

**Minutes of the  
Zoning Board of Adjustment  
Meeting of October 3, 2023**

A meeting of the Zoning Board of Adjustment was held on October 3, 2023 in the Knightly Meeting Room at the Salem Town Hall.

**PRESENT: Ed Huminick, Chairman; Jeff Hatch, Vice-Chair; Kellie Annicelli, Secretary; Dionne Garon; Claire Karibian; David Bruce, Alternate; Dan Guild, Alternate; Sylvia DasChagas, Alternate; and Jacob LaFontaine, Planning Director**

Chairman Huminick called the meeting to order and introduced the board members.

**REVIEW OF MINUTES**

September 5, 2023 – Regular Meeting

**MOTION by Mr. Hatch to accept the minutes of the September 5, 2023 meeting as printed.  
SECOND by Ms. Karibian.**

Mr. Hatch	In favor
Ms. Garon	In favor
Ms. Karibian	In favor
Chairman Huminick	In favor

**VOTE: 4 – 0 MOTION PASSES. MINUTES ACCEPTED.**

Chairman Huminick asked if all of the members have visited all of the sites. The members have all visited the sites. Chairman Huminick explained how the meeting will proceed. The ZBA is a quasijudicial board so all testimony is considered to be under oath.

**PETITION # 1 – Map 76, Lot 7303**

Main Street 380, LLC hereby requests a Variance from **Article IV, Sections 490-401B, 490-401C(1), and 490-817**, and asks that said terms of the Zoning Ordinance be waived to permit the conversion of an existing 2<sup>nd</sup> floor space (4200 SF) at 380 Main Street, into 4 residential studio apartments with no Workforce Housing Units, where mixed office and multi-family residential is a non-permitted use, and a maximum of two units are permitted per lot in the BO-II District, and at least 10% of units in new multi-family housing projects which exceeds the density allowed in the underlying zoning district shall be dedicated as affordable to moderate income households.

**Property Location: 380 Main Street – Building 1**

**Abutters:** There were no abutters present.

1 Suzanne Brunelle, Attorney from Devine Millimet is here on behalf of the petitioner, Main Street  
2 380. Also here is Michael Malynowski. Main Street 380 is owned and managed by Dave and  
3 Kim Abair. They are both here. They own 401 Main Street, which they purchased in February  
4 2021. That property had some dinge. They like properties that need some help. They spent time  
5 and money on 401 and it's a beautiful property. They have new tenants in there. They are  
6 looking to do the same with 380 Main Street, which they purchased in May 2023. This is a  
7 unique property. It is almost 5 acres. She explained the zoning. The initial variance request is for  
8 380 Main Street. They are looking for allowance of multi-family residential in the mixed use  
9 zone. They are looking to add 4 age-restricted, elderly housing studio apartments which requires  
10 a variance. The Business Office district is part of the mixed use district so we are able to have  
11 mixed uses. The surrounding areas are a mix of residential and business. The plan is to leave the  
12 first floors as professional businesses and add the housing development. Due to nature of our  
13 ordinances, we have six variance requests to allow multi-family in the Business Office District,  
14 and Rural District. The other 2 are as a result of the lack of allowability of the multi-family.  
15

