

1 **TOWN OF DERRY**

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3 **Zoning Board of Adjustment**

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5 **MEETING MINUTES – June 18, 2026**

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7 **MEMBERS PRESENT**

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

MEMBERS ABSENT

13
14 **ALTERNATES PRESENT**

15 Michael Donlon
16 Gaspar Obimba
17 Anthony Herny
18 Jason Dragani

ALTERNATES ABSENT

19
20 **CODE ENFORCEMENT**

21 Keri Owen, Code Enforcement

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23 Minutes prepared by: Eileen Boudreau, ZBA Clerk

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25 **I. CALL TO ORDER:**

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27 Mr. Perkins called the meeting to order at 7:06 p.m. with the salute to the flag. Instructions were given on
28 safety. Also noted the meeting is audio and video recorded.

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30 Mr. Perkins asked board members to introduce themselves. Mr. Corbett is attending by phone.

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32 **II. ADMINISTRATIVE BUSINESS**

33
34 **25-118**

35 **Applicant:** Tapir Properties
36 **Owner:** Tapir Properties, LLC
37 Parcel ID 32028
38 29 Crystal Ave
39 Zoned: GC

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41 Remand hearing for further deliberation consistent with the Housing Appeals Board's April 30,
42 2026, Order

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44 Mr. Perkins asked Mr. Dragani to sit in on case 25-118.

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46 Mr. Perkins asked Attorney Gandia if it is her understanding that HAB has asked this board to review its
47 findings and recapture them, define them more clearly, or open this up for rehearing.

48
49 Attorney Gandia said for the board to put together compiled findings of fact based on three factors that
50 were stated in the HAB order.

Mr. Perkins said this case is almost a year old and HAB took five months to get a decision. The ZBA members have changed. He said in Attorney Swarnowski's presentation his hardship definition and the merging of uses and how they may have been affecting the area was a strong argument. Mr. Perkins, voting no, was that as Attorney Swarnowski defined the other properties as similar, he was trying to duplicate in the zone even though the zoning ordinance had changed. Mr. Perkins said Attorney Swarnowski was also willing to have a sunset on this use if Tapir vacated that property, that housing unit would go with it. He was also comparing this parcel to others that are nonconforming. Mr. Perkins said the sunset clause will be added in the motion and he is willing to change his vote to move this along. He does not wish to have the town engaged in another legal battle on the same case. Mr. Perkins said his feels when the applicant came in a month after they purchased the property, they may have been versed in property procurement. He said he believes it is hard for them to define that as hardship.

Attorney Gandia said she is not aware of the imposition of a sunset provision, so she is not able to speak to that. She does not believe that it is an appropriate condition to put on a variance based to tie it to a property owner. She said if Attorney Swarnowski agreed to that, and at that point in time, his client did, then they can move forward with that.

Mr. Perkins said Attorney Swarnowski did stipulate that he was willing to do that in the last hearing. It came back to the precedent and what that precedent would set when he was contending that his client should have approval for this based on the other nonconforming lots. The board has put sunsets on this before, so the Tapir property would be protected until the day that it sells the property, and then that right would be extinguished. Whoever purchases the property 10 or 50 years from now will come back to the zoning board and ask for permission to continue that use. Mr. Perkins said if that condition is met the board can dispose of it tonight and her client can have the right to proceed with their intentions. Mr. Perkins asked if that was acceptable.

Attorney Gandia said it is acceptable.

Mr. Perkins asked the board members if they wanted to add anything.

Attorney Gandia asked if she could have a moment while the board is discussing the case to confirm with Attorney Swarnowski by phone.

Mr. Perkins said the board can suspend this case for now and Attorney Gandia can come back after the next case.

Attorney Gandia said that would be good.

Mr. Tripp made a motion to suspend the case until after the next case.

Seconded by Mr. Dietzel. All in favor, none opposed.

Attorney Gandia thanked the board for allowing her the opportunity to speak with her client. She said they would not want a condition attached to the variance and there are several reasons. Their thought process, just the practicality of it, the resale value. They do renovations down in the basement and get an apartment set up and then when they go to sell it, they cannot market the property as having this unit because that variance would end with the transfer of ownership. She said there would be a recoup of investments that would be of concern to them. From a legal point of view she believes it is not a proper condition to attach. The variance runs with the land. Attorney Gandia said you can typically attach a

condition when it has to do with a medical disability but that is not what we have here. Those are the reasons for not wanting that condition.

Mr. Perkins said Ms. Morin, Secretary, brought that to his attention and he is good with that. He said it was an offer that Attorney Swarnowski offered the board.

Mr. Perkins said he wanted the record to reflect the chair will change his vote to a yes. Make that vote a firm vote of 3 to 2. He asked Attorney Gandia if she wanted a finding of fact.

Attorney Gandia said she believes the HAB wants a finding of fact.

Mr. Perkins said he is changing his vote so that they do not have to do the finding of fact but if she wants to have another night of hearing, the board can certainly do that.

Attorney Gandia said she does not want that.

Mr. Perkins confirmed Attorney Gandia was okay with waiving the finding of fact. He is willing to note that the chair has changed his vote by a vote of 3 to 2 and will note the case number. The board will affirm with the HAB or she can that this matter has been resolved and the zoning board of adjustment has given relief to the applicant. It is noted with code enforcement so that her client can proceed.

Attorney Gandia said for a 3 to 2 vote, yes.

MOTION

Mr. Perkins made a motion on case 25-118 the chair officially changes his vote to a yes vote, making this a 3 to 2 affirmative on the actions for Tapir Properties

Parcel ID: 32028 Zoned: GC

as presented with the following conditions:

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

Motion moved by Ms. Morin. Seconded by Mr. Dietzel. All in favor, none opposed.

Voting Members:

Mr. Dietzel	Yes
Ms. Morin	No
Mr. Tripp	Yes
Mr. Dragani	Yes
Mr. Perkins	Yes

The application was GRANTED by a vote of 4-1. 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.

III. PUBLIC HEARING

26-114 (Requested Table from May 21, 2026, Meeting)

Applicant: Promised Land Survey, LLC
Owner: Peabody Family Revocable Trust of 2025
Co-Owner: Peabody Craig B. & Jennifer A. Trustees
Parcel ID: 06103A
26.5 Ballard Rd
Zoned: LMDR

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

Attorney Ari Pollack, Gallagher Callahan & Gartrell Law Firm in Concord, introduced himself and Craig Peabody, one of the trustees. Attorney Pollack asked to briefly respond to some of the questions that ZBA members had raised. He said the issues are also addressed in a letter that Promise Land Survey had prepared and was delivered to staff before this evening's hearing.

