

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
August 26, 2008

A public hearing of the Zoning Board of Adjustment was held on Tuesday, August 26, 2008 at 6:30 PM in the Auditorium at City Hall.

Sean Duffy, Chair, conducted the meeting.

Members present were:

Sean Duffy, Chair
Jack Currier, Vice Chair & Secretary
Bob Carlson (arrived at 8:00 pm)
Kathy Vitale
Gerry Reppucci
Carter Falk, Deputy Planning Manager/Zoning

Mr. Duffy explained the Board's procedures, including the points of law required for applicants to address relative to variances and special exceptions. Mr. Duffy explained how testimony will be given by applicants, those speaking in favor or in opposition to each request, as stated in the Zoning Board of Adjustment (ZBA) By-laws. Mr. Duffy also explained procedures involving the timing light.

1. **Paul E. Grigas (Owner) 158 Amherst Street (Sheet 61B Lot 113) requesting use variance to convert a previously approved professional office into a printing company. RA Zone. Ward 4.**

[POSTPONED UNTIL THE SEPTEMBER 23, 2008 MEETING]

MOTION by Mr. Duffy to waive the rules to allow testimony from Alderman McCarthy relative to Case #7 for 820-824 West Hollis Street.

SECONDED by Mr. Currier.

MOTION CARRIED UNANIMOUSLY 4-0.

Alderman Brian McCarthy, 65 Musket Drive. Ald. McCarthy said he is opposed for the Use Variance. He said he is very concerned about traffic in that area, it is where the landfill operates, and there is substantial truck traffic turning into and out of the landfill, and there are residential neighborhoods across the

street. He said that the traffic patterns will not allow for any safe traffic for bicycles in this area. He said that there will be additional truck traffic, and the turns going into and out of the subject site will create additional unsafe conditions. Ald. McCarthy also stated that he is concerned about adding additional commercial uses there now, and there are already nonconforming uses in the area, and it could turn into Amherst Street again. He stated that he is also concerned about the two existing convenience stores on the street, as they are locally capitalized businesses, J-Don's and Fotene's, and those stores would be greatly impacted, and would be unable to compete. He stated that he didn't see what the hardship is in the application.

Mr. Reppucci asked Ald. McCarthy if the neighborhood would be better off with the existing business staying there instead of the proposed use.

Ald. McCarthy said absolutely.

2. **Terry L. Dakin (Owner) Margo Lewis (Applicant) 8 Webster Street (Sheet 66 Lot 23) requesting special exception for a major home occupation for an in-home day care for 6 children. RB Zone, Ward 3. [TABLED FROM THE AUGUST 12, 2008 MEETING]**

MOTION by Mr. Reppucci to remove this case from the Table.

SECONDED by Ms. Vitale.

MOTION CARRIED UNANIMOUSLY 4-0.

Voting on this Case:

Sean Duffy
Jack Currier
Kathy Vitale
Gerry Reppucci

Margo Lewis, 8B Webster Street. Ms. Lewis stated that she has two letters to read into the record, one from Ms. Juwana Jones, the other is from Rosa Dellandre. She said that she watches children from these people.

Ms. Lewis said everyone knows that she lives on the second floor, she didn't hide anything in the application. She said

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING

August 26, 2008

Page 3

that she believes that the ordinance was written so that they wouldn't be in multi-family complexes.

Mr. Duffy asked if she spoke with her neighbor that spoke out in opposition at the last meeting.

Ms. Lewis said she did not.

Mr. Duffy said it's clear that the use should be subordinate to a single-family detached dwelling. He said she has to come before the Board for this use, and the application was given to her. He asked her about the spirit and intent of the ordinance.

Ms. Lewis said she has use of the back yard, and didn't see the point of the question.

Ms. Vitale said that she needs to meet certain requirements. One issue is that of the fence, and asked if she's met with the owner about it.

Ms. Lewis said the owner is present, and the fence is not rotten, the groundskeepers take the fence apart to do work. She said it is very sturdy. The owner said he'd paint the fence if need be.

Mr. Reppucci stated that he felt that she thought that the Board was questioning her childcare watching ability, which the Board was not. He said the Board is more concerned about the environment for the daycare.

