

1 **TOWN OF DERRY**

2
3 **Zoning Board of Adjustment**

4
5 **MEETING MINUTES – May 21, 2026**

6
7 **MEMBERS PRESENT**

8 Lynn Perkins, Chair
9 Craig Corbett, Vice Chair
10 James Dietzel
11 Richard Tripp
12

MEMBERS ABSENT

Crystal Morin

13 **ALTERNATES PRESENT**

14 Michael Donlon
15 Jason Dragani
16 Brent Lyskawa
17 Gaspar Obimba
18 Anthony Herny
19

ALTERNATES ABSENT

20 **CODE ENFORCEMENT**

21 Keri Owen, Code Enforcement

22
23 Minutes prepared by: Eileen Boudreau, ZBA Clerk
24

25 **I. CALL TO ORDER:**

26
27 Mr. Perkins called the meeting to order at 7:00 p.m. with the salute to the flag. Instructions were given on
28 safety. Also noted the meeting is audio and video recorded.
29

30 Mr. Perkins asked board members to introduce themselves.
31

32 **II. ADMINISTRATIVE BUSINESS**

33
34 **ELECTION OF OFFICERS**

35
36 Mr. Dragani made a motion to table the Election of Officers until the end of the meeting.
37

38 Mr. Dietzel seconded the motion. All in favor, none opposed.
39
40

41 **22-134**

42 **REQUEST FOR EXTENSION**

43 **Applicant:** John Maravelis and Matthew Maravelis
44 **Owner:** Matthew Maravelis
45 **Co-owner:** John Peter Lira Maravelis
46 **Parcel ID:** 14021
47 17.5 Ledgewood Dr.
48 **Zoned:** LMDR
49

50 The applicants are requesting a variance extension of case 22-134 granted 6/22/2022 to the terms
51 of Article III, Section 165-9 of the Town of Derry zoning ordinance and NH RSA 674:41 to allow

the construction of a single-family dwelling on the property which does not have frontage on a town approved street.

Mr. Perkins asked Mr. Donlon to sit in on case 22-134.

Mr. Maravelis said they need to fulfill some requirements for the town of Auburn before they can pursue a building permit with the Town of Derry. Progress has been made. It took about a year and a half to get the driveway plan designed. There have been several meetings with the Town of Auburn planning, and they had to delineate the wetlands. They have hired an attorney to draft the shared driveway agreement. The only thing outstanding for Auburn is to get the agreement signed and register at the County of Deeds. When that is done the final letter can be sent to Derry.

Mr. Perkins asked if the wetlands engineering is due to Auburn or Derry.

Mr. Maravelis said it was requested by Auburn and he is not sure if they need one for Derry, but it is already done.

Mr. Perkins asked Ms. Owen if she had anything.

Ms. Owens said just to reiterate on the case to remind everybody this previously was granted a variance June 2, 2022, and was granted a two-year extension June 6, 2024. Things are still underway and in process.

MOTION

Ms. Morin made a motion on case #22-134 to grant a variance extension granted 6/22/2022 to the terms of Article III, Section 165-9 of the Town of Derry Zoning Ordinance and NH RSA 674:41 to allow the construction of a single-family dwelling on the property which does not have frontage on a town approved street.

Parcel ID: 14021 Zoned: LMDR

as presented with the following conditions:

1. Subject to obtaining all state and town permits and inspections.

Mr. Donlon seconded the motion. All in favor, none opposed.

Mr. Perkins reviewed the findings of fact as follows:

The applicants have been in process of development following the intentions of planning layout for this project. Their delays are not fault of their own.

The board also includes all facts found in the meeting minutes for this application and incorporates all meeting minutes into its finding of facts and decisions.

Voting Members:

Mr. Donlon	Yes
Mr. Tripp	Yes
Ms. Morin	Yes

103 Mr. Dietzel Yes
104 Mr. Perkins Yes
105

106 The application was granted by a vote of 5-0. Anyone aggrieved by a decision of the Board has 30 days to
107 file a request for a rehearing. After that, the recourse would be to appeal to Superior Court.
108

109 NOTE: If voting against granting request you must state reason for denial.
110
111

112 III. PUBLIC HEARING 113 114

115 **26-114**
116 **REQUEST TO TABLE TO 6/4/26**
117 **Applicant: Promised Land Survey, LLC**
118 **Owner: Peabody Family Revocable Trust of 2025**
119 **Co-Owner: Peabody Craig B. & Jennifer A. Trustees**
120 **Parcel ID: 06103A**
121 **26.5 Ballard Rd**
122 **Zoned: LMDR**
123

124 The applicant is requesting a variance to Article VI, Section 165-47.B.2 and Section 165-47.B.3
125 of the Town of Derry zoning ordinance to allow the construction of a single-family home with
126 less than the required frontage and minimum lot width.
127

128 Brandon Wing, Promised Land survey, LLC introduced himself. He said the clients requested the
129 case be tabled. He is not prepared to present the case tonight.
130

