

**TOWN OF PELHAM
ZONING BOARD OF ADJUSTMENT
May 8, 2023**

Chairman David Wing called the meeting to order at approximately 7:01 pm.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT ROLL CALL: David Wing
David Hennessey
Danielle Masse-Quinn
John Westwood
Ken Stanvick
Alternate Matthew Welch
Planning Director/Zoning Administrator Jennifer Beauregard
Recording Secretary Cassidy Pollard

ABSENT: Alternate Shaun Hamilton

MINUTES

April 10, 2023

MOTION: (Hennessey/Masse-Quinn) To approve the March 13, 2023, meeting minutes as amended.

VOTE: (5-0-0) The motion carried.

Mr. Wing stated that Planning Director Beauregard handed out the new Town email and texting policy to all the Board members. He explained that Board emails will no longer be sent out to non-Town emails. He urged the Board to read the policy and to start using their Town emails if they aren't already. Mr. Wing explained to the Board that they were also given changes to the Planning and Zoning laws as well as Land Use changes in 2022.

Mr. Westwood thanked Ms. Pollard for her work as recording secretary. Mr. Wing stated that he also appreciated the effort she made in the last meetings minutes and thanked her for doing a very good job.

CONTINUED HEARINGS

**CASE# ZO2023-00009
Map 7 Lot 4-180-22**

GAGNON, Brett and Gagnon, Paul R. & LaGarde, Yvonne – 24 Benoit Ave. - Seeking a Variance concerning: Article VII Section 307-39 of the Zoning Ordinance to permit removal of 3 trees located in the 50’ wetland buffer (WCD) of two different wetland areas, to facilitate the construction of a ground mounted solar array.

Mr. Hennessey recused himself from the case. Mr. Welch was appointed to vote in his place. Abutters and the five criteria for a variance were read into the record at the previous meeting.

Mr. Brett Gagnon approached the Board.

Ms. Masse-Quinn read the letter from the Conservation Commission dated April 20, 2023, into the record.

Mr. Wing asked Mr. Gagnon if there was anything that he would like to add. Mr. Gagnon responded that he appreciates all the Board’s time and the Conservation Commission’s time in reviewing his request.

Mr. Westwood asked if the solar array would be strictly for personal use to power the house that is going to be built there. Mr. Gagnon responded that that was correct and that he didn’t believe he would be making a lot of money giving back to the grid. He explained that the entire house is going to be run on electricity, even the appliances, and that there will be a full geothermal system. He stated that getting to net zero is his goal. Mr. Westwood stated that he understood and that he just wanted to make sure that it wasn’t going to be used as a solar farm for the neighborhood.

Mr. Wing opened the floor to the public. No one came forward that was in favor or in opposition to this proposal. Mr. Wing closed the floor to the public.

DISCUSSION

1 & 2. The variance will not be contrary to the public interest because; and the spirit of the ordinance is observed because:

Mr. Stanvick stated that he believes that the spirit of the ordinance is being observed by allowing this to take place. He explained that believes that substantial justice would be done by allowing this. He stated that his initial comment at the Conservation Commission meeting was to thank the applicant for going through the process because a lot of people will take action and ask for forgiveness. He explained that Mr. Gagnon has gone through what he would consider to be the model process where he brought his proposal to the ZBA and then to the attention of the Conservation Commission. He stated that Mr. Gagnon has been quite receptive and willing to go along with the suggestions that were made by the Conservation Commission and doesn’t see how it would present any negative outcomes from a conservation perspective by allowing this to occur.

Mr. Westwood asked if there was any issue with the septic tank and its location to the solar arrays. Mr. Gagnon replied that he didn't believe there to be any issues and offered an overview of what his plans are. He explained that the general plan has already been approved and that it has an oversized tank to take up any potential burden. He stated that it was an enviro system which is normal practice for most developments and that it was all located outside of the Wetland Conservation District. Ms. Beauregard informed Mr. Westwood that on the third page of his packet there's a plan that shows the septic system and that it is a good distance away from the two proposed solar arrays. She stated that it looked to be about 50' away from the solar arrays. Mr. Gagnon explained that the solar arrays are going to be up on high ground and the septic is down towards the side of the house so 50 feet is a good estimate.

Ms. Masse-Quinn agreed with Mr. Stanvick on the fact that Mr. Gagnon took the step to meet with the Conservation Commission and that she appreciates that. She stated that there were proper checks and balances and that she is in very much agreement with both.

