

**LONDONDERRY ZONING BOARD OF ADJUSTMENT
268B MAMMOTH ROAD
LONDONDERRY, NH 03053**

MINUTES FROM 08/19/20 MEETING

The meeting was called to order at 7:00 p.m. Members introduced themselves. The following members were present: Neil Dunn, Chair; Jacqueline Benard, Vice Chair; Jim Tirabassi, Clerk; Suzanne Brunelle, member; Brendan O'Brien, alternate member; Mitch Feig, alternate member. Also, participating was Laura Gandia, Associate Planner; Richard Canuel, Chief Building Inspector, Health Officer, Zoning Administrator & Code Enforcement Officer; and Beth Morrison, Recording Secretary. Chairman Dunn reviewed the hearing procedures.

I. APPROVAL OF MINUTES

J. Tirabassi made a motion to accept the July 15, 2020, minutes as presented.

The motion was seconded by J. Benard.

The motion was granted by, 4-0-2, with N. Dunn and S. Brunelle abstaining.

REPORT BY TOWN COUNCIL – There was no update this evening.

II. REGIONAL IMPACT DETERMINATIONS: Associate Planner Gandia informed the Board that she had four projects for their consideration.

1. CASE NO. 08/19/2020-1: Request for a variance from LZO 7.6.D.3.b.i to allow a 364 SF wall sign where only 40 SF are allowed, Four Orchard View Drive, Map 7 Lot 40-2, Zoned C-1, Planet Fitness (Applicant) and Vernco Apple, LLC (Owner)
2. CASE NO. 08/19/2020-2: Request for a variance from LZO 4.2.1.3.C.1 to encroach 10 feet into the 40 feet front setback for the construction of an entry deck, 104 Litchfield Road, Map 11 Lot 26, Zoned AR-1, Allison & Jason Buttle (Owners & Applicants)
3. CASE NO. 08/19/2020-3: Appeal of administrative decision of the Code Enforcement Officer's interpretation of LZO Accessory Dwellings 5.18.H.1 which reads in part the "exterior entry to the accessory dwelling shall not face the street as a second door," 31 Clover Lane, Map 16 Lot 38-94, Zoned AR-1, Lorden Commons, LLC (Owner & Applicant)
4. CASE NO. 08/19/2020-4: Request for a variance from LZO 5.18.H.1 to allow an exterior entry to face the street as a second door which is otherwise prohibited, 31 Clover Lane, Map 16 Lot 38-94, Zoned AR-1, Lorden Commons, LLC (Owner & Applicant)

Associate Planner Gandia recommended the Board find that these four projects are not developments of regional impact as they do not meet the criteria set forth by the Southern New Hampshire Regional Planning Commission.

J. Benard made a motion to find these three projects are not of regional impact.

M. Feig seconded the motion.

The motion was granted, 4-0-0.

III. PUBLIC HEARING OF CASES

A. CASE NO. 08/19/2020-1: Request for a variance from LZO 7.6.D.3.b.i to allow a 364 SF wall sign where only 40 SF are allowed, Four Orchard View Drive, Map 7 Lot 40-2, Zoned C-1, Planet Fitness (Applicant) and Vernco Apple, LLC (Owner)

B. O'Brien and S. Brunelle recused themselves from the case. Chairman Dunn made M. Feig a full voting member for this case. He informed the applicant that this left the Board with only four members and they would need at least three votes to grant the variance. He told the applicant that they can request to continue the case until there are five voting members. The applicant wished to proceed. J. Tirabassi read the case into the record noting the previous zoning cases for this property. Chairman Dunn asked what happens to the old variances attached to the property from years ago. R. Canuel replied that since those uses no longer exist and the signs have been removed, basically the variances become null and void. He added that those signs were specific to those particular tenants and now those tenants no longer exist the variances do not either. Chairman Dunn commented that the variance usually goes with the property, not the tenants. Steve Venezia, Associate General Counsel, Real Estate, from Planet Fitness Headquarters, Four Liberty Lane, Hampton, NH and Brian Dumont, manager of construction at Planet Fitness Headquarters addressed the Board. S. Venezia told the Board that there are currently 2000 locations throughout the United States, Canada, Dominican Republic, Puerto Rico, Panama, Australia and Mexico. He said that Planet Fitness started in 1992 in Dover, NH. He pointed out that they pride themselves on tons of cardio, clean working equipment and friendly knowledgeable staff. He commented that they are the fastest growing club today. He said that Planet Fitness headquarters are in New Hampshire and they have strong roots in the community. He reviewed a picture of the sign with the Board noting that it is 364.58 SF stating the sign is in proportion to the building façade behind it.

