

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

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5 DATE: AUGUST 19, 2015
6
7 CASE NO.: CASE NO. 8/19/2015-1
8
9 APPLICANT: RAYMOND BLETHEN IV AND MARGARET BLETHEN
10 18 ROSSINI DRIVE
11 LONDONDERRY, NH 03053
12
13 LOCATION: 18 ROSSINI DRIVE, 2-29B-40, AR-I
14
15 BOARD MEMBERS PRESENT: JIM SMITH, CHAIRMAN
16 JACKIE BENARD, VOTING MEMBER
17 JIM TIRABASSI, VOTING MEMBER
18 ANNETTE STOLLER, VOTING ALTERNATE
19 BILL BERNADINO, NON-VOTING ALTERNATE
20 NEIL DUNN, ACTING CLERK
21
22 ALSO PRESENT: RICHARD CANUEL, SENIOR BUILDING INSPECTOR/ZONING
23 ADMINISTRATOR/HEALTH OFFICER
24
25 REQUEST: A VARIANCE TO ALLOW A GARAGE WITH A REDUCED SIDELINE SETBACK
26 WHERE A MINIMUM OF 15 FEET IS REQUIRED BY SECTION 2.3.1.3.C.
27
28 PRESENTATION: CASE NO. 8/19/2015-1 WAS READ THE CASE INTO THE RECORD. NO
29 PREVIOUS CASES. NO LETTERS.
30
31 JIM SMITH: Who will be presenting?
32
33 RAYMOND BLETHEN: Raymond Belthen.
34
35 JIM SMITH: Address?
36
37 RAYMOND BLETHEN: 18 Rossini Road, Londonderry, NH.
38
39 JIM SMITH: Okay. That's just for the record.
40
41 RAYMOND BELTHEN: Yup.
42
43 JIM SMITH: Okay...
44

45 RAYMOND BLETHEN: Thank you for your time. I'm new at this, so sorry if I don't get everything exactly right,
46 but...requesting a variance for Section 2.3.1.3.3 to allow a reduced setback to the side of the property line for
47 a residential barn style garage where a minimum setback of 15 feet is required. Basic description is it's
48 needed to allow for the construction of a 16 x 24 foot garage. Due to the layout of our property, the only
49 place to build this structure is on the level ground that located right next to the house at the end of our
50 driveway. The level area is underneath some tree cover and abuts our neighbors land. The area is
51 approximately 24 feet wide from the edge of our house. If you go to the back edge of our house, which is 24
52 feet back, it's approximately 25 feet wide. The area abuts a wooded area behind our neighbor's sheds and
53 fences, and their yard. Between our house and the new construction, we'd like to have about 4 foot gap to
54 safely remove the snow during the winter months, and I think fire code is at least 3-4 feet between buildings.
55 Because of this, to build a 16 foot wide barn style garage, we need to be about 4 feet from the edge of the
56 property at the front edge of the structure and about 5 feet from the edge of the property at the rear edge of
57 the structure. The layout of the property doesn't allow us the ability to build a barn style garage any place
58 else. Our house is located at the very rear of our property, and has less space between the home and the
59 edge of our property. On the opposite side of the house and to the rear, it doesn't have any space either.
60 The front of the house is not level, and the septic and leach field along with the driveway take up most of the
61 area, and we need this structure to safely store our cars and car parts, our yard equipment like our lawn
62 mower, snow blower, and we have a lovely 4 year old son who also has all sorts of outdoor toys. Going
63 through the 5 points of law variance. Point number one – there is no adverse effect on the public because if
64 the variance is granted it will not violate the ordinance basic zoning objectives for our neighborhood. It
65 would maintain the current approved usage. Our house is a 2-story colonial and the garage would be
66 designed with a barn style that maintains the essential character of the property and our neighborhood.
67 Additionally, it's important to note that this variance be granted; it wouldn't threaten the public health,
68 safety, or welfare of our community. Number two – the spirit of the ordinance is to limit overcrowding of
69 neighborhoods protecting the safety of our community and protect out homeowners lands from such things
70 as unwanted use, restricted sunlight or shade, etc. Granting this variance will not alter that goal because we
71 are the only house in our neighborhood that's set on the very back of the property lots. Adding a
72 freestanding garage next to our home will not be anywhere near any of the other homes, or structures.
73 Additionally, the way that the other lots have been developed, this would not encroach on the other people's
74 landscaped lawns. As seen in the aerial photos that are attached (see Exhibit #1), the area that would be
75 used is nestled between our home on one side and trees on the other side as well as on the back. The front
76 side is currently a fence at the end of our driveway which would just be replaced with the front of the garage.
77 No trees or other vegetation would need to be removed to build the structure. During the winter months
78 when vegetation is dormant, our neighbors can see in to that area, and keeping up with the spirit of the
79 ordinance granting this variance would allow us to beautify that area making it safer and protect all of our
80 personal belongings safely. Number three – several homes throughout the neighborhood and Londonderry
81 have freestanding sheds, or garages to store vehicles equipment, tools and toys. In most cases, owning a
82 house results in having lots of large equipment such as lawn mowers, and snow blowers to maintain the
83 property in such a way that meets the standards of our community...any community around here. As seen,
84 there's no place to build on our property to build a freestanding structure to hold these things, so granting
85 this variance would provide justice by allowing us to build the necessary space to safely store those
86 belongings that we have without creating an environment that decreases the value of our property, or is
87 unattractive to our neighborhoods through unsheltered storage. Number four - the value of the surrounding
88 properties will not be diminished. Adding the additional freestanding barn style garage will add value to our

