



CITY OF MANCHESTER

PLANNING AND COMMUNITY DEVELOPMENT

Planning & Land Use Management
Building Regulations
Community Improvement Program
Zoning Board of Adjustment

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MANCHESTER ZONING BOARD OF ADJUSTMENT PUBLIC HEARING / BUSINESS MEETING MINUTES Thursday, September 8, 2022 – 6:00 p.m.

Board Members Present: Chairman Robert Breault, Vice Chairman Michael Simoneau, Joe Prieto, Anne Ketterer

Alternates Present: Greg Powers

Excused: Guy Guerra

City Staff Present: Michael Landry, Deputy Director of Building Regulations
Sheila McCarran, Administrative Assistant II

I. The Chairman called the meeting to order and introduced the Zoning Board Members and City Staff.

Chairman Breault announced that Alternate Greg Powers would be a voting Member this evening.

(Tabled from 6/9/22 ZBA Meeting)

Joe Prieto made a motion to remove case ZBA2022-076 from the table, which was seconded by Greg Powers.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers

Nays: None

Upon a unanimous vote, case ZBA2022-076 was removed from the table.

1. **ZBA2022-076**

**96 Pinard Street, Tax Map 693, Lot 7 and Biron Street, Tax Map 693, Lot 8A, R-1B
Zoning District, Ward 10**

Andrew Sullivan (Agent) proposes to subdivide the property where proposed Tax Map 693,

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Lot 7 will remain improved with a single family dwelling with buildable land area of 4,635 SF where 7,500 SF is required and a rear yard setback of 22.9' where 30' is required and where proposed Tax Map 693, Lot 8A will have buildable land area of 4,675 SF where 7,500 SF is required and lot frontage and width of 50' where 75' and with a an accessory shed structure as the principal use of the lot and seeks a variance from sections **6.01** Minimum Buildable Lot Area, and **6.03(B)** Rear Yard Setback at Tax Map 693, Lot 7 and **6.01** Minimum Buildable Lot Area, **6.02** Minimum Lot Frontage and Width (2 counts), **5.10(A)** Accessory Structure as a Principal Use at Tax Map 693, Lot 8A, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through May 20, 2022.

Attorney Andrew Sullivan said he would like for us to first get a little feel of this and he asked the Board Members to go to the old plan, Exhibit F, in the packet. He said we can get a sense of how all this came about. He said this is a 1910 subdivision plan that created this neighborhood. He said you will see that they are all 50' x 100' lots of 5,000 SF. He said now, of course this zone calls for 75' frontage and 7,500 SF. That is why, if you go to Exhibit I, which is an annotated tax map, you will see, starting with on the right hand side of Biron, Tax Map 693, Lot 20, it is a 50' x 100' single-family. He said Tax Map 693 Lot 21 is a 50' x 100' single-family as well as Tax Map 693, Lot 22. He said across the street, starting with Tax Map 693, Lot 10 is a 50' x 100' single-family and then there is a 50' x 100' vacant single-family lot, but it is owned by the same people that own the two-family on the next lot down. Tax Map 693, Lot 8A which is one of the lots they are addressing tonight and it is a vacant lot. The next one down on the corner of Biron and Pinard Streets is another 50' x 100' lot and this one is a two-family. The next one is Tax Map 693, Lot 7 and that is a single-family, 50' x 100', and the next one is a 50' x 100' two-family as well as the next one down, which is also a 50' x 100 two-family.

Attorney Sullivan said he mentions and observes all this because this neighborhood started as 50' x 100', 5,000 SF lots and as you can see, most of the improvements built over the course of the last 110 years, are 50' x 100' lots and most of them are single-family and that is what is being asked tonight, for Lot 8A to be allowed to build a single-family home on a 50' x 100' lot. He said the owner of these, Mr. Bryan Roberts, bought these odd lots in juxtaposition, where you have one lot perpendicular on Biron Street that is Lot 8A and one perpendicular on Pinard Street, Lot 7, but it is not the corner lot. He said Mr. Roberts bought them in 2018 and sold the other one in 2022. He said Mr. Roberts had them for a while and now he lives in Florida so he is not here tonight.

Attorney Sullivan said what they propose is building a single-family with a two-car garage under and he said he believes that he gave the Board some photographs the last time he was here. He said he had a black and white picture he could pass around and he distributed it to the Board. He said he didn't know if the Board Members had driven by it, but there is a slope to the lot, no question about it, but that will be a single-family, and in effect, it is a raised ranch and the two-car garage will fit nicely. If you look at this, we have a neighborhood filled with this type of a lot and it is already separate. Right or wrong, it has been separated and they are here today to be allowed to build on Lot 8A and at the pleasure of the Board, maintain what is existing on Lot 7, which he believes is 96 Pinard Street.

Attorney Sullivan said what they explained and went over the last time they were here, the owners of that lot said he has no authority, so he is not representing them and he is saying

they have two lots stuck together that were bought in 2018 and were separated in 2022 and they are two stand-alone lots of record right now, Lots 8A and 7. They are both 50' x 100' and Lot 7 is improved with a single-family home with a dimensional criteria that Mr. Landry pointed out. Lot 8A is not improved, but there are some left over things such as a shed and a garden and fence which will all be taken down. In effect, for all purposes, it is a vacant lot.

Attorney Sullivan said in his packet, he already went through the analysis, but they also have an opinion of value by a broker saying it is not going to diminish the value of the surrounding neighborhoods. He said he believes this is in the spirit of the Ordinance because they are just trying to build what has been built there for the last 110 years, in that general neighborhood, on the lots of the same size as the general neighborhood. For the same reason, it will promote the public interest. He said certainly, it won't alter the essential character of the locality, which is exactly what they are asking for. He said there is intrinsic hardship here as it can't be used for anything else. It is a stand-alone lot in that neighborhood. It can be built on within all the dimensional setback requirements other than the lot area and frontage. It is a reasonable and allowed use.

Chairman Breault turned the hearing over to the Board. There were no questions or comments from the Board and the Chairman turned the hearing over to the public and invited those in favor of this application to come forward. No one came forward to this request and the Chairman invited those in opposition to this application to come forward.

Levi Troupakis said with the permission of his fiancé, Cheyenne Baxter, who is also here tonight, he would like to speak for both of them. Mr. Troupakis said they both currently live at and own 96 Pinard Street. He said he is sure the Board Members have read over the minutes from the last meeting so they have an idea on kind of how everybody feels about this, so he will try to keep this brief. He said what he can tell is the applicant is here to subdivide the property. He said he didn't know that that is what was said in the paperwork they were sent. He said either way, if we are here to discuss if a house can be built or whatnot, his point remains the same. The Zoning Board denied it because the square footage didn't quite meet it. We are looking at 4,675 SF where 7,500 SF is required. He said he understands that the other lots in the neighborhood are similar lots, but those were built over 100 years ago and separated then or whatever it was, so as it stands here today, in 2022, he is assuming those laws were changed for a reason. He said he stands with that and he hopes that the Board can make the decision based on just implementing the rules that they have in place and he trusts their judgement on that.

Nancy Troupakis of 128 Karatzas Avenue said she is also an owner at 96 Pinard Street. She said she still stands with that they have bylaws for a reason. She said she honors and respects the Board's position. She is a little confused because today, Attorney Sullivan is not saying it is two separate lots and now we are just going to zone it, when we came in here for a subdivision. It is a little bit of a different song and dance tonight and she is not sure what kind of wool is being pulled over their eyes again. Like she said, her son and his fiancé were coerced to sign paperwork to approve this subdivision. They were misled by Mr. Peloquin who came and made up some sort of "Oh, your realtor forgot to have you sign this piece of paper." She said Mr. Robert's Realtor has been coming onto the property talking to her son and giving him false and misleading information. He said everything was going to be all set because Anne is from New York and she doesn't know the rules in Manchester and we are

going to win this. She said she is very disgusted with the approach of this. She said we don't need another building next to them. They are going to sell this building and are going to leave and we are going to be stuck with it. The minimum requirements are that, minimum. You need 75' frontage and 7,500 SF and they don't even come close. She is really asking the Board to respect the Ordinance and to deny this. She said she is not sure what we are here for, a subdivision, or Zoning Ordinance, it keeps getting changes. She said she noticed that their name doesn't appear on Attorney Sullivan's paperwork as it did last time and she hopes the Board read this and noticed this as well. She said she apologizes to Anne for what was said about her.

Chairman Breault said what we are here for is actually, variances that apply to a request that they go for the subdivision. He said the applicant is looking for relief from the Ordinance to be able to build on that lot, once the subdivision is granted. He said this Board doesn't grant the subdivision, it is the Planning Board that grants the subdivision. In order to get the subdivision, they need variances, otherwise there is not enough room to build anything. He said this application represents them as one of the owners that are being represented. His assumption is that is no longer the case. He addressed Mrs. Troupakis and said she is not considered as part of this application. Mrs. Troupakis said that was correct and they don't want anything to be built there.

Chairman Breault invited those with general comments to come forward.

Carrie Gardner said she is with Realty One Group in Bedford, New Hampshire. She said she represented both 96 Pinard Street and the Biron Street lots. She said both of those have two separate tax deed of record so it was always her understanding and when she spoke with City Hall, they explained that they were two separate lots and that is how they sold it. She said she doesn't know who Anne is, so she is the one that Mrs. Troupakis said approached them in a very unprofessional manner. She said she had to go over at one point and stake the lot because their true feeling is that right now the way the lot sits, that lot is vacant behind them. She said they have been using it and Mr. Roberts had been using it as an extension and Mr. Roberts is the current owner of the lot. The Troupakis' have no ownership in the lot at all and Mr. Roberts was using it as an extension of his yard because it was his property. Now that it is not their property and only his, they wanted to continue to use that, which is why she thinks that there is some discomfort in the fact that that Mr. Peloquin is trying to do something and improve the area itself. There is nothing in this area that this wouldn't improve.

Ms. Gardner said Mrs. Troupakis made a comment about everything being over 100 years old that is built there and there are houses that have been built there in the 1970's and 1980's and improvements made including the house that they bought. Those improvements were all made three to four years ago. In retrospect, she also has some documentation which she would be happy to supply that shows that they clearly knew what the lot lines were. They signed it prior to closing so there was no, as Mrs. Troupakis stated, wool pulled over anybody's eyes. She said she just wanted to kind of clarify some of that and then also clarify that it sounded like maybe they thought that they somehow had ownership in that lot at one point. They have never had ownership of that lot. Mr. Roberts owned both 96 Pinard Street and the Biron Street Lot. He sold 96 Pinard Street separate to the Trepakis and now he is trying to sell Biron Street to another applicant.

Chairman Breault said the City of Manchester considers lots that are non-conforming in common ownership, being used in common, consolidated, which is why they need a subdivision for these two lots. Unfortunately, Mr. Roberts went ahead and transferred ownership of one of the lots without having the benefit of a subdivision and now they are trying to get a subdivision, but are also getting variances for that lot that they are trying to break off from the other one. He said he understands that a lot of the lots in that neighborhood are 50' x 100' and the Board is not debating that at all. He said it is more of a legality issue as far as how the City looks at that lot as one, even though there are two separate tax deeds and all that, the reason they are here is because the City regards it as one combined lot in common use. For those that don't understand why this is going on.

Attorney Sullivan said he hears what the Chairman is saying, but they have two legal lots of record. He said they both stand alone at this juncture in time, whatever the genesis, they stand alone. He said he believes the Board has the authority to grant the variance on Lot 8A without necessitating the subsequent application for subdivision. He said these are already two separate lots. Chairman Breault asked why they couldn't go for the subdivision without the variance and then come back to the ZBA and get the variance. Attorney Sullivan said he thinks that he is listening to the owners of the other lot. They will object, so they will get in effect a free lot in the back and he would still be coming back around again. What he is asking for is the variance to allow a house to be built on this lot, like all the other lots in this neighborhood, a single-family lot with the same dimensions. If it would have to go to a subdivision, that is another day and another Board.

Chairman Breault addressed Mr. Landry and said just to confirm, this does require subdivision approval. Mr. Landry said that is correct. The lots were considered voluntary merged by the prior owners.

Greg Powers said he would agree. He said he thinks if the City considers them consolidated lots, they should be subdivided first and then a request for the variance on Lot 8A could be made, because Lot 7 has already got a house on it, it is already improved. He said he doesn't see that they would need a variance to keep that house there, would they? Michael Landry asked if he could clarify. He said strictly speaking, the Biron Street lot doesn't satisfy the zoning requirements. He said this is a very odd case and you can almost look at the history of it as almost possibly a source of hardship in and of itself. The Planning Board cannot grant the subdivision approval with something that doesn't conform, so they do need to come to the Zoning Board first to get the variance and then this would be one step towards the subdivision.

Anne Ketterer said the owner, the gentleman who sold the lot, just did his paperwork in reverse. He should have subdivided the lots prior to selling the house. Attorney Sullivan said in fact that is correct. Ms. Ketterer said there is no real wrongdoing in selling the house, because the meets and bounds, the deed would tell the buyer exactly what they are buying and that has not been falsified and they know what they bought. Attorney Sullivan said right. Ms. Ketterer said only now, the gentleman who still owns the other lot, would like to go and sell that, that he bought outright years ago. He didn't do the paperwork first and probably didn't realize it, because it was a grandfathered situation where he owned the two lots that are non-conforming. She said the Board sees a lot of non-conforming lots that come before them and

in her mind, this one is not difficult. It is a 50' x 100' lot that abuts a 50' x 100' lot. One of the lots already has a house and it functions very well. There are many houses in this neighborhood, on that street in particular, on a 50' x 100' lot that function perfectly fine. She said this one stands to be no different. Perhaps the hardship is his client didn't do his paperwork and he made a mistake and he really should have subdivided it first. She said as much as she likes the abutters and she wants them to be happy, she doesn't agree with them and she thinks that this case has brought up a lot of tensions, but ultimately, you have two lots that a gentleman bought years ago, each of which, you can sustain a single-family home on them. That is all the applicant is trying to do. She said she sees no problem with moving forward with the application.

Attorney Sullivan said the Zoning Board has the ability to give a variance on any Zoning Ordinance, including 11.03, the consolidation requirement. He said the Board could have as a variance that 11.03 is inapplicable, that it is waived.

Chairman Breault said he was going over the different variances they are looking for on this lot. He asked if they thought they couldn't stay within the buildable area on that lot. Mr. Wichert said it is going to be difficult to fully comply to the current requirements. They meet all the requirements for the house. The only reason they are here tonight is that buying the subsequent lot of proof, if they were to do anything, that would be post approval of both of their applications. Chairman Breault said one of the counts is for a rear yard setback. There is only 22.9' for the rear lot where 30' is required. Even though the house predates the requirement for the 30' setback the "subdivision" is subsequent so therefore the 30' setback was called out. Chairman Breault said the accessory structure then on Lot 8A is being eliminated. Attorney Sullivan said that was correct. Chairman Breault said in essence, they don't need count 5.10(A) Accessory Structure as a Principal Use at Tax Map 693, Lot 8A. Attorney Sullivan said the shed is going away, the fence is going away and whatever those other things are, some sort of garden type things, are going away. Chairman Breault asked if everybody understood that. Vice Chairman Simoneau asked the Chairman if he could go over that one more time. Chairman Breault said 5.10(A) Accessory Structure as a Principal Use at Lot 8A no longer applies which is the case of the lot being subdivided off for the new lot. Attorney Sullivan said for the vacant lot.

