



TOWN OF HUDSON

Zoning Board of Adjustment



Gary A. Dearborn, Chairman

Marilyn E. McGrath, Selectmen Liaison

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

MEETING MINUTES – October 22, 2020 – approved

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

Vice Chair/Acting Chair Gary Dearborn called the meeting to order at 7:03 PM and invited everyone to stand for the Pledge of Allegiance.

Mr. Dearborn read the COVID-19 meeting procedure that in conformance with the NH State of Emergency Order #12 confirmed the following: (a) providing public access to meeting by telephone and video access; (b) provided public notice on how to access the meeting; (c) mechanism to advise if there is a problem with accessing meeting and (d) should there be an issue with accessibility, the meeting will need to be adjourned and rescheduled; and (e) that voting would be by roll call vote. Mr. Dearborn stated that the Board would go into recess so that the public could call in their questions or concerns during public testimony and added that if anyone cannot gain access, that the meeting would need to be adjourned. Mr. Dearborn noted that specific instructions for meeting access was included in both the Applicant Notification and the Abutter Notification and were posted on the website.

Mr. Buttrick read the Preamble into the record, identified as Attachment A of the Board's Bylaws, which included the procedure and process for the meeting, and the importance of the 30-day time period for appeal.

Clerk Daddario took attendance and noted that Chairman Charlie Brackett was a great asset to the Board and his resignation is a loss. Members present were Gary Daddario (Regular/Clerk), Gary Dearborn (Regular/Vice Chair/Acting Chair), Brian Etienne (Regular), Leo Fauvel (Alternate) and Ethan Severance (Alternate). Excused were Jim Pacocha (Regular), Marilyn McGrath, Selectman Liaison and Kara Roy, Alternate Selectman Liaison. Also present were Bruce Buttrick, Zoning Administrator, and Louise Knee, Recorder (via audio and visual remote access). For the record, Alternates Fauvel and Severance were seated to vote.

III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. Case 152-001 (10-22-20): Christopher Porembski, 22 Mallard Dr., Hudson, NH requests a Home Occupation Special Exception to operate an internet sales of firearms business that requires a Federal License. Occasional face to face sales/transactions will be on site. [Map 152, Lot 001-000; Zoned General One (G-1); HZO Article VI, Special Exceptions, §334-24, Home Occupations].

Not Official until reviewed, approved and signed.

Approved 11/12/2020 as edited.

Mr. Buttrick read the Case into the record, referenced a similar Case that was before the Board and noted that additional abutter comments have been received and both can be found in the supplemental meeting folder.

Chris Poremski, seated at the applicant's table and masked, introduced himself, stated that this is a hobby of his, that he has been collecting and selling antique firearms for approximately nine (9) years with a FFID 03 License and now wants to obtain an FFID 01 License so he can contact the NH State Police and the FBI for background checks. Mr. Poremski stated that the work is primarily on-line, primarily between Federal Firearms License holders, that there could be occasional face-to-face transactions, that there will be little to no inventory on site and that he has been working with ATF in Manchester, NH.

Mr. Poremski next addressed the criteria of the Home Occupation Special Exception and the information shared included:

- Principal use remains as his home for his family
- This is a secondary use and will only utilize a small office space
- This use would only occur within the residence
- There will be no exterior display, no exterior storage and no sign
- There will be no noise, vibrations, dust, smoke, electrical disturbance, odor, heat or glare produced
- Being primarily an internet based business, there will not be any substantial increase in traffic
- His driveway can handle any need for parking
- There is no need for a vehicle for this business, he has a personal vehicle
- There are no employees, he (Mr. Poremski) will be the only one involved

At 7:16 PM. Mr. Dearborn declared a five-minute recess for call-ins. At 7:21 PM, Mr. Dearborn called the meeting back to order. Mr. Buttrick reported that there are three (calls) waiting to address the Board.

