

CANDIA ZONING BOARD OF ADJUSTMENT
MEETING MINUTES OF
May 24, 2022
APPROVED

ZBA Members Present: Bob Petrin, Chairman; Judith Szot, V-Chair; Boyd Chivers; Ron Howe; Anthony Steinmetz, Alt. (sitting in for Mark Raumikaitis)

ZBA Members Absent: Mark Raumikaitis

Audience Present: Glenn Carey (applicant), Joe Sobol (Wildcat applicant), Tom Severino (Wildcat -Rep), Kevin Gagne (Building Inspector), John Bartley (Carey abutter) and town residents.

*Bob Petrin, Chair called the meeting to order at approx. 7:00pm immediately followed by the Pledge of Allegiance.

Case #22-007:

Applicant: Glenn Carey, 546 High Street, Candia, NH 03034; Owner(s): Glenn River Managements, LLC; Property Location: 546 High Street, Candia, NH 03034; Map 405 Lot 39; For a Special Exception under Article V Section 5.02(F-4): Table of Use Regulations: Type of Land Use -Rural and Agricultural.

Intent: *to allow the use of my property as a commercial greenhouse operation.*

B. Petrin starts by confirming that the applicant is present, and he is here in person and asks him to tell the Board about the project.

G. Carey notes that his application was for the continued use of the greenhouses. He says he's not sure what the Board needs from him and B. Petrin says, so you've been having a greenhouse operation and the applicant says he's been there since 2007. R. Howe notes that this is Mortonson's old place. B. Petrin asks if something different is happening there and the applicant says no, and he's not sure why he's here and R. Howe agrees with him. The applicant notes that his understanding is that something was missed decades ago that was supposed to happen that didn't occur. J. Szot asks if it was a non-conforming or legal non-conforming use and R. Howe says no because that greenhouse has been there since the Crosby's owned it 50 years ago. J. Szot says her question is, is that land zoned for it. R. Howe says it wasn't zoned back then and B. Petrin says apparently, it's rural agricultural and J. Szot says if that so, it's allowed there but was wondering if it was a legal non-conforming use and it ceased operation, if so it's not allowed. R. Howe says not really, he says the applicant hasn't done a lot but literally since the Mortonson's left, he's sold something there and the applicant agrees. R. Howe says prior to that, there was 2 different owners, the Crosby's and then Mr. B's, then Mortonson's and then you. B. Chivers asks the applicant if he abandoned the greenhouses for any period of time and the applicant says no and R. Howe says no, he didn't.

The Building Inspector states that the greenhouses are falling down in disrepair. The applicant says yes, they need to be cleaned up and R. Howe agrees. The Building Inspector states as far as a growing operation using those greenhouses, there hasn't been one for how many years and the applicant says he can't tell them, it's been a few and R. Howe says since the Mortenson's, so since he bought it literally. The Building Inspector says from what he got is to just move forward to have it approved, go in front of the Board, that it gets cleaned up, that it's now in his name and it's official. B. Chivers says it's permitted by special exception so why don't we go through the special exception standards and clean this up. (Inaudible comments amongst audience and Board members) -B. Petrin says one at a time please and the Building Inspector says the applicant needs it approved in his name now as the current owner of the property so it's official. R. Howe asks how do you define commercial and then states that he has a much bigger commercial greenhouse, and he didn't have to get any exceptions or anything. He is questioning this though he doesn't have any problem with what the applicant is doing but doesn't understand, it's permitted, it's agricultural and B. Chivers states that it's permitted by special exception not by right and that's the difference under Section 5.02. R. Howe says he doesn't understand because agriculture is permitted by the State. The Building Inspector states that B. Chivers is right, and it's permitted with special exception, and we just need to officially go through the special exception, because the property has been sold to a new owner, he needs a special exception because it was never done. R. Howe says the use hasn't changed and his concern is, being a great advocate of agriculture, and the fact that agriculture basically...greenhouses are considered agriculture and that's why he asked where do you draw the line on commercial. If you were putting up an acre of commercial greenhouses, that's one thing but you're talking