89 property which in turn will add value to the community where we live in not diminish it. It's hard to calculate
90 the actual impact, but any property with a shed, or a barn garage is taxed on that structure and it's easy to
91 see that any structure that is maintained properly will increase the value of our community. Number five – I
92 answered Part A for the unnecessary hardship. Part A number one – no fair and substantial relationship
93 exists between the general public purpose or the ordinance provision and the specific application of that
94 provision to the property as it will still be 4 foot separation from our neighbor's property line, and will meet
95 all of the front and the rear setback requirements. Where there is a less than a 15 foot separation, there's a
96 fence, substantial tree line that provide a better separation than a 15 foot separation on open land space.
97 Additionally, our neighbor has sheds on his abutting property which would be similar as shown in the pictures
98 in the attached images. Because the house was built in the rear of the lot near the property borders the
99 additional garage would be consistent with the other structures on the property due to the restrictive
100 topography of the majority of our lot. Part II – based on the Town of Londonderry ordinance 2.3.1.3.3,
101 minimum setback distances for property for structures for property line – the front is 40 feet, the side is 15
102 feet, the back is 15 feet, and the layout of our property it's impossible to build a structure to meet our needs
103 any place else on our property. The distance between our home and the back of the property is 28 feet, so
104 we would need a variance there as well. The distance from our home to the left side of the property is only
105 13 feet, so that's already cutting into that, and the distance on the right side of our property is 24 feet. The
106 land on the back of our house is inaccessible due to the slopes on the property, and the buildable space we
107 already have a deck on the back of the house. The land in the front of our house is mostly taken up by our
108 driveway and the septic system and enlarged trees. The most of the land is sloped as well making it
109 impossible to build a freestanding garage, and the land on the left side of our property is very small and also
110 inaccessible due to the slope of the land. So, the only area left is the area on the right side of our house
111 that's level and accessible. It would not require any changes to the current land vegetation making it the only
112 place to build. The location of the variance is not adjacent to, or near any public way, or public property.
113 Hoping that answers a lot of questions?

114
115 JIM SMITH: Okay.

116
117 RAYMOND BLETHEN: Do you want me to go over the pictures I attached? They should be in the file that you
118 guys have? Okay. Looking up the first picture the attachment to the application is a picture looking from
119 about the middle of my driveway looking up towards our house. The building would be behind those two
120 cars that are parked there. Where the fence is, our property goes all the way over to the edge kind of where
121 that large tree is. The 2nd picture is looking down the driveway and out. As you can see, kind of to the left of
122 our house...that hill...our house is set up on a hill so it's...our land is not flat there. It's kind of steep, so you
123 can't get around to the left side of the house. There's no way to get to the back small area. Looking down
124 the driveway from the front where the garage would be you can see there's a couple large trees, but there's
125 also that only flat area that's beyond the tree that's right in front. That's where the septic system is. Then
126 looking at the edge of the property you can see the 3rd picture show some bushes, but the very left side of
127 the picture all of the trees there, or the trees that provide a buffer between our land and the neighbor's land
128 and you can see their sheds and there's a fence that connects those sheds all the way around. So they can't
129 even see into that area where our garage would be built. Next picture is some Bing maps, some bird eye
130 views. I put a red circle around the area where we would...I'm hoping to build this garage, and it kind of just
131 shows...and this is during the winter months, so the vegetation is thin. You can...but you can still tell there's
132 all the trees that create a very good buffer. There's the sheds from the other neighbors home along with the