16 Chairman Huminick asked, is the board comfortable with stipulating for the record the  
17 introductions?

18 Attorney Brunelle then read through the criteria.  
19

20 **PUBLIC INTEREST:** For the variance to be contrary to the public interest, it must unduly and  
21 to a marked degree violate the basic zoning objectives of the zoning ordinance. To determine  
22 this, the board will need to decide if the variance would alter the essential character of the  
23 neighborhood or threaten the health, safety, or general welfare of the public. See Chester Rod  
24 and Gun Club, Inc. v. Town of Chester, 152 NH, 577 (2005). Pursuant to State statutes, zoning  
25 objectives are outlined in NHRSA 674:14 and adopted by local municipalities as part of the  
26 creation of the city/town's zoning ordinance. This variance request does not violate those basic  
27 objectives but rather promotes the general purposes of the zoning ordinance by promoting the  
28 health and general welfare of the Salem community. The New Hampshire Bulletin noted in its  
29 June 7, 2022 publication article entitled "How to fix the NH Housing Shortage? Get back to  
30 protecting private property rights." The author, Ben Cushing, 2023 President of the New  
31 Hampshire Association of Realtors, opined – "The New Hampshire housing market is in tougher  
32 shape than most of the country. One of the most pressing issues is the lack of housing and  
33 housing shortage crisis in the State...lack of available housing in New Hampshire is impacting  
34 our state's ability to hire workers and expand our economy. It is exacerbating our state's  
35 homelessness crisis, it is driving up property taxes by placing higher costs on fewer properties; It  
36 is forcing our young people out of state to find more affordable options. We strongly support  
37 recent efforts by the Governor and many legislators in funding various financial incentives to  
38 towns and developers in creating more affordable housing options. But as important as those  
39 programs are, no amount of government dollars will be enough to eliminate the housing gap –  
40 estimated at more than 23,500 units today and up to 90,000 by 2040."

41 Granting of the variance serves the public interest and would allow additional housing  
42 opportunities for those in need, thereby meeting the Town of Salem's zoning objectives. The  
43 granting of the variance would not alter the character of the neighborhood. The proposed use is  
44 compatible with the surrounding area. See Exhibit 8 & 9. The surrounding area consists of a mix  
45 of office and residential uses keeping the residential charm intact. The proposed use does not

1 alter this character but rather enhances it. The intent of the BO-II district as noted in the town's  
2 zoning ordinance is "The architectural character of the district shall remain as it is residential."  
3 The granting of the variance to allow four (4) studio apartments is supportive of this intent.  
4

5 **SPIRIT OF ORDINANCE:** In *Malachy Glen Associates, Inc. v Town of Chichester*, 155 NH  
6 102 (2007) the Supreme Court stated that "the requirement that the variance not be contrary to  
7 the public interest is related to the requirement that the variance be consistent with the spirit of  
8 the ordinance. To be contrary to the public interest, the variance must unduly and in a marked  
9 degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives.  
10 One way to ascertain whether granting the variance would violate basic zoning objectives is to  
11 examine whether it would alter the essential character of the locality. Another approach to  
12 determine whether granting the variance would violate basic zoning objectives is to examine  
13 whether granting the variance would threaten the public health, safety, or welfare." The request  
14 to allow four (4) studio apartments in building one in a zoning district that allows by right one-  
15 family, two family dwellings, private garages, gardens and orchards incidental to residential use,  
16 in-law units as well as other more intensive uses such as churches, parish houses, convents,  
17 public and parochial schools, municipal buildings, and libraries is not contrary to the spirit of the  
18 ordinance and is compatible with the allowable land uses. At this time, there are no major  
19 exterior changes being proposed to the building. The property contains two zoning designations  
20 that split the property almost in half. The character of the neighborhood consists of both business  
21 and residential uses as are allowed in the district. The property as a matter of right would be  
22 entitled to have both office and residential uses on it. The residential use of (4) studio apartments  
23 is one of low intensity which will not contribute to any health or safety concerns but rather it will  
24 increase the health of the community by providing more desperately needed housing  
25 opportunities.  
26

27 **SUBSTANTIAL JUSTICE:** Perhaps the only guiding rule is that any loss to the individual that  
28 is not outweighed by a gain to the general public is an injustice. Further, any loss to the  
29 individual which is not outweighed by a gain to the general public is an injustice. This results in  
30 a balancing act. Clearly, the loss to the property owner is not outweighed by any gain to the  
31 public. In fact, the public will lose if the variance is not granted as there is an opportunity to  
32 provide for additional housing where the housing shortage is at an all time high.  
33

34 **DIMINUTION:** At this time, there are no major exterior changes being proposed to the  
35 building. The applicant is providing for both professional business and housing development on  
36 a large parcel in the BO-II district, a mixed use district. This will result in an increase in value to  
37 other properties as well as an increase in the tax base to the town. The property is currently  
38 surrounded by a mix of residential and commercial properties. The commercial properties  
39 contain a variety of business uses, including shopping centers, restaurants, banks, medical  
40 facilities, convenience stores, and office uses. This area is clearly familiar with the concept of  
41 mixing residential and commercial uses. The proposed use enables healthy community  
42 development and provides the area with sustainable apartment housing and small business uses  
43 complimentary to the surrounding area. Therefore, the proposed use is only likely to enhance  
44 property values in the area, not diminish them.  
45

