

**Zoning Board of Adjustment
27 School Street
HILLSBOROUGH, NH
April 11, 2022**

DATE APPROVED:05/09/22

TIME: 7:00 p.m. – 7:30 p.m.

CHAIRPERSON: Roger Racette

VICE CHAIRPERSON: Russell Galpin

MEMBERS: Lucy Pivonka, John Segedy, Meg Curtis

PLANNING DIRECTOR: Robyn Payson

ALTERNATES: Mark Bodanza, Cynthia Matthews

EXCUSED

Public Present: Eric and Kathleen Carlton, Steve and Carollee Miller, Donald Solomon, Everett Chamberlain, Steve Blanchette, Laurie Huber, Deanna Higgins, Barbara Acorn, Archie Higgins, Bryan Beebe, Rich Hellings, Tammy Buker, Iris Campbell, Andy Peterson, Jack Franks, Bill Hutwelker, Erin Darrow, Adele Michaelidr Thomas, Terry A. Thonon, Lucy Pivonka, Dennis Roberts Jr., Riche Colcombe

Also Present: Town Attorney Christopher Boldt

CALL TO ORDER:

Roger Racette called the meeting to order at 7:00pm

Pledge of Allegiance

Minutes 03/21/2022

John Segedy made a motion to table the minutes until after the hearings. Russ Galpin seconded the motion. The motion carried unanimously.

Special Exception

5 Depot Street (Map 24 Lot 130)

Richard and Jennifer Hellings

Robyn Payson read the meeting notice.

Lucy Pivonka recused herself. Roger Racette appointed Mark Bodanza to be seated in her place.

Roger read the Meeting Ground Rules.

Rich Hellings came before the Board for a Special Exception to convert his current mixed-use structure into a single-family home. The commercial use below has been for sale for two years and he feels the building would work better for his family as a single-family home.

Roger read the criteria for a Special Exception and Mr. Hellings responded with answers from his application. (See attachment 1)

Roger asked Mr. Hellings if he had read the Master Plan. Mr. Hellings said he had not. Roger cited the Master Plan about mixed use development in the Central Business District. He said it seems to him that the Town wants business in the Central Business District. He said he was not sure that the single-family use was in the spirit and intent of the Master Plan or the Zoning Ordinance.

John Segedy said the zone allows for mixed use and the neighborhood is mixed use with residential buildings.

Roger opened the hearing for public comment. People in favor of the proposal were asked to speak first.

Laurie Huber said she would rather see the building turned in to a single-family house than see an empty store front.

Donald Solomon said abandoned store fronts look bad and there are single family homes further down on the street. He said the single-family use would not impact parking. Turning the building in to a single-family home will improve the look of the area.

Leigh Bosse said the Chairman's view of the Master Plan is correct, but the Town has done nothing about improving the area or address the parking problem downtown

Roger Racette said the Master Plan says what it says and if we allow changes like this the goals will never be achieved.

Carollee Miller said the area downtown needed to be cleaned up before there can be any progress.

Steve Miller said that the Hellings have the right to do that and that it will improve the area. He asked what progress there was on the Master Plan.

Roger Racette said there has not been a lot of progress, but the conditions need to be met.

Deanna Higgins said since the commercial portion of the building has been for sale for two years, the Master Plan would be better served by having a single-family home than a derelict store front.

Roger asked if there was anyone who wanted to speak against the application.

Lucy Pivonka said she doesn't think this agrees with the Master Plan. She said the Master Plan says to keep the store fronts in place and hopefully business will come back. Ms. Pivonka asked how long the business has been on the market, and asked if this is allowed, will this encourage other business owners to convert their buildings to residential to get people to rent. She wanted to know when the building was purchased if there was already a business underneath.

Mr. Hellings said they were leasing the building as Mamma McDonough's Irish Pub before they bought it. They did the work to complete the upstairs and make it living space. COVID came and they were shut down and the business space has been for sale for two years.

Roger asked if the people who spoke in favor would like to rebut the statements against the application.

Donald Solomon said he believed there was precedent for granting the creation of a residence on the first floor.

Ms. Payson said it was 1 West Main Street that came to the Board to ask for residential space at West Main Street, street level. That Special Exception was granted.

Roger said it was granted because there were stairs that led up to the space and it was not at street level. He said the commercial space at street level on School Street was still commercial.

John Segedy said there was a warrant article brought forward by the Planning Board around that time that would have prohibited residential use at street level. That was defeated at Town Meeting. He said that showed that the Town wanted to allow street level residential use.

