

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

DATE: JUNE 16, 2010

CASE NO.: 6/16/2010-1

APPLICANT: JAMES AND CYNTHIA GEULAKOS  
32 PARMENTER ROAD  
LONDONDERRY, NH 03053

LOCATION: 32 PARMENTER ROAD, 3-138-1, AR-I

BOARD MEMBERS PRESENT: VICKI KEENAN, CHAIR  
MATTHEW NEUMAN, VOTING MEMBER  
MICHAEL GALLAGHER, VOTING ALTERNATE  
JOE GREEN, VOTING ALTERNATE  
JAY HOOLEY, VOTING ALTERNATE

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

REQUEST: VARIANCE TO ALLOW A PARCEL TO BE SUBDIVIDED INTO TWO SINGLE-FAMILY LOTS, EACH WITH LESS THAN 150 FEET OF FRONTAGE AS REQUIRED BY SECTION 2.3.1.3.2.

PRESENTATION: Case No. 6/16/2010-1 was read into the record with no previous cases listed.

JOSEPH MAYNARD: Good evening. My name is Joseph Maynard. I'm from Benchmark Engineering. I represent the Geulakos family and the application before you tonight. The piece of property is known as 32 Parmenter Road, tax map 3, lot 138-1. The property is zoned AR-I. This piece of land is approximately seven (7) acres in size. It was part of a 1977 subdivision plat that subdivided off one (1) acre lots with frontage directly on Parmenter Road. This seven acres was the residual tract of that piece of property. It was left with the remaining hundred and fifty (150) plus rounding for frontage on Parmenter in hopes of a future subdivision. Back in the 1970's, subdivision regulations were a little bit different than today. I've been involved with this property since the mid-1990's. We've looked at it a number of different ways to develop. From a development standpoint, it can be developed into three (3) residential lots, which would require a Town road to be installed of about four hundred (400) feet long. Being that the lot has a unique shape and character, it was left with that hundred and fifty (150) feet of frontage on Parmenter Road and the lot does mushroom out, so to say, once you get behind the one (1) acre lots that were subdivided off in the 1970's. It leaves a

very nice buildable area toward the rear of the property. It's always been my understanding that the purpose and intent of the hundred and fifty (150) feet of frontage was to give separation between homes. In this piece of property, that unique hundred and fifty (150) feet that was left isn't really where the homes would be sitting on the piece of land. The homes would sit more toward the rear of the property where, again, the lot does mushroom out. The area at the rear of the lot does have more than a hundred and fifty (150) feet of building area on either of the two (2) lots that we'd be proposing in order to develop this land into two (2) pieces. So, again, the only real variance to create two (2) lots out of this would be to allow reduced frontage on them here at the Parmenter Road side. As I look at this, in order to develop this as two (2) lots, we would have twelve (12) foot wide driveways coming back to the buildable area from about the center of the one hundred and fifty (150) foot area, so that there'd be individual driveways for each of the two (2) lots. If we were to develop this lot with a road perspective to come into this, the road would sit tight to the lot here that's on the north and also the way the topography is, there's a large hill that sits in this general area, so in order to get this road in, a good portion of that hill would be removed and therefore creating a slope easement and opening up the road area and the developable area to the neighboring lots. By developing it as only two (2) residential lots, we'll be able to just meander a driveway in, again, right up the center lot line, leaving vegetated buffer to the two (2) abutting lots that are on each side of this property. Do you understand what I'm getting at this point?

MICHAEL GALLAGHER: What is that total frontage?

JOSEPH MAYNARD: What's that?

MICHAEL GALLAGHER: What is the total frontage? Do we have that here?

VICKI KEENAN: It's one fifty (150).

MICHAEL GALLAGHER: The current...?

JOSEPH MAYNARD: Let's see. The 1977 subdivision plan...there's ninety four point one three (94.13)...five seven point five eight (57.58)...the rounding's approximately twenty five (25)...nine, ten, eleven, five, six, seven... [indistinct]...about a hundred and seventy six (176) feet of frontage. It might be a little off just because of the way the rounding comes around the frontage that was left on the north side there. Again, that tangent...it doesn't come in perpendicular to the road. So...

MICHAEL GALLAGHER: Okay. Yeah, no, that's...it gives me an idea. That's one seventy six (176)?

