

ATKINSON ZONING BOARD OF ADJUSTMENT

21 Academy Avenue

Atkinson, New Hampshire 03811

Public Hearing Meeting Town Hall

Wednesday, June 9, 2021

Members Present

Glenn Saba, Chair
Bob Connors, Vice Chair
Arthur Leondires
Kevin Wade

Others Present

Karen Wemmelmann, Recorder
Barbara Brown
Joseph and Michelle Sterner

Workshop 7:00 PM

Approval of Minutes: May 12, 2021

Member Leondires made a motion to approve the minutes of the May 12, 2021 meeting as amended. The motion was seconded by Member Wade. Roll Call: Vice Chair Connors, yes; Member Wade, yes; Member Leondires, yes; and Chair Saba, yes; the members of the Atkinson Zoning Board of Adjustment present voted in favor. Vote: 4/0/0. The vote is unanimous.

Correspondence: none

Call to Order: Chair Glenn Saba called the meeting to order at 7:30 PM.

Chair Saba read a statement into the minutes regarding electronic meetings. This meeting will be conducted via Zoom which is authorized pursuant to the Governor's emergency order. Please note that there is a physical location at Atkinson Town Hall. However, the meeting is being held contemporaneously. The public has access to listen and/or to participate by telephone or by Zoom. If the public is unable to access the meeting, it will be adjourned and rescheduled. All votes will be taken by roll call vote.

Roll Call Attendance: Vice Chair Connors, present; Member Art Leondires, present; Member Kevin Wade, present; and Chair Glenn Saba, present.

Public Hearing – 7:30 P.M.

Chair Saba opened the public hearings at 7:30 PM, June 9, 2021. There are two public hearings. One is a continuance.

- 1. Application for Variance from Article IV Section 530 b submitted by Barbara Brown for Dennis & Pamela Haskin to allow construction a single family dwelling on a parcel with 150' frontage where 200' is required (50' variance) - on property located on Maple Ave Map 14 Lot 37 in the TR2 Zone. (*Continued from 5/12/21*).**

Abutters:

Mark R. Perri and Joni Belfiore, Reed Family Revocable Trust, Reed, Alan & Gail Reed, Trustee, (present), Stanley J and Monique Moron, Matthew J. and Paula J. Fetty (present), Dennis and Pamela Haskin, Megan A. Duffy (present), John H. and Jacqueline S. Gillian, Richelle C. Messersmith, Ryan Kelleher and Tatum Mortimer, Jay S. and Colleen Alper, Thirty Academy Avenue Realty Trust, Jeannette White Trustee, Jeffery W. and Laura K. Flieder (present), Daniel Desmond, Livingston Family Realty Trust, John M. and Pamela G. Livingston, TTEE, David W. and Julie M. Hammond, Albert P. and Karen B. Pettoruto, Robicsek (present), Daryl McGregor Rev, Daryl Mcgregor, TTEE

Ms. Barbara Brown is representing the applicant and came before the Atkinson Zoning Board of Adjustment. Chair Saba informed the audience that the applicant is requesting a variance for frontage. There was a question as to the amount. The new plan shows that 52.6 feet of variance is needed. The new plan shows the frontage as well as the wetlands, a well for the abutters, and a septic system for the opposite abutter at the north access.

Chair Saba remarked that this plan is for a single family home on 16 to 17 acres and allowing a variance would not be a problem at first glance.

He explained that this hardship was created through a subdivision in 1969. At the time the zoning frontage requirement was 150 feet of continuous frontage rather than a sum of frontages totaling 200 feet which is required today.

Chair Saba stated that abutters are present to express their concerns. One concern is a well which is on the north lot line of the north access point of the proposed variance. Also, there is a septic system on the south lot line of the north access point and the number for one house will have to be changed.

There is also a southerly access point. The new plan shows that the wetland does not encompass the entire area and there is 32 feet of upland which makes this variance request even more complicated. With that all said, Chair Saba opened the public hearing.

Ms. Brown stated the applicant has defined everything the ZBA wanted to see. The applicant still does not believe that the southerly route would be a better access. It would put the driveway right on the property line and the width would be very close to the wetlands. Also, there is an issue with the right of way. The applicant believes it was actually instituted when the property to the right was subdivided.