Public testimony opened at 7:22 PM. The following individuals addressed the Board:

- (1) Tom Fincher, 20 Mallard Drive was on the telephone, stated that he lives next door and asked for an example on who would be using this service and what a typical transaction would look like. Mr. Poremski responded that he is part of a community that buy/sell, that hold a Federal license to sell, that he would like to obtain a FFID 01 license so he can do background checks, that ATF mandates that log books be kept of receipt of guns and are strict with shipping requiring either overnight or two-day express, and that an example would be the liquidation of an estate. Mr. Fincher noted that strangers would then be coming to the neighborhood. Mr. Poremski stressed that there would be no retail sales and only scheduled appointments would enter the neighborhood.
- (2) Elaine Gentile, 19 Mallard Drive was on the telephone, stated that appointments are okay with her and asked what if someone just shows up with guns. Mr. Poremski responded that no one will know his address, he

has no website and relies on “word of mouth” for advertising and added that there are specific dealers in his community, that, for example, he deals with a dealer in Amherst for antique guns and ATF advised him to not limit to just antique guns for internet sales; that this is a hobby for him, not a primary source of income and that he wants the FFID 01 license so he can do background checks. Ms. Gentile asked what the next level would entail, what would be needed and questioned whether a precedent was being established. Mr. Porembski responded that it would probably need retail space and if that were to happen it would not be in the neighborhood. Ms. Gentile stated that safety is her primary concern. Mr. Porembski concurred and added that going from the FFL 03 to the FFL 01 license would allow him to do background checks.

- (3) Gail Tulipani, 23 Mallard Drive, was on the telephone, thanked Mr. Porembski for reaching out to the neighbors and providing handouts and asked how this information and his address is disguised from the public because her concern is potential criminal intent to become a target and jeopardize the neighborhood. Mr. Porembski stated that there is no retail inventory kept at his home, people don't come to “shop”, that there are websites, like Gunbroker, that carry listings of items for sale, that he deals with licensed dealers who would receive the firearm he is selling and make arrangements for delivery to his buyer, added that ATF requires that logs be kept and performs an annual inspections, and noted that he has a Category 5 safe. Ms. Tulipani stated that the neighborhood children play in the circle, that neighbors have gatherings in the circle and asked the frequency of face-to-face transactions. Mr. Porembski responded that he anticipates twelve (12) per year and added that he has been doing it for the past nine (9) years with antique firearms. Ms. Tulipani stated that there is a bullet hole in the side of her house and wondered if it came from one of his firearms. Mr. Porembski assured her that there is absolutely no discharge of firearms from his property.

Mr. Dearborn asked if anyone present in the public wished to comment on the Case. No one came forward. Mr. Dearborn noted that several emails have been received and are now part of the Case file and asked Mr. Buttrick to read one into the record.

- (4) Email received from Monica Holm, 6 Mallard Drive, expressed concerns for the safety of the children in the neighborhood, access to firearms, potential harm, affect reputation of neighborhood and that could affect property values and raise their insurance rate.

Public testimony closed. Additional emails can be found in the Case folder. It was noted that the emails were in opposition.

Mr. Daddario stated that his main concerns deal with the selling of firearms and ammunition. Mr. Porembski stated that there is no ammunition involved, that he anticipates twelve (12) transactions/sales per year, that he primarily sells to other FFID license holders, and that people do show up with guns for him to sell, and added that for a transaction to occur, their physical presence is required because he must witness their signing in order for him to conduct a background check.

Discussion continued and focused on inventory and “retail sales”. Any firearm kept and stored in Mr. Porembski’s Class 5 safe can be considered inventory. Any transaction involving the exchange of money at the residence is a “retail sale”. The Zoning Ordinance expressly prohibits retail sales in a Home Occupation Special Exception (Section 334-24 Item F). The term “retail sale” is not defined in the Zoning Ordinance. Reference was made to a similar Case back in 2012 and in response to a condition set then to install a security system tied into the Hudson Police Department, Mr. Porembski responded that he would need to check the cost before agreeing. In response to the location of the office, Mr. Porembski stated that it is located in his basement with no outside access, that it can only be accessed by the stairway in his home.

