



ZONING BOARD OF ADJUSTMENT

Draft Minutes

April 12th, 2022 - 7:00 pm @ Community Development Department

Physical Location: 3 North Lowell Road (Community Development Department) Live
Broadcast: WCTV Channel 20 – Local Cable TV
Live Stream: <http://www.wctv21.com/>

Attendance:

Chairman Betty Dunn- present
Vice Chair Nick Shea- present
Pam Skinner, Secretary- present
Neelima Gogumalla, regular member- present
Michelle Stith, regular member- present
Mike Scholz, alternate- excused

Staff:

Alex Mello- Community Development Director
Julie Suech- Planning Board Technician
Anitra Lincicum- minute taker (present via Zoom)

Public Hearing

Case #05-2022: Parcel(s) 25-R-6263 (continued from March 22, 2022)

Applicant- Denis Tremblay
Owner(s) - Harding RT Denis & Theresa Tremblay
Location- 12 Acadia Dr.
Zoning District- Rural District

Variance relief is requested from Section(s) 611.6.4.3.1 to allow construction of a single-family residence on the property, which exceeds the setback requirements for an Open Space Residential Development, as the maximum front yard set from the edge of a right of way is fifty (50') feet and the proposal is for eighty (100') feet.

Mr. Mello addressed the Board. Mr. Mello stated that the original request was for a smaller lot line adjustment previously. Chairman Dunn stated that the case was opened previously and there was also a site walk for the case.

38 Mr. Shayne Gendron from Edward N. Herbert and Associates address the Board and is representing the applicant.
39 Mr. Gendron stated that during the site walk, they briefly discussed the lot line adjustment. Mr. Gendron stated
40 that the building plan is just a model of what could be built. Mr. Gendron asked that if the plan were approved, that
41 the plan not be approved “per plan” because this is just a general idea of the house on the lot. Chairman Dunn
42 stated that while on the site walk, she saw the poorly drained soil which, to her, looked like a pond. Mr. Gendron
43 stated that the distance from the corner of the proposed house to the poorly drained soil is about 75 feet. Mr.
44 Gendron stated that he has seen the area dry in the summer and right now it is holding water.

45
46 The Chairman invited public comment at this time. There was none.

47
48 The Board entered deliberative session at 7:11pm.

49
50 Chairman Dunn stated that she does think it does meet the purposes of open space and to preserve open space and
51 wetlands. It is also in keeping with the intended use of the lot. The board discussed the wording of the motion in
52 relation to the lot line instead of the proposed structure or per plan submitted.

53
54 Chairman Dunn reopen the public discussion to clarify the size of the house.

55
56 Mr. Gendron addressed the Board and stated that the house is 3,600 square foot house based on the covenant and it
57 is very similar to the size of the other houses in the subdivision.

58
59 Mr. Dennis Tremblay, the applicant, addressed the board and stated that the house will be the same size as another
60 house in the development in the area at the edge of Glendenin. Chairman Dunn stated that it would be in
61 conformance with the covenants of the house in size and style.

62
63 Public discussion was closed at this time.

64
65 **A motion was made by Ms. Gogumalla for Case #05-2022 to grant variance relief as requested from**
66 **Section(s) 611.6.4.3.1 to allow construction of a single-family residence on the property, which exceeds the**
67 **setback requirements for an Open Space Residential Development, as the maximum front yard set from the**
68 **edge of a right of way is fifty (50’) feet and the proposal is for a hundred (100’) feet. The plan is conditioned**
69 **to be 100 feet from the street and not per plan within the general footprint and within the neighborhood**
70 **covenants. Seconded by Vice Chair Shea.**

71
72 **Vote 5-0.**

73 **Motion passes.**

74 **The Chair advised of the 30-day appeal period.**

75
76
77 **[Case #07-2022: Parcel\(s\) 11-C-3100 \(continued from March 22, 2022\)](#)**

78 **Applicant – Salvatore Erna**

79 **Owner – The Erna Family Trust**

80 **Location – 3 Lancelot St**

81 **Zoning District – Residential A**

82
83 Variance relief is requested from Section(s) 702, 703, and Appendix A-1 to permit a detached thirty-two foot by
84 eighty-foot (32x80) accessory building. The proposed side yard setback is seven feet (7’), where thirty feet (30’) is

85 required. The proposed accessory building encroaches into the front yard by fifteen feet (15'), where accessory
86 buildings are prohibited.