The applicant still believes that the access requested is the better access. Relative to the abutters well, the fecal matter from their animals is a greater danger to the well than the driveway. There are no requirements regarding the existing septic system. There are still 24 feet from the driveway to the boundary. The driveway would have to be an 18 foot fire lane or the dwelling would have to be sprinklered. There would considerably more material for a driveway on the southerly side and it would be a hardship to the owner because they have already gotten State approval for a septic system.

The Board reviewed the plan and discussed the location of the driveway with Ms. Brown.

Vice Chair Connors asked about the boundaries on the south side. He is concerned about hardships and is also concerned about the abutters well and septic system. He asked why the applicant would not put a shorter driveway in a different place.

Ms. Brown stated that a driveway in the location being suggested by the ZBA has elevation issues and would require a lot of fill. The driveway proposed by the applicant has flat access and would not require fill.

Chair Saba stated that he is looking at the grade at the proposed dwelling, it is at 282 feet and is not even 40 feet in. The Board and Ms. Brown continued to discuss the difference in grades at the access point proposed by the applicant and another possible access point shown on the plan. Chair Saba stated that the difference in grades between the southern access point and the northerly access point is only about 2-4 feet.

Vice Chair Connors stated that part of the variance is a hardship, Ms. Brown has mentioned that people need to have access to the land and pointed out that the plan before the ZBA shows that there is an alternate access point which the applicant could use without impacting the abutters at the access proposed by the applicant. Vice Chair Connors asked Ms. Brown why the applicant chose not to use the southerly access point. Ms. Brown responded that the access point suggested by the ZBA would require fill while the access point proposed by the applicant is straight, flat and a no brainer. Chair Saba asked if the hardship were strictly financial and Ms. Brown responded that it was feasibility and best planning.

Chair Saba asked if there was more discussion from the Board. There was none. Chair Saba opened the meeting to the public.

Mr. Matt Fetti requested to speak. He stated Ms. Brown had stated that no fill would be needed at the proposed access point. He informed the Board that the area at the access point proposed by the applicant which is between the Duffy property and the Fetti property holds water. He is concerned about the runoff because it will have to be filled in. He is concerned about where the runoff will go and if it will affect his well.

Paula Fetti requested to speak and asked if her brother-in-law, Brian Pelletier who is an engineer, could speak on their behalf.

Mr. Pelletier quoted from ZBA guidelines stating that the drainage has to be adequate and not flood the abutters' property. He went to the site and noted that there is a difference of 3.5 feet. This difference will cause flooding and runoff. If the proposed driveway is brought up, the runoff will go right to the well and the back part of the Fetti property. The access proposed by the applicant requires a fire lane to the proposed dwelling which would allow access for a 20 ton truck. This would require 12-18 inches of gravel. This is not permeable ground and it would affect the water duct underneath the abutters' property and shut down the abutters' well. If that is the case, a \$20,000 escrow account would be required to rebuild the abutters' well. Chair Saba stated that his argument is beyond the scope of this hearing but Mr. Pelletier's point is well taken.

Mr. Pelletier went on to review Atkinson zoning regulations. He is looking under nonresidential multifamily. Chair Saba stated that this is the Zoning Board and they are considering a variance for a single family dwelling. Chair Saba informed Mr. Pelletier that should the

proposed variance request be approved, recourse for the abutters would be speak to the Road Agent and the Town would have to monitor it. Chair Saba informed Mr. Fetti that if the variance is granted, because it is a single family dwelling, it is up to the abutters to protect their rights as far as runoff. Post runoff should never exceed pre runoff. A single lot does not go to the Planning Board and the Zoning Board does not have that control. The ZBA is only considering if it will grant relief for frontage and if so, the ZBA has some authority to put in some conditions. Mr. Fetti asked about recourse to his well. Chair Saba suggested they seek legal counsel and an engineer. The Board continued to discuss impact to the abutters well.

Megan Duffy, 76 Maple Ave, asked to speak. 76 Maple Ave is the lot between the two access points. Ms. Duffy pointed out that there are some wetlands now shown on the plan between 72 and 76 Maple Avenue and asked when the land was inspected. Chair Saba stated that the plan submitted is stamped and dated so it should be current. The plan does not say who delineated the wetland. Since the proposed plan shows 32 feet of non-wetland at the alternate access, the Board is questioning why that access cannot be used. The Board sees an impact to abutters with the proposed access, sees an alternative and believes it should be changed. If there is a reason why it cannot be, then the applicant should have brought in an Engineer. Chair Saba has read the plan, looked at the wetland and consulted with the Road Agent. He does not believe requiring fill is a good reason and to him, changing the access point makes common sense. It is half the distance for a driveway. The septic system is right there. The backyard would face the 16 acres.

