

APPROVED
CANDIA ZONING BOARD OF ADJUSTMENT
MINUTES OF July 26, 2011

Present: Boyd Chivers, Chairman; Judith Szot, Vice Chair; Ron Howe; Frank Albert; Ingrid Byrd; John Easter, Alt

Absent: Amanda Soares, Alt

Chairman Chivers called the public meeting to order at 7:00 p.m. immediately followed by the Pledge of Allegiance.

Approval of June 28, 2011 Minutes

I. Byrd **motioned** to accept the minutes of May 24, 2011 as amended. R. Howe **seconded**. **All were in favor**. 1st page, 3rd paragraph, 3rd line insert “to run their trucking business” after “property”, 3rd page, 3rd paragraph “opposed”, 7th page, 12th line, add “if” after “because”.

Continued Case 11-588 Applicant: Lucille Stevens 66 Diamond Hill Road, Candia NH 03034; Owner: Same; Map 409 Lot 139; For a Special Exception under Section 5.02 F-2 Large scale full-time agricultural operations including animal husbandry; Use Variances under Section 5.02 c-2 Craftsman’s or contractor’s shop including a carpenter’s shop, welding shop, ornamental iron works electrical and machine shop excavating and heavy equipment operation, Section c-1 Manufacturing, assembly, processing, packaging, research and testing operations including the following uses, provided that such operations shall be conducted entirely within an enclosed building or structure & Section c- 1-a Products developed from previously refined or similarly processed materials such as bone, ceramic, cloth, grass, leather, metals, plastics, paper, rubber (except tires); to permit use of property for screening purposes in the Residential Zone.

Applicants Lucille Stevens and Mr. Stevens were present. Abutters Kimberly Otis 58 Diamond Hill Road, Mr. & Mrs. Brian Miller 74 Diamond Hill Road and April & Richard Caswell 57 Diamond Hill were present.

Before the hearing was opened F. Albert asked to recuse himself from sitting on case 11-588 because of a past personal issue with Mr. Stevens. Chair Chivers asked John Easter to sit for Frank Albert.

Chair Chivers said the case was continued from last month’s meeting to investigate the possibility the Stevens could claim grandfather rights. He said he asked the Building Inspector to research the 1973 Zoning Regulations to find out what was allowed in 1973 in the residential district. He also asked the Building Inspector to find out when the Steven’s acquired the property and determine the scale and the nature of their use since then.

J. Szot read the Building Inspector’s memo into record. *“The 1973 Edition of the Candia Zoning Ordinance was adopted on March 6, 1973. The Ordinance regulates and restricts the use of land for trade, industry, residences or other purposes. Any use which was legal at the time of the Ordinance may be allowed to continued (11.01) if such use had not been abandoned for a period of 1 year. At the time of adoption of the 1972 Zoning Ordinance this land was zoned Residential. (1973 Zoning Map). This Land has been zoned Residential since the inception of zoning in 1965. The storage, screening, processing and trucking of loam is considered to be a commercial/industrial use of land. Commercial/Industrial use of residential land has required a Special Exception since the adoption of the 1971 Zoning Ordinance. The 1973 Ordinance states that land shall not be used in any manner that is noxious, offensive, or detrimental to the public or the owners or occupants of adjacent property or prejudicial to the general welfare of the community. (2.02) I find no provision in the 1973 Zoning Ordinance that would allow this parcel to be used as it is and, accordingly, I find no provision that would allow it to claim grandfathered status.”*

Chair Chivers said the other reason the hearing was continued was to look at Mr. Steven's building permit in which Mr. Stevens stated the Town allowed him to build a commercial building. Chair Chivers said the building permit makes no reference to its intended use. The building permit states it is to build a 36' x 40' wood structure with a breezeway with a 14' door.

Chair Chivers said the Board will entertain any presentation that Mr. Stevens would like to make then open the discussion up to the audience. He said at any time during the presentations the Board is allowed to ask questions.

Mr. Stevens said he bought the property February 9, 1973 before the ordinances were adopted in March 1973. He said at that time his property was residential agriculture under the 1971 ordinances. Chair Chivers said once the Town gives notice of intended changes to the Zoning Ordinances it is assumed to be passed. Residents are bound by the notice. He said the notice would have been posted either in December 1972 or January 1973 and once published the changes are binding. J. Easter said according to the Board of Selectmen's meeting minutes August 4, 1986 it states the Steven's purchase was April 19, 1973. He said perhaps Mr. Stevens signed a purchase and sales in February but the deed was not until April.