Laurie Huber said she didn't see any other building in that area that could be turned into a single-family home, so she said she didn't think it would be an issue. She didn't see any other buildings in the area that people would want to turn in to a single-family home.

Roger asked if anyone wanted to speak against the application as a rebuttal.

Lucy Pivonka said the zoning says residential use at street level is not allowed so you can walk around and enjoy the businesses. Lucy asked if there was a business in the building when they bought it.

Mr. Hellings said that there was no business in the building before they leased it and they purchased it after they had been leasing it.

There being no further comment, Roger closed the Public Hearing.

Russ Galpin said saying that the Master Plan is in favor of having business on the bottom floor is in opposition to the Zoning Ordinance which allows Residential in that area. The Zoning

Ordinance was voted on by the people whereas the Master Plan was not. He said that with a Special Exception the Board has to determine why not to grant it rather than with a Variance where they have to find why to grant it.

John Segedy said you can't just look at the Master Plan when determining whether to grant the Special Exception.

Mark Bodanza said he believed that the building was converted from a single-family home before it was made into a tavern originally.

Roger said he thinks it is out of character and not consistent with the Master Plan.

Roger called for a vote from the Board.

A. The ZBA shall hear and decide requests for Special Exceptions that are specifically authorized in Table 4 Chart of Uses:

Roll Call Vote: John Segedy-Yes, Russ Galpin-Yes, Meg Curtis Sauer-Yes, Mark Bodanza-Yes, Roger Racette-Yes.

B. The requested use will not create undue traffic congestion or unduly impair pedestrian safety:

Roll Call Vote: John Segedy-Yes, Russ Galpin-Yes, Meg Curtis Sauer-Yes, Mark Bodanza-Yes, Roger Racette-Yes. Motion Carries

C. The requested use will not overload any public or private water, drainage, or sewer system or any other municipal system, nor will there be any significant increase in storm water runoff onto adjacent property or streets. :

Roll Call Vote: John Segedy-Yes, Russ Galpin-Yes, Meg Curtis Sauer-Yes, Mark Bodanza-Yes, Roger Racette-Yes. Motion Carries

D. The requested use will not create excessive demand for municipal police, fire protection, schools , or solid waste disposal services.

Roll Call Vote: John Segedy-Yes, Russ Galpin-Yes, Meg Curtis Sauer-Yes, Mark Bodanza-Yes, Roger Racette-Yes. Motion Carries

E. Any requirements and standards for the specific use as set forth in the Zoning Ordinance are fulfilled;

Roll Call Vote: John Segedy-Yes, Russ Galpin-Yes, Meg Curtis Sauer-Yes, Mark Bodanza-Yes, Roger Racette-Yes. Motion Carries

F. The requested use will not create hazards to the health, safety, or general welfare of the public, nor be detrimental to or out of character with the adjacent neighborhood.

Roll Call Vote: John Segedy-Yes, Russ Galpin-Yes, Meg Curtis Sauer-Yes, Mark Bodanza-Yes, Roger Racette-No. Motion carries.

G. The requested use is consistent with the spirit and intent of this Ordinance and the Master Plan

Roll Call Vote: John Segedy-Yes, Russ Galpin-Yes, Meg Curtis Sauer-Yes, Mark Bodanza-Yes, Roger Racette-No. Motion carries.

John Segedy made a motion to grant the Special Exception. Meg Curtis Sauer seconded the motion. The motion carried with Roger Racette voting No. The Special Exception was granted.

Variations

219 West Main Street (Map 11O Lot 170)
William and Nancy Shee

Alternate Mark Bodanza stepped down from the Board. Member Lucy Pivonka resumed her seat.

Robyn Payson read the hearing notice

Variance 1 is from Zoning Ordinance sections 229:20 “Table 4 Chart of Uses”, to allow for the construction of two-42 Unit Workforce Multi-Family housing structures.

Jack Franks and Erin Darrow presented the application for two 42-unit Workforce Housing buildings and one commercial use. (See attachment 2)

Mr. Franks submitted a letter to the record that this workforce housing development is in accordance with NH RSA 674:58-61.

Roger Racette asked if they had taken in to account that Osram stores a significant amount of industrial gasses adjacent to the proposed housing units.

Mr. Franks said they had researched that, and it was not a concern. Ms. Darrow said that they would be complying with all Department of Environmental Services (DES) and the Environmental Protection Agency (EPA) requirements.

John Segedy asked if there were any reports that could be provided.
Ms. Darrow said, not at this time.