Attorney Pollack said the first question was about the driveway layout and whether the driveway fit within the confines of the lot in its narrow areas. Also, what is the grade of the proposed driveway layout. He said the driveway does fit within the confines of that narrowed lot area, and its proposed grade is no steeper than 9.6%. It is within acceptable limits for the town's building codes and process. The question was asked where the abutting residence is relative to the proposed screening buffer. He said the location of the house is to the south of the narrow driveway area and the proposed vegetation is in a good spot relative to the location of that structure. Another concern was drainage. Some of our abutters explained how drainage in the area is a factor. Attorney Pollack said a coverage estimate was done. The coverage for the proposed residential improvements is 10,950 square feet, which on a 2.7-acre lot calculates to 9.2% proposed impervious coverage. Attorney Pollack also talked about the easement that is on record that benefits the neighboring lot. He said the easement is beneficial to the neighbor but does not obligate the neighbor to do anything and it allows the neighbor to maintain portions of their driveway. If they do not want the easement, they certainly can release it. Attorney Pollack said his client would suffer considerable financial difficulty if the lot cannot be reasonably used consistent with its surroundings.

Mr. Perkins said the easement is a benefit to the neighbor. If the easement were stricken or reversed it would create complications for the neighbor with snow removal.

Attorney Pollack said it is beneficial to them. He said if they do not want it, do not need it, do not feel it is helpful, they can release it, but they would be releasing the ability to use the areas of his client's property.

Mr. Perkins confirmed the grade said is 9%. He said a typical driveway grade is about 3%. So, they are about 6% over that.

Attorney Pollack said it is 9.6% from the entrance of the driveway up to the building area.

Mr. Perkins asked if there are containment provisions behind the house where there is a slope. From the back of the house at the apex of the driveway where the hammerhead would be. He asked if the water would funnel onto the driveway and then down to Ballard Street. He asked if they have had discussions with the engineers regarding the containment provision. Mr. Perkins asked about the septic location and if it has already been established as a benchmark, but test pit has not been done. Mr. Perkins also asked if there is a berm that ensures that water is not just flowing towards the properties that are along Ballard.

Attorney Pollack said if you drive up the hill to the building area, there is a slope away. The engineering group will have a calculation that what they are shedding can infiltrate and will infiltrate, or there will be containment measures if it cannot. Attorney Pollack said they have not had any discussions because the house plans have not been able to proceed to the building the permit because they cannot clear zoning issues. Attorney Pollack said the test pit has been done. He said it can be bermed.

Mr. Perkins asked Ms. Owen if the inspection system has a way of making sure there will not be spilling onto the properties.

Ms. Owen said that it is looked at when out on inspections, especially as the project is wrapping up its completion.

Mr. Tripp said the slope is an interesting situation. He said he sees there is a negative grade after 400 feet which appears to be about where the driveway begins descending. He does not see the non-pervious surface of the buildings being a problem because it is behind the crest of the hill. Mr. Tripp asked if the driveway is a single-lane driveway or a two-lane driveway.

Attorney Pollack said it is a single lane that is a typical residential driveway.

Ms. Morin said her previous issue has been 26 Ballard. She sees the trees that they are willing to plant and asked if they are willing to go all the way down to the road as the abutters would feel comfortable.

Mr. Peabody said they will if they need to. They want to keep everybody in the neighborhood happy.

CALL TO PUBLIC

Mr. Perkins made a call to public.

FAVOR

No gestures in person.

OPPOSED

No gestures in person.

MOTION TO ENTER DELIBERATION

Ms. Morin made a motion to enter deliberation.

Seconded by Mr. Tripp. All in favor, none opposed.

Ms. Morin said with the previous case there did not seem to be a compromise. They willing to add the landscaping can be a big difference working with the neighbors. Ms. Morning also said another difference from the previous case is that they were building to sell, and now they are building to live there.

Mr. Tripp said he believes he voted in the affirmative to approve the variance the last time. He said this is a suitable compromise.

Mr. Dietzel said he reviewed the last case and does not see much difference between the variance granted the first time and this one. He said the applicants are trying to be accommodating to the neighbors and listen to their concerns and address them. The two sections that are being addressed the frontage and the minimum lot width he said they are addressed in the five criteria.

Mr. Corbett said when he looks at the property it is landlocked as it currently sits and the only other alternative for it would be to split it up multiple ways, which would not be a reasonable outcome.

He said he does think it is a reasonable request understanding what it does to the privacy of a few of the abutters who got accustomed to the driveways the way that they are. Mr. Corbett did not agree with the HAB's appeal and overturn of it. He believes it should have been remanded back to the board.

Mr. Perkins said he concurs and does not wish to go back down the same path. He said for no fault of their own the applicants were not aware of what they were going to deal with. Mr. Perkins said the amount of land they are building on as there has already been approval would be an illegal taking at this point if the board did not concede with the applicant's request for relief.

MOTION TO LEAVE DELIBERATION

Mr. Tripp made a motion to leave deliberation.

Seconded by Mr. Dietzel. All in favor, none opposed.

MOTION

Ms. Morin made a motion on case 26-114 to grant a variance to the terms of Article VI, Section 165-47.B.2 and Section 165-47.B.3 of the Town of Derry Zoning Ordinance to allow the construction of a single-family home with less than the required frontage and minimum lot width.

Parcel ID: 06103A Zoned: LMDR

as presented with the following conditions:

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

Seconded by Mr. Tripp. All in favor, none opposed.

Mr. Corbett reviewed the finding of fact as follows:

- Heard June 4, 2026, and continued to June 18 2026, the ZBA heard the application of Promised Land Survey on behalf of the Peabody Family Revocable Trust of 2025 concerning the property located at 26.5 Ballard Rd. PID 06103A
- Notice was provided to the immediate abutters per statute.
- The board received testimony from:
 - The applicant and legal counsel
 - Town Staff
 - Abutters and members of the public
- Documentary evidence included, but was not limited to, site plans, photos, records, and expert testimony.
- The applicants are requesting a variance to allow the construction of a single-family home on an existing lot with less than the required frontage and minimum lot width.

- This property is located in the Low-Medium Density Residential Zoning District (LMDR) which requires a minimum 150 ft lot frontage, and a minimum lot width of 150 feet at the thirty-five-foot front setback line, or 150 feet at the front lot line, therefore a variance is being requested.
- A variance was previously denied in 2021 to allow the construction of a single-family home on the property. The decision was appealed by the Applicant to the Housing Appeals Board (HAB) in 2022 which resulted in the reversal of the Zoning Board's decision. The Town of Derry subsequently appealed the HAB decision to the N.H. Supreme Court, where the HAB's decision was affirmed. It has been over 2 years since that final order was issued by the N.H. Supreme Court; therefore, the variance has expired (Decision issued on August 17, 2023).
- The property is serviced by private well and on-site septic system.
- If approved, the driveway for the new home must be constructed to Town of Derry standards as required by the Land Development Control Regulations.
- The board weighed testimony both for and against the proposal.

1. The board's findings that the unnecessary hardship is demonstrated because the hardship relates to the unique characteristics of the property:

Mr. Dietzel said he does. The unusual shape of the property and the configuration would make it impossible to build a home there with the proper frontage and lot width. It would be a hardship because it would make that piece of property virtually unusable. The use of the property is reasonable.

Mr. Tripp said absolutely the property was originally supposed to be a water source and it was determined that there was not sufficient water. When the use was no longer available it was necessary to determine the only other use that could be accommodated was a single-family home.

Ms. Morin agrees with what has been stated and that it is a hardship due to the frontage and not being able to use a lot of record.