Chairman Breault asked Mr. Landry if the Board should not even stipulate 5.10(A). He asked if that would satisfy that count. Mr. Landry said there are a couple different ways the Board could do this. He said the Board could flat out deny it or not include it in the motion. He said it is clear on the record. Chairman Breault said he thinks the Board should just not include 5.10(A) and the Accessory Structure goes away. Mr. Landry said the notice of decision will just say "shed to be removed".

Vice Chairman Simoneau said his opinion is that this does meet the five criteria and he understands where the abutter is coming from. He said the lots are pretty similar in the neighborhood and he doesn't think value is going to be an issue. Property values will not diminish. He said we can all see the hardship and he thinks the spirit of the Ordinance is being observed.

Michael Simoneau made a motion to grant the following variance counts for case ZBA2022-076, 6.01 Minimum Buildable Lot Area and 6.03(B) Rear Yard Setback at Tax

Map 693, Lot 7 and 6.01 Minimum Buildable Lot Area, 6.02 Minimum Lot Frontage and Width (2 counts) for Tax Map 693, Lot 8A, which was seconded by Joe Prieto.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers
Nays: None

Upon a unanimous vote, the variance was granted.

Anne Ketterer made a motion to remove case ZBA2022-063 from the table, which was seconded by Joe Prieto.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers
Nays: None

Upon a unanimous vote, case ZBA2022-063 was removed from the table.

Chairman Breault said he would be recusing himself from this case and Vice Chairman Simoneau would be taking over as Chairman.

2. **ZBA2022-063**
15 Cohas Avenue, R-1B Zoning District, Ward 6

Cynthia Boisvert, (Agent) proposes to subdivide the property to create one new building lot, where proposed lot Tax Map 818, Lot 20-1 will remain improved with a single family dwelling, with lot frontage and width of 60' where 75' is required, and where proposed lot Tax Map 818, Lot 20 will have lot frontage and width of 20' where 75' is required and a proposed west facing primary façade where the primary façade is required to face the front lot line to the north and seeks a variance from sections **6.02** Minimum Lot Frontage and Width (2 counts) at Tax Map 818, Lot 20-1 and **3.03** Primary Façade and **6.02** Minimum Lot Frontage and Width (2 counts) at Tax Map 818, Lot 20, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through July 7, 2022.

Cynthia Boisvert distributed a set of plans to the Board Members.

Ms. Boisvert said the owner of the property, Dana Covey, would like to speak. Mr. Covey said the reason why they came before the Board is that he bought this property because his son is an abutter to the area. He said basically, the whole intent was to possibly look at making a building lot in the back because he abuts Shaunna Court, which is about 100' on the back side of this existing field. He said that was the whole intent. It was just for that. This is not for a commercial building lot, or a public lot to be sold. This is for a lot for him to build his house next to his son. That is what they are asking for.

Mr. Covey said there are a couple of things that came up last time they were here and one of the comments was that it was a flag lot. The existing facility is a flag lot. Basically, it was a lot larger back in the early 1900's. Through inheritances, basically, the lot has been subdivided and subdivided and made into subsequently a flag lot. He said the change is not really much more of what its current status is of a flag lot. What they are trying to do is in looking at it, they tried to make it so that initially, they had it as two driveways just so

everything would be separate to prevent any possibility of a common driveway or having conflicts at any future point in time. He said when they were here the last time, one of the comments was, well, what was the presentation to turn around and look as a common driveway. That is what they have done tonight. They have actually put it together as a common driveway. Again, ideally it would be better if they could do a separation just because of the fact that later on, it does present them with a conflict. He said they have put space on both sides to make sure that everybody has a place to put snow and everything else and it allows easy access to the back for emergency vehicles with a 20' aisle way.

Mr. Covey said the current building that he is renovating right now, meets all the side guidelines, even today. They are actually 17' and even with the new building, it would be somewhere around 12' or 13' he thinks on either side. That pretty much keeps the main house in track with what they have right now except for the 75', but it does have the side property setbacks. Again, he said it's for him, it is not for somebody else and it is not to turn and be sold.

Ms. Boisvert said she was going to quickly go through the five zoning points again for a variance because it has been a few months since they have been here.

Ms. Boisvert said the first one is, it is not contrary to the public interest. The existing lot is one of the largest in this neighborhood. It is going to be another single-family home, and both lots will be over the minimum for that zone. What they are asking for is the frontage and they would be using the existing curb cut. They are not creating a problem going onto Cohas Avenue and they are not creating two driveways next to each other. Even if they were separate driveways, they would merge before they got to Cohas Avenue.

Ms. Boisvert said the spirit of the Ordinance is met because these variances will not overcrowd this neighborhood. The abutting lot sizes they have, do not markedly violate the basic zoning objectives of an R-1B, which is single family lots. They have one single-family lot and the third page of the drawing has the meets and bounds and the areas. The large lot in the rear is going to be .07 of an acre and the lot in the front is going to be 9,000 SF, both of which are over the 7,500 SF.

Ms. Boisvert said substantial justice will be done because this does not alter this neighborhood. It is all single-family homes and it will still be single-family homes. It does not create overcrowding. This is an R-1B neighborhood with 7,500 SF lots and they are creating two lots. They are asking for the variance for the frontage and the width. This is inherent in the land. As Mr. Covey explained, this was a larger parcel, subdivided before there were any requirements by the City and this is what is left over and they just want to put a single family home that has more than enough space in that back lot for that.

Ms. Boisvert said the abutting values will not be diminished. It is an open field right now and you can see that there is an existing shed that is going to be removed. That is actually going to improve for the two abutting it as well as the view of everybody else around there. That shed has been there for quite a long time and when that is gone and the new driveway goes back there, the remainder of the lot is an open field.

Ms. Boisvert said the hardship, is the special conditions of this lot. She said she already

mentioned that it is larger than the other lots in the neighborhood and both lots will be larger than the 7,500 SF requirement. All building setbacks will be met for both lots. The existing house does go into the front setback that is grandfathered, so they have not asked for a variance for that. When they did the certified plot plan for the Building Department, they were fine with that because it is an existing home of record. Again, it is special conditions of this parcel, the application of the frontage provision certainly, there will be substantial justice for these variances to be able to put in the rear lot.

Chairman Simoneau turned the hearing over to the Board.

Joe Prieto said he thinks it meets all the criteria but isn't the real issue the driveway which is so close to the neighbor. He said he knows it is a tough lot, but isn't that the real issue, the infringement on the neighbor. He said he didn't think there is any other way. He said when they were here last, they had two driveways and now it is one and he said he knows they are trying to do it, but is there any other possible proposal, because isn't that really the issue.

Ms. Boisvert said the Richard Family Trust, Mrs. Richard came to the last meeting and they explained that there is brush all along that line and Mr. Covey had told her that they will take that down and clean that up and put a fence in and then she said, oh, ok great. She said Mrs. Richard would much rather have the fence than the shrubs. The driveway that is there is the existing driveway. If they did two separate driveways and they went 5', she doesn't believe that the City has a requirement for driveways. They are not parking on that driveway. They don't have a requirement, she believes, from the property line to the driveway, so either way, they meet the City's requirement. There is ample room for both to get in and out of there. That is not such a long distance. If it is a shared driveway, they can see somebody else is there and if there are two separate ones, they will be able to see each other clearing snow, either way, Mr. Covey is going to take care of that.

Mr. Covey asked the Board if he could distribute a picture to them. He said basically, the picture is from the front of the house looking at, currently right now, there is a bush that is somewhere about 10' wide. That is right near their property line. That is what Mrs. Richard is looking at right now. In actuality, the fence would take care and alleviate the problem of having that big bush in the front of the house. The fence would be theoretically, somewhere around 4' from the edge of her house. Once the fence is up, realistically, the driveway is still going to be 5' away from that section so she won't even be able to see the driveway. That current driveway is about 15' away from there.

Chairman Simoneau said he thinks that Mr. Covey did say that the proposed lot would have a single-family home that would conform with the lot. Ms. Boisvert said yes, that is what is required in the R-1B zoning district. Chairman Simoneau said they aren't looking for a two-family or three-family home. Ms. Boisvert said no.

Chairman Simoneau turned the hearing over to the public and invited those in favor of this application to come forward.

Stacey Covey of 27 Shaunna Court said she is here on behalf of herself and her husband, James Covey. Mrs. Covey said they are a major abutting property and they have no objections to this and they are really in favor of her father-in-law being able to build a single-family

home there.

The Chairman invited those in opposition to this application to come forward.

Andrea Richard said she is the abutter at 9 Cohas Avenue. She said she would just like to say that the last time that she came here in June, she hadn't seen the plans at the time. She said when they talked about putting the fence, she said that would be ok, but then after when she left, Mr. Covey was outside and he gave her the plan and it was the first time that she was seeing it. She said she went back home and she and her husband have been really looking into this and she knows that they changed the driveway a little bit, but it really doesn't change their situation. It is not substantial and is really not ok with them and that ok that she said was not ok because she hadn't seen the plan. They are not ok with it because they have three windows right on the side where the driveway is. They are going to be taking even larger and her yard is about 175' and that driveway will be the whole way of their side yard. They have two bedroom windows and one living room window right there. When somebody turns in they will be right in their living room or bedroom. She said it will be a real hardship for them.

Mrs. Richard said Mr. Covey just purchased the land knowing all this and they have been there for thirty years and that will really impact their enjoyment of the house and also the value of their house. The main thing for them is the really the enjoyment of their house. She thinks that anyone that would have that driveway right next to them wouldn't enjoy that. She is asking the Board to really consider that his would really be an issue for them. She feels that it is really not ok and she is asking the Board to deny this request.

Gerry Therrien said he is an abutter. He said he and his wife own Lot 818-9. He said he would represent three of their reasons for opposing the granting of this variance. He said at the end of his talk, he would also give a general reason to oppose it. He said their house sits on Lot 818-9. He said they purchased their house 39 years ago this year because the lot offered them three times the space of their previous property. The most important and most precious aspect of this lot, when they purchased it and since they have had it, is their backyard. He said the backyard is their outdoor private space. It slopes upward for about 300' from the back of their house to the back of Mr. Covey's recently purchased house and his house sits 20' higher than their house.

Mr. Therrien said the first reason for opposing this variance is that the addition of a new house, 10' or so higher and behind their property, would strip them of their outdoor private space. Like he said, that's really key to them having bought and continuing to own that property. In the plan, there is a document that shows that there will be a minimum building setback of 30' between their property and the petitioner's property. However, it was stated in June, and he believes it is stated in the submission, that the intent is to build a house that faces west and does not face Cohas Avenue, it faces west. That means that the side of the new house could be put 10' from his property, not 30' which is the back setback, 10' is the side setback. If he has a problem like he did last time with a house close to his property, higher than his property and 30' from his property, he is having a more difficult time with this situation where the house can be 10' from his property and 10' higher.

Mr. Therrien said another reason that they believe that a house closer and higher to their house would negatively impact their ability to sell their house and the selling price because

their house would be the only house of the seven on Shaunna Court to have another house so close to its back property line. If you look, there is a map in the packet that the petitioner gave the Board. He believes it is on page 18 of the plan and you can see Shaunna Court and all of the houses have plenty of room behind them and this would put a house within a few feet of their property line. He said he thinks both of those points, the fact that the house would be higher, denying them privacy and the house would be closer, making it more difficult to sell, is a hardship on them.

Mr. Therrien said their third reason for opposing approval is that this area, the houses on Shaunna Court, and he believes that some of the houses even further down the hill on Cohas Avenue, are built in a high water table area. They still, during the spring thaws, have the pump in their sump hole, pumping out water. Putting a new house behind his, in a high water table area, he is not an expert, but he believes it will have a negative impact or it will have an impact on the flow of ground water. He said they don't know what the impact will be. Will it push the water away from his house and other houses? Will it push it to his house or push it to another neighbor's house? It might push it to the petitioner's son's house. It might push it to the house of another neighbor who doesn't even know this is happening because they don't abut the property. He said he believes the ground water situation, poses a unique problem and they would like to see some research done and some study done to see what impact it would have, but at this point, that is one of the reasons they want to encourage the Board not to approve the variance.

Mr. Therrien said finally is the general statement that he said he would bring up. He said in approved minutes of the June meeting, Ms. Boisvert, the agent, stated that they met with Attorney Landry, and they were told from the minutes, "Common drives don't really work well in the long run." He said that was discussed just a second ago that the plan changed from a flag lot, to now a common drive. Mr. Covey stated that he wants to build a house for himself. He said he suspects it is not going to be a problem for him, but that house someday will be sold to someone else and the house that is currently on the lot will be sold to someone else again. In that common drive, when it comes to plowing the snow, who is going to pay? When it comes to repairing it, he doesn't know. That is going to cause a hardship in his opinion and his wife's opinion. It is going to cause a hardship on future owners of those two properties and he believes the Board is taking a risk approving something knowing that there is a high probability that there could be hardships and conflicts.

Mr. Therrien said in conclusion, they believe that approving this variance creates new hardships for them as abutting property owners because they lose valuable privacy and they may suffer financially when it comes to selling their house. Because they as well as other neighbors or home owners in the area, might begin experiencing water problems in the basement.

The Chairman invited those with general comments to come forward. No one came forward to this request and the Chairman invited Ms. Boisvert to respond to the abutter's comments.

Ms. Boisvert said with regards to Mrs. Richard who stated her house is so close to the property line and the windows, they came in to use the existing driveway, which is that common drive, because if they put two separate driveway accesses on Cohas Avenue at one point, then it would be closer to her house. They did the common driveway so there is more

space in there. She said the property line is the property line. Her house does sit really close to that property line and they feel that that can't be held against this lot because they are using that existing driveway. They are not widening that driveway. They are making it longer, but it is not easing over until it gets way to the back of that lot.

Ms. Boisvert said with regards to Mr. Therrien, their backyard and their privacy, again, that is an open field that has been there forever. She said the Therrien's have a fence along their back property line so that a new house will not be changing when they are in their backyard. Yes, there can be a house there, but everybody has houses behind the side and that would be a huge burden to put on a new lot that an open space should remain that way and no one has any rights to that field. She said you can correct her, but even if the house faces north, south, east or west, the rear setback is the rear setback of the lot, not how the house fits. They thought perhaps to turn the house so that the front door might face as the driveway comes in. Mr. Covey has not made a decision how he is going to situate the house. It doesn't change any of the side or the rear setbacks.

Ms. Boisvert said with regards to the high water mentioned by Mr. Therrien, when they go to the Planning Board, if they need to do storm water management, that is a thing for the Planning Board, but professionals are not going to make the grade more grading into abutters. The existing grade is what it is, but they can't be held accountable because he has a sump pump. If the other houses have sump pumps, then she has a sump pump and kind of when we get this weather, those have to be turned on. This lot is very large and a 7,500 SF neighborhood that anything that the Planning Board might want them to do, they could easily remediate storm water management.

Mr. Covey said he wanted to give the Board one more example that has occurred in the past. He distributed paperwork to the Board. He said basically, what he just gave Mr. Landry is, back in 2018 and 2019, the question was just brought up how close to the property line. He said these are two flag lots that were passed by the Zoning Board. If you look at one of the property lines, it is very close, right to the side of the house, right where they put the 20' access.

