

Town of Bedford
April 20, 2021
Zoning Board of Adjustment
Minutes

A regular meeting of the Bedford Zoning Board was held on Tuesday, April 20, 2021 via the Zoom meeting platform.

Present: John Morin (Chair), Len Green (regular member), David Gilbert (regular member), Neal Casale (regular member), Sue Thomas (alternate member), Karin Elmer (Planner 1), Rebecca Hebert (Planning Director).

Absent: Elizabeth Jude (regular member)

I. Call to Order and Roll Call

Chairman Morin called the meeting to order at 7:00 p.m. and introduced members of the Board. He appointed Mr. Gilbert, Mr. Casale and Ms. Thomas as voting members this evening. In accordance with the right to know laws all members present indicated they were alone in the room while on this Zoom call.

Ms. Elmer read the following statement:

- *Due to the Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, the Zoning Board is authorized to meet electronically.*
- *This meeting is being conducted using the Zoom platform. All members of the Board have the ability to communicate with each other during the meeting, and the public has access to listen and participate by dialing 929-205-6099 and entering the Meeting ID # 93720239977 and the meeting Password 072278. Instructions regarding remote access to the meeting have been published in advance and are available on the ZBA agenda, which is posted on the Town website.*
- *There is no physical location for the meeting, which is permissible pursuant to the Governor's Emergency Order. Town of Bedford is providing public access to the Zoom meeting by telephone, and the meeting will also be broadcast live on BCTV's Channel 22.*
- *Members of the public may email staff at planning@bedfordnh.org to ask questions during the meeting or notify us of technological issues. If you have joined the meeting using Zoom, you may also ask questions when the Chair opens the hearing for public comment through your phone connection.*
- *All votes will be taken as a roll call vote.*

- *If there are technological issues during the meeting, the Chair will recess the meeting and we will try to correct the problem. If the issue continues, the application will be postponed, and the meeting will be adjourned.*

Ms. Elmer reviewed the agenda.

Chairman Morin stated the following: This will serve as notice to those participating and may wish to speak that you are required to tell the truth, the whole truth and nothing but the truth.

Any party has 30 days to request a rehearing from a decision of the ZBA. The Board has 30 days in which to respond to said request(s). (Per RSA 677:3) Tomorrow being day 1. All requests must be in writing and must contain new evidence. Please point out any errors you believe the Board made in its decision. Per State law it takes 3 votes in the affirmative for a motion to pass.

1. **Approval of Minutes:** March 23, 2021

MOTION by Mr. Green to approve the minutes of the March 23, 2021 meeting of the Bedford Zoning Board of Adjustment as written. Mr. Gilbert duly seconded the motion. Roll call vote taken - all in favor. Motion carried 5-0.

2. **Other Business:**

Chairman Morin announced that 2 members of the Zoning Board of Adjustment had resigned and stepped down: Vice Chair Kevin Duhaime who had been on the Zoning Board since 2016 stepped down due to things going on and changes in life, and Sharon Stirling who had been on the Zoning board since 2008 has also stepped down. Chairman Morin thanked them both for their time on the board and said that their insights had been appreciated.

Chairman Morin also announced that it was Karin Elmer's (Planner 1) last meeting. Ms. Elmer is retiring. She has served as the Conservation Commission and Zoning Board's town liaison and has been employed with the Town of Bedford since March 19, 2002. Chairman Morin said she will be dearly missed. Chairman Morin said since he's been on the board Ms. Elmer has helped deal with a lot of big issues that have come through like cell phone towers and big building products and he doesn't think that we would have gotten through these without her. Chairman Morin thanked her and said her work was appreciated.

3. **Applications:**

1. **Jeremy Blanchard** – Request for a variance from Article IV, Section 275-28 in order to construct a garage 37.7 ft. from the edge of a wetland where 50 ft. is required at 66 Parkhurst Rd., Lot 40-1-4, Zoned R&A.

Mr. Blanchard introduced himself and indicated he was alone in the room. He indicated that Earl Sandford of Sandford Engineering was joining him on the call from a separate location. Mr. Blanchard purchased the home at 66 Parkhurst Road in Bedford in mid-2019. After settling in he began thinking about long term growth and wanted to stay on the property for the long term. It became apparent that they needed more space for a workshop and garage for the following reasons: 1) To house the plow truck for their

significantly long driveway. The plow truck currently sits outside which puts it in danger of rusting and it's an eyesore. Mr. Blanchard would prefer to have it inside, especially during the winter; 2) To store an antique car – a 1967 GTO that is currently in storage and has no place to be on the property other than being outside which is not recommended for an antique car; and most importantly 3) Mr. Blanchard is a carpenter by trade and an engineer and has a lot of tools and two young children aged 5 and 7 whom he wishes to teach carpentry and other skills and trades done with your hands. He currently has no place to do that, nor does he have adequate storage. All of his tools are currently stuffed in a room down in the basement. Having a workshop would allow him to house the tools in an organized fashion so they can be used, and so his family can have projects going on, and so he can teach his children as they get older some of the skills he grew up learning.

With that goal in mind and knowing that he has wetland in the back of his home he reached out to Mr. Sandford to help with the design. Mr. Blanchard initially approached Mr. Sandford with the desire to have a 32x42 foot footprint, but as they began discussing it and trying to find space for it they determined it was too large and decreased the proposed size to 30 x 40 feet. They looked at several locations for the proposed garage. They considered the end of the driveway, but there was no room for it there with the setbacks and he would have to cut down several trees; they looked at the rear of the property(out back to the far left) but there was no room with the septic system and setbacks; so, they settled on where it is shown on the plans now and decided to dig into 3 different options including turning it in various ways to come to the best option that would mitigate the impact to the wetlands, trees, and abutters.

Mr. Blanchard said another consideration was the distance to the driveway. Maximizing the distance is preferred given the turning radius needed to come up the driveway and get into the garage. He said ideally, 15-20 feet would have been nice but they settled on what he would consider to be the minimum distance that would still allow turning: 10 feet from the driveway.

Mr. Blanchard indicated that Plan A in the Zoning Board's packets is the preferred plan. The other 2 plans were slightly different and had both positives and negatives. He said he would be happy to dig into those if the board desired.