Ms. Duffy stated that they are concerned about the wetlands. Chair Saba told her that he has a stamped plan, whoever delineated it, it's on a surveyor's plan. Chair Saba stated that she could hire a botanist. Ms. Duffy stated that an abutters map is being shown which has 56 feet of frontage with a 50 foot right of way. Chair Saba informed her that because of the number of plans at the last meeting, the Board requested a new plan done by a surveyor and that is the one that is before the board now. At this point any other plans do not matter.

Vice Chair Connors stated that the Board did not have a plan that showed the frontage relief requested at the March 12, 2021 hearing. The Board had a plan from 1969, 1992 and a septic plan.

Chair Saba stated that at the last meeting, the Applicant requested a variance of 50 feet but the Board believed that 52.6 or 53 feet is required. The Board is reviewing the survey and is asking the applicant why the southerly access can't be used. It seems that it is a better choice because the impact to the abutters would be less, renumbering of existing homes would not be necessary, the driveway would be much shorter and the house could be positioned so that the rear is facing the majority of the land. Ms. Brown pointed out that the driveway would be right on the Duffy property line.

Chair Saba informed her that the driveway can go right to a property line or a wetland. There is also a house number for the southerly access. The Board has to consider whether the burden to the applicant outweighs the burden to the abutters or the general public. The Board sees an alternative that relieves a lot of the concerns of the abutters. Ms. Brown is concerned about more engineering.

Ms. Duffy requested to address the questions being asked.

Ms. Duffy read a statement regarding Criteria 1, granting the variance would not be contrary to the public interest because:

As you know, allowing this variance will ultimately allow a 20 foot driveway to seep to our septic system and to our neighbor's well. of The construction as proposed could cause these to fail or become unusable due to the constant pollution from sand and oil and gas runoff. Also, the proposed dwelling will be behind one or more of the surrounding abutters who will lose any privacy they may have had in the back of their houses. The destruction and clearing of all these trees will displace wildlife and will affect natural water drainage and movement. The water will need to go somewhere and likely towards the nearest house. The variance is inconsistent with public interest.

Ms. Duffy read a statement regarding Criteria 2, the spirit of the ordinance is observed because:

Granting this variance will in fact negatively alter the character of the neighborhood and threaten public safety and welfare of the current residents. Should this variance be granted, the residents of 76 and 78 Maple will have a driveway almost as wide as a road running 230 feet or more away from their property lines. They will have to look both ways mowing their lawns and worry about pets and children getting hit by oncoming traffic. It is a cause for safety along with runoffs from various vehicles to a well which is a concern to public health. Finally, adding another driveway to a street used as a cut through is a cause for concern to the character of the neighborhood.

Ms. Duffy read a statement regarding substantial justice.

NH.gov states that substantial justice is done if granting the variance without causing harm to the general public that outweighs the benefits to the property owner.

The harm caused to the public is great. Granting this variance will considerably reduce the value of the surrounding homes along with threatening public safety which substantially outweighs any loss incurred by the property owner. Current records have this 16 acre lot valued at \$737 with an annual tax rate of \$14.

The next question concerns the value of the surrounding property being diminished.

Having a 20 foot wide driveway just feet away from the entire 230 foot property line along with a single family dwelling, a septic system and a well behind abutters while at the same time removing trees and destroying privacy will greatly reduce the value of the surrounding homes. What would come from water displacement is still unknown

The last question concerns denial of the variance resulting in unnecessary hardship.

Yes, this property does have 16 acres however any other special conditions that distinguish it from others are only ones that directly harm public interest as noted above. It has only 50 feet or so of usable frontage that runs the entire length of two property lines. Ms. Duffy read the definition of landlocked from Black Law Dictionary and stated that this property is not landlocked, if it were, there would be no frontage. The Board must approve variances where needed but it is the obligation of the Board to uphold ordinances.

Chair Saba asked if anyone else would like to speak. Alan Reese, 77 Maple Street, requested to speak and stated this application is for one house and asked if this 17 acres would allow more than one house to be built. Chair Saba replied that if this were granted it is based on what is presented as it exists. If anything else were to be done, the request would have to come before the ZBA again for the conditions be changed. He asked if a second or third house could be put in with driveways tied in to the first driveway. To everyone's point, it is almost 17 acres. There is a possibility of building a road along the 50 foot right of way.