Mr. Etienne stated that even though testimony has been received that the residence address is not advertised and therefore minimizes any risk of exposure to someone with a criminal intent, it has been advertised and is being discussed at this meeting and this meeting is televised and part of public record.

Mr. Dearborn asked if the Police Department has knowledge of all gun dealers in Hudson. Mr. Buttrick responded that they are made aware. Mr. Porembski added that when he received his current license, he sent a copy to the Police Chief and at that time there were eight (8) dealers in Hudson.

Mr. Daddario made a motion to approve the Home Occupation Special Exception (HO/SE) with four (4) stipulations: (1) that a security system connected to the Police Department be installed; (2) that there be no retail sales at the residence; (3) that all firearms to and from the residence be transferred in a locked container; and (4) that no marketing or advertising contain the home address. Mr. Severance asked for clarification whether retail sales included or excluded face-to-face meetings at the premise. Mr. Daddario stated that his intent was to exclude money exchange at the premise. There was no second to the motion.

Mr. Etienne made a motion to deny the request for a Home Occupation Special Exception based on the retail nature involved and the neighbors’ concerns. Mr. Fauvel seconded the motion and noted that typically in a HO/SE items sold are those that are made in the home, and the firearms are not, and added that he has concerns that this is a slippery slope. Roll call vote was 4:1. Mr. Daddario opposed. The HO/SE request was denied. The 30-day appeal period was noted.

2. Case 247-045-014 (10-22-20): Cody Decker, 11 Lucier Park Dr., Hudson, NH requests a Variance to locate an 8 ft. by 10 ft. shed that encroaches into the side yard setback leaving 3 ft. and into the rear yard setback leaving 5 ft, where 15 ft. is required for both setbacks. [Map 247, Lot 045, Sub lot 014; Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements, §334-27, Table of Minimum Dimensional Requirements].

Mr. Buttrick read the Case into the record. Cody Decker sat at the applicant’s table wearing a mask and introduced himself. Mr. Decker stated that he would like to place an 8’ x 10’ shed on his small lot (approximately one quarter of an acre lot) in his

backyard at the left rear corner that would be on a sonar tubes matching style and color of his home and would be behind a fence.

Mr. Decker addressed the criteria for the granting of a variance. The information shared included:

(1) not contrary to public interest

- shed will be new, sturdy and match the style and color of his home
- sheds are customary accessory use to residences
- shed will blend in with the rest of the new Sousa developed 22-single-family home neighborhood

(2) spirit of Ordinance observed

- shed will be used to store tools, outdoor power equipment, yard maintenance equipment and storage bins that would otherwise be exposed to the weather or under a tarp
- shed will be behind a 6' white vinyl privacy fence and set back to not cause any view obstruction issues to surrounding properties

(3) substantial justice done to property owner

- shed will provide much needed sheltered storage

(4) will not diminish surrounding property values

- shed will add value to the home and will not impact any surrounding property values

(5) hardship

- lot has a unique feature in that there is a drainage trench for the subdivision in the front yard
- septic system is placed on the right side of the residence
- land slopes creating a grade change on the adjacent right rear corner

Mr. Dearborn declared a five-minute recess at 8:10 PM for the public to call-in. At 8:15 PM, Mr. Dearborn called the meeting back to order, Mr. Buttrick reported that there were no call-ins and Mr. Dearborn asked if anyone in the audience wished to address the Board. No one responded. Public testimony closed at 8:16 PM.

Mr. Etienne asked to have an aerial view to show where the septic is located on the right of the property. Mr. Etienne noted that the shed would be mounted on sonar tubes and asked if it would also have a light, needing an electrical feed. Mr. Decker stated that he would like it to have a light. Mr. Buttrick noted that a shed less than two hundred square feet (<200 SF) does not require a Building Permit; however it would require an Electrical Permit if a light is to be installed.

