



TOWN OF RAYMOND
Zoning Board of Adjustment Agenda
March 17, 2021 @ 7:30 pm
Electronic Meeting Via Zoom
Application #2021-002

Public Announcement

*If this meeting is canceled or postponed for any reason the information can be found on our website, posted at Town Hall, Facebook Notification, and RCTV. **

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. The public has access to contemporaneously listen and participate in this meeting through the website address: <https://zoom.us/j/92298426532> or by dialing the following phone 312-626-6799 or 646- 558- 8656.

The required meeting ID is 922 9842 6532

We are encouraging residents who wish to speak during Public input or have questions under the Citizens questions portion of the agenda to submit them via email to sgardner@raymondnh.gov or phone at 603-895-7018 by March 17, 2021 noon.

For problems, please call 603-895-6405 or email at: communication@raymondnh.gov. The virtual meeting will also be simulcast for viewing purposes only on Raymond Community Television Channel 22 and streamed live at: <https://raymondtv.viebit.com/>

- 1. Pledge of Allegiance**
- 2. Public Meeting-**

Request to continue

- a. Application #2021-002** - An application for Appeal of Administrative Decision has been submitted by Patricia M. Panciocco on behalf of Diana L. and Thomas P. Luszcz, for property identified as Raymond Tax Map 22/ Lot 35, located at 39 Old Manchester Rd., Raymond NH, 03077 within Zone C1.

- 3. Approval of Minutes**

- 02/24/2020

- 4. Other Business**

- Staff Updates -
- Board Member Updates
- Any other business brought before the board

Note: If you require audio or visual aids, please contact the Selectmen's Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason, it will be held on a date TBD.

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March 17, 2021 @ 7:30 pm
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Application #2021-002

5. Adjournment of Public Meeting (NO LATER THAN 10:00 P.M.)

ZBA Meetings 2021	
Submittal Deadline for Completed Application & Materials	Zoning Board Meeting Dates (4th Wednesday of the Month)
February 24, 2021	March 24, 2021
March 24, 2021	April 28, 2021
April 28, 2021	May 26, 2021
May 26, 2021	June 23, 2021
June 23, 2021	July 28, 2021
July 28, 2021	August 25, 2021
August 25, 2021	September 22, 2021
September 22, 2021	October 27, 2021
October 27, 2021	November 17, 2021
November 24, 2021	December 15, 2021

Note: If you require audio or visual aids, please contact the Selectmen’s Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason, it will be held on a date TBD.

From: Pat Panciocco <Pat@panciocolaw.com>
Sent: Friday, March 12, 2021 11:11 AM
To: Joe Driscoll <joe@mitchellmunigroup.com>
Subject: RE: Panelist for Raymond NH Zoning Board

Hi Joe,

On behalf of my clients, I request the hearing be continued until there are 5 voting members sitting on the ZBA.

Thank you,

Pat

Panciocco Law, LLC
1 Club Acre Lane

40 Evan Young: "As far as I know because we contacted an engineer, we have been working with
41 Beales Associates out of Stratham, the buffer that we fall under was a 25-foot buffer, and the
42 reason why we are short on the contiguous upland side of it is because of that 75-foot zone G
43 section." "We could maintain that."
44

45 Mrs. McCarthy: "If they subdivide the lot, they are not going to need a variance for the other
46 home because it is already built it is an existing house. So it doesn't need a variance because it
47 is already there."
48

49 Mr. McCoy: "When they built this house, they mainly built single family homes, I am not sure in
50 76 when this was subdivided it was zone G when that changed. Also there was going to be a
51 road, Kolakowski Court."
52

53 Mr. Reed: "I know they are not asking to build but by subdividing it creates a non-conforming lot.
54 It takes one conforming and creates two non-conforming lots."
55

56 Mr. Campbell: "How many bedrooms in the units?"
57

58 Evan Young: "It is 4 bedrooms total."
59

60 Mrs. Wood: "I am looking at the plan that you submitted with your application and you have a
61 wetlands boundary indicated on the map is that a 25-foot buffer to the wetlands?"
62