87

88 Ms. Skinner read the case into the record and the list of abutters into the record. Mr. Hagar addressed the Board
89 and is representing the applicant. Mr. Hagar stated that the applicant would like to use the accessory building for
90 his cars, a gym and a recording studio.

91

92 Chairman Dunn reviewed the drawings that included a proposal for a 4-car garage, a gym, a half bath and a
93 recording studio. Chairman Dunn asked Mr. Hagar if he would like to review the 5 criteria as presented. Mr. Hagar
94 reviewed the 5 criteria contained in the public packet. Mr. Hagar stated that he cannot see the property of the
95 neighbors and, in discussion, Chairman Dunn confirmed this. Chairman Dunn discussed the unused property
96 nearby as well. Ms. Stith asked if the applicant was fine with the condition that the structure would not be used for
97 living space. Mr. Hagar stated that the recording studio would be soundproof within the accessory building as well
98 and that the condition would be fine.

99

100 Chairman Dunn opened discussion to the public. There was so public comment.

101

102 The board then entered deliberative session.

103

104 Ms. Stith stated that she believes the plan does meet the 5 criteria and it allows the applicant to work from home.
105 Ms. Stith stated that she would be ok with the proposal as long as there is no living space.

106

107 The Board briefly opened discussion to the public to allow Mr. Hagar, 6 Western Ave in Methuen addressed the
108 Board once again to explain he was representing the applicant; that was not clear at the beginning. Mr. Mello
109 confirmed there was a letter of authorization allowing Mr. Hagar to represent the applicant.

110

111 The Board then reentered deliberative session.

112

113 **A motion was made by Ms. Stith for Case #07-2022 to grant variance relief as requested from Section(s)**
114 **702, 703, and Appendix A-1 to permit a detached thirty-two foot by eighty-foot (32x80) accessory building.**
115 **The proposed side yard setback is seven feet (7'), where thirty feet (30') is required. The proposed accessory**
116 **building encroaches into the front yard by fifteen feet (15'), where accessory buildings are prohibited per**
117 **plan dated March 2022 with the condition that there is no living space. Seconded by Ms. Gogumalla.**

118

119 **Vote 5-0.**

120 **Motion passes.**

121 **The Chair advised of the 30-day appeal period.**

122

123 **[Case #09-2022: Parcel\(s\) 16-Q-179 \(continued from March 22, 2022\)](#)**

124 **Applicant- Benchmark LLC.**

125 **Owner(s) - Henry C. Forde Heirs, Care of Richard Forde**

126 **Location- 20 First St.**

127 **Zoning District- Residential District A**

128

129 Variance relief is requested from Section(s) 702, and Appendix A-1 to allow construction of a new 1868 +/- SF
130 two-bedroom year-round home on a pre-existing non-conforming lot of record that contains 4,558 +/- SF of
131 building area, where a minimum land area of 50,000 SF is required. To allow 9' and 10' side yard setbacks, where

132 30' is required. To allow the SFD a 17' front yard setback where 50' is required. To allow the SFD of a 16'
133 setback from the pond, where a 50' setback is required. To allow the SFD of a 60' frontage where a minimum 175'
134 frontage is required.

135
136 The case was opened previously.