He then reviewed the five criteria for the granting of the variance:

- (1) The granting of the variance is not contrary to the public interest: because it will not negatively affect the character of the neighborhood nor threaten the health, safety or welfare of the general community.
- (2) The spirit of the ordinance is observed: because the intent of the ordinance is to prevent aesthetically unpleasant signage and support signage that is proportionate to a storefront, which they believe it the case here.
- (3) Substantial justice is done: because the approval will not be contrary to the public interest and the benefits will be substantial to the community, the applicant, landlord and local residents.

- (4) Values of surrounding properties are not diminished: because it will in fact increase the values of the surrounding properties and increase the value of the shopping plaza itself.
- (5) There is no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because the façade of the building has been approved already and a smaller sign would be disproportionate and would not be visible from the main road, which is about 400 feet away. He added that the line of sight is limited because of the location of the property in the shopping plaza corner, as opposed to the center. He said that the proposed use is a reasonable one.

Chairman Dunn asked for questions from the Board. M. Feig asked approximately how much bigger Planet Fitness is than the other average storefront in the plaza. B. Dumont replied it was 137 linear feet stating he believed that was three to four times wider than other stores. M. Feig asked if the actual footprint of the building was also three to four times the other stores in the plaza. B. Dumont responded that the building was 25,000 SF noting it was one of the larger boxes in the shopping plaza. Chairman Dunn said that the sign will only be visible when travelling east down Route 102, noting that they also have signage coming into the plaza as well as banners in the plaza itself. He stated that the sign ordinance has always been about keeping the signs small, so it would not feel like a Las Vegas strip. He asked if the applicant believed a smaller sign would mean the business would close. S. Venezia replied that he did not say the business would close, but the signage of the business has critical importance on the success of the business. He expressed his opinion, that a pile-on sign cannot be compared to a façade sign, as the façade sign grabs the person in the plaza and driving by in a way that a pile-on sign simply cannot accomplish. He added that the goal of the business is not to be ostentatious at all. Chairman Dunn voiced his opinion that he does not see a loss to the applicant with a smaller sign. S. Venezia mentioned that the façade was approved by the Building Department, which has been built, and feels a small sign would look out of place on a large façade. Chairman Dunn respectfully disagreed with S. Venezia. M. Feig asked how they determine the size of the sign for a location. S. Venezia replied that some signs are larger and some are smaller noting they are all proportionate to the facade. B. Dumont commented that they proportionally try and fit the sign to the façade and go into a lot of detail to make it look right. J. Benard said that she feels that Planet Fitness already has brand awareness and has already made their presence known with the other signs; therefore, she is not convinced that the sign needs to be bigger than everyone else. S. Venezia remarked that they signed a ten-year lease and would like to be here for twenty plus years in the community and the brand awareness is something that they would like to continue. He mentioned that he believes they have a hardship as to the location of the storefront in the shopping plaza and they do meet the criteria for the variance to be granted. J. Benard commented that while a ten-year lease is fantastic, the variance would go with the property forever, and not just for Planet Fitness. S. Venezia asked for clarification, as R. Canuel stated that once the use was gone, the variance was no longer valid. R. Canuel commented that the previous variances no longer exist for this property as the tenants are no longer there. He said that if the variance was granted for Planet Fitness, if Planet Fitness were to leave, the variance would become null and void. The Board and Staff discussed attaching conditions to a variance and how the Board previously has tied the granting of additional square footage of a sign with the number of units that were being occupied (i.e. Dollar Tree received a variance for additional SF of a sign as they were occupying two units).

Chairman Dunn asked for public input.

Deb Paul, 118 Hardy Road, addressed the Board with a question. D. Paul asked for someone to help her understand how big the sign is in relation to the other signs, such as Shaw's or Home Depot. Chairman Dunn replied that Shaw's was granted a variance for 118 SF of signage. D. Paul commented that the other businesses are going to be dwarfed with this sign. S. Venezia reviewed the picture with the Board noting the proportion of the sign in relation to the façade.

Keith Foley, 2 Kimball Road, addressed the Board in favor of granting the variance. K. Foley said that he believes that their business would help draw other traffic to the other businesses in the plaza.