Mr. Blanchard said the reason they settled on Plan A was because the garage would be on existing lawn, so no trees would be impacted at all and there would be no disturbance to the wetland – no fill would be needed and there would be no disturbance to the area surrounding the wetlands. Engineered stormwater management has been included with infiltration trenches. Gutters from both of the eaves will feed into those infiltration trenches. On the backside of the proposed garage (the northeast side) there is about an 8-foot drop to the wetlands which Mr. Blanchard felt was better than having it any closer to the wetlands. In the end Plan A is the best option for containing the plow truck, antique car, other storage items.

As part of the design process, after Mr. Sandford put together the plans, Mr. Blanchard walked around to all 10 of the abutters and explained the plan to all of them and no one expressed any concerns. Last month he also went before the Conservation Commission and reviewed plans for the proposed garage. Two actions came as a result of that meeting: 1) The Conservation Commission requested a 20-foot max distance between the retaining wall and the garage (prior to that the plans had said 20-foot + or -). The 20-

foot max is preferred and pushes the garage as close to the retaining wall as possible and gets it further out of the wetlands; 2) A stormwater management plan was confirmed. The Conservation Commission asked for either gutters or a trench along the back of the garage. It's a considerable distance from the edge of the roof down to the ground because of the elevation drop, and Mr. Blanchard's preference was to have gutters because he thought it would be a better overall solution than having the water drop down on to a crushed stone trench. The gutters will feed into the infiltration trenches.

Mr. Blanchard reviewed the criteria for the application:

- 1. Granting the variance would not be contrary to the public interest because:**
 - (1) Whether granting the variance would alter the essential character of the locality:**
 - (2) Whether granting the variance would threaten public health, safety or welfare:**

The proposed architecture and placement is consistent with the rural character of the existing house as well as the architecture of the neighborhood and would not alter the essential character of the locality. The proposed garage would match the roof lines of the existing home. Public health, safety, and welfare are protected as:

- 1). All disturbance will be well within the existing, already disturbed areas that have been lawn and will be in an elevated area 8' higher in elevation than the wetland, and with no direct impact to wetland; 2) Proposed storm water management mechanisms are designed to mitigate the additional 1600sf of impervious roof and driveway; 3) On the positive side, a parked plow truck and other vehicles are always prone to leakage of motor oils, hydraulic fluids, and flaking rust. The best way to eliminate resulting pollutants from reaching the wetland is to have them contained within a garage structure.

- 2. The spirit of the ordinance is observed because:**

The design, with stormwater mitigation and the structure placed in a treeless lawn area, honors the value of wetlands and wetland buffers and neutralizes negative effects. The proposed structure is placed as close to the house and as far away from the wetlands as feasible based on fine-tuned engineering. The proposed structure will be placed on existing lawn and driveway area only, with no disturbance to the existing forested land and wetlands on site.

- 3. Granting the variance would do substantial justice because:**

This property owner falls within the definition of a property owner called out in the zoning ordinance as one where on-site wetlands cause an "unequal and unique burden". The zoning ordinance explicitly calls to "recognize this burden and minimize restrictions which may be placed upon such properties" (see Zoning Ordinance section 275-24,1). Justice is well served by following this ordinance, especially when looking at the "big picture" where hundreds, if not thousands of houses have been built honoring the wetland setback, providing a huge environmental success on the macro level. That success is not dishonored by allowing leniency on a small percentage of wetland-encumbered lots, where, on the micro level, leniency is called for to allow reasonable real estate improvement such as additions, ADUs, barns, garages, and sheds, which are hemmed in or not allowed by wetland setbacks. Substantial justice is achieved knowing that approving this variance, allowing a few hundred square feet of impact (0.007acres) does not have a significant negative effect when compared with hundreds of acres that are protected

by the 50' wetland setback Providing the needed 13' of relief for one corner of the structure will still provide 37' separation from wetland, and the requested relief represents only 296 sf of impact. For this specific site, 0.75+acres are restricted by the 50'setback = 33,000sft. The 308sf relief requested is less than 1% of that total restricted area.

4. The values of the surrounding properties will not be diminished for the following reasons:

The proposed detached workshop/garage is tastefully designed and the architectural aspects will fit with the existing structure and neighborhood. The overhead doors are on the side and well screened from the road. The neighbor's view of the overhead doors is well screened with existing trees that will remain and they plan to plant more trees to further screen it from view. The improvements will raise the value of the subject property, which in turn typically raises the values of surrounding properties.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Special conditions of the property distinguish it from other properties in the area because:

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Special conditions of the property distinguish it from other properties in the area because: Literal enforcement would require one or more of the following hardships: 1) Backyard Hardship: Placing the workshop/garage in the backyard would require removing the septic system and relocating to make space for the proposed workshop/garage. 2) Front yard Hardship: If the workshop/garage was moved up tight to the existing house it would require removal of significant 6' tall brick retaining walls and adjacent areas which have been professionally landscaped, and removal of several trees, and relocation of utilities; 3) Shift away from wetland hardship: The first draft placed the workshop/garage 10' closer to the wetland to facilitate ease of vehicular access in and out of the overhead doors. To help increase the separation the width of the overhead doors was increased, and the location engineered to allow the tightest feasible turn-in and turn-out, shifting the structure 10' away from the wetland. Any further shift away from the wetland would result in extreme hardship for turn-in and turn-out movements. If the overhead doors were placed on the front facing the road, or on the wetland side of the garage, the result would be significantly more impervious area, removal of trees, and depletion of the buffering value of green space within the 50' wetland setback.

The wetlands delineated on this lot severely restrict building placement. It is worthy of note that most homeowners hold the premise that a landowner should be reasonably secure in believing that the wetlands on the subdivision plan which created his/her lot depict an accurate building envelope for future improvements. The subdivision plan for this lot was approved in 1996 and showed a significantly less restrictive building envelope than the recent delineation about a 7' difference). This reasonable expectation subsequently diminished by a new delineation creates a hardship in its own right. The long skinny shape of this lot, with over an acre encumbered by wetland and wetland setbacks, distinguish this site from other properties in the area that are not encumbered by wetland, or slim geometry.

(A) Denial of the variance would result in unnecessary hardship because

- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:**

The general public purpose of the ordinance is to protect wetlands by providing a separation between buildings and wetlands. Per the ordinance 275-24.H, "Provide in all subdivisions approved subsequent to adoption of this article sufficient lot size to place a house and septic system, without locating them in wetlands." Please note that the house and septic remain 100% conforming, so the explicit stated intent of that ordinance stays intact with the granting of relief for the proposed workshop/garage. Invoking 275.24.I as stated below further accentuates a path for approval consistent with the general public purposes of the ordinance.