Mr. Stevens asked if he could get the loam off his property. J. Szot said she read last month's meeting minutes carefully and said Mr. Stevens did not describe what he did on his residence. She asked Mr. Stevens what his scope of business is. Mr. Stevens said he has a pile of loam on the left side of his property that was trucked in. He said the Building Inspector told him he could not take any more loam in and to process what was on site. He said then he was served with a cease and desist. Mr. Stevens said the loam is not moving as fast as it should because of the economy. J. Szot asked if his business was just selling loam. Mr. Stevens said he does trucking. He said the trucks leave at 6am in the morning and return at 4pm. He said he has 3 trucks and 4 employees. Chair Chivers said the cease and desist order was not just for loam, it was for operating a trucking business too.

Mr. Stevens said in 1973 he had 2 trucks. He said he works off the property except to screen the loam which he does between the hours of 8am to 4pm and he generally does the screening once a month or so until the loam is sold. J. Szot asked how big the lot was and Mr. Stevens replied 2-3 acres. It was clarified it was 2.1 acres. J. Szot said she wanted to know where the property lines were on picture that was submitted. She said it appears Mr. Stevens is driving on his neighbor's property line. She said it appears Mr. Stevens is using every part of the 2 acres with a house, a large garage, loam piles, stone crib, stones piles and trucks, and asked how this could not be affecting the neighbors. Mr. Stevens said the last 1/3 of the property is all open and that is where all of the activity is. She said it is important to see the boundary lines to see where all the activity is.

Chair Chivers said Mr. Stevens was cited under Section 5.02 F-2 Operation of a large scale agricultural operation in a Residential Zone for his loading and trucking of screened loam and he cannot continue without a Special Exception granted from the Zoning Board of Adjustment. Mr. Stevens said he was cited wrong.

Chair Chivers said Mr. Stevens made application for both of the cited sections and 2 additional sections. They are Sections 5.02 f-2, 5.02 c-2 and 5.02 c-1 and 5.02 c-1-a. The last two sections are for use variances to run his excavation business from his home and use his garage for minor repairs and maintenance.

R. Howe said it appears to be two separate operations, trucking loam and truck operation/repairs outside in the yard and not just in his garage. He said the loam operation could possibly be solved over time but not the trucking operation. J. Szot understands repairs need to be done but Mr. Stevens is having the repairs done after 4pm and late into the night.

Chair Chivers asked Mr. Stevens if he had anything else to add to help the Board fully understand his business. Mr. Stevens said he only works on the trucks outside when he needs to lift the trucks with the bucket to grease them. He said he washes and changes oil in the garage but no large repairs. I. Byrd clarified that he has 3 trucks. She asked what he did with the trucks during the winter hours. Mr. Stevens said the trucks are parked unless they go out for snow. I. Byrd asked him if he did

snow plowing and he answered they clear the Mall of NH's parking lot with a loader and the equipment is left at the mall.

J. Easter asked about the number of employees and Mr. Stevens said has 4 employees and they come and pick up the trucks and leave. He said if they have a load of loam to deliver they do that on Saturday or later at night. I. Byrd asked about other equipment onsite and Mr. Stevens said he has an excavator, screener and loader. He said he no longer does paving.

Mr. Caswell said he wanted to make reference to points Mr. Stevens made. He said he had 5 yards of loam delivered to his yard which was a very large pile. He said what Mr. Stevens has on his property is huge like the piles you see at construction sites along the highway. Mr. Caswell said in reference to vehicles there is a constant flow all day including refueling and they are bringing back loam or stones. He said the fuel tanks are another issue and questioned if they are properly licensed. He said it appears they are in violation. He said Mr. Stevens has stripped the lot. He said he believes there are regulations to protect abutting neighbors from runoff which hasn't been done. He said Mr. Stevens said he washes his vehicles and asked if there is proper drainage so it doesn't run downhill because he is located on a hill. He said Mr. Stevens drives the pay loader and trucks in and out at night not just between 8am and 4pm.