Mr. Daddario noted that hardship is based on the land and that the Zoning Ordinance prohibits sheds in the front yard and that the septic system and steep slope eliminate placement to the right of the residence; however, asked why the shed could not be moved further to the front and avoid the need for a rear setback variance or moved further into the yard to avoid a side setback variance. Mr. Cody responded and pointed out that if the shed would be moved closer to the front it would block access to his house and that a deck and patio already exist in his back yard that prevents the

shed from sliding over to eliminate a side yard setback variance. Mr. Dearborn noted that all the lots in this development are small (100' x 100') and thanked Mr. Decker for coming to the Board before getting the shed.

Mr. Etienne made the motion to grant the variance noting that there exist several hardships with this lot including its small size and its slope and placement of the septic system and added that aesthetically it would match the house. Mr. Daddario seconded the motion and added a stipulation that an Electrical Permit would be needed if the shed is to have electricity. Comments made that pulling an Electrical Permit is already a requirement – and it was recognized that sometimes pulling one is overlooked. Mr. Etienne agreed to adding the stipulation to his motion. Roll call vote to grant the Variance with one (1) stipulation was 5:0. Variance granted. The 30-day appeal period was noted.

3 Case 194-004 (10-22-20): Jeffrey Lamothe, 37 Speare Rd., Hudson, NH requests a Home Occupation Special Exception to operate a home office for an online automotive wholesale dealer business/entity. [Map 194, Lot 004-000; Zoned General (G); HZO Article VI, Special Exceptions, §334-24, Home Occupations].

Mr. Buttrick read the Case into the record. Jeff Lamothe sat at the Applicant table with mask on, introduced himself and thanked the Board for their time. Mr. Lamothe stated that he needs a home office to hang his wholesale dealer license for his online business and process paperwork. Mr. Lamothe stated that there is no retail business from his home, that he buys vehicles at auctions, either on line or in person, and ships vehicles he purchases directly to dealerships or to another auction. Mr. Lamothe added that the pandemic (COVID-19) forced him to close his business and with young children now engaged in remote learning, this opportunity will help him provide for his family. Mr. Lamothe stated that, in his opinion, the NH State requirements for a dealership license are a bit archaic in that even though there will be no business transacted at his home, mandate that a sign with ten inch (10" lettering and hours of operation be posted. Mr. Lamothe distributed sample sign.

Other information shared by Mr. Lamothe included:

- there will be no on site services provided
- strictly a home office, with computer and desk, needed for online auto wholesale dealer license to process paperwork and receive mail
- aside from the sign required by the State of NH, there will be no other indication on the property that it serves an online business
- there will be no noise, vibrations, dust, smoke, electrical disturbances etc.
- there will be no exterior storage
- there will be no parking required as no customers come to home
- no vehicles required for online business, will use personal vehicle, a full sized pick up truck

At 8:32 PM Mr. Dearborn declared a five-minute recess for call-ins. At 8:37 PM Mr. Buttrick stated that no phone calls were received. Mr. Dearborn asked if anyone in the audience wished to address the Board. No one did. Public testimony ended at 8:38 PM.

Mr. Daddario made the motion to approve the Home Occupation special Exception. Mr. Etienne seconded the motion. Mr. Buttrick asked if stipulations could be added, specifically (1) that there be no 'for sale' vehicles on site and (2) that the applicant obtain a Sign Permit. Mr. Lamothe stated that as a citizen of NH he is allowed to sell up to four (4) vehicles per year from his property, that soon he will be trying to sell his wife's car privately and that he would not endanger his dealership license. Mr. Daddario agreed to adding the stipulation regarding a Sign Permit to his motion. Mr. Etienne agreed to add the stipulation to his second. Roll call vote to grant the Home Occupation Special Exception with the stipulation that the applicant obtain a Sign Permit was 5:0. Special Exception granted. The 30-day appeal period was noted.

