

CITY OF CONCORD
ZONING BOARD OF ADJUSTMENT
FEBRUARY 1, 2023
MINUTES

Attendees: Chairman Christopher Carley, Nicholas Wallner, Jim Monahan, Laura Spector-Morgan, and Andrew Winters

Absent: Tedd Evans

Staff: Tracey Hutton, Zoning Administrator

Chairman Carley called the meeting to order at 5:00 pm

Mr. Monahan moved to enter into non-public session pursuant to RSA 91-A:3, II, (1); seconded by Mr. Wallner. Roll call vote was unanimous.

Ms. Spector-Morgan moved to resume public session; seconded by Mr. Monahan. Roll Call vote unanimous at 5:36pm.

Ms. Spector-Morgan moved to seal the minutes of the non-public session; seconded by Mr. Winters. The vote was unanimous.

Ms. Spector-Morgan moved to take a recess until 6:00pm; seconded by Mr. Monahan. The vote was unanimous.

Chairman Carley called the meeting back to order at 6:00 pm.

Chairman Carley gave a brief synopsis of the process and procedures the Board follows for Public Hearings and introduced the first item on the agenda.

0016-2022 106½ South State Street; UT – Urban Transitional District; Kenneth E Blevens Sr & Kenneth E Blevens Jr, Owners: Owners wish to establish a Retail Store and seeks a Special Exception under Article 28-2-4(j), Table of Principal Uses, Use H-1, Sales of goods and merchandise with no outside storage of inventory.

Ken Blevens, Aaron Cantera, and Brittney Cantara were present to discuss the application. Mr. Blevins explained that space (the north space on the first floor of the building) was most recently a Hair Salon. The south space is currently occupied by a retail storefront. Ms. Spector-Morgan asked Dr. Hutton if the use was authorized in the District. Dr. Hutton explained that this is a change of use from one Special Exception use to another Special Exception use, both permitted in the district.

Mr. and Ms. Cantara described their intended operation as it related to traffic impacts, both vehicular and pedestrian. Their plan is to have a low volume retail use that would utilize the existing non-conforming parking conditions. There is room on-site for two vehicles and public parking on the street. The store is approximately 600 square feet and could not accommodate more than a few customers at a time. There would be display cases up front and a backroom for packing etc. Currently they have a home-based operation that has been in existence since 2021; this would be their first public store front.

They initially anticipate night and weekend hours. The applicants stated that deliveries would be by standard logistics providers such as UPS, FedEx, and Amazon and would not be by “freight.”

Ms. Spector-Morgan inquired about the next Special Exception criteria which addresses stormwater and other impacts. Ms. Cantara stated that there will be no exterior building modification or site disturbances so this criterion would be met. Next, City services were discussed. Mr. Cantara stated that there would be multiple levels of security to meet the ATF regulations. This security includes motion detection, security cameras and lighting, and interior bars on the windows.

Mr. Blevens answered concerns about the next criteria relating to character of the neighborhood. He stated that there are many commercial establishments scattered around the neighborhood. This building has housed two commercial uses for many years. He reiterated that there would be no exterior modifications.

Ms. Spector-Morgan asked questions of the applicants regarding their inventory. It was stated that there would be approximately 50 firearms on site for sale at a time. Mr. Cantara stated that the focus would be on new inventory rather than consignment. All firearms would be unloaded and there would be no test firing on-site. It was reiterated that this is an Urban Transitional District where retail sale is permitted; sale of firearms and ammunition is just a different type of product.

Prior to public testimony Dr. Hutton reminded the Board and the audience that in New Hampshire regulation on sale of firearms is prohibited. With that being said Chairman Carley invited comments from the public in opposition to the application.

Nico Bradley, across the street, stated that the hair salon that was previously in the space saw clients on an appointment only basis. This led to less of a strain on the limited on-street parking, which is further constrained by the reduction of spaces by the City. In the last six months the City removed three spaces in this area. Ms. Bradley felt that the installation of bars on the windows is a mental cue that the area has high crime. She stated that conversion to all residential units would fit in the neighborhood better and help the housing shortage that exists in the City.

Eric Feldbaum and Rahkiya Medley, 14 Badger Street, were unclear how notification of abutters was performed since they did not receive a notice. They commented that a new retail use would further increase the demands on the limited parking in the neighborhood. They felt, like Ms. Bradley, that bars on the windows would be an indication of crime. Mr. Feldbaum referred to the recent burglaries that have occurred at firearms dealers in New Hampshire, which would constitute a hazard to the community.