Mr. Reppucci asked Ms. Lewis about her status with the State of New Hampshire.

Ms. Lewis said she is a licensed exempt child care provider, and has completed all the requirements of that. She described the different types of licenses for child care.

Mr. Reppucci asked if there is lead paint in the house.

Ms. Lewis said they don't make lead-based paint any more.

Mr. Reppucci said one of the reasons for these uses being in a single-family house, is that the State does background checks of all the occupants in the house before a license is issued.

Ms. Lewis said the owner lives alone, and it's just her and her husband living upstairs.

SPEAKING IN FAVOR:

Dierdre Dunn, Manager, Child Care Services, Southern New Hampshire Services. Ms. Dunn said they are in support of her application, and stated that there are about 30,000 children in need of child care. She said the community will be well served with this use. She said there have been walk-throughs for this property, and the only issue would be to repair the fence latch.

Mr. Duffy stated that it seems like some people have the feeling that the Board is questioning Ms. Lewis's ability of a child care provider, which we are not. He reminded the audience that the Zoning Board is a Land Use Board. He asked why the two-family home is unique, as compared to a single-family home.

Ms. Dunn said the State has looked at the property, as a duplex home, and they are ok with it, and it is a good use of the property, and the owner is supportive.

Ann McCubrey, 5 Beausite Drive. Ms. McCubrey said when they were looking for a child care provider and found this one, she stated that the owner spoke very highly of Ms. Lewis.

Terry Dakin, 8 Webster Street. Mr. Dakin said he will put in a vinyl fence if this case is approved. He said he's a real estate professional, and isn't aware of any negative property values issues. He said the structure is a legal two-family structure, which has been confirmed by the Code Enforcement Department. He said the property is very well maintained.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

Glen Ponset, 1 Hopkins Street. Mr. Ponset said he is concerned with property values, and the added traffic to the neighborhood.

Further discussion ensued by the Board members.

MOTION by Ms. Vitale Currier to grant the special exception on behalf of the owner. Ms. Vitale stated that the use is listed in the Table of Uses, Section 190-47 (B). Ms. Vitale said that she didn't believe that the use will create undue traffic congestion or unduly impair pedestrian safety, she stated that

there will be three additional children. She stated that there will not be an overload to public water, drainage or sewer. She stated that the special regulations are fulfilled, and it will not impair the integrity or be out of character with the neighborhood or be detrimental to the health, morals or welfare of the residents, as other residences in this neighborhood have children and are providing a service to the City of Nashua to the health of the children of Nashua.

Ms. Vitale stated that the special conditions include that the hours of outside play are after 9:00 a.m., with no front yard play. She said that if the applicant should move, that the special exception does not apply, it's only for the applicant. She said that the granting of this special exception is contingent upon the State Licensing Board approving this request. She said the hours of operation will be 7:30 am to 6:30 pm, and the age of children is up to six years old.

SECONDED by Mr. Currier.

Mr. Currier said the Motion should address Section 190-36 (B)(1), so that the child care will be subordinate to a single-family dwelling. He also stated that the applicant identifies this as a two-family home, and by testimony of the owner and other occupant of the home, Terry Dakin, this motion applies to Margo Lewis as the operator and Terry Dakin as the other occupant of the home, and should that situation change, this special exception will lapse, and if ownership comes and goes, and occupancy changes, this may not be a good daycare.

SECONDED by Ms. Vitale.

MOTION APPROVED 3-1 (Mr. Reppucci).

Mr. Reppucci asked if the Board will make the owner put in a solid fence.

Ms. Vitale said it will be the purview of the Licensing Board to do this.

MOTION by Mr. Duffy to make it a stipulation that the owner/applicant put up and maintain a fence that will meet the zoning requirements.

SECONDED by Ms. Vitale.

MOTION CARRIED UNANIMOUSLY 4-0.