Mr. Welch stated that he agrees on one and two and that it's not contrary to the public interest and that it's greatly in its favor. He explained that Mr. Gagnon is looking to reduce his carbon emissions and that what he is going to do with the solar arrays far outweighs the reduction in carbon emissions from the three trees he's requesting to remove. He stated that Mr. Gagnon is leaving a majority of his five acres of land and is maybe only clearing about a ½ an acre for the house.

Mr. Wing agrees with what has been said by the Board. He stated that he appreciated Mr. Gagnon's effort in speaking with the Zoning Board and Conservation Commission and reiterated that he was following a model process.

Mr. Gagnon applauded the Board and the Conservation Commission and stated that they worked very well together. He explained that both boards followed an excellent process through both the state RSAs and the Town's ordinances by working together and that it shows. He stated that both boards do a fabulous job in Town and that he is so proud to be a part of that and to go through the necessary steps.

3. Substantial justice is done because:

Mr. Wing explained that the criteria is viewed as any injustice to the applicant is outweighed by a substantial justice being done to the public. He stated that he doesn't see that any injustice is being done to the public. He explained that an environmentally friendly home is generally considered good and is not going to impact anyone else.

Mr. Welch agreed and stated that the goal of this variance is very much justice for everybody and that it is essentially justice for the homeowner and the public.

Ms. Masse-Quinn agreed with both Mr. Wing and Mr. Welch.

4. The values of surrounding properties are not diminished because:

Ms. Masse-Quinn stated that there were no surrounding properties as it is five acres of land so it wouldn't diminish anything.

Mr. Wing agreed and didn't see how it could diminish anything either.

Mr. Gagnon added that he has created a public trail through his property into town property to extend the current hiking trails for the public to utilize.

5. Owing to special conditions of the property that distinguishes it from other properties in the area, denial of the variance would result in unnecessary hardship because:

A. no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because?

B. If the criteria in subparagraph A above are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Mr. Wing stated that the hardship would be denying Mr. Gagnon his right to provide electricity for his home by enforcing the three trees. He explained that he made an excellent trade off with the Conservation Commission in terms of removing the three trees and planning additional shrubbery elsewhere. He stated that the hardship in enforcing it would be that the Board would be denying him his opportunity to create his net zero home.

Mr. Welch added that Mr. Gagnon has explored all his options for where the solar arrays could go on the property, and this is the only place where he could achieve his goals. He stated that if they were to enforce this then it would stop him from achieving his goals which are largely beneficial to the general public.

Mr. Stanvick explained that there are three trees that will be taken down to allow full functionality of the solar array and that they are going to get replaced with additional shrubbery. He stated that it's a five-acre lot and that this is a penny sized situation that they're dealing with. He explained that they've viewed it and spent a lot of time with it and that the homeowner has been very cooperative so now it's time to approve it and move on.

MOTION: (Stanvick/Masse-Quinn) To condition if approved that the recommendations from the Conservation Commission's letter dated April 20, 2023, are implemented.

VOTE: (5-0-0) The motion carried.

FINDING OF FACTS:

- The environmental benefits of constructing a net-zero home outweigh the disadvantages of the cutting of three trees.
- An environmentally friendly home would not negatively impact neighboring properties.
- The value of surrounding properties would not be diminished.
- Denying the right to provide electricity to this home by removing three trees while replanting additional trees would create an unnecessary hardship.

ROLL CALL VOTE:

Mr. Westwood– 5 yesses, final vote “YES”
Ms. Masse-Quinn– 5 yesses, final vote “YES”
Mr. Wing– 5 yesses, final vote “YES”
Mr. Welch– 5 yesses, final vote “YES”
Mr. Stanvick– 5 yesses, final vote “YES”

(5-0-0) The motion passed.

Variance was GRANTED.

Mr. Wing reminded the applicant that there is a 30-day right to appeal.

Mr. Hennessey rejoined the Board.

Case #ZO2023-00011**Map 27 Lot 2-102**

HUNT, Judy & COOK, Bill (Owners), Meridian Land Services, Inc (Applicant) – 50 Hinds Lane - Seeking a Variance concerning: Article III Section 307-12 Table 1 of the Zoning Ordinance to permit construction of a single family residential dwelling on an existing non-conforming lot, where the lot does not meet the minimum requirements of 43,560 sq.ft. or 200’ of frontage. This parcel was recently before Planning Board as part of a lot line adjustment, Case #PL2023-00009, where approval was granted on April 17, 2023, to add 0.19 acres from Map 27 Lot 2-101 resulting in a total of 0.32 acres.

