

ATKINSON ZONING BOARD OF ADJUSTMENT

21 Academy Avenue

Atkinson, New Hampshire 03811

Public Hearing Meeting Town Hall

Wednesday, May 10, 2023

Members Present

Glenn Saba, Chair, (present)
Bob Connors, Vice Chair (not present)
Kevin Wade, (present)

Scott Sullivan, (present)
Arthur Leondires, (present)
Guy Wetherbee, Alternate, (present)

Others Present

Karen Wemmelmann, Recorder
Charles Zilch, SEC Associates
Sue Coppeta, Planning and Zoning
Administrator

Workshop 7:00 PM

Approval of Minutes:

Member Leondires made a motion to approve the minutes of the, April 12, 2023 meeting as amended. The motion was seconded by Member Wade. The members of the Atkinson Zoning Board of Adjustment present voted in favor. Vote: 4/0/0. The vote is unanimous. Alternate Wetherbee did not vote

Correspondence: none

Call to Order: Chair Glenn Saba called the meeting to order at 7:30 PM, May 10, 2023.

There is a full Board. Chair Saba welcomed Alternate Guy Wetherbee. Members voting will be Art Leondires, Scott Sullivan, and Kevin Wade; Alternate Guy Wetherbee and Chair Glenn Saba.

Member Leondires will be keeper of records.

Public Hearing – 7:30 P.M.

Chair Saba opened the public hearings at 7:30 PM, May 10, 2023. There will be two public hearings.

- 1. Application for Appeal of Administrative Decision submitted by Charles Cleary, Esq and Wadleigh, Starr & Peters, P.L.L.C. for Charles Kinney & Jeanine Kinney Living Trust, Charles Kinney Trustee related to the denial of an Application for Building Permit on property located at Map 17 Lot 62 in the RR2 Zone. (continued from February 2, 2023 and April 12, 2023)**

Additionally this same parcel has also submitted an application for Frontage Variance to allow construction a single family dwelling on a parcel without frontage

where 200' is required (200' variance) - on property located at Map 17 Lot 62 in the RR2 Zone.

Abutters: List not read

Chair Saba informed the members of the Atkinson Zoning Board of Adjustment ("Board") that he has a letter from Attorney Reddington stating:

"We are withdrawing our appeal of administrative decision, therefore the application can be removed from the Zoning Board of Adjustment agenda permanently."

Discussion: Chair Saba asked the members of the Board for discussion. There was none.

Chair Saba requested a motion.

Member Leondires made a motion to remove the application for appeal of administrative decision submitted by Charles Cleary, Esq. Wadleigh, Starr & Peters P.L.L.C. for Charles Kinney & Jeanine Kinney Living Trust, Charles Kinney Trustee related to the denial of an application for a building permit on property located at Map 17 Lot 62 in the RR2 Zone.

Discussion: Member Sullivan asked the Chair if the motion should be seconded without prejudice. Chair Saba replied that he read the letter from the Attorney as written.

Member Sullivan seconded the motion. Vote: 5/0/0. Unanimous. The motion passes.

2. Application for Variance from Article IV Section 410:8 a submitted by SEC & Assoc, Inc for Paul J. Schena to allow construction of a proposed dwelling 91' from the wetlands both the east and west sides (9' variance) where 100' is required on property located at Maple Ave, Map 14 Lot 37 in the TR2 Zone.

Additionally, this application also requests reconsideration of a condition of an approved variance from Article IV 530b granted June 9, 2021, regarding the location of the driveway. (cont'd from April 12, 2023)

Abutters:

Mark R. Perri and Joni Belfiore (present), Stanley J. and Monique Moran, Megan A. Duffy (present), Ryan Kelliher and Tatum Mortimer, Jeffrey W. and Laura K. Flieder (present), David W. and Julie M. Hammond, Mullett, Peter & Lorraine IRR, Peter and Lorraine Mullett, Matthew J. and Paula J. Fetty (present), John H. and Jacqueline S. Gillian, Jay S. and Colleen J. Alper, Desmond Academy Ave. Realty, Daniel J. and Dawn M. Desmond, JBara Jeffrey and Lauren Living, Jeffrey and Lauren JBara, Reed, Alan & Gail Trustee, Reed Family Revocable Trust, Paul J. Schena (present), Richelle C. Messersmith, Thirty Academy Avenue Realty T, Jeannette White, Livingston Family Realty Trust, John M. Livingston TTEE, Pamela G. Livingston TTEE, Robiscek, Daryl McGregor, Rev, Daryl McGregor Robiscek TTEE, Timothy Ferwerda, SEC Associates (present)

Discussion:

Mr. Charles Zilch, SEC Associates, appeared before the Board to represent the property owner, Mr. Paul Schena. This application is for his variance request.

The intent of the application is to obtain a variance to allow for a proposed residential dwelling to be constructed within the outer limits of a 100 foot wetlands setback and it is also a request for reconsideration of a condition of a previously granted variance to allow a proposed driveway to be located at an alternative location. Unfortunately, there is a condition on that previous variance.

The property itself for which the application serves, is identified on the Town of Atkinson tax maps as Map 14, Lot 37. The lot is 16.68 acres in size with two segments of frontage on Maple Ave totaling 147.44'. Mr. Zilch will refer to them as the northerly and southerly segments of the frontage. The northerly segment of frontage is 49.84' and the southerly segment of frontage is 97.60'. The northerly segment lies between established dwellings at 78 Maple Ave, owned by Matt and Paula Fetty, who are here, and 76 Maple Ave owned by Scott Foley and Megan Duffy, who are also here. The southerly segment abuts to the south of 76 Maple Ave. These two access points are the only frontage available for this property. There is no other frontage, just these two segments on Maple Ave. There are no other rights of way and no other easements. There is no other access to the property. The property is located entirely within the TR-2 zone. This undeveloped property was formerly owned by the Haskins family from whom Mr. Schena purchased it. Prior to selling the property the Haskins had representation from their realtor, Barbara Brown to seek a variance to allow for construction of a single family home with less than 200' of frontage. This property does not have 200 feet of frontage. The thought at that time was to find a location as close to the street as possible for the proposed dwelling without fully surveying and mapping the property which would be a fairly good expense at nearly 17 acres. What the former applicant wanted was to obtain a variance so that the property could be marketed as quickly as possible. During deliberation for the variance the owners of 76 and 78 Maple Ave voiced their concerns about accessing from the northerly access and so at that time, the ZBA granted the variance with the condition that the driveway was to be constructed through the southerly entrance to access the dwelling which was at that time proposed directly behind 76 Maple Ave. The variance was granted in June of 21. Mr. Zilch remarked that several abutters may have been present at that hearing.