MOTION APPROVED 3-1 for the Special Exception (Mr. Reppucci)

3. **AHEPA 35, Inc., (Owner) 681 West Hollis Street (Sheet F Lot 61) requesting variance to maintain maximum fence height, 6 feet allowed, 7 feet requested. R9 Zone, Ward 5.**

Voting on this Case:

Sean Duffy
Jack Currier
Kathy Vitale
Gerry Reppucci

Attorney Gerald Prunier, 20 Trafalgar Square, Nashua, NH. Atty. Prunier reminded the Board that when this case was originally approved, a stipulation was to put in this fence. He said that when the fence was put in at the legal height, the supplier asked to put the one-foot decorated top, bringing the fence up to seven feet. He said they noticed the extra height, and came voluntarily to the Board.

SPEAKING IN FAVOR:

Paul Howe, 701 West Hollis Street. Mr. Howe asked to read a letter into the record from Judith Walker, who owns this property, in support of the fence.

Bill Toomey, 9 Pacific Blvd. Mr. Toomey agrees that the fence is nice looking, and is in support of the request, and is not out of scale.

Paul Walker, 699 West Hollis Street. Mr. Walker said his sister likes the fence, and it provides nice privacy and doesn't block any views.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No One.

MOTION by Ms. Vitale to grant the variance on behalf of the owner. Ms. Vitale stated that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, and the benefit sought by the

applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance, as indicated in Code Section 190-44 for Fences. She stated that other than having the applicant saw off the top of the fence, the request is within the spirit and intent of the ordinance, it will not adversely affect the property values of surrounding parcels, it is not contrary to the public interest, and substantial justice is served to the applicant.

SECONDED by Mr. Reppucci.

MOTION CARRIED UNANIMOUSLY 4-0.

4. **Ronald J. & Linda M. Campagna (Owners) 285 Amherst Street (Sheet G Lot 45) requesting variance to encroach 4 feet into the 7 foot required left side yard setback to construct a 608 sq.ft second floor addition. GB Zone, Ward 2.**

Voting on this Case:

Sean Duffy

Jack Currier

Kathy Vitale

Gerry Reppucci **(RECUSED FROM THIS CASE)**

Attorney Gerald Prunier, 20 Trafalgar Square, Nashua, NH. Atty. Prunier identified the building location, near the Burger King lot on Amherst Street. He stated that the request is to construct a 608 square foot second story addition, to be used for office space, as the owner has three other businesses. He stated that it meets all other zoning requirements, except for the side yard setback. Atty. Prunier said the existing building is nonconforming with regards to it's setbacks, and feels that it will not impact the area. He said it will be going on top of an existing structure, the footprint will not be expanded.

SPEAKING IN FAVOR:

No One.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No One.

MOTION by Mr. Duffy to approve the variance on behalf of the applicant. Mr. Duffy stated that the variance is needed to enable the applicants proposed use of the property, and that the special condition of the property is that the existing structure is sitting along the side yard and has existed for numerous years, and the benefit cannot be achieved by some other method reasonably feasible, this is a very reasonable addition in size, the addition of 27'x23' is minor in size.

Mr. Duffy stated that the request is within the spirit and intent of the ordinance, that a reasonable addition and expansion of an existing business be considered. He stated that it will not adversely impact the property values of surrounding parcels, it is not contrary to the public interest, and substantial justice is served with reasonable growth and development occur on the property, since the addition is on an existing building footprint.

He stated that the special condition is that the second story be one floor with no added storage space above that area.

SECONDED by Ms. Vitale.

MOTION APPROVED UNANIMOUSLY 3-0.

5. **Dagan Family Rev. Trust (Owner) 320 Amherst Street (Sheet G Lot 31) requesting variance to exceed maximum wall sign area, 104 sq.ft allowed, 137 sq.ft existing - an additional four 12 sq.ft hanging canopy signs requested. GB Zone, Ward 1.**

Voting on this Case:

Sean Duffy
Jack Currier
Bob Carlson
Kathy Vitale
Gerry Reppucci

Tal Dagan, 17 Greenwood Street, Merrimack, NH. Mr. Dagan said his father has owned the business for about 30 years, and nothing has really changed during that time, but he is adding to the business with new products, they will be environmentally friendly countertop products. He said the hanging signs will be under the canopy, and an existing 12 square foot wall sign will

be removed. He said the signs do not hang out into the right of way, and meet the minimum clearance.

Mr. Dagan said that the public benefit is good, it is for the environment with the new products they are carrying, and hopefully Nashua will become one of the leaders in this field.