63 Evan Young: "Yes, as far as I know and as far as the engineer has found out that is a 25-foot
64 buffer."
65

66 Mr. Povilaitis: "I believe that when you go for a subdivision like this that you are going to have to
67 also do a proposed secondary location for a septic system for replacement in the future, I
68 believe."
69

70 Evan Young: "Our engineer looked into it and when we did our test pits, we found 2 locations for
71 doing the test pits."
72

73 Mrs. Wood: "Is your plan to build a second home on this second lot?"
74

75 Evan Young: "Yes, just for us. Unfortunately, the timing is a question mark due to building
76 materials right now. "
77

78 Motion:

79 Mr. McCoy made a motion to go into deliberation. Mr. Povilaitis seconded that motion. A roll call
80 vote was taken. The motion passed with a unanimous vote of 5 in favor, 0 opposed, and 0
81 abstentions.

- 82 Joyce Wood - Aye
- 83 Scott Campbell - Aye
- 84 Joe Povilaitis - Aye
- 85 Paul McCoy - Aye
- 86 Brad Reed - Aye

87
88 Granting a variance would not be contrary to the public interest because:
89

90 Mrs. Wood: "The applicant states that the lot contains the required frontage and building
91 setbacks required for zone B. The lot will have the same character as the surrounding
92 properties."

93
94 Mr. Povilaitis: "I would agree with that and I would also state that the applicant is only asking for
95 a small decrease of 6,000 square feet in the upland."

96
97 Mr. Reed: "I would agree."

98
99 Mr. McCoy: "Yes the only issue I have is we are going to make the lot they are on less than the forty
100 thousand square feet. My only issue is we are creating two substandard lots if we give this variance."

101
102 Mr. Reed: "I agree with both Joe and Paul my only concern is creating two non-conforming lots."

103
104 Mr. Campbell: "I agree with Joe."

105
106 Mrs. Wood: "I haven't heard anything yet that I disagree with. I am a little concerned with the applicant
107 has described this shortfall as de minimis but by my arithmetic I think he comes up about a quarter of an
108 acre short, only 80% of what the requirement is, I think it is not a small amount of relief."

109
110 Mr. Povilaitis: "It is about a 13% difference between 40,000 versus what he has at 34,060."

111
112 Mrs. Wood: "I came up with about an 18% difference."

113
114 Motion:

115 Mr. McCoy made a motion to come out of deliberation. Mr. Povilaitis seconded that motion. A roll
116 call vote was taken. The motion passed with a unanimous vote of 5 in favor, 0 opposed, and 0
117 abstentions.

- 118 Joyce Wood - Aye
- 119 Scott Campbell - Aye
- 120 Joe Povilaitis - Aye

121 Paul McCoy - Aye
122 Brad Reed - Aye

123
124
125 Dean Plender, 34 Prescott Road: "I am an abutter across the street. I am very supportive of what Evan
126 and wife are trying to do. 6,000 feet has minimal impact on what they are trying to create over there, and I
127 think it will be fine."

128
129 Motion:

130 Mr. Povilaitis made a motion to go back into deliberation. Mr. Reed seconded that motion. A roll
131 call vote was taken. The motion passed with a unanimous vote of 5 in favor, 0 opposed, and 0
132 abstentions.

133 Joyce Wood - Aye
134 Scott Campbell - Aye
135 Joe Povilaitis - Aye
136 Paul McCoy - Aye
137 Brad Reed - Aye
138

139 Granting a variance would be consistent with the spirit of the ordinance because:

140
141 Mrs. Wood: "The applicant states the area proposed would provide an adequate building
142 envelope for a single-family home based on soils loading."

143
144 Mr. Povilaitis: "I would agree but I would make a recommendation that we follow the
145 recommendation from the Conservation Commission and ask the applicant or put into the
146 variance condition a buffer as they recommended." "Just to reiterate the Conservation
147 Commission is recommending that you put in a vegetative buffer be maintained in a zone G area
148 according to 4.9.1.7 to the wetlands I suppose. I would be fine with this application if they
149 proceeded to do what the Conservation Commission recommended."

150
151 Mr. Campbell: "I agree with Joe on that."

152
153 Mr. McCoy: "I have a concern whether it is from the current spirit of the ordinance from a
154 conforming lot that is an issue that I have some reservation about, but they do have the
155 envelope, but it is not an issue as far as the spirit of the ordinance goes. I will have to think about
156 that a little more. I like to see the people work with the land the best that they can."