Chair Saba stated it would have to go to the Planning Board and drainage would have to be considered. What is in front of the ZBA is one house on a 16.8 acre parcel. It is unknown whether it will ever be further developed. The Board can only entertain what is in front of it.

Chair Saba asked if anyone else from the public would like to speak. No one else spoke.

Chair Saba stated that there are a lot of concerns about general welfare that need to be addressed. The Board has looked at the proposed plan and if it were to entertain relief, it would be under the condition that access be changed to the southerly side of the lot. The reason being, is that the general welfare of the public would be less damaged. He asked Ms. Brown if she were willing to consider it. She said she would entertain it.

Vice Chair Connors stated that Ms. Duffy had some great points. He is concerned about all the points regarding impact. The driveway proposed by the applicant will have great impact with a well on one side and a leach field on the other so he has concern with the proposed driveway. There is no hardship if there is another access for a driveway. With 32 feet to the edge of the wetland, there is enough room from the abutters' property. He has the same concerns of the abutters.

Chair Saba agreed that based on the information in front of the Board, an entrance on the south side makes more sense. It would be the same variance. There would be less driveway to be built, a number change of an existing dwelling would not be needed and it would less impact to the abutters' well and septic.

Chair Saba asked the applicant what she would like to do. Ms Brown agreed to move the driveway to the southerly access point and requested to go through the criteria. Chair Saba agreed. He informed Ms. Brown that he will read the criteria and the applicant will state the response. Ms. Brown asked if the condition of agreeing to change the proposed access be granted only at no additional engineering cost to her client. Chair Saba informed her that she informed the Board at the previous meeting that the southerly access is all wet and it is in the minutes. However, the plan before it now does not show the southerly access as being that difficult. Chair Saba denied the condition. Chair Saba said there is no doubt that the impact to the abutters is less on the southerly entrance than the northerly entrance. The Chair does not see a problem for the applicant. At the southerly entrance, there is 32 feet between the abutters' property line and the wetlands and the proposed driveway can be placed there.

Chair Saba asked the abutters for comments. Ms. Duffy stated that after speaking with other abutters, there are many who would not be happier with the driveway at the southerly side of the lot but she would be happier and the other abutters present agreed.

Ms. Brown stated that she would speak for the applicant and would bind them to moving the access to a southerly entrance. Chair Saba asked the Board if it understands that granting the variance would be contingent upon allowing access at the southerly boundary of the lot per the applicant, within the 32 feet between the wetland and the lot line. The board acknowledged.

Chair Saba began going through the criteria:

1. Granting the variance would not be contrary to the public interest because:

Ms. Brown stated that in New Hampshire a landowner has a right to access of his property. The request is to allow driveway access to 16.8 acres.

Discussion: Chair Saba stated that it is not unreasonable to request access to your property. The request is for relief of 53 feet of frontage. The uniqueness of the property is that it is almost 17 acres and the applicant is proposing one dwelling on it. The alternative would be construction of a road having to go up the northerly access point to create the frontage which is not feasible monetarily for the applicant, for the Town or for the abutters so he believes that granting the variance would not be contrary to the public interest as long as the access is from the southerly side of the property.

Vote: Vice Chair Connors, yes; Member Leondires, yes; Member Wade, yes; and Chair Saba, yes; Vote: 4/0/0. Criteria 1 is approved.

2. The spirit of the ordinance is observed because:

This lot was recorded in 1969.

Discussion: Chair Saba stated that the spirit of the ordinance is 200 feet of frontage. The reason is for congestion, separation of dwellings and other reasons. The spirit is met because of the size of the parcel. Also, in 1969 zoning required 150 continuous feet.

Vote: Vice Chair Connors, yes; Member Leondires, yes; Member Wade, yes; and Chair Saba, yes; Vote: 4/0/0. Criteria 2 is approved.

3. Granting the variance would do substantial justice because:

Everyone by law is entitled to access to their property.

Discussion: This is a super large parcel. There is 53 feet less frontage than required. The alternative would be major construction. Reducing the frontage requirement by 53 feet to put one house on 17 acres would do substantial justice for all. This property is not generating any tax revenue, putting a single family home valued at approximately one million dollars would generate tax revenue.