Mr. Dagan stated that the request is for 137 square feet of existing signs, to be reduced to 125 square feet, and they want four additional 12 square foot signs, for a total of 173 square feet of wall signage. He said the new signs will not deteriorate in the weather, and they will be the trademarks of the company, and the signs will not be lit.

Further discussion ensued amongst the Board members.

SPEAKING IN FAVOR:

No One.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No One.

MOTION by Mr. Carlson to grant the variance on behalf of the applicant. He stated that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, and the benefit sought by the applicant cannot be achieved by some other method reasonably feasible to pursue, other than an area variance. He stated that the request is within the spirit and intent of the ordinance, it will not adversely affect the property values of surrounding parcels, it is not contrary to the public interest, and substantial justice is served.

SECONDED by Mr. Reppucci.

MOTION APPROVED 3-2 (Mr. Duffy and Mr. Currier against motion).

6. Paul G. LaFlamme (Owner) 70 Burke Street & "L" Underhill Street (Sheet 13 Lots 70 & 324) requesting the following variances: 70 Burke St - 1) Proposed Lot "A": minimum lot width, 60 feet required, 51.4 feet requested; 2) Proposed Lot "D": minimum lot width, 60 feet required, 49.8 feet proposed, and 3) minimum lot area, 6,000 sq.ft required,

5,595 sq.ft requested; "L" Underhill Street - 4) Proposed Lot "B": minimum lot width, 60 feet required, 50.7 feet requested, and 5) Proposed Lot "C": minimum lot width, 60 feet required, 50.7 feet requested. RB Zone, Ward 7.

Voting on this Case:

Sean Duffy
Jack Currier
Bob Carlson
Kathy Vitale
Gerry Reppucci

Attorney Gerald Prunier, 20 Trafalgar Square, Nashua, NH. Atty. Prunier stated that these lots are in the Crown Hill neighborhood, with many sized lots. He said there are two lots, one facing Underhill, the other facing Burke Street. He said that most of the lots are smaller than the subject lots, as indicated in a survey shown to the Board.

He said that all four proposed lots will meet the area except Lot "D". He said that the width measurement is unique, as all the lots meet the frontage requirements, but not the width.

Atty. Prunier said that the houses to be built will be cape-type or single-story type houses, and pictures were shown to the abutters. They all will be single-family homes. He said these homes will be a benefit, as they will be affordable homes. He said that these homes will meet all the setback requirements of the RB zone. He said the largest square footages of these homes is about 1,288 square feet.

SPEAKING IN FAVOR:

Richard Maynard, Maynard & Paquette, East Pearl Street, Nashua, NH. Mr. Maynard stated that they could have built duplex's on these lots, but the neighborhood feeling was that single-family homes would fit in better. He said there are two lots of record.

Frances Rodier, 34 Underhill Street. Ms. Rodier said the proposed homes will fit in nicely in the neighborhood. She said the 50-foot wide lots are consistent in the neighborhood, and the homes will be affordable.

Mr. Rosselli, 74 Burke Street. Mr. Rosselli said this is a win-

win situation, it will make good use of the lots, it will be cleaned up, with nice new single-family homes to be built there.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No One.

MOTION by Mr. Currier to grant the variance on behalf of the applicant, all taken together. Mr. Currier stated that per testimony, the variance is needed to enable the applicant's proposed use of the property, by testimony, all these lots were designed many years ago and since then, the ordinances have morphed a little bit, and so by developing these lots as proposed on the Maynard & Paquette plan, is not out of character with the neighborhood, rather, it's within the spirit and intent of the ordinance for orderly growth within the neighborhood.

Mr. Currier said there's been no expert testimony, but this request will not adversely impact the property values of surrounding parcels, and the abutters have testified that the values should increase, therefore, it is not contrary to the public interest, and substantial justice is served, all taken together.

Mr. Currier said a special condition to be added is that the homes to be built will be similar to the Providence, Cape Cottage and Dexter style homes that were provided to the Board.

SECONDED by Ms. Vitale.

MOTION APPROVED UNANIMOUSLY 5-0.