137
138 Mr. Joseph Maynard addressed the Board. Mr. Craig Harvey, his client, has a purchase and sales agreement to
139 purchase the property from the Forde heirs. The deck would be about 16 feet from the pond and the house would
140 be 28 feet from the pond. The lot is about 5,000 feet. The structure is about 28% of the lot. Mr. Maynard stated
141 that at the site walk there was a lot of discussing about the height of the property and other items. Mr. Maynard
142 submitted heights of surrounding properties. Mr. Maynard stated that the house can now be a 12-pitch roof per the
143 architect that the family has been working with. Mr. Maynard stated that the setbacks and similar to the setbacks of
144 the other houses in the neighborhood. Mr. Maynard stated that the bulk of the impervious surfaces are all being
145 made of impervious product. Mr. Maynard stated that making the house a ranch structure would not work because
146 it would be a much larger footprint on the property and they would be over the necessary percentages. Mr.
147 Maynard stated that there are waivers available for pre-existing non-confirming lots such as this on the DES
148 website. Mr. Maynard stated that in discussion with DES, they have no issues with the plan as proposed and he has
149 spoken to DES about the property several times. Mr. Maynard discussed the grade around the floor as well. Mr.
150 Maynard stated that he does believe he will be able to get a state approved septic and he does have a meeting to
151 discuss this tomorrow at noon. Mr. Maynard stated that there is also a planned well on the property near the water.
152 Mr. Maynard pointed out the location of the current holding tank on the property. Mr. Maynard submitted a plan of
153 the house and the Chairman labeled this Exhibit A. This showed the proposed change in height of the roof as
154 proposed by the applicant. Vice Chair Shea stated he was not able to attend the site walk but he did walk the
155 property about an hour before hand. The top of the foundation wall in 189.8 according to Mr. Maynard. The height
156 of the road is 189 and the height of the roofline would be 209.

157
158 Chairman Dunn asked about the trees on the property. Mr. Maynard stated that some of the trees are 10-18-inch
159 trees on the property. Mr. Maynard stated that there was new emergent growth in the area as well where the
160 structure was razed. Mr. Maynard showed the area of disturbance on the map of the property. Mr. Maynard
161 showed the area of disturbance. Mr. Maynard and the Board discussed that there would be fill in the area. Mr.
162 Maynard stated that he would not be filling up against anything large. Chairman Dunn stated that filing in near
163 large trees would potentially compromise the health of the trees. Mr. Maynard stated that he would not be filling in
164 that area.

165
166 Chairman Dunn stated that one of her concerns is the road. Chairman Dunn stated that the proposed structure is
167 different than all the other structures on the street and right next to a community beach. Chairman Dunn stated that
168 she has concerns around the character of the neighborhood. Mr. Maynard stated that the property was offered to
169 several parties before it was put up for sale. One of those parties was the community beach organization and they
170 did not buy it. Mr. Maynard also stated that there was once a structure on the property before it was razed. Mr.
171 Maynard further stated that he does understand the potential impact of the structure. Mr. Maynard stated that the
172 impervious coverage does meet the ordinance. Mr. Maynard further stated that the building is centered in the area
173 and further from the lake than it is from the street. Mr. Maynard also stated that the lot also does have challenges
174 around slope and flood plain. Mr. Maynard also stated that the applicant cannot buy any additional land to make
175 the lot more conforming.

176
177 Chairman Dunn stated that the applicant is asking for a plan that does not have an approved septic. Mr. Maynard
178 stated that this does happen all the time and if he is not able to secure a septic design, there will be no plan for the

179 septic, hence, no plan for the building. Mr. Maynard stated that he is not currently asking for a variance for the
180 septic. Mr. Maynard understands that if the septic is not approved, he does not have a year-round house. The Board
181 discussed the approximate square footage of the razed structure. Mr. Maynard stated that the footprint is about 800
182 square feet.

183
184 Mr. Maynard stated that the property is being designed for a family who will be caring for a family member nearby
185 and the 4-bathroom plan was intended for their use of the property to care for a family member. Vice Chair Shea
186 asked about the parking situation. Mr. Maynard stated that there is geo grid material that can be used to park on for
187 a visitor and this is a porous product. There is also the garage that can accommodate a vehicle.