Michael Summerlin, 13 Badger Street, which is located four buildings down from the site is in opposition to the application. Firearms sales is not like other forms of retail in the area. There are safety issues related to firearms sales and are a hazard to health, safety, and welfare.

Adam Bentham, 20 Badger Street, explained to the Board that the proposed retail establishment would be out of place in the neighborhood. He explained that this use would not be typical to what exists in the neighborhood and would not be appropriate in proximity to the existing park. Mr. Bentham feels that bars on the windows are not indicative of a walkable neighborhood.

Kathy Byrne, 10 Morton Street, shared the concerns of the other abutters with regard to the bars on the windows and the parking. She stated that parking is even more limited now that parking is only allowed on one side of the street. She stated that the applicants are smart in their consideration of safety, but that she feels motion lights are a nuisance. Motion lighting combined with the establishment being open evenings and weekends would be a nuisance in the neighborhood.

Jim Schlosser, 7 Badger Street, worked in veteran health. He shared with the Board statistics on veteran suicide and that part of the problem was access to firearms. Mr. Schlosser expressed concern for the health, safety, and welfare of the community being impacted by adding this point of access to firearms.

Chairman Carley asked the applicant if they would like to make any factual clarifications. Mr. Cantara stated that the bars on the windows would be on the inside not out. He expressed that, in his opinion, this would not alter the look of the neighborhood. He also explained that the security lighting would not be outside spotlighting, but rather contained within the shop. Ms. Cantara reiterated that, in regard to the parking constraints, this space is only 600 square feet so only three to four people would be accommodated in the store at a time. There are no shops like this in Concord; this shop would be filling that gap in community needs.

Chairman Carley stated that three letters had been submitted in opposition to the project as well. The first was from Kathrine Leswing, 20 Badger Street, urging the Board to deny the application based on concern for general health, safety, and welfare for this establishment being within 500 feet of a park. The second letter was from Liza Poinier and Bruce Clendening who are opposed to the application due to concerns for parking. And the final letter from Cheryl and Chris Simmers, 17 Morton, expressed that this would not be a neighborhood friendly use considering the children who walk past the site. In addition, the greater volume of patrons that the previous salon would put a strain on the on-street parking.

Chairman Carley asked for any additional comment from the Zoning Administrator; hearing none he closed the Public Hearing. He opened discussion up to the Board and began with Mr. Winters. Mr. Winters clarified that this is an application for a Special Exception not a Variance. He feels that at 600 square feet realistically there would not be a lot of people in the store and would not change the essential character of the neighborhood and would be inclined to vote for approval.

Ms. Spector-Morgan took a moment to express that she hears and understands the concerns of the abutters for this type of retail. However, she explained, the concerns for traffic would be true of any retail establishment in this location. However, this is a continuation of an existing condition; any operation to use this space would have an equal impact on pedestrian/vehicle traffic. The applicant states that there would be no "freight" deliveries. There will be no impact on sewer, water, or stormwater infrastructure as well as no excessive use of police, fire, or general services. Operating in compliance with firearms regulations mitigates any threat to health, safety, and general welfare. As a permitted use it is consistent with the Zoning Ordinance.

Mr. Monahan stated he had nothing to add. Mr. Wallner stated that he struggles with the criteria of not altering the essential character of the neighborhood, but that he agrees with what has been said. Chairman Carley also agreed state that the Board has limited purview in the matter.

Ms. Spector-Morgan moved to grant the Special Exception for the reasons previously stated finding that all of the criteria have been met, seconded by Mr. Winters. The vote was unanimous.

0017-2022 9-11 Lake Street; RO/RN – Open Space Residential and Neighborhood Residential Districts; Anderson, Sean Michael, Owner:

Owners wishes to execute a lot line adjustment to transfer the rear acreage to 369 North State Street and requests a variance to Article 28-4-1(h), Table of Dimensional Regulations, to allow a resulting lot to persist with 65.95 feet of frontage, where 80 feet is required.

Mark Sargent, Richard Bartlett & Associates, was present to represent Sean Anderson and Swenson Granite. Mr. Sargent reviewed the subject lots. The proposal would transfer 10.02 acres from Mr. Anderson to Swenson Granite. The remaining lot of Mr. Michael would be 2.39 acres and bring the Swenson Granite to 197.29 acres. The lot on Lake Street would retaining the existing non-conforming street frontage of 69.95 feet. The Zoning Ordinance requires 80 feet of street frontage in the District. The parcel will still meet the requirement for lot size and buildable acreage.