- (ii) The proposed use is a reasonable one because:**

The construction of this workshop/garage is a reasonable expansion of real estate in the Town of Bedford and in the neighborhood, providing the following: 1) A safe and environmentally secure space for the owners plow truck and second car; 2) A carpentry hobby workshop intended to be used by the father, not only to further his own hobby, but more so to train his two young children in carpentry skills. (The value of onsite family educational tools is especially accentuated in this covid remote learning environment). 3. It provides engineered stormwater management practices to avoid any direct impact to the wetlands as recently delineated, neutralizing negative effects.

Mr. Blanchard also mentioned he would put up silk fence to prevent any runoff into the brook during construction.

(B) If the criteria in subparagraph (A) above are not established, explain why the property cannot be used in strict conformance with the ordinance and why a variance is therefore necessary to enable a reasonable use of it:

Strict enforcement would result in the needless hardship as described in item 5 above; therefore,, this variance is necessary to allow reasonable expansion on this parcel and to honor the explicit instruction to minimize restrictions" placed upon properties with on-site wetlands.

Chairman Morin opened the floor for questions from the board.

Mr. Green and Mr. Gilbert had no questions.

Q: Mr. Casale asked why there is a 20-foot limit between the wall and the proposal – why can't it be 10-feet. Mr. Casale understands Mr. Blanchard does not want to knock the wall down but asked why it is being limited to 20-feet.

A: Mr. Blanchard explained that it is an access road to the rear of the property. It is also where he parks his boat in the wintertime. The 20-feet allows sufficient turning radius

around the garage to be able to get out back. Mr. Blanchard said that they also wish to construct a pool and that would be the only way to get to the back yard with an excavator. In addition, the grade from the retaining wall side to the garage drops off about 3-4 feet – it is not flat. Because it is a sloping grade having the 20-foot allows vehicular access more easily; otherwise, he would have to dig it out and extend the wall and do more construction work.

Q: Along the same lines of trying to maneuver a little bit better Mr. Casale asked if there is any room for pavers or hardpack on the opposite side of the driveway on the proposed garage in order to tighten that and put it closer to the driveway but allow access to be able to turn into the new garage.

A: Mr. Blanchard said in theory they could extend on the left-hand side as you are coming up the driveway, but the reason they would prefer not to do this is because it is a very open path to his neighbor and there are screening trees now. The distance between his driveway and his neighbors' driveway is very small: About 20-30 feet, so if they did that it would open the view to the garage to his neighbor and Mr. Blanchard would prefer to minimize the view of the garage from the neighbor.

Q: Mr. Casale felt there wasn't a lot of detail given about Plan B or Plan C in the proposal. Mr. Casale is particularly interested in Plan C because it does not involve a waiver. Mr. Casale understands that Mr. Blanchard favors Plan A but asked for further explanation of Plan C with more in-depth explanation of what the design was.

A: Mr. Blanchard said he hadn't mentioned Plan B or Plan C because they didn't come up when he met with the Conservation Commission but said he would be happy to explain.

Mr. Casale indicated he had been surprised that it did not come up during the Conservation Commission and asked for an explanation of just Plan C.

Chairman Morin noted that the Zoning Board does not have Plan B and Plan C in their packet of meeting materials. Ms. Elmer explained it is because Plan B and Plan C are not part of the variance request. Only the Conservation Commission got all 3 of the plans for review. They ended up making a recommendation of one option which is the option that is requesting the variance.

Mr. Sandford explained the reason why Plan C was not chosen. He said a variance would not be needed if you hugged the garage right tight to the driveway and shifted it over and put the openings on the wetland side. The oddity is that you can put driveways and parking area right up against the wetland and don't need a variance but clearly that is more harmful to the environment because there is much more impervious area. Knowing the intent is to protect the environment he thinks it is better served to enter it opposite the wetland side, and that was the argument made to the Conservation Commission and they were in agreement with that. Even though it wouldn't require a variance, it eliminates tree cutting and the need to create a more substantial amount of new driveway. Looking at what is best environmentally and for the wetland Plan A was chosen, and Mr. Sandford thinks it is essential to realize that it has the vote of approval from the Conservation Commission.

Q: In regard to the driveway going to the back Mr. Casale said there was mention of a dirt path which is much different than the impervious nature of pavement.

A: Mr. Sandford said they are not proposing to do anything in the path. It will remain lawn. When Mr. Sandford was there the pickup truck was parked there. It also provides access for maintenance to the deck area.

Q: Mr. Casale said what he meant was that if you were to move it up close to the paved driveway the so-called path/driveway towards the wetlands coming from the south. He recalls a path being mentioned, and not anything about it being paved (which would make a big difference as far as impervious area). Secondly he asked if the existing path could also be used to make a righthand turn from there into the garage area.

A: Mr. Sandford said there would be a substantial amount of impervious area added than the 50-foot setback.

Q: To clarify, Mr. Casale asked if they are saying they would pave that.

A: Mr. Sandford said gravel or pavement is considered impervious area. If you go by the State standards gravel is considered impervious.

Ms. Thomas indicated she had no further questions.

Mr. Blanchard made one final comment that he thought Plan C would look very odd from the road because the garage would be very tight to the driveway, so he didn't think it would meet the look, feel and style of the neighborhood. Because there are trees all along the left side of the driveway, and then putting a garage there would make it look like a really tight tunnel so that was another consideration that he thought about.

Chairman Morin opened the floor for comment or questions from the public. Ms. Elmer indicated there were none.

MOTION by Mr. Gilbert to move into deliberations on this variance application. Ms. Thomas duly seconded the motion. Roll call vote taken – all in favor. Motion carried 5-0.

1. Granting the variance would not be contrary to the public interest because:

(1) Whether granting the variance would alter the essential character of the locality:

Chairman Morin is not seeing this at all looking at the plan. Things are a little narrow with the wetland so he does not see any issues with that piece.

(2) Whether granting the variance would threaten public health, safety or welfare:

Chairman Morin noted nothing was heard to that effect.

2. The spirit of the ordinance is observed because:

Chairman Morin said the spirit of the ordinance is to make sure there is a break between a structure and a wetland. Different proposals were gone over with the Conservation Commission and Plan A was the one the Conservation Commission recommended and the applicant has put in all the items they've asked for between the gutters and the infiltration trenches and making sure it's safe during construction. Chairman Morin feels they've met this piece.