157
158 Mr. Povilaitis: "The Conservation Commission wasn't opposed to it; they just recommended a
159 protective buffer be put in."
160

161 Mr. Reed: "I think it would be wise if we are going to continue down this road, I don't have a
162 problem with what Evan and his wife want to do but I think there could be an issue with the other
163 lot being non-conforming. So we should include that as an aspect of this. We should grant it for
164 both lots to cover it and personally I do not deal with this kind of thing every day, but I would kind
165 of like to know Greg's opinion on these kinds of issues. We drag him to all of these meetings. I
166 would really like to know your point of view on this Greg before we go too deep into it."
167

168 Mr. Arvanitis: "I do believe that you are potentially making two non-conforming lots. However, the
169 size of the land that is affected by this, I do not think it is a significant parcel. I really don't think
170 that it is significant, to be honest with you."
171

172 Mr. Reed: "As far as adding this other building and making the other lot I understand, but what I
173 am asking is should we grant a variance to both lots. I am just thinking of you coming down the
174 road and they want to do something new on either one of these lots and there is no variance on
175 this one, so now you come through the door isn't a non-conforming lot at that point?"
176

177 Mr. Arvanitis: "It would be a non-conforming lot with a duplex already on it. You wouldn't be able
178 to do anything on it anyway."
179

180 Mr. Campbell: "I think we should push that forward, so we don't have that problem in the future. I
181 think it would be better for the Evan's in general if we push that forward now."
182

183 Mrs. Wood: "We haven't publicly noticed that."
184

185 Mr. Povilaitis: "So if that is an existing non-conforming lot and they have to go through a variance
186 there will have to be another separate variance request. They can't just grant a variance on
187 some other lot, in my opinion."
188

189 Mrs. McCarthy: "It hasn't been subdivided yet. So, you are looking at the entire lot right this
190 moment. They have not done a subdivision at all. It has not been applied for. So basically you
191 are looking at this as a lot in whole. So you could grant a variance as let us say, you guys will
192 have to wordsmith I can't give it to you."
193

194 Mrs. Wood: "The Conservation Commission did ask according to the plan subdivision of the lot
195 creates a contiguous area of 34,060 square feet for the lot with the existing home. This results in
196 less than 40,000 square feet of buildable area. Does this create a situation where the buildable
197 area for the existing home also requires a variance? I think the answer to that is no because that
198 would be grandfathered in, wouldn't it?"
199

200 Mr. McCoy: "Right now it is conforming."
201

202 Mr. Wood: "So the existing home doesn't need a variance?"
203
204 Mr. McCoy: "It doesn't, but we are creating another lot that is going to be substandard. That is the only
205 concern I have."
206
207 Mrs. Wood: "The Planning Board will do the subdivision. We are not doing the subdivision. Here is the
208 situation, if they get the subdivision and decide at some time in the future they want to put in a garage or
209 another building they may need a variance for that addition and that is a self-inflicted situation."
210
211 Mr. Povilaitis: "I agree."
212
213 Mr. McCoy: "If we grant the variance, we are giving the Planning Board two substandard lots. If we give
214 them the variance, we should probably do it on both lots just say they are no less than 33,000 square feet
215 of zone G land on each lot. I think what Brad was saying probably makes sense."
216
217 Granting a variance would do substantial justice because:
218
219 Mrs. Wood: "The applicant states it would allow the owner to build another family home on an otherwise
220 vacant land. The 6,896 reduction in upland size is a reasonable request."
221
222 Mr. McCoy: "I would say yes, especially on the new lot. It is a large lot. They have enough land there. We
223 could use housing. It is giving substantial justice to let them use the lot."
224
225 Mr. Povilaitis: "I just agree with Paul."
226
227 Mr. Reed: "I agree, Joyce."
228
229 Mr. Campbell: "Yes it would."
230
231 Mrs. Wood: "The substantial justice criteria is a balancing between the benefit to the applicant outweigh
232 the harm to the general public, and I think the answer is yes. I do not see any harm to the general public.
233 From granting this variance."
234
235 Granting a variance would not diminish the values of surrounding properties because:
236 Mrs. Wood: "The applicant states the addition of a new home in this area would blend into the existing
237 rural area and would likely help the surrounding house values due to the new construction."
238
239 Mr. McCoy: "I will agree with that."
240
241 Mr. Povilaitis: "I would agree."
242
243 Mr. Campbell: "I agree."
244
245 Mr. Reed: "I agree also."