133 next picture right below it. I tried to show you where that area is in the large buffer that exists. In the
134 application there was also a lot layout that showed the land where the house was located and the septic as
135 well as the driveway. Showing that it took up most of the front of the property.
136

137 JIM SMITH: Questions?

138
139 ANNETTE STOLLER: Um, I have a question, sir?

140
141 RAYMOND BLETHEN: Yeah.

142
143 ANNETTE STOLLER: Was there any consultation with the fire department on that 4 foot...?

144
145 RAYMOND BLETHEN: No, my snow blower is 36 inches wide. It's a pretty big...I have a very long driveway, so
146 I have a pretty big one and so the 36 inches gives plenty of room to be able to...the 4 foot was...the 36...I
147 looked up prior cases that you guys had when I was trying to understand how to do this. I thought that I'd be
148 able to fill out a piece of paper and turn it in the next day, and I was...very quickly learned that that is not the
149 case, so I did a little bit of research on prior cases that you guys have had. I didn't write the number down
150 but I know that one of the discussions that you guys had had that there was a 3 foot restriction between the
151 building and somebody else that wanted to build a garage for fire code, and also I...the way the roof would be
152 angled, you'd really want to be able to clear that snow off without it building up between the two buildings,
153 so I thought that 4 feet would be enough room to safely remove that snow during the winter.
154

155 ANNETTE STOLLER: Then answer is you did not actually consult with fire expert.

156
157 RAYMOND BLETHEN: No, no.

158
159 ANNETTE STOLLER: Okay.

160
161 NEIL DUNN: Mr. Chairman, if I may?

162
163 JIM SMITH: Yeah.

164
165 NEIL DUNN: You have an existing 2 car garage there?

166
167 RAYMOND BLETHEN: Yes.

168
169 NEIL DUNN: And, what's above that?

170
171 RAYMOND BLETHEN: A family room.

172
173 NEIL DUNN: And the proposed new garage would be barn style? What would be above that?

174
175 RAYMOND BLETHEN: Nothing.
176

177 JIM SMITH: Are you saying there's going to be a space between this new structure and the existing garage?
178
179 RAYMOND BLETHEN: Right, just 4 feet to give enough room to clear the snow because the roof would be at
180 the opposite angle, so the roof...the snow...clear down to that side of the house from that side of the roof.
181 Does that make sense?
182
183 JIM SMITH: How big is this proposed...?
184
185 RAYMOND BLETHEN: The proposed?
186
187 JIM SMITH: The barn.
188
189 RAYMOND BLETHEN: Oh, 16x24.
190
191 JIM SMITH: 16 wide, 24 deep?
192
193 RAYMOND BLETHEN: Yeah, yeah. So the 24 deep would match the current house and then 16 foot wide.
194 JIM SMITH: Okay. You know that this...your particular piece is part of one of these Plan Residential
195 Developments right?
196
197 RAYMOND BLETHEN: Yeah.
198
199 JIM SMITH: Which means the lots were reduced in size from conventional lots.
200
201 RAYMOND BLETHEN: I do not know.
202
203 JIM SMITH: Richard, could you give him a brief explanation?
204
205 RICHARD CANUEL: Yeah, I'm glad you asked. Back when this subdivision was developed, it was developed
206 under provisions that no longer exist in our ordinance. As you mentioned, it was previously identified as a
207 Planned Residential Development, or PRD. PRD don't exist in the ordinance any longer. What's important to
208 note is that under those provisions, when the subdivision was developed is there were no side, or rear
209 property line setbacks like we require today. What the requirement was back then is that principal and
210 accessory structures shall be at least 30 feet from other principal and accessory structures, so you could
211 essentially build a structure right up to the property line provided you had a 30 foot separation to the
212 adjacent structure.
213
214 NEIL DUNN: So the first one to build wins.
215
216 RICHARD CANUEL: Yeah, absolutely.
217
218 RAYMOND BLETHEN: That's probably why. Ours is all the way in the very back of our lot.
219
220 NEIL DUNN: So...I didn't see on the card here. Do you know how much acreage how much you have?