1 **HARDSHIP:**

2  
3 **Special Conditions:** The property is a split zoned property consisting of three buildings. The  
4 two front buildings are located in the BO-II zone and the third building is located in RUR zone.  
5 The property is larger than most of the surrounding properties. The property is 4.94 acres. 378  
6 Main Street consists of 0.6392 acres. The property is the largest of the surrounding parcels on  
7 Main Street. The property also contains an irregular nonagonal shape.

8  
9 **i.** The property contains two distinct district zoning designations, three buildings, an irregular  
10 shape and is the largest of its size compared to the neighboring parcels on Main Street. To not  
11 allow the four residential units as part of a mixed use on the property would be unfair as there is  
12 no fair and substantial relationship between the public purpose of the ordinance and the specific  
13 application of restricting a residential use of the property especially given that single family and  
14 two family homes are already allowed in this district as well as more intense uses (schools,  
15 churches, municipal buildings). There are very limited areas in town which allow for this needed  
16 type of housing with little to no development potential to address this need.

17  
18 **ii.** Allowing a mixed use office/residential of four studio apartments on the second floor in a BO-  
19 II district that allows as a matter of right mixed business and residential uses is a reasonable one.

20  
21 Mr. LaFontaine read the comments from the Health Officer, which state that a new septic system  
22 design is needed. Attorney Brunelle said the request is for elderly housing, and we are aware of  
23 the septic requirements. That is part of the reason for adding the voluntary age restriction.  
24 Chairman Huminick asked, the 4 studio apartments are age restricted? Attorney Brunelle said,  
25 they are. Chairman Huminick said, it doesn't say that in the application. He also mentioned the  
26 parking summary table.

27  
28 Mr. Hatch asked, are we going to take each one of these on separately, or are we going to take  
29 one vote for all three? Chairman Huminick said, since the applicant has filed two petitions,  
30 which he probably would have done one petition for the entire property, but we will handle them  
31 one at a time. Mr. Hatch asked, right now we are just talking about the mixed use? Chairman  
32 Huminick said yes.

33  
34 Ms. Karibian said, regarding the property, it will be age restricted. Is that going to be 55 and  
35 over? Attorney Brunelle said, the statute is unclear on if its 55 or 62, but the applicant will take  
36 whatever recommendation that the board has. Ms. Karibian asked, 4 units are studio which is like  
37 a 2 person? Attorney Brunell said yes. We will voluntarily put an age restriction. We intend to  
38 use the property for elderly housing. Ms. Karibian asked, are you intending to put in an elevator?  
39

40 Kimberly Abair, 39 Parkside Drive, Pelham, said that on the second petition we intend to put in  
41 an elevator. We didn't mention it on building one, but we will look to the board for your  
42 advisement. Ms. Karibian said, if you have elderly, they may not be able to climb stairs and also  
43 move stuff in and out. Regarding the fire escape, how will you handle that? Attorney Brunelle  
44 said, we will have to comply with the requirements of the town. Ms. Karibian asked if we can  
45 consider that a stipulation? Chairman Huminick said, sure.

1  
2 Ms. Karibian asked if they have done a traffic impact. Attorney Brunelle said no. Ms. Karibian  
3 mentioned the number of units. Chairman Huminick said, right now we are only talking about  
4 the 4 units. Ms. Karibian said, that will create an impact of 4-8 people. It probably won't be too  
5 much for that area. Are you intending to do a traffic impact? Attorney Brunelle said she doesn't  
6 think we are for the four units unless we are required to. Mr. LaFontaine said, they have  
7 submitted to the Planning Board and did a deposit for the outside traffic review. Our traffic  
8 consultant did request a trip generation study.