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Mrs. Wood: "I don't see anything here that would diminish the value of surrounding properties, and they are going to have to meet all of the other setback requirements. They do have sufficient frontage."

Owing to the special conditions of the property that distinguish it from other properties in the area, literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because...

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

Mrs. Wood: "The applicant states as stated the result of being 6,896 square feet short of the required 40,000 square feet has more than adequate area and soils loading capacity for a single-family home. "

Mr. Campbell: "I don't think it will effect it at all."

Mr. Reed: "I agree. I do not see any issue. They have done their soil tests already, so they should be fine."

Mr. McCoy: "I would say with this particular lot, it's location, and the abutters mentioned that they have no issues with this particular lot, I would say it is good use for the property."

Mr. Povilaitis: "Well they have a hardship with this lot because of the wetlands on it and like I reiterated a few times if they put in an adequate buffer between the wetlands to compensate for the less upland that they have I think that it will both even out and it would be OK in my book. I would recommend that this board if we grant this variance that we put that as a condition of approval."

Mrs. Wood: "I agree. I think that the general public purposes of the provision of the ordinance as applied to this property if the wetlands were sufficiently protected with a buffer, I think we have harmony between the general public purposes and the proposal."

The proposed use is a reasonable one because:

Mrs. Wood: "The applicant states it is allowed within the zone and has little impact due to the de minimis the lot is below what the zone requires."

Mr. Campbell: "I agree with that. I think he is good with that."

Mr. Reed: "I think it is an allowed use and we have gone over everything else as setbacks, so I think we are good."

Mr. Povilaitis: "I agree too. A single-family home in this area is an allowed use and is harmonious with the general area."

Mr. McCoy: "Agreed."

290 Mr. Reed: "I would just like to say about creating two non-conforming lots I am reading through the
291 application on the application for variance it says map 24 lot 7. It gives their names and says they would
292 like a variance from Article 15 Section 3.1 of the Town of Raymond zoning ordinance. So if we allow this,
293 we could put a note in here that this is allowing a proposed upland area with a minimum of 33,104
294 contiguous square feet on these properties. Because it is all one lot right now. I think we could cover
295 ourselves from having to do this twice."
296

297 Mr. Povilaitis: "I agree with you. For the proposed lot 1 and proposed lot 2."
298

299 Mrs. McCarthy: "Brad, I think you are correct in your statement because this is not a subdivided lot, yet
300 you are granting the variance for the lot in its entirety and could put a stipulation in it for future subdivision
301 of the lot."
302

303 Motion:

304 Mr. McCoy made a motion to come out of deliberation. Mr. Povilaitis seconded that motion. A roll
305 call vote was taken. The motion passed with a unanimous vote of 5 in favor, 0 opposed, and 0
306 abstentions.

Joyce Wood - Aye
Scott Campbell - Aye
Joe Povilaitis - Aye
Paul McCoy - Aye
Brad Reed - Aye

313 Motion:

314 Mr. Povilaitis made a motion to grant the variance for allowing a proposed upland area of no less
315 than 33,000 contiguous square feet and I make a recommendation that applies to both the
316 potential future lots 1 and 2 as shown as the plan was submitted and the second condition, I
317 would recommend that we apply what the Conservation Commission recommended of having a
318 protective buffer on this and any future lots created as shown in the Raymond Conservation
319 Commission recommendation. They recommend vegetative buffer be maintained in the zone G
320 area according to 4.9.1.7. Mr. McCoy seconded that motion. A roll call vote was taken. The
321 motion passed with a unanimous vote of 5 in favor, 0 opposed, and 0 abstentions.