Mr. Monahan clarified with Mr. Sargent that the Anderson lot was residential while the acreage being transferred was to a commercial user. Chairman Carley asked if anyone was present to speak in opposition to the application. Sandra Petell, 53 Lake Street, was the first to speak. She stated that she also owns 27, 38, and 43 Lake Street, 6 Quaker Street, and 402 N State Street. She began to read her letter, which was made part of the record, to the Board. Ms. Petell urged the Board to deny the application based on the fact that retaining two acres does not protect the neighborhood from Swenson Granite and their unknown intentions. Chairman Carley interrupted to remind Ms. Petell that the Board cannot act based on what might or might not happen in the future. Ms. Petell continued by stating that the 10 acres being transferred would be changing in use.

Ms. Spector-Morgan asked if additional approvals would be required if Swenson Granite wanted to expand their operations into this new acreage. Dr. Hutton confirmed that Conditional Use approval would be required from the Planning Board.

Stacey Brown, City Councilor Ward 5, spoke on behalf of her constituents. She stated that of the 23 homes in the area, 19 of them were built in or around the year 1883. The excessive blasting puts these homes in danger. The transfer to Swenson Granite transfers a very steep slope; a photo was provided for the record. She is unsure of the intentions of Swenson Granite but has spoken with James Kennedy, City Solicitor, and Dave Cedarholm, former City Engineer, about the operation and is concerned that they do not have a current NHDES Alteration of Terrain permit.

Trevor Berry, 7 Lake Street, has more questions than testimony. He is not clear on the intentions for the use of the 10 acres being transferred, but he values the forest that is behind his home. Mr. Berry has observed when walking the trails behind his home that Swenson uses equipment to draw water from a pool to wet down the face of the slope they are working and a chalky substance is released that he finds in his French Drain.

George Harrington, 39 Lake Street, stated that while what the intended use is maybe irrelevant it is important. He utilizes a 1,500' well on adjacent City property, it has never run dry and is hoping it will not be impacted.

Meghan Bresnahan, 15 Lake Street, stated that since Swenson Granite has had new ownership that there has been increased blasting and this increased activity had increased the cracks she has found in her walls.

Linda Gallagher, 13 Lake Street, states that when she purchased her home approximately 50 years ago, she was told the land behind was zoned for watershed conservation and would remain undeveloped.

Chairman Carley asked if there were any factual clarification the applicant desired to make. Mr. Sargent reiterated that he is just the surveyor and that if there is a change in use the owners would have to come back for any City and State approvals required at which time there would be time for public comment.

Chairman Carley closed the Public Hearing. He clarified for that this lot has a preexisting non-conforming frontage and the transfer of acreage was to an abutter. Dr. Hutton stated that the only transfer that could take place would be to an abutter, anything else would create a landlocked parcel. She explained the lot line adjustment as give the parcel a new "birthday" with the change in the legal description. The non-conforming frontage is not changing it just has to be legitimized by Variance since the date of lot created would now be 2023.

Mr. Wallner was unsure of the hardship in this case; Mr. Monahan fails to see the uniqueness of the lot and therefore feels the hardship is self-imposed. Ms. Spector-Morgan stated that the abutters' concerns are not an area that the Board can address. There is no change in the frontage leading her to believe the values of the surrounding properties would not be diminished and the City has nothing to gain by denying the variance. Furthermore, it is not possible to the applicant to acquire the 15 feet of frontage require to make it conforming.

Mr. Winters agreed with Ms. Spector Morgan. The lot size is remaining conforming even though it is being reduced; there is no change in the lot frontage. Without the variance this lot would be of no use to the current owner with non-conforming frontage. Chairman Carley was sympathetic to the concerns of the abutters, but the Board has no authority over those issues. He agreed with Ms. Spector-Morgan and Mr. Winters. He further asserted that denying the variance would be a hardship on the owner and this act is not contrary to the spirit or intent of the Zoning Ordinance as nothing is changing with regard to the non-conformity.

Mr. Monahan moved to deny the variance; seconded my Mr. Wallner. Motion failed (2-3 vote).

Ms. Spector Morgan moved to approve the Variance based on the previously stated findings; seconded my Mr. Winters. Motion passed (3-2 vote).