188
189 Chairman Dunn opened discussion to the public.
190

191 Ms. Jackie Saba, 33 First Street addressed the Board. Ms. Saba stated that the height of the proposed property will
192 negatively impact the value of her property as well as seasonal properties in the area. Ms. Saba stated that this will
193 be a 3-story home with 3 bathrooms. The first floor is a livable space that will have a bathroom. Ms. Saba stated
194 that the height is well above the stated level of the house and she does not see this as a cape but as a 3-story home.

195
196 Mr. Brian Harvey addressed the Board. Mr. Harvey resides at 12 Sea St., Manchester by the Sea. Mr. Harvey
197 stated that this is a cape style house with dormers on it. Mr. Harvey stated that the pitch can vary in a cape style
198 house. Mr. Harvey stated that it is a 3-story home that is 22 by 24. There is a bath for each bedroom on the second
199 floor. Mr. Harvey stated that his son will be living in the home and does not plan to have anyone live with him.

200
201 Chairman Dunn stated that they do have correspondence from Ms. Churchill who also submitted a letter.
202

203 Ms. Phyllis Churchill 22 First St. then addressed the Board. Mr. Churchill states that she owns 35 First St. Ms.
204 Churchill stated that she has been working very closely to try to have an easement on her property for the septic for
205 the proposed structure. Ms. Churchill stated that she did look up the definition for a cape style house. Ms.
206 Churchill stated that she was disappointed after she saw a copy of the architectural drawing of the house. Mr.
207 Churchill stated that she worked very hard with Mr. Maynard to come up with a functioning easement with the
208 applicant.

209
210 Mr. John Bowman, 5 Third Street. Mr. Bowman stated that where he has difficulty with the proposal is with the
211 beach rights. He is against anything that is that close to the beach and he has an issue with anything that will be
212 less that 30 feet from the beach. Mr. Bowman stated that the tree line of the beach was not going to be disturbed.
213 Mr. Bowman hopes this will take all this into consideration and it will affect many families.

214
215 Vice Chair Shea asked about the property being offered to the beach association. Mr. Bell stated he had not heard
216 anything about this previously.

217
218 Mr. Bob Nelson addressed the Board. Mr. Nelson lives at 16 Third Street. Mr. Nelson stated that there are 82
219 properties that have beach rights to that beach. Mr. Nelson stated that the beach association has zero rights to come
220 up with money to buy any property from the trust and he does not recall this property ever being offered to the
221 beach association. Mr. Nelson stated that he is concerned for the safety of the children during construction. Mr.
222 Nelson is concerned about the construction impact in the area as well.

223
224 Mr. Maynard addressed the Board once again. Mr. Maynard stated that he does quite a few variances on lake lots
225 and he did not request the maximum for this lake lot. Mr. Maynard agrees that the beach is shared by many

226 property owners nearby. Mr. Maynard stated that the lot will not have any water that flows in the direction of the
227 culvert. Mr. Maynard stated that the wall might have been on the property for a number of years and they have no
228 intention of making any changes to the wall. The wall is 60 to 70 years old and he is willing to work with people in
229 the area to accommodate the wall as part of construction. There are some short trees that might be taken down in
230 the area as part of the point grid system. Mr. Maynard reviewed where the propane tank will be placed in relation
231 to the wall being discussed. Mr. Maynard stated that they are trying to keep the buffer by leaving as many trees as
232 possible as a buffer between the structure and the beach. Mr. Maynard is trying to keep as many mature trees as
233 possible. Mr. Maynard stated that there is one issue with the release of the deed which has to do with an
234 unresolved financial matter for a financial institution that is no longer in business.

235
236 The Board and Mr. Maynard discussed the proposed septic and what that meant in relation to his proposed
237 structure. Chairman Dunn stated that the contingency often has a rough proposal of the septic which does not exist
238 here. Mr. Maynard stated that he is before the board for dimensional relief, not relief for the proposed septic. Vice
239 Chair Shea stated that the applicant is not required to have an approved septic according to their ZBA regulations.
240 Chairman Dunn stated they can take into account the five criteria. Mr. Maynard stated that his variance requests
241 are around dimensions and setbacks. Ms. Gogumalla stated that this structure will impact a community beach next
242 door. Mr. Maynard stated that there is a fence and an existing buffer on the property. Vice Chair Shea asked if the
243 proposed building was changing access to the town beach. Mr. Maynard stated that it was not.