131 Mr. Perkins asked Mr. Obmiba to sit on case 26-117.
132

133 MOTION 134

135 Ms. Morin made a motion on case #26-114 to table the case until the next meeting June 4, 2026.
136

137 Mr. Tripp seconded the motion. All in favor, none opposed.
138

139 Voting Members: 140

141 Mr. Obimba Yes
142 Mr. Tripp Yes
143 Ms. Morin Yes
144 Mr. Dietzel Yes
145 Mr. Perkins Yes
146
147

148 **26-110 (Tabled from May 7, 2026 Meeting)**
149 **Applicant: Michelle Lamattina**
150 **Owner: John M Lamattina**
151 **Parcel ID: 09049-001**
152 **4 Cross Rd**
153 **Zoned: LDR**

The applicant is requesting a Special Exception as provided in Article VI, Section 165-48.A.1 of the Town of Derry Zoning Ordinance to allow the operation of a wig salon at the residence.

Mr. and Mrs. Lamattina introduced themselves. Mrs. Lamattina read the application.

Mr. Tripp asked if this would be by appointment only and asked about working hours. He also asked about parking on the property.

Mrs. Lamattina said it is by appointment only. The working hours are 9:00am-5:00pm, Monday through Friday. Mrs. Lamattina said there is driveway parking available.

CALL TO PUBLIC

Mr. Perkins made a call to public.

FAVOR

No gestures in person.

OPPOSED

There were no gestures in person.

DELIBERATION

Mr. Tripp made a motion to go into deliberation.

Ms Morinseconded the motion. All in favor, none opposed.

Mr. Dietzel said this is a permitted use and she is a professional and she meets all nine criteria and does not see a problem.

Mr. Dragani agrees it fits in the house and the lot. He does not see an issue.

Ms. Owen said the size of the room in comparison was reviewed to the overall home and meets the requirements. There is parking in the driveway. Ms. Owen mentioned that if a sign is requested a separate sign permit would need to be requested in the future.

Mr. Tripp confirmed because it is a special exception it sunsets with the owner.

Mr. Perkins said it does.

LEAVE DELIBERATION

Mr. Tripp made a motion to come out of deliberation

Mr. Dragani seconded the motion. All in favor, none opposed.

MOTION

Ms. Morin made a motion on case #26-110 Michelle Lamattina to grant a Special Exception as provided in Article VI, Section 165-48.A.1 of the Town of Derry Zoning Ordinance to allow the operation of a wig salon at the residence.

Parcel ID: 09049-001 Zoned: LDR

as presented with the following conditions:

1. Subject to obtaining all state and town permits and inspections.
2. Hours of operation will be Monday-Friday, 9:00am-5:00pm

Mr. Tripp seconded the motion. All in favor, none opposed.

Mr. Perkins reviewed the findings of fact as follows:

The applicant is requesting special exception to allow the operation of a wig salon at the residence. The property is located in the low-density residential zoning district. The salon will operate within an existing 166 square foot room on the first floor of the home. If a sign is requested a permit is required.

The board also includes all facts found in the meeting minutes for this application and incorporates all meeting minutes into its finding of facts and decisions.

Voting Members:

Mr. Dietzel	Yes
Mr. Tripp	Yes, I find that the applicants have met all the criteria of the special exception.
Ms. Morin	Yes
Mr. Dragani	Yes
Mr. Perkins	Yes

The application was granted by a vote of 5-0. Anyone aggrieved by a decision of the Board has 30 days to file a request for a rehearing. After that, the recourse would be to appeal to Superior Court.

NOTE: If voting against granting request you must state reason for denial.

26-111 (Tabled from May 7, 2026 Meeting)

Applicant:	Promised Land Survey, LLC
Owner:	S & T Nominee Trust (Tracey A. & Stephen J. Lannan, Tts)
Parcel ID:	15016-003
	17 Whitney's Grove Rd.
Zoned:	LDR

The applicants are requesting a variance to the terms of Article III, Section 165-9 of the Town of Derry Zoning Ordinance and NH RSA 674:41 to allow the construction of a single-family dwelling on the lot which does not have frontage on a Town approved street.

Mr. Dietzel recused himself from the case. He has a personal relationship with the landowner.

Mr. Perkins asked Mr. Donlon and Mr. Dragani to sit in on case 26-111.

Brandon Wing, Promise Land Survey introduced himself and read the application. Mr. Wing clarified he wrote Whitney many times and it is Whitneys Grove Road. He will amend it to Whitneys. Mr. Wing read the five criteria.

Mr. Perkins said Mr. Wing read #5 Section i Whitney's Grove Rd, which is not an approved public street, but the application said is an approved public street, which is not the case.

Mr. Wing said that is correct. It was a typo. It is not a public street is correct.

Mr. Wing read his introduction.

Mr. Perkins said January had some familiarity to it. when that came in was it under the current owner. He has not looked at the deed for transfer he has the time of submittal. Mr. Perkins is not sure if it is the same property.

Mr. Wing said he does not remember who owned that one. At the time of the submittal, he has Helen Russell Protection Trust. He does not know if it's changed hands since. Mr. Wing said it is not the same property. The property to the East received a variance for exactly what is being requested tonight.