0018-2022 75-77 Fort Eddy Road; GWP – Gateway Performance District; Daniel Brennan for Concord Plaza – dba N&P Associates RT, Tenants:

(This is a resubmission of a variance request Case #05-20 which was considered and approved by the ZBA on February 5, 2020, and since expired.)

Applicant wishes to construct an 8' x 8' addition (walk-in cooler) on the rear of an existing building, resulting in the reduction of the adjacent two-way travel lane from 24' to 18' in width and requests a Variance to Article 28-7-7(e), Minimum Aisle Width & (f), Driveway widths, to permit an 18' drive aisle where a 24' drive aisle is

required, for property located at 75-77 Fort Eddy Road in a GWP Gateway Performance District.

Chairman Carley clarified with Dr. Hutton that this is the same application that was before the Board in 2020. Dr. Hutton explained that it was and that approval has expired. The time has also lapsed for an extension. Dan Brennan, dpb Consulting Services, was present for the applicant; he confirmed that this was exactly the same proposal that was before them prior to the Covid-19 pandemic, which had put the project on hold. Mr. Brennan explained that the additional cooler was necessary due to menu changes at Panera Bread and that it would be accessed from inside the building. There is two-way vehicular traffic behind the building; with the dumpsters in their present location behind the other tenants spaces the traffic pattern still works. There is a possibility to remove some parking spaces since the final plan had more than was required.

There was no one in the audience to speak for or against the application.

Ms. Spector-Morgan asserted that the hardship was not due to the land since there is the possibility to remove parking spaces. Mr. Monahan discussed the movement of traffic through the site, stating that it can get tight behind the building. Mr. Brennan stated that those spots in particular are utilized primarily by staff. Dr. Hutton added that the 24-foot travel way requirement was not necessarily in place for patron vehicles, but more for larger trucks and emergency services.

Chairman Carley, while seeing the logic in Ms. Spector-Morgan's argument, would be inclined to approve this application for the second time. Mr. Andrews felt that having the spots for employees would be useful and would also be inclined to approve. Chairman Carley felt that the intent of the ordinance is met because the public is not negatively affected by the application. The conflict point is created by the unique shape of the lot thereby satisfying the hardship criteria.

Mr. Winters moved to approve the application since all the criteria for a variance are met; seconded by Mr. Wallner. The vote was unanimous.

0019-2022 60 South Main Street; UT – Urban Transitional District; Roman Catholic Bishop of Manchester; Owner:

Owner is seeking a variance to:

1. Article 28-7-2(e), Table of Off-Street Parking to permit 155 parking spaces where 486 are required;
2. Article 28-4-1(d)(1), Front Yard, to permit a concrete pad within the front yard setback; and
3. Article 28-7-1, General Provisions, to maintain the existing nonconformities with respect to parking and loading in the remainder of the property outside of the redevelopment area.

Attorney John Arnold and Father Richard Roberge were present to represent Christ the King Parish. Mr. Arnold gave a brief description of the site, which encompasses almost an entire city block. The current food pantry resides in a 1,500 square foot converted dwelling on the South State Street face of the lot. The proposed project areas are shaded on the plans submitted. The Thorndike Street facing project area is not directly impacted, but provides parking that is existing and to be improved as part of

the food pantry development. This area on Thorndike Street used to house a Barber Shop that has been removed. Mr. Arnold stated that the parking in the development areas will be conforming in all respects including dimensions and landscaping.

Father Roberge gave some background on the parish. In 2011, three parishes were merged. This brought the site together under one umbrella that included the church, the rectory, the community building, and the school. Father Roberge explained that this project is possible due to a \$1M bequest to the Parish and a \$750,000 CDBG grant from the City. The food pantry is open Monday through Thursday from 7-9 pm. Currently, patrons are given pre-sorted boxes of food. There are no public restrooms at the current facility, no private consultation area, there is limited food cooling and storage area, and the building is not barrier-free. The new food pantry will be a “store model” where they can pick foods that are appropriate to their diet restrictions, preferences, and culture. Currently, the only time parking is an issue is Christmas and Easter.

Mr. Arnold stated that there will be 155 spaces on site for the 486 spaces that are required. This is actually 20 more spaces than there are currently. The Parish is not expecting an increase in demand on parking; currently there are only about 12 cars at the food pantry at a time. Because the Ordinance defines the use as one that has to meet public assembly parking; 132 spaces are required for the food pantry alone. The parking lot cannot be made conforming to include all of the uses, but the buildings do not all operate at the same time.