Ms. Masse-Quinn read the list of abutters aloud. There was no one whose name was not called that is an abutter or has a statutory interest in the case.

Mr. Bolduc of Meridian Land Services, Inc and the owners Judy Hunt and Bill Cook approached the Board.

Mr. Cook stated that they have a single-family lot that is 7,500sqft. He explained that he spoke with his neighbor that was building a duplex and asked if they could possibly buy some of the surplus land to make this lot bigger. He stated that the Planning Board granted the lot line

adjustment and now they are looking to get approval from this Board to build a single-family home on this lot.

Mr. Bolduc read the five criteria of a variance into the record.

Ms. Masse-Quinn asked Ms. Beauregard if this proposal would also be subject to 307-13A and 307-14 for frontage. Ms. Beauregard stated that the applicant has section 307-12, table one of the dimensional requirements which does cover frontage, and, in some cases, they will add 307-14.

Mr. Stanvick asked what is currently on the lot. Mr. Bolduc responded that there is an existing shed currently on the lot. Mr. Cook added that he allows one of his neighbors to use it for storage. He stated that it was 5' x 10' or 12' shed that his neighbor uses to put his trash, tools and what not in. Mr. Bolduc added that there is a little gravel driveway to the shed, other than that it is a vacant parcel. Mr. Stanvick stated that it was a vacant lot except for the shed and if the shed had a minimal footprint. Mr. Bolduc responded that that is correct and that the shed is maybe 10' x 15'. Mr. Cook added that it is about 5' or 6' wide and that it's not a garage or anything like that.

Mr. Wing asked Ms. Beauregard if Hinds Lane was a private road. Ms. Beauregard stated that she believed that it was.

Ms. Masse-Quinn stated that there is technically no use on the property at all, just the little shed, but no other structure or a house. Mr. Cook responded that he lets his neighbor park his boat trailer on the lot. Mr. Bolduc stated that there is no dwelling, no garage, and that is essentially a vacant lot. Ms. Masse-Quinn asked if it was a private road. Mr. Bolduc replied that it was. Ms. Masse-Quinn asked if it was a paved road. Mr. Bolduc responded that it was a gravel road and that across the street is Gumpas Pond. Ms. Masse-Quinn asked what the proposed square footage of the new structure would be. Mr. Bolduc stated that it would be 26' x 36' and that it would be two stories in height. He explained that it fits within the building setbacks of the lot whether it is facing the 26' along the road or the 36' along the road. Mr. Cook added that it is about 1,807sqft. Ms. Masse-Quinn asked if Mr. Bolduc was the engineer on the building as well. Mr. Bolduc replied that he is a wetland soil scientist and that he is also a septic designer. He stated that he worked on this lot and Mr. Doug Wilson's across the street, so he is familiar with both lots. Mr. Masse-Quinn asked if the lot was initially .19 acres and then the Planning Board granted the lot line adjustment making it .32 acres. Mr. Bolduc stated that that was correct. Ms. Masse-Quinn asked what the square footage of the lot would be. Mr. Bolduc responded that it was 13,939sqft.

Mr. Hennessey stated that they had already been to the Planning Board and asked if they were informed that they would have to go before the Selectmen. Mr. Bolduc responded that they were informed and had asked them questions about the process. He stated that it would be to go back in front of the Planning Board to get their approval and then in front of the Selectmen to get the actual building permit. Ms. Beauregard confirmed that that was correct. Mr. Bolduc explained that they were originally going to hold off on that meeting but that there was no point in coming in front of the ZBA if they didn't have the lot line adjustment prior to it. Ms. Beauregard added that she

believed that the applicant didn't have an approved septic design yet so the Planning Board didn't want to recommend or not recommend at that point to the Selectmen whether or not they could build on a private road. Mr. Bolduc stated that they still don't have the State approved septic design yet, but he performed the test pits, and they were great. He stated that they meet all their rules and setbacks on the site for the well and that there are no wetlands on the site so that wasn't an issue. He explained that the wetlands in the back behind Mr. Cooks lot to the left are far enough away to not be any concern.