about putting up probably no more than what was there and probably less and the applicant says, yes there's less. The applicant is cleaning up. There was one out front that had collapsed and R. Howe says right, that was the original collapsed greenhouse, but he left some of the footprint and wants to rebuild a truncated version of what is there. The applicant asks if the Mortonson's came before the Board and R. Howe says no, and that's why he's confused. The Building Inspector says that was before zoning and they now need to follow due process so there is nothing to come back on the town. B. Petrin notes that B. Chivers has the chart, and it says by special exception (F-4) and J. Szot notes that according to the 2022 zoning, you need a special exception in residential. R. Howe says then his question goes back to what's a commercial greenhouse and the Building Inspector states that it can be any size that sells retail and/or wholesale products that you are selling to the public. R. Howe says he went through this once with the BOS and it was agreed that it was agriculture and zoning didn't apply and J. Szot says she thinks it's because it says commercial greenhouses. J. Szot says the Board has to go by what's here and may have to put that on a list to the PB to clarify what exactly that means, and R. Howe agrees.

B. Petrin asks if there are any further questions/comments from the Board or audience and John Bartley (539 High Street - abutter across the street) says he doesn't have a problem with what's going on, but he doesn't know if the setbacks from the state highway, cars pull in and basically have to back onto the highway to get out. There is so much land there and why can't the greenhouses go back a little bit further because our driveway is directly across from there and people back out, they go around us. R. Howe agrees that this is really a problem. The applicant says if the Board looks on the schematic, the parking has been pushed up and he estimated it to be at least 32 feet from the road to the far side of the parking area and agrees that was an issue. J. Szot asks the applicant if the parking was in front of the "shed" and now he's putting it between there and the house and the applicant says, it's always been there and J. Szot says, yes but now you are moving the parking and the applicant says, he's moving it forward. B. Chivers asks the Building Inspector if this will go before the PB next for site plan review and he says he is not sure. B. Chivers says so is the Board supposed to review the adequacy of all the parking, arrangements and traffic flow tonight and B. Petrin says and the setback? The Building Inspector says he believes it's just getting approved here and then work the details...B. Chivers says with the PB, and the Building Inspector says yes, with the PB. R. Howe asks if the shed has a foundation and the applicant says no, it's a cement slab. R. Howe says the original building was literally in the same location. The applicant says that he originally made the proposal, to the previous building inspector, and gave a drafted plan to him, and was told to go ahead because it has been there forever. At the time, the setbacks were back 50'. The building was already there so he just put, it's a smaller building but the front edge is the same as where the old building was. R. Howe says it's obviously nowhere near the setback from the state highway and the applicant says he took that into account and asked and everyone was like, go ahead. J. Szot says basically this parking area going towards the house that is there and the applicant confirms this but notes the house is off to the right. The applicant says he just pushed it further back. The applicant says he took the plant area out and moved the parking to the old greenhouse site, so everyone can pull straight back.

B. Petrin asks if there are any further questions/comments from the Board or audience and R. Howe says he wants to ask the Board if they feel he should recuse himself because though he doesn't have a problem with the plan, he does have a similar business as well and doesn't want to vote if the Board deems it biased but the Board, the applicant and the abutter present does not think it is necessary and so the Board continues with the vote.

***B. Petrin closes meeting to the public at 7:14pm**

B. Petrin requests that B. Chivers read through the criteria to meet the terms of Special Exception Uses, Article XV, Sections 15.02 & 15.03, for Commercial Greenhouses and the Board will vote on each as they are read out. **All agree.**

Section 15.02 – Special Exception Standards

- 1. No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials;*
- 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 material;*
- 3. No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;*

4. *No excessive demand on municipal services, including but not limited to water, sewer, waste disposal, police and fire protection, and schools;*
5. *No significant increase of storm water runoff onto adjacent property or streets.*

Section 15.03 – Special Exception Conditions

1. *Front, side, or rear yard in excess of the minimum requirements of this Ordinance;*
2. *Screening of the premises from the street or adjacent property by walls, fences, other devices;*
3. *Modification of the exterior features of buildings or other structures;*
4. *Limitations on the size of buildings or other structures;*
5. *Limitations on the number of occupants and methods and times of operation;*
6. *Grading of the premises for proper drainage;*
7. *Regulation of design of access drives, sidewalks, and other traffic features;*
8. *Off-street parking and unloading spaces in excess of the minimum requirements of this Ordinance;*
9. *Regulation of the number, size, and lighting of signs more stringent than requirements of this Ordinance.*

In this instance, the Board votes based on the Special Exception Standards and to make sure all the conditions are met instead of the 5 criteria.