221
222 RAYMOND BLETHEN: We paid taxes on I think 1.08, and I believe that there's probably around 21 acres of
223 common land. That's my understanding there is 21 acres of common land where divided by 42 houses, so
224 that would mean our land is about half an acre, or our actual plot, and then a half an acre is shared. I'll be
225 honest; I didn't really understand it when I bought the house. We definitely learned that afterwards. I don't
226 believe we are allowed to build on any common land.

227
228 [Overlapping comments]

229
230 JIM SMITH: No, the theory was that that was going to be developed as recreation and other things for the
231 people in common, but owing to liabilities they never really came to fruition. Rich, I hate to say it, but I think
232 the PRD went through several different evolutions?

233
234 RICHARD CANUEL: Sure, yeah, yeah.

235
236 JIM SMITH: I think the one you're quoting was the original one?

237
238 RICHARD CANUEL: Well when this one was developed it was under the ordinance back in '85 and in the 1985
239 ordinance, like I said, there were provisions...

240
241 JIM SMITH: Yeah.

242
243 RICHARD CANUEL: ...for a PRD.

244
245 JIM SMITH: Okay, and again that basically means even though they didn't meet the setbacks that are current
246 because they met the requirements then that their basically grandfathered.

247
248 RICHARD CANUEL: Correct.

249
250 NEIL DUNN: For existing structures?

251
252 JIM SMITH: Yeah.

253
254 RICHARD CANUEL: Basically the Board couldn't apply the setback provisions in the ordinance today because
255 they don't apply to the PRD as it was developed and approved.

256
257 JIM SMITH: Yeah. Um, another question for Richard. Would there be any problems with having these two
258 structures 4 feet apart from the building codes aspect?

259
260 RICHARD CANUEL: Well that's where the 3 foot number comes from. Three feet is the actual minimum that
261 you can have that accessory garage located to, or adjacent to the house. Anything closer than 3 feet you
262 would have to provide a fire rated wall on the garage to protect the house, but it could essentially be closer
263 than 3 feet, but 3 feet is the limit.

265 JIM SMITH: So do you understand what he is saying?
266
267 RAYMOND BLETHEN: Yeah, it could be 3 feet?
268
269 JIM SMITH: Well, in other words, once you go closer than 3 feet...?
270
271 [Overlapping comments]
272
273 RICHARD CANUEL: Closer than 3 feet.
274
275 JIM SMITH: Now you have...you're talking about some sort of fire separation wall, or fire wall between the
276 two.
277
278 RAYMOND BLETHEN: Correct, right.
279
280 JIM SMITH: So there's a way to do it but it's not easy. It just makes the construction a little more
281 complicated.
282
283 ANNETTE STOLLER: Mr. Chair?
284
285 JIM SMITH: Yeah.
286
287 ANNETTE STOLLER: So therefore to continue that line by going forth, he doesn't have to do a fire wall?
288
289 JIM SMITH: Fire separation?
290
291 ANNETTE STOLLER: But according to the fire personnel, is there anything else he might have to do? Because
292 it is such close proximity?
293
294 RICHARD CANUEL: Are you asking me?
295
296 ANNETTE STOLLER: Am asking you, I'm looking straight at you.
297
298 RICHARD CANUEL: It would be the requirements of the building code that would be applicable. Not
299 necessarily the state fire code because this is a single family resident, so it would be the residential code that
300 would apply. Like I said, it's that 3 foot separation is your threshold.
301
302 ANNETTE STOLLER: Thank you.
303
304 JIM SMITH: Any other questions? Okay, we'll open it up to anybody who is in support of this? Anyone in
305 opposition, or have any questions? Seeing not, back to the Board.
306
307 ANNETTE STOLLER: They way I'm looking at the drawings there's already a 2 car garage correct?
308

