

**APPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
March 26, 2024**

Present: Mike DiPietro, Chairman. Kevin Stuart, Vice-Chairman. Shannon Daoust, Member. Allie Broom & Jeremy Wirths, Alternate Members. Minutes recorded and prepared by Denise Royce.

Also, Present: Carrie Rouleau-Cote, Building Inspector/Code Enforcement Officer. Jeff Porter, Conservation Commission Chairman.

Absent: Jill Dross & Steven Kimball, Members.

Mr. DiPietro called the meeting to order at 7:00 p.m. At this time, Mr. DiPietro explained the procedures for tonight's hearing and introduced the Board members to everyone present at tonight's hearing. Mr. DiPietro explained that the Board had three (3) cases before them tonight and that he would be taking them out of order to get some relatively quick cases through and then the last case would be the Governor's Hill case. Mr. DiPietro informed everyone that Mrs. Rouleau-Cote was also present tonight for tonight's meeting.

Mr. DiPietro pointed out that we had two (2) members absent tonight and therefore elevated both Mr. Wirths and Ms. Broom to full voting members for tonight's hearing. With that said, Mr. DiPietro asked Ms. Royce to read the case into the minutes. Ms. Royce read the first case into the minutes for the record.

**Case #24-03
Anne-Marie & John Kenyon
47 Boxwood Drive – Tax Map 2, Lot 44-10
Zoned Rural**

Applicant is requesting a Variance from Article 2, Section 2.02(28)(a) to allow an Accessory Dwelling Unit to exceed the 750 square foot requirement and a Special Exemption from Article 4, Section 4.05(3)(h) to allow the creation of an Accessory Dwelling Unit to be within the existing single-family home in a Rural zone.

Mrs. Kenyon read her application into the minutes for the record. Mr. DiPietro thanked Mrs. Kenyon and mentioned an email that was sent to Mrs. Rouleau-Cote and Ms. Royce that the ADU will be 1,048 square feet. Mr. DiPietro asked Mrs. Kenyon to go on to the request for Special Exception and then the Board would address them both together. Mrs. Kenyon read the application for Special Exception into the minutes for the record. Mr. DiPietro thanked Mrs. Kenyon. Mr. DiPietro asked the Board members if there were any questions for the applicant. Mr. Stuart asked if the walls were in place currently. Mrs.

Kenyon said no that it was all cement no drywall. Mrs. Kenyon also stated that she believed the only thing that they would need to do is to add an egress to the ADU to outside when they build that wall. They have an egress where the bedroom would be. Mr. Stuart reviewed the diagram of the basement ADU and asked if the whole basement was below ground. Mrs. Rouleau-Cote commented that it was a full foundation wall in the front and that the back was a walkout.

Mr. DiPietro asked Mrs. Rouleau-Cote if she had anything else to add. Mrs. Rouleau-Cote commented that she has worked with the applicant to modify the plan to get it closer to the 750 square foot requirement. She has worked with them when they built the original house, so she was very familiar with the property and was comfortable with the request. Mr. DiPietro asked if there were any further questions from the Board. None were noted. Mr. DiPietro asked if there were any abutters. Mr. Cochran of Boxwood stated that he wanted to make two (2) quick comments and one that he was in support of what they are proposing and believed it was a good thing for them. The other thing was that he wanted to make sure that this doesn't evolve into a situation where the Kenyon Lawn ends up at this property again and they have stated that it would not happen. With that said, he was in support of what they are proposing.

Mr. DiPietro stated that if there were no other questions or comments that he would entertain a motion to vote on the application for Variance and Special Exception.

Mr. Stuart made a motion to vote on the Special Exception application as submitted for 47 Boxwood Drive, Tax Map 2, Lot 44-10. Seconded by Mrs. Daoust. Mr. Wlrths voted to Grant finding all four (4) factors have been met, Mr. Stuart voted to Grant finding all four (4) factors have been met, Ms. Broom voted to Grant finding all four (4) factors have been met, Mrs. Daoust voted to Grant finding all four (4) factors have been met, and Mr. DiPietro also voted to Grant finding all four (4) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Stuart made a motion to Vote on the Variance application as submitted for 47 Boxwood Drive, Tax Map 2, Lot 44-10. Seconded by Mrs. Daoust. Mr. Wirths voted to Grant finding all five (5) factors have been met, Mr. Stuart voted to Grant finding all five (5) factors have been met, Ms. Broom voted to Grant finding all five (5) factors have been met, Mrs. Daoust voted to Grant finding all five (5) factors have been met, and Mr. DiPietro also voted to Grant finding all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. DiPietro informed the applicant that there is a 30-day appeal period where abutters or interested parties could appeal the Board's decision and two (2) years to complete the project. Mrs. Kenyon thanked the Board, Mrs. Rouleau-Cote and Ms. Royce and the discussion ended.