4. Case 191-037 (10-22-20): Kenneth Bishop & Mary Sullivan, 19 B St., Hudson, NH requests a Variance to build a 40 ft. by 22 ft. pavilion that encroaches into the side yard setback leaving 0.6 ft. and rear yard setback leaving 3.6 ft., where 15 ft. is required for both setbacks. [Map 191, Lot 037-000; Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements, §334-27, Table of Minimum Dimensional Requirements].

Mr. Buttrick read the Case into the record. Kenneth Bishop and Mary Sullivan sat at the applicant's table and introduced themselves. Mr. Bishop stated that the neighborhood has three (3) pools in close proximity and the surrounding trees were causing issues with the roots buckling the concrete and they were cut down. Mr. Bishop stated that they live at the top of a hill where it gets very windy and the pop up tents they erected for protection from the sun just blow away and cause a safety concern. Mr. Bishop addressed the criteria for the granting of a variance and the information shared included:

- (1) *not contrary to public interest*
 - only five (5) neighbors will see the pavilion
 - with three (3) pools within a child's throw of one another, the pavilion will actually blend in
- (2) *spirit of Ordinance observed*
 - will actually provide safety as, unfortunately, the wind takes two (2) 12'x12' pop-up canopies a year regardless of how they are secured
 - last year a pop-up canopy landed in Mr. Robert's yard (abutter Jean Guy Robert, 20 Belknap Road and could have hurt someone
 - a true structure is necessary
- (3) *substantial justice done to property owner*
 - a permanent structure will provide safety for everyone
 - Mr. Bishop comes from a family of eight (8) and Ms. Sullivan comes from a family of nine (9) and they host many family gatherings
- (4) *will not diminish surrounding property values*
 - the pavilion is a roof supported by thirteen (13) legs/posts and will cost approximately \$6,500
 - close with neighbors and spend time together and enjoy cook-outs
 - have spoken with direct abutters and those who will be able to see it and they are excited and supportive

(5) hardship

- the roots of the trees were destroying the concrete surrounding the pools in two (2) yards – actually buckled up six inches (6”) in some spots
- the breezy conditions make canopies dangerous
- it’s a pool building in the middle of two (2) pools
- safety for family and friends
- ability to truly enjoy the yard

Ms. Sullivan added that coverage from the sun is very important, especially since the trees have been cut, and added that they did check out pergolas and they come in 16’x16’ size and they would need two (2) and decided to go full canopy with the added feet to provide coverage from exiting the house with food.

At 8:48 PM, Mr. Dearborn declared a five-minute break for call-ins. At 8:53 PM, Mr. Buttrick reported that no phone calls were received. Mr. Dearborn asked if anyone in the audience wished to speak. No one spoke. Public testimony ended at 8:54 PM.

Mr. Etienne stated that there is a pool house already in the rear setback, up to the property line, and asked if it was granted by a Variance. Mr. Buttrick stated that he checked, found none and added that he found paperwork for the 7’x10’ shed on the left side behind the garage dated 1977. Mr. Etienne stated that the property owner should seek an Equitable Waiver. It was also noted that the pool extends into the rear setback according to the plan prepared by Jeffrey Land Survey LLC received on 10/1/2020. Mr. Bishop stated that it covers the pool pump so it is a pump house and not a pool house for people use. Ms. Sullivan stated that the pump house was present when they moved in and was told it was ‘grandfathered’.

Mr. Fauvel inquired about the height of the proposed pavilion at the peak. Ms. Sullivan responded that it would be twelve feet (12’) high. Mr. Fauvel asked about roof water run-off and Mr. Bishop responded that there would be gutters to handle water from the roof.