A. Caswell said she has questions about the fuel tanks. She said one has a container around it and one doesn't. She said she has read regulations and they all require containment and an impervious pad to dispense the fuel on. She said Mr. Stevens only has gravel and there are large fuel stains. She said Candia's Zoning Ordinances say a fueling station (over 1350 gallons) cannot be within 300' of wells and homes. She said the only zoning allowing fuel tanks is Light Commercial I Zoning. She said Mr. Stevens stated he moved the fuel tank from the front of the road to behind the garage. She asked if he moved the tank according to regulations. She asked if Mr. Stevens had any records of compliance on the fuel tanks.

K. Otis said she had a question about the cease and desist order from 1986. She said she looked up the definition and it states it is an order of request to halt an activity not to be taken up in the future or face legal action. She asked who enforces a cease and desist. Chair Chivers said the Board of Selectmen enforces a cease and desist. K. Otis said the order has been dropped. She asked if legal action could be taken and Chair Chivers said she would have to contact the Board of Selectmen. I. Byrd suggested she get on the agenda for the next Board of Selectmen's meeting.

Mrs. Miller said the 1986 cease and desist has no statute of limitation and that Mr. Stevens is currently in violation of that order and that no variances are to be granted per the ordinances. B. Miller presented poster boards with pictures. He showed two aerials of 66 Diamond Hill Road; one with abutter's properties and a close up of 66 Diamond Hill Road. He said Mr. Steven's lot is 1.92 acres. He presented another series of photos showing extensive runoff from Mr. Steven's property unto abutters land. He said K. Otis's well is 30' from Mr. Steven's property line. He showed another series of photos showing the progression of the transformation of 66 Diamond Hill Road. The photos showed the loam piles, stone piles, trucks and the stone crib on his property line. He said Mr. Steven's yard has been fully excavated. B. Miller showed more pictures with loam piles taller than a dump truck and a truck/dozer parked on his property line that stayed there for over a year. B. Miller asked if there was a site plan for the site work and excavating because there are trenches near if not on his property line. He said he is going to have his property surveyed. He showed a recent 4th of July 2011 picture where Mr. Stevens was moving and working on his dump trucks causing dust, noise and diesel fumes disrupting his holiday. B. Miller said the scale of this business is incredible and does not fit in the neighborhood.

B. Miller presented a series of pictures showing the degradation of the Diamond Hill Road from excessive wear from the trucks. He wanted to give a letter for record asking for Diamond Hill Road to be fixed and was told by Chair Chivers to give the letter to the Board of Selectmen. B. Miller presented evidence of dust on his furniture and fact sheets about fugitive dust a particulate matter from DES, stating it is a health and environmental issue that is caused by commercial work site equipment, loam piles, storage activities etc. He said fugitive dust is a regulated pollutant that is a public nuisance

and should be minimized or eliminated. He said Mr. Steven's property has been an open existing site for 10 years as shown by the pictures and there have been no measures to control the dust.

B. Miller showed pictures of the fuel tanks. One picture in 2000 showed the fuel tank by the road and a 2011 picture showing the tanks were behind the garage with large fuel stains on the ground. B. Miller asked what Mr. Stevens DES, AST and onsite number were. He showed a map with a 300' setback requirement for a fuel tank. He said his home and the Steven's are included in the circle. He said the regulations state outside storage of fuel should be protected and Mr. Steven's fuel tanks are not. B. Miller showed a facility in compliance compared to Mr. Steven's fuel tanks.

Linda Bergeron 49 Diamond Hill Road asked if the Board would want to be an abutter to 66 Diamond Road and Chair Chivers said it is irrelevant.

Adam Sicard said the condition of Diamond Hill Road beyond 66 Diamond Hill Road is bad. R. Howe asked Mr. Stevens if he had a formal FPPC plan (fuel prevention and control measure). This plan spells out containment areas etc. J. Easter asked if K. Otis had her water tested and she said no. He said that would have been good to know since it so close to the runoff.

Chair Chivers asked Mr. Stevens if he would like to take 15 minutes and come up with a list of accommodations concessions and conditions he would be willing to agree too, to help scale back his business to be agreeable with the abutters. Chair Chivers said the Board cannot place the conditions only the applicant can offer and agree to the conditions or concessions.