Under Mr. Schena's ownership, the site has been fully surveyed, with full topography and wetland mapping of the property. As you can see from the overview plan, the wetlands scientist, Timothy Ferwerda, identified several wetland complexes and pockets throughout the site. Reviewing from Maple Ave east through the property, you can see there is a large pocket/complex within the southerly segment that was not known during the ZBA deliberation.

When the survey was done for the first deliberation, it was more just a septic design topo right behind the proposed dwelling and did the survey of just the topography of the northerly segment. The applicant did not look at the southerly segment at that time. There is a wetland pocket there. Moving further east, within the middle of the site is the largest wetland complex that bisects the property. This wetland runs in several directions and leaves several large upland pockets between them. At the rear of the property there are two smaller pockets. In all,

there are several wetlands on the property. However, most of the property is fairly uplands, well-drained property. About 85% of it is uplands and 15% is wetlands in entirety.

Once the mapping was completed, and based upon Mr. Schena's desire to construct just one single family dwelling on this 16 acre property, it is our hope that there is consideration of allowing the dwelling to be constructed within the middle of the property as shown on the plan given to the Board rather than directly behind the dwelling at 76 Maple Ave. The footprint that Mr. Schena has chosen is slightly larger than what the 100' wetland setbacks would allow at the location chosen in the middle of the property. It is centered within the building envelope and at its closest point would be 91.3 feet from the wetland. The applicant is at the very outer limit, it is just a small incursion into the wetland buffer or wetland setback and the applicant is looking for relief. The applicant is also requesting that if the Board were to allow the wetlands variance, also allow a five foot margin of error, say if during construction ledge or large boulder is encountered and the location of the proposed dwelling shifts one way or the other. If it shifts to the east or if it gains to the west it may be completely out of the buffer zone at that point. The applicant is hoping for a little consideration that the Board will not hold it to a hard line on the actual location of the proposed dwelling. There are a lot of site conditions that could change the proposed location should perhaps the contractor should decide he wants to lift the house because of water table issues, for example and perhaps there would be some additional steps that would require a little more outside the setback.

Prior to submittal to the ZBA, the applicant met with the Conservation Commission, both on site and at a scheduled hearing. From our discussion with the Commission we have incorporated plans to mitigate impact to the wetlands. So, yes, the applicant will be within the outer limit of the wetlands buffer. To mitigate impact, Mr. Schena has agreed to provide infiltration of the stormwater runoff whether it is done by rain garden around the house, dripline infiltration trench around the house, capture it with gutters to run into a drywell. A State approved septic design has been received and Mr. Zilch has submitted it as part of the application package.

Mr. Zilch would also like to note that Mr. Schena would like to construct a detached garage/woodshop with its own separate bathroom. This is an ancillary use to the proposed dwelling. The location of the garage/woodshop and septic meet all setbacks both for the building and for the septic. A separate, State approved septic design has been prepared for the proposed garage/woodshop and is included in the application packet.

In addition to the wetland setback variance request, we are requesting reconsideration of the driveway location condition that was part of the frontage relief. The concern (from the abutting property owners, the record and discussions on site) with the driveway accessing from the northerly entrance (Mr. Schena's desired location) is the proposed driveway's proximity to the dug well located at 78 Maple Ave at the rear of their property close to the property line. We feel we can address that concern with design ideas that are incorporated into this plan and into this application and are asking that the Board reconsider that condition.

Mr. Zilch asked for questions.

Chair Saba read a letter from the Conservation Commission:

“...The Atkinson Conservation Commission was contacted by Charlie Zilch of SEC & Associates in late December of 2022, concerning the above-referenced wetland setback variance application that he was preparing for presentation to your Board. Mr. Zilch is representing Paul Schena, the new landowner of Atkinson Tax Map 14 Lot 37, and Mr. Zilch requested time on our December 2022 agenda for a preliminary discussion. In my absence, commission Member John Fournier informed Mr. Zilch that we were not meeting in December due to the unavailability of members and the lack of urgent business, and after further correspondence I suggested a site walk followed by an appearance at our February 22, 2023 meeting.

What we did: Members of the Conservation Commission conducted site walks of the property on January 17, February 17, and February 20, 2023. During those site walks we reviewed and commented on early versions of the conceptual plan. Mr. Zilch's associate, Bill Hall, presented a conceptual plan dated February 21, 2023 at our February 22 meeting. Before the meeting, we also reviewed data from the Land Conservation Plan of 2022 and other sources concerning the wetlands in the area and the contiguous block of wildlife habitat that exists in that part of town. A copy of the February 21, 2023 plan is attached to this letter.

What we learned: The wetlands on the property are part of a chain of wetlands between Maple Avenue and East Road that run from Academy Avenue on the north to Bryant Brook on the south. While not designated as Prime Wetlands, nevertheless they provide important wildlife habitat and watershed protection qualities for the town. Also, the property in question is part of an unfragmented block of more than 100 acres, in which wildlife can travel without having to cross any roadways. During one of the site visits, one of the abutters mentioned that he has seen spotted turtle on his property. Spotted turtle is on the state's list of threatened species. Wetland Setback Variance Application, Map 14 Lot 37 In viewing the conceptual plan dated February 21, 2023, we noted the location of the wetlands and the size of the relief being requested from the 100-foot wetland setback as required by Atkinson Zoning, Section 410:8 (b). We also noted on the plan that there is a 50- foot no-cut buffer of natural vegetation between the wetlands and the disturbed areas around the house, and stormwater management features to help stormwater from the roof of the structure to be contained and allowed to enter the groundwater for wells in the area.

Our thoughts and impressions: Although the nature of the wetlands and the presence of spotted turtle is fairly significant and thus important to protect, we were favorably impressed with:

- the small size of the relief that is being requested,
- the voluntary inclusion of a 50-foot no-cut buffer of natural vegetation between the wetlands and the disturbed areas around the house, and
- measures to manage stormwater runoff. We feel these measures mitigate any potential harm to the wetlands, and we have no further concerns about this project.

