

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

DATE: APRIL 18, 2012

CASE NO.: 3/21/2012-5 (CONTINUED)

APPLICANT: JAY L. BARRETT
107 WILEY HILL ROAD
LONDONDERRY, NH 03053

LOCATION: 107 WILEY HILL ROAD; 5-58-1; AR-I

BOARD MEMBERS PRESENT: MATT NEUMAN, CHAIR
JAMES SMITH, VICE CHAIR
LARRY O'SULLIVAN, VOTING MEMBER
JAY HOOLEY, VOTING MEMBER
JAMES TOTTEN, NON-VOTING ALTERNATE
NEIL DUNN, CLERK

ALSO PRESENT: RICHARD CANUEL, SENIOR BUILDING INSPECTOR/ZONING OFFICER
JIM BUTLER, TOWN COUNCIL LIAISON

REQUEST: VARIANCE TO ALLOW A THIRD LIVING UNIT IN AN EXISTING RESIDENTIAL
STRUCTURE WHERE A MAXIMUM OF TWO DWELLING UNITS IS
PERMITTED IN THE AR-I ZONE ACCORDING TO SECTION 2.2, TABLE OF
USES.

PRESENTATION: Case No. 3/21/2012-5 was read into the record with no previous cases listed.

MATT NEUMAN: And if Mr. Barrett can come forward?

UNIDENTIFIED AUDIENCE MEMBER: That person does not appear to be here.

MATT NEUMAN: Okay.

LARRY O'SULLIVAN: Whoops. So we...last month we...

NEIL DUNN: Continued it.

LARRY O'SULLIVAN: ...continued it because nobody showed.

JAYE TROTTIER: No, he requested...

46 NEIL DUNN: He requested...
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48 LARRY O'SULLIVAN: Okay, right, because we only had four Board members. So it was requested...
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50 JIM SMITH: No, it was a request. A written...
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52 JAYE TROTTIER: Yeah.
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54 LARRY O'SULLIVAN: Was it a req...?
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56 NEIL DUNN: Yes.
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58 JIM SMITH: Yeah.
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60 JAYE TROTTIER: Yeah.
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62 LARRY O'SULLIVAN: Okay.
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64 MATT NEUMAN: Alright, so what do we...?
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66 JIM SMITH: And you didn't hear anything from him?
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68 LARRY O'SULLIVAN: Without anyone to do a presentation and go through the points, we can read the points,
69 that's not the issue, but we're gonna shoot holes through them because, you know, this is...it's a three family
70 in a...
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72 MATT NEUMAN: Right, no, but I don't think we even...
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74 LARRY O'SULLIVAN: We even have to listen to it? We just say...
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76 MATT NEUMAN: I don't think we hear the case with...the applicant's not here to present.
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78 RICHARD CANUEL: Well if he's not here to speak on his own behalf, I mean it's not fair for the Board to hear
79 any part of the case at all.
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81 MATT NEUMAN: Exactly. So I don't...we just don't hear it?
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83 NEIL DUNN: We continue it for another month or not hear it?
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85 LARRY O'SULLIVAN: I don't mind continuing it. That isn't gonna be the issue. The issue's gonna be is...
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87 MATT NEUMAN: Frankly, I don't even know...
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89 LARRY O'SULLIVAN: ...is anyone gonna show next month?
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91 MATT NEUMAN: The thing is, I don't even know if we even continue it. I think it's up to, at this point, the
92 applicant, to resubmit his application I would...
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94 LARRY O'SULLIVAN: We didn't hear anything from the applicant?
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96 NEIL DUNN: Well, we did go a little bit late on the first case. You know, I'm just throwing that out there.
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98 MATT NEUMAN: Yeah. I don't...
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100 LARRY O'SULLIVAN: Well how about we do this; I'll make a motion that we continue case 3/21/2012-5 'til
101 next month.
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103 NEIL DUNN: Second it.
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105 LARRY O'SULLIVAN: To the next standard meeting, regular meeting. How's that?
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107 MATT NEUMAN: I'd like a little longer motion.
108
109 [Laughter]
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111 NEIL DUNN: I'll second.
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113 LARRY O'SULLIVAN: You want me to go through the five points?
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115 MATT NEUMAN: Alright, we have a motion and a second. All those in favor of continuing 'til next meeting?
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117 LARRY O'SULLIVAN: Aye.
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119 NEIL DUNN: Aye.
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121 JAY HOOLEY: Aye.
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123 JIM SMITH: I oppose.
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125 MATT NEUMAN: I'm opposing too.
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127 LARRY O'SULLIVAN: Really?
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129 MATT NEUMAN: Listen, you're not here, you're not here. But...
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131 LARRY O'SULLIVAN: So what do we have...?
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133 JIM SMITH: Put it down as a no show and...
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135 LARRY O'SULLIVAN: You mean just deny it and be done?

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JIM SMITH: Right.

MATT NEUMAN: But...

JIM SMITH: I mean, if he wants to reapply, then that would be another issue, but he's had...submitted an application, he submitted a letter for a continuance to this month and for some reason, he chose not to appear. And I think that's generally how it's been handled in the past. It's a no show, the case is dead.

RICHARD CANUEL: Yeah, I mean, at this point being that this application is a result of enforcement action, now that the applicant has not bothered to show, then I will have to continue with enforcement action based on that. I will certainly be contacting him and, number one, finding out why he didn't make the hearing tonight and then informing him that enforcement action will continue.

LARRY O'SULLIVAN: Okay, so we should withdraw...I'll withdraw my motion if you'll withdraw your second, whoever seconded it.

NEIL DUNN: I seconded. I just...

JAY HOOLEY: We actually took a vote, though, didn't we? So do we motion to reconsider that?

MATT NEUMAN: Yeah. 'Cause we did actually take a vote.

NEIL DUNN: What did the voting add up?

LARRY O'SULLIVAN: [Indistinct] enough?

JIM SMITH: You had three (3)...

LARRY O'SULLIVAN: Oh, was it three (3) to two (2)?

MATT NEUMAN: Yeah.

LARRY O'SULLIVAN: Okay. To continue. Okay.

NEIL DUNN: Then let it stand.

LARRY O'SULLIVAN: [Indistinct] don't know then.

JIM SMITH: You wanna make a...can I...would...

LARRY O'SULLIVAN: Motion...

JIM SMITH: Would it be legitimate to make a motion to reconsider that vote?

181 JAY HOOLEY: Reconsider the...?

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183 LARRY O'SULLIVAN: That's, I think, up to Matt.

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185 MATT NEUMAN: Yeah, I don't know, I just...

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187 JIM SMITH: I know. I'm just asking.

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189 RICHARD CANUEL: I think at this point in time, you know, the Board's already made a vote...

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191 MATT NEUMAN: Yeah, it's an enforcement issue, so, I mean, obviously, Richard's gonna be following up with
192 him. We've got a vote. I think it's...we voted three (3) to two (2) to continue.

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194 LARRY O'SULLIVAN: Done deal. Go to the next one.

195

196 MATT NEUMAN: Yeah.

197

198 LARRY O'SULLIVAN: Okay.

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200 RESULT: THE MOTION TO CONTINUE CASE NO. 3/21/2012-5 TO THE MAY 16, 2012 MEETING WAS
201 APPROVED, 3-2-0.

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204 RESPECTFULLY SUBMITTED,

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208 NEIL DUNN, CLERK

209 TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

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211 **APPROVED MAY 16, 2011** WITH A MOTION MADE BY LARRY O'SULLIVAN, SECONDED BY JAY HOOLEY AND
212 APPROVED 4-0-0.

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