B. Petrin suggests a motion be put forth to **approve** the Special Exception. **All were in favor.**

B. Chivers **motioned** to grant the Special Exception for the relief under Section XV to run commercial greenhouses at 546 High Street (map/lot: 405-39). J. Szot **seconded**. **All were in favor. Motion passed.**

Case #22-008:

Applicant: Wildcat Land Development Services, LLC, 285 Old Candia Road, Candia, NH 03034; Owner(s): Wildcat Land Development, 43 Lawson Farm Road, Londonderry, NH 03053; Property Location: 285 Old Candia Road, Candia, NH 03034; Map 410 Lot 137; For a Variance under Article VI Section 6.02: Table of Dimensional Requirements: Minimum Setbacks and Dimensions, Maximum Heights Allowed.

Intent: *to allow the 3-5 foot encroachment upon the front setbacks (50 foot minimum) for the Barnyard venue building and a small storage building per the setback relief plan.*

B. Petrin starts by confirming that the applicant(s) are present, and they are in person as well as their representative Tom Severino, and asks them to explain their request to the Board.

T. Severino introduces himself as a representative here tonight for the applicant and Joe Sobol introduces himself as the owner/applicant in the case.

B. Petrin states that there is a lot going on at this property, but they are here tonight to concentrate on one intent and that is to allow the encroachment on the setback. He asks how that came to pass that the applicant missed that and T. Severino says he can review that. T. Severino says they went through a lot of work for the Barnyard building. The Barnyard building's slab was laid out 50' from the States right of way is, and the foundation slab was poured for that building. Foundation was built before they built the building to be sure and he thinks it was just off the property line to leave room for the overhanging roof and they went and built the building. In the interim of building the building, there was a food official that came by and stated they needed a separate room for the cooling of the beer, so they had to build a bump out. They built the bump out without checking the set back line even though the building inspector stated they looked to be over the set back line. When they did an as built survey for the Planning Board they discovered they were over the setback line.

J. Szot asks when this building was built and J. Sobol said it was started in 2019, it was prior to Kevin starting and Dave was the Building Inspector and they worked with him. Then they added onto the building and that became an issue and they worked through it with Kevin and the PB. He says that Tom is correct, they did have to bump that out in response to something the Food Protection Group at DHHS and they have rules for kitchens and food prep. B. Chivers says when the applicant says they bumped it out, did they extend the foundation or stick a protrusion out of the side of the building? The applicant says they built a slab and then they built on the slab and now that's the house for our beer kegs.

B. Chivers asks if that is the only encroachment on the setbacks of this property and J. Sobol says no, there is a storage building that evolved. J. Sobol says there was a twist in the setback line. T. Severino says this was when we weren't there to do the layout. The owners projected that line down, lined up the back of the storage shed to that layout. When they came back and did the as built, it was just the storage shed. Later they actually framed onto it. When we did the as built, we realized we built in the right of way again.

Because we are unsure of the exact distance we are asking for a 5' variance. B. Petrin says 3-4 is what they are calling it. Joe asks, what was that? and B. Petrin said that it has been identified as 3-4 feet because as you reference it's a couple different measurements. T. Severino says it should say 3-5.

T. Steinmetz asks for clarification if the building is the only issue or they have a seating patio that extends south about 24-25ft out, does that count? T. Severino says yes, the patio is in the setback area, though it's not a structure. J. Szot says actually, according to building codes, anything that is built or constructed is a structure, so if you have to construct a patio, it's a structure. It's got a fire pit, it's considered a structure according to the International Building Code (IBC), which we follow. J. Sobol says he thinks they've been over this with K. Gagne and K. Gagne, and says yes, it's an interpretation and there is a lot of going back and forth between on what is a structure. He says in the IBC, the definition is anything that can be built, it's a landscape patio, something that is a permanent structure. When you put down the stones and can it be moved, or a shed somewhere that's a portable shed, it can be removed, so there is a grey area as far as an interpretation of a structure. J. Szot says that her problem is that there is so much land here and first of all this building says ice cream shop. How did an ice cream shop become the Barnyard? When you went to the PB and you asked for the ice cream shop, and you all agreed it would not exceed 600 square feet. Although there are no dimensions on the building plan, she thinks it's bigger than 600 square feet and you agreed to 600 square feet. She is confused as to how it got to be this size if you agreed to the 600. You asked for a building permit for more and you knew it wasn't supposed to be, because you weren't approved. Did the PB approve you to get that extra? J. Sobol says they went to the Building Inspector, who was D. Murray at the time, and we told him we weren't building an ice cream shack. We're going to the PB on June 1st to resolve those issues. K. Gagne says that has been resolved as far as the increase, they were allowed up to 1,000 square feet for a structure even though they originally said...and he doesn't know where the minimum, that was a PB....and J. Szot says it said 600 and this is the PB minutes when they approved their site plan...K. Gagne says right, they approved it but legally they could build something up in our zoning, planning they could build up to 1,000 square feet. It was said 600, they noted 600 but they had permission to build up to 1,000 square feet. J. Szot says it does not say that Kevin, it says they had permission to build 600 square feet and Kevin says he doesn't know. J. Sobol says that was back in 2018.