George Vernet, 70 Washington Street, Salem, MA, addressed the Board in favor of granting the variance. G. Vernet said that he believes that this will help draw more business to the shopping plaza. He said that this is a corporate store, not a franchise, and would help the plaza for business. He said that if the sign was smaller, it might not look proportionate.

Deb Paul, 119 Hardy Road, addressed the Board again. D. Paul asked if the sign would be the same size as the sign in Derry. B. Dumont replied that he did not know the exact square footage in Derry. He said that they do not come in and try to get the biggest sign. M. Feig asked for a picture of the Derry Planet Fitness. L. Gandia brought up pictures for the Board to review on the screen.

Chairman Dunn brought the discussion back to the Board. J. Tirabassi asked why they picked the size of the façade they did. S. Venezia replied that it was determined by where they are located in this shopping plaza. J. Tirabassi asked if the square footage would change if the word fitness was under planet. B. Dumont responded that it would not affect the square footage and reviewed how the square footage is calculated. Chairman Dunn commented that he is having trouble with the fact that the applicant increased the façade of the building and now would like the sign to be much larger than what the ordinance allows. S. Venezia answered that they did not increase the façade to fit be able to get a larger sign. He explained that they knew they would be here before the Board as the 40 SF would be too small for a sign. He stated that they feel they created the right façade for the plaza, good for the community and consistent with the ordinance. J. Benard asked if the word fitness could be under planet, as they had viewed in other Planet Fitness signs. B. Dumont replied that it is in proportion to the length of the façade, and given this façade this is the sign they would like. S. Venezia remarked that when talking about façade, they are talking about the overall frontage of the building, not just the box on top for the sign. He stated that in this location they have a lot of frontage and the façade is not even half of the overall frontage. Chairman Dunn asked if they took over both TJ Maxx and Home Goods spaces. B. Dumont replied that they took over Home Goods and Extreme Craze took over TJ Maxx. Chairman Dunn expressed his opinion that he thinks that a bigger sign might dwarf the other tenants and negatively affect the plaza. S. Venezia commented that he believes the sign will help the plaza. J. Benard asked how many tenant spaces they took over. M. Feig asked what was approved for square footage for Dollar Tree and Game Changers. Chairman Dunn replied that Dollar Tree was approved for 96 SF and Game Changers was approved for 80 SF. J. Benard said that Dollar Tree took over two tenant spaces with this. S. Venezia asked for George Vernet to help answer the questions and get an accurate measurement of square footage.

George Vernet, 70 Washington Street, Salem, MA, addressed the Board again. G. Vernet said that Dollar Tree is 11,000 SF with 72 feet of frontage. He said that Game Changers is 6,500 SF. J. Benard asked how

big Planet Fitness is. G. Vernet replied it is just over 25,000 SF with 138 feet of frontage. He added that Extreme Craze is 25,000 SF with only 25 feet of frontage.

Chairman Dunn brought the discussion back to the Board as there was no further public input. M. Feig mentioned that he feels there should be a formula that the Board could use for calculating signs. Chairman Dunn commented that signs are one of the most frequent items that come before the Board and an applicant could try to get the sign ordinance changed. He noted that Home Goods had 172 SF of signage granted before them that seemed proportionate. J. Benard voiced her opinion that this large of a sign will dwarf all the other tenants in the plaza. (J. Tirabassi left the Board at this time 8:05 p.m. and returned at 8:06 p.m.) Chairman Dunn asked if the Board would like more comparative information at this time before they vote this evening. J. Benard asked if it was an LED sign. S. Venezia responded that they are backlit and do not eliminate any light. J. Benard remarked that the sign is nine times the ordinance. M. Feig said that

The Board closed public input and began deliberation:

- (1) The variance would be contrary to the public interest: because the essential character of the neighborhood would be changed.
- (2) The spirit of the ordinance would not be observed: because the proposed sign is almost nine times the allowable amount, as well as sections B & C which speak of maintaining and enhancing the appearance and aesthetic environment of Londonderry and maintaining and promoting the rural, agricultural and historical character of Londonderry.
- (3) Substantial justice would not be done: because there is a potential greater loss to the public if the sign is nine times the allowable limit, noting a smaller sign would be in line with the character of the neighborhood.
- (4) Values of the surrounding properties would not be diminished: because there was no evidence presented that the properties values would be adversely affected.
- (5) There is a fair and substantial relationship that exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the property has signage on Route 102 when entering the plaza and the visibility of the sign is not increased with a larger sign as the location of the unit is not visible from Route 102. The proposed use is a reasonable one.