244
245 Ms. Stith asked about the gray and the orange house and whether or not they were to scale; they are according to
246 Mr. Maynard. Chairman Dunn asked for the plan that Mr. Maynard was drawing on to be an Exhibit when
247 complete.

248
249 Chairman Dunn invited limited rebuttal from the public.

250
251 Mr. John Bowman stated that they are a lake community and it is very hard to go back once mistakes have been
252 made during construction. Mr. Bowman stated that every year, the situation has gotten worse and it is a safety
253 issue and the road is not treated by the town or the state.

254
255 Chairman Dunn asked if the Board would like to continue the case to digest the new information presented or vote
256 on the case this evening. Vice Chair Shea stated that consulting with an attorney might also make sense. The Board
257 discussed the size shape and labelling of the house but ultimately this is the house proposed according to Chairman
258 Dunn.

259
260 The Board entered deliberative session.

261
262 Ms. Gogumalla stated that if the community beach is part of the public interest than this is a concern. Vice Chair
263 Shea stated that they can still use the beach and the structure is not affecting access. The bulk of the proposed
264 house in comparison to the other properties on that side of the road is a concern according to Ms. Stith. Vice Chair
265 Shea does not see how one additional home will impact traffic.

266
267 Does this house change the essential character was considered by the board? Chairman Dunn states that she thinks
268 it does and she does think the road is dangerous. Chairman Dunn stated that they have not talked about snow and
269 how much smaller the area can get when there is snow in the area. Chairman Dunn stated that the septic system is
270 also a significant concern. Chairman Dunn stated that there is no proposal for a septic system on the site but this
271 just shows how challenged the lot is. The size and the bulk of the building was mentioned once again by Chairman
272 Dunn. Chairman Dunn does recognize that the owner does have a right to do something on the lot since it is a pre-

273 existing non-conforming lot of record. Chairman Dunn stated that the need to have everything so tightly design
274 would suggest that this proposal does not fit with the lot. Mr. Mello stated that the Conservation Commission had
275 no comment at this time. Mr. Mello wished to remind the board of recent case history.

276

277 Ms. Skinner stated that the road has been that way for quite some time. Ms. Skinner stated that the house seems a
278 little too large for the size of the lot as proposed. The board discussed that the applicant does have a right to do
279 something on the lot. Vice Chair Shea stated that based on current case law, the applicant can build this as
280 proposed and although he does think it can impact property values but it could potentially help property values as
281 well. Vice Chair Shea stated that the property was offered to other property owners according to the applicant
282

283

284 **A motion was made by Ms. Gogumalla for Case #09-2022 to deny relief as requested from Section(s) 702,**
285 **and Appendix A-1 to allow construction of a new 1868 +/- SF two-bedroom year-round home on a pre-**
286 **existing non-conforming lot of record that contains 4,558 +/- SF of building area, where a minimum land**
287 **area of 50,000 SF is required. To allow 9' and 10' side yard setbacks, where 30' is required. To allow the**
288 **SFD a 17' front yard setback where 50' is required. To allow the SFD of a 16' setback from the pond, where**
289 **a 50' setback is required. To allow the SFD of a 60' frontage where a minimum 175' frontage is required.**
290 **Seconded by Chairman Dunn.**

291

292 **Vote:**

293 **Vice Chair Shea- no to deny**

294 **Ms. Skinner- Yes to deny (1 public interest and 2 spirit of the ordinance)**

295 **Ms. Gogumalla- Yes to deny (1 public interest, 2 spirit of the ordinance, 3 substantial justice, 4 surrounding**
296 **properties and 5 hardship)**

297 **Ms. Stith- Yes to deny (1 public interest, 2 spirit of the ordinance and 4 surrounding properties)**

298 **Chairman Dunn- Yes to deny (1 public interest and 2 spirit of the ordinance) Chairman Dunn further stated**
299 **that the property would diminish surrounding properties compared to other properties and it does not meet**
300 **the hardship criteria)**