Mr. Perkins asked if Mr. Wing was looking for a travel lane from the same corridor that the prior application was.

Mr. Wing said it is the same existing as Whitneys Grove Road, it is a private road and is access to this property as well.

Mr. Tripp asked Whitneys Grove Road is a private road which means you probably need an easement.

Mr. Wing said no deeded rights already exist. Access is already granted to the people who use it. It is a deeded right of way.

Mr. Perkins said to be clear the shared driveway is starting when it branches off of Whitneys Grove Rd.

CALL TO PUBLIC

Mr. Perkins made a call to public.

FAVOR

Stephen J. Lannan, 23 Whitneys Grove Rd. Mr. Lannan is the owner. Mr. Lannan introduced himself and said when he purchased the piece of land in hopes he bought two pieces of land and one in hopes of putting a house there for his daughter when he was there. His concern was when a neighbor came up and voiced their concerns about the traffic on the road. There will be very little impact. Mr. Lannan does maintenance on the road. When there is snow, he plows the road.

Mr. Perkins said prior to the January 8th case there were questions raised about maintenance or shared maintenance. It sounds like you are already participating in the maintenance.

OPPOSED

Wendy Schoneberger, 15 Whitneys Grove Rd introduced herself. Mrs. Schoneberger has been there for approximately 34 years.

Mrs. Schoneberger said when the house was for sale last year there was never any implication that a home could be built on that property. It was said that you could potentially build a 30 by 50 foot shed which was implying a garage. Mrs. Schoneberger explained that number 17 and 23 were one lot.

Mr. Perkins asked if Mrs. Schoneberger was referring to the house on this lot the application is for.

Mrs. Schoneberger has the following concerns:

- Fire hazard
- Driveway situation
- Conditions of the road
- Traffic on the road
- Visibility
- Winter weather
- There are wetlands

Mrs. Schoneberger spoke about a fire in the neighborhood five or six years ago and also spoke about car accidents that have happened on the road.

Mr. Perkins spoke about the septic system and in the guidelines that the board is looking at lot of the time is whether or not the property can be developed, built on, and acquiring a permit becomes the most substantial point of this. Mr. Perkins said what he gathered from the testimony is that Mrs. Schoneberger feels like the area is full at this point and that anybody else with property that has not had the fortune to develop it or using it to its reasonable use that the barrel is full.

Mrs. Schoneberger feels is if somebody has a three-acre lot with is the requirement for the area that should not be a problem.

Ms. Owen said there is a state approved septic design on record.

Mr. Wing said he would like to address some of the issues. It was mentioned that the two lots were one lot and that they were separated recently. They have been separate map and lot numbers since the 1970s. The septic is a shared septic. Mr. Wing has received state construction approval for another one. Branon has proven out the lot loading for this lot including the load of the abutting lot where his client lives. There will be no impedance or construction on the easements. He does not disagree with the fire concern. All the required distance and separation from the wetlands is being met.

Mr. Dragani asked how many houses you can put on a road that is at this stage. Because there are lots there that are filling up or is there a limit to how wide and how big the road is for how many houses can be on the road.

Mr. Perkins said there are key points. This is a lot of record and if someone owns a parcel there that dates back 50 years or so and it is on a path, a Class 6 road that has been known as the access point to all these parcels. Looking at your question these folks would have to abandon them. If there are lots of record each lot has its right to come forward and ask for that relief.

358
359 Mr. Tripp asked if there were utilities out there.

360
361 Mr. Wing said there is electric and private well and septic on the lot.

362
363 Mr. Donlon asked to be clear everything else about the garage and the house is conforming to setbacks
364 and wetland setbacks and the only variance is the lack of road frontage.

365
366 **DELIBERATION**

367
368 Mr. Tripp made a motion to go into deliberation

369
370 Mr. Donlon seconded the motion. All in favor, none opposed.

371
372 Mr. Perkins said a condition of a Municipal Waiver of Liability will be added to the motion. This would get
373 registered with the deed.

374
375 Mr. Tripp said since it is a lot of record there are no restrictions other than codes of them being able to
376 build a house. He said the only thing the applicant is asking for is for no frontage on a public road.

377
378 Mr. Perkins said the septic design is a good narrative that creates understanding for the board, but it is the
379 permitting itself is not in our purview. Only know that it can be done.

380
381 Mr. Donlon thinks there needs to be emphasis on the major distinction between an existing non-
382 conforming lot in a new subdivided lot off of a different parcel.

383
384 Ms. Morin said it is a preexisting non-confirming lot of record but the town did own it just 10 years ago
385 and nothing changed when it sold.

386
387 Mr. Perkins said usually lots of record that are historic insulate themselves from some of the normal
388 criteria updated zoning ordinances that may commonly surround development of property. Overall he is
389 not seeing any conflict with this. He said this has been granted and as Ms. Morin indicated the town
390 owned this property 10 years ago. They sold it by their right so that right should be perpetual to the next
391 owners.

392
393 Mr. Dragani made a motion to come out of deliberation

394
395 Mr. Donlon seconded the motion. All in favor, none opposed.