J. Tirabassi made a motion in CASE NO. 08/19/2020-1 to deny the request for a variance from LZO 7.6.D.3.b.i to allow a 364 SF wall sign where only 40 SF are allowed, Four Orchard View Drive, Map 7 Lot 40-2, Zoned C-1, Planet Fitness (Applicant) and Vernco Apple, LLC (Owner).

J. Benard seconded the motion.

The motion was granted, 3-1-0. The applicant's request for the variance was DENIED.

B. B. CASE NO. 08/19/2020-2: Request for a variance from LZO 4.2.1.3.C.1 to encroach 10 feet into the 40 feet front setback for the construction of an entry deck, 104 Litchfield Road, Map 11 Lot 26, Zoned AR-1, Allison & Jason Buttle (Owners & Applicants)

S. Brunelle and B. O'Brien returned to the Board at this time. Chairman Dunn made B. O'Brien a full voting member for this case. J. Tirabassi read the case into the record noting no previous zoning cases. Allison and Jason Buttle, addressed the Board. A. Buttle told the Board that they want to replace the existing side entry to the property with stairs a small deck area.

She then reviewed the five criteria for the granting of the variance:

- (1) The granting of the variance is not contrary to the public interest: because it will not alter the essential character of the neighborhood.
- (2) The spirit of the ordinance is observed: because it will increase the safety of the residence as the current side entry does not meet code requirements, therefore, there will be no threat to the health, safety or welfare of the general public.
- (3) Substantial justice is done: because the loss to the applicant would outweigh any gain to the general public.
- (4) Values of surrounding properties are not diminished: because the essential character of the neighborhood is not altered and all the work they have done to the property increases the surrounding property values.
- (5) There is no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because the property is unique as it is an 80+ year old cottage that did not meet code when they purchased it. The proposed use is a reasonable one.

Chairman Dunn asked for questions from the Board. He asked if there was a deck when they purchased it. J. Buttle replied that there was no deck, but the steps were in violation of rise over run. He reviewed a picture with the Board stating the footprint will be the same. Chairman Dunn asked if the length would be longer. J. Buttle responded that it would not be longer in length. He reviewed a rendering of the deck with the Board. Chairman Dunn asked if they would still need a variance if they were replacing the original deck with the same intrusion into the 40-foot setback. R. Canuel replied that when you take the old deck down and build a new deck with the knowledge that it is in the setback, it must go before the Board for a variance.

Chairman Dunn asked for public input.

Keith Foley, Two Kimball Road, addressed the Board in favor of granting the variance.

Tom McGrath, Two Kimball Road, addressed the Board in favor of granting the variance.

Justin Olen, Two Kimball Road, addressed the Board in favor of granting the variance.

Chairman Dunn brought the discussion back to the Board as there was no further public input. A. Buttle told the Board that they have gotten many compliments on their restoring efforts. Chairman Dunn asked if the house was in the setback. R. Canuel replied that he believes the house itself is outside of the front setback and the only encroachment would be the deck extension. Chairman Dunn mentioned that the deck is eight feet wide and the applicant is requesting to encroach 10 feet into the front setback, so he does not understand where the difference of two feet went. J. Buttle reviewed his measurements with the Board, noting he measured from the edge of the building to the arborvitaes, as that is marker they are using for the property line. Chairman Dunn commented that he wants to get it right because when R. Canuel goes out to measure and finds something different it could be a problem. R. Canuel mentioned that he has not reviewed the permit application and therefore cannot say if they are encroaching 10 feet into the setback. A. Buttle told the Board that they have been told numerous times by the Town that the property boundary is where the arborvitaes are from when the Town did the road extension. Chairman Dunn asked if the applicant would be okay with a condition of the deck being no more than 10 feet into the setback, which may mean the deck itself could only be seven feet wide. A. Tuttle and J. Tuttle agreed that they were okay with this condition.

The Board closed public input and began its deliberation:

- (1) The variance would not be contrary to the public interest: because it would not alter the essential character of the neighborhood nor threaten the health, safety or welfare of the general public.
- (2) The spirit of the ordinance would not be observed: because it would not alter the essential character of the neighborhood nor threaten the health, safety or welfare of the general public.
- (3) Substantial justice would be done: because the loss to the applicant would outweigh any gain to the public.
- (4) Values of the surrounding properties would not be diminished: as there was no evidence that the property values would be adversely affected.
- (5) There is no fair and substantial relationship that exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the property is unique as it is over 80+ years old, on a corner lot and has an existing stonewall. The proposed use is not a reasonable one.