Mr. Perkins said he finds the hardship in the land primarily from its original development and not granting relief would be an unlawful taking.

Mr. Corbett said he agrees with the chair. He thinks as the property sits it is currently landlocked. He does not believe it was originally intended to be a lot for a house, and it would be a hardship not to grant this.

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

Mr. Corbett to those in attendance that the finding of fact is structured in the positive much like the board does with the motions. It is not to suggest that they are leaning either way.

Mr. Dietzel said yes, this is not contrary to the public interest.

Mr. Tripp said he does not believe it is contrary to public interest. There is no reason that it should be denied.

Ms. Morin said with the changes in place that it will not be contrary to the public interest.

Mr. Perkins said he is satisfied that the conflicts brought up by the abutters have been addressed and does not see dispute with public interest.

Mr. Corbett agrees. He said he understands the concerns that the abutters have and the feelings that they have after what they were originally told by the seller when moving in. Allowing the aforementioned landlocked lot to be used is more beneficial to the public. He does not believe that this is contrary to the public interest.

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

Mr. Dietzel does not believe it changes the essential nature of the neighborhood. A single-family home in a residential area notwithstanding the frontage issue is within the spirit of the ordinance.

Mr. Tripp said the variance granted is with the width of the lot and the width of the lot is typically to allow separation between the buildings. The resident to be built is at the top of the hill and not near other buildings. He believes it is within the spirit of the ordinance.

Ms. Morin agrees. The size of the lot keeps it within the spirit of the ordinance.

Mr. Perkins feels it meets the spirit of the ordinance.

Mr. Corbett agrees. The spirit of the width or the frontage to be required was meant more for overcrowding. He does not believe that a single-family house on a parcel of this size would go against the spirit of the ordinance.

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

Mr. Dietzel does not think substantial justice would be done to allow the variance. The benefit to the town for the denial is minimal compared to the potential benefit to the applicant. He does not see how it is reasonable to deny for any reasonable use of the property.

Mr. Tripp said he believes with what Mr. Dietzel said.

Ms. Morin said she feels that substantial justice is being done by granting it because of the previous HAB decision.

Mr. Perkins said he may have answered this earlier and he believes substantial justice is served at this point.

Mr. Corbett also feels substantial justice would not be served by denying this variance request. It would cause more harm to the landowner.

5. The board's findings that the applicant has adequately demonstrated that surrounding property values will not be diminished?

Mr. Dietzel said yes, he produced an opinion that it would not diminish surrounding property values. He said he lives close and he does not feel that it would be contrary to his property values and the criteria has been met.

Mr. Tripp said he has not heard any testimony as to whether the property values would increase or decrease. He would find it difficult to believe that permitting what is essentially a driveway in between the abutting properties would diminish their value.

Ms. Morin feels the changes that they have offered help protect the value of the other properties surrounding it.

Mr. Perkins said he does not see where it creates a diminution of property values.

Mr. Corbett said knowing that New Hampshire Supreme Court allows us to utilize our opinion of the area or our knowledge of the area it is a very desirable neighborhood. He does not think that an additional house would be anything less than neutral to the surrounding property values. One extra one-family house on the large-sized lot would not diminish anything if the houses were to hit the open market.

Voting Members:

Ms. Morin	Yes
Mr. Dietzel	Yes
Mr. Tripp	Yes
Mr. Corbett	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.

26-115 (Request table from June 4, 2026)

Applicant: Germaine & Blaszk, PA
Owner: JAL, LLC
Parcel ID: 14015
Zoned: LMDR

The applicant is requesting a variance to the terms of Article VI, Section 165-47.B.1 of the Town of Derry Zoning Ordinance to subdivide approximately sixteen acres into lots with less than the required two-acre minimum.

Mr. Dietzel recused himself from Case 26-115.

Mr. Perkins asked Mr. Obimba to sit in on Case 26-115.

Attorney Germaine introduced himself and Brent Cole with Granite Engineering. He also said Tom Lannan, Principal of the company, and Attorney John Korbey are here.

Attorney Germaine read the introduction submitted with the application and the five criteria.

Ms. Owen discussed the following:

The applicant is requesting a variance to subdivide an approximately sixteen-acre portion of the property into twelve (12) lots having a minimum of one-acre each.

- The property is located in the Low Medium Density Residential Zoning District (LMDR) which requires a minimum lot area of two-acres; therefore a variance is being requested.

- Parcel 14015 consists of approximately eighty-three acres and is part of the ongoing Denali Estates residential development project. The proposed lots subject to this application will be located within an approximately sixteen-acre portion of the parcel in Phase VI.
- The proposed lots would meet or exceed the 150-foot frontage requirement.
- The proposed lots would be serviced by municipal water and private septic systems, and fire protection in the form of a cistern or residential sprinkler system would be required.
- If approved by the Board, a subdivision approval by the Planning Board will be required.
- If approved, appropriate permits and inspections will be required.

CALL TO PUBLIC

Mr. Perkins made a call to public.

FAVOR

No gestures in person.

OPPOSED

No gestures in person.

Mr. Corbett asked Attorney Germaine if he could go back to where he stated that denying this would be a hardship. He is having a tough time seeing where he feels 6 parcels would work. He feels 12 is an overreach. Mr. Corbett asked Attorney Germaine to explain why he feels that only granting 6 would result in hardship.

Attorney Germaine said they set that out in detail in the application. He would like Mr. Cole to talk about the roadway because that makes a big difference in how they got to this.

Mr. Cole asked if the board could go back to the first sheet of the plan set. It is the overview plan. He knows the board was not necessarily involved in the first four phases of the project. He said the first phase came off Daniel and water is being extended along all the phases. The second phase continued through Daniel up to the intersection. The third phase, one of the most important phases, was bringing 4th Street into the intersection. The intersection is the critical component of the project. Not only is it where topographically Daniel and 4th meet but it allowed them to extend Daniel further without exceeding any dead-end lengths that the town would not be amenable to. It also situated the intersection at a wetland spot where they could legally cross. That is at the thinnest spot of the wetland so that it would be approvable by the conservation commission as well as New Hampshire DES and allowed them to extend the roadway into phase 5.

Phase 5 is still being designed and has not been submitted to the Planning Board yet. The road would meander down through and have another wetland crossing at that smallest spot down on the south side of where phase 5 is. It shifts the roadway south to the vacant piece of land which leaves the north area unused.

Because there is municipal water plan D is the preferred alternative. When the zoning map was put into place it was unlikely that they thought that water would be extended into the area because 2 acres is

unnecessary when you have municipal water. They will get septic permits with DES. Mr. Cole said the development in plan D allows for lots that are very similar to what has already been constructed, wider lots to allow for different styles of housing, proper side yard setbacks, and a reasonable rear setback instead of 600 feet that will likely go unused by any of the homeowners.

Mr. Corbett said he does not disagree that plan C would be tight. He disagrees that they must go from 6 to 12. He said looking at it looks like 5 of the lots are now being utilized by 4th Street rather than the new cul-de-sac and asked why there could not be 8. The jump from 6 to 12 is where he does not see a hardship and it becomes an overreach.