396
397 **MOTION**

398
399 Ms. Morin made a motion on case #26-111 Promised Land Survey, LLC to grant a variance as provided
400 in Article III, Section 165-9 of the Town of Derry Zoning Ordinance and NH RSA 674:41 to allow the
401 construction of a single family dwelling on the lot which does not have frontage on a Town not approved
402 street.

403
404 Parcel ID: 15016-003 Zoned: LDR

405
406 as presented with the following conditions:

- 407
408 1. Subject to obtaining all state and town permits and inspections.

2. A notice of a Waiver of Municipal Liability and Responsibility must be recorded with the deed.

Mr. Tripp seconded the motion. All in favor, none opposed.

Mr. Perkins reviewed the finding of fact as follows:

The ZBA heard the application May 7, 2026 of Promised Land Survey LLC on behalf of S & T Nominee Trust concerning the property located at 17 Whitneys Grove Road Parcel ID 15016-003. Notice was provided to the immediate abutters per statute. The board received testimony from the applicant, legal counsel, town staff if appropriate and abutters and members of the public. Documentary evidence included but was not limited to site plans, photos, records, and expert testimony. This is the preexisting nonconforming lot of record with frontage of Whitneys Grove Road. A private class six road that is not maintained by the town. The property is located in the Low-Density Residential Zoning district. This district requires a minimum of 200 feet of frontage along an approved public street. Therefore, a variance is being requested if approved per NH RSA 674:41 a notice of waiver of municipal liability and responsibility must be recorded with the deed. Town council authorization is required to issue the building permit. The board weighed testimony both for and against the proposal.

Mr. Perkins went through the five criteria and went to each board member to ask whether the criteria had been met or had not.

1. The board's findings that this is not contrary to the public interest:

- Mr. Donlon – I do find this meets the public interest. I do not see it as contrary as its in keeping with the established neighborhood for the lack of a better term.
- Mr. Dragani - I do not see any controversy with it and no conflicts.
- Mr. Tripp – As the witnesses said there is an area that is fairly built up. The addition of one more house is not going to have that big of an impact.
- Mr. Perkins – The chair sees the public interest in this regard is met as it grants use of the property as the lot of record would intend.
- Ms. Morin – I agree where there is no new access being provided.

2. The board's findings that this is consistent with the spirit of the ordinance:

- Mr. Donlon – I do as an existing non-conforming lot and they are not asking for relief in any dimensions or anything else. Just the road.
- Mr. Dragani – I agree with Mr. Donlon.
- Mr. Tripp – Mr. Donlon said this is the only variance they are requesting they are otherwise compliant to the town's ordinances.
- Ms. Morin – I agree with what has been stated already that it is with in the spirit of the ordinance.
- Mr. Perkins – I would concur the spirit of the ordinance is met as the parcel is dated, lot of record, although hit is nonconforming just to the later ordinance developments in the community.

3. The board's finding that Substantial Justice would be served by denying this variance request:

- Mr. Perkins – The substantial justice is met as the parcel can be developed in the intention that it was developed as a lot of record.
- Ms. Donlon - I agree that is what my notes reflect as well. A lot of record.

- Mr. Dragani – I agree also.
 - Mr. Tripp – What you said.
 - Ms. Morin – I agree with what has been stated where it is an existing lot of record.
4. The board's findings that the applicant has adequately demonstrated that surrounding property values will not be diminished.
- Mr. Donlon – I feel that the value of the surrounding properties will not be diminished. Generally speaking the new construction tends to add values to surrounding properties as well as the cleanup and whatever else you need to do to the lot to construct the home as well. Tends to clean up some debris and other things that kind of pile up in the woods over time.
 - Ms. Morin – I agree with the new construction it tends to increase value.
 - Mr. Perkins – Occurs because the development of this lot will help address some of the concerns that abutters had relative to traffic and fire hazard and safety. The land will get cleaned up. Before it was isolated and it was not so maintainable. Likely I also see that due to the testimony participants occupying this area will help increase the maintenance of the class VI road.
 - Mr. Tripp – I believe one of the good things that comes out of this is that when you have one more person using the limited access there is a possibility that people will get together and maybe improve the access.
 - Mr. Dragani – I agree with Mr. Tripp. More people that can have access can maybe help improve that road as well.
5. The board's findings that the unnecessary hardship is demonstrated because the hardship relates to the unique characteristics of the property:
- Mr. Donlon – Literal enforcement of the provision in this case. Again, I am going to the lot of record or existing non-conforming. There is no 200 feet to be had. It is just what it is in this area.
 - Mr. Tripp – That is what I would agree. There is no way that you could get 200 fee line of sight or frontage. So the only way it could be developed would be to give a variance to this particular ordinance code.
 - Ms. Morin – I agree where it would essentially be landlocked without it.
 - Mr. Dragani – I would say because its and existing lot that's nonconforming but that's its hardship to be able to be developed.
 - Mr. Perkins – I find that unnecessary hardship applies here as the parcel is so isolated at a time when development is necessary in our region that this substantiates that and allows proper use of the proper parcel.

The board also includes all facts found in the meeting minutes for this application and incorporates all meeting minutes into its finding of facts and decisions.