J. Benard made a motion in CASE NO. 08/19/2020-2 to grant the request for a variance from LZO 4.2.1.3.C.1 to encroach 10 feet into the 40 feet front setback for the construction of an entry deck, 104 Litchfield Road, Map 11 Lot 26, Zoned AR-1, Allison & Jason Buttle (Owners & Applicants) with the following condition:

1. The deck shall not encroach more than 10 feet into the setback

J. Tirabassi seconded the motion.

The motion was granted, 4-0-0. The applicant's request for a variance was granted.

C. CASE NO. 08/19/2020-3: Appeal of administrative decision of the Code Enforcement Officer's interpretation of LZO Accessory Dwellings 5.18.H.1 which reads in part the "exterior entry to the accessory dwelling shall not face the street as a second door," 31 Clover Lane, Map 16 Lot 38-94, Zoned AR-1, Lorden Commons, LLC (Owner & Applicant)

M. Feig was appointed a full voting member for this case. J. Tirabassi read the case into the record noting no previous zoning cases. Justin Pasay, Esq. from Donahue, Tucker & Ciandella, 111 Maplewood Avenue, Portsmouth, NH, addressed the Board. J. Pasay informed the Board that there was a typographical error in the administrative appeal request that was filed initially in relation to a section of the ordinance that no longer exists. He noted that the correct section is 5.18.H.1. He commented that this is an interpretation issue related to the Town's accessory dwelling ordinance. He reviewed Exhibit 1 with the Board. He explained the lot in question this evening as a single story proposed house with a main entrance way on the left side of the floor plan, with three garage stalls in the middle of the building and to the right there is a small indent, which is a porch. He went on to note that the architect has designed the left side entrance as the main entrance and on the right side there is a porch, which you cannot see from the front elevation, with a door that is the access point into the accessory dwelling. He read from Section 5.18.H.1 stating "if contained within or added to the principal structure, exterior entry to the accessory dwelling shall not face the street as a second door." He said that the applicant and the Town have a difference of opinion on the interpretation of the language in the ordinance. He pointed out that from a regulatory standpoint in New Hampshire the language in the ordinance is assigned as plain language, unless the language is defined in the ordinance. He mentioned that R. Canuel's interpretation was that there cannot be two doors on the front façade, regardless of the direction or way they face. He offered their perspective that from a construction standpoint, they satisfy the plain language of the ordinance. He pointed out that the zoning ordinance does not define the word entry or face, therefore, they would be assigned their plan language definition in the Merriam Webster Dictionary. He stated that entry means "door" and face means "to have the front oriented toward". He suggested that the plain language of this regulation is that it prohibits accessory dwelling units (ADUS) from having exterior doors that are oriented toward the street as a second door. He remarked that from the rendering there is not a second door that is oriented towards the street. He mentioned that this specific lot was designed to look as if it were a single-family entrance, which is why you cannot see the other entrance from the front. He went on to say that if this is not the intent of the ordinance, then the words entry and face really are superfluous as they do not have the meaning that they purport to have because the interpretation of the Town is that someone simply cannot have two doors on the front of the building. He noted that words are not interpreted in regulations to have no meaning, therefore, they are defined by the plain language meaning. He said that it will lead to illogical results, as there are lots of houses in New Hampshire that have breezeways, which have doors the side yard but are technically on the front of the façade. He gave some examples of where there might be an awkward interpretation issue. He concluded that R. Canuel's interpretation was to prevent buildings that have ADUS from appearing as though they are duplexes with the intent to prevent two front entrances on the front façade altogether.

Chairman Dunn asked for questions from the Board. M. Feig asked for the picture to be reviewed again. J. Pasay reviewed the floor plan with the Board. M. Feig asked if the door being perpendicular was why they requesting the relief. J. Pasay replied that was correct as the door is not oriented towards the street, but to the side yard. Chairman Dunn commented that he believes there is more than one definition to entry, as it could be a porch, foyer, etc. He voiced his opinion, that it is the entrance to the door that applies to the ordinance. J. Pasay responded that the regulation states "the entry to the accessory