3. Granting the variance would do substantial justice because:

Mr. Gilbert feels it does that. Mr. Casale noted the wetland boundary did change. Looking at the big picture, most of the houses conform and to him this is not a serious wetland setback but death by a thousand cuts; however, with that said, with this property it is about all he can do, so Mr. Casale thinks it would do substantial justice.

4. The values of the surrounding properties will not be diminished for the following reasons:

Chairman Morin indicated no expert testimony was heard on that.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Special conditions of the property distinguish it from other properties in the area because:

In looking at the photograph and layout provided in the board packet Chairman Morin said it is very difficult for this property to manage. It is unusually sized; the wetlands have changed a bit and it makes it difficult to add anything to this property. The applicant did bring up the point about the driveway being close to the neighbor and Chairman Morin said if you look at the photograph you can see that the neighbor's driveway is almost on the property line and definitely looks close which negates an alternate strategy.

(A) Denial of the variance would result in unnecessary hardship because

- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:**

Chairman Morin noted that the applicant has said he has a whole bunch of abutters and we have not heard from any of them that they feel this is a negative issue. Chairman Morin feels he's done his best to work this the best he could on his property and has gotten good insight in how to deal with it.

- (ii) The proposed use is a reasonable one because:**

Chairman Morin said it is reasonable to put an additional structure if you have the area to do it.

(B) If the criteria in subparagraph (A) above are not established, explain why the property cannot be used in strict conformance with the ordinance and why a variance is therefore necessary to enable a reasonable use of it:

MOTION by Mr. Casale that the Zoning Board grant a request for a variance from Article IV, Section 275-28 in order to construct a garage 37.7 ft. from the edge of a wetland where 50 ft. is required at 66 Parkhurst Rd., Lot 40-1-4, Zoned R&A as per our deliberations. Mr. Green duly seconded the motion. Roll call vote taken - all in favor. Motion carried 5-0

MOTION by Mr. Green to move out of deliberations on this variance application. Ms. Thomas duly seconded the motion. Roll call vote taken – all in favor. Motion carried 5-0.

2. **Cooper Drive Office Park LLC** – Request for a variance from Article III, Section 275-22.A and Table 1, footnote 17, in order to construct a third-floor addition where only two floors are allowed at 2 Cooper Lane, Lot 10-23-9, Zoned CO.

Jason Lopez of Keach, Nordstrom introduced himself and indicated he was alone in the room and said that the applicant would be joining him and that would be Scott Schubert and Dick Anagnost and Alex Vailos.

Mr. Lopez provided history on the site plan. The site plan was originally approved back in 2019. At that time there were plans for 2 phases of construction on the property and now we are at the point of the final point of that construction.

Mr. Lopez said on Map 10 23 9 with the address of 2 Cooper Lane is located in the larger project that was known as Bedford Hills Phase 3 on the northwest corner of the intersection of Route 101 and Route 114. Bedford Hills Phase 3 was amended and approved in 2012. Phase 3 included 3 lots that have been constructed and are now occupied by Saffron Optics 1, Bedford Hills Apartments and Primrose School. The subject site is the property of Saffron Optics 1 (Optics). The entire lot is located within the commercial zoning district. Properties abutting the south and east are also commercially zoned lots and properties to the north and west are in the residential agricultural (RA) zoning district. The RA zoned lots to the north and west require a specific buffer strip outlined in the zoning. The proposed building expansion being the subject of the variance is in compliance with the residential buffer.

The amended site plan of 2012 presented this site construction to be completed in two phases: Phase 1 involved a building with a footprint of 25,500 sf that included a partial third floor and a majority of the site parking. Phase 2 involved a building footprint of 14,500 sf and the remainder of the site parking. Phase 1 was completed and occupied. It was not until 2019 that Optics required an additional expansion, but they did not require the full area as approved on plans for Phase 2; therefore, we sought an administrative approval for constructing a portion of Phase 2 in July 2019. The proposed expansion included an addition with a footprint of 8,120 sf which has been completed and is occupied.

Due to growth and new contracts Optics requires the remaining portion of the approved addition (let's call that Phase 3). The functions in Phase 3 require certain floor area in a portion of the building to include a 2-story open area. They also required a third level testing area. Under the current zoning ordinances these operational requirements cause the need for the two variances. At the time of the 2012 site approval Table 1 Footnote 17 stated each building in the commercial zone district without a historic district overlay shall be limited to 40,000 sf per floor. Each building in the commercial zone with a historic district overlay shall be limited to 25,000 square feet per floor. Table 1 also listed the maximum height as 48 feet. In March 2019, a zoning amendment proposed by citizens petition was approved modifying Table 1, Footnote 17 to be each building in the commercial zone shall be limited to 2-floors with no more than 25,000 sf per floor. Phase 2 of the approved site plan did not present a third floor nor the building footprint beyond 40,000 sf; therefore, it has been determined that the current Phase 3 proposal requires the two variances.

The group reviewed an older aerial view of the location from Google Earth. Mr. Lopez showed the area on the east side where Optics wishes to put the addition. He showed

where the RA districts were located and indicated that Optics is looking to put the addition toward the CO district.

The group viewed a current-day photograph of the Optics building, and Mr. Lopez indicated where the Phase 3 addition would be located. He noted that there is a 3rd story on the westerly-most corner of the building and they would be looking to put a mirror version of that on the other side of the building.

Again, Mr. Lopez noted that the approved plan approved 40,000 sf and they had approval of the southwest corner with the 3rd floor. What they are looking to do today is Phase 3 with 3-floors. There is a small partial third floor area that they are pushing a little bit over to the west which pushes the total footprint of the building just over 40,000 sf.

The group reviewed the front elevation on the plans.

The group reviewed the second-floor plan within the building. Mr. Lopez said the area highlighted in yellow is open from the 1st to 2nd floor. Part of their process requires higher ceilings, so that has limited the interior floor space. Their full program requires a little more (1,700 sf above the 40,000 sf); so that's why they are looking to bump out the side wall a little bit because of the large portion on the interior of the second floor that is open to the floor below.

Q: Mr. Casale asked what Mr. Lopez meant about moving something west.

