

Members Present: Russell Cooke (Vice Chair), Marlon S. Frink, and Edna Mosher

Also Present: Ted Connors, Earl Kalil, Esq., and Tom Morgan

Commencement: The meeting was convened by Vice Chairman Cooke at 7:12 PM.

Allard: Morgan reviewed the new criteria for hardship as promulgated by the NH Supreme Court in their recent decision re: Simplex vs. Newington. Board members had received a copy of the decision in the mail.

The applicant requests a variance for an undersized lot that would be created when the Town builds the Industrial Corridor Road across the applicants' property. Ted Connors of the Industrial Road Committee explained the rationale for the road's layout. Running the road across the Allard property removed a dangerous curve and saved the road builder a considerable sum.

Attorney Kalil and board members addressed the five criteria:

1) **Property Values:** There would no diminution of abutters' property values. On the contrary, values would be enhanced by the new frontage on the Industrial Roadway.

2) **Public Interest:** It would be in the public interest because the removal of the curve saved \$500,000 in roadway construction costs. Also, a straight road is safer.

3) **Hardship:** The roadway is creating a unique parcel. It is re-saleable. M. Frink added that the proposal meets the spirit & intent of the ordinance. Cooke noted that the parcel would become unusable in the absence of a variance, and that the circumstances of the subject property are unique. Kalil added that the roadway would enhance the private rights of other property owners.

4) **Substantial Justice:** Frink and Cooke agreed that substantial justice would be done. Cooke stated that there would be no benefit to the public if the variance were denied, and that the Industrial Roadway is in the public interest.

5) **Spirit & Intent:** M. Frink stated that the proposal was consistent with the intent of the ordinance. Cooke concurred. M. Frink added that public safety issues would be addressed by the Planning Board. Cooke stated that the proposal is within the spirit and intent of the ordinance because the roadway and the variance promote industrial growth in the district.

Vice Chairman Cooke asked if anyone in the public had any additional input. He then closed the hearing.

M. Frink moved to approve the variance as advertised, based on the previous discussion. Mosher seconded the motion. All in favor.

Adjournment: M. Frink moved to adjourn. Mosher seconded. All in favor. The meeting adjourned at 7:45 PM.

T. Morgan
Sec'y