JOSEPH MAYNARD: Yeah, roughly, you know one seventy five (175), one seventy six (176).

MATT NEUMAN: And is that split in half between the two (2)?

JOSEPH MAYNARD: We're looking to split it roughly in half between the two (2). You know, I'd like to try and keep seventy five (75) feet of frontage for the lot that would be on that south side, just because that will put me pretty much across the street from Rebecca...

MATT NEUMAN: Mm-hmm.

JOSEPH MAYNARD: ...which is directly on the other side. And from a planning perspective, with the driveway, to meet sight distance and traffic movements, you'd wanna try and keep them perpendicular to each other.

MATT NEUMAN: Right.

JOSEPH MAYNARD: So I'd like to try and keep the lesser of whatever I can toward the lot that would be on the south, so set that at seventy five (75) feet and leave whatever's remaining for the lot that would be on the north side of the property.

[pause]

VICKI KEENAN: Can you continue with your presentation?

JOSEPH MAYNARD: Sure. So, again, I feel that this lot has unique characteristics, being that it was an approved subdivision leaving a portion of frontage that's along Parmenter Road for development purposes. With the rounding, it shows that there was intent to put a road into this property to develop it into a number of lots but truly, to put a road into this property will do a number of things. It will open up the frontage where that hundred and fifty (150) feet that was left as a residual here to the neighbors, which homes sit right off of those lot lines on those two (2) abutting properties. By allowing it to be developed as two (2) lots, there will be a driveway which, again, a driveway's twelve (12) feet wide but there's not the same grading requirements or road construction requirements that the Town would require to be able to get back to the buildable areas. The lot does have ample building area to the rear of this property. It does balloon out, which would give a larger building envelope at the rear, which is, I think, the purpose of the actual subdivision regulation, is to try and put the homes in an area where there's approximately a hundred and fifty (150) foot separation so that there's spacing between homes. In this case, there is that area, it's just it's toward the rear of the property. Would you like me to go through the five (5) points?

VICKI KEENAN: Please.

JOSEPH MAYNARD: Okay. Facts supporting this request. The variance will not be contrary to the public interest because the parcel of land is approximately seven (7) acres in size. The land has a potential for a three (3) lot subdivision if a road were to be constructed. The road would clear more land and open up area to abutters where driveways will require minimal clearing to building areas. The spirit of the ordinance is observed. The lots will meet the Town requirements for soils and other subdivision regulations. Frontage is currently approximately a hundred and fifty (150) feet and will

be divided in half to provide for seventy five (75) feet of frontage minimum for each lot. The area for the homes where they will actually be constructed is greater than a hundred and fifty (150) feet wide for each building lot. Three (3), substantial justice will be done. This will allow the property owner to develop their parcel into two (2) lots. Development in this manner will not require a Town road to be constructed, therefore minimizing future costs for maintenance to the Town. The lot's unique shape with the hundred and fifty (150) feet of frontage flares out to the building area at the rear of the land to allow for proper building area. The value of surrounding properties will not be diminished because allowing the two (2) lots will minimize land clearing in the vicinity of the neighboring properties. New homes will be constructed similar to many of the other homes in the area. Five (5), literal enforcement of the provisions of the ordinance would result in unnecessary hardship. For the purposes of this paragraph, unnecessary hardship means that owing to special conditions of the property that distinguish it from other properties in the area. Number one (1), no fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of the provision to the property. This land has a unique shape that to develop to the allowed number lots would require a road to be constructed to Town standards. The property owner is choosing to construct two (2) homes with driveways out to the property's frontage. The building area for the new homes has more than a hundred and fifty (150) foot-wide building area for each of the proposed lots. The frontage requirements and regulation is to provide spacing between homes. Two (2), the proposed use is a reasonable one. The land could be developed to maximum number of lots. This option would need a road to be constructed to Town standards and require a larger amount of clearing for the road and utilities. By allowing the two (2) lots, the majority of the vegetation near the abutting homes will remain and will still allow for a reasonable subdivision of the property with the two (2) parcels. It actually kind of falls under (B) also. If the criteria in subparagraph (A) is not established, an unnecessary hardship will be deemed to exist if and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance and a variance is therefore necessary to enable a reasonable use of it. This lot is a seven (7) acre parcel of land. The lot does have the hundred and fifty (150) feet of frontage on Parmenter but has a greater building area to the rear of the lot. To develop more than two (2) lots would require a road to be constructed to provide the proper frontage. This road would need to be maintained by the Town. By allowing the two (2) lots with less than the required frontage will still allow development of the property but will minimize impacts on Town services. That covers that.