Mr. Therrien asked the Chairman if he could speak again. Chairman Simoneau said he already closed the meeting to the public. Mr. Therrien said the point of order that he is asking for is that the petitioner made a statement at the beginning and they submitted their plan, and abutters have had an opportunity to make a statement and the petitioners have an opportunity to rebut things that abutter's stated. He would just like to answer a rebuttal to clarify what he was talking about. He said he understands typically the public is closed, but it seems to some degree, to him, unfair that his comments can be commented about but he cannot retort. He asked the Chairman if it was possible for him to be given the opportunity to make a small statement about something that was just said. Chairman Simoneau said he could open it back up to public, but typically, as we do every month for the Zoning Board, we open it up to public for and against. They give the opportunity for abutters to plead their case and tell the Board why they feel the way they feel. He said if we kept going back and forth out of disrespect to other cases, this could last all night and into the morning, so we try to keep it to a minimum. What we are trying to do is be respectful to everyone. He said he was going to let Mr. Therrien ask his question, but asked him to please make it short. Mr. Therrien said it will be short and it is not a question. He said when he was talking about the sump pump in his

basement and other properties, he was not talking about storm water drainage. He said he is talking about ground water. The water that is in the ground. It is a high water table area. It exists underground and it flows through the ground. Storm water has never been a problem. That was the clarification he wanted to make.

Chairman Simoneau turned the hearing back over to the Board.

Anne Ketterer said just to clarify for the gentleman who just spoke, when members of the public and abutters approach and speak, they speak directly to the Board. They are not speaking to the applicant. The applicant is always given the opportunity to respond to the abutters. It is not a dialogue, both in the case of the applicant and the abutter. Everyone speaks to the Board. She said you are not speaking to each other. However, with that being said, she thinks it is a fair comment to note that the abutter was in fact speaking of ground water and the applicant noted storm water and they are two very different things. She said both of which, she believes, would be addressed at the Planning Board. It is not a concern for the Zoning Board.

Anne Ketterer said she would like to make one point to the applicant. She said handing the Board a random map from somewhere else in the City is not making a point about your case. She said the Board's task is to look specifically at his property and not to compare it to other properties around the City. Just because the Board may have approved a flag lot in the past, that has no real bearing on his case. She said she just wanted Mr. Covey to be aware of that, because the Board has to look at his case for the merit of what he is presenting. Mr. Covey said he understood. He said the comment was concerning about the side of the house and the side of the lot and he was just basically showing that as an example of where it was the same thing that occurred back then.

Anne Ketterer said this is a difficult case. She said you have a circumstance where the lot is tight. You have an abutter that feels that the driveway would impede on her personal privacy. She asked if the driveway was moving or staying. Ms. Boisvert said it is staying. Ms. Ketterer said what they are doing is they are increasing density and increasing car traffic because now, the abutter will deal with the car traffic from not one house, but two houses. Ms. Boisvert said correct.

Chairman Simoneau said he would make a motion and see how the other Board Members feel. He said as Ms. Ketterer has pointed out, it is a difficult situation. He said we can see what the hardship is. He said he knows the area as he actually grew up on the west side. It is a beautiful area and you can tell there is pride in ownership in a lot of homes. He doesn't believe that surrounding property values would be diminished and he thinks the house itself would fit perfectly in that spot. He said he does think it meets the five criteria.

Michael Simoneau made a motion to grant the following variance counts for case ZBA2022-063, 6.02 Minimum Lot Frontage and Width (2 counts) at Tax Map 818, Lot 20-1 and 3.03 Primary Façade and 6.02 Minimum Lot Frontage and Width (2 counts) at Tax Map 818, Lot 20, which was seconded by Anne Ketterer.

Yeas: Breault, Simoneau, Ketterer, Powers
Nays: Prieto

Upon a split vote, the variance was granted.

Chairman Breault returned to the Board.

(Tabled from 8/9/22 ZBA Meeting)

Michael Simoneau made a motion to remove case ZBA2022-097 from the table, which was seconded by Joe Prieto.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers

Nays: None

Upon a unanimous vote, case ZBA2022-097 was removed from the table.

3. **ZBA2022-097**
232 Huse Road, R-1B Zoning District, Ward 8

Jamal Hodor proposes to expand a circular driveway and create three front yard parking spaces and seeks a variance from section **10.09(B)** Parking Setbacks (3 counts), of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through July 22, 2022.

Mr. Landry said as the Board recalls, we took a look at the plan last month and asked Mr. Hodor to come back with an alternative proposal. Mr. Landry said Mr. Hodor came to the office and he sat with him and the revised plan should be in the packet. He said the spaces are off to the side rather than in front of the house.

Jamal Hodor of 232 Huse Road said he came to the last meeting and he just wants to expand his parking space to park three cars off to the side. He said it originally was in right in the front of the house and that was kind of denied and he met with Mr. Landry and he decided to put it off to the side, but he will have to take down a tree to do so.

Chairman Breault turned the hearing over to the Board.

Chairman Breault addressed Mr. Hodor said this subsequent plan is what he intends to do. Mr. Hodor said the new plan, yes. Chairman Breault said Huse Road is a tough street to back into and he has already got a circular driveway and he is going to put the parking off to the side which keeps it out of the front yard. He said he thinks this is favorable.

Chairman Breault turned the hearing over to the public and invited those in favor of or in opposition to this application or those with general comments to come forward. No one came forward to this request and the Chairman turned the hearing back over to the Board.

Greg Powers said if he remembers correctly, putting the spaces in that side yard still leaves sufficient setback on the side yard setback. Is that correct? He said there is no measurement on the plan. Chairman Breault said from what he could tell, yes. Mr. Landry said he satisfies the side yard setback and the only relief he seeks is being in the front yard. Chairman Breault

said but not in front of the structure which is much more favorable.

Joe Prieto said he thinks this plan is a great improvement over the last time and he is not paving the whole front yard. He said he likes the plan and thinks it meets all the five criteria.

Joe Prieto made a motion to grant the following variance count for case ZBA2022-097, 10.09(B) Parking Setbacks (3 counts), which was seconded by Greg Powers.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers

Nays: None

Upon a unanimous vote, the variance was granted.

(Current Cases)

4. **ZBA2022-104
415-417 Granite Street, R-2 Zoning District, Ward 10**

Katelyn Brown proposes to convert the first floor of a mixed use building from a church and appliance storage to a dwelling unit, resulting in a five-unit multi-family dwelling and seeks a variance from section **5.10(A)6** Multi-family Dwelling, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through July 25, 2022.

Katelyn Brown said she was here on behalf of 415 Granite Street and appeared along with Daniel King. Ms. Brown said she is looking to convert a commercial unit into a residential unit. It is in an R-2 zoning district right now. She said they meet all of the five criteria so it is not contrary to the public interest and it is actually beneficial for the neighborhood. It was previously used for an assembly for a church storefront and for a paint and decorating center prior to her ownership. She said she thinks there was a lot more foot traffic at that time as opposed to people owning cars so it is on here listed as assembly needing twenty-two parking spaces so it would decrease the current use by twenty spaces down to the two needed for an apartment. She said they feel that that would be beneficial for the neighborhood with less congestion.

Ms. Brown said they feel that it would increase the value of properties in the neighborhood by turning it into an apartment building as opposed to a functionally obsolescent unit, which it currently stands at. She said she did an analysis on the neighborhood in the packet which she has included through July 25th, within a 250 SF radius. She said she pulled five other properties which are five unit residential properties or higher including up to a ten unit residential property. She thinks the breakdown was about 50% are five units or above and 50% are single-family to two-family units. Based on that, they feel it wouldn't be contrary to the neighborhood and it goes in accordance with what is currently there. They are not asking for any type of building being erected, it is already erected and they are just looking to change the use from a storefront or assembly to a four bedroom apartment.

Chairman Breault turned the hearing over to the Board.

Chairman Breault said it is kind of a tight neighborhood and looking at the structure and

thinking back on when it was built, probably a hundred years ago, this was probably a full tenement building at one time. He said the first floor was probably never a commercial use. It is probably a modified use.

Michael Simoneau said this building was built in 1930. He said we aren't changing the number of units as they will still have five units. Ms. Brown said correct. They are just looking to change the usage of the first floor which is 1,800 SF from the commercial to a four bedroom.

Greg Powers said if he was reading it correctly, it looks like they are reducing the required parking from twenty-two spaces down to ten. He thinks that is an improvement.

Chairman Breault turned the hearing over to the public and invited those in favor of or in opposition to this application or those with general comments to come forward. No one came forward to this request and the Chairman turned the hearing back over to the Board.

Chairman Breault said he thinks with the need for apartments this is a better use for that space. He said in that neighborhood, this is definitely underutilized and it will reduce the density of parking so he thinks this is worthy of the Board's consideration for passing. He said he thinks it meets the five criteria.

Vice Chairman Simoneau said he agrees with the Chairman. He said he thinks this meets the five criteria and this will not diminish the values of the surrounding neighborhood.

Michael Simoneau made a motion to grant the following variance count for case ZBA2022-104, 5.10(A)6 Multi-family Dwelling, which was seconded by Greg Powers.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers
Nays: None

Upon a unanimous vote, the variance was granted.

5. **ZBA2022-107**
831 Chestnut Street, R-1B Zoning District, Ward 1

Nhieu Dinh proposes to convert a single family dwelling to a two family dwelling in the R1-B zoning district on a lot with 5,550 SF where 15,000 SF is required, with lot frontage and width of 50' where 150' is required, with side yard setbacks of 0' and 16' where 25' is required, with lot coverage of 86% where 70% is allowed, with parking spaces without the required 10' landscape buffer and without bumpers, and without a required two way access aisle and seeks a variance from sections **5.10(A)5 Two Family Dwelling**, **6.01 Minimum Buildable Lot Area**, **6.02 Minimum Lot Frontage and Width (2 counts)**, **6.03(C) Side Yard Setback (2 counts)**, **6.04 Lot Coverage**, **10.09(B) Parking Setbacks (7 counts)**, **10.06(A) Parking Layout**, **10.07(G) Landscaping**, **10.07(K)1 Parking Bumpers** and **10.07(K)4 Parking Screening**, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through July 27, 2022.

Nhieu Dinh said she lives at 831 Chestnut Street. She would like to remodel the single-family

into a two-family home because her family in her country will come here and stay with her and she would like for them to have a place to stay. She hopes everyone approves this for her.

Chairman Breault turned the hearing over to the Board.

Chairman Breault addressed Ms. Dinh and said he is looking at the site plan and she is virtually paving almost the entire site. He asked her why the need for so much parking when as a two-family, she would only need three parking spots. He asked Mr. Landry if that was correct. Mr. Landry said she would need four parking spots. Chairman Breault asked Ms. Dinh why so many parking spaces. Ms. Dinh said they have a big plan and she just put eight or nine spaces, but they don't use it all. She said they would use four cars but she saw the backyard was so plenty. Chairman Breault said then she doesn't really need all of that pavement. Ms. Dinh said she doesn't need it all, she just needs space for two or four cars, but she saw outside a big yard and she said there was room for more than ten cars and so that is why she put that. Chairman Breault said that is where a lot of these counts came from. Ms. Dinh said she didn't know and she just explained it like that because it is the first time and she did it and nobody helped her. Referring to the plan, Chairman Breault said Ms. Dinh has six spaces up here and she is showing three in the actual driveway going in. He said he has an issue with that much lot coverage in that neighborhood at 86%.

Anne Ketterer said her issue is that it is a very small lot and it is more appropriate for a single-family home. If you look at the number of counts she is requesting, she is trying to do something on a lot that in her opinion doesn't support it. It is big enough for a single-family but when you double it and make it a two-family, she thinks the applicant runs out of space. Ms. Dinh said it is for her family, her two brothers and a sister from her country and they are coming here and she would like to have a place for them to live.

Chairman Breault asked Ms. Dinh why she needed two apartments if it is all her one family. He asked why two apartments if that's all one family. Ms. Dinh said it is a single house and now she wants to go to a two-family because her brother can live in the first floor and her sister can stay in the second floor. What she would like is to have a place and her family together.

Anne Ketterer said she thinks there are a lot of multi-family homes in Manchester that would suit her needs. She said she doesn't personally believe that this house and this lot are big enough to be a two-family home. She said she appreciates her personal story, but unfortunately, the Board can't take that into consideration when we think about the zoning. Ms. Dinh said she is sorry but she doesn't speak English well and sometimes she doesn't understand. She said everything is on the paper and her nephew helped her explain that and she thinks everybody here and at City Hall, they have her papers.

Chairman Breault turned the hearing over to the public and invited those in favor of this application to come forward.

Jane Haigh said she is with the Manchester Housing Alliance. She said she lives more or less in the neighborhood, in the north end there. She just wanted to point out that this house is like three or four houses up the street from Angela's store, so it is actually quite a dense little corner in that neighborhood. There are a lot of apartments in there and she is sure there are a

lot of apartments that are in a smaller space than what she is proposing here. She said she thinks in view of the fact that we are trying to add accessory dwelling units and we need more apartments and we need more housing, we don't have an Ordinance that says that there is a minimum dwelling unit size in this particular area. She said she doesn't see any reason not to approve it. There is a lot of housing in that area that doesn't fit what you might think of as a standard lot size because they are old houses. She said she would like to speak in favor of this and she hopes the Board approves it.

Chairman Breault invited those in opposition to this application to come forward

Joe Moriarty said he lives the abutting lot at 38 North Adams Street which is right behind this particular house. He said he wants to commend the lady from Affordable Housing because he worked in the housing division for over 35 years and he understands the need for affordable housing and his heart goes out to this young lady because he thinks she was misled. He said first of all, he has lived in his property for 35 years and knew the previous owner before the realtor that owned that property and that property has been a hazard since day one that the realtor owned it. He said he was just going to give the Board some history because he thinks it is important. He said he had to stop some gentleman, who ironically worked for the Fire Department in another town during a drought season, having a fire directly up against his 200 year old barn that is so dry that if you get a match to it, you could have a problem. Secondly, last time it was there, he believes these people were misled because they were operating as a two-family when in reality, he has the identical house and it has 1,364 SF, not 1,500 SF. Furthermore, the lot lines in that particular area are very, very convoluted. That is an old part of the City and he recently got a fence permit, had to pay for a plot plan and even considered getting a survey.

Mr. Moriarty said let's talk about the hazard to the neighborhood. He said as the lady spoke to, it is near Angela's pasta shop. He said they had a serious problem on North Adams Street where there are many two-families. If it was zoned two-family, he would be all for it. If you ask any Highway Department and when they have to plow the driveways or plow the roads in that particular area, they can't get through because people do not obey the parking permits.

Mr. Moriarty said he didn't know if the Board was aware of this, but that property went on fire and his house and the other abutter's house almost caught on fire because it was very difficult to get in to that property. He said he put a fence on his property so that if God forbid, there was ever a fire, the Fire Department can get through, so he went through an extra cost to make sure there was a fence so they could bring fire trucks there. If you turn around and put a two-family in there, and there is another fire there, he thinks the hazard will not only affect his house, but the abutting neighbor, especially when you have six or seven cars there. The big problem here is unfortunately, he talked to people who were considering buying this house, when it was up because it went on fire and was on the market and two of the gentlemen who were considering buying it said that the house should be plowed down and a brand new house should be built. He said he didn't get the names of the gentlemen so this is hearsay.

Mr. Moriarty said it is really, really, to the health and welfare of her family and to the neighborhood, a real problem if the Board decides to make this a two-family. He said he has some anxiety as it is now on the fact that structurally, it looks like it is a house in Ukraine

because there is brick and everything in the back and he doesn't even know if they got a building permit to do it. He said the fact that he just found out before this meeting that they were operating that property as a two-family, may have in fact precipitated the fact that there was a fire. The real problem here is the seller misrepresented that property as a two-family and this young lady unfortunately was bought into it based on the previous floor plan. He said he looks at the health and welfare of the property as affordability and affordable housing, that area has several affordable housing in multi-families both on North Adams Street and on Chestnut Street. There are several there. Is there a need for affordable housing? Absolutely, he doesn't disagree and we are working that from the State and local level as we all know. He doesn't think that that is an issue. He thinks from a health and welfare issue, for her family and any family that moves there if they decide to make it a multi-family, could cause a real problem when it comes to the health and welfare of that family due to the fact that it could cause a fire hazard because of access to properties around it.