9  
10 Ms. Karibian said, you mentioned multi-family, but studio apartments are not conducive to  
11 multi-family. Attorney Brunelle said, it is the number of units. Single family and two family  
12 homes are allowed. We were referencing multi-family, more than two units. Ms. Karibian  
13 mentioned that in this particular petition you will have the 10 percent low to moderate income.  
14 Attorney Brunelle said, we are not on that variance.

15  
16 Ms. Karibian said that building will have office space on bottom and studios on top. She asked  
17 about parking. Attorney Brunelle said that is a Planning Board issue. Chairman Huminick said,  
18 we are just discussing the residential use.

19  
20 Ms. Garon asked them to expand on their choice to do an age restriction. Attorney Brunelle said  
21 that was a decision that the applicant made. They are looking to serve the elderly community.  
22 Ms. Annicelli asked, is there a septic system, do they tie together? Chairman Huminick said, it is  
23 one septic system. Ms. Annicelli asked, if elderly housing goes in, they don't have to do anything  
24 with the septic? Mr. LaFontaine said that the Health Officer asked for new septic design for the  
25 residential use. Elderly comes into play because there is reduced lot loading. So the town may  
26 want to do a restrictive covenant in terms of age restriction. Ms. Annicelli asked, so they still  
27 have to do a design? Mr. LaFontaine said, the Health Officer asked for a septic design.

28  
29 Mike Malynowski from Allen Major Associates, said we received comments about the septic for  
30 380. We disagree with the Health Officer's view of that. Although the septic is designed for  
31 commercial space, the loading and allowable gallons per day with that system is still allowable  
32 for offices and residential uses above, and still has the capacity in the existing system. He  
33 discussed the septic system. We provided a new design for the rear system. The one up front,  
34 based on our calculations, the system is adequately sized regardless of office or residential. The  
35 change doesn't require a new design. Mr. LaFontaine said, that is something they can address  
36 with the Health Officer.

37  
38 Chairman Huminick said, we haven't addressed the 10 percent. Attorney Brunelle said, it is two  
39 separate applications. This is how we were advised to go forward. If the first one doesn't pass  
40 then there is no necessity to do the other two. Mr. Hatch thinks we are heading down the right  
41 path by just talking about the use first.

42  
43 Chairman Huminick thinks this is a great use. There are no abutters. We are going to be looking  
44 for a motion for a variance from Article 4 Section 490-401B and 490-401C1, correct? Mr.  
45 LaFontaine said yes, you can act on the use, that will be the correct citation.

1  
2 Chairman Huminick then closed the petition # 1.

3  
4 Mr. Hatch asked, are there any concerns from staff? Mr. LaFontaine said, they are going to go to  
5 the Planning Board. He thinks it is not so much of a disagreement as it is just having to work  
6 through that with the Health Officer and the applicant. So a condition may be appropriate to  
7 provide a septic design if required. Chairman Huminick said, the applicant has offered up an age  
8 restriction on this. If the board wants that, that should be included in the motion. Mr. Hatch said,  
9 regarding the elevator, he understands the concerns, but with only 4 units, it is not cost effective  
10 to put it in this building. In the next one, he would agree. There is a plan for it. With this one, he  
11 thinks they will have to work with the Planning Board and staff.

12  
13 **MOTION by Mr. Hatch to grant with a stipulation that there is some sort of deed**  
14 **restriction or covenant.**

15  
16 Mr. LaFontaine read from the senior housing overlay district. We can also add that it must  
17 comply with RSA 354-A:15.