This letter replaces an earlier letter about this application dated February 28, 2023. That earlier letter should be discarded. Please let me know if you have any questions. Sincerely, Paul Wainwright, Chair, Atkinson Conservation Commission.”

Chair Saba remarked that he did not see the no cut buffer on the plan that Mr. Zilch submitted to the Zoning Board.

Mr. Zilch explained that the buffer that the applicant refers to has since been withdrawn. Mitigation to the wetland will just be the infiltration mechanisms that he spoke of. There is no buffer associated with the plan.

Chair Saba summarized that the applicant was in front of the Conservation Commission, the no cut buffer was discussed and voluntarily included and then the applicant withdrew the no cut buffer outside the conservation meeting.

Chair Saba asked if the buffer were withdrawn outside of the meeting. Mr. Zilch represented to Chair Saba that the Conservation Commission had a scheduled meeting last week attended by

Mr. Paul Schena. It was his belief that the proposed application was discussed again and the Commission still supported the application without the buffer.

Chair Saba stated in the application packet there is an email to the contrary. It states that the Commission was disappointed with applicant's decision to remove the no cut buffer. Chair Saba informed Mr. Zilch that since he does not have another, more recent letter from the Conservation Commission regarding the application, he will refer to the letter dated March 29, 2023 that is in the application packet.

Chair Saba informed the applicant that he did not see any infiltration system design on the plan; he did see some methods listed on the back, but he does not see the calculations or locations of where they would be put.

Mr. Zilch explained that the most important plan for that is the septic design.

Chair Saba asked about the septic design, whether it is the same septic design that was original or if it is a new design. Mr. Zilch explained that it is a new design that shows the location of the house in the area that the applicant is seeking relief for. Chair Saba asked if the septic field were in the same spot or if it has been moved. Mr. Zilch stated that the field is in the same spot, the field meets the 100 foot setback for the leach field. Mr. Zilch showed the Board the relief that the applicant is looking for on the plan, just outside of the wetlands setback buffer. The leach field meets all the 100 foot wetlands setback requirements. Only a small portion of the house requires relief.

A note that infiltration is required comes with this plan. Mr. Zilch has left infiltration design up to the site contractor. He thinks that in this case, drip line trenches for infiltration would work best. There is a bit of a higher water table so he thinks it might not be a great spot for a drywell but in the excavation sitework if they decide to bring fill in around the house, a drywell may be a better situation. Chair Saba asked Mr. Zilch if the drainage systems need to be designed based on the amount of runoff they are supposed to collect. Mr. Zilch explained that infiltration systems are pretty straightforward. With the drywell, we can give guidance as far as the size, based on the footprint of the house, and that would be the same for the rain garden. The rain garden is based on square footage of the house as well. Mr. Zilch explained that once the applicant has a final plan, he will meet with the contractor and give them the sizes. Then the contractor can decide what infiltration system to use. That is standard practice. Mr. Zilch showed the Board the detail sheet that he said was submitted with the septic design. It also talks about how to size for infiltration systems.

Member Sullivan looked at the topography plan and asked if it is the garage attached to the dwelling that is in the setback. Mr. Zilch informed him that the proposed garage meets all the setbacks. Member Sullivan replied that it appears that some of the structure that looks like a proposed garage is in the 100 foot setback. Mr. Zilch showed him the location of the proposed garage, the leach field and the septic in relation to the 100 foot setbacks on the plan.

Mr. Sullivan pointed out the area he is concerned about. It looks like the area where the applicant would drive in. Mr. Zilch agreed that it is the garage that is attached to the proposed house. The other proposed, detached garage/woodshop together with the leach field and septic are outside the 100 foot required wetlands buffer.

Chair Saba asked if the second septic system were State approved and Mr. Zilch replied that it was. The State approved design for the second septic system was submitted with the application.

Chair Saba asked if members of the Board had further questions.

Alternate Wetherbee asked if the applicant were asking for relief in two places and if the aggregate relief would be 18 feet. Nine feet at one point and nine feet from another. Mr. Zilch agreed that the relief required would be 18 feet if both sections were added together. Also, if the Board allows, the applicant is asking for five feet of relief either way, the aggregate would be 28 feet of play. Mr. Zilch explained that the additional relief, the five feet of play, is if the building were to slide one way and loose, it would gain on the other side, so it would only really be five feet in its entirety.

Chair Saba informed Mr. Zilch that he did not see the septic approvals in his packet. Mr. Zilch informed Chair Saba that he may not have submitted the approvals, he submitted the plans with the State approval numbers on them. The plans on the presentation board are the septic plans and they have the state approval on them.

Chair Saba informed Mr. Zilch that he did not have copies of the septic design plans and asked Mr. Zilch if he would submit them to the administrator.

Chair Saba asked if there were more questions from the Board before he opened the hearing to the public.

Chair Saba opened the hearing to the public and asked if there is anyone who would like to speak in favor of the proposal before the Board tonight.

Mr. Mark Perry, 75 Maple Avenue, requested to speak. He has lived at 75 Maple Avenue for 75 years. He explained that the 50 foot right of way used to be a gravel road to all three fields. The other proposed way was always too wet and muddy to pass. On the 100 foot right of way there is a culvert which drains upper Maple Ave and also drains from the other side. It drains a lot of water. The 50 foot wide access was a gravel road although it is probably overgrown and can't be seen anymore. Going through the south entrance is a hardship on the owner of the land because it would require a much longer driveway and they will have to go through the wetland.

Mr. Zilch asked if the abutters were commenting on both applications right now. Chair Saba stated that the Board is having a discussion. Mr. Zilch stated that at some point, he would like to speak. Chair Saba agreed.

Chair Saba asked if there were any others in favor of the proposal before the Board tonight . There were none.

Chair Saba asked if anyone would like to speak against the proposal before the Board tonight :

Mr. Matt Fetty, 78 Maple Avenue, requested to speak. When the property was sold it was with a design showing the driveway going on the south side. All agreed that would be okay. No one is trying to stop development but too much is affected. He is concerned that the driveway

will affect his well which is on the 50 foot right of way. His well is 15 to 20 feet deep. The water level is three feet from the surface down. He is afraid that it will affect his well or collapse it. His well is not concrete, it is the older stuff. With all the construction, he is afraid it will cave in. His well was tested two to three years ago and it is fine. The Ph is low at 6.5, other than that there is nothing wrong with it.

Chair Saba requested Mr. Zilch respond as to what the applicant is doing to mitigate any effect.