7. Ryan & Jill Adams (Owners) The Lannan Company, Inc. (Applicant) 820 & 824 West Hollis Street (Sheet D Lots 59 & 87) requesting: 1) use variance to allow a gas station/convenience store with coffee shop/drive-thru; and the following variances: 2) to exceed maximum ground sign area, 10 sq.ft permitted, 100 sq.ft proposed, 3) to exceed maximum ground sign height, 6 feet permitted, 15 feet proposed, 4) to exceed maximum number of wall signs, 1 permitted, 2 proposed, and 5) to exceed maximum wall sign area, 6 sq.ft permitted, 51.6 sq.ft proposed. R30 Zone, Ward 5.

Voting on this Case:

Sean Duffy
Jack Currier
Bob Carlson
Kathy Vitale
Gerry Reppucci

Attorney Gerald Prunier, 20 Trafalgar Square, Nashua, NH. Atty. Prunier identified the property location, along with an aerial photo. He said his client has been there for many years, and it was the City of Nashua that took a majority of their land for the landfill under eminent domain. He stated that the proposal is to put a convenience store with gas pumps. He said there is a brook beside the property as well. He said that this property has the landfill as their back yard, as well as the entrance of the landfill next to their yard, and they get all the landfill traffic. He said that 99% of the traffic on this area is for the landfill.

Atty. Prunier stated that the traffic on the street is already there, there will be no new traffic. He stated that the traffic exists already. He stated that his client did not cause the existing traffic, they are trying to resolve it, the landfill causes the traffic problems. He said there is a motorcycle business on the property now, and they used to have gasoline pumps at one time. He said the landfill was imposed on the property, and it is unreasonable to think a single-family home could be built here.

He stated that the building will be pushed back from the road, it will be colonial style, nicely landscaped. He went over a handout with tabs to the Board members. He identified the location of the building with respect to the landfill and the abutting buildings, it is unique, and to have a single-family house doesn't make sense at this location.

Mr. Carlson asked who will be owning/operating the property.

Atty. Prunier said that Mr. Lannan will own the property, and it will be leased to Tedeschi.

Mr. Duffy asked why they are requesting a gas station, a convenience store and a drive-thru coffee shop.

Atty. Prunier said this is the market in which these types of

uses are successful in.

Mr. Duffy asked how long the owners have owned the property.

Atty. Prunier said from the mid-1950's.

Mr. Duffy asked how long it's had a commercial use on it.

Atty. Prunier said from the late 1960's.

Mr. Currier asked what the hours of operation will be.

Atty. Prunier said from 6:00 am to 12:00 pm.

Mr. Currier said this area is a country setting later at night, it is quiet, and said that he disagrees with the traffic, and it will be more traffic.

Atty. Prunier said there will be no new traffic going to this site, it will be all existing vehicle trips in the area. A lot will be from the neighborhood.

Mr. Currier said he used to live in this area, and it was a country setting. He said it's not a mom and pop operation.

Atty. Prunier said it's not a site that will want a single-family use, the subject lot abuts the landfill, and the subject lot will be the one impacted by noise, traffic, odors. The City created this lot when they took land for the landfill, which was in the early 1970's.

Mr. Currier asked where the old motorcycle dragstrip was located.

Mr. Carlson asked if Atty. Prunier knew where the next closest gas station was to this site.

Atty. Prunier said it is about 1 mile away, J-Don's.

SPEAKING IN FAVOR:

Jill Adams, 820 & 824 West Hollis Street. Ms. Adams said she and her husband inherited the property about four years ago from their grandfather, Harold Bishop. He bought the property in 1958, and bought 17 acres, in which in 1968, the City took 15

acres for the landfill. She said they would have never bought the property if they knew the landfill was going in. She said the traffic is heavy, and loud, and the smell is overwhelming. There is a lot of dump traffic in the rear, and the vibrations from the trucks vibrate inside their home, and trash gets in their yard. She said the dragstrip was located where the dump is now.

Mr. Reppucci asked her if she sees a lot of traffic violations.

Ms. Adams said mostly speeding.

Kathy Redman, 852 West Hollis Street. Ms. Redman said her property abuts the landfill. She bought her property in 1980, and uses it as a residence and a day-care. She said the odor from the landfill is very strong, and they moved to Michigan, then returned, but the odors were just as strong. She said the odors impacted her business. She said she doesn't object to the convenience store going in, it will clean it up nicely.