18  
19 **SECOND by Ms. Annicelli.**

20  
21 Ms. Karibian said she appreciates the fact that it is great for elderly housing. but her concern is,  
22 these contractors are building houses and they are nowhere near affordable. What will they be?  
23 Will they really be affordable, especially for elderly? They continually come in with a housing  
24 shortage guise. And the apartments are also too expensive. Chairman Huminick agrees, but that  
25 will be part of the discussion for the ten percent being affordable. Right now we are talking about  
26 the motion to allow 4 residential apartments in the building. Then we can discuss if we desire to  
27 grant a variance to waive the ten percent. That is a whole other discussion. They will be asking to  
28 waive the ten percent requirement. That's when we will have that discussion. Ms. Karibian said,  
29 we do know that there are no apartment buildings in this area, so that will change the character of  
30 the neighborhood. Chairman Huminick said he doesn't think it will change the character. He  
31 drives by that building every day and he doesn't see the back buildings, and when you drive by  
32 the front one, it looks like a house. The property is uniquely situated. The underlying concept to  
33 zoning is the master plan. He discussed how Salem is pretty much built up. There are not a lot of  
34 residential abutters. None showed up tonight. He doesn't think there will be a traffic issue. It was  
35 9,600 square feet of office space. You are cutting the office space in half and there is a sea of  
36 parking so he doesn't think there will be a parking issue. This is a great location for this.

37  
38 Ms. Karibian said, this is one parcel of land and they are coming in with two different petitions.  
39 Two buildings, one will be apartments and the other will be office and apartments. And you also  
40 have a childcare area. Will that be 80 kids? Mr. LaFontaine said that is approved with 82  
41 children. They got approval for 82. Ms. Karibian mentioned traffic. It will impact the in and out  
42 with the child care, office space and 28 units. Chairman Huminick said that is a Planning Board  
43 issue. We don't do traffic.

1 Ms. Garon said, she hears the concerns about the current site, and it's appearance. It was  
 2 stipulated that there will be no exterior changes to the buildings. She doesn't live too far and  
 3 drives by it all the time. This past week driving by, she was mentally noting the site. It is unique  
 4 where it won't be obvious that there potentially will be a lot of cars parked here. It may be a  
 5 better opportunity to convert it without changing the dynamic of the area. This is something that  
 6 the owners can do without negatively affecting the appearance of the area.

7  
 8 Chairman Huminick said the motion is to grant a variance from Article 4, Section 490-401B, and  
 9 490-401C1, to allow four residential studio apartments and an office on the second floor of an  
 10 office building at 380 Main Street, with the stipulation that it be age restricted, 55 and over, the  
 11 details of which will be worked out with the town and the Planning Board.

Mr. Hatch	In favor
Ms. Karibian	In favor
Ms. Garon	In favor
Ms. Annicelli	In favor
Chairman Huminick	In favor

12  
 13 **VOTE: 5 – 0 MOTION PASSES. PETITION # 1 GRANTED WITH STIPULATIONS.**

14  
 15 **PETITION # 2 – Map 76, Lot 7303**

16 Main Street 380, LLC hereby requests a Variance from **Article III, Section 490-302B, 302C(1)**  
 17 **and 817**, and asks that said terms of the Zoning Ordinance be waived to permit the conversion of  
 18 the existing building at 384 Main Street, into 24 studio apartments (age restricted) with no  
 19 Workforce Housing Units, where multi-family residential is a non-permitted use and residential  
 20 density of one unit per 87,120 sf or one duplex per 174,240 sf, with sewer is allowed in the Rural  
 21 District, and at least 10% of units in new multi-family housing projects which exceed the density  
 22 allowed in the underlying zoning district shall be dedicated as affordable to moderate income  
 23 households.

24 **Property Location: 380 Main Street – Building 3**

25  
 26 Attorney Brunelle said, this is the second of three. There is no existing density requirement set  
 27 forth. So it is impossible to meet workforce housing.

28  
 29 Chairman Huminick said, we already approved 4 units. Mr. LaFontaine said, you did act on both  
 30 the density and the use. You voted on 490-401B and 490-401C1.

31 Attorney Brunelle said, there was no density requirement there but density for the multi-family  
 32 units, which is allowed in the garden district, is two acres. This property is 4.94 acres. If we were  
 33 to have a density requirement that followed others, its two acres. So we make that. The  
 34 workforce housing requirement is triggered by the density. It is impossible to meet the workforce  
 35 housing because it is not an allowed use in this zone. We fall back on the density requirement  
 36 which is 2 acres and we have 4.94 acres.

37  
 38 Chairman Huminick said, from his point of view, you have 4 units. Does ten percent of those  
 39 units have to be workforce? Attorney Brunelle explained when workforce gets triggered.