Mr. Severance asked why the size was selected. Ms. Sullivan stated that it fits the size of the area and could accommodate their large families and the expansion from the two (2) pergolas to cover the back door will be beneficial when bringing out food. Mr. Fauvel stated that there appears to be room on the other side of the pool and Ms. Sullivan stated that it would be impractical when carrying food out of the house.

Mr. Dearborn inquired about the floor and Mr. Sullivan stated that it was concrete and will be replaced. When asked, Mr. Bishop responded that the current concrete floor was poured six inches (6”) from the property line and that the thirteen (13) posts needed for the pavilion roof would actually be placed more than one foot from the property line and hang over to within six inches from the property line and added that there is a chain link fence at the property line.

Mr. Dearborn made the motion to deny the variance as the proposed size is excessive and it failed to satisfy all the variance criteria. Mr. Etienne seconded the motion and agreed that the size is excessive, that six inches (6”) is troublesome, that he personally has more than one hundred first cousins so he understands large families but a

smaller pavilion is possible, and it does not meet the hardship criteria. Roll call vote was 5:0 to deny the variance. Mr. Dearborn noted that there is still the issue with the pool/pump house in the setback that needs to be addressed and suggested contacting Mr. Buttrick to resolve.

5. Case 157-001 (10-22-20): Andrea Mastrangelo, 56A Ledge Rd., Hudson, NH requests a Home Occupation Special Exception to operate a home hair salon color studio business in the basement area of the primary residence. [Map 157, Lot 001-000; Zoned Residential-Two (R-2); HZO Article VI, Special Exceptions, §334-24, Home Occupations].

Mr. Buttrick read the Case into the record. Andrea Mastrangelo connected with the Board via telephone, introduced herself, stated that she ran her business in Nashua, closed it due to Covid-19, would like to continue servicing her existing clients, which would involve approximately twenty five (25) or less visits per month, would not advertise for more new clients, would not have a sign. Ms. Mastrangelo stated that she has her landlord's permission to convert/use a portion of the 12' x 16' section of the finished basement that also has separate entrance for her clients at the rear of the house. Review of the Home Occupation Special Exception criteria revealed additional information that included:

- Hair salon color studio – only cut and color hair for current clients
- Uses natural eco friendly products
- Will actually only use 12'x12' of the finished basement
- No employees
- No storage, no noise vibrations dust etc
- Only one client at a time – will park in the driveway
- Expect one to five (1-5) clients a week

Mr. Buttrick asked Ms. Mastrangelo to address the Staff comments received from the Town Engineer, Fire Department and Zoning Administrator. Ms. Mastrangelo responded: she lives in a duplex, on the left side (aerial view showed multiple vehicles on the right side, one vehicle in the left driveway and one vehicle parked aside the left driveway which Ms. Mastrangelo stated was her VW vehicle that is for-sale); that there would only be one (1) car per client who would park in her driveway as it can accommodate three (3) cars; that the salon will have a separate entrance at the rear so customers would park in the driveway and use the walkway at the side to reach the door at the rear; that she would install a handrail for added customer safety; that the water comes from a shared artesian drilled well and capable of handling the salon business; that she will install water-savers on the hose in the salon; and that with regard to the septic system, she has spoken with the property owner and there is no concern as it is maintained regularly.

Mr. Buttrick stated that: a Building Permit would be needed for the Change-of-Use; that the building is assessed as having three (3) bedrooms for each unit and the septic system is designed for only four (4) bedrooms and that could lead to premature failure so it would be prudent to have a Septic Engineer review and submit written documentation; and that a well company/driller could review existing well to confirm it can handle the addition of the salon business.

Mr. Dearborn declared a five-minute recess at 9:23 PM for call-ins. At 9:26 PM, Mr. Dearborn opened public testimony.