Mr. Moriarty said there are two other abutters beside himself that are here and they are unanimous on this. The only abutter that is not here, lives in Vermont and they are there and they happen to own a two-family. He said he wishes he could make that property a bigger lot so she could have a two-family for her family. He has to say in good conscious, for her, her family and the neighborhood, he can't see in any way in his mind as well as your mind, that the Board would be doing anybody any favors by making it a two-family. Frankly, he wishes he had the money because he would give her the money and have her build a brand new house, because based on what he sees and based on what they are doing there. He said he didn't know if they had a Building Permit to do what they are doing now. He is concerned for the health and welfare of anybody that moves into that house. He said he doesn't want to be seen like one of these elitists, he is just a common Joe and he lives in a common neighborhood and it really bothers him that this lady, in his estimation, was misrepresented because of the fact that whoever was there before decided to make it a two-family. It is 1,350 SF at best. His house has been there for over 150 years and the barn that he has next to the house that abuts it, also causes a problem because even the City and when the surveyor came out in the Building Department, they will tell you, those lines are very skewed. He said he doesn't know what the Board is going to do but they are not helping anybody by making it a two-family.

Greg Reynolds said he lives at 827 Chestnut Street which is immediately south of 831 Chestnut Street, the property in question. He said they share a 111' property line there. He said when they bought their house thirty years ago, most of the homes owned by their immediate neighbors were all owner occupied and three of which, were single-family homes, including 831 Chestnut Street. He said his house was a complete wreck and the neighbors were thrilled when they restored it. They restored it to such a degree that they got an historic preservation award from the Manchester Historic Association. He said their neighbors were quite relieved because it really was a tremendous addition to the neighborhood. At the time, Bob Keefe and his wife Anne lived next door. He had been a county commissioner at one time and he was responsible for covering up Ray Brook so that his kids wouldn't fall in and drown and they were excellent neighbors. Anne died and then Bob died and there was nothing but problems from that point on.

Mr. Reynolds said the person that bought that house was an absentee landlord and they had everything from ok neighbors to horrible neighbors. He said his neighbor Joe, just told the

Board of the fire that they thought was going to burn down the neighborhood. It was a conflagration that would fit right here in the center of this room. They have had nothing but trouble with that house ever since it had become a rental unit. Now, it is a complete wreck. It is uninhabitable and there is no one living there. He said he believes as was previously stated by Mr. Moriarty, that it should be torn down and something would be built there. He said they had hoped that someone would come and do something lovely to that house as they have done theirs. They are staunchly opposed to this proposal, as much sympathy as they have for the young lady that is seeking this variance. Non-owner occupied homes are often a problem and of course there are wonderful exceptions to this. He said the Peloquin Realty owns the houses right across the street for them and they take wonderful care of those properties. They fit the neighborhood and Angela's is there and they take wonderful care of their property and he thinks that since he has moved there, tremendous improvements have taken place, with one single exception of 831 Chestnut Street. It has been an eyesore and a terrible problem from day one and he does believe that the present owner was seriously misinformed. He said he never knew until he got home from vacation yesterday that it is a complete two-family house right now. There are two kitchens, two living rooms and four bathrooms. They never had any idea that this was the case and they now can see why there were many times, a number of people that should not have been living in that home. They have felt that it is a tremendous threat to their neighborhood.

Mr. Reynolds said there is that problem and also they have the tremendous list of non-compliance. He said he thinks there were 11 counts of non-compliance and some of them are huge if you look at what is necessary for a two-family home. The frontage is one third of the requirement and the square footage is one third. It just doesn't even come close. They already, as someone has stated, have a very dense neighborhood and they don't need it to be more-dense. The parking problem is huge. Angela's has been a wonderful neighbor and have been an improvement to the neighborhood, but the traffic increase as a result has been a serious problem. He said he has people park in front of his driveway and he happens to have his study looking right out on Chestnut Street and if he comes out and nicely says, excuse me, but you are blocking my driveway, they'll say, "I was only in there for 20 minutes". That is the kind of thing that they have to deal with and they try to deal with that graciously as they do their new neighbor who they don't even really know.

Mr. Reynolds said the way that they have treated the lot so far is there is trash all over the place. A chimney was taken down and lots of metal was thrown up against a fence that he made by hand. It is just worse than it has ever been. He said he did want to briefly say that he doesn't believe that this meets any of the variance criteria that are required by the State of New Hampshire. He said the first one would be that the proposed variance will be in fact, contrary to public interest. He said you have heard some of the public here and he believes that if other neighbors, who are not immediately adjacent to the property knew the situation, they would also be here opposing it. He said he wishes he had a picture to show the Board the contrast between his home and that home.

Mr. Reynolds said regarding criteria number two, the proposed variance does not observe the spirit of the Ordinance because as he understands it, all of the 11 non-compliances just make it outside the pales and he thinks he even heard several Board Members indicate.

Mr. Reynolds said regarding the third variance criterion, the variance would not grant

substantial justice. In fact, the law has already been skirted by making this a two-family house. He said he is afraid that the present owner must have been misled that this would be an easy process to get it changed with a variance.

Mr. Reynolds said regarding the fourth criterion, the proposed variance might diminish the values of surrounding properties. He believes that where they want the paving, if you could see, it is like a little forest out in the back of 831 Chestnut Street. It is lovely. There are pine trees and trees that give them a lot of raking problems every fall and turn beautiful colors. To pave this would be such a dramatic change, especially for them, but also in the whole neighborhood. It would make it a very different and very ugly place.

Mr. Reynolds said finally, regarding the fifth criterion, the literal enforcement of the Ordinance would not in fact result in unnecessary hardship, because in fact, moderate density is one of the eight things that the Zoning Board and the Ordinances are supposed to uphold. This would only make it more difficult. He said also, he thinks their proposal mislabeled the zone, but that is another question.

Mr. Reynolds said in conclusion, Zoning Ordinances represent a public trust between the City and the citizens, which he knows this Board is committed to as a Board. He hopes that the Board will uphold that trust by denying this request for a zoning variance. If this is granted, the real hardship will be on them as neighbors and especially, on his wife Robin.

Alix Guerin said she lives at 44 North Adams Street and is a backyard abutter to 831 Chestnut Street. Both of her neighbors have expressed very clearly and correctly, many of the issues that she was going to bring before the Board. Unfortunately, the property has become an eyesore and when Mr. Keefe was there, he maintained the property perfectly. He was a gentleman and he was neighborly. She said as it stands now, they never know who is living there. People come and go and the property is not maintained and the building is not maintained. It is an eyesore. She said it is a danger and she was going to mention the fire, but that has already been mentioned. In the petitioner's paperwork, she says it is in an R-2 district and it is not. It is in an R-1B district. The only other issue she wanted to bring up is that it is also not a two-story house, it is a 1¾ story house, so to create kitchens and bedrooms, there really isn't room because even as it stands, as was pointed out, as a single-family house, the lot is a third smaller than it should be, let alone adding inhabitants. She said in the other multi-family houses in the area are large and are on larger lots. This was clearly not designed to do that and she hopes the Board will reconsider and take into consideration what her neighbors have already told the Board.

Chairman Breault invited those with general comments to come forward.

A woman who did not identify herself said when Ms. Dinh was announcing where she lived, they could not hear her in the audience and she wondered what her address was. Ms. Dinh said she lives at 290 Aladdin Street in Manchester.

Chairman Breault turned the hearing back over to the Board.

Chairman Breault asked Ms. Dinh if she wanted to rebut against anything that was said. He said she had an opportunity to speak to what was said. Ms. Dinh said they won't use parking

on the street. She said she would like to make the property nice. Chairman Breault said basically, Ms. Dinh wants to make it a home for herself and her family. It still doesn't change the fact that it is a two-family in an R-1B zone and there are a lot of non-conforming issues here so the Board needs to weigh in on it. He said he thinks it is contrary to the public interest in that neighborhood. It is going to affect property values and the requests are extensive and it is way too overcrowded for that lot.

Anne Ketterer said there was a comment that it is in the vicinity of other multi-family homes. It is also in the vicinity of other single-family homes. It is not a corner lot, it is mid-block and it abuts single-family homes as well as multi-family homes. She said she doesn't think there is a precedent that would mandate that this be converted from a single-family to a multi-family. She said she thinks it functions quite well as a single-family. She doesn't believe that the lot is large enough to support a multi-family home.

Joe Prieto said the other issue that he has is he is not sure that it is a hardship, because her family can still move there and her brother can still come and live there and stay there. It is not a problem. It doesn't have to be a two-family. They can all be there as a single-family.

Vice Chairman Simoneau said he has an issue with this application. He said he thinks they are asking for too many counts and said there are ten variances being requested with several counts. He said he agrees with what Ms. Ketterer said with respect to the property and it is too small of a building. He agrees with Mr. Prieto that her family can come here and there are many other opportunities out there too.

Michael Simoneau made a motion to deny the following variance counts for case ZBA2022-107, 5.10(A)5 Two Family Dwelling, 6.01 Minimum Buildable Lot Area, 6.02 Minimum Lot Frontage and Width (2 counts), 6.03(C) Side Yard Setback (2 counts), 6.04 Lot Coverage, 10.09(B) Parking Setbacks (7 counts), 10.06(A) Parking Layout, 10.07(G) Landscaping, 10.07(K)1 Parking Bumpers and 10.07(K)4 Parking Screening, which was seconded by Greg Powers.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers
Nays: None

Upon a unanimous vote, the variance was denied.

Chairman Breault advised Ms. Dinh that her variances were not granted. Ms. Dinh said now she can change from a single-family to a two-family. Chairman Breault said she could use it as a single-family home because that is what it is. Ms. Dinh said but we cannot change. Chairman Breault said she couldn't pave that whole parking lot. He said if she wanted to change her paving, she could go to the Building Department and see what they will allow her to do for parking. Ms. Dinh said she doesn't need as much, just two or four parking spaces. Chairman Breault said his suggestion is to go back to City staff and meet with them and see if she could do what she wants to do and see if it is allowed by Ordinance. He advised Ms. Dinh that as it is, she can't represent it as a two-family home. Ms. Dinh said she has shown around her home and that's where she had eight or nine parking spaces and she doesn't need that many and she doesn't use parking on the street. She said that is why the Board sees the paperwork she gave to them and that is a lot of parking in her backyard and she doesn't use it

on the street. Chairman Breault said the decision has already been made by this Board and anything else she wanted to do, she could go meet with staff at City Hall and see what she can do and take it from there. He said he was sorry that Ms. Dinh was probably told it was a two-family when she bought it and it never was a two-family.

6. **ZBA2022-108**
299 Corning Road, R-1A Zoning District, Ward 8

Suzanne and Thomas Caouette propose to create an accessory dwelling unit with 1,276 SF of gross floor area where 750 SF is allowed, maintain three front yard parking spaces, maintain one parking space within 4' of the side lot line and maintain a shed in the rear yard 0' from the side lot line where 4' is required and seek a variance from sections **8.26(C)** Accessory Dwelling Unit, **10.09(B)** Parking Setbacks (4 counts) and **8.29(A)3** Accessory Structures and Uses, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through July 29, 2022.

Suzanne Caouette said she is here in regards to 299 Corning Road, requesting an Accessory Dwelling Unit [ADU] and a few other variances. She said she had submitted revised paperwork since July, noting that the iron pipe exists and it extended the property farther to the right than she originally thought. She said she doesn't believe the shed and the parking, which is within a dozen feet of the edge of the property line, are pertinent anymore for a variance.

Chairman Breault asked Ms. Caouette if she had any paperwork representing that. Ms. Caouette said she submitted revised plans. Chairman Breault said it is kind of like hearsay so as much as Ms. Caouette says that it is, when things get close to property lines and so forth, the Board likes to see something to back it up like a more clear plan than what she submitted. He asked Ms. Caouette if it was different than the plan she submitted. Ms. Caouette said she submitted revised plan on August 19th once the iron pipe was located 17' to the right of the driveway. She said in looking at any of the other plans that she pulled that were already submitted to the Board, you can clearly see that the shed is within the property lines.

Michael Landry said that does seem to comport with the GIS. He told Ms. Caouette he was sorry if we misplaced the plan. He asked Ms. Caouette if she hand delivered it or did she mail it. He asked how we got it. Ms. Caouette said it was emailed to Kristin Bixby. Mr. Landry said the only variance she believes that she needs is the square footage for the ADU. She said she believes she meets all of the criteria and there will be no changes to the physical property, therefore, it should not negatively affect the values of the abutting properties. She said the ADU is allowed within current uses with permissions. The home itself would not change and the request is reasonable because there will be no significant changes to the property. It will not adversely impact the abutting properties in any way. Removing already existing square footage would be a hardship. The only way of reducing the square footage within that first floor that is already finished would be blocking off a room on either end of the house, which wouldn't be accessible. The exterior of the home is not going to be changing.

Chairman Breault turned the hearing over to the Board.

Chairman Breault said basically what Ms. Caouette said is all she really needs is the relief

from 8.26(C) Accessory Dwelling Unit and the parking setbacks she is claiming comply. Ms. Caouette said correct. Chairman Breault said the accessory structures comply. He said if the Board grants Ms. Caouette 8.26(C) and the others and they don't consider the other two counts. Ms. Caouette said to have two additional parking spaces in front of the home, she understands, also needs a variance. That is an additional variance and right now at the bottom of the driveway, there is a turn-around space that she had requested could be added in as a parking space and that would be a variance as well. Chairman Breault said then she does need the parking setbacks counts. Mr. Landry said she would need three out of the four counts. The one on the side yard would go away. Ms. Caouette said that was correct, but the two in the front would remain. Vice Chairman Simoneau said then it would be three counts on the parking setbacks. Mr. Landry said yes. Chairman Breault asked if the Board leaves the 8.29(A) Accessory Structures and Uses as one of the counts. Mr. Landry said the plot plan we looked at, and he is sorry that we didn't get the revised one, showed the shed really close to the line and GIS showed it much farther away. He said if the Board is comfortable that it is 4' or if they have any question in their minds, they could consider it, grant relief and if Ms. Caouette doesn't need it, she doesn't need it. He said he would hate to see Ms. Caouette back here again if she does need it.

Chairman Breault turned the hearing over to the public and invited those in favor of this application. No one came forward to this request and the Chairman invited those in opposition to this application to come forward.

Matt Kirby said he works as the Treasurer of the Rosegate Farm HOA. He said their property abuts theirs. He said they brought this up to their neighbors and based on the drawing that we are looking at here, which had the shed literally on the property line, they wouldn't be able to paint the back of the shed and nothing would happen. He said the driveway was within the 4' margin from their property as drawn on here and they are just opposed to having that done. He said he didn't know if there is a possibility of having perhaps the revised plans submitted for review before making a decision.

Chairman Breault asked Ms. Caouette if she had copies of the revised plan by any chance. Ms. Caouette said she had her original showing the 17' to the right of the driveway where the iron pipe is in place and to scale. She said she had copies of where the iron pipe is located and she knows this probably isn't to scale, but you can see on anyone of these public accessible documents. She said she thinks the Board may already have them but she distributed what she had to the Board. Ms. Caouette said she had to scale close-up.