The next issue discussed was the sidewalk. Mr. Arnold explained the wider area at the corner of the building is designed to accommodate large amounts of foot traffic congregating at the entrance. Without this area the fear is that people would wander onto the landscaping. Dr. Hutton explained that this area to congregate is viewed by the City as a part of the structure and is more analogous to a patio than a sidewalk. She explained that the Board has the discretion whether to take up the issue whether or not a variance is required. Dr. Hutton further explained that this is not an administrative appeal. Mr. Arnold was consulted and chose not to file an appeal. If the Board takes up the issue and decides that the variance is required, Mr. Arnold has preserved no right to appeal.

Mr. Winters expressed concern over the Board deciding if a variance was required and the perceived precedent it would set. Mr. Monahan was equally concerned and felt it should have been noticed as an administrative appeal. Ms. Spector-Morgan was not comfortable deciding on the need for a variance in the absence of an appeal. Mr. Wallner agreed on procedural grounds. Chairman Carly stated that he seems to be a minority of one and that the Board would proceed with the application as it was presented.

Mr. Arnold explained that the Parish would like to maintain the existing non-conformities outside of the development area, with regard to parking. Dr. Hutton expressed the City’s concern over this type of “omnibus” variance that would approve multiple standards. The City Planner has expressed concerns over unknown issues regarding stormwater and drainage in the existing parking lot. Mr. Arnold stated that this type of variance had been approved in the past using the example of the Market Basket plaza on Storrs.

Johnathan Halle, Architect for the project, addressed the need for the “sidewalk” to be in its proposed configuration. Mr. Halle explained that since there are no ramps or rails proposed this large area is necessary for accessibility. He sees it as sidewalk/landscaping as opposed to part of the building.

There was no one in the audience to speak for or against the application.

Mr. Wallner commented that he feels the parking is adequate for the site at 155 spaces, but he wanted to hear from the other Board members on the other aspects of the application. Mr. Winters commented that he is inclined to vote for approval of the application. He feels that the lot is unique in that it is a neighborhood in itself. The proposal is an upgrade to an existing use and improvement on the parking. He commented that the “sidewalk” does not offend like it would if it were a “structure.” In regards to the standard applying to the portions of the lot outside of the development area, Mr. Winters did not feel as though it should have to go to the Planning Board.

Ms. Spector-Morgan commented that this application should be handled in three motions. This site has been in existence a long time. She agreed with Mr. Winters that given the kind of structure the concrete area is, that it meets all of the criteria. Chairman Carley agreed with the previous comments. The lot is a unique configuration of a compound. In this regard the public interest is met and by providing some additional parking the intent of the Ordinance is met. He further stated that the “sidewalk” does not change the nature of the streetscape.

Ms. Spector-Morgan moved to approve the reduction of parking from 486 to 155 based on the findings of fact that the uniqueness of the compound meets the hardship criteria, the use conforms to the spirit and intent of the Ordinance, neighboring property values will not be diminished, and the City would not gain anything by making the Parish conform.; seconded by Mr. Monahan. The motion passed unanimously.

Ms. Spector-Morgan then moved that the “sidewalk/structure” complies with the purpose and spirit of the ordinance, it does not alter the essential character of the neighborhood, there is value to this element of the project that outweighs any gains the City would have from making the element conforming, and the shape and location of the parcel make the request unique; seconded by Mr. Wallner. The motion passes unanimously.

And finally, Ms. Spector-Morgan moved to approve the continuation of nonconforming conditions of the parking lot *outside* of the project areas because it would not diminish surrounding property values, the City’s gain is outweighed by the cost of compliance to the Parish, and the lot is unique in that it has three street fronts. This motion is conditioned on the merger of 3 and 5 Thorndike Street with 60 S. Main Street. The motion was seconded by Mr. Monahan and passes unanimously.

0020-2023 34 Regional Drive; IN – Industrial District; City of Concord, Owner:

Applicant wishes to construct an aircraft hangar and seeks a variance to Article 28-4-1(f), Maximum Height of Buildings or Structures, to allow a 58’ high building where a maximum height of 55’ is allowed.

Jeff Lewis, Northpoint Engineering, and Evan Herron, Silver Maple Construction, were present on behalf of the applicant. Mr. Herron explained that the Industrial (IN) District has a 45-foot height limitation, which is increased by 10-feet to 55-feet due to their distance from the property boundaries. Due to the desire to use Glulam trusses for sustainability reasons, the height of the building needs to be 58-feet to accommodate the height of the Gulf-Stream Jet to be housed in the hangar. This is a 3-foot variance request.