VICKI KEENAN: Okay. Do you have anything to add before we start asking questions?

JOSEPH MAYNARD: You can ask questions away. So...

VICKI KEENAN: Okay. Anyone? Okay.

JAY HOOLEY: I'm just trying to determine from your drawing that I'm understanding what you're representing. Will there be two (2) twelve (12) foot driveways immediately next to each other or a common drive coming out to the road?

JOSEPH MAYNARD: We would like to do it as two (2) separate driveways.

JAY HOOLEY: Immediately adjacent to each other?

JOSEPH MAYNARD: Well, roughly. There would probably be a strip of land that'll be between the two (2) or a grass strip between the two (2). Now when I say...

JAY HOOLEY: Okay, so not quite where I'm seeing the double yellow line down the very center of that, touching each other?

JOSEPH MAYNARD: Yes.

JAY HOOLEY: If that's what I'm...

JOSEPH MAYNARD: Yeah, there'll probably be a grass strip up the center of it as we meander through there.

JAY HOOLEY: And probably not all the way to the very rear of the property line either.

JOSEPH MAYNARD: No. No, because actually, in this case, we do have wetlands location on the rear of this. Currently, the lot's not subject to any wetland setback, being that it was created prior to the adoption of the ordinance. But as part of a subdivision that would go through the Planning Board portion, it would then become subject to setback. In this case, I haven't done the evaluation to see if it's a named wetland or anything, but I just held a seventy five (75) foot setback on this plan. That's what I think it's gonna be. But just to represent building area. To show that there was ample area outside that. So, the plan has a dashed line that comes around. The dashed line's the fifteen (15) foot sideline setback that the Town has in that area, and then there's a seventy five (75) foot setback to the actual wetland that's at the rear of the property.

JAY HOOLEY: And the house...the homes...May I continue?

VICKI KEENAN: Yes, please.

JAY HOOLEY: The homes will go in beyond the, what I'm gonna call narrow portion of the lot. The homes will actually occur where it widens out, way back...? Okay. So, they'll actually be physically, in their entirety, behind the other lots on the main road.

JOSEPH MAYNARD: They would. There's actually a very nice pond that's out in this area. There's like an old dam that actually is in place that dams the pond back. It would be the more desirable location on the property anyways to do that, plus it's the area that would have the more suitable building area to put a home, septic system, well, all of those criteria, so...

JAY HOOLEY: So as far as visual density from the street, you'd probably almost not see these homes.

JOSEPH MAYNARD: You won't see them. You'll see the driveway as it meanders back but I don't think you'll see the homes.

VICKI KEENAN: What was the setback from the road? Did you say that?

JOSEPH MAYNARD: It's approximately three hundred and fifty (350) to four hundred (400) feet.

VICKI KEENAN: And then what would be the distance between one of these homes and the neighboring property's homes? What's your estimation?

JOSEPH MAYNARD: A hundred and fifty (150) feet.

MICHAEL GALLAGHER: The drawings show...you were kind of alluding to the fact that, you know, if it was subdivided into three (3), you'd have to have a road. I'm assuming the road would be down the middle and what are you saying, there's enough way back where it kind of mushrooms, as you called it...?

JOSEPH MAYNARD: Yeah...

MICHAEL GALLAGHER: Is that...?

JOSEPH MAYNARD: If it was developed with a road, the road would go directly against the northerly property because that's where the roundings were maintained in order to have your flare at the end of the street.

MICHAEL GALLAGHER: Yup.

JOSEPH MAYNARD: As you come back, there'd be a building area here...

MICHAEL GALLAGHER: Okay. Alright.

JOSEPH MAYNARD: ...there'd be a building area here and there'd be a building area right in this area toward the front of the property. This lot's building area is right here along the side of the road. There's enough soil area here. It's actually about three and a half (3.5) lots that are...for soils by today's standards.

MATT NEUMAN: When was that approved?

JOSEPH MAYNARD: This wasn't. This was conceptualized over the years. In the '70's, there was a subdivision that did frontage lots. It divided these one (1) acre frontage lots off the property. There were four (4) that came out of it. I actually did work for the former owner, one of the former owners of this property and he had some conceptals from the '70's for a five (5) lot subdivision in here.