Vote: Vice Chair Connors, yes; Member Leondires, yes; Member Wade, yes; and Chair Saba, yes; Vote: 4/0/0. Criteria 3 is approved.

4. For the following reasons, the values of surrounding properties will not be diminished:

There is no impact on the abutters, the only visible change will be a driveway. There are many similar instances in Town with lots less than the 200 feet of frontage required.

Discussion: Chair Saba stated that values are hard to prove and this Board believes that new construction generally only increases values. By changing this access to the southerly point there will not be diminution to either abutter north of that. Vice Chair Connors stated that where the driveway is proposed now, by changing the access to the southerly point, he believes it will have less impact on abutters.

Vote: Vice Chair Connors, yes; Member Leondires, yes; Member Wade, yes; and Chair Saba, yes; Vote: 4/0/0. Criteria 4 is approved.

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

5a. No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of the provision to the property because:

The plan was approved and recorded at the Rockingham Registry of Deeds in 1969.

Discussion: Chair Saba stated that the property did not meet zoning then and it does not now. The special conditions of the property are that it is a huge parcel, 16.8 acres. There is potential for development that would be far more impactful. To have one single family dwelling on this parcel for the exchange of 53 feet is a fair and substantial relationship. Ms. Brown stated that she has been marketing the property for a long time and many developers have expressed interest with a road and a subdivision of 5 or 6 houses in mind. She has stressed to her client to get a septic design for a single family dwelling thinking that that is the best interest of the community. People have a right to enjoy their property. She is sorry that one house intimidates people. She has been trying for years to get her client to this point.

Vote: Vice Chair Connors, yes; Member Leondires, yes; Member Wade, yes; and Chair Saba, yes; Vote: 4/0/0. Criteria 5a is approved.

5b. The proposed use is a reasonable one because:

It is a very large parcel of land for one single family home and by law has to have an access to a town road.

Discussion: Chair Saba added that by changing the access to the southerly access point, the Board has alleviated a major impact to a well and a septic system; shortened the proposed driveway considerably, further reducing impact. Also, having a single family residence on 16.86 acres is a reasonable use.

Vote: Vice Chair Connors, yes; Member Leondires, yes; Member Wade, yes; and Chair Saba, yes; Vote: 4/0/0. Criteria 5b is approved.

Vice Chair Connors made a motion to approve the Application for Variance from Article IV Section 530b submitted by Barbara Brown for Dennis & Pamela Haskin to allow construction of a single family dwelling on a parcel with 147.44' frontage where 200' is required (52.56' variance) - on property located on Maple Ave Map 14 Lot 37 in the TR2

Zone with the condition that the driveway is located on the southern section for the applicant. Member Wade seconded the motion.

Roll Call Vote: Vice Chair Connors, yes; Member Leondires, yes; Member Wade, yes; and Chair Saba, yes; Vote: 4/0/0. Unanimous. Approved on the condition that the lot be accessed on the southerly side.

Chair Saba reminded the applicant that there is a 30 day period and any development during that period will be done at the applicant's risk.

2. Application for Variance from Article V Section 530d submitted by Joseph Sterner to allow construction a single-family dwelling on a parcel with 60' front setback where 70' is required (10' variance) - on property located on 13 Pheasant Lane Map 2 Lot 31-1 in the RR2/SCRR Zone.

Abutters:

Joseph and Michelle Sterner (present), Gerard Carlo, Sam and Maribel Zannini, David Durling, Kim Silva, Joseph Klimazewski, Robert and Linda Jowett, YanYan Gan, George Dube, Peter Crowe, Atkinson Farm, LLC

Chair Saba requested the applicant to come before the Zoning Board of Adjustment. Chair Saba gave a brief history of the lot. This lot was created by an unmerger of properties and required a Court determination. That determination required a 70 foot front setback.. There has been a foundation there for many years. The applicant purchased the property, tore out the existing foundation and is requesting a 10ft variance making the front setback 60 feet.

Mr. Sterner stated that he was told he only needed 30 feet from the street when he purchased the property. Chair Saba asked if the general neighborhood was closer to the street. Mr. Sterner replied that there are two houses on either side that are closer than his proposed dwelling.

Chair Saba asked the Board members to speak. The Board had no questions.

Chair Saba opened the hearing to the public. There was no comment.