K. Gagne says he and Rudy (PB Chair) did extensive research and made sure that when they did issue a building permit for the 1,000 square foot structure that's there, they made sure they were within their (inaudible). He doesn't have the information to prove to the Board about that, but he does have the documentation that backs it. J. Szot asks K. Gagne what he is saying is, they did go back to the PB and got permission to make it from 600 to 1,000 and K. Gagne said yes. They discussed the increased square footage with the Planning Board, and they couldn't go over 1,000 square feet and he has documentation that backs that, and he can provide that. He says the issue is not the extended square footage, but they are over. Originally the walk-in for the beer cooler, on the original plan, was a portable walk-in that you attach. Somehow it got changed to a pad and permanent wood structure. The other structure that's shown on here is strictly just a hood over a takeout window, so it's not touching the ground, it's just a hood, it's a roof, it's connected to the building but it's structured. J. Szot asks if it's the point on the plan he is talking about and K. Gagne confirms this and says it's just a roof, over the window, like a dormer roof, but it is over the line and it is a structure. If you consider that line to be straight up off it, it's over the setback line. The other issue is the storage container and structure on that is definitely over and he can clearly see it. He couldn't determine, when that was built, we didn't have a final site plan, this is a stamped site plan and only had the original site plan that was resubmitted. J. Szot says so when they went back, you didn't get a new site plan when they went back for the approval on the other 400 square feet, they didn't adjust the site plan and K. Gagne says no, we'd been asking for a site plan, and we just got a few sketches. J. Sobol says no, we made a mistake in doing that and we worked with Rudy and K. Gagne to come to terms with going back to the planning board, which we intend to do to rectify. T. Severino states we did go back to the planning board once and then there was a formal request for a formal plan so we kind of went over the details at the first planning board meeting and then met on site to work out exactly what they wanted and literally have been trying to meet everything that they wanted. Then I met with the engineers. The engineers just finished an even more scrutinizing as build and survey of the property, all because we are scheduled to go back to the planning board with the plan that you are talking about. The formal as build, it shows the planning size, that way Rudy, Kevin's, everybody's last requests that we just button all this up with everything that's been actually done, so we are almost there on that last step but they said, oh by the way, since the bump-outs showed up can you also go back to zoning to get this cleared up. So that's why we are really just trying. We understand there were issues along the way. I'm not gonna try to go back in time. We are just trying to clear everything up. So we are working our way through the planning board issues. And not only that, Stantec was involved in a review at the planning board level and we are addressing all of their issues.

J. Szot: I read that after they were on the site they gave them a list of several suggestions of things, something about a pipe that was too small and there were several other things that they found.

B. Chivers: Are the structures the only things under consideration here?

J. Sobel: Yes.

B. Chivers: The patio is a non-issue?

J. Sobel: That's correct, we are only after the setbacks.

T. Severino: For the audio record, I wanted to point out that there are no abutters or other attending public on this case this evening.

J. Szot: Oh no, there are abutters all along Fieldstone Lane. People on Fieldstone Lane are abutters.

B. Chivers: If I may, I don't want to complicate this anymore then it has to be complicated but there are two remedies available in this case. The first one is to look for a variance from RSA 674. There is another RSA closely related to that, it's called a Equitable waiver of dimensional requirements and that applies almost word for word in this case. Where there is a good faith mistake made, it was overlooked, there was no fraud or deception. And then this board has the authority to grant relief through that section. You have four criteria you have to meet in order to qualify. Under the other statute, the variance, there are five criteria to meet, one of which could be problematic for you. And that is the one that is undue hardship. And that one, in order to qualify for undue hardship there has to be characteristics of this land that distinguishes it from all other properties like it that render it incapable of meeting the variance setbacks. There is nothing on that lot right there that suggests that you can just shove that building out five more feet and call it good. So, I would encourage you to think about, and I've got both statutes with me and the criteria that you have to meet and if you don't think that you can meet all of the variance criteria, you may consider withdrawing this application and resubmitting it under 674:33.I(A). I know you guys don't want to go through this whole thing again, but this board doesn't want to have to stretch itself to find in your favor for all five criteria under the variance criteria.