- (1) Richard and Sandra Joyce, 58 Ledge Road, sat at the table and addressed their concerns. Mrs. Joyce stated that she has concerns with chemicals, peroxide and bleach, used and the impact to the septic system and possible leach to groundwater; all neighbors have wells; and there is a brook at the back of the property. Mrs. Joyce asked about the list of products to be use and whether they were environmentally safe. Mrs. Joyce stated that she was glad to read that there would be no sign but expressed concern with cars already parked on the lawn.

Mr. Joyce stated that according to their research, SIC classifies salons as a hazardous business, that records are to be kept of hazardous waste and asked how that was to be tracked and noted that according to the Zoning Ordinance parking it to be offstreet.

Mr. Dearborn noted that the driveway can accommodate three (3) vehicles.

Ms. Mastrangelo stated that she does not own the property but does have a contract with the property owner regarding the salon; that she lives in the left unit and it is her VW that is for-sale on the lawn and thought it was placed not to inconvenience anyone; and that she has MSDS Sheets on her products and willing to provide them with a copy, that she uses a pulpriat product and the color is actually a stain; and added that she does peroxide but does not use acids and does not do perms.

Mr. Dearborn noted that emails were received and asked Mr. Buttrick to read into the record.

- (2) Dave Irving, 59 Ledge Road, emailed that he is against the salon, that there is no parking, that it is a dead-end street, well/water concerns, questioned products to be used and impact on septic system, noted that there are no facilities in the basement and questioned number of clients per day and expressed concern because he works second-shift and sleeps during the day.
- (3) Linda Mitchell, 57 Ledge Road, emailed her opposition to the salon and concerns regarding private wells and chemicals to be used, parking, depreciation of her property's value and potential growth of the business.

Ms. Mastrangelo stated that the other tenants have several vehicles, that she is respectful and willing to provide MSDS Sheets, that she spends between three to six (3-6) hours per visit per client, that she does not need to grow her business, that she had a big salon but no more because of medical issues and has a high risk baby in the house, referenced the proposed floor plan to finish the basement and noted that she has two (2) bathrooms in her unit and the one on the main level at the head of the stairs would service her clients.

Public testimony closed at 9:44 PM.

Mr. Dearborn stated that number of clients and parking can be clarified in a stipulation but the concerns raised regarding wastewater, chemicals and well(s) fall

under the “objectionable circumstances” criteria and should be explored and resolved and suggested deferment. Ms. Mastrangelo stated that the Board of Cosmetology limits salons to one (1) client at a time, agreed with deferment and added that box hair color used in homes are more chemically dangerous.

Mr. Dearborn made the motion to defer review of the Case so that the Applicant can provide MSDS Sheets, seek review by a Septic Engineer/Designer and Well Designer as to their ability to service the proposed salon business and submit for review/acceptance by the Town Engineer. Mr. Fauvel seconded the motion. Roll call vote was 5:0. Case deferred.

IV. REQUEST FOR REHEARING: No requests received for Board consideration.

V. REVIEW OF MINUTES:

9/19/20 Site Walk- edited Minutes

Motion made by Mr. Etienne, seconded by Mr. Daddario and unanimously voted to approve the 9/19/2020 Minutes as edited.

9/24/20 edited Minutes

Motion made by Mr. Fauvel, seconded by Mr. Severance and unanimously voted to approve the 9/24/2020 Minutes as edited.

VI. OTHER:

2020 Virtual Land Use Law Conference- Saturday, October 31, 2020- Registration is Open

Mr. Buttrick asked that the list and schedule of topics provided be reviewed and to contact him for registration.

Election of Officers

Motions made, seconded and unanimously voted to elect the following Officers to the end of the calendar year: Chairman Gary Dearborn; Vice Chair Gary Daddario; Clerk Brien Etienne.

Next Meeting

Due to the Thanksgiving Holiday, next meeting is November 12, 2020

Motion made by Mr. Dearborn, seconded by Mr. Fauvel and unanimously voted to adjourn the meeting. The 10/22/2020 ZBA meeting adjourned at 10:10pm.

Respectfully submitted,

G A Dearborn, ZBA Chairman