Zoning has changed considerably since 1977. In the mid 1990's, my office did a considerable amount of work on the property. Wetlands delineation, full boundary description, soils analysis. And we conceptualized this subdivision in '96 for these three (3) lots. Now, rules have actually gotten more favorable for me since '96. The soils criteria in the Town of Londonderry has actually been adjusted some. But I don't think there's more than three (3) lots here still, even with today's standards. So, by the time you put a detention pond, drainage requirements and all of that, I still feel confident that there's a three (3) lot subdivision here based upon the information that we did in the mid to late '90's. But, again, I think from a perspective of how it would impact abutting properties, you know, the cost for future maintenance of the road, practicality-wise, it's almost like why do this, impact everybody, when two (2) single driveways can go back, leaving a vegetated buffer to the neighbors which homes sit...I think this one's in this area and this one's about here. So...

MATT NEUMAN: And, you know, Jay had alluded earlier to a common driveway. Have you done any drawings with a common drive?

JOSEPH MAYNARD: I haven't. Actually, I'm not even quite sure that it's allowed by the Town's subdivision regulations. I'd have to check on that. When you start working with common driveways, a lot of times you start getting the easement issues between people.

MATT NEUMAN: Mm-hmm.

JOSEPH MAYNARD: You also get into a maintenance issue with a common driveway. I'd prefer to try and maintain this as two (2) separate driveways. To meet today's standards from the Town of Londonderry, those driveways will have to have drainage requirements and all of those matters would have to be taken care of as part of it but I'd prefer not to do, even it was allowed, just from the logistics standpoint of things over time.

MATT NEUMAN: And you don't see any issue area-wise with the two (2) driveways as far as drainage and...?

JOSEPH MAYNARD: No. I have seven (7) acres to work with, so, and some of the land does drain to the front, some of the land drains to the back. I can't say that I might not have to do some sort a drainage improvement right at the street but I think I have ample room to do that, so...

JAY HOOLEY: I just want to be cl...I was not trying to recommend. I was just trying to understand the drawing and what you were intending.

JOSEPH MAYNARD: No, that's fine.

JAY HOOLEY: I was...

JOSEPH MAYNARD: Yeah, no.

MATT NEUMAN: I was just following up on...

JAY HOOLEY: Yup. Richard...may I...?

VICKI KEENAN: Sure.

JAY HOOLEY: ...pose a question? Do we have any issue with distance from the edge of the property for the two (2) driveways with only a grand total of...I forget the number. One seventy...?

JOSEPH MAYNARD: One seventy six (176).

RICHARD CANUEL: Well, our regulations don't restrict the minimum setback for driveways.

JAY HOOLEY: From the edge?

RICHARD CANUEL: Driveways can theoretically be...

JAY HOOLEY: On the property line?

RICHARD CANUEL: ...right up against the property line. That's right. So there are no minimum distance requirements. The only distance that is governed is the one hundred and fifty (150) foot minimum frontage requirement.

VICKI KEENAN: And they can be side by side without...?

RICHARD CANUEL: Of course. Sure.

JAY HOOLEY: But functionally, that might not...

VICKI KEENAN: Mmm.

MATT NEUMAN: But that would be something the Planning Board would determine.

VICKI KEENAN: Right. That would be under their review.

JOSEPH MAYNARD: And obviously we'll have to bring utilities back, and as part of bringing the utilities back, there'd have to be a transformer at the back, I'm sure, so that would be a common thing, right-down-the-lot-line type of thing.

MATT NEUMAN: Mmm.

JOSEPH MAYNARD: So, that's a logistical thing to work with with the Planning Board on, but in this case, this is where we're at.



VICKI KEENAN: Are there any other questions from the Board? Okay, seeing none, why don't we open it up to the public for comment. So, if you'd raise your hand, come on up and please state your name and address for the record.

JOHN LOKER: My name is John Loker. I live at 34 Parmenter Road in Londonderry. And so by looking at this map, we would be the abutters on the north side. I guess I've dreaded this day. I knew it was gonna come some day. We have owned that property since February of 1984. I guess just a couple of questions that I might have on this. The purpose of the two (2) dwellings that are slated to go in here, is this speculation or are they for family purposes or what?