Deb Brewster, Project Engineer, TF Moran. Ms. Brewster said they designed the site with two driveways, one with an exclusive inbound, and the other will be inbound/outbound. She said they provided nearly the maximum parking spaces allowed for this use, so there is ample parking. She said for loading, the site accommodates a loading lane around the back of the building, with two lanes, one for loading and one for the drive-thru, it is 13 feet wide.

Ms. Brewster said they put the store in the back of the site, so there will be ample room in the front for parking for trucks. She said for the left turn lane, they are proposing an exclusive left turn lane. She gave the Board members a traffic study, and stated that it is a left turn warrant analysis, comparing volumes of traffic. She said they've also provided bike lanes, and bypass lanes. She said the report is based upon actual data count from the site.

Mr. Carlson asked how all the trucks will get into the site.

Ms. Brewster said there will be more of the smaller vending trucks going to the site. She said the trucks will enter in the exclusive left turn lane, go around back, unload, and leave. She said the length of the lane is needed.

Mr. Currier asked if there is an executive summary of the traffic report, as it is very thick.

Atty. Prunier said it's the Planning Board that usually scrutinizes this.

Ms. Brewster said there is an executive summary, about 4 pages, for the Board to read.

Norm Pelletier, 856 West Hollis Street. Mr. Pelletier said he worked at Bishop's as a kid, and has no objection to the request.

Mike McLaughlin, Tedeschi Food Shops. Mr. McLaughlin said he is involved with the real estate with this project. He said there should be 1 delivery a week of gas, about 10,000 gallons.

Mr. Carlson asked about the delivery trucks, whether they are 18-wheelers or larger vans.

Mr. McLaughlin said they can have the deliveries before 7:00 p.m. He said trash will be picked up between two and three times per week. He said their Londonderry location will be very similar to the one proposed here.

Mr. Duffy asked Atty. Prunier about the proposed signage.

Atty. Prunier said the proposed signage is very limited, only one monument sign out front, and two small signs on the building.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

Beth & Lance Carreau, 6 Hillock Drive. Ms. Carreau said the car lights will be right in their front window, and will impact their view. Mrs. Carreau's concerns involved additional traffic flow, noise and air pollution.

Attorney Steven Whitley, He said he is representing 3 families. He doesn't believe the hardship prong has been met, and the standards are not met. He said there are numerous residential properties nearby. He said the applicant proposed the same development on the other side of the landfill. He said he didn't feel that the application, or the site, is unique. He said there will be traffic and odors, which will impact the

neighborhood.

Peter Graves, Rogers Homeowners Association President. Mr. Graves said they operate a 96-home development by two private roads, Mark and Gary Streets. He said the community residents didn't get noticed, but the property owner did. He said 86% of their residents were opposed to this request, and many were concerned with traffic. He said that within two hundred yards of the entrance to this development, there are over 600 homes.

Kim Muise, 839 West Hollis Street. Ms. Muise stated that she is opposed to the request. She said she doesn't see the need for this use, as J-Don's and Fotene's provide all the uses the neighborhood needs.

Kim Robinson, 47 Trestle Brook. Ms. Robinson said she is concerned about the safety of the neighborhood, and they want their neighborhood to be safe and secure.

Pauline Desrosiers, 10 Erie Circle. Ms. Desrosiers stated that she is concerned about the traffic in the area, and there are school children waiting outside for their buses, it is dangerous.

Kevin Parshley, 800 West Hollis Street. Mr. Parshley said the motorcycle shop sometimes has trucks pulled over, and states that if the new store will have diesel, it will attract additional truck traffic, and will become a truck stop.

Denise Donovan, Twiss Lane, Hollis. Ms. Donovan agreed with what has been said up to this point, and her concern is the existing two businesses on West Hollis Street, and the impact to them, as they may be put out of business.

Bill Savoie, 1 Trestle Brook Road. Mr. Savoie said he's concerned with the property values, and the odors from the dump. He is concerned with gasoline tanks, close to the dump with the methane.

Mike McGinnis, 717 West Hollis Street. Mr. McGinnis stated that he owns and manages Fotene's Market. He said that single-operator stores cannot survive this close to a national company, and his store will be out of business if this request is approved.