Hearing no more input Chair Chivers closed the public meeting at 8:05 for 15 minutes to allow Mr. Stevens to comprise a list of accommodations and concessions to make for his neighbors that would be agreeable. He asked Mr. Stevens to give a time frame to continue his business at a scaled back version to wind down his business. Chair Chivers said now is the time to make these accommodations to work with the abutters to legalize his business as he winds down.

Chair Chivers reopened the Public Hearing at 8:30pm. Mr. Stevens said he would like to park two dump trucks on his property and said he thought that was the law. He said he would let one of his employees take the third truck home. He said he would like to keep his equipment trailer on the property. He said he would like to keep his equipment on the property until he is done screening the loam. He said he would like to be able to work on his own property and bring stuff home instead of renting. J. Easter asked what pieces of equipment he would need. Mr. Stevens said if he was grading or building another building perhaps a backhoe. He said he would get rid of both of the fuel tanks. Mr. Stevens said he is going to need a loader to screen. Chair Chivers asked how much was left to screen and Mr. Stevens said approximately 1500 yards and 250 are screened. Chair Chivers asked how long it will take to haul out 1750 yards. Mr. Steven said it depends on jobs. R. Howe said the most obnoxious part of the loam operation is screening and asked S. Stevens if he could screen all of the loam now. Mr. Stevens said he did not have the area to screen all of the loam. Mr. Stevens said there are only 2 paved driveways on Diamond Hill Road and the wind whips through, so there is always going to be dust regardless of the screening. Chair Chivers asked about the hours of operation that the neighbors have expressed concern with. Mr. Stevens said he runs equipment on his property 8am to 4pm. Trucks will be other hours as they finish the jobs. J. Szot asked about the other trucks and M. Stevens said they would still be leaving by 6am. Mr. Stevens said his abutters are already up by 6:00am. He said he would still deliver on Saturdays if he needs to deliver loam. He said he rarely works on Sunday.

Chair Chivers asked Mr. Stevens if he would be willing to abide by conditions of a variance to come to a termination point that would expire at a given time. He said the issue before the Board is if a variance is granted it stays with the property and only the applicant can make and agree to any conditions given to a variance. Chair Chivers said the Board cannot impose conditions. Mr. Stevens said he would most likely retire in 5 years. Chair Chivers asked if that time limit was the best he could do for the abutters. Mr. Stevens said he will be parking trucks for as long as he is there. He said he wants to continue using his garage to service and do minor repair of his trucks and equipment. J. Easter said he saw pictures of hoods up for service and said the variance he is requesting states "provided that such operations shall be conducted entirely within an enclosed building or structure." He said his

question is if repairs and service are being conducted outside then he is not following what he is asking for. Mr. Stevens said he has to raise the bodies to grease the equipment. He said tires are replaced whenever the road service gets to his house.

J. Szot asked who would drive the two dump trucks left on the property. Mr. Stevens said he would drive one on Monday morning and drive the other one whenever he needed to use the equipment trailer. She said the building permit was to construct a garage for personal use not commercial use. Mr. Stevens said he was doing his own work on his own vehicles. She said nowhere on the building permit did Mr. Stevens ask to use the garage for commercial purposes.

I. Byrd said Mr. Stevens said he had an excavator, loader and screener and asked where the pieces of equipment are. Mr. Stevens said the equipment is usually at a jobsite and rarely at the house. He said he has 3 excavators that are on jobsites. Chair Chivers asked Mr. Stevens if he had any other concessions or accommodations for the Board to consider when the Board deliberates on the Special Exception and Use Variances. Chair Chivers said the decision made tonight will be on the facts given and on Mr. Steven's testimony.

Chair Chivers asked abutters if there were any concessions or accommodations that Mr. Stevens could do that would be agreeable. B. Miller said he is a habitual offender who had a previous cease and desist. He feels if he is allowed some equipment on his property he will put more on his property. B. Miller said this 4th of July S. Stevens was running his trucks and working and he was unable to have a BBQ.