R. Howe: The hardship was a self-imposed hardship.

B. Chivers: Financial hardship doesn't qualify.

T. Severino: I don't know if they wrote it as financial but hardship meaning like the building was in that place. That cooling area just like it was going to be attached to the building as Kevin mentioned like it can only go right there. For that bump-out right there, so let's say you can put the cooler on the front of the building, you physically can't.

B. Chivers: But, they could have sited the building over five feet.

T. Severino: That was a forethought. Something that the state asked for after. They said, oh we need you to separate that. This was all put on after the fact when the state did an inspection. It's a very strict, with the food, as Kevin knows, a very strict inspection. This had to be done, so now the building is built. So, it's like and you have to put this bump-out, in this spot. You're pinned. If this was, A) They bump it out and didn't know because the line is there and you don't see the line. But the physical bump-out had to be in that direction. You are not going to pick up the whole building and move it.

B. Chivers: In your situation that is what distinguishes it from other similar properties. Other properties similarly situated.

J. Sobel: That and the fact that there is a tremendous amount of right-of-way for 43 on our particular property. And in some instances, as we state in here, you can take a certain distance from the center of the road but regardless, there is so much room between our building and edge of route 43. There is 135 feet. So this building, the visibility of that, right off of that road right there. This is definitely unique because, as it is, the pavement even to get to the state right-of-way is over 100 feet and then, you could have literally had no setback and been further than any other setback, anywhere. But we need to stick to what Boyd is saying, that that is just clear and obvious. We all know it is very far from the road. We need to get down to the black and white and focus on those criteria. It's a yes or no, can you meet it? And I was just trying to answer Boyd. In my eyes, when you wrote this, it was a hardship because you physically had to go in that spot. You would have had to physically, let's say money was no object, you still wouldn't pick up the building and move it all ahead five feet, so you could put that five-foot bump-out. If you knew

that you did, you would even come in and ask for a variance because it physically had to go into that spot on a building that was already built.

J. Szot: So the hardship is the fact that your building was built and the state, the food inspector came in and said to you, oh by the way, this has to be in a separate place.

You had a fully permitted and approved building already constructed and at the last minute, they came in and said you have to have this bump out for the beer cooler.

T. Severino: That's why this was an addition and got added on.

Question: If we go through this tonight and were to deny it under this, whichever rule it is, could they come back with the other one? Sure. So we have nothing to lose by going through this tonight and if for some reason it gets denied, they can come back with a simpler version.

J. Szot: Can I just talk about this storage thing. This is a shipping container, is that correct? So that could physically be moved.

T. Severino: Yes, it physically could be moved. And the only other thing is that they built the lean-to attached to it, so.

J. Szot: Was that lean-to permitted? Was it built with a permit? Yes. So it could be pushed out?

J. Sobel: No, not practically. You would have to tear it down, tear the shed down and pull the storage container ahead and rebuild the attached shed.

J. Szot: Well, I mean, this I can understand that this is a, that the food inspector came in and said you gotta do this, okay, I can understand that but the shipping container originally, the way I was told, and perhaps the information I have is incorrect but what I was told is that they were originally given permission to put them there and they were told that they were to be temporary. And then, someone came in at a later date and said, oh no they're not temporary, they are permanent. And at that point, they had done all of this other stuff but the storage containers could only be used temporarily. Now that we are told that they are permanent and they have other things built on to them, that I have a problem with. I know you have a lean-to on it and it is a hassle to move it but I mean, you can pick up a whole house and move a whole house if you want to.

J. Sobel: The history behind is that yes, they thought it was temporary through the permitting process, it's like no, you frame that in there as permanent, so they went through the process. I helped find them an architect, drew up what Kevin was looking for, for the framing plan and subsequently because it was being called permanent, got it resolved as permanent. The point of it being over the line was just, they didn't intentionally do that. They lined up that line and it was, literally, a mistake. That's it. So it wasn't because they said oh, it's temporary, let's throw it over the line. That absolutely wasn't them. It would literally be and then there is no one, nobody, no anything. It would literally be a sin.