Voting Members

Mr. Dragani	Yes
Mr. Donlon	Yes
Mr. Tripp	Yes
Ms. Morin	Yes
Mr. Perkins	Yes

The application was granted by a vote of 5-0. Anyone aggrieved by a decision of the Board has 30 days to file a request for a rehearing. After that, the recourse would be to appeal to Superior Court.

NOTE: If voting against granting request you must state reason for denial.

26-107 (Continued from May 7, 2026 Meeting)

Applicant: Bird Enterprises LLC, Jay Yenaco, duly authorized

Owner: Bird Enterprises LLC, Jay Yenaco, duly authorized

Parcel ID: 10012

Address: 187 Hampstead Rd

Zoned: LMDR

The applicant is requesting a variance to the terms of Article III, Section 165-101.1 of the Town of Derry Zoning Ordinance to allow the installation of a 50 sq ft pylon sign.

Mr. Perkins reviewed where the board was in the process per board policies. The board is going to finish up with abutter rebuttal for case 26-107. Names were taken of people who wanted to speak to this case before the board adjourned the last meeting. Mr. Perkins said testimony is now open for hearing.

Ms. Morin asked Mr. Perkins if he wanted to note for the record that Mr. Donlon will stay on and she will not be on this case.

Mr. Perkins asked Mr. Donlon to remain for this case.

OPPOSED

Tom Cardin, 2 Cunningham Drive introduced himself. He said he has been following this case for over a year now. Bird Enterprises LLC is asking for a 50 foot pylon sign. His assumption was that that sign was going to be taken down back in April. He thought this was going to be the one put back up. In May the size was being discussed. He said Mr. Corbett said the size was 4 square feet.

Mr. Corbett corrected himself and said he was incorrect on his measurements. He said it is a 60 inches by 120 inches.

Mr. Cardin confirmed that was 50 sq ft.

Mr. Perkins wanted it to be clear it is two signs. One for each business.

Mr. Cardin looked up what a pylon sign was and the definition. He said the sign is for a commercial area and not for a neighborhood. Mr. Cardin said he is not going to read 165-101.1 but he would like to point out two things.

1. the sign does not exceed 24 sq ft in area
2. one unlit sign

Mr. Cardin feels the ordinance wants to limit the size and the scope of signs in a neighborhood. He feels the sign is contrary to the spirit of the ordinance and is not consistent with the character of the neighborhood. Mr. Cardin looked up Northeast Elite Athletics and talked about the business. He said it is not going to be the sign that draws people to the business. You can look at the website and talk to other

people. He said businesses do need a sign and that Byrd Enterprise is not a bad fit for the area. He wished them the best but feels the 50 foot pylon sign is not in the best interest for the neighborhood.

Mr. Perkins asked Mr. Cardin if the board approved of this how he would be aggrieved by it.

Mr. Cardin said probably not.

Will Davison, 1 Wishing Well Lane introduced himself. Mr. Davison said he wants to be clear that he is 100% opposed to the size of the sign. The sign without the reader board still does not fit the character of the neighborhood. The sign is visible for more than half of the year in his house and his yard. A sign of this size does not fit the area. There are signs in the area that are more reasonable. Mr. Davison said he has a letter that the sign will add devaluation of his property. He said this may be approved but if that happens the board owes it to the entire town to state clearly and specifically what is being approved and how that approval satisfies the five requirements. Mr. Davidson believes the board owes the town and the neighbor's clear interpretation of what is being approved. It should be a clear definition of exactly the size of the sign, whether the sign should be backlit and the maximum brightness of the sign, who measures the brightness of the sign, when they get measured, how often, and the hours when the sign will be illuminated. He said these details should not be left open to interpretation or manipulation. This also applies to the two already very large signs on the building.

Mr. Davison said for the reasons I asked the board to deny this request tonight, if the board chooses to approve it then I ask that the approval be narrowly written, fully defined, and enforceable in clear terms so that residents and applicants and the town all understand exactly what is permitted. Mr. Cardin said lastly the public input matters when abutters come forward, they deserve the board's full attention and respect.

Mr. Perkins said there are calculations going on as there is testimony given and even now, he is writing all of his points and wants to address them. It is writing or working on the details of it.

Mrs. Davison wanted to provide a letter to the board.

Mr. Perkins asked if it was the letter submitted last year and it was. He said it is in the file as part of the testimony.

Mr. Corbett made a motion to accept the letter.

Mr. Deitzel seconded the motion.

Brenda Davison, 1 Wishing Well Lane introduced herself. She said she is against the sign and has been against it since the beginning. The whole sign not just the messaging board. She said she is having trouble when she reads the five criteria how he is meeting them. She said there is no hardship. It should be a land-based hardship. He does not need a huge sign.

Mr. Perkins asked Mrs. Davison to pause. He said her husband made some points and he would like to work through them and come back around because some of what he is hearing from her point of view they will come back to the board's deliberation on those points. Some things may get cleared as he addresses her husbands issues.

The view of the sign from November to May is that because it was lighted or because of its existence.

Mr. Davison said its huge size.