Mr. Welch asked if this proposal was close enough to Gumpas Pond to fall under the Shoreline Protection Act. Mr. Bolduc stated that it will and that he had to do a shoreline permit for the duplex being built to the left. Mr. Welch asked if he knew roughly what the total impervious coverage would be for this lot. Mr. Bolduc stated that he hasn't calculated it yet. Mr. Welch stated that he sees that the well radius for the proposed site seems to encroach on the abutter and if there was going to be an easement for the well radius encroachment. Mr. Bolduc explained that the State only has them do a well release form which means that they basically release your rights over the lot line. He stated that the State came up with this because any well prior to 1989, which is a lot of the old dug wells you are not allowed to put a septic system within those well radius. He explained that all these lake lots overlap so it became a large issue, so now they have you fill out a well release form that is recorded at the registry basically releasing their rights. Mr. Welch asked if the well release form had been executed already. Mr. Bolduc replied that it hadn't and that they weren't going to do that until they got approval from the ZBA to have that taken care of and the adjacent property is town owned land.

Mr. Westwood stated that his concern is with the well and how the wells in Town are all running out of water, so they are fracking all these wells. He explained that wells went from 12 gallons per minute to 3 gallons per minute and he is just wondering if that has been looked at or if there was a requirement. Mr. Bolduc responded that there wasn't one for proving out loss, like if they were to do a subdivision, they would technically only have to do test pits for subsurface. He stated that the State doesn't have any requirements to have a drilled well on site prior to it being subdivided. Mr. Cook added that the duplex lot next door just went straight down and didn't have to frack and that well was put in last year. He stated that all the wells across the street didn't frack, but just went further down.

Mr. Hennessey stated that the Town owns the land behind this lot and that the development in this area is constrained by the fact that the Town and forest area cannot be built on. He explained that it is not as vulnerable as some areas in Town are for future development.

Mr. Stanvick stated that they don't have an approved septic design, they don't have a well release form, or a shoreline protection permit. He stated that it seems that they don't have a lot of the pieces together that would influence the Boards decision.

Mr. Wing stated that in the past the Board has made those stipulations on granting the variance such that if those weren't received from the State then the variance would not be approved. He

explained that if they choose to grant the variance that they've made the stipulation that they must have those things in place before the building permit is approved by Ms. Beauregard. Mr. Bolduc explained that they can't get the building permit without a septic design, you can't get the septic design without a shoreline permit so any of those would shut it down. He stated that he didn't see any issue with the shoreline permit because they're going to be within the 150-250' of the lake. He explained that there aren't that many restrictions when you're beyond 150' and 250' for shoreline, but when you are between 0'-50' there are a lot more regulations and it gets less and less.

Mr. Stanvick asked if they needed a shoreline permit. Mr. Bolduc stated that they do. Mr. Stanvick clarified that there is no dwelling or building on this lot. Mr. Bolduc stated that was correct.

Mr. Wing asked if the home they are looking to construct is a two-bedroom two story home. Mr. Cook stated that it will be a two-bedroom two story colonial. Mr. Wing stated that he isn't familiar with the neighborhood but knows that there is a duplex next door. Mr. Cook responded that it conforms to what is in the area other than the camps that have been converted into homes. Mr. Wing asked about the maintenance of the road being that it is a private road. He asked if there was an agreement amongst the neighbor for plowing. Mr. Cook responded that the Town does come down two or three times a year to put down gravel and spread it out. He stated that they have been paving Hinds Lane in increments and that they are now maybe 100' away from his lot. He explained that as the Town approves it, they will keep doing this but informed them that they wouldn't go all the way to the end of the road.

Mr. Beauregard asked if it was a private road or if it is a road that the Town has been accepting along the way as the Town does not maintain private roads. Mr. Cook stated that all he knows is that the Town comes down two or three times a year, there is no association, and they don't pay anything and that it's all the Town. Ms. Beauregard asked who plows the road. Mr. Cook responded that it was the Town. Mr. Hennessey stated that he is familiar with the area and that he was involved with the purchase of the land behind it and that it is a public road as far as he knew. Ms. Beauregard added that the recording secretary looked it up while they were discussing this and confirmed it is a Town road. Mr. Hennessey stated that he wouldn't call it a public road rather a public way that the Town is assuming the responsibility of maintaining and is not sure that they would need the Selectmen's approval. Ms. Beauregard stated that if they can confirm it is a Town accepted road then they wouldn't need Planning Board or Selectmen's approval under RSA 674:41 and that she would investigate it. Mr. Hennessey stated that she should investigate it but is not sure that they will need it. He explained that he would stipulate that they need shoreland protection, approval of the septic system and if necessary, the approval of the Selectmen. He stated that when they negotiated the purchase of the land and the access where the parking lot is on Hinds Lane that his understanding was that it was a public road. Mr. Stanvick asked if Mr. Hennessey could clarify the difference between a public way and a public road. Mr. Hennessey stated that he is taking a class next week at the Municipal Association and that the terms seem to have changed over the years. He explained that a public road is a paved and maintained Class V Road, you can have a Class VI Road and it still be a Town Road. He stated that he believes that this is a Class VI Road

