

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

DATE: DECEMBER 17, 2014

CASE NO.: 12/17/2014-1

APPLICANT: RICHARD J. AND DALENA C. MATTHEWS
21 KELLEY ROAD
LONDONDERRY, NH 03053

LOCATION: 21 KELLEY ROAD, 12-63-4, AR-I

BOARD MEMBERS PRESENT: JIM SMITH, CHAIRMAN
NEIL DUNN, VOTING MEMBER
JACKIE BENARD, VOTING MEMBER
ANNETTE STOLLER, VOTING ALTERNATE
DAVID PAQUETTE, CLERK

REQUEST: VARIANCE TO ALLOW A PORCH ADDITION TO ENCROACH ON THE FRONT
SETBACK WHERE A SETBACK OF FORTY FEET IS REQUIRED BY SECTION
2.3.1.3.3.

PRESENTATION: Case No. 12/17/2014-1 was read into the record with no previous cases listed.

NEIL DUNN: You must be the original owner.

RICHARD MATTHEWS: Actually, technically, the fourth.

NEIL DUNN: I was going to say you're too young.

RICHARD MATTHEWS: My name is Richard Matthews of 21 Kelley Road. This is the house that I grew up in. I purchased it from my parents last year, so we're essentially trying to...I'll address the five points, but will give you a quick summary for now to make this as fast as possible. Given the slope of the land, the original builder of the house made a decision probably financial based to have the sill basically one (1) inch from the ground, so that the splash back of water splashes back directly onto the foundation, and thirty four (34) years later there is quite a significant amount of water damage things along those lines also having run off the base that comes down the steep slope of the yard right into the front of the house. It's a gambrel hip roof which as you know the water is basically coming straight down off the roof onto the foundation, so we've addressed it by raising the [Inaudible] this is we are doing a fairly major renovation, we have about thirty thousand (\$30,000) of extra money that we didn't want to have to spend to try to address some of these water damages use and an insect problems from the closest to the sill to the foundation. The only part we can't do anything about unless we lift the entire house which I'm not really prepared to do is to extend the front face of the house with

45 a farmers porch take out the front to allow proper drainage as recommended by both Team Engineering and
46 my general contractor that's running the project on the house to basically fix it this water issue on the front of
47 the house, so unfortunately that brings us since the front face of the house is about forty one (41) feet from
48 the setback, we have no choice but to come in to about thirty five (35) feet – a thirty five (35) foot setback, it
49 would be less than thirty (30) feet for the whole front. The house sits on a cul-de-sac, dead end street, and
50 the front of the house the closest thing is the street, and then the next closest house is probably close to a
51 thousand (1,000) feet in front of the house. There is nothing in front of the house except a cul-de-sac, a road,
52 cul-de-sac, other side of the cul-de-sac, woods, neighbors' house a little bit to the right and then woods all the
53 way to the power lines essentially. I guess I can jump into the five points unless anybody has any questions?
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55 DAVE PAQUETTE: Holy termites.

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57 NEIL DUNN: Good to go.

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59 JACKIE BENARD: I'm good.

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61 RICHARD MATTHEWS: Alright, so let's hit them all. I apologize for my voice I have a bit of a cold.

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63 DAVE PAQUETTE: That seems to be the going thing tonight.

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65 RICHARD MATHEWS: So the variance will not be contrary to the public interest. I don't really see this as
66 having any consequence to the public interest. I would say that my wife and I are fortunate to have the means
67 to correct this problem now. This will a problem that is if not addressed now, and I think the front faces of
68 houses falling off the front left corner of the garage settling over an inch probably is something we'd like to try
69 to avoid for myself in the future, or a future owner, so in that respect, It serves the public in not having to
70 continuing maintenance issue with the house. The second point of law is that the spirit of the ordinance is
71 observed. I believe that the intent is to not have crowding and not have crowding in the front face of the
72 house onto a neighboring piece of property of the road. I don't really think that moving the line five (5) feet
73 forward is going to have any real significant impact especially on the street since it's a dead end cul-de-sac.
74 We have ample space, so I'll definitely be willing to answer any questions about how the placement will land,
75 and I did provide documentation, site plans, pictures of the front facing of the house things along those lines
76 so you guys get a pretty good feel of what the front looks like. Substantial justice is done, I mean it's porch on
77 a house I don't want to build it up bigger than it is, but I mean it's, I think that the ordinance would cause a
78 continuing problem for this house if we didn't allow me to bring the front face of the house closer to the road.
79 The values of surrounding properties are not diminished; I actually have spoken to every one of my neighbors
80 about it and told them they'd be getting a letter beforehand. None of them are here. I can't imagine that this
81 would have any impact on property value up or down. As far as the hardship, I kind of already touch that in
82 my opening statement, so I can elaborate on that further if necessary, but that's basically it.
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84 NEIL DUNN: So you're saying instead of being forty (40) feet back you'd be thirty five (35), do you, did they
85 give you a drawing on the deck, or porch?

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87 RICHARD MATTHEWS: It's a radius, that is, we encountered this issue as we took the siding off the front face
88 of the house. One hundred (100) percent of this, if you look at the over/the birds-eye-view is the Dubai group

89 print. That's the site plan. If you go to, I numbered these when I submitted these, but I have a different print
90 out with me, so looking at the front view of the house where I have all of those markups, all of the sills on the
91 garage had to be replaced and actually the front face of the garage was kind of caving in. The entire center
92 section of the house had to be removed and replaced, and the then front face of the house primary damage is
93 around the door, but we had to replace all the sills in the front as well. We replaced them with new pressure
94 treated members and all this, so as you look here, this drawing doesn't represent it because it's a late edition
95 and I tried to make it as clear as possible what it was doing. It will be less than thirty (30) feet. It'll probably
96 be on average someplace around thirty five (35) feet, but it's a radius, and I did not dimension off of the
97 radius. So that's why I said thirty (30) just to.

