

ZONING BOARD OF ADJUSTMENT
268B MAMMOTH ROAD
LONDONDERRY, NH 03053

DATE: MAY 20, 2015

CASE NO.: 8/20/2014-2 (CONTINUED)

APPLICANT: ROBERT CASEY
26 PINE STREET
LONDONDERRY, NH 03053

LOCATION: 26 PINE STREET; 3-70, AR-I

BOARD MEMBERS PRESENT: JIM SMITH, CHAIRMAN
NEIL DUNN, VOTING MEMBER
JACKIE BENARD, VOTING MEMBER
JIM TIRABASSI, VOTING MEMBER
BILL BERNADINO, NON-VOTING ALTERNATE
DAVID PAQUETTE, CLERK

ALSO PRESENT: RICHARD CANUEL, SENIOR BUILDING INSPECTOR/ZONING
ADMINISTRATOR/HEALTH OFFICER

REQUEST: RELIEF OF ADMINISTRATIVE DECISION IN ACCORDANCE WITH THE
PROVISIONS OF RSA 676:5.

JIM SMITH: Why don't we go back to the first case, and the representative lawyer has a proposition he'd like to bring up.

BRUCE MARSHALL: Attorney Marshall...

JIM SMITH: Do you want to get to a mic just so we...

BRUCE MARSHALL: Sorry, I do that every time, I apologize. Attorney Bruce Marshall on behalf of Robert Casey, 26 Pine Street, we'd like to request a continuance to your next month's meeting, and hopefully you'll have a full Board, but during that time frame, I'd like the Board's permission to contact the Code Enforcement Officer to see if we can't reach an alternative solution given the difficulty we are having getting a full Board.

JIM SMITH: I have no objection. Does anyone on the Board have any objection to that?

DAVE PAQUETTE: I have no objection.

45 NEIL DUNN: So what would the procedure be Richard if they came to an agreement, they would withdraw
46 their appeal?
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48 RICHARD CANUEL: Well...
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50 NEIL DUNN: I'm just trying to not open a can of worms, if we don't have an...
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52 RICHARD CANUEL: Well the problem with that is that the order has already been issued. It's a notice of
53 violation. Ordering Mr. Casey to do certain things unless those things are done notice stands. I don't know
54 what else we could work out.
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56 JACKIE BENARD: So we'd have to hear it in other words?
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58 RICHARD CANUEL: Well you know unless Mr. Casey wants to withdraw his appeal? Then again, if he does
59 withdraw his appeal the notice of violation stands.
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61 NEIL DUNN: So by allowing them to talk to you, I guess they can't do that now because of the hearing?
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63 RICHARD CANUEL: Well I'm...
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65 NEIL DUNN: I don't know, I'm just saying again if you don't come to an agreement, he's back here next
66 month anyway, or whatever, I mean...?
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68 RICHARD CANUEL: Of course, I don't think that's unreasonable?
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70 [Overlapping comments]
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72 RICHARD CANUEL: I'm certainly willing to discuss the matter, yeah, yeah.
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74 NEIL DUNN: Okay, that's good.
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76 JIM SMITH: Okay, so I guess what you're saying is you could discuss it, but it's not really going to change the
77 fact that they have to appeal it?
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79 RICHARD CANUEL: That's correct.
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81 JIM SMITH: Okay. Maybe if you do discuss it, you might come up with a little something that you can bring
82 up in the hearing which would mitigate it to some extent?
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84 BRUCE MARSHALL: I think it would be helpful to have that conversation.
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86 JIM SMITH: Okay. Based upon that, I have no objections unless anybody else on the Board? Okay.
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88 BRUCE MARSHALL: So did you grant the continuance, I didn't hear that part?

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JIM SMITH: Yeah, can I have a motion to continue?

DAVE PAQUETTE: Mr. Chairman, I'd like to raise a motion to continue 8/20/2014-2 until the next scheduled meeting of June 4th, 2015.

JIM SMITH: Can I have a second?

JACKIE BENARD: I second that.

JIM SMITH: Okay, all in favor?

ALL: Aye.

BRUCE MARSHALL: Thank you very much.

JIM SMITH: Thanks for your patience in waiting.

BRUCE MARSHALL: Thank you.

JACKIE BENARD: Wait a minute, it can't be June 4th?

[Overlapping comments]

JIM SMITH: What's the date?

[Overlapping comments]

NEIL DUNN: We didn't have that on our list. I looked for that.

DAVE PAQUETTE: What's that?

NEIL DUNN: Our next meeting date.

DAVE PAQUETTE: June 4th.


NEIL DUNN: That's if we had to continue.

[Overlapping comments]

JACKIE BENARD: It is June 17th.

[Overlapping comments]

JACKIE BENARD: Yeah, so if we're correcting this?

135 JIM SMITH: Wait a minute.
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137 JACKIE BENARD: I have it right here.
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139 JIM SMITH: I know, but I want to make sure they...
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141 JACKIE BENARD: Oh, okay.
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143 Jim Smith stepped out of meeting.
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145 DAVE PAQUETTE: Yeah, because usually that's the date...I didn't read it, usually that's the date on the...at the top
146 of the agenda. That's why I just went with it. I didn't realize June 4th was for the special night?
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148 NICOLE DOOLAN: Yes, that's okay.
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150 [Overlapping comments]
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152 RICHARD CANUEL: Just for the record, the Board, you should probably announce that...just for the public record
153 that...the correct date.
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155 Jim Smith returned to the meeting.
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157 JACKIE BENARD: Mr. Chairman, I'd like to correct the date.
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159 JIM SMITH: Okay.
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161 JACKIE BENARD: For the continuance for Case No. 8/20/2014-2 to be continued for the date of June 17th.
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163 JIM SMITH: Have a second?
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165 DAVE PAQUETTE: I'll second that.
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167 ALL: Aye.
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169 JIM SMITH: I was able to catch them on the way out, so they are aware of it.
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171 RESULTS: THE MOTION TO CONTINUE CASE NO. 8/20/2014-2 TO JUNE 17, 2015 WAS GRANTED, 5-0-0.
172
173 RESPECTFULLY SUBMITTED,
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177 DAVID PAQUETTE, CLERK
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179 TYPED AND TRANSCRIBED BY NICOLE DOOLAN, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
180 SECRETARY.
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182 **APPROVED (JUNE 17, 2015)** WITH A MOTION MADE BY NEIL DUNN, SECONDED BY JACKIE BERNARD AND
183 APPROVED 5-0-0.
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