Mr. Zilch responded that there are a number of things that have been considered. Mr. Fetty has a dug well that is close to the edge of the northerly right of way. Chair Saba asked if the area was part of the property.

Mr. Zilch responded that looking at the plan, it is 50 feet wide and looks like a right of way but it is part of the property. The applicant took a look at it, and understanding the sensitivity of the well, Mr. Zilch feels that there are a few things that can be done to mitigate any effect on it. Looking at the topography of Maple Avenue, it is a fairly gentle slope all the way back to where the first wetland is which is well beyond where the well is located and the property lines. Because the driveway will be more than 150 feet long, it has to be built at least 20 feet wide to meet NFPA standards. To mitigate that, and taking advantage of the gentle slope between the two properties, Mr. Zilch is proposing to super elevate the driveway, tipping it from one side to the other away from 78 Maple Avenue so that the water on the driveway does not run towards the well. On the southerly side of the driveway from which the water would be directed, a very simple stone line trench could be created that does not intercept ground water and is just enough to capture surface water. It could be brought all the way back to just beyond the property line to where there is a man made swale. It would flow from the back of 78 Maple Avenue to the wetland complexes. There is enough grade for the pitch.

Chair Saba asked how the swale would affect the leach field. Mr. Zilch explained that groundwater would not be intercepted, it would be just for surface stormwater. They would be moving the water from the driveway down slope, away from the well into a ditch line. It would be a very effective way of moving the water out of there and keeping drainage from going towards the well. Mr. Zilch explained that the applicant has a 50 foot wide right of way. There will be a 20 foot wide access in there. When the driveway approaches the well it will be jogged over, so that it will be 26 feet from the well to the closest edge of the 20 foot traveled way. It will still allow for snow storage on either side of the driveway, so abutters on both sides would not be affected. There will be no snow stored on the leach field or on the well. It will be jogged to about five feet from the property line of 76 Maple Avenue. The applicant is also willing to put in privacy fences on both sides of the driveway past the dwellings as shown on the proposed plan. The applicant is also amenable to landscaping.

Chair Saba asked if anyone else from the public would like to speak.

Mr. Matt Fetty requested to speak again and stated that Mr. Zilch is planning to slope the driveway to the south side and asked him about all the water that runs over the back of his property and runs over where the driveway is proposed. The water flow doesn't stop until August or September and comes back in November. Chair Saba stated that he sees a proposed culvert pipe. Mr. Zilch explained that in speaking with the Conservation Commission

and his soils scientist, it is not a jurisdictional wetland but it is a drainage way. It does see a fair amount of water. The suggestion from Conservation and from the soils scientist would be to put in a culvert, so when the driveway is constructed, the flow would not be interrupted.

A 12 inch pipe is shown on the plan and Chair Saba questioned if it would be large enough. Mr. Zilch stated that he would take another look at it. Chair Saba stated that the cut in swale is shown on the plan and is pretty wide. Mr. Fetty explained that the swale that was cut previously was about 6-8 feet wide. Mr. Zilch stated he could increase the pipe size and do calculations as to water flow. Mr. Fetty is concerned that the groundwater level is three feet below the surface. Chair Saba stated that if the pipe is sized properly and adequate, then it should not affect the flow.

Mr. Fetty asked if the applicant had to dig down 18 inches for the driveway and if the ground water traveled, would he lose his well. Mr. Zilch explained that there might be a cut coming in from Maple Avenue, but the grade drops quickly and the applicant is planning to build the driveway at grade or above grade. 18 inches of gravel are required for the fire line. Mr. Fetty is still concerned that water flow will affect his well. Chair Saba informed him that the water for his well should come from the aquifer and not water seeping off from a rain storm. If the water is good, it is coming from the ground, not from the surface.

Mr. Zilch explained that by installing a culvert in the end section of the manmade ditch line where the driveway would be put over, the sheet flow out of Mr. Fetty's yard into the ditch would be picked up by the culvert through the swale as it always has. Chair Saba is concerned that the built up area does not create a dam and the water does not back up. He agreed that if the pipe were sized properly, it would not create an issue and should not affect the flow to the culvert.

Mr. Zilch asked the Board if installing a properly sized pipe and calculations as to the flow be a condition of the variance if so granted. Member Wade remarked that other towns in the area have required 24 inch pipe. Member Sullivan agreed that a culvert would have to be installed or the driveway would not be sustainable.

Megan Duffy, 76 Maple Avenue, requested to speak. She pointed out that the applicant purchased the property knowing that the variance was approved only for the southern access point. According to the current application, the land was not fully surveyed or mapped. However, at the June, 2021 variance meeting it was reviewed by the Board. The plan was stamped and dated so it should be current including any wetland delineation, therefore we request reconsideration be denied. If Mr. Schena's request for variance is allowed, they are also seeking reconsideration of the entire frontage variance.

Ms. Duffy read a statement detailing her understanding and opinions of the variance criterias to be discussed.

Scott Foley continued. He remarked that one could argue that this land was intentionally subdivided in the 1990's by former owner David Rockwell, a regular alternate on the zoning board, lacking frontage on both sides, to conserve this land and to keep it as recreation for all Atkinson residents to enjoy. Mr Foley expressed his concerns regarding the applicant's representation of what transpired at the Conversation Commission workshop.

Chair Saba addressed the comments of the abutters. At the ZBA June 9, 2021 meeting, a variance for frontage was requested and granted. The Chair pushed the driveway to the southerly spot after the presentation was done because the wetlands were not delineated on that plan. That was a poor decision on behalf of the applicant at the time. The Board determined based on the information that they had at that time and the proposed plan that was submitted that the southern access made sense. This was not a determining factor for granting the relief but was imposed based on the information available at that time. Ms. Duffy had stated that after speaking with other abutters there were many who would not be happy with the driveway on the southern side, but she and other abutters would be happier. One way or another someone is not happy and some are. At the time, the southerly entrance from the plan was proposed by the Board because it cut the length of the driveway significantly. At the time, they had no information on wetlands. Chair Saba had walked the property many times. He was never able to access the property from the south, it was too wet. The purpose and intent of frontage is clear, for overcrowding and life safety. So that houses are not on top of each other and if there is a fire it doesn't spread. The overcrowding part cannot be argued, there is only one house. Life safety cannot be argued either. Of all the conditions of zoning, frontage is the hardest to uphold if you have the area and meet front, sides and rear setbacks, which the applicant does. It is difficult to argue that new construction homes will diminish property values. There has not been a time when the Board has said new construction diminishes property values other than on the lake when new construction would have blocked a view from an abutting neighbor. The Conservation Commission has no authority to enforce anything, but it has given the Zoning Board their opinion and now it is up to the ZBA to do what they may with it.