613
614 Mrs. Davison said and because there are not leaves on the trees at that time of year.

615
616 Mr. Perkins confirmed he is referencing just the size overall as the biggest issue in that timeframe.

617
618 Mr. Davison said he would like to address it two ways:

- 619 1. the current size is way too large for where they live and it does not meet the character of where it
- 620 sits.
- 621 2. The brightness of the signs when they were lit was ridiculous.

622
623 Mr. Perkins said the brightness part is why he asked for clarity on the November to May issue which is

624 referencing the lighting.

625
626 Mr. Perkins indicated that the board was disappointed to hear of the conflicts with the site over the winter.

627 He also prompted the board to take a broader look at the entirety of the sign ordinance in its entirety for a

628 better comprehension of the 3 pages of sign ordinances. The board put a lot of emphasis on the electronic

629 messaging sign portion of the case almost a year ago. Mr. Perkins said that code enforcement has become

630 better equipped to deal with noncompliance of this nature.

631
632 Mr. Perkins asked if there was no lighting on the sign if it was still an issue.

633
634 Mr. Davison said yes, the size is still not acceptable because of the girth.

635
636 Mr. Perkins said Mr. Corbett made a comment at the last meeting to whether or not the sign should be

637 backlit or it should be external. There was discussion about whether it was a derogatory comment. Mr.

638 Corbett was not going that way. The reality is in his own experience with small children at Halloween

639 kids can run off the beaten path and trip over a light. He asked Mr. Davison is he had an opinion if the

640 sign should be internally or externally lit.

641
642 Mr. Davison said if there were a right size sign with some lights kind of shining down from both sides

643 would probably be okay or some lights in the ground shining up at the sign.

644
645 Mr. Corbett explained where he was going when he talked about the lights. He asked if the light got hit

646 would he be worried about it shining in his house.

647
648 Mr. Davison said no. He said this is not about the light it is about the sign.

649
650 Mrs. Davison said the signs on the building are really bright and there are two. You can see them from the

651 road so there does not need to be a big, huge pylon sign.

652
653 Mr. Perkins said the board's review and issues related to the lighting being on as much as it was on was a

654 disappointment to the board in general.

655
656 Mrs. Davison read a statement from James Foley.

657
658 Mr. Tripp thanked the Davison's for coming tonight and providing testimony. He said anything the board

659 can get that clarifies what the problem is and what a possible resolution would be is appreciated. Some of

660 the suggestions made about the verification method of the lighting is and should there be lighting would

661 be a good step in the right direction. Mr. Tripp asked if Wishing Well Lane was at the rear of the property.

662
663 Mr. Davison said it is directly across the street from the sign.

664

665 Mr. Davidson expressed concerns about enforcement actions and compliance issues with the board's
666 decision and requested clarity regarding what the board was granting so that neighbors and the business
667 can be happy and suggested a smaller sign.

668

669 Mr. Corbett motioned to accept the picture Mr. Davison provided from his front lawn.

670

671 Mr. Dietzel seconded the motion.

672

673 In response to the accusation that board members are doodling, drawing in notebooks, and scrolling on
674 their phones rather than listening to abutter input, Mr. Corbett disputed this, holding up his notebook and
675 showing the page of notes on testimony he had taken throughout the case.

676

677 Mr. Dietzel seconded this and stated that any time he is on a phone or tablet he is either researching
678 satellite images of the property or further defining statutes.

679

680 Mr. Davison asked Mr. Corbett if he coached baseball. Mr. Corbett affirmed and stated that he coached
681 the town's recreational little league, the Derry Diamond Association. Mr. Davidson asked if Mr. Corbett
682 did business with the NEA facility to which Mr. Corbett stated he did not.

683

684 Jessica Cloutier, 164 Hampstead Road introduced herself. Ms. Cloutier had a prepared statement that was
685 read to the board.

686

687 Mr. Perkins asked Ms. Cloutier what is acceptable to her regarding the Davison's point of view.

688

689 Ms. Cloutier said she does not have the pictures with her tonight, but when she went around town looking
690 at other businesses of this type she came to find that the sign that fits the character is more like a wooden
691 sign and externally lit.

692

693 Mr. Perkins said the signs that Andrew Rojee brought forward have been verified. He said in some
694 perspective that the signs that have been presented as a rational existence don't quite match all the
695 ordinances as they're depicted. He asked Ms. Cloutier how she would be aggrieved if the board ruled
696 favorably for the applicant.

697

698 Ms. Cloutier said it affects the neighborhood because of the atmosphere in general it is louder; there is
699 more traffic and by adding a sign of this type it would change the character even more. The neighborhood
700 feels like a residential neighborhood but once you come across the sign it is more commercial.

701

702 Mr. Perkins said it has been talked about that this is not a quaint neighborhood it is more of a major
703 thoroughway of right of passageway. He said she read the five criteria and how it does not comply and her
704 position on it is that she would be aggrieved based on the fact that it's agitated neighbors that does not fit
705 five criteria either. Mr. Perkins said it is a busy road.