A: Mr. Lopez said the dashed line on the plan was the limit of the 2012 approved building (the 40,000 sf), so what they are looking to do is bump that over to the red line and fill what was going to be grass between the two buildings and sidewalk and push the edge of the building over a bit.

The group viewed the architectural renderings. Mr. Lopez said they submitted an administrative approval to Ms. Hebert for review and that is when we picked up the items for both the third floor (the zoning amendment change) and the 40,000 sf down to 25,000 sf; so, he said this is why we are coming before the board tonight with these two items.

Ms. Hebert provided some background on the administrative approval. She clarified for the board that the Optics 1 building is vested under the original approval, so they can build out the full building footprint (when Mr. Lopez was showing the line that moved to the west). When you look at the variance for the floor area you are looking at adding about 1,700 sf of floor area and they are vested with the full 40,000 sf under the original approval; so, what triggered the variance was the increased floor area, not the overall floor area.

Q: Mr. Casale assumes the extra 1,700 sf includes the 1st and 2nd floors and a portion of the 3rd floor and asked how much they are bumping that out?

A: Mr. Lopez said the variance is based on the footprint and said they are bumping that out about 10-feet.

Q: Mr. Green said, "They are bumping out at the 2-story level, but they had already got permission to do that, or that was in the original plan" and asked if his understanding is correct.

A: “No,” Mr. Lopez replied, “As Becky was saying we are vested for a footprint of 40,000 sf. You can notice in the back that we are pulling that in a little bit; we are bumping out the west side a little bit; the total is about 1,700 square feet of increased footprint, so we’d be up to 41,700 sf and that results in that west wall being bumped out about 10-feet.”

Q: Mr. Green said it was not the bumping out that bothers him so much – it’s when you are going up to a different level because that can then be viewed by the homes on the other side – could they not?

A: Mr. Lopez said the residential zone is on the other side of Bedford Road, and where they are expanding is over toward the apartments. Chairman Morin noted there is also residential zone behind the building. Mr. Lopez said there is required buffer zone in that area and noted that they are actually pulling the addition back a little further from that buffer.

Q: Chairman Morin asked if the existing parking lot as it is now, is not going to change?

A: Mr. Lopez said that is correct. He noted there is one parking space that will be expanded by the generator, however, but no substantial change to the parking lot.

Q: Chairman Morin asked if the generator was already there.

A: “Yes” Mr. Lopez answered.

Mr. Lopez reviewed the criteria:

- 1. Granting the variance would not be contrary to the public interest because:**
 - (1) Whether granting the variance would alter the essential character of the locality:**
 - (2) Whether granting the variance would threaten public health, safety or welfare:**

Because it would not alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public. This is evident due to the two abutting properties having structures with three floors and the subject building currently having a small third floor. Granting of the variance would also allow for the expansion of an existing commercial building, thereby further increasing the tax revenue to the Town without a great burden on Town services.

- 2. The spirit of the ordinance is observed because:**

The subject property is in the CO Zoning District , in which the existing office use is permitted. At the time of approval, construction and occupancy of Phase 1 of the building, three floors were permitted in the CO District. As such, the existing building includes a limited area of a third floor.

As listed in the Ballot Results in the Town of Bedford, NH 2019 Annual Report the spirit and intent of the Zoning Amendment No. 6 limiting structure to two floors is not presented. One could suggest the amendment was intended to apply to new development not expansions of existing use where a third floor already exists.

For the previous reason we conclude the increase in third floor area to be in alignment with the spirit of the ordinance.

3. Granting the variance would do substantial justice because:

Optics has provided the following statement, *“For Optics I a third floor is critical for our business process. The long lines of sight from the third story allow us to develop and test our products; these long-range views are precisely why Optics I chose our current location in Bedford. As we expand, we are greatly in need of a second area on the third story.”*

Again, the existing building includes a limited area of a third floor and the functions of the business operations require additional third floor space. It is difficult to determine the nexus between the 2019 amendment preventing a third floor and the expansion of this existing use that will expand the tax base with little impact to Town services. For this reason, we conclude the proposal provides for substantial justice for both Optics and the Bedford taxpayers.

4. The values of the surrounding properties will not be diminished for the following reasons:

The proposal is the expansion of an existing use. The functions of the expansion will take place within the structure. The expansion is within the general footprint of the previously approved site plan. The existing required residential buffers are in place. For these reasons we conclude there will be no visual impact to abutting properties, therefore the values of abutting properties should not be diminished.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Special conditions of the property distinguish it from other properties in the area because:

The prominence of the building on the hillside in this geographic area coupled with the elevation of the third floor create special conditions for this property allowing Optics to obtain long site lines into the horizon. The proposed third floor has a specific and necessary function to Optics’ operation at this location.

(A) Denial of the variance would result in unnecessary hardship because

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

Again, at the time of Phase 1 construction three floors were permitted. It is difficult to determine the nexus between the 2019 amendment preventing a third floor and the expansion of this existing use that will expand the tax base with little impact to Town services. This, coupled with that two of the abutting properties are currently developed with three floors.

(ii) The proposed use is a reasonable one because:

The proposed third floor is less than 1,200 square feet in area with the proposed building footprint being 41,700 square feet, that is about 3% of the overall footprint. The third floor will serve critical needs for Optics operations while creating little, if any, impact to Town services.

(B) If the criteria in subparagraph (A) above are not established, explain why the property cannot be used in strict conformance with the ordinance and why a variance is therefore necessary to enable a reasonable use of it:

Q: Chairman Morin noted that in criteria #4 Mr. Lopez stated, “For these reasons we conclude there will be no visual impact to abutting properties...” , he asked Mr. Lopez how he knows that and if he went to abutting properties and look over to see? Chairman Morin said he is not worried about the people who live in front of the building, he is worried about the people who live behind the building. Chairman Morin understands the buffer but when he visited the site to view it he remembers one house, if not two, off to the side of the building “where he could actually see the house”.

A: “No,” Mr. Lopez said he had not been to those properties to see what is visually apparent so he cannot speak to that.

Chairman Morin said it is a pretty straightforward comment that was made on the application. “Yes,” Mr. Lopez replied.

Q: “This is all about optics, no pun intended, “ Mr. Green said. “If Optics wants to have a sight line, by definition isn’t everybody abutting it going to be seeing this sight line if it goes up a third floor; and therefore, will create a different optical situation for the abutters?”