Case #22-15
Bradley Smith, Trustee
Melanie L. Payeur-Smith, Trustee
60 Pasture Road, Tax Map 8, Lot 13-14
Zoned Residential Two

Applicant is requesting an Extension of Variance granted on June 28, 2022 to allow for a 29-foot by 50-foot detached residential garage to be 15-feet from the side property line where 30-feet is required which will be due to expire on June 28, 2024 in a Residential Two zone. (Article 4, Section 4.06(6))

Ms. Royce read the case into the minutes for the record. Mr. Smith was not present but issued a letter to the Board members. Mr. DiPietro asked the Board if there were any questions. None were noted. Mr. DiPietro asked if there were any abutters. None were noted. Mr. DiPietro believed it was fairly straightforward and that they granted it before and believed that they could move forward with a vote. Mrs. Rouleau-Cote explained that they had to relocate the septic system in order to do the garage in that location and that has been done. Mrs. Rouleau-Cote stated that that cost a good chunk of money and that they have asked for an extension. Mr. DiPietro believed that Mrs. Rouleau-Cote would be working with the applicant. Mrs. Rouleau-Cote stated that everything would remain the same with the garage in the location that was presented to the Board previously and nothing had changed with their plan.

Mrs. Daoust made a motion to Vote on the request for an extension of a Variance previously granted on June 28, 2022 as requested for 60 Pasture Road, Tax Map 8, Lot 13-14. Seconded by Mr. Stuart. A vote was taken and, all were in favor and the request for an extension was granted.

Mr. DiPietro moved on to the last case on the agenda and asked Ms. Royce to read the case into the minutes.

Case #24-04
Governor's Hill Corp
R&L Carriers
Off Londonderry Turnpike – Tax Map 1, Lots 22, 23 & 24-1
Zoned Industrial

Applicant is requesting several Variances for the following wetlands and buffer impacts (Please see attached sheet for a list of Variances requested) for proposed Subdivision and future lot development in an Industrial zone. (Article 4, Section 4.09(1) & Section 4.09(4), Article 5, Section 5.05, Section 5.06(1) & Section 5.08(1)(a).

Attorney Morgan Hollis presented first on behalf of Governor's Hill Corp and also the co-applicant was R&L Carriers of which Attorney Laura Gandia would be presenting on their

behalf. Attorney Hollis also introduced Mr. Robert Lamontagne who is the President of Governor's Hill Corp and a representative of R&L Carriers Stan Richards. Attorney Hollis went on to introduce the project engineer Brian Pratt of Fuss & O'Neill along with the engineer for R&L Carriers Tom True. Attorney Hollis also introduced the wetland scientist Luke Hurley. Attorney Hollis indicated that he would try to simplify these Variance requests and wanted to thank the staff, Ms. Royce and Mrs. Rouleau-Cote for all their help. Attorney Hollis went on to say that this matter was presented to the Conservation Commission as is required, of which we have had several sessions. Attorney Hollis thanked the Conservation Commission and with their feedback they wanted to inform the Board that they are withdrawing their request for the future pad sites tonight. Attorney Hollis went through the sections requested and indicated that they would be looking for the Variances for the Subdivision and Road along with the R&L Carrier site and they are withdrawing all of the applications for Variances for buffer impacts for proposed lot development which will not be presented tonight.