Charlie Vessey, 16 Brenda Street. Mr. Vessey stated that a third lane for traffic already exists, as people line up to go into the dump. He said the existing motorcycle place generates very little traffic.

Nancy Kelley, Skyline Drive. Ms. Kelley said she agrees with what everyone has said. She said sometimes it takes five minutes to get out of her driveway just to get out, also, there are bus stops. She said it will change the character of the neighborhood.

John Richards, 6 Calico Circle. Mr. Richards said the sign variances are too much, as well as the whole request. He said that churches have gone in, but they are low traffic generators. He stated that the landfill will someday be a park, but if this request is approved, it will change the future of this street.

Gladys McNaught, Pacific Boulevard. Ms. McNaught agreed with what everyone has said, but didn't think this request will help with property values, and the existing stores are mom and pop stores.

Bill Toomey, 9 Pacific Boulevard. Mr. Toomey said he disagrees that this use will not change the character of the neighborhood, as even DW Highway about 30 or 40 years ago was a two-lane road. He said that if this is approved, other large uses and fast food restaurants may buy land nearby.

Paul Levesque, 1081 West Hollis Street. Mr. Levesque said he owns and operates J-Don's. He said that in this section of town, it is a different type of neighborhood, everyone helps everyone out, and said should this request be approved, it will not be positive for our store.

Paula Smith, 12 Gettysburg Drive. Ms. Smith is against this request, and would rather help the neighbors that are already here, instead of a new national store.

SPEAKING IN FAVOR - REBUTTAL:

Atty. Gerald Prunier. Atty. Prunier stated that the traffic at the subject site will be 1% of the traffic in the morning, and 2% of the traffic in the evening. He said the traffic at the landfill is 10% during the week, and 46% on Saturday morning. He said that J-Don's and Fotene's have received their variances

to have their uses. He stated that no one has the unique issues of their lot like this one. He stated that there is traffic in the area, but the traffic is already there.

Mr. Duffy asked about the gasoline tanks, and the methane from the landfill so close by.

Atty. Prunier said they must meet Federal guidelines.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS - REBUTTAL:

Peter Graves, Rogers Homeowners Association President. Mr. Graves said the peak hours will be the morning commute for the proposed use, which could be five trips every minute. He said 86% of the residents surveyed do not want this use going in, if this were to be approved, it would be like spot zoning. Also, the many homes within 200 yards of this entrance is significant.

Mr. Currier said that a large amount of information has been submitted tonight, he'd like to go over it more closely and would be in favor of tabling the decision to the next meeting.

Mr. Carlson said there are a lot of people in the audience, and they want to hear a decision tonight.

Mr. Currier said the Public Hearing portion of the meeting is over. He said should this case go to court, they will want to see if the Board has been thorough in their deliberations, and if we haven't gone over the issues, it could be remanded.

Ms. Vitale said she'd agree with tabling the request to go over it more closely.

Mr. Reppucci said he disagrees with tabling the case, and the Board cannot control who will be present at the next meeting.

Mr. Duffy said that Mr. Shaw can listen to the audio and read the minutes and case information.

Further discussion ensued on whether to table the request.

MOTION by Mr. Duffy to table this request to the September 9, 2008 meeting at the end of the Agenda for that evening.

SECONDED by Mr. Currier.

MOTION APPROVED 3-2 (Mr. Carlson and Mr. Reppucci).

REHEARING REQUESTS:

21-23 Edwards Street, Rita Uberti (Owner).

MOTION by Mr. Currier to Table this request to the September 9, 2008 meeting.

SECONDED by Ms. Vitale.

MOTION APPROVED 4-1 (Mr. Reppucci).

REGIONAL IMPACT:

The Board did not see any items of Regional Impact on the next agenda.

MINUTES:

August 12, 2008:

MOTION by Mr. Duffy to waive the reading and place these minutes on file.

SECONDED by Mr. Carlson.

MOTION CARRIED UNANIMOUSLY 5-0.

ADJOURNMENT:

Mr. Duffy called the meeting closed at 11:34 p.m.

Jack Currier
Acting Clerk

CF
Taped Hearing