Joyce Wood - Aye
Scott Campbell - Aye
Joe Povilaitis - Aye
Paul McCoy - Aye
Brad Reed - Aye

329
330 Application #2020-015- A variance application has been submitted by Christian Jensen for property
331 identified as Raymond Tax Map 32/ Lot 32, located at 23 Ann Logan Circle, Raymond NH, 03077 within

332 Zone B. The applicant is proposing to build a metal barn 20 feet from the side property line where 30 feet
333 is required. The applicant is requesting relief from Article 15 Section 1.3. 'Minimum Setback
334 Requirements'.

335
336 Mr. Arvanitis: "When Mr. Jensen came to me originally his original plan met the 30-foot setback.
337 I made a mistake and read the ordinance wrong stating that there had to be 30 feet between the
338 buildings, but the ordinance actually says 30-feet between primary buildings, and this is an
339 accessory building. Mr. Jensen, I apologize for having you here at all. Would you be willing to
340 resubmit your application and meet the 30-foot setback?"

341
342 Mr. Jensen: "I would still like to have that 10 feet of relief so I can have the building 20 feet from that if
343 you are looking at the house from the right side of the property. Basically what the building inspector is
344 saying right now is that I would have to have the building 20 feet from the house, and 20 feet is close to
345 the house when you are talking about a 30 by 48 steel building. I just worried about snow coming off the
346 house and hurting the house and hurting my children. So if it is 30 feet away from my house, I do not
347 have to worry about snow coming off that roof being 16-foot walls and going right through my windows.
348 So that is somewhat of a hardship."

349
350 Mr. McCoy: "It is up to the board whether we accept the application."

351
352 Mr. Campbell: "If we accept the application does that mean he doesn't get a refund on his money?"

353
354 Mr. Jensen: "I am not worried about the \$230.00."

355
356 Mr. Campbell: "I'll chime in right now I have sold many houses in that neighborhood and I have sold the
357 house right next to you and I think that keeping that 30-foot setback is the way to do it. It is a nice
358 neighborhood, and I don't blame you, you want to put a building up for your business."

359
360 Mr. Jensen: "I am not going to be running a business out of it. It is just for my tractor and my truck."

361 Mr. Campbell: "The thing is once you start crowding that line it just causes a nightmare. We already have
362 that setback for a reason."

363
364 Mr. Jensen: "I am just more worried about a foot of snow coming off the roof and hitting the house."

365
366 Mr. Campbell: "I think the other people are more concerned about their property values too. This effects
367 not just you but you and them. It affects everybody. If we keep this setback at 30 feet, it keeps continuous
368 value on houses. I have seen neighborhoods where they start allowing this and this snowballs and
369 suddenly people are complaining when they move in. "

370
371 Mr. Jensen: "OK. Just so I understand this. I just want to be sure what I can do and what I cannot do
372 because originally someone told me I had to be 30 feet from the house and 30 feet from the line. I only
373 have 80 feet, so I was 10 feet short. Is that not the case now?"

374

375 Mr. Arvanitis: "It is 30 feet from the lot line. The primary to an accessory structure can be
376 attached if he wanted it to be."

377
378 Mr. Jensen: "I would like it to be as far away from the house as possible. I do not want to
379 connect it to the house. So at 20 feet away from the house and 30 feet away from my line I
380 would be available to get my building permit and start the process."

381
382 Mr. Campbell: "I think if you focus on your setback from the lot line you will be in good shape
383 from the neighbor."

384
385 Mr. Jensen: "OK. Sounds good."

386
387 Mr. Campbell: "I think if you work off that and that is your key point after that just work with Greg
388 on that and I think you will be good. Just keep that separation that we have got consistent and I
389 do not think you will have a problem with it."

390
391 Mr. Jensen: "OK. Sounds good that's what we will do then."

392
393 Mr. Campbell: "That way we will keep your property values up too."

394
395 Mr. Povilaitis: "We have a letter from an abutter that is opposed to this proposal as well. But if
396 you are going to keep within the side setbacks you don't need your variance."

397
398 Motion:

399 Mr. McCoy made a motion to refund his application money of \$230 if possible. Mr. Povilaitis
400 seconded the motion. A roll call vote was taken. The motion passed with a unanimous vote of
401 5 in favor, 0 opposed, and 0 abstentions.