1 Attorney Brunelle then read through the criteria:  
2 The property meets the density requirement for multi-family which is 2 acres and we have  
3 almost 5. The workforce only gets triggered when you exceed the density requirement and we  
4 are not. We have plenty of space for the 4 units so the workforce housing requirement should not  
5 be triggered. The building is more than 60 feet from Main Street. We are looking to provide  
6 needed housing and the proposed use is compatible to the surrounding areas. The spirit of the  
7 ordinance is to require workforce housing where there is increased density. This project is  
8 situated in the GA zone where multi-family is allowed by right, would not exceed the density  
9 requirement of two acres, as the property is 4.94 acres. The variance request observes the spirit  
10 of the ordinance because there is sufficient acres for the 4 units. And its age restricted for elderly.  
11 The character of the neighborhood is business and residences. Adding 4 residential studio  
12 apartments is low intensity. Substantial justice is done because there is no gain to the public by  
13 denying the variance. We all need affordable housing. The applicant is restricting it to elderly  
14 which provides a service to an underserved community. Regarding the value of surrounding  
15 properties, there is no change to the exterior. Regarding parking, the previous use was all  
16 businesses. 450 cars were going in and out of there a day. 4 studio apartments, a limited business  
17 and daycare center that will spike twice a day is substantially less traffic than 450 cars.  
18 Regarding the hardship, it's a unique property and has dual zoning and is has three separate  
19 buildings. It is substantially larger than other properties in the area. She mentioned density. We  
20 are looking at 2 acres versus 5 acres. It's a reasonable one with multi-family residential use with  
21 the business use. Residential is allowed in that zone.

22  
23 Mr. Hatch asked, what would be the density requirements on this lot? Mr. LaFontaine said, there  
24 is a residential density allowed in the Business Office District. They are allowed one and two  
25 family dwellings on one lot. The lot size is half acre. Under the senior housing ordinance, if they  
26 come in under that, they are allowed 2 units per acre and can have multi-family. The board  
27 should question the notion that there is not a density calculation because multi-family is not an  
28 expressly permitted use. They are exceeding that residential density calculation. Attorney  
29 Brunelle said, now that we allowed multi-family, you need to be looking at the multi-family  
30 requirement. That is 2 acre minimum and we have 4.94.

31 Mr. LaFontaine said, we have a garden apartment district. The maximum density there is 12 units  
32 per acre and the minimum lot size 2 acres. So she is correct. If this property was garden  
33 apartment, they could have increased density. But we do allow multi-family units in other  
34 instances, which he discussed. He thinks there is a residential density in the Business Office  
35 District, and they are exceeding that and the board waived it. They are allowed one or two family  
36 on one lot. They could subdivide this lot and get increased density that way, but he thinks to  
37 assert that there is no residential density calculation in the Business Office District because  
38 multi-family isn't a permitted use, is a slippery slope. He explained that others could make a  
39 similar argument. Attorney Brunelle said, she did not say there was not a residential density  
40 requirement. She said there is not a multi-family residential density requirement for the Business  
41 Office District. It is 4 units. It is an existing building to convert to multi-family housing to meet a  
42 need that is great in town.

43  
44 Mr. Hatch said, his concern with density, is with the ordinance that is concerning workforce  
45 housing. The ten percent is required because of density that is on site. Not by building. This is



1 one lot. When you start talking about workforce housing ordinance you have to consider both  
2 buildings here.

3  
4 There was discussion of this project and number of units.

5  
6 Ms. Karibian asked, does that mean there is no ten percent for these 4 units? Mr. LaFontaine  
7 said, the applicant is requesting to waive the ten percent requirement for this building. Mr. Hatch  
8 said, if this passes, then yes you are correct. These 4 units will be exempt from the ten percent.  
9 We can revisit it on the next one, not this, these are done. Ms. Karibian said, that is what she said  
10 in the beginning. Where is the ten percent? Mr. Hatch said, if we deny this, they have to provide  
11 the ten percent. If we deny this, we will deny the next one also. So they would have to provide  
12 the ten percent for the 28 units.