Mr. Cole said it had a lot to do with the roadway that is being situated. He said to go from 6 to 8 and to develop a road like this there must be a number that makes it feasible. Having 1-acre lots and knowing that 1-acre lots can easily accommodate a septic system that does not need a well because there is municipal water, it would not make sense to only increase to 8 lots while still building this roadway infrastructure.

Mr. Corbett said he would argue that because now that is 4 less lots that require a variance. He said you cannot say it is a hardship to not get 12 when there are options to do less than 12.

Attorney Germaine said it is the lot size themselves and that a single-family lot is appropriate under the circumstances. The town looked at it and said that this would be the better plan as opposed to what is there with the finger lots. The finger lots are not the best lots to have for a single-family home. This prevents that type of finger lot development, and it creates the single-family 1-acre area that is possible.

Mr. Corbett said he would agree that D is better than C, but he does not believe that it is the best option.

Mr. Perkins said one of the key points emphasized is the fact that now it is that the development regulations get changed here because of municipal water feed, not because of the reliance on wells. He thinks that this is one of those things, understanding Mr. Corbett's point that the key element is a revision that is accelerating ahead of our ordinances versus trying to ask for something that the town has merit in their established ordinance. Meaning the merit is we would not have municipal water there so our ordinances stand firm.

Mr. Cole said he would agree. If you look at zoning districts that do have municipal water in the area you will find that they are 1 acre or less. They tried to stay consistent with that by going to an acre instead of just coming up with an arbitrary number that resulted in 8 lots. They believe it is important to stay consistent with the width of the lots throughout the entire development.

MOTION TO ENTER DELIBERATION

Mr. Tripp made a motion to enter deliberation.

Seconded by Mr. Obimba. All in favor, none opposed.

Mr. Corbett said, understanding the argument on well water versus the septic he feels this is beyond reasonable use and to design a situation that requires 12 lots, 5 of which appear to be entering from a separate street. It takes away from a neighborhood concept and what you would be developing. There is no real argument as to why it would not work. Why either 6 or 12. 8 was then called arbitrary but it seems 12 is just to maximize. Mr. Corbett has a difficult time granting 12 when a lower number would fit. He has a tough time granting 12 and understanding how it is a hardship to not grant 12, that it would be causing a hardship.

558

559 Mr. Obimba said they had a similar case for the same development and similar arguments. The fact that
560 the development is on the cusp of another zone that allows for slightly smaller sizes. He asked last time
561 what the nearby average size of the lots were and it was small. The ones in this development are a little
562 bigger and would be more compliant than if another configuration were adopted. Mr. Obimba said,
563 thinking about what the vice chair said regarding the number of lots approved besides maximizing return
564 here on investment is a good argument even though it is not part of the hardship based on what they have
565 said before. He believes the design is a good use of the phase. The addition could keep all the lots
566 conforming in terms of other requirements, frontage, and all. He does not believe it is an excessive ask. It
567 is in line with the other phases of this development.

568

569 Ms. Morin said she understands what Mr. Corbett is saying, but if you went from 12 to 8, they are still
570 non-conforming, and they go from 1 acre to 1.5. She does not see the benefit if you add that half an acre
571 to the properties.

572

573 Mr. Perkins said if you shrunk down the four lots does it really make it 1.5 or does it make it some other
574 configuration. Looking at lot 15 it is 34 or 24 you could almost divide that lot. I do not think in that
575 regard, which is an overreach in their relief request.

576

577 Mr. Tripp said he likes the 1-acre lot. He thinks it is an impediment to what is going to happen in the
578 future when everybody wants their ADUs. A 1-acre lot is going to make the proliferation of the ADUs a
579 lot more difficult. He said if you are looking for a positive that would be something that he would
580 suggest.

581

582 Mr. Corbett said to Mr. Tripp's point is it eliminating that if you have now doubled the number of houses.
583 Have you just created the same scenario as what the ADUs do, only a smaller ADU. He said you have
584 now allowed for a house of the exact same size while splitting the property in half.

585

586 Mr. Corbett said to Mr. Tripp that he said going from the 2 acres to the 1 acre will eliminate the ADU
587 problem. But he looked at it as almost the same thing. If you had less lots even if you put the ADUs what
588 has happened is, we have maximized the lots. Now you have 12 full-size houses rather than if you had six
589 houses with six smaller ADUs.

590

591 Mr. Tripp said he would rather have 12 individual single-family homes than six family homes and six
592 ADUs. He said ADUs bring their own problems to the development.

593

594 Mr. Corbett said when you look at 1532, 3334, part of the largest problems is how the properties are
595 completely shaped in the different directions from the major street and how you have lot 1535 with three
596 houses right on its side property line while other houses have the required spacing as called out by
597 Attorney Germain. It does seem to maximize this we skip one house where the argument was made that
598 we now have the proper relief for everyone's neighbors. He said it feels like houses or properties have
599 been forced in arbitrarily.

600

601 Mr. Perkins said he appreciates Mr. Corbett's thoughts but also remembers looking at this a couple of
602 months ago and identifying the wet area and how they had to approach this understanding that there is
603 overage. If you stick to the ordinance without the relief, you are creating land that could not be used
604 within its reason. He identifies with Mr. Corbett's point however the board has been overly criticized by
605 its appointing authority sometimes for not walking through and staying completely identical to the town's
606 development regulations. The board's considerations go beyond that and understanding the first case this
607 evening and how the legislature and the state is pressing and taking local control away. He said they also
608 know that we are susceptible to a recall on a vote.

Mr. Perkins finds that the reasons for the design of the development fall within reasons that they are working by statute and with the idea that the parcels are being adequately utilized. He said to Mr. Tripp's point that the smaller parcels help eliminate multi-families being built on the same parcel.

MOTION TO LEAVE DELIBERATION

Mr. Tripp made a motion to leave deliberation.

Seconded by Mr. Obimba. All in favor, none opposed.

MOTION

Ms. Morin made a motion on case 26-115 to grant a variance to the terms of Article VI, Section 165-47.B.1 of the Town of Derry Zoning Ordinance to subdivide approximately sixteen acres into lots with less than the required two-acre minimum.

Parcel ID: 14015 Zoned: LMDR

as presented with the following conditions:

1. Subject to obtaining all state and town permits and inspections.
2. Subject to Planning Board subdivision approval.

Seconded by Mr. Tripp. All in favor, none opposed.

Mr. Corbett reviewed the finding of fact as follows:

- Heard June 18, 2026, the ZBA heard the application of Germaine & Blaszk, PA on behalf of JAL, LLC concerning the property located at Parcel ID: 14015
- Notice was provided to the immediate abutters per statute.
- The board received testimony from:
 - The applicant and legal counsel
 - Town Staff
 - Abutters and members of the public
- The applicant is requesting a variance to subdivide an approximately sixteen-acre portion of the property into twelve (12) lots having a minimum of one-acre each.
- The property is located in the Low Medium Density Residential Zoning District (LMDR) which requires a minimum lot area of two-acres; therefore, a variance is being requested.
- Parcel 14015 consists of approximately eighty-three acres and is part of the ongoing Denali Estates residential development project. The proposed lots subject to this application will be located within an approximately sixteen-acre portion of the parcel in Phase VI.
- The proposed lots would meet or exceed the 150-foot frontage requirement.
- The proposed lots would be serviced by municipal water and private septic systems, and fire protection in the form of a cistern or residential sprinkler system would be required.
- If approved by the Board, a subdivision approval by the Planning Board will be required.
- The board weighed testimony both for and against the proposal.