Mr. Kirby said in principle, they are not necessarily opposed to her doing what she wants with the building, their main opposition was that this is literally sitting on the property line or within 4' of the property line where you could trip in the driveway and fall into their subdivision's property that they insure. He said not knowing that things have been revised since then that was their opposition to this. Chairman Breault said this driveway is there now. Ms. Caouette said it is existing, yes. Chairman Breault asked if it has been there for years. Ms. Caouette said yes. She said the house has been owned for over 25 years by the Caouettes. Chairman Breault said the house was built in 1986 so it is not that old. Ms. Caouette said she thinks she may have a picture of the iron pipe in front of the home. Chairman Breault said that doesn't give the Board the reference to the driveway and the property line, so in real tight situations, the Board would ask for a surveyed plan, something by a licensed surveyor

stamped and so on. Where the driveway has been in existence for a long time, it is not something that the Board would typically look at. They are looking at the particular parts of the Ordinance that apply here. The ADU, the parking setbacks in the front of the house and the accessory structure is the shed. He said Ms. Caouette is representing now that the shed is not inside the setbacks, but on the property. He said the edge of the property which potentially puts it close to the property line. If you were to find that it is on their property, then he guesses that would become a civil matter. He asked Mr. Landry if that was right and the Board would not get involved in that. Mr. Landry said that is largely correct.

Ms. Caouette said if Mr. Kirby wanted to look at the revised plans she is ok with that. Chairman Breault asked Ms. Caouette if she had additional plans from what she just submitted to the Board? Ms. Caouette said these are the hand drawn to scale ones but she doesn't know if the Board got these either. Chairman Breault said none of the plans that Ms. Caouette gave him really satisfies what he considers a certified plan. He said the Board could look at them real quick. Chairman Breault said he was looking at a GIS plan and the driveway is well within her property and the shed is within a few feet per the GIS. Based on what he is seeing there is pretty representative of what her plan shows here. This is what is in the packet and he does have that right here.

Mr. Kirby said he is not a real sophisticated guy but he will presume, the drawing that we see on here is already 2' from the property line. He said he thinks these homes were built in their neighborhood in 1999 and they moved in there about 7 years ago. The driveway was existing 20 plus years ago at this point. Chairman Breault said the house was built in 1986 and he can't imagine them not having a driveway back then. Mr. Kirby said right. Chairman Breault said the exact state that it is now, who is to know. He said they had to have access to the home. Ms. Caouette said she lived in the home when the development was built and she remembers when they surveyed the property and they went from the stake at the iron pipe that is in place still. She said if you walk down the road, you can still see that it still has the orange tag at the top. She said regarding the iron pipe, she remembers when they had surveyed the property and they put wooden stakes all the way up meeting to the iron stake at the top right hand side abutting the property.

Chairman Breault invited those with general comments to come forward. No one came forward to this request and the Chairman turned the hearing back over to the Board.

Chairman Breault said this is a sizable house and he doesn't see the ADU being a problem. He said Ms. Caouette is using a lot of the basement for it but she is not using it all. It is tucked way back away from the road.

Vice Chairman Simoneau said just to confirm, the parking setbacks are three counts. Chairman Breault said yes, three counts. Vice Chairman Simoneau said he believes that this does meet the five criteria.

Michael Simoneau made a motion to grant the following variance counts for case ZBA2022-108, 8.26(C) Accessory Dwelling Unit, 10.09(B) Parking Setbacks (3 counts) and 8.29(A)3 Accessory Structures and Uses, which was seconded by Anne Ketterer.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers

Nays: None

Upon a unanimous vote, the variance was granted.

7. **ZBA2022-077**
500 Harvey Road, IND Zoning District, Ward 8

Kerri Tymowicz proposes to convert the top floor of an office building into four residential units and seeks a variance from section **5.10(A)8** Dwellings in Upper Story of Building with Commercial First Floor, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through August 1, 2022.

Vincent Iacozzi of Thibeault Corporation of New England said with him tonight is his associate, Kerri Tymowicz. He said they are proposing to convert the top floor of an existing office building into four dwelling units. He said this property, when the building was originally constructed, was in a mixed use area. The actual lot does contain five dwelling units that are in a separate building. Since that time with multiple zoning issues, this building is in three or four different overlay districts. The top floor of this building has been vacant for over a year and a half. He said they reduce their rentals. The two major tenants that were in the building were sold to an outside company and the company that occupied the entire top floor reduced their employees so it has been vacant since then. He said they feel in light of the existing need for housing in general, that is affordable, they feel that they can best serve the community by converting this top floor to four two-bedroom units.

Mr. Iacozzi said he believes with Ms. Tymowicz's writing, they have met the five criteria. He said he could go through them individually if the Board requires it. The building is existing and the parking is more than sufficient and it is serviced by the City water and sewer. He said over the past three or four years, they have made considerable improvements where they are basically their own abutter. They have acquired three additional properties from the other side of Sheffield Road and converted them to an onsite alcohol recovery center and got rid of the junkyard and they have three nice small businesses in there now. They are trying to gentrify the area. They also have what they call the Farm House which has five units in it and they have five units that have been occupied since they have owned the building for twenty somewhat years.

Chairman Breault turned the hearing over to the Board. There were no questions or comments from the Board and the Chairman turned the hearing over to the public and invited those in favor of or in opposition to this application or those with general comments to come forward. No one came forward to this request and the Chairman turned the hearing back over to the Board.

Chairman Breault said this building sits in a quasi-commercial area. He said we all know what commercial real estate is like these days with a lot of vacancies. He said they have plenty of space for parking and they still need to go for site plan approval so he doesn't think it is a bad use for the top floor. It will provide some additional apartments for the City.

Vice Chairman Simoneau said he believes that this meets the five criteria. He said he does realize that we do have an issue with housing and he agrees with the Chairman there.

Michael Simoneau made a motion to grant the following variance count for case ZBA2022-077, 5.10(A)8 Dwellings in Upper Story of Building with Commercial First Floor, which was seconded by Joe Prieto.

Yeas: Breault, Simoneau, Prieto, Powers
Nays: Ketterer

Upon a split vote, the variance was granted.

8. **ZBA2022-109**
406 North Bay Street, R-1A Zoning District, Ward 1

Carrie Ayers proposes to construct a deck with a side yard setback of 7' where 20' is required and seeks a variance from section **6.03(C)** Side Yard Setback, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through August 1, 2022.

Peter Decato said he was here with his daughter Carrie, who has kindly made the house across the street from her, 406 North Bay Street available to he and his wife. He said they would like to put a deck there. He said he would tell the Board some of the conditions that go with this property. He said the house itself is probably within 7' of their northerly neighbor. The only way they could create a deck is there is an existing door on the northerly side of the property. The deck would be 7' from their adjoining neighbor who he believes agrees that it would be fine for them to have a deck there. The property itself was a little unusual in that it's totally fenced by all of their neighbors. The neighbor to their south has a 6' fence there. They wouldn't be able to see the deck because they have a bedroom that extends westerly, so the neighbor to their south wouldn't see the deck and the neighbors to their north, who are on North Elm Street, wouldn't likely see much of the deck because they have two large tall trees there plus a 6' fence. Their neighbor to the north has a wrought iron fence and it is a vacant lot. Their home is on North Elm Street but they have a lot in the back that fronts on North Bay Street. It is a little bit of an unusual situation and the only way they could have a deck is to have it where they have it on the plan. You come out an existing door that is there and there are steps down and that would be where they would put the deck

Chairman Breault turned the hearing over to the Board.

Chairman Breault said from what he could tell from the plan, the bottom of the steps are 7' but the deck is 10'. Mr. Decato said yes, he believes so. Chairman Breault said the 10' aligns with the setback of the existing house. Mr. Decato said yes. Chairman Breault said the house itself is non-conforming as it is, but they aren't encroaching any further. Mr. Decato said yes.

Chairman Breault turned the hearing over to the public and invited those in favor of or in opposition to this application or those with general comments to come forward. No one came forward to this request and the Chairman turned the hearing back over to the Board.

Chairman Breault said he thinks this is a reasonable request and he doesn't think it is going to affect anybody's values. He said it is not contrary to public interest. Anne Ketterer said she agrees with the Chairman's sentiments. She said she thinks that the fact that the deck aligns

with the house as is, is not making the existing situation worse, it is respecting the existing boundaries. The deck is in the rear yard and it doesn't affect the neighbors and there are no abutters present, so she thinks the hardship exists.

Anne Ketterer made a motion to grant the following variance count for case ZBA2022-109, 6.03(C) Side Yard Setback, which was seconded by Greg Powers.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers
Nays: None

Upon a unanimous vote, the variance was granted.

9. **ZBA2022-110**
180 Pearl Street, C-1 Zoning District, Ward 4

Brian Pratt, PE (Agent) proposes to amend the variance granted in case ZBA2021-037, which allowed relief to allow 29 dwelling units, by increasing the total number of dwelling units to 30 on a lot with 57,530 SF where 104,500 SF is required and seeks a variance from section **8.04** Minimum Buildable Lot Area for Multi-Family Dwellings, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through August 1, 2022.

Amy Sanders with Fuss and O'Neill said to her right is Don Clarke, representing the property owner. She said they are here this evening to amend the previous variance that was granted under ZBA2021-037. It is a request to increase the density from 29 units to 30 units. All of the applicable criteria that was before the Board the first time back in 2021 is still applicable. They are not seeking to increase it in a large way. It is a very minor increase. They do feel like because there is no substantial change, they are not negatively affecting the abutters, the neighborhood and the spirit of the Ordinance is still observed. She said she could go through the five points if the Board wanted, but in light of the fact that this is a small amendment to a variance that was previously granted, it is the Board's choice if they would like her to do that. Chairman Breault said he didn't think it was necessary. He said all of the Board Members all have it in their packets.

Chairman Breault turned the hearing over to the Board.

Chairman Breault asked if it was a realignment of the configuration of the apartments that created the additional two. Mr. Clarke said when you are rehabbing a building built in the 1950's, you find stuff. They found that the boilers that they were going to rely upon didn't work or they couldn't get parts for them anymore, so they converted what was a boiler room into a one bedroom. He said the user of this property, DECA Research and Development, seems to have more of a demand for studio units than they do one or two bedroom units, so they took two, two bedroom units and converted them to four studio units and then altered in the other building, the number of units originally at three and they moved it down to two so they have more community rooms, but in fact, the number of bedrooms throughout this complex would remain the same. The only other point he would offer is they haven't built 30 units yet, they have done 28, knowing that they were going to come back before the Board at some point. If they fail here, he guesses they would only build one residential unit in the other

building, but 28 are ready to go.

Chairman Breault said the progress seems to be going well. He said he thinks this is pretty well stated and it is a minor change.

Chairman Breault turned the hearing over to the public and invited those in favor of or in opposition to this application or those with general comments to come forward. No one came forward to this request and the Chairman turned the hearing back over to the Board.

Chairman Breault said it is similar to the first time it came before the Board and he thinks it meets the five criteria. As Mr. Clarke said, it is not going to increase any bedrooms, so density as far as people are concerned is probably going to remain the same. It seems like they have plenty of parking for this.

Greg Powers said he would agree with what the Chairman said. He said he doesn't think the change significantly alters the original criteria.

Greg Powers made a motion to grant the following variance count for case ZBA2022-110, 8.04 Minimum Buildable Lot Area for Multi-Family Dwellings, which was seconded by Michael Simoneau.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers
Nays: None

Upon a unanimous vote, the variance was granted.

10. **ZBA2022-111**
1 Bodwell Road, R-1A Zoning District, Ward 8

Ashley Friend (Agent) proposes to replace an existing utility pole along the 393 Distribution Line with a larger utility pole and seeks a special exception from section 5.10(E)12 Essential Public Services, Utilities and Appurtenances, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through August 4, 2022.

Lindsey White said she works for GZA Geoenvironmental and she appeared along with Curt Nelson of Eversource Energy, here on behalf of Ashley Friend tonight. Ms. White said essentially, as mentioned, Eversource is looking to replace an existing distribution pole identified as Pole #23 along the 393 distribution line. It is currently a wooden pole that is being replaced with a weathered steel equivalent pole and that is just due to damage that the pole has and for safety reasons, it needs to be replaced.

Chairman Breault turned the hearing over to the Board.

Chairman Breault said the Board has had Eversource before them on multiple occasions for repairs and it is more of what he considers a formality and a necessity as they provide a valuable resource. He said it looks like the pole is out in the power lines and not near any structures or homes or anything.

Chairman Breault turned the hearing over to the public and invited those in favor of or in opposition to this application or those with general comments to come forward. No one came forward to this request and the Chairman turned the hearing back over to the Board.

Michael Landry said in the Board's packets, he believes they have a letter from the Conservation Commission in support of this proposal.

Joe Prieto said he believes this meets the special exception criteria. He said he thinks the Board has approved all the other poles up and down the lot and it would be strange not to approve this one with all the others.

Joe Prieto made a motion to grant the following special exception count for case ZBA2022-111, 5.10(E)12 Essential Public Services, Utilities and Appurtenances, which was seconded by Anne Ketterer.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers
Nays: None

Upon a unanimous vote, the special exception was granted.

11. **ZBA2022-113**
756 Harvard Street, R-2 Zoning District, Ward 7

Colleen Castle proposes to reconstruct an 8' x 24' enclosed porch with a 1' front yard setback where 15' is required and a side yard of 6' where 10' is required and seeks a variance from sections **6.03(A)** Front Yard Setback and **6.03(C)** Side Yard Setback, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through August 8, 2022.

Colleen Castle of 756 Harvard Street said she is here because she would like to replace her porch at her residence.

Chairman Breault turned the hearing over to the Board.

Chairman Breault asked Ms. Castle how long the porch that she is reconstructing has been there. He asked her if it was as long as she owned the home? Ms. Castle said yes. Chairman Breault said it is an existing condition and they want to rebuild it. It is not encroaching any further than it already is. He said they just want to repair what needs to be repaired.

Chairman Breault turned the hearing over to the public and invited those in favor of or in opposition to this application or those with general comments to come forward. No one came forward to this request and the Chairman turned the hearing back over to the Board.

Chairman Breault said he thinks this is not outside any of the five criteria. It is not contrary and it is not going to affect anybody's values. It is just replacing and repairing what is there and if anything, it will help people's values.

Anne Ketterer said architecturally, she would note that houses of this style, more often than

not have a porch and this house likely predates the Zoning Ordinance as it is. She said not that that is a hardship, but she does believe there will be a hardship to tear down the porch and you would lose a lot of the character which she is sure the neighborhood appreciates.

Anne Ketterer made a motion to grant the following variance counts for case ZBA2022-113, 6.03(A) Front Yard Setback and 6.03(C) Side Yard Setback, which was seconded by Greg Powers.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers
Nays: None

Upon a unanimous vote, the variance was granted.

12. **ZBA2022-114**
80 Billings Street, R-2 Zoning District, Ward 9

Joseph Giguere proposes to rebuild a deck around a sun room with a larger footprint with a 14' front yard setback where 15' is required and with a rear yard setback where 20' is required and seeks a variance from sections **6.03(A)** Front Yard Setback and **6.03(B)** Rear Yard Setback, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through August 9, 2022.