706

707 Ms. Cloutier said it changes the character of the neighborhood, and she is not saying it agitates them. She
708 said the work trucks have brought more traffic to the intersection.

709

710 Mr. Tripp asked Ms. Cloutier if she believes that the applicant should be able to operate his business
711 there. He believes the business owner has a right to advertise the location and products.

712

713 Ms. Cloutier asked if that mattered in this case because it is the sign they are talking about. She is not
714 saying that he should not have a sign, she is saying the type of sign he has is not suited for this area.

Mr. Corbett said Ms. Cloutier did a good job reiterating the signs and the signs that will fit in the area and thanked her for her testimony.

Jessica also read another statement from someone other than herself. She provided documents for the board. She stated that the application sought relief for a non-conforming freestanding illuminated sign at this location.

Mr. Perkins said the issues brought up in the statement have already been addressed.

Mr. Corbett made a motion to accept the documents. Mr. Donlon seconded the motion.

Mr. Perkins said for the record the board accepts submittals of a duplicate site plan. He asked if there was anybody else for rebuttals. He said council has somebody they were gesturing to speak. Mr. Perkins asked if it was a direct abutter and what the element of the testimony.

Mr. Corbett would like to call Mr. Davison back up to clarify about coaching. He said he took his son to the facility in December. He paid for an hour to use the batting cage. He believes Derry Diamond rented the space to do a middle school boot camp, and they asked him to help on the second night because there were not enough coaches. There was nothing exchanged and he did not deal with anyone within NEA.

Mr. Davison asked the board if anyone thought Mr. Corbett should recuse himself.

Mr. Donlon stated that he is also a coach for Derry Diamond and that there is absolutely no cross over between the two programs.

Mr. Perkins said he does not see pecuniary interest. The board can vote on it. He does not see a conflict with Mr. Corbett. He is not a regular participant there and he is not getting any free services there. He said he has not used the facility but has heard the facility advertised on the radio.

Ms. Morin said she is a youth coach, but not for baseball. There have been many times that her kids have gone to places and to make Mr. Corbett tell his kid he cannot go would not be fair. She said she had been here since the 90s and if she had to sit back on every case that she might know somebody she wouldn't be able to be here.

Mr. Davidson said it was a fair enough question

Mr. Corbett said that is why he wanted to call him back up so he could clarify.

Mr. Tripp asked Mr. Davison about in his original testimony he made a comment about the sign. He said it was oversized, it was backlit, verification methods, brightness. When Mrs. Cloutier made some comments that made him want to ask a question. He asked Mr. Davison in his original testimony he said that it was an oversized sign and asked if he believes that it is an oversized sign and in what manner it is oversized.

Mr. Davison said yes, it does not fit the character of the neighborhood and is oversized for the neighborhood. It is larger than what this board would permit on a normal basis. It is oversized because of the height and girth.

Mr. Perkins said there is one abutter who would like to speak and has not spoken before.

Mr. Perkins said the board will take a motion on 26-112 to table until the next meeting.

Mr. Corbett made the motion to table 26-112 until the next meeting June 4, 2026. Seconded by Mr. Donlin. All in favor none opposed.

Ben Mitchell, 3 Belmont Terrace introduce himself. He is not a direct abutter.

Mr. Mitchell said he wanted to state that he does not really understand the property value conversation and part of this about the sign. He drives by the sign multiple times a day and has never had an issue with it. He agrees with Mr. Tripp as far as the commercial growth of the town as a taxpayer and especially a business like this that serves the youth of the community.

Attorney Drescher said they hope to be brief and thanked the board for one last opportunity to speak. He would like to make two brief points. At the last hearing there was some discussion about potentially bringing the sign down. They looked into it and they are able to do that and are willing to do that to lose 4 feet off the height of the sign. A point was made back in April that seems to have been lost since then and it is the hardship criteria. This is the largest lot in the area and is an allowed use. This is commercial use and he is entitled to a sign for his business.

Mr. Yenaco said he was asked if he was able to turn down the brightness on the signs. He reached out to the sign company. He said he would shut the lights off and he did. He also shut the lights off on the building. He said he is not asking for anything that is out of character of the neighborhood. He has increased the value of the character of the neighborhood. Mr. Yenaco said he has not said that his hardship is money.

Mr. Corbett made a motion to extend the meeting by 15 minutes. Seconded by Morin. All in favor none opposed.

Ms. Owen asked Mr. Perkins if he would like to table case 26-113.

Mr. Corbett made a motion to table case 26-113 to the next meeting June 4, 2026. Seconded by Mr. Tripp. All in favor none opposed.

Mr. Corbett asked Mr. Yenaco if he would consider breaking up the motion. One for a sign and one regarding the lights rather than just one motion altogether.

Mr. Perkins said this is not retaliatory. If you break the two apart both could be challenged if that's the course of the abutters, but they could be challenged separately. They may accept some adjustments that you've made and challenge a separate part.