Laura Flieder, 32 Academy spoke. She is concerned that five or six years from now, this property may come back with an applicant requesting another house. She would ask that regardless of how the Board rules on the driveway, that it be put in writing that only one residence may be built on this property. The extra building on the property is huge and has a septic that is much larger than what is needed for a toilet and a sink. She is concerned that it will be turned into housing as well. This becomes an issue that through a back door, this will become a multiple housing lot.

Chair Saba stated that the ZBA can only address what is in front of them. In order to access the rest of the land behind the house and for development to occur on the property, there is a major wetland crossing that would have to take place. If tonight's application is approved, it would be even more difficult, because a developer would be encroaching on a variance that may have been granted and that would be hard to be undone. The abutters would be more protected if something were approved at this hearing.

Chair Saba requested Mr. Zilch explain the size of the septic system. Mr. Zilch explained that the State requires a 300 gallon a day system at a minimum. The septic size is much larger than the applicant requires but it is the minimum the State will allow to be designed to. Mr. Zilch stated there will only be a bathroom in the structure and it would not be used for a business. Chair Saba stated that a detached ADU is not allowed in Atkinson.

Mr. Fetty requested to speak about decreasing property value. He is concerned that the driveway and property line are eleven feet from his house. Chair Saba replied that it is not uncommon. The question is how to stop a landowner from enjoying their property. Mr. Fetty's

home is nonconforming. If the ZBA went by the plan and went to the southside, the driveway would be much longer and the driveway would be on the property line.

Mr. Zilch explained that a driveway on the northerly side would be 900 feet long, while a driveway on the southerly side would be 1070 feet long, so it would be a little more than 170 feet longer. There are other issues with the southerly driveway, there is a wetland there and there is more slope that comes off the back of 76 Maple Avenue down to the wetland. To get a 20 foot wide, NFPA approved driveway in there, you would have to build a retaining wall on the southerly side of the driveway to lessen wetlands impact because you are right on the property line. The other problem with the southerly side is once the driveway is there, right on the property line, there would be issues with snow storage and stormwater. There are also 2 mature maple trees that may be impacted on the property line. Issues with the southerly access include slope, a lack of setback along the property line and a long driveway. A fire chief looking at it would prefer the shortest driveway with the least number of turns. The northerly segment is the shortest route with the least amount of turns for fire apparatus.

Chair Saba stated that the previous, approved plan did not require a wetlands setback and asked why this one does. Mr. Zilch explained that the footprint is slightly different, and the proposed dwelling is in an alternative location.

Mr. Scott Foley asked if the length of the driveway was because of a fire truck or if it is monetary.

Chair Saba responded that the argument to push it to the south at the June 9, 2021 meeting was because of the length of the driveway. At the time, the Board did not have information regarding a wetland in the southerly area of the property. Without the wetland, a driveway at that location would have reduced the impervious area and the impact of the driveway. The ZBA determined that it would be less intrusive to go straight rather than to go around. Now, the same argument applies, it is less intrusive to go straight.

Chair Saba stated that if the driveway cannot be built on the south side, the applicant still has an option. It does not make the property unbuildable. Chair Saba then said he would like to return to the no cut buffer that was discussed with the Conservation Commission and was agreed on and why he doesn't see it on the plan.

Mr. Brian Boyle requested to speak as a citizen of Atkinson. Chair Saba informed the audience that Mr. Boyle was the Atkinson Building Inspector and Code Enforcement Officer then allowed him to speak as a citizen. First, Mr. Boyle informed the abutters that there are no setbacks in Atkinson for driveways. As far as the well in question, the previous owner deeded the well to the abutter because it was not on their own land, so accommodations have been made. Also with regards to the well, with the design Mr. Zilch is proposing, the driveway should have no effect on the well. Mr. Boyle said he spoke to the Chair of Conservation; he believes the Conservation Commission did not want to get involved in spot zoning. He is unaware of any recorded plan that is telling a private property owner that you can only cut so much of your trees. Looking at the property, it is a tract of land, it was not left for natural land.

Chair Saba requested to return to the issue from the Conservation Commission with the relief that the applicant is requesting. Chair Saba stated that he has an email from the Conservation

Commission stating that they would not be issued a revised letter. He asked why Mr. Zilch pulled out the buffer. Mr. Zilch stated it is because the buffer would set precedent. This is a large tract of land.

Saba explained the board asks people to go before the Conservation Commission when seeking wetlands variances. The ZBA relies heavily on the Conservation Commission's opinions. The ZBA has never had an applicant go before the Conservation Commission, get their opinion and come back to the ZBA with something different. We need to protect this significant wetland and significant wildlife habitat. This is a large tract of land and an additional no cut buffer would not detract from the use of the land.

Mr. Zilch explained that he asked the Conservation Commission to visit the property for a site walk first. Buffers were discussed initially and Mr. Schena agreed to a buffer, thinking this was normal practice. Then he discovered that it was not. It would be setting precedent. This is an almost 17 acre lot. He is asking for one house. Mr. Zilch does not want to lose sight of the fact that this is one house on almost 17 acres. It is not the intention of the applicant to cut down all the trees. The applicant wants a buffer around the proposed dwelling. He does not want to be behind 76 Maple Avenue, he wants to be in the middle of the land where he can have privacy, the full use of the land and enjoy his workshop without disrupting any of the existing property owners around him. He does not want a big lawn space around his house. He wants to keep everything fairly compact, contained and efficient. That has been his intention and their discussion since day one.

There was further discussion among the applicant and abutters regarding the subsequent Conservation Commission workshop.

Chair Saba stated that the discussion at the Conservation Commission workshop is not being addressed at this evening's hearing. The opinion of the Conservation Commission was documented in their letter that has been read into the record.

Member Wade asked if more homes could be built on the land. Chair Saba informed him that there could be, there is a lot of upland on the property. The upland is on the other side, east of the wetland.

Mr. Fetty asked about future potential development. Mr. Zilch informed him that in order to build more homes, an applicant would have to obtain additional relief from the ZBA or there would have to be a public way to create frontage, but it can be done. There would have to be a 50 foot right of way and it would have to be built to Town specifications.