Attorney Hollis wanted to talk about the parcel and how they were asked from the Planning Board about what they would be doing with the sites and where would they be going and that was what led them to applying for all the Variances for future pad sites and they will come back before this Board when the time is right. With that said, Attorney Hollis indicated that they have a road that is necessary to access the R&L Carrier site and that is also necessary for bringing in utilities that will have to come from the Londonderry side and the Londonderry water will only put water in a paved road and that's why we need the entire road to go to the town line. Attorney Hollis talked about the Conservation Commission's concern that they weren't there yet, but they really need the entire road and it's important to have the requests for relief to allow encroachments where that road is going to go. Attorney Hollis stated that there are three (3) parcels out there that total 117 acres and the property is zoned Industrial. Attorney Hollis talked about the Master Plan that states that it is intended to be developed for Industrial development that has frontage on Route 28. Attorney Hollis went on to say that they have found a partner in R&L Trucking who is interested in purchasing a portion of this property and that the Board would hear about their plans from Attorney Gandia.

The engineers and surveyors got together and have looked at the land and have identified the problems and concerns and identified the best location for R&L Carriers and the best location for the road and the best location for utilities. You need a public way to get to the site and you need a public way to get utilities and needs to come off the main road. In speaking with DOT that access has to be shifted to align with the entrance to Morton Builders across the road. Again, Attorney Hollis pointed out that the utilities must come from a paved roadway from Londonderry. Attorney Hollis talked about the report that the Board possibly received regarding the wetlands. In order to do anything with this site they need relief from this Board to make that happen. Attorney Hollis stated that, before he gets into the criteria, that he would like Mr. Pratt from Fuss & O'Neill to go through the site.

Mr. Pratt went through the plan with the Board and pointed out the existing conditions plan. Mr. Pratt moved on to the second page which shows the subdivision plan with six (6) lots proposed. Mr. Pratt pointed out the R&L Carrier lot for the Board and also pointed out the wetlands on the site along with the setbacks from the wetlands. Mr. Pratt stated that there were not a lot of wetlands, just that they were spaced out about 250 to 500 feet apart and when you overlay the 125-foot buffer it makes it tough to develop without having some sort of relief. They did locate the roadway to try to minimize impacts as much as possible. They situated the road to try to minimize wetland impacts as well as buffer impacts. Mr. Pratt also stated that they had to deal with topography as well with the site. Mr. Pratt pointed out to the Board that the impacts were highlighted in the red text. Mr. Pratt talked about aligning the roadway with the Morton Building entrance across the street and pointed out the only impact for the first Phase of the road. Mr. Pratt commented that they would be just extending the culvert that exists at the entrance. Mr. Pratt mentioned the stormwater basin to catch all the stormwater runoff which is at the entrance to the property. Mr. Pratt stated that they would not be any closer to the wetland than the existing driveway that exists. Mr. Pratt went on to say that Phase I would consist of the 1,200-foot cul de sac of the road for access to the R&L Carrier site. Mr. Pratt went through the list of reductions needed in order to make this happen. Mr. Pratt went on to talk about the gravel drive to maintain the stormwater basin.

At this time, Attorney Hollis introduced Luke Hurley, who is a wetland scientist, to talk about the wetlands and what would be the impacts. Attorney Hollis passed out copies of the plan so the Board could follow along which Mr. Hurley went through the list of wetland impacts for the road. Mr. Hurley began with the road impacts and believed all of the buffer impacts were considered small, isolated wetlands with regard to the function and value. All of the wetlands are all small pockets throughout the property. Mr. Hurley went through each isolated wetland and began with wetland "F" and moved on to wetland "I", "J", "K", "M", "N" and "O". Mr. Hurley talked about the wildlife crossing and that they would be installing a wildlife culvert for small critters to cross.

Attorney Hollis thanked Mr. Hurley for his presentation and asked the Board members if they had any questions and went through the five (5) criteria of the Variance requests relative to the road impacts. Attorney Hollis also pointed out that the Board should have received a letter from an appraiser, J. Chet Rogers, LLC dated March 22, 2024 in which he was asked to submit an analysis with regard to the Variance requests. (A copy of the letter can be found in the file at town hall) Mr. DiPietro thanked Attorney Hollis for his presentation and Attorney Hollis turned the meeting over to Attorney Laura Gandia for her portion of the Variance requests as well.

Attorney Gandia presented on behalf of R&L Carriers and passed out a handout of which she would be going over so that the Board could follow along. Attorney Gandia stated that the handout coincided with the agenda. At this time, Attorney Gandia went through the list which would be for Variances for Wetland "D", Wetland "E", Wetland "F", Wetland "G" and Wetland "H". (a copy of the handout can be found in the file at town hall). Attorney Gandia informed the Board that they did meet with the Conservation Commission

regarding all these relief requests for buffer reduction and that they would need to apply for a Dredge and Fill.

