

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

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5 DATE: SEPTEMBER 16, 2015
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7 CASE NO.: CASE NO. 8/19/2015-1 (CONTINUED FROM AUGUST 19, 2015)
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9 APPLICANT: RAYMOND BLETHEN IV AND MARGARET BLETHEN
10 18 ROSSINI DRIVE
11 LONDONDERRY, NH 03053
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13 LOCATION: 18 ROSSINI DRIVE, 2-29B-40, AR-I
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15 BOARD MEMBERS PRESENT: JIM SMITH, CHAIRMAN
16 JACKIE BENARD, VOTING MEMBER
17 BILL BERNADINO, VOTING ALTERNATE
18 JIM TIRABASSI, ACTING CLERK
19
20 ALSO PRESENT: RICHARD CANUEL, SENIOR BUILDING INSPECTOR/ZONING
21 ADMINISTRATOR/HEALTH OFFICER
22
23 REQUEST: A VARIANCE TO ALLOW A GARAGE WITH A REDUCED SIDELINE SETBACK
24 WHERE A MINIMUM OF 15 FEET IS REQUIRED BY SECTION 2.3.1.3.C.
25
26 PRESENTATION: J. TIRABASSI READ THE CASE INTO THE RECORD. NO PREVIOUS CASES.
27 NO LETTERS. PAGES _____ ARE ATTACHMENTS TO REFERENCE.
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31 JIM SMITH: Okay, this is a continuation of that case. Just so everybody is aware, as this case unfolded, we
32 came to the conclusion the 15 foot and 30 foot, or 40 foot setback didn't really apply to this particular
33 situation because of the way the original development was laid out. I'll ask Richard if he'd explain that.
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35 RICHARD CANUEL: Yeah, this subdivision when it was approved in 1985 was approved at what was then
36 known as a Planned Residential Development. In the ordinance at that time there were no sideline setbacks
37 or rear line setbacks for the PRD. Basically, the setback was from the structure to adjacent structure on
38 neighboring properties a minimum of 30 feet.
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40 JIM SMITH: So, that's what we're dealing with is that 30 foot setback between principle buildings, or any
41 building?
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43 RICHARD CANUEL: It's the principle or accessory structures.

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JIM SMITH: Or accessory...

RICHARD CANUEL: Yup.

JIM SMITH: Okay, and we had questions as to what the actual distances were on this particular property, and hopefully the applicant has some answers.

RAYMOND BLETHEN: Yup, can I bring these up?

JIM SMITH: Sure.

RAYMOND BLETHEN: I went to upstairs.

[Overlapping comments]

JIM SMITH: Before you go any further, you understand the implication of the four people?

RAYMOND BLETHEN: Yup.

JIM SMITH: And you're willing to go forward?

RAYMOND BLETHEN: Yeah. You guys were good.

JIM SMITH: Okay, I just want to make sure you're fully aware of that.

RAYMOND BLETHEN: Yeah, yeah, absolutely. I went upstairs...did measurements, or talked to the people upstairs and got some information for you guys. On this side which is more of not a photography side has the building, or the structure and the distance from the sideline. According to the Town map, it says 24 feet at the closest edge to the edge of our property. The other side shows an aerial picture (also from upstairs), but I took a yard stick and did all of the measurement, and its 27 feet and 2 inches from the corner of where my building would be to the corner of their closest spot of their shed. Any distances would be further than the 27 feet.

JIM SMITH: So, what we're talking about is a variance from 30 feet to 27.

RAYMOND BLETHEN: Exactly.

JIM SMITH: Does everybody understand that?

JACKIE BENARD: Yup.

[Overlapping comments]

87
88 JIM SMITH: Okay, did anybody have any questions?
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90 JIM TIRABASSI: No, it's pretty straight forward there.
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92 JIM SMITH: Okay, do you want to review a little bit?
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94 JACKIE BENARD: That was...that was the only question we had.
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96 [Overlapping comments]
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98 RAYMOND BLETHEN: I think it was actually Annette's question so...
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100 JACKIE BENARD: Yes.
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102 RAYMOND BLETHEN: ...it's sad she's not here right?
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104 JIM SMITH: Yeah.
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106 [Overlapping comments]
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108 JIM SMITH: Okay, what about the five points of law? Do you think we...
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110 JIM TIRABASSI: Let's go here...
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112 JACKIE BENARD: I'll put them down for the record.
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114 JIM SMITH: In looking over his...you know what he's presented...it seems like it's the only part of the
115 property which was...although...
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117 JACKIE BENARD: Yeah.
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119 [Overlapping comments]
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121 JIM SMITH: Not changing the use?
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123 JIM TIRABASSI: No
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125 JIM SMITH: It's not really doing anything as far as overcrowding?
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127 JIM TIRABASSI: No, ...the person built their shed to a different degree...
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129 JIM SMITH: Yeah.