Barbara Giguere said they needed to tear down the deck because it started falling apart because it is twenty years old. Mrs. Giguere said when they first built the porch, they built it wrong and it wasn't to code because it came out two ways. She said they are fixing that so it will be to code now, only coming out one way instead of two. She said it is a wrap-around porch from their sunroom and what they would like to do on the two corners is to push out a wider deck so that they can have some space. It is right next to their built in pool off their sunroom. Their backyard, which is the rear yard, is a City lot that is unbuildable as it is granite and goes down to a very steep incline. She said there is nobody back there that it would affect. She said they tried to buy the lot several years ago but they wanted too much money. In the front yard, they just want to open up a bigger space for entertaining and for family.

Chairman Breault turned the hearing over to the Board.

Chairman Breault said it is kind of a peculiar lot and configuration and it is definitely not impacting anybody behind it. Mrs. Giguere said they really only have two abutters which are on both sides, but they have three lots that they had to put together, so their lot is one of the biggest lots in their neighborhood, so it is a considerable distance from their neighbors. On the other side, they are quite a distance from all the other neighbors.

Chairman Breault turned the hearing over to the public and invited those in favor of or in opposition to this application or those with general comments to come forward. No one came forward to this request and the Chairman turned the hearing back over to the Board.

Chairman Breault said it is definitely not going to affect anybody's property values in that neighborhood and is not contrary to public interest. He said he knows the deck needs to be

rebuilt and he doesn't think this is an unreasonable request.

Greg Powers said he agrees with the Chairman and said he thinks this is a classic case of the uniqueness of the property creating a hardship. That is certainly not going to affect any values.

Greg Powers made a motion to grant the following variance counts for case ZBA2022-114, 6.03(A) Front Yard Setback and 6.03(B) Rear Yard Setback, which was seconded by Joe Prieto.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers
Nays: None

Upon a unanimous vote, the variance was granted.

13. **ZBA2022-116**
389 Hawthorne Street, R-1B Zoning District, Ward 2

Erik Glendye proposes to expand the existing driveway to create a second parking space within the front yard setback and seeks a variance from section **10.09(B)** Parking Setbacks, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through August 11, 2022.

Erik Glendye of 389 Hawthorne Street said he wants to extend his driveway to be able to put two cars side by side instead of stacked. He said he believes this will not negatively affect the neighbors or any of their property values. He said he thinks this meets the five criteria

Chairman Breault turned the hearing over to the Board.

Chairman Breault asked Mr. Glendye what the total width of that driveway was going to be. Mr. Glendye said he thinks it was drawn on the application, but he doesn't remember off the top of his head. Chairman Breault said he had his two 8.5' and 4' alongside of it, so it will be under 24'. Michael Landry said the zoning review notes it as 22' and not a violation. Vice Chairman Simoneau said then we are looking a maximum of 22'. Mr. Landry said the maximum allowed would be 24' so he is within that. Chairman Breault said he needs a setback for the 4' up against the garage and up against the house. Mr. Landry said he believes Mr. Glendye is showing he is satisfying the 4' from the garage, 4' from the house and he is 4' from the side and front lot lines. Mr. Landry said the count is really that he's got a second parking space within the front yard setback and that is the violation there, the non-conforming element.

Chairman Breault turned the hearing over to the public and invited those in favor of or in opposition to this application or those with general comments to come forward. No one came forward to this request and the Chairman turned the hearing back over to the Board.

Michael Landry said we did receive one email and he read it into record.

I received your notice that my neighbor has submitted a plan to expand his existing driveway. I have reviewed the case materials online and agree with this plan. If you have questions, contact me.

***Sincerely,
Maria Ashton
390 Hawthorne Street***

Chairman Breault said 390 Hawthorne Street is directly across the street so they are one of the people that would be the most impacted. He said he doesn't think this is contrary to public interest and it is not going to hurt anybody's property values. Vice Chairman Simoneau said he agreed with the Chairman.

Michael Simoneau made a motion to grant the following variance counts for case ZBA2022-116, 10.09(B) Parking Setbacks, which was seconded by Anne Ketterer.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers

Nays: None

Upon a unanimous vote, the variance was granted.

14. **ZBA2022-091**
215 Bridge Street, B-1 Zoning District, Ward 4

Christopher B. Drescher, Esq. (Agent) proposes to create a dwelling unit above a beauty salon resulting in three dwelling units in the B-1 zoning district, with three parking spaces within 4' of a building and a drive aisle less than the required 12' in width and seeks a variance from sections **5.10(A)6 Multi-Family Dwelling**, **10.09(A) Parking Setbacks** and **10.06(A) Parking Layout**, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through August 15, 2022.

Christopher Drescher said he is an Attorney with Cronin, Bisson and Zalinsky here in Manchester and he represents the applicant, Flannery Family Trust. He said the subject property is 215 Bridge Street and to be brief, the applicant wishes to add another dwelling unit into this building. He said the building currently is four units. Two of the units are already dwelling units. The third is a commercial business, being a hair salon and this fourth unit would be above the hair salon. The actual unit itself will be pretty small being approximately 24' x 25' and 462 SF. It would be one more dwelling unit which would be below market rate so that would be one more affordable housing unit.

Attorney Drescher said on the advice of the Planning Department, they are also seeking relief for the additional parking spaces as shown as parking spaces 7 and 8 on the plan which were not previously contemplated prior to seeking this variance. Notably, they are in the B-1 zoning district so parking is otherwise exempt, but they do want to have these parking spaces for the folks that live there. He said put simply, as this Board well knows, there is a dire need right now for more affordable housing all over the state and not just in Manchester, but certainly in Manchester. This would be but one housing unit and it is obviously not putting a huge dent in the problem, but it is otherwise a step in the right direction, but on that same

token, it is also not really frustrating the whole purpose of the Ordinance that they are asking relief from, at least with respect to the use. The point of the two-families is generally to avoid too many buildings and too many people, etc. They are only asking for one. Having said that, it is already an existing building. The unit has been used for storage up until now and they just want to put it to a better use and they think it is reasonable.

Chairman Breault turned the hearing over to the Board.

Anne Ketterer said she had a couple of questions about the parking. She said she was just looking at the plan and it says two spaces relocated. She asked Attorney Drescher if he could tell her where were they. Attorney Drescher said that was news to him, but apparently there was an older variance that predates the ownership that had the parking configuration just so. Now, with this new unit and wanting to add the two more spots to accommodate the additional people that are contemplated, they had to reconfigure it so they were advised by zoning to seek that variance to just reconfigure the parking. Ms. Ketterer said this would add a third residential unit to the property, so three units. This would be a one bedroom so for the three units they need eight parking spaces. Attorney Drescher said he thinks it is probably more to accommodate the salon, in case for their folks that are coming and going. Ms. Ketterer said she understood.

Chairman Breault said that salon is still active, correct? Attorney Drescher said that was correct. Chairman Breault asked how many chairs were in the salon. Attorney Drescher said he didn't know how many chairs and asked Sandra Flannery, who was sitting with him. Mrs. Flannery said there were two chairs. Chairman Breault said the eight parking spots, two per apartment and two for the salon should satisfy if they only have two chairs. Typically, you would only have a couple of people in there at any one time and likely, people in the apartments are not there during the day when they are operating. He said he thinks even though it is a little unorthodox with the drive aisle being narrow, it probably won't affect it much at all. He said Attorney Drescher is right, it does satisfy the need for apartments in the City that we seem to need very badly. Although it is a small one, it still satisfies the need.

Anne Ketterer said she is not necessarily opposed to the parking and asked whose role is it within the City to evaluate if those parking spaces are safe and appropriate. Michael Landry said it is the Planning and Community Department. He said they look at it. Ms. Ketterer said it's not the job of the Zoning Board, it is the Planning Board. Mr. Landry said they are not going to the Planning Board and so the Zoning Ordinance is intended to provide for public welfare, safety and we do our best to review the plans with respect to the Ordinance and we call out the counts that we called. He said he didn't really want to comment on the safety and he is not weighing in, but he would answer Ms. Ketterer's question the best he could. Ms. Ketterer said she thinks he answered her question.

Ms. Ketterer said she thinks her only comment is, as someone that does layout parking, it is not fun and it is not easy, cars take up a lot of space. This layout doesn't work. Attorney Drescher said they would be happy to accept a condition to send them to Planning to where they could work with them on it. Ms. Ketterer said if the whole area is paved and they rotated the spots, she thinks they could fit them, but the way they are now, spot 7, cars 3 and 4 would hit the car and spot 5 would just be kind of stuck where it is. Mrs. Flannery said the two up front on the side are for the two workers at the salon, that is where they park. Ms. Ketterer

said but their tenants that are now parking, say in spot 4, 5 and 6, 6 would be ok and 4 and 5 wouldn't really get out without hitting the car in spot 7. There is not room to maneuver the cars. She said you can get in but it is really hard to get out with this configuration. Attorney Drescher said his understanding was from his discussion with Mr. Gagne in the Zoning Department, was that since it is B-1, they are exempt from parking so if in fact you are not satisfied with the parking, they can easily tweak it and condition it and send them to Planning and they can even lose a spot and work things around if necessary. Ms. Ketterer said her advice to them would be to reconsider their parking layout. She said she doesn't think it is going to work. She said she thinks the car in spot 7 is going to get hit. Attorney Drescher said they could work on that.

Vice Chairman Simoneau said he is familiar with the lot. He said he remembers when Dr. Bergeron owned the property and worked out of the building and it is a small lot. It really is. He said he has been there many times and even got haircuts there many moons ago. He asked about snow removal. He asked where they put the snow. Mrs. Flannery said they have removed it before. She said they bring in the trailer and the move it. Vice Chairman Simoneau said there is no place to put it within the fence and the lot. Attorney Drescher said he thinks what Mrs. Flannery is saying is that they bring in a trailer and they remove the snow altogether. They haul it away.

Vice Chairman Simoneau said he would just like to echo what Ms. Ketterer just said about spot 4 and 5. He said he understands what they are saying about that is where the employees park, but what if they need to get out. What if they get a call that they have to go pick up their son and they can't get out. That creates an issue. He said he agrees that we need housing and additional homes and apartments but that is just a small lot and it is a corner lot. He said he is just sharing his thoughts. Attorney Drescher said as he said, they can work with Planning on the parking. They can find a way around it.

Chairman Breault turned the hearing over to the public and invited those in favor of or in opposition to this application to come forward. No one came forward to this request. The Chairman then invited those with general comments to come forward.

Jessica Margeson said she lives in Ward 2 in Manchester. She said her question is, what she noticed when listening to the applicant, that besides benefitting the salon, the other benefit that they mention, the main one or the only one is an argument for this variance is to fill the need of apartments in the City. She said they come here quite often and speak of the need of apartments to be built and she thanks them for that because we do have a need, but what she is wondering is, when we are looking for something like a variance and we are asking for the City to step outside the boundaries there, are we taking this moment to ask them if they are willing to accept a section 8 voucher or are these apartments really going to target what we need, and that is low income, affordable housing.

Chairman Breault turned the hearing back over to the Board.

Attorney Drescher said he had one comment to say that this will be an affordable housing unit.

Anne Ketterer said she just wanted to follow up on that. She said we need you to define affordable housing. Attorney Drescher said below market rate. Ms. Ketterer said they can define that by its percentage of AMI. She asked what percentage of AMI they are targeting. Attorney Drescher said he is not sure. Ms. Ketterer said right, so AMI means Area Median Income. 100% would be market rate. Below market rate would be 80%, 60%, 49%. Mrs. Flannery said she did have a tenant that is under New Hampshire Housing, subsidized housing. That is the first floor tenant, so it is not an issue. Ms. Ketterer said there is no requirement. She was merely asking to clarify, because when you make a statement on providing affordable housing, one unit for the City of Manchester, she just expects some clarity and definition of what they means. Attorney Drescher said he didn't know if he could give Ms. Ketterer a precise scientific number. Ms. Ketterer said that is ok. She said he doesn't need to. She just wanted to make sure it wasn't an empty blanket statement. Attorney Drescher said it is not an empty blanket statement. He said he thinks based on some of the work he has done, looking at work force housing numbers and things like that, a market rate for a studio apartment runs at about \$1,500.00 and \$2,000.00 a month depending on where you are. He said this would fall below that.

Ms. Ketterer said in response to the woman at the podium, it is just not the job of the Zoning Board. Ms. Margeson said if she is able to offer a quick response for clarity for the Board, she is a tenant organizer with Granite State Organizing Project and this is completely in her wheelhouse. She said when you are talking about market rate, that is the full 100%. She said 60% to 80% is work force housing and up to 30% and 50%, that is considered low income. She said the biggest need our City has is for those who can't even income qualify and that would be up to 30% AMI. That is just for the Board's information. Ms. Ketterer said she appreciates that.

Chairman Breault said he thinks this is an opportunity to create more apartments and the parking configuration may be a little skewed, but it is something they will have to deal with. Joe Prieto said he agreed with the Chairman and said he thinks this meets all the five criteria.

Joe Prieto made a motion to grant the following variance counts for case ZBA2022-091, 5.10(A)6 Multi-Family Dwelling, 10.09(A) Parking Setbacks and 10.06(A) Parking Layout, which was seconded by Michael Simoneau.

Yeas: Breault, Simoneau, Prieto, Powers
Nays: Ketterer

Upon a Split vote, the variance was granted.

15. **ZBA2022-117**
27 Sagamore Street, R-3 Zoning District, Ward 3

Nicole Spinoso (Agent) proposes to maintain an 18 SF monument sign 2" from the front lot line where 5' is required and seeks a variance from section **9.08(C)** Signs, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through August 16, 2022.

Nicole Spinoso said she is here to represent her employer, Dr. Mark Abel at Manchester Oral

Surgery. She said they are just here to see if they could maintain an existing sign that has been there for a long time. She said she did have a letter from an abutter who was here this evening to support them, however, she could not stay so she wrote up a little something. Chairman Breault said that will be read into the record when the Board went public.

Chairman Breault turned the hearing over to the Board.

Chairman Breault said he is pretty familiar with this location. He said he drives by it at least twice a day if not more. He said that sign has been there for a long time. He has been traveling that route for over sixteen years so it has existed and it is really not offensive. The building is literally on the lot line and the sign is just a little bit in from that so anything less than that, you wouldn't be able to see their sign because of where the building encroaches.

Chairman Breault turned the hearing over to the public and invited those in favor of or in opposition to this application or those with general comments to come forward. No one came forward to this request and Michael Landry read the letter from the abutter into record.

To Whom it May Concern,

I am in favor of the ZBA Board approving the variance request for 27 Sagamore Street to maintain the current sign on the property. I own 68 Sagamore Street on the corner of Pine and Sagamore and have also practiced real estate for 49 years. This sign is tastefully done and should be allowed to remain.

***Sharyn Kelley
68 Sagamore Street***

Chairman Breault turned the hearing back over to the Board.

Vice Chairman Simoneau said he agrees with the Chairman. He said it has been here forever and he works right around the corner and he is very familiar with the building. He said he brought kids there so he knows it. He said he thinks this meets the five criteria. It is not going to diminish the local values.

Michael Simoneau made a motion to grant the following variance count for case ZBA2022-117, 9.08(C) Signs, which was seconded by Greg Powers

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Yeas: Breault, Simoneau, Prieto, Ketterer, Powers
Nays: None

Upon a unanimous vote, the variance was granted.