Mr. Yenaco said he spoke to his electrician East Coast Electrical Corporation and they are no longer allowed in most towns to install external lighting on signs. The reason is for lawn maintenance. They hit the signs and they turn the floodlights into the road. So now he is left with little or no lighting. Downlit signs have been out in several towns for years too. When he called the sign company, they said he can reduce the sign by 25% in height. That brings it down 4 feet. He can also reduce the illuminations by 25%. If approve of he would be happy to have the lights on the building, go off at a certain time and have the sign go off at the hours we talked about last time off at 9 o'clock on at dusk. Mr. Yenaco said he has made a lot of concessions to try to make it work.

Mr. Perkins asked Mr. Yenaco if he suggested that he would lower this from approximately 16 feet down to 12 feet at the top. By dropping this down 4 feet, that lower cabinet ends up two feet off the ground and is this where he wants the cabinet to be. He said the question that also comes up is lighting. The need for lighting towards the hardship is more about the baseball camp. The board still must deliberate about the signs and their size and how they are structured. He asked Mr. Yenaco if it is more advantageous for two signs to be side by side at a certain height off the ground. He asked Mr. Yenaco if he needed both cabinets lit.

Mr. Yenaco said the reader board initially installed was on the bottom of the cabinets and it was 3 by 5. It hung below those cabinets 3 feet. He is suggesting they go down 4 feet. When it was down 3 feet, it was fine. It was 3 feet off the ground, and it was no problem. He said he is okay with the two feet but prefers 4 feet. Mr. Yenaco said the reason why the sign was designed that way by the sign company is because of how busy Hampstead Road is. People are coming down the road, and you see the sign that way. Mr. Yenaco said he wants both cabinets lit.

Attorney Drescher said he does not have a problem with two motions. He thinks when it comes to the lighting, they made concessions but internal versus external he thinks is a whole different thing.

Mr. Tripp asked Mr. Yenaco if the signs on the building were lit.

Mr. Yenaco said they are lit.

Mr. Donlon said they referenced the brightness of the signs as possible to go down by 25%. Is there any value that is not as vague as brightness as 25%.

Mr. Yenaco said in the file you will find information on the lumens of the sign. If it's currently set at 100 lumens it will go to 75 lumens. He does not know how he can determine a lumen. He said it can be turned down in percentage value.

Mr. Corbett made a motion to extend the meeting to an additional 15 minutes. Seconded by Mr. Dietzel. All in favor none opposed.

Mr. Corbett asked Mr. Yenaco if he can request, they present the board with what the current 100% lumens are and what the 25% reduction will be.

Mr. Perkins said the board will adjourn this. He does not see the board getting through a fair deliberation and does not want it rushed and if it's any significance Mr. Yenaco and Attorney Drescher do not need to be here for the deliberation. Mr. Perkins said the board is open to ideas from the board members and they can be relayed to him and then back to code enforcement. He appreciates the number of concessions that Mr. Yenaco is making.

Attorney Drescher said he wanted to be clear that he can drop off or email some information on lumens and light measurement.

Mr. Corbett said his specific request would be what the current 100% lumens is and then specifically define what the 25% reduction is. Attorney Drescher asked if they were being continued to a date certain.

Mr. Perkins stated that this concluded the public input and they will continue to a date certain for the deliberation. This will be taken up again at the next board meeting June 4, 2026.

26-112 (Tabled from May 7, 2026 Meeting)

Applicant: Jeffrey Moulton
Owner: Benjamin Powell
Parcel ID: 19091
22 Germantown Rd.
Zoned: LDR

The applicants are requesting a variance to the terms of Article VI, Section 165-48.B.4 of the Town of Derry Zoning Ordinance to allow the construction of a second story expansion to an existing single story garage which is located less than 35 feet to the front property line and less than 15 feet to the side property line. (As permitted by a variance granted in 2016).

26-113

Applicant: Edward N. Herbert Associates, Inc.
Owner: Craig J. Bonneau Construction Company LLC
Parcel ID: 14024
34 Pingree Hill Rd
Zoned: LDR

The applicant is requesting a variance to the terms of Article VI, Section 165-48.B.1 of the Town of Derry zoning ordinance to allow the property to be subdivided into 3 lots where one of the lots will have less than the three-acre minimum.

ELECTION OF OFFICERS

Mr. Perkins said as policies allow each board member is allowed to nominate chair, vice chair, secretary. If it is status quo amongst all members, you are welcome to state.

Chairman

Mr. Dietzel made a motion Mr. Perkins remains Chairman.

Mr. Corbett seconded the motion. All in favor, none opposed.

Vice Chair

Mr. Perkins made a motion Mr. Corbett remains Vice Chair.

Mr. Dietzel seconded the motion. All in favor, none opposed.

Secretary

Mr. Perkins made a motion Ms. Morin to remains Secretary.

Mr. Dietzel seconded the motion. All in favor, none opposed.

OTHER BUSINESS: Town and City Publication

918 **CORRESPONDENCE**

919

920 **REVIEW MEETING MINUTES**

921

922 Approval of May 7, 2026, meeting minutes

923

924 **ADJOURNMENT**

925

926 Mr. Obimba made a motion to adjourn. Second by Mr. Dietzel All in favor of adjourning, none opposed.

927

928 The meeting was adjourned at 10:21pm

929

930

931

X 

Chair

932