1. The board's findings that the unnecessary hardship is demonstrated because the hardship relates to the unique characteristics of the property:

Mr. Obimba said he does find that the applicant has demonstrated observing the ordinances as written will result in undue hardship for the reasons they have clearly stated during deliberation.

Mr. Tripp believes there is a hardship that the proper use of the land would be a diminishment of the number of housing units that are going to be provided. He said this is something that has been discussed deeply at the state house and that the housing market or the number of units that are available in the state needs to be increased. This is an opportunity to make better use of the property in this development.

Ms. Morin agrees with what has been stated. She believes that there is a hardship with the wetlands.

Mr. Perkins finds that the hardship exists. This allows maximum usage of the acreage without landlocking any of the parcels.

Mr. Corbett does not feel the hardship has been met. There are other options that would not result in twelve lots that would require not meeting the requirements.

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

Mr. Obimba finds that this is not contrary to the public interest. I find that this meets or exceeds public interest. It develops a new lot and arrangement of the roads to the wetland preserves for the cut of the neighborhood and serves public interest.

Mr. Tripp believes that the developers' forward-thinking to have public water supplied to this area permits the lot to be subdivided into a greater number. Housing is something that the state has been looking at in great depth and how they are going to increase housing.

Ms. Morin said she feels that the variance will not be contrary to the public because it meets all the other requirements of the zoning ordinance.

Mr. Perkins said he does not find there is gain to the public in denial of this. Public interest is affirmed.

Mr. Corbett said he does not like the layout of three but does not think there would be a gain here necessarily to the greater public interest. He does not think it is contrary.

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

Mr. Obimba does find that this is consistent with the spirit of the ordinance looking at all the neighboring zones that require even smaller lots because they are serviced by municipal water and sewer. DES allows for lot sizes to be reduced if the town serves them with water. The spirit of this ordinance is observed and granting this variance does not violate any provisions of that ordinance. We still promote health, safety, and general welfare for this community.

Mr. Tripp said as the applicant spoke to during his presentation the reason for the two-acre minimum was primarily to accommodate a well in addition to the septic's for each individual lot by providing public water to the lots. That eliminates the rationale for the second acre. I believe that given that, the spirit of the ordinance is supported.

Ms. Morin feels they have met the criteria to keep within the spirit of the ordinance. It also has Planning Board approval. If they want to change it to fit more there is still that option as well. I do feel they have met the criteria.

Mr. Perkins is comfortable with the spirit of the ordinance. Outlining the frontages and the intentions of the development regulations.

Mr. Corbett does not feel that it would be consistent with the spirit of the ordinance. While it was noted that perhaps over a period of 10 years that this should have been revisited while water has come in, that is 10 years where it has not been revisited while the option has been on the table. He thinks while there is consideration to making a change, not until that happens, right now, it is directly against the spirit of the ordinance. He is a no.

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

Mr. Obimba believes that denying this request will not give any of the Derry public any gains. The application has proven that it is a reasonable use. It is making good use of a unique land configuration, avoiding wetlands, and promoting safety by adhering to the frontage requirements. Denying this does not grant the public any justice. Mr. Obimba believes substantial justice will be done if the board grants the variance.

Mr. Tripp believes that denying the variance will provide no gain to the public.

Ms. Moore feels by denying the variance and forcing the two-acre zoning provision, it is not benefiting anybody and leaving homeowners with unusable land.

Mr. Perkins thinks substantial justice has been served here. It is fair regarding considering the abutting zoning district.

Mr. Corbett said for reasons stated before he feels the twelve lots requiring a variance is not reasonable. He feels that moves into excessive. For that reason, he does believe substantial justice would be served by denying it. Mr. Corbett believes a more beneficial use could be found.

5. The board's findings that the applicant has adequately demonstrated that surrounding property values will not be diminished?

Mr. Obimba said this is a new development and there has been testimony over the years. As seen getting new properties developed increases values of surrounding properties. He believes that the values of the surrounding properties, some which are still under construction, will be increased.

Mr. Tripp believes that by permitting one-acre lots the properties will be more useful and the values for the costs for the lots will be significantly less than the six lots that are of the two-acre dimensions.

Ms. Morin feels the values of the surrounding properties are not diminished because it is a new development and for the properties themselves, town water on that side of town is rare and a benefit.

Mr. Perkins does not find there is any diminution of property value. He said it is within the board's authority to have that determination even when presented by professionals related to the industries.

Mr. Corbett agrees. He thinks you could argue that you lose some value going from two acres to one acre. Overall, it is going to be the houses in the development that is going to increase the property value. He does not think going down to one acre is going to negatively impact that.

Voting Members:

Mr. Corbett	No	No reasons for the hardship primarily.
Ms. Morin	Yes	
Mr. Tripp	Yes	
Mr. Obimba	Yes	
Mr. Perkins	Yes	

The application was GRANTED by a vote of 4-1. 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.

26-116 (Tabled from June 4, 2026)

Applicant: Kilduff Realty Trust, Carol Kilduff Trustee
Owner: Carol Kilduff Family Trust
Parcel ID 51008
16 Coles Grove Rd
Zoned: MDR

The applicant is requesting a variance to the terms of Article VI, Section 165-46.C.4 of the Town of Derry Zoning Ordinance to allow the construction of a single-family home located less than 35 feet to the front property line and less than 15 feet to the side property line.

Brandon Wilson, Associate Landscape Architect with the firm Terrain Planning and Design, introduced himself and said he will be representing the Kilduff's. Mr. Wilson read the letter of explanation and five criteria.

Mr. Dragani asked Mr. Wilson if the variance were not granted what would the dimensions be that was left.

Mr. Wilson said the lot is 50 feet wide, 15 feet side yard setback on either side would leave 20 feet of width. In terms of the depth, it was pointed out on the plan. Mr. Wilson pointed out the purple highlighting shown on the property lines to the south, to the north. The blue highlighting is the edge of the lake as well as the state-imposed setbacks, particular distances related to the lake. The first one is 20 feet. Mr. Wilson said to Mr. Dragani's question about the 50-foot setback that is all primary structures must be a minimum of 50 feet from the lake. The setback related to the distance from the street would be the front yard 35-foot setback. On the southerly part it is about 40 feet. On the northerly part it is about 60. The strong limiting factor is only about 20 feet of width.

Ms. Owen discussed the following:

- The applicant is requesting a variance to allow the construction of a single-family home located approximately 23.8 feet to the front property line, 8.4 feet to the North side property line and 6.9 feet to the South side property line.