16. **ZBA2022-118**
South Mammoth Road, Map 796, Lots 12 and 13, IND Zoning District, Ward 8

Ben Mercuri, (Agent) proposes to construct a six unit townhouse dwelling on a lot with 70' of frontage and width where 100' is required, with a 10' side yard setback where 20' is required,

where a portion of the parking area has a landscape buffer of 7' where 10' is required, and with a proposed dumpster located within the side yard setback and seeks a variance from sections **5.10(A)2** Single Family Attached Townhouse Dwellings, **6.02** Minimum Lot Frontage and Width (2 counts), **6.03(C)** Side Yard Setback, **10.07(G)** Landscaping and **8.29(B)** Accessory Structures and Uses, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through August 16, 2022.

Ben Mercuri said what he is looking to do is take two non-conforming industrial lots and redevelop it with a six-unit apartment building that they would construct ground up, serviced by the public water and sewer. They are seeking relief from the following, the minimum lot frontage and the minimum side yard setback, accessory structures as mentioned and the internal landscaping of parking areas. He said the latter of the two, he believes, once they get more accurate readings, they will be able to eliminate those, but they are still on the surveying process.

Chairman Breault turned the hearing over to the Board.

Chairman Breault said this is right behind the hotel, basically. Mr. Mercuri said it is right next to the hotel.

Chairman Breault turned the hearing over to the public and invited those in favor of or in opposition to this application or those with general comments to come forward. No one came forward to this request and the Chairman turned the hearing back over to the Board.

Chairman Breault said it is kind of a narrow lot at the street and it opens up to the back about 11' or so. It is a long narrow lot. There are other townhouse style apartments and condos on South Mammoth Road at that end. He said across the street is where there is a large development of apartments, townhouse style, where it used to be all industrial and commercial land. Vice Chairman Simoneau said isn't this where the Yard Restaurant is? Chairman Breault said yes. He said the hotel is part of the Yard or the Executive Court. It is right in front of it. Vice Chairman Simoneau said he may be thinking of a different area but he wondered if there were any wetland issues around there. Mr. Mercuri said there is a small wetland that they have identified and he wouldn't call it an issue yet. As he said, they are in the beginning stages of surveying, so he has his wetland scientist who was called about eight weeks ago, but those guys are straight out so they are probably about another four or five weeks until he gets those all identified. Vice Chairman Simoneau said if memory serves him right, that on that side of South Mammoth Road, there are some wetland issues. He said it seems like Mr. Mercuri has addressed that. Mr. Mercuri said he is trying to.

Chairman Breault said in that whole area, the ground water table is extremely high. He said he did a project early on at the Yard Restaurant forty years ago and they hit high water at 4', just to let Mr. Mercuri know. Mr. Mercuri said he appreciates that.

Chairman Breault said once again, this helps with the lack of housing in the City of Manchester. Mr. Mercuri said going back to Vice Chairman Simoneau's question, his surveyor has identified a small area of wetlands. He said his surveyor is not a scientist so he can't give his professional opinion, but the one caveat is if they do find wetlands, he might be back here in October looking for a variance for lot size because they are just at that threshold.

It is 25,000 SF and he thinks they are at 26,000 or 27,000 SF currently. He said that is just the one caveat just to give the Board a heads up that if approved, he may be back for that one variance as well. Chairman Breault said that 10' is from bulkhead and the building is 16½' on the back side. Mr. Mercuri said yes. He said the embankment is about 7' difference from where this building would stand, so it is a 7' incline.

Joe Prieto said he agrees that this meets all the five criteria. He said that whole area has been built up and there are all kinds of those attached townhouses across the street and that whole area. He doesn't think that this was rezoned, and that is why he thinks Mr. Mercuri is here. He thinks it meets all the criteria in the neighborhood not affecting property values.

Joe Prieto made a motion to grant the following variance counts for case ZBA2022-118, 5.10(A)2 Single Family Attached Townhouse Dwellings, 6.02 Minimum Lot Frontage and Width (2 counts), 6.03(C) Side Yard Setback, 10.07(G) Landscaping and 8.29(B) Accessory Structures and Uses, which was seconded by Michael Simoneau.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers

Nays: None

Upon a unanimous vote, the variance was granted.

17. **ZBA2022-119**
1111 South Willow Street, B-2 Zoning District, Ward 9

Matt Burke, (Agent) proposes to install eight electric vehicle charging stations and associated equipment, where three electric vehicle charging stations are within the front yard setback, and where each charging station has a two sided illuminated logo that exceeds the allowed signage for the site and seeks a variance from sections **9.09(A)1 Signs** (16 counts) and **8.29(B) Accessory Structures and Uses**, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through August 18, 2022.

Ed Noseworthy said he is the Design Manager with Tesla in the Northeast. He said he thinks that was a pretty good description of the project they are looking to potentially build here, but he is happy to provide a sort of brief overall summary. He said Tesla is proposing to install a level III DC fast charging station at 1111 South Willow Street. This is the shopping plaza which has a food market and some restaurants there, which is a really great sort of shopping plaza and amenity for their customers. It also provides really great access to I-93 so he knows their customers will be really excited about this site as are they.

Mr. Noseworthy said their build, sort of the nuts and bolts of it are super minimal. They are proposing eight charge posts that get installed behind the existing parking stall curb line where the cars will pull in and physically charge and then they have some electrical equipment that feeds those charge posts. That will consist of the utility transformer for a new electric service, a switch gear cabinet that acts like the panel as it would in your house where they separate the branch circuits and then what they call a couple of super charger cabinets that feed the charge posts where the AC to DC voltage rectification takes place.

Mr. Noseworthy said as previously mentioned, they are seeking a couple of variances, one of

them being that there is a 20' setback on the property and essentially, where they want to install around the perimeter, no matter where they go, they would potentially be impacting that setback. What they tried to do is limit the impact on that setback as best they could, so they managed to get all of their equipment and five out of the eight charge posts be on the setback, but three are still just have a minimum impact on the setback. He said he thinks it reduces down to 16' as opposed to 20' at its greatest and 18' at the shortest. They do have 12" signs that they install at the end of the parking stalls next to their charge posts and really, the point of that is to let their customers know that charging is available. They don't tow cars or police their stalls, but hopefully that will deter someone who is in a non-electrical vehicle from parking there or parking there last, logically if the stalls were open otherwise.

Chairman Breault turned the hearing over to the Board.

Chairman Breault said when he reviewed this, he noted those supercharger cabinets being somewhat around 7' tall. Mr. Noseworthy said that was correct. Chairman Breault asked if those were going to be down at the parking lot elevation. He said he sees between the street being somewhere around 266' in that area of the parking lot being 259', so really, you aren't going to be seeing much of it from South Willow Street. Mr. Noseworthy said that is the nice thing about the elevation change for this particular site, it actually hides the equipment. Chairman Breault said there is a 5' elevation change and they have 2' of cabinet sticking about the sidewalk on South Willow Street. Mr. Noseworthy said exactly, and the charge posts themselves are even shorter. They are closer to 5' so really, that is their highest or tallest piece of equipment which will still be very difficult to see. Chairman Breault said they are becoming much more common. Mr. Noseworthy said yes. Chairman Breault said he didn't know if anyone else has seen them but he has seen those charging stations and it is hopefully what everybody will start driving. He said they are electric cars and they all need charging stations which is one thing that is lacking around in New England is the charging stations. Mr. Noseworthy said this is a problem they are trying to solve, hopefully.

Vice Chairman Simoneau asked about the sound the superchargers and the proposed transformers would make. Mr. Noseworthy said they do get asked this from time to time and the noise is pretty minimal. He said they have never really had any complaints. He said he doesn't necessarily have a decibel study that he could provide the Board, but the utility transformer, which is like the big green boxes you see, those hardly make any noise. Their super-charger units that feed their charge posts do have a fan unit in them, so you can hear a fan spinning if you stand super close to it, but they install their charging posts and equipment next to businesses of all kinds everywhere and they have never had a complaint about noise.

Chairman Breault said where they are located is about remote away from the buildings as they could get it. He said they are going to be behind the Flight Restaurant and kind of tucked away but visible at the same time from South Willow Street, so if somebody needs a charging station, they will obviously see it. Mr. Noseworthy said the good thing about their cars too, is on the user interface in the cars, you get turn by turn directions right to the GPS coordinate, so it is a nice feature. Chairman Breault said he frequents a few businesses in that parking lot in that corner and he just paid attention since he got the packet, he has been at that vicinity about four times since and very few cars park in that area, so he thinks it is an opportune place to put it. It is not going to hurt their traffic counts and we need them. Electric cars are coming more common and we need to be able to charge them.

Chairman Breault turned the hearing over to the public and invited those in favor of or in opposition to this application or those with general comments to come forward. No one came forward to this request and the Chairman turned the hearing back over to the Board.

Chairman Breault said this is a well thought out plan and they are just missing a few feet and of course the signs. He said there is one sign at each post but they are rather small. Mr. Noseworthy said they are just 12" wide. They are just small signs basically at the back of the stall. Chairman Breault said they are going to sit at the top of the charging station, but still at the level of the parking lot. Mr. Noseworthy said exactly. He said you won't be able to see them from the street. Chairman Breault said looking down into a hole, you will see the top of them, probably.

Joe Prieto said he was just looking at the plan and it looks like it is sort of the function of the property line that is moving diagonally across there and is kind of catching those last three of four of them. Mr. Noseworthy said that is exactly right. He said it is just the last three. Mr. Prieto said he thinks it's a function of the low lot line, not anything that they are doing. He said he thinks that is the hardship and he thinks it meets all the criteria.

Joe Prieto made a motion to grant the following variance count for case ZBA2022-119, 9.09(A)1 Signs (16 counts) and 8.29(B) Accessory Structures and Uses, which was seconded by Anne Ketterer.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers
Nays: None

Upon a unanimous vote, the variance was granted.

18. **ZBA2022-120**
1173 Bridge Street, R-1B Zoning District, Ward 6

Daniel Pepin proposes to create three front yard parking spaces within 4' of the front lot line, with a driveway width of 39' where 24' is allowed and seeks a variance from sections **10.09(B)** Parking Setbacks (6 counts) and **10.08(C)** Driveways Width, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through August 18, 2022.

Daniel Pepin was not in attendance and the Chairman said he personally had some questions regarding this expansion of parking. With the applicant not being present, he would entertain a motion to table this case.

Michael Simoneau made a motion to table case ZBA2022-120, to the October 13, 2022 ZBA Hearing, which was seconded by Anne Ketterer.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers
Nays: None

Upon a unanimous vote, the variance was tabled to the October 13, 2022 ZBA hearing.

Michael Landry asked if there was anyone in the audience here for this case. There was no response to that question. Mr. Landry announced that there will be no further public notices mailed for this case, ZBA2022-120, for property located at 1173 Bridge Street. This case will be heard on October 13, 2022 here is in the chambers at 6:00 pm.

19. **ZBA2022-121**
153 Bemis Savoie Road, R-S Zoning District, Ward 12

Shane Cunan proposes to construct a two family dwelling in the R-S zoning district with buildable lot area of 15,208 SF where 40,000 SF is required, with a front yard setback of 10' where 50' is required, with a side yard setback of 10' where 30' is required, with three stories where 2.5 stories is allowed and with two parking spaces on the driveway within the required minimum front yard setback where only one parking space is allowed from sections **5.10(A)5** Two Family Dwelling, **6.01** Minimum Buildable Lot Area, **6.03(A)** Front Yard Setback, **6.03(C)** Side Yard Setback, **6.05** Height in Stories and **10.09(B)** Parking Setbacks, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through August 19, 2022.

Shane Cunan said there are a few things he would like to start with. One of them is the setbacks. He said he didn't know if Mr. Landry talked with Glenn Gagne in regards to the scaled drawing that he overlooked. Mr. Landry said he did. Mr. Cunan said he knows what he submitted is a bit rough, but he said they have the 50' front setback. He said it is to scale and he just didn't scale off of the scaled drawing when he scaled it. He said he thought Mr. Gagne was going to speak to Mr. Landry about it. Mr. Landry said Mr. Gagne did. Mr. Cunan said he has the 50' front setback and he also has the 30' side yard setback, so those were both errors. He said Mr. Gagne scaled off of the small drawing and not off the main drawing. Chairman Breault asked Mr. Landry if the Board didn't need to consider count 6.03(A) Front Yard Setback or 6.03(C) Side Yard Setback. Mr. Cunan said there was one in regards to the rear setback also, because they definitely have that. Mr. Landry said they didn't call out the rear yard. Mr. Cunan said he thinks that what they are going for is the three story portion where 2 ½ stories comes into plan and then also the zoning. Chairman Breault said because of the slope of the land. Mr. Cunan said it is a complicated lot. He said another thing is that it is zoned RS which he thinks is the improper zoning for the area. He said they about an RSM zoning district which has a bunch of condos, Gables Condos at the bottom of the hill and they are just looking to shoot up a duplex which is going to be fully handicap accessible and it is going to be owner occupied.

Michael Landry asked the Chairman if he could approach the applicant and kind of get a bearing and put some things to rest, maybe. Mr. Landry had a discussion regarding the plan with Mr. Cunan. Referring to the plan, Mr. Landry said that is showing 45 and that is at an angle. Mr. Cunan said this is wrong. He said it is 50' from here and it is 30' from the side yard. He said it was to scale and he was trying to correct it after he got the letter and he went to the Planning Department and they told him that they were going to speak to you about it. Mr. Landry said he did but he couldn't put his hand on the drawing. Mr. Landry addressed Chairman Breault and said the bigger is the lot size, the use and the height. He said if the applicant is comfortable meeting the front and side yard setbacks, then the Board could just take them off the table. Mr. Cunan said they have for sure. He said it is all staked out and it is

all good. Mr. Landry asked Mr. Cunan if he was good with that. Mr. Cunan said yes. Mr. Landry said he would keep looking.

Mr. Cunan said a few other things too in the past, they went for another variance that was approved and then denied for a small garage and the abutters were all pushing for something like this. He said he has spoken with them and they are in favor of it. He said he thinks that is a good thing. He said the zoning is the real hardship. He said that property is zoned improperly. It is R-S and really should be RSM. If it is RSM, there is a lot more that you can do with it. They aren't looking to do anything big, just a duplex that is handicap accessible and it is going to be owner occupied so that is also good.

Vice Chairman Simoneau said to clarify, we are looking at removing 6.03(A) Front Yard Setback and 6.03(C) Side Yard Setback. Chairman Breault said yes.

Chairman Breault turned the hearing over to the Board.

Chairman Breault said he recalls this site coming before the Board prior with a different use and it was denied. He said he thinks this is a good alternate use. He said a change in zoning would have to go before the Board of Mayor and Aldermen and that is a lot more complicated. Mr. Cunan said that is not what he is looking for here. He said there were a few other things, when he gets a minute, he would like to talk about. Chairman Breault said the slope of the land lends itself to doing the height in stories because they've got to measure it from the low point and he understands that. Mr. Cunan said he submitted some pictures also. He said they have done a lot of stuff up there as far as cleaning up. That property has been in his family a really long time and people have been dumping hard fill up there for many years. He said they spent a lot of money and had people come in and they cleaned up everything and everyone is pretty happy, he is pretty sure. He said he didn't know if anyone was here but the people that he has spoken with seem pretty pumped about it.

Chairman Breault turned the hearing over to the public and invited those in favor of this application to come forward. No one came forward to this request and the Chairman invited those in opposition to this application to come forward.

Geoffrey Eychorn said he is on the Board of Directors for the Gables which was mentioned. He said he is here to represent the 52 homeowners at the Gables in opposition of this building, however now with the setback rules changing, that variance has changed. He said the height is still a concern for them as is the slope since the north end of the Gables property abuts a brook that would be at the south end of this particular property. So, the height and the size of the building is a concern there with the structure.

