

Mr. Marcotte advised that he thought that Ms. Charbonneau providing the letter was sufficient but was fine with the affidavit.

Mr. Desmond asked Dr. Gosselin if the secretary pays rent and requested a full list of names of those who reside there.

Dr. Gosselin advised that she does not pay rent and that the requested information will be provided.

Mr. Pacocha asked if anyone on the Board has reviewed the site.

Mr. Desmond said he's been there a couple of times in both the residence and the garage. He did not go upstairs at all. The kitchen had all the appliances

Ms. McGrath noted that it appears that the information surrounding the secretary is sensitive. We should require that we get the name of this person from Dr. Gosselin and Mr. Desmond will keep it with the file.

Mr. Dearborn asked if the secretary will be staying there for a long time or will she be moving out.

Dr. Gosselin said that this is a transition period for her but she will eventually move on. She just started back at school so it won't be for a while.

Mr. Martin reminded Dr. Gosselin that with home occupation there cannot be an employee. Everyone must live on the premises.

Ms. McGrath requested that the Board go over the recommended stipulations.

1. Entrance to Derry Road be blocked off
2. Parking be restricted in the area identified by Dr. Gosselin to the South of the garage.
3. State who is responsible for the property
4. Provide septic report as part of the package

5. Be specific that this is home occupation and not dual use

6. *There were two other stipulations but I could not decipher them on the video*

Mr. Brackett made a motion to approve the Variance with the stipulations.

Mr. Nolin seconded the motion.

VOTE: Mr. Martin asked Clerk Dearborn to poll the Board on the motion to approve the request for a Variance, with the noted stipulations, and to record the members' votes, which were as follows:

Ms. Shuman	To grant
Mr. Martin	To grant
Mr. Brackett	To grant
Mr. Pacocha	To grant
Mr. Nolin	To grant

Mr. Martin declared that, there having been five votes to approve the request for a Variance, with the stated stipulations, the motion had carried.

Chairman Seabury resumed the role of Chairman.

Mr. Nolin was returned to his seat as an alternate.

#### **IV. APPROVAL OF MEETING MINUTES**

The following changes/edits were made to the meeting minutes from February 26, 2015.

1. Page 1: There are two alternates listed as present. Put "and" in between them.
2. Page 3: Center of the page. Chairman Seabury stated that motion was made and seconded before the Board had a chance to weigh in. Strike this line because there was no motion made at that point.
3. Page 3: 3<sup>rd</sup> paragraph from the bottom starting with Mr. Patrick Coburn...halfway through the second sentence. Change Jim Maddox to James Baddis.
4. Page 4: Fix the spelling of the word video.
5. Page 5: 3<sup>rd</sup> paragraph in the middle. Change Citing to Stating.
6. Page 6: 4th paragraph from the bottom. Changed "what the proposal" to "asked the proposal".
7. Page 7: 1<sup>st</sup> sentence on top. Take out "whether or not". That whole sentence needs to be reviewed. Chairman Seabury does not want to add words without knowing what was meant.
8. Page 9: 3<sup>rd</sup> line from bottom. Eliminate the very first word.
9. Page 10: 5<sup>th</sup> paragraph from the bottom. *I could not understand what the change was here.*
10. Page 11: 5<sup>th</sup> paragraph from the bottom. Mr. Nolin was not at the meeting so that needs to be updated. Change the name to Miss Davis. In the sentence above that the word "Showed" is spelled wrong.
11. Page 12: Mr. Martin has two votes. Remove one, change five to four.
12. Page 13: Change the word "meetings" to "minutes".
13. Page 14: 2<sup>nd</sup> line Ms. Second 2<sup>nd</sup>ed the motion. Change to Ms. Shuman.

## V. CLOSING DISCUSSIONS

Mr. Martin commented that a certain Board member (name not mentioned) has not been present and is not responding to outreach.

Chairman Seabury commented that if a Board member misses two meetings in a row we can consider them resigned.

Mr. Martin made a motion to consider that person resigned.

Ms. Shuman seconded the motion.

VOTE: All members voted in favor. The motion passed unanimously. Chairman Seabury will send a letter. Ms. McGrath wants to give said person the chance to resign instead of removing them from their seat.

## VI. ADJOURNMENT

All scheduled items having been processed, Mr. Martin made a motion to adjourn the meeting.

Ms. Shuman seconded the motion.

VOTE: All members voted in favor. The motion passed unanimously. Chairman Seabury declared the meeting to be adjourned at 11:11PM.

Date: April 23, 2015

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J. Bradford Seabury, Chairman