402 Joyce Wood - Aye
403 Scott Campbell - Aye
404 Joe Povilaitis - Aye
405 Paul McCoy - Aye
406 Brad Reed - Aye
407

408 Mrs. Wood: "Mr. Jensen, do you agree to withdraw your application?"

409
410 Mr. Jensen: "Yes I do. "

411
412 Application #2021-001- A variance application has been submitted by Jones & Beach on behalf
413 of Troy Brown of Loon Lake LLC, for property identified as Raymond Tax Map 46/ Lot 9, located

414 at 68-70 Mountain Rd., Raymond NH, 03077 within Zone B. The applicant is requesting relief
415 from Article 15 Section 15.1.1 'Minimum Lot Size', Article 15 Section 15.1.2 'Minimum Frontage',
416 Article 15 Section 15.1.3 'Minimum Setback Requirements', and Article 15 Section 15.3.1
417 'Minimum Contiguous Upland'.
418

419 Mrs. McCarthy: "There is also another variance as well it is a variance from Article 2 Section
420 2.1.3 preexisting non-conforming lot."
421

422 Paige Libbey: "I am Paige Libbey with Jones and Beach Engineers here with Troy Brown who is
423 the owner and applicant. This is 68 and 70 Mountain Road, Map 46 lot 9 which is close to the
424 Nottingham town line. It is kind of a unique lot because it consists of a commercial business as
425 well as a two-bedroom residential house. This is Mountain Road Trading Post which Troy owns.
426 It is an outdoor sporting goods store. The lot in total is just over 5 acres. So what we are looking
427 to do here is subdivide the residential house, so the residential house is on a separate lot from
428 the commercial business. In order to do that we need 5 separate variances for lot size, frontage,
429 setbacks, minimum contiguous lot area and the preexisting non-conforming lot. This zone is two
430 acre lots and we are requesting .46 which is twenty thousand square feet for this lot and then the
431 remaining lot area would be with the Trading Post which would be more than the required two
432 acres. The frontage relief is only for the residential lot which would be less than the 200 feet.
433 For setbacks, the only places we really need relief are this front setback because the house is
434 already in the front setback and then there is a ramp and staircase which will be in the side
435 setback of the new lot line that is being proposed right here. The minimum contiguous lot area is
436 only for the residential lot. There are no wetlands on this lot. All of the wetland on the lot as it
437 exists will stay on the lot with the Trading Post. The reason why it is non-conforming is because
438 this house is already within the front setback. This lot that we are proposing is the same size as
439 the two abutting lots. The existing well is on the proposed lot. There is no new construction
440 proposed."
441

442 Mr. Reed recused himself from this application.
443

444 Mr. Campbell: "What size is the lot going to be?"
445

446 Paige Libbey: "20,000 square feet for the proposed residential lot. .46 acres and the lot with the
447 Trading Post will stay approximately 4.5."
448

449 Mr. Campbell: "We are dropping it down to .46 for a 2-acre requirement, 149 from 200 feet, we
450 have a 90-foot setback from well to septic, I am going to vote no on it."
451

452 Mrs. Wood: "I think that is wrong, Scott. I think 90 feet from well to septic is not correct."
453

454 Paige Libbey: "The State requirement for a protected well radius to a residential well for a septic
455 is 75."

456

457 Mr. Campbell: "But I prefer the 100. That is myself because I look at resale value. It is a two-
458 bedroom home which is always going to fall under the FHA and VA guidelines, that is what they
459 are going to buy it for. So I see that being a problem down the road."

460

461 Mrs. Wood: "With Brad recused we don't have a full member board this evening instead of a full
462 board of 5 members. We give you the option of whether you want to go forward with the 4-
463 member board or wait and continue this hearing to a future date when we may have a full board.
464 Right now we do not have a 5th member that we could call on. We do not have an alternate
465 member at this point."

466

467 Troy Brown: "I am happy to proceed. We are here."

468

469 Mrs. Wood: "In order to grant a variance or in order to receive a variance you need to have 3
470 affirmative votes. Not just a majority but you have to have a minimum of 3. I would say it is
471 easier to get 3 positive votes out of 5 than it is to get 3 out of 4."