being converted to a Class V Road because it is being paved. Ms. Beauregard stated that if it is a Class VI Road then it is applicable to 674:41. She explained that if the Board was to make a motion stipulating some things, then she would also add that they should confirm the applicability of RSA 674:41 and if deemed applicable, have the applicant will seek the appropriate input from the Planning Board and approval from the Board of Selectmen

MOTION: (Hennessey/Masse-Quinn) To confirm the applicability of RSA 674:41 and if deemed applicable, then the applicant will seek the appropriate input from the Planning Board and approval from the Board of Selectmen

VOTE: (5-0-0) Motion carried.

Mr. Wing recalled looking at Conservation maps for this area and noticing a parking lot at the end of the road which would lead him to believe it is a public way. He stated that it's a public parking lot and there is an access road that is paved in one portion and unpaved in the other and he assumes that's why it's considered a way because the public can go down this road to get to the parking lot. Mr. Hennessey stated that the Town owns 150 acres up behind this lot that is partially in Hudson but mostly in Pelham that was purchased 15 years ago. He explained that he was involved with that purchase, so he is familiar with the area. He stated that behind this property and behind that whole side of the street is all wooded Town land. He explained that there are two parking lots, one in the middle and one at the end. Mr. Cook added that about 300' feet from his property there is a parking lot with a forestry type thing with a gate and signage about when they can and can't use it and trails that tie into Hudson. Mr. Wing stated that looking at this property to the left of it is where the duplex is and to the right and behind the property is the conservation area which to him sounds like there is no opportunity for development around this lot whatsoever. Mr. Cook stated that that was correct.

Ms. Masse-Quinn stated that the total square feet of the lot is 13,939 and the soil looks like it came up to be 8-15% slope with group two, canton. Mr. Bolduc stated that that information was pulled off NRCS and that he would have to verify the slopes on the portion where the leach field is since he didn't have a scalable plan in front of him. Ms. Masse-Quinn asked what the State minimum lot requirement would be for group two with 8-15% slope. Mr. Bolduc responded that it's a table. He gave the example that a group one soil on an A slope, and AB slopes are 2,000 gallons per day per acre and it goes down from there. He stated that Canton soil would be group two soils, but he would have to look at the chart. He explained that the State allows you to have two-bedroom dwellings and this lot would not be able to support a three-bedroom design, so they would have to go with a two-bedroom design no matter what. He stated that the minimum State design is for 300 gallons per day otherwise two-bedrooms.

Ms. Masse-Quinn asked if there is a minimum amount of square footage that the State is looking for before group soil testing is done. Mr. Bolduc stated that there wasn't for two bedrooms and that they allow it by right on lot without site loading. He explained that he gets a lot of calls from houses that are on lakes looking to add a bedroom and for him anything less than an acre is an