Mr. Franks said there have been preliminary reports that showed hydrogen and nitrogen being stored but it would not be a factor. He said they normally do not get in to such details until the Planning Board phase. Ms. Darrow said they would not be here tonight if they thought there would be an environmental issue that would jeopardize construction.

John Segedy said this development is located between an industrial use and the old town dump. He said there are monitoring wells on the property and that was not discussed. Ms. Darrow said those issues have been discussed and it is a good thing that it is being monitored. She said this is only the first in many steps it will take to make this project a reality. There are entities that address that kind of environmental concern, and they will be addressed as they move forward through the process.

Roger Racette asked to what extent was the impact on local infrastructure looked in to?

Mr. Franks said they had conversations with Water and Sewer about capacity. The only other concern would be power, which they have, and with the Department of Transportation (DOT) who has no concerns with traffic impacts.

Russ Galpin asked what the impact would be to water on 84 units of housing. Mr. Franks said he did not have the gallons per day, but the energy efficiencies that are mandated by the State of NH will be significantly less because they are using the latest technology. This will be an Energy Star rated building. Ms. Darrow said DES says a two-bedroom apartment would use 300 gallons per day. When it is metered, the actual draw is much less. Once the project gets to the Planning Board level, studies could be required.

Russ Galpin said that another concern was sewer discharge. He said that the infrastructure is roughly 32 years old.

Mr. Franks said the governor's plan for 100 million dollars that will be given across the state for workforce housing. Municipalities that allow workforce housing will be able to apply for grants for infrastructure upgrades. He suggested the Town look at that as an option for infrastructure upgrades.

Lucy Pivonka asked about the length of the driveway. Ms. Darrow said that it was approximately 300 feet. Ms. Pivonka asked about the number of parking spaces. Mr. Franks said, using the state calculations there would be about 73 parking spaces with room for overflow. He said that parking can be expanded when they go before the Planning Board. Lucy asked about sidewalks. Ms. Darrow said they had not gotten that far into the design yet.

Meg Curtis-Sauer asked if the facilities in Swanzey and Walpole up and running? Mr. Franks said the one in Walpole is, and the Swanzey facility is scheduled to close at the end of May.

John Segedy said he noticed a part of the plan discussed as parking was marked “detention” and it can’t be both. Ms. Darrow said they weren’t at that point in the design process yet to make a final determination as to whether or not it will be a detention pond.

Mr. Segedy questioned the statement that this development would not be permitted anywhere in town. He said that dwellings that are more than four family are allowed in the Rural, Residential and Village Residential zones. Ms. Darrow said that they question whether or not the 42-unit building would be considered a dwelling. Their interpretation was that it would be more than that.

Robyn Payson said the larger residential use with a commercial component would not be permitted in town right now.

Mr. Segedy said that because the commercial use has not been identified, it is not relevant right now. Ms. Darrow said that they need permission for the residential use before businesses will talk to them about the commercial use. Mr. Franks said in order for a business to move into an area they need employees. The residential use will help provide employees for the business. He said there are businesses interested in working with them, but the housing aspect is the main concern.

Roger Racette said in the Commercial zone any commercial use is allowed. He said they are looking to add residential uses there. He said they have to be careful about what kind of commercial uses might end up there. He asked for an idea of what they are looking for. Mr. Franks said he has had conversations with some banks, and there is the potential for a grocery store. He said equity investors have strict regulations about what they can and can’t build. They want to make sure the uses in the surrounding area are “up to snuff”.

Lucy Pivonka asked about the timeframe for building if they are approved. Mr. Franks said they have three phases. If approved, they would build phase 1 within approximately 8-10 months.

Roger Racette opened the Public Hearing. He asked for those in favor to speak.

Riche’ Colcombe said she is in favor of this and thinks this will be good for the town. She said she wanted to respond to Russ Galpin’s comments on infrastructure. She said the town has \$600,000.00 in ARPA (the American Rescue Plan Act) money that has not yet been designated. She said maybe it would be a good idea to have a discussion with the Selectmen about using that money for upgrades to the infrastructure.

Donald Solomon said he is in favor of the general idea of workforce housing. He said he thinks it is something that the town desperately needs. He said he is a retired electrician and has worked a lot of places in town and there are a lot of places that are in extraordinarily poor condition. He also said in a lot of towns, multi-family housing of this magnitude is deemed

“commercial”. He said it is a good place that is relatively close to businesses. Good quality reasonably priced housing is something that will benefit the town tremendously.