A: Mr. Lopez said there already is a third floor. He showed an architectural rendering of the back of the building that faces the residential properties to the rear of the building. He said there is already a third floor there, and they want to mirror the image on the other side – 1,200 sf.

Chairman Morin said, “But the difference is back when this building was approved and that third floor was approved it matched zoning ordinances. Now, this new section you’ve got a 40,000 grandfathered footprint but there is no grandfathering for going height-wise.

“That’s why we are here,” Mr. Lopez replied.

Q: Mr. Casale asked why the current/existing third floor can’t serve as the line of sight and why is a second “penthouse” needed?

A: Mr. Lopez says he does not understand their operations, but Mr. Anagnost, the original developer and landowner of the property, said he does and explained that with respect to the operations in the building the line of sight that they are talking about is to the south. He said to note that on 3 sides of the appendage that is the roof (only 1,200 sf)

the only place that they see out of is in that direction. He said they chose this site because it had 24 kilometers clear view so that they could test the optics that they develop which are things like guided missile optics and range finders and stuff that the military uses; so, it was very, very important for them to have 25 kilometers clear sight and when we approved that for them that is why they moved to Bedford to be on this elevation. He said the appendage on the roof is only 1,200 sf. He said with the increase in operations at the other end of the building they need an additional tower to service those operations because the existing one is not large enough to meet the needs of the devices that are being tested and the other one is also 1,200 sf, “and candidly we probably made a mistake when we got it originally approved because it was always supposed to be that the building be symmetrical; but since we were only building that first phase with that third floor tower we only submitted the architectural for it at that time. We probably should have submitted the architectural for the entire property that showed both of the towers because we knew from the time we developed this that with the expansion they would need additional space; and that is why we didn’t build a 2,400 or 3,000 sf third floor to begin with because how the operations work on the inside: The locations were strategic at each end of the building.”

Mr. Casale said, so in essence they need that additional space for the way that operations are currently. “Correct,” Mr. Anagnost answered. “Or the expanded operations will need that,” Mr. Casale added. “Correct,” Mr. Anagnost replied, “because the expanded operations are different devices, Mr. Casale, and those devices would be directly tested above. It’s the same thing at the other end. The devices made at the other end of the building are tested directly above.”

Q: To reiterate, Ms. Thomas asked if the sight lines are only to the south so the abutters behind - the people in the building are not looking out over a residential neighborhood, they are looking out over Bedford, in essence.

A: “That’s correct,” Mr. Anagnost answered.

Chairman Morin opened the floor for comments and questions from the public. Ms. Hebert indicated there is a question in the chat from Amy Lapointe.

Q: Ms. Lapointe asked if the third floor was across the third floor, or just the addition on the back.

A: Mr. Lopez said it is just on the addition in the back.

The group viewed the site plan and elevation.

Ms. Amy Lapointe of 28 Old Bedford Road said when talking about the abutters and what they can and cannot see, she is on the other end and sees the portion that sticks up on the front and the issue is that it is illuminated at night. She would be shocked if the abutters on the other side, even if the windows don’t look out over their houses are not affected by the illumination– at night they will see those lights. She cannot imagine that they wouldn’t. Ms. Lapointe said she is opposed to this variance and thinks we have various size restrictions around various parts of town to maintain a certain character to the Town of Bedford. She thinks we can all agree that we don’t want skyscrapers in town, and there are some magical sizes that is too big, and too much. That begs the question, what size is too big and too much? She thinks the voters clearly said in 2019: 2

Floors, 25,000 sf. She does not see why we would even consider going beyond that. She understands if the 40,000 sf is grandfathered in, you are obligated to provide that, but anything beyond that she thinks the voters have said is too much and changes the character of the town – period! As an abutter Ms. Lapointe feels very strongly that is the case because this does abut residential properties and there is no place next to residential properties having buildings that are any bigger or higher than what is already there.

Ms. Elmer also received two emails from members of the public.

The first email from Dan Sklar, Manager/Owner Cooper Lane Apartments reads: “To the members of the Bedford Zoning Board: I am writing in support of the variances requested by Cooper Drive Office Park LLC – their request for a variance relating to both building height and footprint are reasonable and consistent with other buildings in the area including the Cooper Lane apartments of which I am an owner and manager. The tenant, Optics, has been a great addition to Bedford and this expansion will not only bring more jobs to the area, but it will also increase the tax base, as well. Over the past several years we have leased some units to people who work at Optics and the ability to walk to work is a plus for those individuals.”

The second email from Tom Boucher CEO and Owner of Great New Hampshire Restaurants reads: “To the members of the Bedford Zoning Board: I am writing in support of the variances requested by Cooper Drive LLC for building height and footprints. As owner of the Copper Door and Bedford Hills Realty I believe that the addition proposed is consistent with the other commercial buildings in the area, including the subject building itself and the apartments behind our restaurant. The addition will increase the tax base without adding demands on services and we will add economic vibrance to Bedford. Equally, it will bring more high-paying jobs to the local community that will then support local businesses like Copper Door. Thank you for considering.”

Mr. Anagnost pointed out that we are asking to build 1,200 feet of a third floor; but under our current approval we can build an entire second floor 48-feet tall; so, he thought we were asking for a minor accommodation based on only building 1,200 sf of that third floor at the 48-foot height versus an entire second story at 48-foot height. He wants to point out that under the existing approval we could go 48-feet and two stories and block the entire view corridor versus just the little 1,200 sf corner. He asked Ms. Hebert to verify if his assumption is accurate. Ms. Hebert said, “that is true” and said the dimensional standards in the commercial district allow a building up to 48-feet tall but not with more than 2 floors. So technically if they needed a lookout tower for testing purposes, that would be one floor and they could build that up to 48-feet tall, so she does not believe they are looking for a variance for the maximum building height. She said maybe Mr. Lopez could provide more information on what the maximum building height would be with the third floor, but said Mr. Anagnost is correct.

Mr. Lopez looked at the architectural plan and said it does not provide a building height. Ms. Hebert said it is typically 10-12 feet. Mr. Lopez said it was “going to be 12-feet or so unless you’re going to have higher floor to floor.”

Ms. Hebert said, “The 48-feet accounts for what we call in building that clear story – so think about, like, a cathedral ceiling. You can have kind of a big open barn – an example would be like The Murphy’s restaurant where they have an open conference meeting area that has a building with a taller height, but a single floor.”

Q: Chairman Morin asked if the third-floor addition piece (the small penthouse) would have a max height of 48-feet.