Attorney Gandia went on to say that they would also need two (2) additional Variances of which one was for lot coverage and the other was for relief from the front setback and indicated that she would take those up once Mr. Hurley went through the wetland buffer impacts. Attorney Gandia went through the packet that was handed out to each of the Board members and asked them to turn to Exhibit "2" which was taken from the Town of Auburn's Master Plan showing Map 23: Future Land Use within the Town of Auburn. Attorney Gandia moved on to Exhibit "3" which shows the existing businesses currently located in Auburn which included Master Halco, Mobil Gas & Diesel Station, Morton Buildings, Sullivan Tire & Bath Fitters. Attorney Gandia moved on to Exhibit "4" which shows the different grades in the property which showed an approximate 90 feet difference in grade which was very difficult to navigate and develop. With that said, Attorney Gandia turned the discussion over to Mr. Hurley to go through the wetland impacts for "D" through "H".

Mr. Hurley went through the list showing the wetland impacts for wetland "D", "E", "F", "G" & "H". Throughout each of the wetland impacts Mr. Hurley indicated that they were small isolated, low function and values. Attorney Gandia thanked Mr. Hurley for his presentation and informed the Board members that they did go before the Conservation Commission with regard to wetlands "A", "B" & "C" that would be completely filled in and that would be handled under our Dredge and Fill Permit. Attorney Gandia added that they went before the Conservation Commission on March 5th and read where Mrs. Donovan made a motion as follows:

"Mrs. Donovan made a motion to support the request for relief regarding the buffer impacts for #2, #6, #7, #8 and #9 for the roadway and the impact to the wetlands for future lot number 1-22-5 (future R&L Carrier site) for 1 through 8 for R&L Carriers, Londonderry Turnpike, Tax Map 1, Lots 22, 23 & 24-1. Mr. Burnham seconded the motion. A vote was taken, all were in favor with Mrs. Elwell against and the motion passed by a vote of 3 to 1."

That motion was just for the R&L Carrier site and for the roadway to the first cul de sac. R&L Carriers is prepared to move forward with onsite water and septic if need be. They would love the ability to connect to water and sewer if it's the Board's desire to move forward with the through roadway. At this time, Attorney Gandia read their application into the minutes for the record and went through the 5 criteria for the wetland impacts to the buffers for the Board. Attorney Gandia went through the permitted uses for driveway and access ways as well as the prohibited uses for parking for R&L Carriers site within the Level One wetland. Attorney Gandia explained the parking area for employee and visitor parking. With that said, Attorney Gandia informed the Board members that those were the Variances for the wetlands and that she had two (2) more which were for lot coverage and the front yard setback. Attorney Gandia asked if there were any questions for her regarding the wetlands. Mr. DiPietro asked Attorney Gandia to continue with her presentation.

Attorney Gandia moved on to the Variance for Lot Coverage to exceed the 40% requirement in the Industrial zone to be 55%. Attorney Gandia went on to say that this was an allowed use which was the trucking facility and that they need impervious surface to support the weight of the trucks.

Attorney Gandia moved on to the Variance request from 4.09(5) to encroach 43-feet into the 50-foot front yard setback for the retaining wall. Attorney Gandia indicated that Mr. Tom True was present tonight and believed that by adding the retaining wall that it would minimize the impact to the wetlands. Attorney Gandia wanted to refer the Board to her packet again for her last and final comment to say that for each of the request for Variances that she prepared sample motions for the Board to review for Wetland "D", "E", "F", "G" & "H" and the lot coverage and front setback Variances. Mr. DiPietro thanked both Attorney Gandia and Attorney Hollis for a thorough package and presentation.

Mr. DiPietro asked the Board members if they had any questions for the applicant. Mr. Stuart asked about the culvert pipe that they would be installing at the entrance into the site from Londonderry Turnpike. Mr. Hurley explained that they would be extending the existing four (4) foot culvert pipe that comes across Londonderry Turnpike to allow the entrance into the property. A brief discussion ensued between Mr. Hurley and Mr. Pratt with regard to the culvert.