Chair Saba stated that the variance for frontage has been granted. There was a conditional approval for the location of the driveway. Now, the applicant is requesting that the condition be removed. This is a different plan from the one submitted at the June 9, 2021 hearing. On this plan, the house has been pushed back and the wetlands have been delineated, showing the south side as nearly non-buildable. This plan shows mitigation for a proposed driveway on the north access. A privacy fence is proposed on both sides of the proposed driveway. The proposed driveway will be sloped so it drains to the south. A stone trench is proposed for drainage. The water will be collected and dumped into the existing drainage swale towards the

rear of 76 Maple Ave. A culvert is proposed under the driveway to allow sheet drainage to the south into the existing swale and naturally into the wetland.

Chair Saba added that the applicant is looking for relief for the dwelling in the front and the rear to the wetland. The applicant went to the Conservation Commission. They voluntarily agreed to a 50 foot no cut buffer. A no cut buffer would protect the wetland and the wildlife habitat. The Conservation Commission is saying that this is the watershed from two primary wetlands. It is also a 100 acre contiguous area for wildlife. The ZBA needs to interpret, enforce and protect what the ordinance provides. It has heard concerns from the neighbors. It is up to the Board to decide.

Mr. Zilch suggested that a letter from the ZBA to the Conservation Commission be sent allowing them to appeal the decision if they do not recommend approval now that the voluntary, no cut buffer has been removed. Chair Saba informed him that the Conservation Commission does not have the authority, they can only suggest.

Mr. Zilch is concerned with setting precedent. Chair Saba also informed Mr. Zilch that the ZBA will address precedent.

Member Sullivan remarked that the driveway on the initial proposal would have run parallel to the back yard of 76 Maple Avenue. He asked the abutters if they were comfortable with that. Mr. Fetty explained that a driveway on the northerly side would be right on top of their property.

Mr. Foley asked about a reconsideration of the frontage variance and contiguous frontage. Chair Saba explained that the variance has been granted, there was a 30 day appeal period and that time passed long ago.

Chair Saba asked if anyone else would like to speak.

Mr. Zilch requested five minutes to consult with his client.

Chair Saba called for a recess.

Member Leondires made a motion for a five minute recess. Member Sullivan seconded the motion. Vote: 5/0/0. All in favor. The motion passes.

Chair Saba reopened the hearing at 8:50 PM.

Mr. Zilch stated that the applicant would like to proceed on both requests, and requested the Board proceed with reconsideration of the condition on the driveway variance first, then move to the request for variance of the wetlands setback relief.

Chair Saba agreed. The Board proceeded with the discussion.

Reconsideration of a condition of an approved variance from Article IV 530b granted June 9, 2021, regarding the location of the driveway. (cont'd from April 12, 2023)

Chair Saba requested Member Leondires read the statement of facts. The public hearing is not closed.

Statement of facts:

- A 20 foot wide driveway is required due to the length; around 900 feet on the north side, if they go through the north side and around 1070 feet on the south side.
- The south access point has since been delineated and there is substantial wetland.
- The north side driveway would be sloped away from the well at 78 Maple Avenue.
- There is a proposed drainage culvert pipe.
- There is a proposed stone infiltration trench that will collect runoff from the proposed driveway and dump it into the existing drainage swale at the east end of 76 Maple Ave.
- The applicant proposed a privacy fence on both sides of the driveway along both abutting property lines.
- A condition to properly engineer the drainage culvert pipe, because of concern about the size. It needs to adequately handle the surface water flowing from 78 Maple Ave to 76 Maple Ave
- The majority of the abutters do not support having the driveway on the northerly side.

Discussion:

The Board discussed if it was necessary to go through the criteria in order to remove the condition of the approved variance. Mr. Zilch informed him that he submitted criteria for the frontage, not relief from the condition. The Planning and Zoning Administrator informed him that it would not be necessary to go through the criteria since the relief is not being reevaluated.

Chair Saba stated that the condition of approval for a driveway on the south side of the property was granted because the plan presented at the June 9, 2021 hearing did not show a wetland on the south side, so it appeared possible to have a direct driveway. There were other conditions as well. A ZBA member asked the applicant at that meeting why the south side was not addressed on the plan submitted to the Board. The former applicant stated that the north side is straight, flat and a no brainer. The ZBA disagreed, according to the plan presented at that time, the south side was straight, flat and a no brainer. Now, with a new plan showing the wetland on the south side of the property, it appears that with everything being proposed, a driveway on the northerly side would be more direct and the south side cannot be easily built due to wetlands.

Chair Saba requested input from the Board.

Member Wade stated that a driveway on the south side would be more difficult and intrusive. As far as maneuvering fire apparatus, the north side seems more logical.

Alternate Wetherbee stated that the skills he brings are architectural and architectural design. He looked at the plans this afternoon. A driveway on the north side is completely doable with the proposed dwelling located as it is. The south side is ungainly, but with the house flipped 180 degrees, the south side is doable, the wetland relief for the dwelling would be less. It is an option however. Alternate Wetherbee was not aware of the location of the wetlands at the southerly entrance when he looked at the application because he did not have a wetlands plan and after seeing the wetland delineation tonight he doesn't believe it can be used.

Member Leondires stated that the water mitigation techniques proposed should solve any problems regarding drainage. Also, the privacy fence would help reduce the impact of the

driveway on the abutters. The south side seems unbuildable now that we see the wetlands. Chair Saba agreed that with the wetland, a driveway on the south would not be buildable.

Member Sullivan stated that it is interesting to say that getting a lot approved and a frontage reduction done without doing the research is moving too fast. The driveway on the original, proposed side would be longer. He finds a straight line to the street is the quickest duration of having traffic passing by the homes so the option before the Board at this hearing is the better option. He feels a driveway a few hundred feet past the back of a property does not help to market it. One area of concern is the line of sight is difficult at the proposed location. The ZBA is concerned about safety when exiting and entering but they do not control it. Overall, the north driveway location between the two houses is better, considering the soil conditions and length.

Chair Saba stated that going back to the minutes of the June 9, 2021 hearing, there were reasons for the conditions when they were made. The wetlands were not delineated, now that the wetlands have been delineated, he does not believe a driveway could be built on the south side.

Chair Saba requested a motion.