A: Mr. Lopez was searching for the email from the architect with dimensions on that. He said it does not exceed that height, but he is just not sure how high it actually is.

Q: Mr. Gilbert assumes the proposed penthouse won't be any higher than the other one on the other side of the building?

A: Mr. Lopez said that is correct. Mr. Anagnost said that it is actually a little bit lower. It is a tiny bit lower. If his memory serves him correctly, the first story was 12-feet, the second story was 12-feet and the penthouse portion was 12-feet, so he believes the building right now is 36-feet tall, not 48-feet tall which leads to his original assumption that at 48-feet they'd be building a much taller building than what we are proposing today even with the little tower in the corner.

“Right,” Mr. Gilbert said adding that he knows a little bit about optics and you really don't like to do things pointing up and pointing down, but rather pointing straight across. “That's absolutely correct,” Mr. Anagnost said.

MOTION by Mr. Casale to move into deliberations on this variance application. Mr. Gilbert duly seconded the motion. Roll call vote taken – all in favor. Motion carried 5-0.

Chairman Morin reviewed the criteria reiterating that we are only looking at the third-floor penthouse:

1. Granting the variance would not be contrary to the public interest because:

(1) Whether granting the variance would alter the essential character of the locality:

Mr. Green thinks the voters have spoken that they don't want a third floor; so therefore, by approving a third floor you are affecting the character of the neighborhood. Mr. Gilbert said he doesn't think it is a problem because you've got a tree buffer to the north, and a tree buffer to the east where the building extension would be. He said if you lived in those apartments you really couldn't see it because you have to look through trees and on the other side of the road you've got trees also. Mr. Gilbert says he doesn't see a problem with this in that sense.

(2) Whether granting the variance would threaten public health, safety or welfare:

Chairman Morin doesn't see it doing any of that on all three of those pieces.

2. The spirit of the ordinance is observed because:

Mr. Casale said he would interpret that 2019 zoning amendment to be focused on new properties and new developments and at the time this was first developed they were allowed the 48-feet/third floor and he agrees that was the intent of this amendment – “not to go back if you will.” Mr. Gilbert said he would agree with that.

3. Granting the variance would do substantial justice because:

“Absolutely,” Mr. Gilbert said, “It is critical to their business. Ms. Thomas thinks when they moved their business here and built that building it was with the understanding that they would need this.

4. The values of the surrounding properties will not be diminished for the following reasons:

Chairman Morin does not think we have heard any expert testimony on the values of the surrounding properties.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Special conditions of the property distinguish it from other properties in the area because:

Chairman Morin said the biggest thing is that this is a multi-use development in the first place, so there’s all kinds of different uses there, so that is definitely different from other parts of the area. Being on top of the hill would work out for their business when it came to that, he said, and where they had the opportunity to build that first tower to utilize it for testing.

(A) Denial of the variance would result in unnecessary hardship because

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

Mr. Casale agrees that at the time they were allowed to do this and he thinks the 2019 amendment focuses on anything from there on end and this would not be included. Mr. Gilbert agreed.

(ii) The proposed use is a reasonable one because:

Chairman Morin said as stated in their testimony, for additional testing it would be reasonable for those purposes.

(B) If the criteria in subparagraph (A) above are not established, explain why the property cannot be used in strict conformance with the ordinance and why a variance is therefore necessary to enable a reasonable use of it:

MOTION by Mr. Gilbert that the Zoning Board of Adjustment approve the request for a variance to build a third-floor addition where only 2-floors are allowed; request for a variance from Article III, Section 275-22.A and Table 1, footnote 17, in order to construct a third-floor addition where only two floors are allowed as per our deliberations. Ms. Thomas duly seconded the motion. Roll call vote taken – 1 abstention (Mr. Green)- all others in favor. Motion carried 4-0.

MOTION by Mr. Gilbert to move out of deliberations on this variance application. Mr. Casale duly seconded the motion. Roll call vote taken – all in favor. Motion carried 5-0.

3. Cooper Drive Office Park LLC – Request for a variance from Article III, Section 275-22.A and Table 1, footnote 17, in order to construct a building addition resulting

in a structure with a 41,700 sq. ft. footprint where only 25,000 sq. ft. is allowed at 2 Cooper Lane, Lot 10-23-9, Zoned CO.

Mr. Lopez said the second item has the same background information, so he won't read all of that into the record and will let the application itself speak to that background information.

He said this is for the construction of a building with 41,700 sf footprint where only 25,000 sf is permitted. He said Table 1, footnote 17 states each building in the commercial zone shall be limited to 2-floors with no more than 25,000 sf per floor. He reviewed the facts supporting this request and said the construction of a building with a 41,700-sf footprint where only 25,000 sf is permitted – note the approved site plan permits 40,000 sf.

Mr. Lopez reviewed the criteria.

- 1. Granting the variance would not be contrary to the public interest because:**
 - (1) Whether granting the variance would alter the essential character of the locality:**
 - (2) Whether granting the variance would threaten public health, safety or welfare:**

Because it would not alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public. This is evident due to the site plan approving a 40,000-sf building for construction on the site. And two abutting properties have structures with footprints exceeding 25,000 sf. Granting the variance would also allow the expansion of an existing commercial building thereby further increasing the tax revenue to the Town without a great burden on Town services.

- 2. The spirit of the ordinance is observed because:**

The subject property is in the CO zoning district, in which the existing office use is permitted. At the time of approval, construction, and occupancy of Phase 1, buildings with a footprint of 40,000 sf were permitted within the CO district.

As listed in the Ballot Results in the Town of Bedford, NH 2019 Annual Report the spirit and intent of Zoning Amendment No. 6 limiting structures to 25,000 sf per floor is not presented. One could suggest the amendment was intended to apply to new developments not the expansion of an existing commercial uses. In this case, the proposed expansion is 1,700 sf over the 40,000-sf area permitted at the time of the approved site plan.

For the previous reason we conclude the increase in floor area does not conflict with the spirit of the ordinance.

- 3. Granting the variance would do substantial justice because:**

The Phase 3 addition requires a portion of the floor area to have a clear vertical opening extending above the second-floor level. This reduces the usable area of the second floor by approximately 3,300 sf. To gain the usable space required for Optics programs, the first floor was expanded 1,700 sf beyond the approved footprint of 40,000 sf. It is difficult to determine the nexus between the 2019 amendment

preventing footprints over 25,000 sf and the expansion of this existing use that will expand the tax base with little impact to Town services. For this reason, we conclude the proposal provides for substantial justice for both Optics and the Bedford taxpayers.