J. Szot: Here is one other reason I have a problem. The engineering stamp on this is one of the owners. I mean, how did that happen? He is an engineer, he signed this plan, how did he get the building wrong?

J. Sobel: This is just a sketch that was for this board. That's not...

J. Szot: This plan is stamped.

J. Sobel: Yes it is part of the application for the ZBA.

J. Szot: What I am saying is if he is an engineer how did he make a mistake?

J. Sobel: At that point, he knew we were in violation.

J. Szot: Wouldn't you check first before you stamp it?

J. Sobel: He stamped it for this application, which was a month ago. At that point, we knew we made a mistake. So he wasn't stamping it...

J. Szot: My point is, if he is going to put a building in and he is an engineer, wouldn't you site a line first so you knew you were in the right place. I know you could have, would have, should have and it's kind of hindsight but I looked at this and I thought, oh my god, this guy is an engineer, how did he do this? How didn't he check? I know it happens.

B. Petrin asks if there are any further questions/comments from the Board or audience and there are none.

***B. Petrin closes meeting to the public at 7:42pm**

B. Petrin requests that B. Chivers read through the 5 criteria and the Board will vote on each as they are read out. **All agree.**

B. Chivers read as follows:

Under RSA 674:33; the Zoning Board of Adjustment shall have the power to hear, authorize or appeal specific case variances from the terms of the zoning ordinance IF 5 criteria are met:

1. The variance will not be contrary to the public interest.

For a variance to be contrary to the public interest, it must unduly and to a marked degree violate the basic objectives of the zoning ordinance. To determine this, does the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public?

Boyd moves the Board agree that it is not contrary to the public interest. **All were in favor. (5-0)**

2. The spirit of the ordinance is observed.

To be contrary to the public interest,...the variance must unduly, and in a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives.

Boyd moves the Board agree that the spirit of the ordinance is observed. **All were in favor. (5-0)**

3. Substantial justice is done.

...perhaps the only guiding rule is that any loss to an individual that is not outweighed by a gain to the general public is an injustice. A board of adjustment cannot alleviate an injustice by granting an illegal variance.

Boyd moves the Board agree that substantial justice has been done. **All were in favor. (5-0)**

4. The values of surrounding properties are not diminished.

The ZBA members may draw upon their own knowledge of the area involved in reaching a decision on this and other issues. Because of this, the ZBA does not have to accept the conclusions of experts on the question of value, or on any other point, since the function of the board is to decide how much weight, or credibility, to give testimony or opinions of witnesses, including expert witnesses.

Boyd moves the Board agree the values will not be diminished. **All were in favor. (5-0)**

5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship.

When the hardship so imposed is shared equally by all property owners, no grounds for a variance exist. Only when some characteristic of the particular land in question makes it different from others can unnecessary hardship be claimed. The property owner needs to establish that, because of special conditions of the property, the application of the ordinance provision to his property would not advance the purposes of the ordinance provision in any "fair and substantial" way.

Boyd moves the Board agree after listening to the presentation of the applicant. J. Szot **abstained** (No). **All others were in favor. (4-0-1)**

B. Petrin suggests a motion be put forth to **approve** the variance. **All were in favor.**

B. Chivers **motioned** to grant the Variance for relief under Section 6.02 to allow the setback encroachment for (map/lot: 410-137). J. Szot **seconded**. **All were in favor. (5-0) Motion passed.**

Minutes -April 26, 2022:

B. Chivers **motioned** to approve the minutes as presented. R. Howe **seconded**. **All were in favor. Motion passed.**

Other Business:

- T. Steinmetz presented his Letter of Interest to the Board for vote to recommend him to the BOS for approval to serve on the ZBA for another 3-year term.

B. Chivers **motioned** to approve the recommendation to the BOS for re-appointment of Tony Steinmetz as an alternate member. B. Petrin **seconded**. **All were in favor. Motion passed.**

MOTION:

B. Chivers **motioned** to adjourn the ZBA meeting at approximately 7:50pm. J. Szot **seconded**. **All were in favor. Motion passed.**

Respectfully submitted,
Lisa Galica
Land Use Office Coordinator
cc: file