- This property is located in the Medium Density Residential Zoning District (MDR) which requires a 35 ft minimum setback from the front property line, and a 15 ft minimum setback to the side property lines, therefore a variance is being requested.
- This is a pre-existing, non-conforming lot with respect to lot area and frontage. The property has remained vacant since 2017 after the previous single-family dwelling was removed.
- The property is located along the waterfront of Beaver Lake and is located in an area of pre-existing small lots and non-conforming structures.
- The property is serviced by municipal sewer and a private well.
- An approved State Shoreland permit has been issued through NHDES.
- If approved, appropriate permits and inspections will be required.
- If approved, a flood elevation certificate will be required.

The assessing records are blank right now because it is vacant. The property was originally purchased in 1997 but there is not a lot of information from when it was originally created. They are taking what was there before and moving it further back from the road about a foot.

Mr. Perkins asked Mr. Wilson if what he was depicting earlier about the shoreland protection boundary if it were reverse numbers from the setback from the water and asked if the second blue line in from the water's edge is the appropriate distance that DES would want. He also asked if the footprint of the foundation is following the gradient line.

Mr. Wilson said that is correct. The foundation is fully landward of the 50-foot setback including the entire footprint of the attached deck. On the main level above there is a cantilevered portion covered.

Mr. Dietzel asked if the 50-foot primary structural setback from Beaver Lake reference is more than 50 feet from the lake and if it is moved back to conform will it be too close to the lake.

Mr. Wilson said if the house is too close to the lake, under state rules, you are allowed to keep it. You are also allowed to redevelop it within its existing footprint. If you do not have that for constructing a new house that fully complies with the town of Derry rules that is within 50 feet of the lake you will not receive a shoreland permit.

Mr. Perkins asked what the square footage of the home was. Part of the question when you get into the five criteria is, are you overbuilding the site, or is it a reasonable square footage.

Mr. Wilson said the square footage is on the fourth plan sheet at the bottom and is 1,890 sq ft. The house has increased in size but not the footprint.

Mr. Wilson wanted to reiterate the buildable area is 1,933 square feet. They have proposed a house that is 200 square feet smaller than that distributed differently so that it can comply with this 50-foot setback from the state which constitutes the hardship in conjunction with the lot width.

Mr. Tripp asked if the right-of-way was to the left or right and if the proposed building is eight and a half feet from that. He asked if it was seven feet to the south of the property line.

Mr. Wilson said it is to the north of the subject parcel. It is eight and a half feet from that.

Mr. Dragani wanted to correct himself and ask if it is 4,100 square feet when you count in the garage.

Mr. Wilson said he believes that is accurate.

CALL TO PUBLIC

Mr. Perkins made a call to public.

FAVOR

There were four gestures in person.

Bill Dyer, 8 Coles Grove introduced himself. He is up the street one house from Barry. He said Barry has been a great neighbor and a good steward of the land. He is one of the nicest houses on the lake and most of the lake is nonconforming and the houses are close together. Whatever he builds is going to be beautiful and is going to increase his value. He appreciates that. He said it is difficult when you build houses on a lake with restrictions from the state and local area.

Joshua Eagley, 2 Beaver Lake Avenue introduced himself. He said he has deeded access to the right-of-way in question. He said Mr. and Mrs. Kilduff have explained this to him and he is in full support of them receiving the variance. There was previously a house which was torn down around 2017. He does not see a reason to not put a house back onto that lot. Whatever Barry and Carol do is going to be wonderful for the neighborhood. He is in full support of the board approving this variance.

Steven Anthony, 20 Coles Grove introduced himself. He said the values of the homes would certainly increase by the project and if you were to deny this request the public would achieve no gain. This project would have no negative impact on the lake. The setback now is 50 feet. There are about 110 homes that are lakefront, and there are over 25 homes that are currently within 35 feet, some with even 10 feet of the lake. This would have no impact in that regard. The proposed project would have a positive impact on the property value of the neighborhood. He said the Kilduff's do an amazing job with their home and their grounds. They are supporters of the lake and great stewards of Beaver Lake. Carol Kilduff is a member of the board, and he is the President of the Beaver Lake Improvement Association. They have done great things for the lake to bring together a community and get more involvement in the lake. He is in favor of the proposal.

Jennifer Shenard, 7 Coles Grove Road introduced herself. She is across the street. She has known Barry and Carol for 20-plus years. They have been a huge part of her life, her daughter's life, and they are amazing neighbors. She agrees with everything that has been said and she approves and supports them 100%.

OPPOSED

No gestures in person.

Mr. Wilson said the water quality benefits of this project, the lot right now is grass it uniformly slopes towards the lake. Having the grass going straight down towards the lake is one of the worst things you can do in terms of ensuring water quality. When the grass is mowed it is fertilized. When it rains it just washes straight down into the lake. The proposed lot and proposed project site have a stormwater management system that has been sized to account for capture, filtration, and infiltration of 90% of the

water quality volume, which is the benchmark for residential stormwater installation systems. If you can capture, filter, and infiltrate 90% of the water quality volume, you are capturing 90% of the pollutants that might end up in the lake. The driveway and the patio are permeable. Right now, there is no real capacity to do that because the lot is vacant.

Mr. Perkins asked Mr. Wilson if a smaller home does the same thing. He asked if he is asking the board not to purify and allow a build to purify the water or is he asking to allow a build that does not conform and the same thing he is indicating can be accomplished with a smaller footprint. He understands the front setbacks but wrestles with the side setbacks and how much bigger the footprint is. He is looking for justification for the footprint.

Mr. Wilson said it is reasonable that a smaller home does the same thing.

MOTION TO ENTER DELIBERATION

Mr. Tripp made a motion to enter deliberation.

Seconded by Mr. Dietzel. All in favor, none opposed.

Mr. Dietzel said the proposal is reasonable. The five criteria were addressed. The structure is reasonable in dimensions and footprints. They are here for the variance for the setbacks. They could pull it back, but they would be closer to the shore.

Mr. Tripp said it is not a very big lot. I think the northern side being able to be eight and a half feet off the lot line is fine. He has some concerns about it being seven feet off the southern lot because there is no guarantee that the building that exists is going to be rebuilt and it will creep in a little.

Ms. Morin said they own that lot as well.

Mr. Corbett said he went through about 20 years of photos and you can see House 12 get rebuilt in the last 20 years that originally resembled the structure that was at 16. From at least 2011 until now it looks like it has done quite the restoration and increase in size.

Mr. Perkins said he also wondered whether the build is oversized but now understanding the footprint and the plan it seems reasonable. Looking at the footprint and the design of the footprint, how much more you would contain looking for relief from the side setbacks. The layout of the garage and storage of vehicles away from the street is reasonable as well.

MOTION TO LEAVE DELIBERATION

Ms. Morin made a motion to leave deliberation.

Seconded by Mr. Dietzel. All in favor, none opposed.

MOTION

Ms. Morin made a motion on case 26-116 to grant a variance to the terms of Article VI, Section 165-46.C.4 of the Town of Derry Zoning Ordinance to allow the construction of a single-family home located less than 35 feet to the front property line and less than 15 feet to the side property line.