Mr. Wirths asked about the existing house and if it would be removed. It was noted that the existing house would be removed and that they would be running the road in the same location as the existing driveway location up to the cul de sac which would be 1,200 feet. Mr. Pratt pointed out the wetlands and the edge of wetlands and the tree line. Mr. Stuart indicated that there are currently three (3) lots, and the proposed subdivision will have six (6) lots which will be the future subdivision. A brief discussion ensued with regard to possibly reducing the number of lots to eliminate the need for all the Variances. Mrs. Daoust commented that possibly they could obtain part of the wetter lot to eliminate the need for the buffer impacts for R&L Carrier.

Mr. DiPietro asked Mr. Porter, Conservation Commission Chair, if he had any comments. Mr. Porter commented that they did go through the R&L trucking analysis noting that there were significant impacts to not only the wetlands but the wetland buffers. Mr. Porter indicated that they had said that there would be approximately one acre of impact. Mr. Porter stated that R&L Carriers plan fits the Master Plan well and the support they gave them when R&L came in and stated that they would have well and septic onsite that there was no need for additional road work to be done so the Board did not provide them with support for extending the road. A brief discussion ensued with recharging the aquifers.

Mr. DiPietro asked if the Board wanted to enter into deliberation. Mr. Stuart and Mrs. Daoust wanted to hear from abutters. Mr. DiPietro asked if there were any abutters or interested parties who would like to speak. Mr. Adam Diorio asked about a traffic study. Attorney Gandia stated that it would be done during the planning portion. Mr. Diorio asked about the impact to wetland pockets and the abutting neighbors. Mr. Pratt commented that they have to obtain permits from the state with regard to AOT permits and that they

have to capture any stormwater. They have to make sure that they do not increase the amount of stormwater leaving the site and believed there were three (3) or four (4) different discharge points where it goes so, they have multiple infiltration and bioretention areas. Mr. Pratt added that there would be blasting and earth work and that there would be a blasting plan and a blasting permit from the state.

Mr. Bill Scott, Vice President of Engineering for Maine Drilling & Blasting who is an abutter commented that they do not have any opposition to the development.

Mrs. Nicole Krygeris of Hooksett Road had a concern for young drivers on that road and asked why they had to develop it even if it's Industrial and why Auburn. Mr. Stan Richards of R&L Carriers commented that they have been at their current site on March Road in Manchester for 20 plus years and they are landlocked and cannot build anymore so they are expanding. Mr. Richards added that putting the road through to Londonderry would be helpful due to utilities. Mr. DiPietro wanted to comment that with regard to the traffic study that the Planning Board would be dealing with that. Mr. DiPietro believed that Londonderry Turnpike could handle it. Mr. Pratt added that they have spoken with DOT already and that they would be doing a minimal study because of the trips per day during the peak hour. Mr. Anderson of Wilson's Crossing was concerned with the traffic going up Wilson's Crossing. Mr. DiPietro again reiterated that the Planning Board would be dealing with all those issues. A brief discussion ensued with where the location of the entrance to R&L Carriers would be in respect to Wilson's Crossing Road. Mr. Stuart asked if trucks would be leaving prior to 7:00am. Mr. Richards said no that anything that was red tagged would be repaired throughout the evening. Typically as far as their operations go that the Forklift Operators would arrive around 5:00am. which would probably be 10 to 15 employees. Then around 7:00am/7:30am the office employees would arrive, which would be around 5 or 6 employees. Then the truck drivers would come in between 8:00am and 10:00am and leave around 11:00am. For the most part, from 11:00am until 4:30pm should be like crickets chirping and then they start returning between 4:30pm until 7:30pm and then the second shift would start loading the trucks for the next day. Mr. Wirths asked what the number of trucks would be per day. Mr. Richards stated that there would be 100 door cross docks but there would be 40 to 50 trucks for this facility.

Attorney Gandia wanted to comment that they would have to purchase an additional 15 acres to not have to seek any relief and asked if possibly they could do some landscaping in an area to help because purchasing an additional 15 acres of Industrial land is a lot of land. Mr. Pratt believed that 40% lot coverage was quite low compared to other municipalities. Mr. DiPietro agreed.

Attorney Hollis wanted to inform the Board that it was imperative that they have the entire length of the road to go through to Londonderry because that is why they are applying because they need to have the utilities. They don't want to come back and piece meal this and that is why they are going for the full length of the road.