Dennis Roberts of Hillsborough Ford said the biggest problem he sees right now is people looking for employees. Workforce housing is a great steppingstone for people to get started. He said there are people he knows who can't afford housing in town. He said there are a lot of good people who are trying to make things happen, they are out there working and trying to make a difference.

Kathy Carlton asked if the road will be maintained by the town. Mr. Franks said the road would be maintained by the development.

Steve Miller is a direct abutter across the street. He said he thinks the development is a good idea.

Eric Carlton asked about the traffic impacts to West Main Street. Mr. Franks said that the housing is all that is being discussed at this meeting. The trip generation report from DOT shows they are not concerned with the amount of traffic. The Planning Board will be able to require a traffic study. Mr. Carlton said he supports the development.

Roger Racette asked for people opposed to the project to speak.

Laurie Huber said she is not against workforce housing, but she doesn't believe this is where it should go because West Main Street has heavy traffic already. Her other concern is that there will be two buildings with 42 units in each of them, even assuming one child per unit, the average cost per child is around \$20,000.00. She said that comes to \$840,000.00 per building per year just to add these extra kids to the school system. That is assuming they are all new kids coming in. She said, right there school costs will be going up. There will also be other costs like if the sewer system breaks down it will cost a lot of money to fix it. She said it will be approximately 6.5 million gallons of water that will be used. These are all infrastructure issues that will need to be addressed. She said as somebody in Hillsborough that pays taxes she is concerned about these costs and she doesn't know how much in taxes the town will get to offset these costs. She said she heard talk about grants. She said she hoped they were not blinded by the idea of grants because they sound wonderful but don't always come through. This does solve the housing problem in Hillsborough but there needs to be thought about the long-term costs.

Roger asked Robyn Payson if the Town had any information on school capacity. She said she had figures from the Department of Education from 2010-2021 which showed a decline in school population. The 2021 figures when compared with the 2010 figures show 150 fewer elementary students, 71 fewer middle school students, and 105 fewer high school students. This totaled 326 fewer students enrolled than in 2010.

Roger said that the school has capacity.

Ms. Huber said that it still costs money to send them.

John Segedy said Roger is making a statement without the expertise to do it. He said he asked for input from the other departments including the school and that hasn't happened yet. He said Robyn independently collected information but that is not a report from the school. Roger said that needs to be discussed in deliberations.

Riche Colcombe said in response to the school finances, she said she spent a lot of time reviewing the school budget and finances and she wanted to add that the Middle School was paid off this year which will leave approximately \$500,000.00 available and last year the school budget had a surplus of 1.9 million dollars 1.4 million of which was sent back to the state. She said based off the research that she did, it probably isn't going to be a big burden on the taxpayers as long as they can get the School Board to be more responsible putting the budget together. She also said that currently there is a 10-1 ratio, student to teacher. She is not concerned about the cost of the school as a result of this, she is more concerned about the cost of the school as a result of the way the School Board is operating.

Brian Beebe said his biggest concern is the location and the traffic flow that location on West Main Street. He asked if the developers had looked at a different location because if you add another store in front of it you have congested West Main Street more. He said he is in favor of the development, just not at this location.

Ms. Darrow said this project will go through a multi-permitting process that includes the Planning Board and the Department of Transportation. They are going to take a look at the existing traffic volume on West Main Street. Moving forward, they will have to analyze the impacts and comply with DOT.

Steve Blanchette said he lived next door to the property for 22 years. He used to fish and drink the water out of that brook. He said the land is polluted, and he doesn't want to see another traffic light. He said he could see the 40 units but 80 is too much. He said he is totally against it.

Roger asked if anyone wanted to speak in favor as a rebuttal.

Dennis Roberts spoke about the concerns about the school budget, but he thought the increase in businesses coming to town will generate a lot of money in taxes.

Andy Petersen, who is representing Bill Shee, the property owner asked that the Board vote favorably on this application for certain variances to allow this affordable housing project. This development will create affordable high-quality housing for working people. He also said this project is going to be considerably tax positive for the town.

There being no further comments, Roger Racette closed the public hearing.

Roger said he would begin by saying there is no doubt that affordable housing in Hillsborough is needed. Businesses are having a hard time finding employees. Businesses and restaurants are having to close early or close down due to lack of help. Unless we can attract a workforce into town its going to be very hard for the businesses. One of the primary purposes of zoning is to promote the health and the general welfare of the community, and he believes if they limit workforce housing in town it will be contrary to the public welfare of the town.