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JIM TIRABASSI: ...would have met with them, and that's the only because the distance increases as they step back.

JIM SMITH: Okay, does the public have any input on this case at this point? Richard any comments?

RICHARD CANUEL: No.

JIM SMITH: Okay, as this point, we'll close this case. We'll take it under advisement and vote on it shortly.

RAYMOND BLETHEN: Do I leave?

JIM SMITH: No, you can wait.

RAYMOND BLETHEN: Okay.

DELIBERATIONS:

JACKIE BENARD: Alright, so should we go through number one?

JIM SMITH: Yeah.

NEIL DUNN: Okay.

JACKIE BENARD: Okay, so the variance will not be contrary to the public interest.

JIM SMITH: It's...allows him to do something...

[Overlapping comments]

JIM SMITH: ...similar to what other people have done. We're talking 3 feet, and it's still kind of meeting the current rules because its 23 feet which is the current rules require 15 feet.

JACKIE BENARD: And the way that this was developed in 1985 it was...

JIM SMITH: Yeah.

JIM SMITH: ...he wouldn't be here...

JIM SMITH: Right.

JACKIE BENARD: ...if it was 1985. Spirit of the ordinance is observed?

173 JIM SMITH: Yeah, it maintains a certain amount of separation.
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175 [Overlapping comments]
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177 JACKIE BENARD: Substantial justice is done?
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179 JACKIE BENARD: It allows him to do something similar to what other people are doing in the neighborhood
180 area allowed to do.
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182 JACKIE BENARD: And the surrounding values? I don't think it will diminish the surrounding values?
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184 JIM SMITH: No.
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186 JIM TIRABASSI: No.
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188 JACKIE BENARD: The literal enforcement of the provisions of the ordinance would result in an unnecessary
189 hardship?
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191 JIM SMITH: Yeah, I mean it prevents him from doing something everybody else would probably do.
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193 JACKIE BENARD: Mr. Chairman, I'd like to make a motion for Case No. 8/19/2015-1 to grant the variance to
194 allow a garage with a reduced sideline setback where a minimum of 15 feet is required by Section 2.3.1.3.C.,
195 19 Rossini Drive.
196
197 JIM SMITH: Okay. All those in favor?
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199 ALL: Aye
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201 JIM SMITH: Jim?
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203 JIM TIRABASSI: Oh, I second the motion.
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205 RAYMOND BELTHEN: I'd like to ask a question? Is that like the 27 feet is that need to be in there? From the
206 30?
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208 JIM SMITH: No, not really.
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210 RAYMOND BLETHEN: Okay, thank you.
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212 JIM SMITH: You've got to say the vote is 4-0.
213
214 JIM TIRABASSI: Oh, okay, let me read them all first...
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216 JIM SMITH: ...What?

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218 JIM TIRABASSI: ...I want to make sure it says 4...

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220 JIM SMITH: Okay.

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222 JIM TIRABASSI: ...Okay, I want to make sure we all...

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224 JACKIE BENARD: Do you want him to put this with the...as well?

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226 JIM SMITH: Yeah, keep that with it.

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228 JIM TIRABASSI: Okay, okay for Case No. 8/19/2015-1 the vote was four (4) for and zero (0) against.

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230 **RESULTS: THE MOTION TO GRANT CASE NO. 8/19/2015-1 WAS APPROVED, 4-0-0.**

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232 RESPECTFULLY SUBMITTED,

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Jim Tirabassi

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236 JIM TIRABASSI9, ACTING CLERK

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238 TYPED AND TRANSCRIBED BY NICOLE DOOLAN, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
239 SECRETARY.

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241 **APPROVED (NOVEMBER 18, 2015) WITH A MOTION MADE BY N. DUNN, SECONDED BY J. BERNARD AND**
242 **APPROVED 5-0-0.**

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