Chair Saba stated that it is pretty cut and dry. He does not see a need for further discussion. There are no objections from the abutters. He drove by the site and feels that it is an improvement. The applicant stated that moving the foundation forward opens up the back yard and Chair Saba agreed.

Chair Saba requested to go through the criteria.

A. Granting the variance would not be contrary to the public interest because:

Houses to the left and the right are closer than the foundation of their property. The required frontage is 30 feet for his zone. A farmers' porch is going on to the house and has been taken into account.

Vote: Vice Chair Connors, yes; Member Leondires, yes; Member Wade, yes; and Chair Saba, yes; Vote: 4/0/0. Criteria A is approved.

B. The spirit of the ordinance is observed because:

It meets the setbacks.

Discussion: Chair Saba stated that even with the relief, the house is still further back than most other dwellings in the neighborhood. It is being pulled away from the rear lot line to the middle of the lot. Vice Chair Connors stated that the intent is to make sure dwellings are not right on top of the road.

Vote: Vice Chair Connors, yes; Member Leondires, yes; Member Wade, yes; and Chair Saba, yes; Vote: 4/0/0. Criteria B is approved.

C. Granting the variance would do substantial justice because:

The applicant would have a larger back yard and would be a little bit further away from the neighbors behind them giving them more room.

Discussion: Chair Saba stated that they are in compliance now and it is not the mistake of the applicant.

Vote: Vice Chair Connors, yes; Member Leondires, yes; Member Wade, yes; and Chair Saba, yes; Vote: 4/0/0. Criteria C is approved.

D. For the following reasons, the values of the surrounding properties would not be diminished because:

The surrounding properties will not decrease in value in any way because pulling the house forward gives the house behind them space in their backyard area because the applicant is not on top of them. Also, the house that the applicant is proposing will increase the value of the area.

Discussion: Chair Saba stated that new construction will increase the value of surrounding properties and what has existed on the lot for 10 plus years is an eyesore. The applicant agreed that it is a nice piece and a great spot. The abutters seem happy that something is going in.

Vote: Vice Chair Connors, yes; Member Leondires, yes; Member Wade, yes; and Chair Saba, yes; Vote: 4/0/0. Criteria D is approved.

E. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship “Unnecessary Hardship” meaning that owing to the special conditions of the property that distinguish it from other properties in the area:

A. Owing to special conditions of the property that distinguish it from other properties in the area, no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of the provision to the property because:

This is the original location of the property when it was purchased.

Discussion: Chair Saba stated that this is a 32,000 square foot lot. The rest of the lots are no bigger. The applicant has 60 feet of frontage while the rest of the lots are closer to the street. The applicant is giving themselves and the abutter in the rear more space.

Vote: Vice Chair Connors, yes; Member Leondires, yes; Member Wade, yes; and Chair Saba, yes; Vote: 4/0/0. Criteria A is approved.

B. The proposed use is a reasonable one because:

The house still meets existing codes right now which is 30 feet from the lot line.

Discussion: Vice Chair Connors stated that the house meets most setbacks except for the front setback and is only a 10 foot variance.

Vote: Vice Chair Connors, yes; Member Leondires, yes; Member Wade, yes; and Chair Saba, yes; Vote: 4/0/0. Criteria B is approved.

Member Wade made a motion to approve the Application for Variance from Article V Section 530d submitted by Joseph Sterner to allow construction of a single-family dwelling on a parcel with 60' front setback where 70' is required (10' variance) - on property located on 13 Pheasant Lane Map 2 Lot 31-1 in the RR2/SCRR Zone. Member Leondires seconded the motion.

Roll Call Vote: Vice Chair Connors, yes; Member Leondires, yes; Member Wade, yes; and Chair Saba, yes; Vote: 4/0/0. The motion passes.

Chair Saba informed the applicant that there is a 30 day appeal period and any construction done during that period is at their own risk.

Vice Chair Connors made a motion to close the public hearing. Member Leondires seconded the motion.

Roll Call Vote: Vice Chair Connors, yes; Member Leondires, yes; Member Wade, yes; and Chair Saba, yes; Vote: 4/0/0. The motion passes.

Member Leondires made a motion to adjourn. Member Wade seconded the motion.

Roll Call Vote: Vice Chair Connors, yes; Member Leondires, yes; Member Wade, yes; and Chair Saba, yes; Vote: 4/0/0. The motion passes.

The meeting was adjourned at 8:38 PM.