309 JIM SMITH: Right.
310
311 ANNETTE STOLLER: What is the plan to use the...I wonder what the...I should have asked earlier what the 2
312 car garage would be used for if he's putting another one in?
313
314 NEIL DUNN: It's still open, you can ask him that.
315
316 JIM SMITH: Yeah.
317
318 ANNETTE STOLLER: Well, so there's a question.
319
320 RAYMOND BLETHEN: Um, my...
321
322 ANNETTE STOLLER: Then you have a 4 car garage. Do you have 4 cars?
323
324 RAYMOND BLETHEN: We do. I have an antique car that I'd like to put in there. We have our street cars. I
325 race sports cars, so I'd like to be able to keep a car in that garage, so it's not in the driveway. It's safe. Also,
326 my snow blower as I mentioned is 36 inches wide. Our...the way that our garage is, it is a 2 car garage, but
327 the way that the stairs come down because it's a split level from the house one of the bays is really short...
328 ANNETTE STOLLER: I understand.
329
330 RAYMOND BLETHEN: ... because the stairs go up and stairs go down, so one of the bays isn't a full bay, and so
331 once you put in the snow blower and if I were to get a riding lawn mower which I'd like to get, there's no
332 room to put cars in there. Then my son has a little electric car. We have a scooter that I drive to work on
333 once in a while...try to get good gas mileage, but I don't have room in the garage to keep those smaller mid-
334 size things, and so there's no other place to build a shed or anything on the property, so...
335
336 ANNETTE STOLLER: Thank you.
337
338 NEIL DUNN: If I may Mr. Chairman? So Richard in the old theory where build it right up to your property
339 line...whoever builds it first, I mean gets to win the 30 foot separation, but it does qualify now for the 15 foot
340 setback?
341
342 RICHARD CANUEL: No, it would not because the subdivision was approved under those provisions for the
343 PRD...
344
345 NEIL DUNN: So why's he need to be here?
346
347 RICHARD CANUEL: ...would be the PRD that would be applicable.
348
349 NEIL DUNN: So why's he need to be here then?
350
351 RICHARD CANUEL: To ensure that we have a 30 foot separation from adjacent structures and at...not trying
352 to influence the Board's decision here, but that is what I would look at. To see what essentially occur if this

353 garage was built on this property. Do we have a 30 foot separation from the structures on adjacent
354 properties?
355
356 ANNETTE STOLLER: So do we?
357
358 RICHARD CANUEL: Excuse me?
359
360 ANNETTE STOLLER: So do we?
361
362 RICHARD CANUEL: Do we what?
363
364 ANNETTE STOLLER: Have that 30 foot?
365
366 RICHARD CANUEL: I don't know that, and I think that's what the Board needs to explore...
367
368 NEIL DUNN: Well that's what I was trying to get to...
369
370 RICHARD CANUEL: ...explore with the applicant.
371
372 NEIL DUNN: ...where we really need to be here?
373
374 RAYMOND BLETHEN: Um...
375
376 NEIL DUNN: Do you know how far it is...would be...your finished product.
377
378 RAYMOND BLETHEN: ...um, far more than 20...far more than 30 feet. I went to the Town to get a building
379 permit to build it, and asked what needed to be done because I was within...I knew I'd be within 15 feet of
380 the edge of our property, and so they were very very kind and they got our plot thing, and we put on the
381 map, and we realized it was going to be...you know they helped me measure it to know that I would be within
382 4 feet from the edge of our property. They said in order to build and get a permit that you need to go get a
383 variance first because I'd be building within the 15 feet, so obviously they didn't know what Richard...
384
385 JIM SMITH: Right.
386
387 RAYMOND BLETHEN: ...is saying, and so they advised me to get a variance, and so that's why I went and got a
388 variance.
389
390 NEIL DUNN: Is it easy to find your property markers for that line?
391
392 RAYMOND BLETHEN: Yeah, yeah, yeah.
393
394 NEIL DUNN: So you could draw...well no I'm trying to figure out the 30 foot thing. I mean that's what we
395 really need to determine.
396