Chairman Breault invited those with general comments to come forward. No one came forward to this request and the invited Mr. Cunan to respond to the comments made. Mr. Cunan said as far as the height restriction, he is really wondering what that is all about, because not only are they all the way through the woods and you can't even see their development. It is over an acre away. He said the hill slope is unbelievable and they can't even see it. He said it has absolutely nothing to do with their condos. It is not even in the realm. He said his immediate abutters, of which Dick Letendre is one of them and who owns the storage facilities at the bottom of the hill, he is a hard shell and he went to him and spoke

to them directly and they were very excited about what they were doing and they thought it was a great use for the property. Also, 155 Bemis Savoie Road, which abuts it, they are all for it also. He said the Gables aren't anywhere near them. Chairman Breault said because there is a 20' drainage easement, you can't impact the lower part of his lot anyhow. Mr. Cunan said they aren't going to. He asked Chairman Breault if they looked at the pictures he submitted. He said he had some colored ones and it is a great little spot for what they are going to do.

Mr. Eychhorn said for six to seven months of the year, the office building that is next to this particular property is in complete view of the Gables. He said they can see that office building up there clearly through that wooded area because it is all deciduous trees. He said they can clearly see the light from there and the building itself, so any building on that property is going to be 100% visible for the six to seven months out of the year as well.

Mr. Cunan said he had some pictures of the trees. He said it is heavily wooded all the way down. Chairman Breault said he could see that in the black and whites that he presented. Mr. Cunan asked the Chairman if he wanted to see the color pictures. He said it is heavily wooded and where they are building this, this lot is very long and heavily wooded. He said they won't even see it. He said that is on the upper part where the other building is and he has a picture of that part of the lot too. The Board Members looked at the photos that Mr. Cunan distributed. Mr. Cunan said this house is directly off of Bemis Road. It is 50' off. The lot is over 400' deep, he believes, so what he is talking about is the higher part. This is the lower part and it slopes up and it is all up there that's pavement that ties into the other building. He said yes, they might be able to see that, but where this is going, they cannot see it. He said he thinks they should be in favor of it because there is no housing and no handicap housing. Chairman Breault said everybody has their opinion. Chairman turned the hearing back over to the Board.

Chairman Breault said the size of the lot being 15,000 SF and a building that is a 30' x 40' footprint is minimal impact to that lot. He said he thinks they are making good utilization of the basement level for parking and because of that, it creates a high structure on that side. That is where the count for height and stories comes in. He said they already have a water works certificate and they have their grade certificate. Mr. Cunan said they have all their stuff lined up.

Vice Chairman Simoneau said he is ok with this. He said he thinks it meets the five criteria and he agrees with the Chairman's comment earlier that it is a small building on a pretty good sized lot.

Michael Simoneau made a motion to grant the following variance counts for case ZBA2022-121, 5.10(A)5 Two Family Dwelling, 6.01 Minimum Buildable Lot Area, 6.05 Height in Stories and 10.09(B) Parking Setbacks, which was seconded by Anne Ketterer .

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers
Nays: None

Upon a unanimous vote, the variance was granted.

20. **ZBA2022-115**
80 Merrimack Street, CBD Zoning District, Ward 3

Scott Shaw (Agent) proposes to construct a 55 unit multi-family dwelling on a 12,600 SF lot where 18,600 SF minimum buildable lot area is required and seeks a variance from section **8.04** Minimum Buildable Lot Area for Multi-Family Dwellings, of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through August 26, 2022.

Scott Shaw said they are here to propose a variance for up to 55 units on this lot. He said it would be a compliment to the developments they are doing across the street at 351 Chestnut Street and diagonal on Merrimack Street. This would be 44 units of affordable housing with approximately four to five work force restricted units as well. He said they are looking to have this development finance wise, catch up to the other two, so with some optimistic results from the State and from the ARPA application round, they would be hopeful to get this caught up with a zoning variance here and then the Planning Board in November to be able to commence construction on this around the second quarter of 2023 with the other two sites. Mr. Shaw said also with him is Amy from Fuss and O'Neill.

Amy said she would like clarification in reading the minimum buildable lot area and rear yard setbacks. She said there are some required and there aren't, right? Mr. Landry said he misspoken and if there is a typo in the letter, he is sorry. He said we are talking about minimum lot area. There are no setbacks in the CBD. Amy said then the only variance that they are seeking is for density. Mr. Landry said that was correct. Amy said she is happy to answer questions that the Board may have about the plans.

Chairman Breault turned the hearing over to the Board.

Chairman Breault said for those of you that have read the whole application, this is directly across the street from the police station and the other parking lot where they are going to be building, so this is a good compliment to what they are already doing. They are committing to affordable and work force housing which is badly needed here in the City. He said he thinks this is a good plan for that site and he believes that building sat vacant for a few years and this puts it back into a very useful state.

Chairman Breault turned the hearing over to the public and invited those in favor of or in this application to come forward.

Jessica Margeson said she is on the Manchester Housing Commission and she lives over on the west side of Manchester. She said she is here to speak in favor of this plan. She said she is here to read a letter tonight from the Housing Commission.

Based on previous discussions with the applicant regarding affordable housing goals, review of the variance application and a subsequent vote of the full Housing Commission on August 31, 2022, we are issuing this letter of support to the Board of Adjustment. The location of the proposed building along with the applicant's previously approved adjacent building, supports its affordability to residents by being close to downtown, workplaces, a

grocery store and bus services. Designed with amenities found in and beyond market rate apartments, if approved and constructed, the project would substantially improve the neighborhood while helping to fill the critical need for this type of housing. The project also supports a recommendation from the Mayor's Affordable Housing Task Force Report, Manchester's Master Plan and will help meet the Governor's housing goals for the State of New Hampshire. For these reasons, the Housing Commission strongly supports this application and respectfully request the Zoning Board of Adjustment grant the applicant the variance.

Vanessa Blais said she is a resident of Manchester at 51 Ash Street in Ward 4. She said she is also a member of the Manchester Housing Alliance and she is here tonight to show their support for this project. She said they are very excited that Lincoln Capital continues to be interested in investing in affordable housing in Manchester. They urge the Board here and the Planning Board to remove any barriers that they can in order to make this an affective project that can be built as quickly as possible.

The Chairman invited those in opposition to come forward. No one came forward to this request and the Chairman invited those with general comments to come forward.

Bryce Kaw-uh said he is a resident of Ward 1, so while not an abutter in any sense to this property, he did want to speak tonight because he has some concerns about the height of the project. He wants to know why the building is so short. Most people might complain about the height of the building, but for him, he is curious about the rationale about why the building's proposed height is only five stories in a downtown location, because the applicant is already here asking for a density variance and they could have come to ask to go even higher and build more units. He said he thinks that would add even more value to the community, provide housing in this case, more affordable housing and perhaps achieve greater cost savings at scale. That to him would be an obvious win-win situation, however, he could see a situation where maybe given the financing and the rapid pace at which they are interested in moving, maybe the financing isn't there for that and in that case, he would suggest maybe there is a possibility for adding market rate units on top or something else, perhaps to expand the ability of this particular property in a prime downtown location to host more housing units. With that, Mr. Kaw-uh said he thinks in general from the prospective of the five criteria that the ZBA is looking at, he has no concerns, but he is just offering that general comment for consideration of the Board and also the applicant.

Chairman Breault turned the hearing back over to the Board.

Chairman Breault said in the CBD they don't need any parking so basically, the only thing the Board is looking at is the minimum buildable lot area. He said they are providing some green space that is going in alongside another building of considerable height.

Anne Ketterer said she had a quick question. She asked if it was 55 units or 44 units. She said it was a little hard to hear in the microphones this evening and she thought in the opening statements that he said 44 and she just wants to clarify. Mr. Shaw said correct. He said they will initially be constructing 44 units. He said they asked for 55 in the event that through their concept planning, their architectural planning, if they are able to get 46 or 49 units, they would add to that. He said they always go in for a little bit more than conceptually where they

are at right now so they don't have to come back to the Board next month or the month after if they need five more units. Ms. Ketterer said more but smaller units. She said it could be a tower according to our friend from the podium.

Joe Prieto addressed Mr. Shaw and said in consideration with the units going across the street, has he considered that this is going to be all work force housing in one location. He asked if that was ever a concern, that that was all going to be sort of an area of section 8 housing and no one wants to be there. Mr. Shaw said that is actually a violation of HUD regulation to concentrate poverty or concentrate certain rent restricted units either on a floor or in a particular building, so each building will have a blend of different income levels and no particular unit is targeted as any one income level.

Anne Ketterer said she thinks there is a hardship related to this property. Its highest and best use is probably not a law firm or an empty building, but to density downtown is very good for our downtown and you require space to do that, so she does believe that there is a hardship here.

Anne Ketterer made a motion to grant the following variance count for case ZBA2022-115, 8.04 Minimum Buildable Lot Area for Multi-Family Dwellings, which was seconded by Greg Powers.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers

Nays: None

Upon a unanimous vote, the variance was granted.

21. **ZBA2022-122**
738 South Beech Street, R-1B Zoning District, Ward 9

Karolina Stetsyuk proposes to construct an 8' x 16' covered porch with a 12' side yard setback where 20' is required and seeks a variance from section **6.03(C)** Side Yard Setback of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through August 26, 2022.

Nicholas Stetsyuk said he lives at and owns 738 South Beech Street. He said Karolina is not here, she submitted the application and she is with her baby at home. Mr. Stetsyuk introduced his son Alexander who helped him create the application, and he did the drawing. They would like to build a covered porch on the south side of the house. The porch will be facing an empty lot. He said it is a small lot and it is HOA right next door. He said he didn't think it will affect anything because the neighbors are great and they have been living there for 25 years. He said he asks the Board to kindly help them to resolve this.

Chairman Breault turned the hearing over to the Board.

Chairman Breault asked Mr. Stetsyuk if Ode Way was part of the Beech Hill Apartments next to him. Mr. Stetsyuk said no, it a cul-de-sac with separate houses on Ode Way. Chairman Breault said we have one of these peculiar shaped lots that kind of restricts. They've got 75' on the street, 45' or 46' way in the back. He said it doesn't look like it will affect much of

anyone. That lot is pretty empty on the side of it.

Chairman Breault turned the hearing over to the public and invited those in favor of or in opposition to this application or those with general comments to come forward. No one came forward to this request and the Chairman turned the hearing back over to the Board.

Greg Powers said he does see a hardship in the odd shape of the lot there. He said it certainly isn't going to affect anyone else's property values because it is facing an empty lot. He doesn't see any benefit to the public by denying it. He thinks it does meet the five criteria.

Greg Powers made a motion to grant the following variance count for case ZBA2022-122, 6.03(C) Side Yard Setback, which was seconded by Joe Prieto.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers
Nays: None

Upon a unanimous vote, the variance was granted.

22. **ZBA2022-123**
97 State Street, R-3 Zoning District, Ward 3

John Cronin, Esq., proposes to extend a previously granted extension of variance ZBA2018-102 for two additional years and seeks a variance from section **14.02(B)4** Extension of Variance for Two Additional Years of the Zoning Ordinance of the City of Manchester, New Hampshire, as per documents submitted through August 30, 2022.

Michael Landry said Attorney Drescher was going to cover this case and he had to leave. He said the applicant is not here if the Board has questions, so the Board should take it from here.

Chairman Breault turned the hearing over to the Board.

Chairman Breault said he thinks the application is pretty clear. He said it doesn't look like anything has changed in their intent. He said they are just looking for a longer time line and he would have no problem granting the extension, with the stipulation that all previous representations regarding approvals of this variance carry forward. Vice Chairman Simoneau said he agreed with the Chairman.

Chairman Breault turned the hearing over to the public and invited those in favor of or in opposition to this application or those with general comments to come forward. No one came forward to this request and the Chairman turned the hearing back over to the Board.

Michael Simoneau made a motion to grant the following variance count for case ZBA2022-123, 14.02(B)4 Extension of Variance for Two Additional Years, with all past approvals and representations remain in force which was seconded by Anne Ketterer.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers
Nays: None

Upon a unanimous vote, the variance was granted.

Michael Landry said when we prepare the notice of decision, he thinks Chairman Breault wanted to see a date certain. He said he didn't have that from the 2018 variance, but he thinks it is going to be October 8, 2024, but we will put a date certain on that if that is what the Board wishes. Chairman Breault said that was fine.

Mr. Landry said that concludes the cases before the Board this evening and we are going on to administrative matters.

III. BUSINESS MEETING:

1. ADMINISTRATIVE MATTERS:

Mr. Landry said we have review and approval of the ZBA Minutes for August 9, 2022.

1. Review and approval of the ZBA Minutes of August 9, 2022

Chairman Breault said the four Members that were here that evening are present and he is going to abstain from voting because he wasn't present at that hearing. He asked the Board members if they had the opportunity to review the Minutes and do they feel comfortable voting tonight.

Anne Ketterer said there was an error on the server and she wasn't able to access the notes so she doesn't feel comfortable casting a vote. Vice Chairman Simoneau asked if the Board wanted to postpone this vote to the October hearing. Ms. Ketterer said if the three others have reviewed them and are comfortable with it, even though she and the Chairman are abstaining from a vote, it can pass. She said if you had a paper copy, you were able to review them. She said she gets hers digitally and there was an error in the document, she just can't do that in good conscience. If the three remaining Board Members were able to review them, it doesn't bother her. Vice Chairman Simoneau said Ms. Ketterer was a voting Member and she should review her minutes. Ms. Ketterer said she assumes that the Vice Chairman read the document in full. Vice Chairman Simoneau said he kind of looked at his stuff. Chairman Breault said he had his copy with him. Ms. Ketterer reviewed the Minutes. Chairman Breault said if Vice Chairman Simoneau felt strongly about tabling it, then they wouldn't have the majority vote. Vice Chairman Simoneau said he wants to make sure Ms. Ketterer doesn't come back to the Board and say, hey, I didn't say that. After reviewing the Minutes, Ms. Ketterer said she did not have an issue with them.

Joe Prieto made a motion to approve the ZBA Minutes of August 9, 2022, which was seconded by Michael Simoneau.

Yeas: Simoneau, Prieto, Ketterer, Powers
Nays: None

Upon a unanimous vote, the ZBA Minutes of August 9, 2022 were approved.

2. Any other business items from the ZBA staff or Board Members.

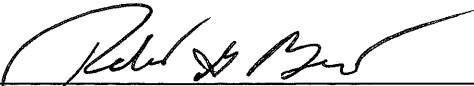
Michael Landry said just a quick heads up, the BMA received two nominations for the ZBA to fill the vacancies, so he really appreciates everyone showing up tonight. He said it was really important, so thank you very much for that. He said the nominations are going to lay over to the next BMA Meeting and he is not sure what is going to happen first, but if they get confirmed, he will be in touch with them and get them sworn in and try to get them on board as soon as we can. He said there is no guarantee that they will be here for next month, but we will do everything we can.

Michael Simoneau made a motion to adjourn the ZBA hearing of September 8, 2022, which was seconded by Joe Prieto.

Yeas: Breault, Simoneau, Prieto, Ketterer, Powers
Nays: None

Upon a unanimous vote, the ZBA Meeting of September 8, 2022 was adjourned

Full text of the agenda items is on file for review in the Planning & Community Development Department.
The order of the agenda is subject to change on the call of the Chairman.

Attest: 
Robert G. Breault, Chairman
Manchester Zoning Board of Adjustment

APPROVED BY THE ZONING BOARD OF ADJUSTMENT: October 13, 2022

☒ With Amendment
☐ Without Amendment