301

302 **Vote 4-1.**

303 **The Chair advised of the 30-day appeal period.**

304

305 **Case #06-2022 Parcel(s) 5-A-401**

306 **Applicant- Michael Sullivan**

307 **Owner(s)- Michael & Jillian Sullivan**

308 **Location- 19 Nashua Rd**

309 **Zoning District- Rural District**

310

311 Variance relief is requested from Section(s) 710.3.1, 702.2, and 710.1 to retroactively allow a six (6') foot fence
312 within the front yard of the property. Windham Zoning Ordinance states that fences over four (4') feet in height
313 shall not be constructed in the front yards of the Rural District. The property is a corner lot, where no fence shall
314 be more than three (3') feet above the established street grades, nor shall they be placed or maintained within the
315 area formed by the intersecting street lines and a straight line joining the said street lines at points which are
316 twenty-five (25') feet distant from the point of intersection, measured along the said street line.

317

318 There was a brief recess.

319

319 Ms. Skinner read the case into the record. The reading of the list of abutters was waived.

320 Mr. Michael Sullivan addressed the board. Mr. Sullivan explained that he replaced an old wooden fence and that is
321 the part of the fence that he believes he may be in violation for. Mr. Sullivan did pull a permit for another section
322 of fence. The section of fence he replaced is in a wooded area and cannot be seen. Mr. Sullivan stated that he has
323 not received any complaints from any neighbors. Mr. Mello stated that being on a corner lot makes Mr. Sullivan's
324 situation a little more complicated. Drawing a map, there appears to be fences in the "front yard" that are taller
325 than 3 feet.

326
327 Mr. Sullivan stated that he has frontages on 2 roads because he is on a corner lot. Mr. Mello stated that the zoning
328 states that the fences should be no more than 4 feet. Mr. Mello stated that the applicant has 3 sections that may be
329 in violation of the fence permit. Chairman Dunn asked where the present fence was. Mr. Sullivan showed the
330 Board where the fence that might not be in compliance was located. Mr. Mello stated that the property that the
331 fence on the south side is the area that might be in violation of the fence ordinance. Mr. Sullivan stated that the
332 fence is 64 feet and 64 feet and 136 feet. Mr. Sullivan showed the Board his property. On the map and explained
333 that he had a tree come down and he replaced the fence with the vinyl fence. Mr. Mello stated that the reason for
334 the lower fence restrictions are so that motorists have a line of site. Mr. Sullivan stated that he did pull a permit for
335 the original fence. Mr. Sullivan stated that his initial communication with the town appeared to allow for the fence.
336 Mr. Sullivan submitted a map as an exhibit. Mr. Sullivan was later told it was not an approved fence. Mr.
337 Sullivan's \$20 check was never cashed. Mr. Mello stated that the initial application was sometimes last summer
338 and he was denied the fence permit and the \$20 check was never cashed.

339
340 Chairman Dunn asked if the applicant wished to add anything to the information regarding the 5 criteria. Mr.
341 Sullivan stated that he did not think he was in violation of anything when he installed the fence.

342
343 The board entered deliberative session.
344
345 The Board discussed the 5 criteria briefly. It is not in violation of the spirit of the ordinance. It appears there was
346 confusion of what was required and allowed, it does not diminish property values of the surrounding area, there is
347 plenty of site line and it appears to meet the 5 criteria.