472

473 Troy Brown: "I think we should proceed. I see no reason not to proceed."

474

475 Mrs. Wood: "Ok, we are going to go forward. If we do not grant your variance requests, you
476 cannot use the fact that there was less than a full board acting on this application as grounds for
477 an appeal."

478

479 Troy Brown: "I think I will wait for the full board."

480

481 Mrs. Wood: "Let me warn you that if we take a vote to continue, we have to vote to continue it to
482 a date certain there is no guarantee that the Board of Selectmen will have appointed a 5th
483 member by then. Brad is our 5th member and I believe that he would continue to recuse himself.
484 Is that correct, Brad?"

485

486 Mr. Reed: "Just because of my relationship with the Brown's it wouldn't be appropriate if
487 anybody would contend our findings even though I feel we could do it. It would be wrong. I could
488 ask the Planning Board, if you continue it to a date, I could ask the Planning Board to send
489 somebody in my stead. They can do that can't they, Chris?"

490

491 Mrs. McCarthy: "I don't know but we could find out."

492

493 Troy Brown: "So given what I have heard the benefit of delaying doesn't increase the certainty of
494 a 5-member board."

495
496 Mrs. McCarthy: "So if you choose to continue the board will not continue the discussion. IF you
497 want to talk to Scott separately that would cause him to have to recuse himself as well. So what I
498 suggest is that if you choose to continue this application the Zoning Board has to discontinue the
499 conversation. They have to make a motion to continue the application to a date and time certain.
500 Which would be their next meeting in March. You could wait to see if there was a 5-member
501 board. At that point, it is only going to take a phone call to Legal to see if we can get an alternate
502 from the Planning Board. At that point you will be able to make the decision on whether to move
503 forward with your current application or you have time to revise your application according to the
504 conversation that you have had thus far."

505
506 Mr. Povilaitis: "I would think the best thing would be to continue this and see if both Legal can
507 appoint an alternate Planning Board member is possible."

508
509 Troy Brown: "Based on all of the uncertainty I have heard tonight and the advice to continue with
510 5 I am going to choose that path, just so I can get my ducks in order. I feel that more time feels
511 like the best choice. I will request a continuance at your pleasure."

512
513 Motion:

514 Mr. McCoy made a motion to continue the hearing for 68 and 70 Mountain Road to our meeting
515 on March 24, 2021. Mr. Povilaitis seconded the motion. A roll call vote was taken. The motion
516 passed with a unanimous vote of 4 in favor, 0 opposed, and 0 abstentions.

517 Joyce Wood - Yes
518 Scott Campbell - Yes
519 Joe Povilaitis - Yes
520 Paul McCoy - Yes
521

522 Mr. McCoy: "If we gave a variance it went with the land. If someone puts a variance forward that variance
523 if it gets denied that used to go with the land also. Did that change? In other words, once you got denied
524 a variance you were not allowed to go back in. Whether it was 5 years, 10 years down the road. If you
525 get denied a variance are you able to go back in after the 4 years?"

526
527 Mrs. McCarthy: "I would have to double check that for you."

528
529 Mrs. Wood read a letter dated February 10, 2021 from Alyssa Welch resigning as an alternate to the
530 Zoning Board. (See attached.)

531
532 Motion:

533 Mr. McCoy made a motion to approve the minutes from February 17, 2021 as written. Mr. Reed
534 seconded the motion. A roll call vote was taken. The motion passed with a unanimous vote of
535 5 in favor, 0 opposed, and 0 abstentions.

536 Joyce Wood - Agreed
537 Scott Campbell - Agreed
538 Joe Povilaitis - Agreed
539 Paul McCoy - Agreed
540 Brad Reed - Agreed

541
542 Mrs. McCarthy: "Your appointments for Paul McCoy and Joe Povilaitis are coming up. You both will need
543 to decide in March on whether you will accept reappointment."
544

545

546 Motion:

547 Mr. Povilaitis made a motion to adjourn. Mr. Campbell seconded the motion. A roll call vote was
548 taken. The motion passed with a unanimous vote of 5 in favor, 0 opposed, and 0 abstentions.

549 Joyce Wood - Yes
550 Scott Campbell - Yes
551 Joe Povilaitis - Yes
552 Paul McCoy - Yes
553 Brad Reed - Yes

554
555