Parcel ID: 51008 Zoned: MDR

as presented with the following conditions:

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

Seconded by Mr. Tripp. All in favor, none opposed.

Mr. Corbett reviewed the finding of fact as follows:

- Heard June 18, 2026, the ZBA heard the application of Kilduff Realty Trust, Carol Kilduff Trustee concerning the property located at 16 Coles Grove Rd. PID 51008
- Notice was provided to the immediate abutters per statute.
- The board received testimony from:
 - The applicant and legal counsel
 - Town Staff
 - Abutters and members of the public
- The applicant is requesting a variance to allow the construction of a single-family home located approximately 23.8 feet to the front property line, 8.4 feet to the North side property line and 6.9 feet to the South side property line.
- This property is located in the Medium Density Residential Zoning District (MDR) which requires a 35 ft minimum setback from the front property line, and a 15 ft minimum setback to the side property lines, therefore a variance is being requested.
- This is a pre-existing, non-conforming lot with respect to lot area and frontage. The property has remained vacant since 2017 after the previous single-family dwelling was removed.
- The property is located along the waterfront of Beaver Lake and is located in an area of pre-existing small lots and non-conforming structures.
- The property is serviced by municipal sewer and a private well.
- An approved State Shoreland permit has been issued through NHDES.
- The board weighed testimony both for and against the proposal.

Voting Members:

Mr. Dietzel	Yes
Mr. Tripp	Yes
Ms. Morin	Yes
Mr. Corbett	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.

26-117

Applicant:	Michael and Frannie Greenberg
Owner:	Greenberg Family Revocable Trust
	Michael and Frannie Greenberg Trustees
Parcel ID	08041-001
	76 Tsienneto Rd
Zoned:	MDR

The applicants are requesting a variance to the terms of Article VI, Section 165-46A of the Town of Derry Zoning Ordinance to allow a wildlife rehabilitation center use at the property.

Ms. Morin recused herself from Case 26-117.

Mr. Perkins asked Mr. Donlon to sit in on Case 26-117.

Mr. Greenberg read the five criteria.

Mrs. Greenberg said the Millstone Wildlife Center began in 2015. They plan to bring in a few animals to the home, and they are currently up and running in Windham, NH currently operating from their home. They are fully licensed through New Hampshire Fish and Game and hold a USDA license. They offer services to anyone in the state of New Hampshire that has found an injured, orphaned, or ill animal. The goal is to treat and release, and they are not keeping them long-term. They have had a few animals that have been deemed by a veterinarian to be non-releasable but usable for program services. Mrs. Greenberg explained that the goal is to get them, treat them as best they can, and then they release them. They are not a nature center and do not invite people to come in. Anyone who brings an animal meets in the driveway. The new property would be used for a residence and would not be announced to the public what they do. The outbuildings would be utilized for the animals to be treated and released.

Mr. Tripp asked what services are provided. The number of animals and the type of animals you are allowed to provide services to is interesting.

Ms. Greenberg said with limited number of programs they go out to the location. She said last year they were up to almost 1,500 animals. Not all at one time. They had over 800 small little bunny rabbits. They are not having their home overrun with animals. There are specific rooms. Mr. Greenberg said they have inspections and they had their USDA inspection yesterday. They comply with all the regulations. In the winter there are fewer animals.

Mr. Dragani asked to be excused from the case. Mrs. Greenberg has gone to the Londonderry Rotary for donations.

Ms. Morin asked about the USDA certificate and the maximum number of animals authorized.

Mrs. Greenberg said the number of animals that cannot be released is 50. The USDA regulates non-releasable. USDA will grant you a permit to go higher. Currently they have none and they no ambassador, which is different than non-releasable.

Mr. Donlon asked whom they were going to use it as a residence for and if they were going to be moving to Derry.

Mrs. Greenberg said they will not be moving and they will rent it. The plan is to have somebody affiliated with the organization so there is somebody on site. It is a long-term plan. They would like to find ways for Millstone Wildlife Center to continue and there would be somebody in the home using it as a home. At some point it might be compensation for the people that do not get paid.

Mr. Donlon made a motion to extend the meeting by 15 minutes.

Seconded by Ms. Morin. All in favor, none opposed.

1064 Mr. Tripp asked Mrs. Greenberg if she does not intend to live here and if she will continue to operate the
1065 other center in Windham.
1066

1067 Mrs. Greenberg confirmed that she does not intend to live here and she will continue to operate the other
1068 center in Windham. She said they do have volunteers. There are about 40 regular volunteers, and they
1069 give college credit opportunities too. Currently they have 10 interns learning how to care for the animals.
1070 All the animals come to the Windom location. They start in one place and are given veterinary care.
1071 Veterinarians come directly to them and would do both sites. You do not hear the animals, and noise has
1072 not been an issue. They keep cleaning standards at the utmost so that smell is not an issue and noise is not
1073 an issue.
1074

1075 Mr. Perkins asked if they rehab bears or deer.
1076

1077 Mrs. Greenberg said they take care of mammals. They cannot do deer, bear, or moose. They see mostly
1078 rabbits, squirrels, opossums, all the other species. But of course, some we do not see very often. There are
1079 not that many out there.
1080

1081 Mr. Donlon asked if there was adequate parking.
1082

1083 Mrs. Greenberg said there is a ten-car driveway and there are they are not all there at the same time.
1084

1085 Ms. Owen discussed the following:
1086

- 1087 - The applicants are requesting a variance to allow a wildlife rehabilitation center use at the
1088 property.
1089
- 1090 - The property is approximately 1.52 acres and contains an existing single-family residence, and
1091 multiple accessory structures including a barn that was converted into a living space, a garage,
1092 and multiple sheds.
1093
- 1094 - The property is located in the Medium Density Residential Zoning District (MDR).
1095
- 1096 - A "wildlife rehabilitation center" use is not specifically defined within the Town of Derry Zoning
1097 Ordinance and is not a permitted use in the zoning district. Home occupations permitted by
1098 Special Exception in the MDR district are limited to uses such as "artist, artisan, or craftsman."
1099 Therefore, a variance is being requested for this use.
1100
- 1101 - The proposed business will operate as a rehabilitation center focused on providing temporary care
1102 and recovery for wildlife, with the goal of releasing animals back into the wild.
1103
- 1104 - Operations on site are proposed to occur primarily indoors within the existing structures on the
1105 property.
1106
- 1107 - Clarification is needed regarding the existing residential use.
1108
- 1109 - Recommend Planning Board site plan determination approval to capture the accessory use on the
1110 property.
1111

1112 **CALL TO PUBLIC**
1113

1114 Mr. Perkins made a call to public.

FAVOR

There were 6 gestures in person.

Mark Pylon introduced himself and said he is representing a friend, Nancy Webb, 25 Maxwell Drive, who could not make it because she is at work. Mr. Pylon read a letter from Nancy. Nancy has lived in Derry for over 40 years and living next to the Rockingham Recreational Trail she has been thrilled to live among the diversity of wildlife in the area. She has been following the Millstone Wildlife Center for several years and was excited to learn that Millstone Wildlife Center is planning to expand into Derry.