348
349 **A motion was made by Vice Chair Shea for Case #06-2022 to grant relief as requested as requested from**
350 **Section(s) 710.3.1, 702.2, and 710.1 to retroactively allow a six (6') foot fence within the front yard of the**
351 **property. Windham Zoning Ordinance states that fences over four (4') feet in height shall not be**
352 **constructed in the front yards of the Rural District. The property is a corner lot, where no fence shall be**
353 **more than three (3') feet above the established street grades, nor shall they be placed or maintained within**
354 **the area formed by the intersecting street lines and a straight line joining the said street lines at points**
355 **which are twenty-five (25') feet distant from the point of intersection, measured along the said street line as**
356 **requested. Seconded by Ms. Skinner.**

357
358 **Vote 5-0.**
359 **Motion passes.**
360 **The Chair advised of the 30-day appeal period.**

361
362 **Case # 59-2021: Parcel(s) 13-A-198 (continued from February 22, 2022)**
363 **Applicant-Karl Dubay, The Dubai Group**
364 **Owner- AFS Realty, LLC.**
365 **Location- 1 Industrial Dr.**
366 **Zoning District- Limited Industrial**

367

368 Variance relief is requested from Section 606.1 to expand the existing school where such use is not allowed in the
369 Limited Industrial District.

370

371 Mr. Karl Dubay addressed the Board and is representing the applicant. Mr. Dubay stated that the applicant worked
372 very hard with the abutters. Mr. Dubay stated that there would be mitigation to add an additional building for other
373 activities. Mr. Dubay reviewed how they would be expanding to accommodate the 7th and 8th grade. Mr. Dubay
374 stated that the abutters put together a report for issues that would require mitigation, this is dated February 1th.
375

376

376 Mr. Al Sfere of Bedford, NH addressed the Board. Mr. Sfere is the owner of the property. Mr. Sfere stated that
377 they decided to remove the easement in the back and put a fence there. The neighbors would then be offered some
378 extra protection.

379

380 Mr. John Connors of 3 Industrial Drive addressed the Board. Mr. Connors stated that the school was approved for
381 all the grades and that approval will happen regardless of who will be inhabiting the area. Mr. Connors stated that
382 they would like to mark the road clearly. Mr. Connors stated that the traffic would be queued as efficiently as
383 possible and that is currently working well. Mr. Connors would like to see this continue as they add students to the
384 school.

385

386 Mr. Sfere stated that this is a verbal/handshake agreement and there is an attorney involved. Mr. Sfere stated that
387 they will work on circulation of the traffic. There will be 2 easements in the area for parking and walking
388 according to Mr. Sfere and Mr. Connors.

389

390 Mr. Dubay explained where police and fire can access the property and the access to the property. Mr. Dubay
391 stated that sprinklers are also in the building. Mr. Sfere stated that his safety plan has been approved by police and
392 fire as well.

393

394 Mr. Steve Gore, 4 Edinburg Road addressed the Board. Mr. Gore also owns 3 Industrial Drive and stated that he
395 has worked with the applicant and he is satisfied with the fact that they are being heard and moving forward.
396 Chairman Dunn asked if Mr. Sfere could see them expanding any more. Mr. Sfere stated he would not because
397 with the expansion, they have fulfilled the charter so there is no more expansion necessary.

398

399 Ms. Brandi Shidow of 193 Main Street in Manchester, New Hampshire addressed the Board. The cap of students
400 for enrollment would be 383. The school would need to go back to the state to request an expansion but they have
401 no plans to do that.

402

403 The Board entered deliberative session.

404

405 Vice Chair Shea stated that there was a concern about surrounding properties and his concerns around this have
406 been heard.

407

408 **A motion was made by Vice Chair Shea for Case #59-2021 to grant relief as requested from Section 606.1 to**
409 **expand the existing school where such use is not allowed in the Limited Industrial District per plan dated**
410 **November 23, 2021. Seconded by Ms. Skinner.**

411

412 **Vote 5-0.**

413 **Motion passes.**

414 **The Chair advised of the 30-day appeal period.**

415

416 Alternate Planning Board Members

417

418 Mark Samsel and Nadia Alawi are two people who have expressed interest in alternate positions according to staff.

419 Vice Chair Shea stated that he would like to have the two alternate members come to the next meeting. Applicants

420 could be interviewed at the next meeting.

421

422 **Meeting Minutes-Review and Approve: [02/22/22, 03/22/22, 03/29/22](#)**

423

These will be edited through One Drive.

424

425 The board adjourned at 10:08pm.

426

427 Respectfully submitted by Anitra Lincicum

Draft