instant site loading calculation. Ms. Masse-Quinn stated that she is only speaking from her own personal knowledge as she has a house on Little Island Pond as a second home. She stated that they put in a well, a clean solution system on the same type of soil on the same type of slope and the calculation came up that she needed about 33,000sqft of lot. She stated that her lot came up a little short and that she had to adjust and do certain things but that she knows for at least a two-bedroom design you need at least 30,000sqft of lot according to the table that he was talking about. Mr. Bolduc replied that there is a coefficient applied to that 2,000 and then it basically gets more restricted from there. He explained that the steeper it is it gets more restrictive and then the permeability of the soil and the depth of the seasonal high-water table add to that as well. Ms. Masse-Quinn stated that he was correct, however the lot is 13,939sqft so it's not even meeting the minimum lot requirement and was hoping that they would have the approval in front of them. Mr. Hennessey added that this Board doesn't do the septic approval and that the State does and that this is subject to a State approval. Mr. Bolduc responded that if you can't get a State approval and you can't get a septic design then you can't get a building permit. Ms. Masse-Quinn stated that she is just going off what has been submitted and that she is trying to keep her Planning Board hat off and her Zoning Board hat on. Mr. Hennessey stated that the Zoning Board does not make determinations based on loading, or soil types. Ms. Masse-Quinn stated that she doesn't disagree with him, however this applicant submitted all this information and his five criteria based solely off the septic. Mr. Hennessey replied that the governing body on this is the State and that they can only stipulate that the applicant needs shoreland protection and the state approved septic design. He stated that it is standard for this Board to do that but its not in this Board's technical ability to discuss whether they should approve the septic system. Mr. Stanvick added that they stipulate the well release form as well. Mr. Bolduc added that the well release form is a requirement from the State and that he wouldn't even be able to submit anything to the State without filling it out and getting it recorded. He explained that it is a check box item on the electronic form and at the end it asks for the plan, owner certification, local approval from Pelham and the well release form. Mr. Wing suggested that they also stipulate a maximum height for the dwelling. He stated that in the past they've done 30' but he doesn't know how high the building will be. Mr. Cook stated that they haven't drawn up any plans yet. Mr. Hennessey stated that they have done this in the past, however there is nothing behind this house only Town owned unbuildable land. Mr. Wing agreed; however, he stated that would like to keep it from being a three-story home by some restriction. Mr. Cook added that they could do that by simply saying that the attic must be a scuttle hole instead of a set of stairs. Mr. Hennessey stated that if he wanted to make the 30' stipulation that that was fine as they had done it in the past, however there is nothing behind this lot. Mr. Cook added that he couldn't obstruct the view no matter what he did. Ms. Beauregard stated that she could recall the Board doing a 30' restriction as well as them going a little higher in certain situations, but it is up to the Board as there are no height restrictions in a residential area. Mr. Welch added that they just did 32' for the one on Little Island Pond last meeting because there was nothing behind him that he would be obstructing. Mr. Wing replied that he would be okay with 32'.

MOTION: (Hennessey/Westwood) To stipulate that the maximum building height be no greater than 32' and that a shoreline septic permit and well release form be received if variance is granted.

VOTE: (5-0-0) The motion carried.

Mr. Wing opened the floor to the public. No one came forward that was in favor or in opposition to this proposal. Mr. Wing closed the floor to the public.

DISCUSSION

1 & 2. The variance will not be contrary to the public interest because; and the spirit of the ordinance is observed because:

Mr. Hennessey stated that it's a lot of record that is equal or greater than most of the lots except for the duplex that abuts it. He explained that believes that it would be in the public interest to allow this to continue and that it pairs with the spirit of the ordinance is observed.

Mr. Welch added that he is on the other side of that and doesn't believe that it would be in the public's interest because the Zoning Ordinance explicitly calls out the one acre minimum for previously undeveloped lots. He explained that it is the same argument that the Board has run into on a lot of these lots that don't have a current vested use. He stated that he doesn't believe that the spirit of the ordinance is observed or that it is in the public interest.

Mr. Stanvick stated that he supports Mr. Welch's position and that this is a self-imposed hardship. He explained that there is currently nothing there to begin with other than this miniscule storage shed type of thing so he would suggest that it does not support the public interest. He stated that there is a regulation in place which is the minimum lot size.

Ms. Masse-Quinn stated that she also agrees with Mr. Stanvick and Mr. Welch and that there is no use in the property and no vested use in the property so granting the variance would be contrary to the public interest.

NON-PUBLIC SESSION

MOTION: (Hennessey / Welch) Request for a non-public session per RSA 91-A:3, II, 1 – Consideration of legal advice.

ROLL CALL VOTE:

- Mr. Westwood– “YES”
- Ms. Masse-Quinn– “YES”
- Mr. Wing– “YES”
- Mr. Hennessey– “YES”
- Mr. Stanvick– “YES”

(5-0-0) The motion carries.

The Board returned to public session at approximately 8:36pm.

MOTION: (Masse Quinn/Hennessey) To seal the minutes of the non-public session indefinitely.

VOTE: (5-0-0) The motion carries.

Mr. Wing informed the applicant that the Board would be seeking legal opinion regarding vested use and that this case would be continued to the next meeting.

Case date specified to June 12, 2023.

DATE SPECIFIED CASE(S) – June 12, 2023

Case #ZO2023-00011 – Map 27 Lot 2-102 HUNT, Judy & COOK, Bill (Owners), Meridian Land Services, Inc (Applicant) – 50 Hinds Lane

ADJOURNMENT

MOTION: (Hennessey/Westwood) To adjourn the meeting.

VOTE: (5-0-0) The motion carried.

The meeting was adjourned at approximately 8:38pm.

Respectfully submitted,
Cassidy Pollard
Recording Secretary