Erica Layon, 84 Tsienneto Road. Introduced herself and said she is a state representative and is Vice Chair of the Joint Legislative Committee on Administrative Rules. She said her neighbors had questions and she dug into the rules around wildlife rehabilitation to understand what the laws, rules, regulations are. Mrs. Layon said she spoke to Colonel Jordan from the Fish and Game Department. The biggest concerns she has heard are about parking, noise, and the mess that may come from animals. Her understanding is that it is under the Fish and Game rules and the permitting process so if there is noise or a mess that is going to be outside of the permitted application. Mrs. Layon said Colonel Jordan said that they are one of the best wildlife rehabilitators in the state. She would ask that the variance be specifically not to include a fixed location because that brings up traffic issues that the neighbors are highly concerned about. Mrs. Layon is comforted knowing that in the permit process there are general conditions to make sure that there are cages that are sufficient size, they allow full freedom of movement and exercise, and they are clean and ventilated. When you have an exhibition license from Fish and Game you can have it at a site where people come into your site. You would have traffic coming in, people visiting animals, wildlife encounters, or something else where people come to your site. That is different than one where you travel and take it to other locations. Keeping the variance limited to the actual request would eliminate a lot of the neighborhood concerns about the traffic.

Ms. Morin asked when an animal expires if you report it to somebody and what do you do with their body.

Mrs. Greenberg said they do a yearly report on every animal that comes in. They do tell the state who brought it, where they found it, how long they had it, did it bite someone, did it scratch someone. With that goes the disposition of recording if it was released and where was it released. If an animal must go to the vet's office to be euthanized the veterinarians will put them into cremation with other animals. Animal control officers also help at times with euthanasia.

Mr. Dietzel made a motion to extend the meeting by 15 minutes.

Seconded by Mr. Tripp. All in favor, none opposed.

Christine Trow, 15 Lawrence Street introduced herself and said she is a fourth-generation Derry native. She is here to support the variance for the wildlife rehabilitation. She has spent years educating the public about local wildlife and helping connect injured animals with licensed rehabilitators she knows firsthand how desperately New Hampshire needs facilities like this. Every year countless injured, orphaned, and displaced wild animals need specialized care. Supporting this variance is an opportunity to demonstrate that value while providing a much-needed service not only to Derry residents but to surrounding communities. The facility would become an important community resource helping wildlife and residents who care about them. Ms. Trow said the center will help ensure future generations continue to enjoy incredible wildlife that makes New Hampshire special.

Kimberly Connors, 2 Linden Street introduced herself and said she has a 9-year-old daughter. They come across wildlife everywhere they go and she is an animal enthusiast. When they come across injured or ill animals they call them.

Chris Rodrigues, 9 Juniper Road introduced himself. He has been a volunteer for the last five years. Mr. Rodrigues said if you walked up to the property in Windham you would not know they were doing this except for a little sign by the front door. It is quiet, clean, and does not smell. He said speaking to the education side wildlife comes to the school he teaches at and it has been valuable.

Kerry Rodgers, 2 Symphony Lane. Mrs. Rogers said she has horses and does not have wild animals. She said she has known Frannie for the last 10 or 15 years and was interested in helping. Frannie is an asset to the community and always offers information and guidance.

OPPOSED

There were two gestures in person.

Linda Hilker, 3 Jeff Lane introduced herself and her husband Jeff. She said they had been in Derry for 43 years at 3 Jeff Lane. They have several neighbors in the back that have also been in the neighborhood for 40 years. Mr. Hilker plowed the driveway for the previous owners, and they do not believe there are 10 for parking spaces. They love animals but they are concerned with things getting out of control. Releasing animals is a concern because her husband has an organic garden. Another concern is vehicles coming and going. They are also worried about the value of the homes if they are going to be rented.

Mrs. Hilker read a letter from the daughter of the Generos that sold the property this year.

Michael Layon, 84 Tsienneto Road introduced himself. He said he is a lifelong conservationist. He has 90 acres less than 500 feet from the property. He loves rehabbers. A concern he has heard from neighbors in the area is that they are not moving to Derry. They are expanding to Derry but will rent the house. Mr. Layon asked if this would make it commercial property.

Mrs. Greenberg talked about renting the property. She said they are looking to have a millstone intern rent the property. It would be someone who understands wildlife. They are not going to put an ad in the paper and find someone and hope they do not knock down the walls.

Jeff Hilker, 3 Jeff Lane introduced himself and said his concern is that he plowed the property this winter, and it is a nightmare to plow. With extra traffic it is a concern about the safety of people coming and going.

Mr. Perkins said the caution is noted. He told Mr. & Mrs. Greenberg they have things to address with additional information and clarification for the next meeting.

1. Parking
2. Release of animals
3. Not living at the residence.
4. Renters at the residence.
5. Licensing, guidance, responsibilities, etc. required.
6. Commercial property.
7. And A Primary Board Member provided an inquiry: Expound on the licensing criteria.

Mr. Perkins said if they have any follow-up questions they can call code enforcement. He is closing public hearing and letting them address the concerns when they come back.

Mr. Tripp made a motion to table Case 26-117 to July 16, 2026.

Seconded by Mr. Donlon. All in favor, none opposed.

26-118

Applicant: Cocuzzo Enterprises, LLC (Tabled to July 16, 2026)

Owner: 6 Pearl Street, LLC

Parcel ID 30092

6 Pearl Street

Zoned: CBD

The applicant is requesting a variance to the terms of Article VI, Section 165-33B of the Town of Derry Zoning Ordinance to permit the use of the existing rear of the property as a contractor yard and allow the construction of a contractor garage for use from the abutting property at 27 Franklin St.

Mr. Tripp made a motion to table case 26-118 to the July 16, 2026, meeting.

Seconded by Mr. Donlon. All in favor, none opposed.

26-119

Applicant: Pinkerton Academy (Tabled to July 16, 2026)

Owner: Pinkerton Academy

Parcel ID 43001

22 North Main Street

Zoned: MHDR

The applicant is requesting a variance to the terms of Article XII, Section 165-101.1 and Article XII, Section 165-101.11 of the Town of Derry Zoning Ordinance to allow the installation of a 48 square foot freestanding sign containing a 16 square foot electronic message center sign, replacing an existing freestanding sign.

Mr. Tripp made a motion to table case 26-119 to the July 16, 2026, meeting.

Seconded by Mr. Obimba. All in favor, none opposed.

REVIEW MEETING MINUTES

Mr. Obimba made a motion to table the May 7, 2026, meeting minutes.

Seconded by Mr. Tripp. All in favor, none opposed.

Mr. Obimba made a motion to table May 21, 2026, meeting minutes.

Seconded by Mr. Tripp. All in favor, none opposed.

1267 Mr. Obimba made a motion to table the June 4, 2026, meeting minutes.

1268

1269 Seconded by Mr. Tripp. All in favor, none opposed.

1270

1271

1272 **ADJOURNMENT**

1273

1274 Mr. Donlon made a motion to adjourn. Second by Mr. Dietzel All in favor of adjourning, none opposed.

1275

1276 The meeting adjourned at 10:38pm

1277

1278

1279

X 

Chair

1280