VICKI KEENAN: Would you like to come up and answer the questions as they come?

JOSEPH MAYNARD: Sure. I can do that.

VICKI KEENAN: Okay.

JOSEPH MAYNARD: At this point in time...it's not speculation at this point in time. My client is here. I can confer with him but in my conversations with him, he kind of alluded it was for his children, but I can't be sure without actually speaking to him again on it. But I don't think he's planning on subdividing and going in and building a spec house. I don't think that's the business that he's in. But I can ask him for clarification if you'd like, so...

VICKI KEENAN: Sure. You can come up and answer. I think this would probably be settled at Planning Board, too, but...

MATT NEUMAN: Yeah, I don't think this...

VICKI KEENAN: ...I think if you're here and you can answer the question, that'd be great.

JAMES GEULAKOS: Hi, my name's James Geulakos. I own the property on 32 Parmenter. I was looking, originally looking to put my daughter, build a house for her, and build a house for my son was my original thoughts, but right now it's still up in the air, what I'm gonna do with it.

VICKI KEENAN: Single family residence?

JAMES GEULAKOS: Single family, yes.

VICKI KEENAN: Okay. Okay?

JOHN LOKER: Yeah. Could...? Jim, could I ask you then, I know when Joe explained this, he said the type of dwellings that would be erected in the area would be ones that would be similar to those already there. Do you have any idea what style of dwelling you're going to be putting in there?

JAMES GEULAKOS: Well, it'd probably be like a garrison or something like that.

VICKI KEENAN: I think a lot of the details related to design and land layout would be things that would come up at Planning Board review. Is that correct, Richard? Necessarily...

RICHARD CANUEL: Well, they're very minimal when addressing a single family residence.

VICKI KEENAN: Are they? Okay.

RICHARD CANUEL: You know, the only concern is regarding the use.

VICKI KEENAN: Okay.

RICHARD CANUEL: You know, it's the use allowed for those lots is a single family residence.

VICKI KEENAN: Right.

RICHARD CANUEL: So there really is nothing governing what type of residential structure could be built there.

VICKI KEENAN: Okay.

MATT NEUMAN: You can build what you want as far as a house goes?

RICHARD CANUEL: Mm-hmm.

VICKI KEENAN: What style and what not. Okay.

JOHN LOKER: I guess, because it was hard to see the map from where I was sitting, the two (2) lots, the driveway on the north side is right on our property line?

JOSEPH MAYNARD: No.

JOHN LOKER: It's in the middle?

JOSEPH MAYNARD: We would bring them up the center.

JOHN LOKER: Oh, okay.

JOSEPH MAYNARD: That's what we're trying to do.

JOHN LOKER: Okay.

JOSEPH MAYNARD: To maintain a tree buffer...

JOHN LOKER: Yeah.

JOSEPH MAYNARD: ...you know, to the neighboring properties is the intent.

JOHN LOKER: Okay. Yeah. Alright. Yeah, I'm familiar with the property and, you know, it does mushroom out back and I can see how that would be set up. Do you have any idea when you might be starting construction?

JAMES GEULAKOS: Possibly next year.

JOHN LOKER: Next year. Okay. I guess the only other thing that I have and this might be something that, you know, Jim and I could work out together and it might not be really part of this, but I'll just share it briefly. There are some very large pine trees that are right on the borderline, or maybe just inside on your property, that have caused us some difficulties. They're blocking a lot of sunlight. They shed a lot of needles and all that kind of stuff and I don't know if that might be a possibility in the process of completing this project, that maybe some of those could be cut down. That would be helpful to us.

JAMES GEULAKOS: I would have to look at it.

JOHN LOKER: Okay.

JAMES GEULAKOS: I'd be glad to get rid of the pine trees that are, you know, a pain.

JOHN LOKER: Yeah, we had one fall on our house in the February storm, so we've already tried to remove some.

VICKI KEENAN: Mmm.

JOHN LOKER: So, anyway...and they're right on the line. It would be kind of...we'd have to really take a look at it to see exactly where they're located.

JAMES GEULAKOS: Mm-hmm.

JOHN LOKER: But I believe the ones we're talking about are on your property. But if, in the construction of all this, if that could be done, it would be very helpful to us and we would appreciate it greatly.

VICKI KEENAN: Okay.

JOHN LOKER: I think that's all the questions I have.

VICKI KEENAN: Okay, great.