Lucy Pivonka wanted to share from the state planning and land use regulations on workforce housing. In short it says if your town is identified as having a lack of housing, when someone comes to you with workforce housing you need to consider it seriously as a need. Less than 1% of apartments in Hillsborough are available and there is a handful of houses for sale.

John Segedy said he is very supportive of the idea of workforce housing. He is concerned about the location for a number of reasons. One of them is economic justice, where rental housing is historically located next to factories or next to landfills as opposed to being located in residential areas where all the “nice folks” live. He questioned whether this is the ideal location. He said there are some things that he questions if they have enough information to make that decision.

A year ago on a much smaller project this board required a traffic study. There was talk about this being available for walking to places but we don’t have a walking area. The sidewalk that is going to be put in is across the street from the development. He said there is no crosswalk or lights.

Roger said that is getting into Planning Board matters.

John said safety was in their purview for this application. He said he wanted to hear from the fire department. He said his recommendation is to get more of that information and continue for a couple of weeks. He said it is the applicant’s duty to provide them with enough information to feel that it is not going to affect the health and safety of the town. And that includes the health and safety of the people who will be living in the development.

Roger Racette asked Mr. Segedy to be more specific if he wanted to continue the meeting and put it in to a motion.

John Segedy made a motion to continue the meeting to the 25th of April at 7:00pm at the high school cafeteria and request input from the fire department regarding safety and egress, and a traffic study to be provided by the applicant addressing safety, and walking.

The motion died for lack of a second.

Robyn Payson said that the Planning Board specifically addresses traffic and pedestrian walkways.

Russ Galpin said they need the housing in this town. In order to have a project of this magnitude there has to be water and sewer. There is no other location that would not have to go into the expense of sewer lines and pump stations in order to accomplish it. He said he didn't particularly like the location because using that street can be difficult. He said he was sure the people of the town could learn to live with this. He said he still considers it a lot of apartments for a town this size. He said he did not know what studies the ZBA could do that the Planning Board is not going to require on a project of this scope. He said he thought they should go through the criteria and vote on it.

Lucy Pivonka said she lives downtown and behind her is 2 Bridge Street which is one of the two dilapidated buildings in the town square. She said she sees lights on and there are squatters, and she knows homeless people in Hillsborough. She said she would love to see them find a place to go that they can afford. She said she is behind this plan and doesn't see a problem with the location. If it is going to be used, there will be taxes paid on it and that isn't a bad thing.

Roger called for a vote on the criteria.

A. Granting the proposed Variance will not be contrary to the public interest.

Roll Call Vote: John Segedy-No, Russ Galpin-Yes, Meg Curtis Sauer-Yes, Lucy Pivonka-Yes, Roger Racette-Yes. Motion carries.

B. Granting of the proposed Variance will observe the spirit of the Hillsborough Zoning Ordinance.

Roll Call Vote: John Segedy-No, Russ Galpin-Yes, Meg Curtis Sauer-Yes, Lucy Pivonka-Yes, Roger Racette-Yes. Motion carries.

C. Granting the proposed Variance will do substantial justice.

Roll Call Vote: John Segedy-No, Russ Galpin-Yes, Meg Curtis Sauer-Yes, Lucy Pivonka-Yes, Roger Racette-Yes. Motion carries.

D. Granting the proposed Variance will not diminish the values of the surrounding properties.

Roll Call Vote: John Segedy-Yes, Russ Galpin-Yes, Meg Curtis Sauer-Yes, Lucy Pivonka-Yes, Roger Racette-Yes. Motion carries.

E. Literal enforcement of the provisions of the ordinance will result in an "unnecessary hardship".

(1). Owing to special conditions of the property that distinguish it from other properties in the area: (i) 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; and (ii) The proposed use is a reasonable one.

Roll Call Vote: John Segedy-No, Russ Galpin-Yes, Meg Curtis Sauer-Yes, Lucy Pivonka-Yes, Roger Racette-Yes. Motion carries.

Lucy Pivonka made a motion to grant the Variance. Meg Curtis-Sauer seconded the motion. The motion carried with John Segedy voting No. The Variance was granted.

Variance 2 is from Zoning Ordinance sections 229-21 Table 2 “Lot Area and Frontage Requirements” to allow for the construction of two 42-unit Workforce Multi-Family housing structures and future commercial development within the existing frontage on the subject property.

Erin Darrow presented the application for the second variance (see attachment 2)

Roger said they need 400ft of frontage and they have only 347ft.