A. Caswell said the Stevens go to Florida every winter and the business continues to run. R. Caswell asked if there could be restrictions on equipment being repaired at all hours of the night. Mr. Stevens said he has not used PM Service for 6 to 7 months now. F. Albert asked the Board to have Mr. Stevens clarify what time the trucks would leave and if they leave at 6am will that mean they will start the vehicles up earlier to warm up the engines. S. Stevens said the trucks would have to be warmed up but not sure if they would run for ½ hour. A. Caswell said the state regulations say they can only idle up to 5 minutes maximum above 32 degrees and 10 minutes maximum below 32 degrees.

Chair Chivers said the purpose of the special exception and use variances are to provide a remedy or relief to make non-conforming become conforming. In 1986, Mr. Stevens did not come in for a variance. J. Szot said Mr. Stevens did remedy the situation in 1986; he moved his business to a commercial area, but then moved back.

Chair Chivers asked Mr. Stevens if he would make any concessions on the stone crib and stone piles that are on the property line. Mr. Stevens said there is stone that he uses around the house. He said it will remain but he could put it in a pile.

April Caswell asked if Mr. Stevens does not follow the orders, will the abutters be back to the Town in another 10 years for the same violations. B. Miller asked about reclamation of the property once all the loam/material is removed. Chair Chivers confirmed with Mr. Stevens that what he has told the Board is what he is willing to do for the abutters and he said yes. I. Byrd said she heard Mr. Stevens say at the end of five years all commercial use of his property would cease because he would be in a bigger location by then. He said for the record in five years he would no longer use his property for commercial use and no commercial equipment will be removed. A. Caswell asked about setting hours such as no weekends or holidays, 8am to 4pm.

R. Howe **motioned** to close the public hearing at 9:05pm. J. Easter **seconded**. **All were in favor.**

Ingrid Byrd read into record, “ 674:33 (b) Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinances if: (1) The variance will not be contrary to the public interest; (2) The spirit of the ordinance is observed; (3) Substantial justice is done; (4) The values of surrounding properties are not diminished; and (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.” Chair Chivers said to grant a variance all five criteria has to be met.

I. Byrd read the list of concessions: 2 trucks on site, 1 trailer, remove fuel tanks, one loader on site, no more loam after 1500 yards are removed, 3 years to remove loam. Business hours will be 8am-4pm and equipment may start as early as 5:30 due to cold temperatures, continued use of the garage to service the trucks, will continue for 5 years before the business is removed from 66 Diamond Hill Road. I. Byrd said they talked about reclamation but he did not agree to this.

Chair Chivers asked the Board to take into account and consider the list of concessions S. Stevens is willing to comply with when they deliberate on the Special Exception and Variance criteria.

Special Exception under Section 5.02 F-2: for a commercial trucking/screening agricultural company in the Residential District J. Szot said, “Section 15.02 Special Exception Standards, Special Exceptions shall meet the following standards:”

- “1. *No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials;*” The Board was in agreement there was hazard including dust, fuel storage. They agreed given the history and its size, it is way beyond any home occupation and has gone on too long.
- “2. *No detriment to property value in the vicinity or change in the neighborhood on account of the location or scale of buildings and other structures, parking areas, access ways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;*” The Board was in agreement there was detriment due to dust, noise, vibration from vehicles, fumes and stored materials on site.
- “3. *No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;*” The Board was in agreement there was a creation of a traffic safety hazard.
- “4. *No excessive demand on municipal services, including, but not limited to water, sewer, waste disposal, police and fire protection, and schools;*” The Board was in agreement there was no excessive demand on municipal services.
- “5. *No significant increase of storm water runoff onto adjacent property or streets.*” The Board was in agreement there was a significant increase of storm water runoff.

J. Easter **motioned** to deny the Special Exception under Section 5.02 F-2-1 to allow a commercial trucking/screening company in the Residential District. J. Szot **seconded**. **All were in favor.**

Use Variance Section 5.02 c-2 - Commercial trucking/excavation company in the Residential District