JOHN LOKER: Thank you very much.

VICKI KEENAN: Thank you.

MATT NEUMAN: Thank you.

VICKI KEENAN: Is there anyone else in the audience that would like to speak, related to this case? Okay, seeing none, we will close the public portion and we will bring it back to the Board for deliberation.

DELIBERATIONS:

VICKI KEENAN: Do you want me to start?

MATT NEUMAN: Yeah, sure.

VICKI KEENAN: I have no concerns with this variance. This is a pass on all five (5) points of law for me. And other than that, there's not much else to say.

MATT NEUMAN: Yeah, I think the sheer size of it and the irregular shape of it. I think you're right.

JOE GREEN: Just the one thing that I would have is reasonable use. If they had it as one (1) lot, wouldn't that be a reasonable use?

VICKI KEENAN: But the size of the lot...

JOE GREEN: I mean, it's too big for one (1) lot.

VICKI KEENAN: ...[indistinct] reasonable to use it for more than one (1) residence? Yeah.

JOE GREEN: I mean, legitimately...

MATT NEUMAN: [indistinct]. To subdivide.

JOE GREEN: I mean, is it unreasonable to say that it would be one (1) lot because of the size?

VICKI KEENAN: I think when you look at the surrounding areas and the size of the lots that are around it...

MATT NEUMAN: Mm-hmm.

JOE GREEN: Yeah, there's like...

VICKI KEENAN: ...I would say yes.

MATT NEUMAN: It's not unreasonable...

VICKI KEENAN: Right.

MATT NEUMAN: ...to want to subdivide a seven (7) acre lot into...

JOE GREEN: Just looking at the language...

MATT NEUMAN: Yup.

VICKI KEENAN: Yeah.

JOE GREEN: ...before we have to decide. I wanted to make sure I brought that up so it was at least talked about.

VICKI KEENAN: Yeah, and let me see. I have something here on that. It says...just in your book ["The Board of Adjustment in New Hampshire – A Handbook for Local Officials"], on page eighteen (18), it talks about an investigation of how severely the zoning restriction interferes with the owner's use of the land. "It merely requires a determination that, owing to special conditions of the property, the proposed use is reasonable." And I think that the special conditions of the property are its shape and size as it relates to the surrounding lots.

JAY HOOLEY: Two (2) lots as they would exist subdivided will each be larger, it appears, than any of the surrounding.

VICKI KEENAN: Still...

JAY HOOLEY: Or the majority, certainly, of the surrounding.

MATT NEUMAN: Mm-hmm.

VICKI KEENAN: Mm-hmm. Still. Mm-hmm. I think...sorry, go ahead.

MICHAEL GALLAGHER: You say that it went in about, what did he say, three hundred (300) feet? Before it mushroomed?

VICKI KEENAN: Three fifty (350)?

MATT NEUMAN: Three fifty (350).

MICHAEL GALLAGHER: Three fifty (350)?

VICKI KEENAN: Mm-hmm. I think the spirit of the ordinance is very clearly observed here...

MATT NEUMAN: Mm-hmm.

VICKI KEENAN: ...in terms of spacing and privacy and openness.

MICHAEL GALLAGHER: I would agree.

VICKI KEENAN: Okay. Does anybody see...have a prong or one of the criteria that they don't see as being...okay, then. Is there a motion?

MATT NEUMAN: Wanna take a stab at it?

JAY HOOLEY: Go ahead.

MATT NEUMAN: I will make a motion to approve the variance for case 6/16/2010-1.

JOE GREEN: I'll second it.

VICKI KEENAN: Okay, there's a motion to grant the variance and a second. Any discussion around the motion? Seeing none, all those in favor, signify by saying 'aye.'

JOE GREEN: Aye.

MATT NEUMAN: Aye.

MICHAEL GALLAGHER: Aye.

JAY HOOLEY: Aye.

VICKI KEENAN: Aye. Opposed? Abstentions?

[no response for either].

RESULT: THE MOTION TO GRANT THE VARIANCE WAS APPROVED, 5-0-0.

RESPECTFULLY SUBMITTED,

JOE GREEN, ACTING CLERK  
TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

**APPROVED JULY 21, 2010** WITH A MOTION MADE BY LARRY O'SULLIVAN, SECONDED BY  
JOE GREEN AND APPROVED 5-0-0.