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99 NEIL DUNN: So you went straight out though?

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101 RICHARD MATTHEWS: I'm going eight (8) feet straight out from the front face of the house correct.

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103 NEIL DUNN: From the front door?

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105 RICHARD MATTHEWS: Essentially, yes.

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107 NEIL DUNN: So you're probably close to be being the worse cape?

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109 RICHARD MATTHEWS: Yeah, close.

110
111 [Laughter]

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113 RICHARD MATTHEWS: If you look at the pictures I submitted, you'll see the slope. The front slope is pretty
114 significant.

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116 NEIL DUNN: Yeah.

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118 RICHARD MATTHEWS: So I'm trying to get enough distance to dig out and get some drainage. What Team
119 Engineering recommended I do is dig out the front of the house to expose the foundation. The problem is
120 what that would do is make the front of my house a pool. I'm not looking for a mote quite that close if I could
121 get that out a little farther if I was going to do it.

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123 NEIL DUNN: So how wide is the porch you're putting on?

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125 RICHARD MATTHEWS: Eight (8) feet, it's eight (8) foot stand off and it'll be the entire front face of the house,
126 so it'll be about I think it's around thirty eight (38) feet wide.

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128 NEIL DUNN: So you were forty one (41) minus eight (8), gets you closer to thirty three (33) feet off of the cul-
129 de-sac?

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131 DAVE PAQUETTE: The application states forty three (43) feet from the property line.

133 NEIL DUNN: Oh, I'm sorry, okay, alright.
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135 RICHARD MATTHEWS: The garage is forty one (41). The house is actually set back a little bit.
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137 NEIL DUNN: Okay.
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139 RICHARD MATTHEWS: They did not dimension the front corner of the house unfortunately. They
140 dimensioned the closed member so it should be about thirty eight (38). I mean it should be about forty two
141 42) forty three (43) feet, and then eight (8) from there, so it should be about thirty five (35).
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143 NEIL DUNN: Okay.
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145 JACKIE BENARD: Is the reason for the eight (8) foot porch for that water, or would a smaller front porch, or is it
146 just for what you desire?
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148 RICHARD MATTHEWS: Kind of two (2) reasons, having it eight (8) feet does make it more practically useable.
149 However, the main reason, and the reason I'm spending the money rather than spend maybe to fix the front
150 of the house, I'd rather get something out of it, and the best thing I can do here given the slope of the land is
151 to dig it out, get some crushed stone in there that allows maybe the water to drain away from the house, so
152 with what's coming down the hill, I can dig down and the wall will never approach the house as it does right
153 now. I'm also taking care of the splash back from the roof, so it's a two (2) step, but the eight (8) feet gets
154 kind of, it gets me that ability to get the grade down in the center and the linear distance ups.
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156 JIM SMITH: The pitch from the porch is going to be away from the house?
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158 RICHARD MATTHEWS: The pitch from the porch will be away from the house. Yes, it'll there's we are
159 doing/adding dormers to the front. Right now there's just a flat gambrel hip roof that comes down, so the
160 roof will pitch out beneath the dormer and come out, and we'll meet the slope requirements. I haven't
161 submitted any permits yet, because this is the first step in the.
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163 JACKIE BENARD: Your dormers are going to be on the front?
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165 RICHARD MATTHEWS: On the front. We're going to have dormers on the side too, but on the front facing the
166 house, yes.
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168 JACKIE BENARD: Okay, that's what I was wondering because to go with the side of the garage.
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170 RICHARD MATTHEWS: There will be dormers there as well. The garage it doesn't have the same problem
171 because I actually just raised that eight in a half (8 ½) inches, so I have a foundation stand off on the garage. I
172 added another row of concrete around, but it can't do that to the house. Practically, anything possible, so.
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174 [Laughter/Overlapping comments]
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176 JIM SMITH: Any questions from the Board?

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NEIL DUNN: I'm good.

[Overlapping comments]

JIM SMITH: Any comments from our diminished audience?

[Laughter]

NEIL DUNN: For or against?

JIM SMITH: Richard, do you have any comments?

RICHARD CANUEL: No, not at this time.

RICHARD MATTHEWS: No.

RICHARD CANUEL: My name is Richard also, sorry.

[Laughter/Overlapping comments]

JIM SMITH: If we have no other questions, we'll close the public hearing and go into deliberations.

RICHARD MATTHEWS: Thank you guys for hanging in.

DELIBERATIONS:

JIM SMITH: Do you want to give me another voting sheet.

[Overlapping comments]

NEIL DUNN: Mr. Chairman, I'd like to make a motion to accept case 12/17/2014-1 as presented.

DAVE PAQUETTE: I would second that motion.

JIM SMITH: All those in favor?

ALL: Aye.

RESULT: THE MOTION TO GRANT CASE NO. 12/17/2014-1 WAS APPROVED, 5-0-0.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to be "D. Dunn", written over a horizontal line.

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DAVID PAQUETTE, CLERK

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

APPROVED JANUARY 21, 2015 WITH A MOTION MADE BY NEIL DUNN, SECONDED BY ANNETTE STOLLER AND
APPROVED, 5-0-0.