- “1. *The variance will not be contrary to the public interest;*” R. Howe said he saw too many issues. I. Byrd, based on legal issues in the past she said it was contrary to the public interest. The Board was in agreement the variance would be contrary to the public interest. J. Szot **motioned** the variance would be contrary to the public interest. I. Byrd **seconded**. **All were in favor.**
- “2. *The spirit of the ordinance is observed;*” The Board was in agreement the spirit of the ordinance would not be observed because of the history, dust, noise pollution. J. Szot **motioned** the variance would be contrary to the spirit of the ordinance. I. Byrd **seconded**. **All were in favor.**
- “3. *Substantial justice is done;*” The Board was in agreement substantial justice would not be done. R. Howe **motioned** that substantial justice would not be done. J. Easter **seconded**. **All were in favor.**
- “4. *The values of surrounding properties are not diminished; and*” The Board was in agreement the values of surrounding properties would be diminished. J. Easter **motioned** the surrounding property values would be diminished. R. Howe **seconded**. **All were in favor.**
- “5. *Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.*” The Board was in agreement that he self imposed the hardship. J. Szot **motioned** to deny unnecessary hardship. J. Easter **seconded**. **All were in favor.**

J. Szot **motioned** to deny the Use Variance under Section 5.02 c-2 to allow commercial heavy equipment trucking operation in the Residential District. R. Howe **seconded**. **All were in favor.**

Use Variance Section 5.02 c – 1 Commercial Screening of loam and Commercial Use of Garage

“1. *The variance will not be contrary to the public interest;*” The Board was in agreement the variance would be contrary to the public interest. J. Szot **motioned** the variance would be contrary to the public interest. R. Howe **seconded. All were in favor.**

“2. *The spirit of the ordinance is observed;*” The Board was in agreement the spirit of the ordinance would not be observed. J. Easter **motioned** the variance would be contrary to the spirit of the ordinance. R. Howe **seconded. All were in favor.**

“3. *Substantial justice is done;*” The Board was in agreement substantial justice would not be done. J. Easter **motioned** that substantial justice would not be done. I. Byrd **seconded. All were in favor.**

“4. *The values of surrounding properties are not diminished; and*” The Board was in agreement the values of surrounding properties would be diminished. R. Howe **motioned** the surrounding property values would be diminished. J. Easter **seconded. All were in favor.**

“5. *Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.*” The Board was in agreement that he self imposed the hardship. J. Szot **motioned** to deny unnecessary hardship. J. Easter **2nd. All were in favor.**

J. Szot **motioned** to deny the Use Variance under Section 5.02 c-1 to allow use of his garage for commercial purposes the Residential District. R. Howe **seconded. All were in favor.**

Use Variance Section 5.02 c-1 – a – Commercial processing loam and stone onsite

“1. *The variance will not be contrary to the public interest;*” The Board was in agreement the variance would be contrary to the public interest. J. Easter **motioned** the variance would be contrary to the public interest. R. Howe **seconded. All were in favor.**

“2. *The spirit of the ordinance is observed;*” The Board was in agreement the spirit of the ordinance would not be observed. I. Byrd **motioned** the variance would be contrary to the spirit of the ordinance. R. Howe **seconded. All were in favor.**

“3. *Substantial justice is done;*” The Board was in agreement substantial justice would not be done. J. Easter **motioned** that substantial justice would not be done. I. Byrd **seconded. All were in favor.**

“4. *The values of surrounding properties are not diminished; and*” The Board was in agreement the values of surrounding properties would be diminished. J. Szot **motioned** the surrounding property values would be diminished. R. Howe **seconded. All were in favor.**

“5. *Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.*” The Board was in agreement that he self imposed the hardship. J. Szot **motioned** to deny unnecessary hardship. J. Easter **seconded. All were in favor.**

J. Szot **motioned** to deny the Use Variance under Section 5.02 c-1-a to allow processing of loam in the Residential District. R. Howe **seconded. All were in favor.**

Chair Chivers said anyone aggrieved by the decision made tonight has 30 days to request a rehearing in writing. To be granted a rehearing there should be new information that has not been previously submitted.

Chair Chivers summarized the case saying it is a product of Mr. Steven’s own success. He started a landscaping business and his business grew which at some point crossed the line and become incompatible with his neighbors. The business grew too large for its original location. Chair Chivers said the Board tried to find a compromise that would accommodate the abutters, uphold the spirit of the ordinance, allow him to wind his business down and to transition to another site but unfortunately the Board did not have enough to work with. Chair Chivers thanked everyone for their time.

Other Business

The next scheduled Zoning Board of Adjustment meeting is August 23, 2011.

R. Howe **motioned** to adjourn at 9:40 pm. J. Easter **seconded. All were in favor.**

Respectfully submitted,
Sharon Robichaud
Recording Secretary