Member Sullivan made a motion to grant the reconsideration and remove the condition of an approved variance from Article IV, 530 b allowed by the Atkinson Zoning Board of Adjustment at the hearing of June 9, 2021 regarding the location of the driveway with the conditions that the driveway is constructed no closer than 5 feet from south side lot line of 76 Maple Avenue is built super elevated so it drains the length of the abutting properties north to south. A drain is constructed to collect the water from the driveway and drain it to the rear of 76 Maple Avenue into the existing drainage swale. A privacy fence is installed on both sides from Maple Avenue to the rear of the abutters property. An engineered designed culvert pipe is to be installed at the rear of the abutters property to allow surface drainage from 78 Maple Avenue to 76 Maple Avenue. The structures are to be constructed in the proposed locations. Member Wade seconded the motion.

Discussion: None

Vote: 5/0/0. All in favor.

Mr. Zilch would like to proceed with the request for wetland variance.

Member Leondires read the statements of fact.

- This is a wetland variance request.
- There is a letter from the Atkinson Conservation Commission, but the conditions on which they recommended granting the variance are no longer present.
- The wetland is a significant resource area because it connects two prime wetlands and is habitat for wildlife and possibly the spotted turtle.
- This property is part of a 100 acre contiguous stretch where wildlife can travel without crossing a street.

- There are two septic systems, one for the house, one for the garage, both approved by the State as represented by Mr. Zilch. The septic design plans and approvals were not included in the application.
- There is a request for 18 feet of relief, with an additional 5 feet back and front which will not change the total relief being sought.

Chair Saba requested to go through the criteria.

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

Mr. Zilch stated the request is to allow one single family dwelling to be sited internally within a 16 acre lot located in a residential zone. Although relief is being requested to the wetland setbacks, the impact of one single family dwelling on this large parcel of land is less impacting than full development of the parcel. The area proposed for the dwelling meets all NHDES requirements for receiving layer, setback and sewage loading. A test pit was observed and the soils are supportive of the dwelling and the proposed septic system designed to serve it. One home on this large parcel of land will not be contrary to the public interest.

Discussion:

Chair Saba stated that as a Zoning Board, it has for the past decade, relied on the Conservation Commission expertise regarding wetlands and wetlands setbacks. The Commission looked at the application and made a point to tell the Zoning Board that it is a watershed for primary wetlands and it is a wildlife habitat, and although they admit that the setback relief is not huge, there should be some considerations. In the plan that was submitted to the Conservation Commission there was a 50 foot no cut buffer. The applicant knows about the wetlands, they have discussed the plan with neighbors, they know that it is a possible spotted turtle habitat, they know it is connected to two prime wetlands and mitigation is being done. The applicant, received a positive letter from the Conservation Commission after agreeing to conditions and then the applicant revised those conditions, presenting a different plan to the ZBA. Chair Saba stated that the intent of the ordinance is to protect these types of significant wetlands and wildlife habitats. By eliminating the added protection granting this relief would go against public interest.

Chair Saba believes that the ZBA would be setting a precedent if they do not require some kind of protection to this significant wetland. This is the reason this parcel has never been developed. The applicant is requesting relief for the wetlands buffer. The plan looks great, but, the Conservation Commission, with the consent of the applicant, has suggested a 50 foot, no cut buffer. The buffer may not have to be 50 feet, it could be 20 feet or 15 feet. There is a reason for the Commission to ask to protect the wetland. They are not an authoritative board, they are an advisory board with experience in wetlands, habitats, wildlife, watersheds and more and they advise us. It is the job of the ZBA to interpret our ordinance and decide if relief should be granted and if so if restrictions need to be placed.

Chair Saba read from the March 9, 2023 letter from the Conservation Commission, it states, “they were favorably impressed with the voluntary inclusion of a buffer.”

The Chair and Mr Zilch, the applicant' representative discussed alternative options for additional protection.

Chair Saba asked if the applicant would like to ask for a continuance or proceed.

Mr. Zilch said they would like to proceed. Mr, Zilch informed the Board that the applicant is proposing a 15 foot no cut buffer, starting at his property line and protecting the area around the house where the applicant is requesting relief. The buffer would not include the driveway. This would be in the same location as the 50 foot no cut buffer originally offered to the Conservation Commission.

Chair Saba informed the Board Members that the letter from the Conservation Commission stated the applicant is willing to install a 50 foot no cut buffer. The plan before the Zoning Board at this meeting does not show a no cut buffer at all. Now the applicant is offering a 15 foot no cut buffer in the area where a 50 foot no cut buffer was originally offered to the Conservation Commission.

Chair Saba requested further discussion from the Board members.

Member Sullivan stated that he has a letter from the Conservation Commission that states one thing and at the very least voicing concerns. He asked why the Board would not listen to their suggestions.

Alternate Wetherbee stated that if applicant is replacing the 50 foot buffer originally agreed upon with a 15 foot buffer and Wetherbee questioned if that was adequate.

Vote: 0/0/5. All opposed. Criteria 1 is denied.

2. The spirit of the ordinance is observed because:

Mr Zilch stated the intent of the ordinances from which we are seeking relief is to ensure wetlands are not adversely affected by development and that water quality is preserved. In this particular instance we are proposing to site a single family home in the very outer limit of the wetland setbacks. We are proposing that in an effort to mitigate stormwater runoff from the proposed home that the owner will install either a stone dripline infiltration trench, rain garden or dry well (or combination of). This will prevent stormwater flow from directly entering the adjacent wetlands. In all, the spirit and intent of the ordinances are observed.

Discussion:

Chair Saba stated that mitigating stormwater flow is good, but the spirit of the ordinance is to protect resources, not only wetlands but wildlife. It is a significant area that the Board is trying to protect. We concede that it is a huge lot with potential for development. There are significant wetlands as well as wildlife habitat, possibly spotted turtle .

Member Leondires stated that there are a lot of challenges if the property would be developed additionally.

Member Art Leondires and Member Scot Sullivan, Alternate Guy Wetherbee and Member Kevin Wade, yea, and Chair Glenn Saba, nay. Vote: 4/0/1. Criteria 2 is approved.

3. Granting the variance would do substantial justice because:

Mr Zilch stated by granting the variance it will allow for this portion of the property to be utilized allowing the owner the full productive use of the property while maintaining privacy both for the abutting property owners and himself. As intended by the zoning ordinance, it can be demonstrated by this design that the wetlands will be properly protected. Substantial justice is done whereas the wetlands are protected and that a large parcel of land is preserved with only one home being supported.