Mr. Stuart wanted to clarify that they were withdrawing all future pad sites from the application. Attorney Hollis said yes, all future pad sites are being withdrawn from the application. They are only asking for Variances for the roadway impacts and for the R&L Carriers site. Discussion ensued about possibly acquiring more land. Mr. Pratt stated that it was not possible because the parcel to the north is 22 acres so they would need to take the whole parcel. Mrs. Daoust explained that if you put 15 acres with the R&L Carrier site and you put the 7 acres with Lot #1 then you would lose one lot.

Mr. Richards asked the Board if this was a deal breaker. Mr. DiPietro said that it was not a deal breaker with him, and he was just one vote. Mr. DiPietro asked Mrs. Rouleau-Cote for comments. Mrs. Rouleau-Cote was trying to recall other properties in town that the ZBA has granted relief to exceed the 40% lot coverage and mentioned a few to the Board members. Mr. DiPietro recalled a few of them as well. A brief discussion ensued with regard to lot coverage. A few were King Street and the Storage Facility.

Attorney Gandia wanted to explain about the spirit and intent of the ordinance for the Industrial district which the Industrial district provides for 3 acres minimum and that they are at 40 acres, so they are significantly a bigger lot. Attorney Gandia read the purpose and intent of the Industrial zone ordinance. Mr. Lamontagne stated that all the wetlands were created when the Bypass was put in. Mr. Stuart asked if there were any further comments from abutters or interested parties. Mr. Richards again asked if this was a deal breaker because he'd like to know because they have been working on this for over a year and have spent a lot of money already into this site. Mr. Stuart asked if there would be any mitigation done on any of the fill areas. Mr. Pratt commented that they have to get an AOT permit. Mr. DiPietro stated that all the wetland and buffers for the road and 5 Variances for lot.

Mr. DiPietro asked the Board members how they would like to proceed.

Mr. Stuart made a motion to enter into deliberations, seconded by Mrs. Daoust. A vote was taken and, the Board entered into deliberation at 9:28pm.

Mrs. Daoust commented that they could do the requests in phases by doing Phase I to the cul de sac and Phase II from the cul de sac to Londonderry town line for the road Variances. Mr. DiPietro asked if they could do all the road for wetland buffers in one motion. Mr. Stuart agreed with Mrs. Daoust to do Phase I to the cul de sac and Phase II from the cul de sac to the Londonderry town line. Mrs. Daoust figured out that Phase I would include #5 to #8 and Phase II would include #1 to #4. Mrs. Daoust added that for the R&L Carrier site they can do Wetland "D", "E" & "F" as a group because they are looking for the same relief from Section 5.06(1) and Section 5.08(1)(a). Wetland "G" & "H" they can do as a group because they are looking for the same relief from Section 5.05 and Section 5.08(1)(a). Mr. DiPietro mentioned lot coverage and front setback. Mrs. Daoust stated that those will stand on its own. In conclusion it was a total of 6 Variances. Mr. DiPietro asked if they needed to discuss lot coverage. Mr. Stuart stated that he was comfortable with it now because of the fact that it would not add much as it would be hard

to develop, and it was sufficient to meet the goal and the statute. Mr. DiPietro agreed with Mr. Stuart.

Mrs. Daoust made a motion to come out of deliberation, seconded by Mr. Stuart. A vote was taken and, the Board entered into deliberation at 9:37pm.

At this time, Mrs. Daoust began making the motions.