Ms. Darrow said they need 400 ft for the two residential buildings and another 200 for the proposed commercial use.

Roger asked if the decrease in the frontage is requiring them to decrease the width of the access road.

Ms. Darrow and Mr. Franks said DOT was very clear about the location of the access point.

John Segedy asked if what they needed was 600 total feet of frontage and they have 347 ft of frontage. Ms. Darrow said yes.

There being no further questions from the Board, Roger opened up the public hearing.

Roger asked for people who would like to speak in favor of the variance. No one chose to speak.

Roger asked if anyone wanted to speak against the variance. No one chose to speak.

Roger closed the public hearing and the Board entered into deliberations.

Roger asked the Board if they had any comment.

Russ said the frontage requirement is not as important as if the buildings were going to be along the edge of the street. He said for that reason, he thought this was a reasonable proposal.

Roger said, for this particular application the frontage didn't seem to be of concern.

John Segedy said that saying one commercial building doesn't clarify the size of the building. He said it could be a "strip mall" right up along that driveway.

John Segedy made a motion to re-open the public hearing to hear an explanation from the applicant. Roger Racette seconded the motion. The motion carried unanimously.

Roger said the purpose of re-opening the hearing was to address this one issue.

Ms. Darrow said that the uniqueness of this parcel cannot be overstated. The wide part of the lot is to the rear and the narrow part is to the front. If it were reversed this conversation would not be necessary.

Mr. Franks said that from a commercial development standpoint they are limited to the size. He said it is going to be a lot of work to get a commercial tenant in that is going to serve the community. He said if you look across the country, "strip malls" are on their way out. There are no developments that they are working on that would consider a use like that. Ms. Darrow said, even if they did want to put in a strip mall, they would still have to provide parking and go through the Planning Board process. The use is going to have to be something with a lower parking area in order to make it fit. Mr. Franks said there is no guarantee that they are going to be able to get anything in there. They would like to bring more tax base to the town and create more jobs, but they don't know at this point. They will look for the highest and best use. This is a partnership with the community and there is no use in bringing in a business that the community is not going to support. If they find something, they will bring it to the Planning Board.

Roger asked if anyone would like to speak specifically on this issue? No one chose to speak.

Roger closed the public hearing and asked the Board if they were ready to vote.

Roger read the criteria.

A. Granting the proposed Variance will not be contrary to the public interest.

Roll Call Vote: John Segedy-Yes, Russ Galpin-Yes, Meg Curtis Sauer-Yes, Lucy Pivonka-Yes, Roger Racette-Yes. Motion carries.

B. Granting of the proposed Variance will observe the spirit of the Hillsborough Zoning Ordinance.

Roll Call Vote: John Segedy-Yes, Russ Galpin-Yes, Meg Curtis Sauer-Yes, Lucy Pivonka-Yes, Roger Racette-Yes. Motion carries.

C. Granting the proposed Variance will do substantial justice.

Roll Call Vote: John Segedy-Yes, Russ Galpin-Yes, Meg Curtis Sauer-Yes, Lucy Pivonka-Yes, Roger Racette-Yes. Motion carries.

D. Granting the proposed Variance will not diminish the values of the surrounding properties.

Roll Call Vote: John Segedy-Yes, Russ Galpin-Yes, Meg Curtis Sauer-Yes, Lucy Pivonka-Yes, Roger Racette-Yes. Motion carries.

E. Literal enforcement of the provisions of the ordinance will result in an “unnecessary hardship”.

(1). Owing to special conditions of the property that distinguish it from other properties in the area: (i) 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; and (ii) The proposed use is a reasonable one because:

Roll Call Vote: John Segedy-Yes, Russ Galpin-Yes, Meg Curtis Sauer-Yes, Lucy Pivonka-Yes, Roger Racette-Yes. Motion carries.

John Segedy made a motion to grant the frontage variance request for two residential units and one commercial unit with the following condition:

All state, federal and town board approvals shall be obtained.

Roger Racette seconded the motion. The motion carried unanimously. The Variance was granted.

Town Attorney Chris Boldt said the Board needed to go back and attach that condition to the first vote as well.

John Segedy made a motion to go back to the first variance request to add the condition:

All state, federal and town board approvals shall be obtained.

Russ Galpin seconded the motion. The motion carried unanimously.

Roger Racette made a motion to adjourn. Meg Curtis seconded the motion.

Meeting Adjourned 10:05 pm

Respectfully Submitted,
Robyn Payson, Planning Director