dwelling unit (ADU)," which is how you get into the ADU. Chairman Dunn remarked that the deck would be the entry to the ADU. J. Pasay told the Chair that he appreciated his opinion, but you have to look at the language in the specific regulation in questions and how it was interpreted. He said that the interpretation was to prevent buildings from looking like a duplex and stated that it is illogical to define the deck as the entrance for the purpose of preventing this to look like a duplex. He went on to note that the specific design of the building in question was to appear as a single-family residence as the door to the ADU faces the side yard. J. Benard proposed that when she looks at the sentence in question from the ordinance, the word face is not a noun, but instead a proposition, which means position. She commented that the position of the second door shall not be on the same side of the street as the main entrance. R. Canuel told the Board that he has to make a literal interpretation of the ordinance regardless of what the plain language may mean. He said that it is true that you can have multiple doors on the front of a single-family home without restriction; however, when a single-family home allows the addition of an ADU, there is a restriction in the ordinance that states the entry to the ADU shall not face the street as a second door regardless of where the door faces. M. Feig asked if R. Canuel is suggesting that the steps up to the deck is the entry to the ADU. R. Canuel replied that was correct. M. Feig asked if it would make a difference if the steps were on the side of the building, but the door was on the front. R. Canuel responded that it is not necessarily the fact that the stairs are facing the front, but it is the entryway that is facing the street. He commented that he is very interested in the Board's decision on this as it will help his office on how they interpret and apply this ordinance going forward. M. Feig asked why there cannot be another entrance on the front. R. Canuel replied that the ordinance was amended a couple of years ago when the statute was changed as they did not want houses to look like a duplex. Chairman Dunn reviewed the rendering noting that he thinks this looks like a duplex versus a single-family. S. Brunelle agreed with Chairman Dunn but the interpretation by Attorney Pasay also makes sense. J. Pasay added that the statute was amended a couple years ago to allow ADUS as there is a return to multi-generational housing. He stated that the architects looked at placing the door on the side of the house, but it is not possible given the constraints of the lot. B. O'Brien gave his opinion stating he agrees with Attorney Pasay's interpretation that the entry, which is the door, does not face the street. Chairman Dunn asked for the intent line of the ordinance. J. Pasay read from the ordinance stating "To increase housing alternatives while maintaining neighborhood aesthetics and quality, one accessory dwelling is permitted on any property containing an owner-occupied single-family dwelling, provided the following conditions are met." Chairman Dunn asked if there would be different requirements for a duplex. R. Canuel said that a duplex has certain requirements versus a single-family residence. Chairman Dunn and J. Benard expressed their opinion that this appears to look like a two-family. S. Brunelle remarked that the crux of the problem is what is an exterior entrance. M. Feig stated that you cannot see the door from the street and also agrees the entry could be the steps. J. Tirabassi commented that a door is a hinged opening, and you cannot see the door from the street. M. Feig noted that the language is more important than the intent. J. Pasay said that he believes this is a narrow issue. He said that there is a legislative solution to change the language to say there cannot be two doors facing the street.

Chairman Dunn opened it up to the public and there was none.

M. Feig made a motion in CASE NO. 08/19/2020-3 to grant the appeal of administrative decision of the Code Enforcement Officer's interpretation of LZO Accessory Dwellings 5.18.H.1 which reads in part the "exterior entry to the accessory dwelling shall not face the street as a second door," 31 Clover Lane, Map 16 Lot 38-94, Zoned AR-1, Lorden Commons, LLC (Owner & Applicant)

J. Tirabassi seconded the motion.

The motion was granted, 3-2-0. The applicant's request for relief of appeal was granted.

R. Canuel asked for the Board to give him some clarification on why they granted the appeal. The Board's consensus was that the door did not face the street as well as it was not visible to the street.

D. CASE NO. 08/19/2020-4: Request for a variance from LZO 5.18.H.1 to allow an exterior entry to face the street as a second door which is otherwise prohibited, 31 Clover Lane, Map 16 Lot 38-94, Zoned AR-1, Lorden Commons, LLC (Owner & Applicant)

J. Pasay requested the case to be withdrawn given the findings of the previous case.

II. Other business: none

Adjournment:

J. Tirabassi made a motion to adjourn at 10:00 p.m.

J. Benard seconded the motion.

The motion was granted, 4-0-0. The meeting adjourned at 10: 00 p.m.

RESPECTFULLY SUBMITTED,



CLERK

TYPED AND TRANSCRIBED BY Beth Morrison, Recording Secretary.

APPROVED (X) WITH A MOTION MADE BY Martin Feig, SECONDED BY Jacqueline Benard