Discussion:

Chair Saba stated that it is a tough question. The guiding rule is any loss to the individual that is not outweighed by a gain to the general public. A site could have been developed without the variance request, it may not have been everything the applicant wanted, but it could have been done. The Board is concerned about the wetlands.

Vote: 5/0/0. Unanimous. Criteria 3 is approved.

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

Mr Zilch stated this is a proposal to construct one single family home of the same or greater value as the homes on the abutting properties. This is also a proposal to construct only one single family home on this 16 acre parcel of land, the largest parcel of land in this vicinity. Relief is requested to allow the proposed dwelling to be within the outer limit of the 100' setback to wetlands and that impact shall be mitigated as noted. All considered, the values of the surrounding properties are not diminished by this proposal.

Discussion:

Chair Saba stated that overall, it is a better plan with the house sitting back, the wetland discounted from that.

Member Wade remarked that new construction rarely diminishes property values.

Member Sullivan agreed that the location as proposed is much more beneficial to the existing homes. It is set far back and to be able to fit that house in that area will work out well. After it is developed, it should have no disruption to the neighborhood.

Member Leondires asked how far the house was set back from the road. Mr. Zilch stated that the driveway is 900 feet and after taking out the hook, the house would be about 750 feet back.

Vote: 5/0/0. Unanimous. 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:

Mr Zilch stated this property is unique in the fact that it is one of the largest undeveloped parcels in this vicinity. Full development of the property would be the most intensive use of the land, our proposal to construct one single family home could be considered one of the least intensive uses of the land. The variance request for relief to wetland setbacks to allow siting the home in the least obtrusive location as possible is reasonable considering the alternatives. The Town's zoning ordinance does not consider less intensive uses as this, and does not lessen site requirements for such cases. As such, the site is unique and therefore distinguishes it from other properties. Denial of the variance is an unnecessary hardship due to the lack of alternatives offered by the zoning ordinance particularly when measures to mitigate site impacts can be applied.

Discussion:

Chair Saba remarked that regarding the parcel as a whole, there is potential for it not to always be a full parcel. The Board needs to look at where the house sits and what is happening with the plan. The Board must consider the fact that a decent sized home could have been built in the area *without relief*. The hardship exists more because of what is proposed than what could be done. Chair Saba does not believe that 5a has been met.

Chair Saba requested comment from the Board.

Member Wade stated that as far as mitigating wetlands intrusion the variance from the allowed setback is reasonable especially with the no cut buffer and asked if a no cut buffer was still being proposed. Chair Saba informed him that a 15 foot no cut buffer is being proposed at present. Member Leondires informed him that the applicant is now proposing a 15 foot no cut buffer from the wetlands based on the location of the 50 foot no cut buffer on the plan submitted to the Conservation Commission. A 50 foot no cut buffer was proposed at first, the applicant removed the buffer completely from the plan, and is now proposing a 15 foot buffer.

Member Sullivan asked Chair Saba if he thought 5a was not met. Chair Saba stated that based on the intensity of the wetland and the significance of it, and based on the letter from the Conservation Commission, the site is buildable, if the footprint were a little smaller then relief would not be needed. It is not justified without protecting the significant wetland and the wildlife habitat. Mr. Zilch stated that the porch on the west side of the dwelling and the garage require relief.

Member Sullivan asked if it were a two stall garage. Mr. Zilch replied that it is a three stall garage.

Chair Saba requested a vote.

Member Art Leondires and Member Scott Sullivan, Yea; Alternate Guy Wetherbee, Member Kevin Wade and Chair Glen Saba, Nay. Vote: 2/0/3. Criteria 5a is denied.

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

Mr. Zilch stated the proposal is to construct one single family home at the very outer limits of the 100' wetlands setback. In all, the request is reasonable.

Discussion:

Chair Saba stated that a single family house is a reasonable one, it just needed to fit.

Vote: 5/0/0. Criteria 5b is approved.

The application fails. Two criteria were denied.

Chair Saba requested a motion.

Member Leondires made a motion to deny the application for Variance from Article IV Section 410:8 a submitted by SEC & Assoc, Inc for Paul J. Schena to allow construction of a proposed dwelling 91' from the wetlands both the east and west sides (9' variance) where 100' is required on property located at Maple Ave, Map 14 Lot 37 in the TR2 Zone. It did not meet Criteria 1 and 5a. Member Sullivan seconded the motion. All in favor. Vote: 5/0/0.

Discussion

Ms. Coppeta requested that the Board revisit the findings of fact for the wetlands variance. Member Leondires read the findings of fact.

- This is a wetland variance.
- There is a letter from the Atkinson Conservation Commission, but one condition upon which they recommended granting the variance is no longer present.
- There are two septic systems, one for the house, one for the garage, both approved by the State. The approvals were not included in the application
- There is a request for 18 feet of relief, with an additional buffer 5 feet back and front which will not change the total relief being sought.
- The wetland is a significant resource area because it connects two prime wetlands and is habitat for wildlife and possibly the spotted turtle.
- This property is part of a 100 acre contiguous stretch where wildlife can travel without crossing a street.

Chair Saba quoted from the March 9, 2023 letter, from the Conservation Commission:

"The wetlands on the property are part of a chain of wetlands between Maple Avenue and East Road that run from Academy Avenue on the north to Bryant Brook on the south. ...they provide important wildlife habitat and watershed protection qualities for the town ...as part of an unfragmented block of more than 100 acres, in which wildlife can travel without having to cross any roadways. During one of the site visits, one of the abutters mentioned that he has seen spotted turtle on his property. Spotted turtle is on the state's list of threatened species. ..."

The letter further stated that because of the concessions made, the voluntary inclusion of a 50-foot no-cut buffer of natural vegetation between the wetlands and the disturbed areas around the house, and measures to manage stormwater runoff the Conservation Commission feels these measures to mitigate were sufficient to protect the wetlands.

Chair Saba informed the applicant that the request for variance is denied and reminded the applicant that there is a 30 day period to appeal.

Member Wade made a motion to close the public hearing. Member Leondires seconded the motion. Vote: 5/0/0.

Member Leondires made a motion to adjourn. Member Sullivan seconded the motion. Vote: 5/0/0. All in favor.

The May 10, 2023 meeting of the Atkinson Zoning Board of Adjustment was adjourned at 9:45 PM.