It was explained that the height limit of the IN District is not compatible with the types of structures in an airport. By way of example, the National Guard building to the West is 75-foot height. The closest adjacent buildings would not notice the 3-foot height increase from their distance.

Matt Walsh, Interim Deputy City Manager for Development, was present and explained that the FAA and NHDOT Aeronautics Division would be weighing in heavily on the height if the structure. Those agencies have far more sophisticated standards to their height regulations.

Dr. Hutton explained that the interior boundaries are lease lines and the parcel boundaries are those of the entire airport. It was asked if the building could be lowered three feet to negate the need for the variance. Mr. Lewis explained that the building needs to be at ground level for access to the runway.

There were no attendees speaking in opposition to the project. In favor of the project the Board heard from Warren Rudney, Airport Advisory Committee, who wanted to express his support of the project to the Board.

Mr. Winters commented that the lot is unique since it is an airport. The neighbors are all far away and it seems like a legitimate reason to want to choose Glulam over steel. Ms. Spector-Morgan disagreed in that the hardship is not arising from the land, but rather the choices the developer is making for the materials to be used. Mr. Wallner spoke in favor of approval. He expressed that the request is small in relation to the existing neighboring facility.

Mr. Monahan inquired why the City had not just changed the regulations. Mr. Walsh stated that the City had not considered that option to this point. Chairman Carly said that Ms. Spector-Morgan's logic is impeccable, on the other hand the airport is different from most uses in the IN District and was not conceived of in the Ordinance. He would be in favor of approval based on the fact that the lot is unique for the reasons previously mentioned and that this is a minimal request (invisible to most, in fact). The application is not inconsistent with the intent of the ordinance and there is no public benefit to denial.

Mr. Winters moved approval for the reasons stated by Chairman Carly; seconded by Mr. Wallner. The motion passed with Ms. Spector-Morgan voting against the motion.

0021-2023 2 Whitney Road; IN – Industrial District; Morrill Mill Pond LLC, Owner:

Applicant wishes to relocate and replace a freestanding sign and seeks the following variances:

- 1. Article 28-6-9(a), Table of Maximum Sign Dimensions for Non-Residential Districts, to allow a sign with a total sign area of 124.98 sf where 40 sf is allowed by right and where 100 sf was previously approved by variance on January 4, 2006 (Case #83-05); and**
- 2. Article 28-6-9(a), Table of Maximum Sign Dimensions for Non-Residential Districts, to allow a sign with a height of 35.62' where 12' is allowed by right and where 20' was previously approved by variance on January 4, 2006 (Case #83-05).**

Matt Walsh was present on behalf of the City of Concord and Laura Rauseo was present representing Morrill Mill Pond, LLC. Mr. Walsh explained that the public improvements at this intersection caused

the removal of the sign that had obtained variances in 2006. The new round-a-bout had a steep, rip-rap armored slope making placement of the old sign ineffective if not impossible. Ms. Rosio explained that this sign is the tenant directory and is the only sign that can be seen from the roadway.

Mr. Walsh stated that the new sign would be placed on flat ground at the toe of the slope. The top of the sign, while an increased dimension from the one being replaced would have at the same finished top of sign elevation. There was a question about lighting, to which Ms. Rosio explained that the sign will be internally illuminated.

There was no one in the audience to speak for or against the application.

Mr. Wallner stated that as a result of the topography they need to compensate in overall sign height. Also, they need to add the additional square footage to have the sign be safe and effective for the motoring public. Mr. Monahan commented that this is a tricky round-a-bout and safety has to be a concern. Ms. Spector-Morgan added that the proposal is consistent with the character of the neighborhood and the spirit of the regulations. She further stated that there would be no effect on the surrounding property values. Mr. Winters agreed with the previous sentiments and stated that the application keeps in line with the character of the neighborhood.

Ms. Spector-Morgan moved to approve the application based on the previously mentioned findings; seconded by Mr. Monahan. The application passes unanimously.

Mr. Wallner moved to approve the January 4, 2023 minutes, as written; seconded by Mr. Winters. The vote was unanimous.

There being no other business before the Board; the meeting the adjourned at 9:13 pm.

-Respectfully submitted by

Tracey Hutton, Zoning Administrator