13  
14 Kimberly Adair, 39 Parkside Drive, Pelham, is also a New Hampshire State rep. We are willing  
15 to do the ten percent but we would like to do it privately and will submit records to the Town of  
16 Salem. She has worked closely with older constituents, and has called housing authorities across  
17 the State to get housing. It is a long process. She explained how the State does it. The rents are  
18 too high. She is willing to work with you, but she wants to do it privately and not have to have a  
19 third party. She is willing to work with you and submit reports and do ten percent, on both  
20 buildings.

21 Mr. Hatch said, that makes things easier for us. At that point, they are willing to do it privately,  
22 and that takes us out of the equation. They will work that out with the Planning Board. It is  
23 between you, the Planning Board, and the Housing Authority. He will make a motion to deny  
24 this, which will require you to do ten percent for this building and when you get to the Planning  
25 Board you can fight with them on the number of units.

26  
27 Ms. Karibian said, looking at the article for the zoning, it is saying workforce housing. What is  
28 the difference between that and low to moderate income? Mr. LaFontaine explained that  
29 workforce housing is rental properties that are affordable for those who make up to 60% of the  
30 area median income. We are in the Lawrence area median income. He explained what the  
31 income levels are. The rent is adjusted depending on your income. Ms. Karibian then read what  
32 the ordinance says. Mr. LaFontaine said it is tied to the Department of Housing and Urban  
33 Development's definition.

34  
35 Chairman Huminick suggested that the applicant withdraw it, and go to the Planning Board, and  
36 if needed, come back here.

37  
38 Attorney Brunelle mentioned 384. Chairman Huminick said he assumes that you will withdraw  
39 the variance request for the workforce housing. Attorney Brunelle said, the workforce housing  
40 on 384, yes. The only difference is we are looking for 24 age-restricted studio apartments.  
41 Chairman Huminick said we can stipulate prior testimony for petition # 1 for the record.

42  
43 Mr. LaFontaine read the list of abutters. There were no abutters present.

1 Chairman Huminick asked if there was any correspondence from town departments. Mr.  
2 LaFontaine said, just the same correspondence from the Health Officer. Chairman Huminick  
3 said, we stipulated all the criteria from petition 1 to petition 2 for the record. We are looking at  
4 24 units.

5  
6 Mr. Hatch asked, this one will have an elevator? Attorney Brunelle said yes.

7  
8 Ms. Garon said her two concerns were the elevator, which is in the plans, and the septic. Ms.  
9 Karibian said she is stuck on the ten percent. Chairman Huminick said, they withdrew that. The  
10 life safety issues, parking, etc, will be the purview of the Planning Board, correct? Mr.  
11 LaFontaine said that's correct.

12  
13 Chairman Huminick asked if there were any abutters to speak in favor of this petition. There  
14 were none. He asked if there were any to speak in opposition. There were none. He then closed  
15 petition # 2.

16  
17 **MOTION by Mr. Hatch to grant with the stipulation the same as we did for the first**  
18 **building and the same age group, 55 and older.**

19  
20 Chairman Huminick said, the details to be worked out with the town and the applicant.  
21 Mr. Hatch said yes.

22  
23 **SECOND by Ms. Annicelli.**

24  
25 Ms. Karibian asked, will this motion include that its approved based upon ten percent? Chairman  
26 Huminick said, they withdrew the motion for a variance for the ten percent which means they  
27 have to comply with the ten percent. And they have to go work out the details with the Planning  
28 Board, and they can come back if they can't work something out with the Planning Board.

Ms. Karibian	In favor
Ms. Garon	In favor
Ms. Annicelli	In favor
Mr. Hatch	In favor
Chairman Huminick	In favor

29  
30 **VOTE: 5 – 0 MOTION PASSES. PETITION # 2 GRANTED WITH STIPULATIONS.**

31  
32 **MOTION by Ms. Karibian to adjourn. Second by Mr. Hatch.**  
33 **Members in favor: All were in favor.**

34  
35 **The meeting adjourned at 8:05 p.m.**

36  
37 **Minutes by: Susan Strugnell**

38 **Approved: Zoning Board of Adjustment**

39 **Date: November 7, 2023, approved**