4. The values of the surrounding properties will not be diminished for the following reasons:

The proposal is an expansion of an exiting use. The functions of the expansion will take place within the structure. The expansion is within the general footprint of the previously approved site plan. The proposed addition will extend the building approximately 10-feet longer than the approved building, from 266-feet to 276-feet. The existing required residential buffers are in place. For these reasons we conclude there will be no visual impact to abutting properties, therefore the values of abutting properties should not be diminished.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Special conditions of the property distinguish it from other properties in the area because:

Due to the existing trees and existing buildings along Route 101, Route 114, and Old Bedford Road there are only a few limited glimpses of the Optics building. The location of the property being set back off the road, and the surrounding grades limit the potential of any visual impacts of the building.

The proposed increase of the building footprint will serve specific and necessary functions to Optics operations. The additional 1,700 square feet of overall footprint being sought is the result of the limited second floor area due to the 3,300-sf area open to below. The building will expand approximately 10 feet toward property in the CO district and no expansion toward the RA district. Placing a limitation on the expansion of an existing use would result in an unnecessary hardship on Optics future operations.

(A) Denial of the variance would result in unnecessary hardship because

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

Again, at the time of Phase 1 construction, a 40,000-sf building footprint was permitted. It is difficult to determine the nexus between the 2019 amendment limiting existing businesses to 25,000 sf and the expansion of this existing use that will expand the tax base with little impact to Town services. This, coupled with that two of the abutting properties also have buildings exceeding this 25,000-sf limitation.

(ii) The proposed use is a reasonable one because:

The existing approved site plan permits a building footprint of 40,000 sf. The proposed Phase 3 addition seeks to expand the building about 1,700 sf beyond the approved footprint. This equates to about a 4% increase in the overall footprint. The additional footprint will serve critical needs for Optics operations while creating little, if any, impact to Town services.

(B) If the criteria in subparagraph (A) above are not established, explain why the property cannot be used in strict conformance with the ordinance and why a variance is therefore necessary to enable a reasonable use of it:

Chairman Morin opened the floor for comments and questions from the board.

Q: Mr. Green asked if it would just be a 2-story building. He also asked if there can be any limitation put on it so that they cannot in the future expand to a third floor.

A: “That would be a whole separate issue,” Chairman Morin said. He said right now it is just two floors, but really per se the two floors are already there we are just looking at that 10-foot extension past what is already been grandfathered. Ms. Hebert added that it would be a trip back to the Zoning Board for another variance if they were to expand floor area on the third floor or expand floor area on the first or second floors.

Chairman Morin opened the floor for comments and questions from the public.

Ms. Amy Lapointe of 28 Old Bedford Road said she had nothing further to say beyond what she has already said that she thinks it is inappropriate to go beyond what’s already approved that the voters have said – they don’t want bigger buildings because it changes the character of our town.

Chairman Morin mentioned the emails that were read earlier in the meeting which pointed to both applications.

MOTION by Mr. Casale to move into deliberations on this variance application. Mr. Gilbert duly seconded the motion. Roll call vote taken – all in favor. Motion carried 5-0.

1. Granting the variance would not be contrary to the public interest because:

(1) Whether granting the variance would alter the essential character of the locality:

Chairman Morin doesn’t see anything that is going to change the essential character of the locality, it is just basically expanding the building over. Basically, we are dealing with 10 extra feet and it actually comes in a little bit off the back when you look at the original approved area.

(2) Whether granting the variance would threaten public health, safety or welfare:

Chairman Morin does not think we’ve heard anything that would be an issue there.

2. The spirit of the ordinance is observed because:

Mr. Casale said for the same reason as the prior variance, as far as he is concerned, the 2019 Zoning Amendment does not apply in this situation.

3. Granting the variance would do substantial justice because:

Chairman Morin said it would give the company an opportunity to expand. He said, again, what we are dealing with is an extra 10-feet in length and it would pretty much make the building look uniform anyway. Based upon his prior comment Mr. Casale added that the reversion back would be to the 40,000 sf so he hasn't addressed really, the extra, but he agrees with Chairman Morin about the substantial justice piece and thinks it certainly, he would think, more expensive for them to just make a complete second floor to keep it open for their needs and then have to expand the building, so he thinks that certainly would satisfy this.

4. The values of the surrounding properties will not be diminished for the following reasons:

Chairman Morin indicated no expert testimony was heard on this piece.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Special conditions of the property distinguish it from other properties in the area because:

Chairman Morin said where it is located and how it is set up multi-use development does make a big difference. The applicant discussed that especially from the roads it is hard to see it because it is sitting up and pretty flat so he doesn't see this addition as any change from what is there already.

(A) Denial of the variance would result in unnecessary hardship because

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

Chairman Morin said based on what has been said about all the different areas he thinks it is a reasonable ask.

(ii) The proposed use is a reasonable one because:

Chairman Morin said again, we are dealing with a very small addition to what is already approved and he thinks it is more than reasonable.

(B) If the criteria in subparagraph (A) above are not established, explain why the property cannot be used in strict conformance with the ordinance and why a variance is therefore necessary to enable a reasonable use of it:

MOTION by Mr. Casale that the Zoning Board approve a variance for Cooper Drive Office Park LLC from Article III, Section 275-22.A and Table 1, footnote 17, in order to construct a building addition resulting in a structure with a 41,700 sq. ft. footprint where only 25,000 sq. ft. is allowed at 2 Cooper Lane, Lot 10-23-9, Zoned CO as per

our deliberations. Mr. Gilbert duly seconded the motion. Roll call vote taken - all in favor. Motion carried 5-0.

MOTION by Mr. Gilbert to move out of deliberations on this variance application. Ms. Thomas duly seconded the motion. Roll call vote taken – all in favor. Motion carried 5-0.

4. New Business

Chairman Morin again thanked Ms. Elmer and said, “You have been a huge help to this board and we will miss you.”

The next meeting will take place on May 18, 2021.

5. Adjournment

Motion by Mr. Gilbert to adjourn the meeting at p.m. Mr. Casale duly seconded the motion. Roll call vote taken – all in favor. Motion carried 5-0.

Respectfully submitted,
Tiffany Lewis