Mrs. Daoust made a motion to vote on the Variance application as submitted for the road impacts from Article 5, Section 5.05, Section 5.06(1) and Section 5.08(1)(a) for the buffers to Wetland Area “F”, “M”, “N”, “O” and “O” Wetland Fill Area for Phase I of the road construction project for Governor’s Hill Corp., Tax Map 1, Lots 22, 1-23 & 1, and as presented tonight. Seconded by Mr. Stuart. Ms. Broom voted to Grant finding all five (5) factors have been met, Mrs. Daoust voted to Grant finding all five (5) factors have been met, Mr. Stuart voted to Grant finding all five (5) factors have been met, Mr. Wirths voted to Grant finding all five (5) factors have been met, and Mr. DiPietro also voted to Grant finding all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mrs. Daoust made a motion to vote on the Variance application as submitted for the road impacts from Article 5, Section 5.05, Section 5.06(1) and Section 5.08(1)(a) for the buffers to Wetland Area “I”, “J” and “K” for Phase II of the road construction project for Governor’s Hill Corp., Tax Map 1, Lots 22, 1-23 & 1, and as presented tonight. Seconded by Mr. Stuart. Ms. Broom voted to Grant finding all five (5) factors have been met, Mrs. Daoust voted to Grant finding all five (5) factors have been met, Mr. Stuart voted to Grant finding all five (5) factors have been met, Mr. Wirths voted to Grant finding all five (5) factors have been met, and Mr. DiPietro also voted to Grant finding all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mrs. Daoust made a motion to vote on the Variance application as submitted for the R&L Carrier site construction from Article 5, Section 5.06(1) and Section 5.08(1)(a) for the buffers to Wetland Area “D”, “E” and “F” as shown in the packet for Governor’s Hill Corp. (R&L Carrier), Tax Map 1, Lot 22-5, and as presented tonight. Seconded by Mr. Stuart. Ms. Broom voted to Grant finding all five (5) factors have been met, Mrs. Daoust voted to Grant finding all five (5) factors have been met, Mr. Stuart voted to Grant finding all five (5) factors have been met, Mr. Wirths voted to Grant finding all five (5) factors have been met, and Mr. DiPietro also voted to Grant finding all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mrs. Daoust made a motion to vote on the Variance application as submitted for the R&L Carrier site construction from Article 5, Section 5.05 and Section 5.08(1)(a) for the buffers to Wetland Area “G” and “H” for Governor’s Hill Corp. (R&L Carrier), Tax Map 1, Lot 22-5, and as presented tonight. Seconded by Mr. Stuart. Ms. Broom voted to Grant finding all five (5) factors have been met, Mrs. Daoust voted to Grant finding all five (5) factors have been met, Mr. Stuart voted to Grant finding all five (5) factors have been met, Mr. Wirths voted to Grant finding all five (5) factors have been met, and Mr. DiPietro also voted to Grant finding all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mrs. Daoust made a motion to vote on the Variance application as submitted to exceed lot coverage from Article 4, Section 4.09(1) to be 55% for the site for Governor’s Hill Corp. (R&L Carrier), Tax Map 1, Lot 22-5, and as presented tonight. Seconded by Mr. Stuart. Ms. Broom voted to Grant finding all five (5) factors have been met, Mrs. Daoust voted to Grant finding all five (5) factors have been met, Mr. Stuart voted to Grant finding all five (5) factors have been met, Mr. Wirths voted to Grant finding all five (5) factors have been met, and Mr. DiPietro also voted to Grant finding all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Stuart made a motion to vote on the Variance application as submitted to allow for the encroachment into the front setback for the retaining wall from Article 4, Section 4.09(4) to encroach 43-feet into the front setback where 50-feet is required in the Industrial zone for Governor’s Hill Corp. (R&L Carrier), Tax Map 1, Lot 22-5, and as presented tonight. Seconded by Mrs. Daoust. Mr. Wirths voted to Grant finding all five (5) factors have been met, Mr. Stuart voted to Grant finding all five (5) factors have been met, Ms. Broom voted to Grant finding all five (5) factors have been met, Mrs. Daoust voted to Grant finding all five (5) factors have been met, and Mr. DiPietro also voted to Grant finding all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. DiPietro thanked everyone for a well-presented application. Mr. DiPietro stated that they had 2 years for substantial completion. Mr. Pratt thanked the Board for their time as well as Attorney Gandia and Attorney Hollis and the discussion ended.

Attorney Gandia informed the Chairman that the staff was a tremendous help.

Minutes

Mrs. Daoust made a motion to approve the minutes of February 20, 2024, seconded by Mr. Stuart. A vote was taken and, the motion passed.

New Business/Other Business

Mr. DiPietro asked if there was any other new business. None were noted at this time. Ms. Royce informed the Board that they had no cases for April.

Mr. DiPietro thanked everyone and stated that he would entertain a motion to adjourn.

Adjourn

Mrs. Daoust made a motion to adjourn, seconded by Mr. Stuart. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 9:55 p.m.

The Zoning Board of Adjustment will not be meeting in the month of April due to the fact that there were no cases presented. The next scheduled meeting is scheduled for Tuesday, May 21, 2024 at 7:00pm and will be held at the Town Hall, 47 Chester Road unless otherwise noted on the upcoming Agenda.