397 JIM SMITH: Well the property line doesn't...what we're looking for is 30 feet from the structure...
398
399 [Overlapping comments]
400
401 JIM SMITH: ...to another structure.
402
403 NEIL DUNN: I know you're right, okay, I'm sorry, yeah.
404
405 JIM SMITH: Okay.
406
407 ANNETTE STOLLER: So if the other structure had been built another 4 feet from their property line we're in
408 big trouble.
409
410 JIM SMITH: Well...well again it depends on upon whether it's...
411
412 NEIL DUNN: Well there's...
413
414 JIM SMITH: its 30 feet total whether it's at right angles, or some other angle, so...
415
416 NEIL DUNN: Well he can't obviously build over his property line?
417
418 JIM SMITH: Well that's something else again.
419
420 NEIL DUNN: Well no I was just trying to figure out where he can get a good measurement if he's 4 feet off his
421 property line...
422
423 JIM SMITH: Okay.
424
425 NEIL DUNN: ...I don't know, I'm getting back to that 30 foot thing, and that's why...
426
427 JIM SMITH: Okay, I'm looking at a picture...
428
429 [Overlapping comments]
430
431 RAYMOND BLETHEN: The only question...the only I guess is their shed it's near the edge of our property. I
432 don't know if it's within that, and I'd ask for a variance to be allowed to build within 30 feet of their shed.
433
434 JIM SMITH: Okay, well I'm looking at a picture here; it shows some sort of a shed and a little fence and some
435 other structure.
436
437 JACKIE BENARD: Does he have...
438
439 RAYMOND BLETHEN: Right, they...
440

441 JACKIE BENARD: ...a greenhouse back there?

442
443 RAYMOND BLETHEN: ...What's that?

444
445 JACKIE BENARD: It looks like a greenhouse of some sort?

446
447 RAYMOND BLETHEN: Yeah, they have a greenhouse and some sort of tool shed.

448
449 JACKIE BENARD: Okay.

450
451 RAYMOND BLETHEN: Yeah, and those are...they aren't like built into the ground or anything like that, but
452 their kind of the ones you get at Home Depot, or whatever.

453
454 JIM SMITH: Okay, again I'm going back to Rich. Do we have any documentation of what's on the adjacent
455 property?

456
457 RICHARD CANUEL: Um, I'd have to look in the file; I don't know what that is off the top of my head.

458
459 ANNETTE STOLLER: Seems to me that...

460
461 JIM SMITH: I think at this juncture where I'm having a problem is faced with the idea that we're talking
462 possibly a variance from the 30 foot separation not the 15 feet from the side which is the way it was
463 advertised. I'd entertain a motion to continue this to next month so that we could determine what's on the
464 adjacent property and figure out whether or not he would in fact be within 30 feet of something.

465
466 RAYMOND BLETHEN: Well I can see that those buildings are definitely there. Those structures...those sheds
467 are definitely there and their within 30 feet from that area. So what I'd like to ask if we could get a variance
468 to be within the 30 feet, but no closer than the 4 feet of the edge of my property?

469
470 ANNETTE STOLLER: They don't need a variance to be within 30 feet?

471
472 JIM SMITH: That's what I'm saying, we don't know whether he does, or doesn't?

473
474 RAYMOND BLETHEN: It would definitely be closer than 30 feet, I think?

475
476 JIM SMITH: Now is there a way for us to determine that for next month?

477
478 RICHARD CANUEL: Um, let's see. You have the Town's GIS system in front of you?

479
480 JIM SMITH: Yeah, but when you look at those lines...

481
482 RICHARD CANUEL: You can at least take a cursory measurement and give you some idea...

483
484 [Overlapping comments]

485
486 JIM SMITH: It depends upon which picture...I'm looking at a picture, and it shows the left property line going
487 right through his building.
488
489 BILL BERNADINO: Yeah, we've got the same...as before with the other side going right down the middle of
490 the side, so it's going right through the house.
491
492 JIM SMITH: Yeah, and the next one show...
493
494 ANNETTE STOLLER: Just cut it off.
495
496 JIM SMITH: ...you know...
497
498 NEIL DUNN: Well...
499
500 JIM SMITH: The one on top is probably...this one here is probably the best...
501
502 ANNETTE STOLLER: Yeah.
503
504 JIM SMITH: ...looking directly down.
505 BIILL BERNADINO: counting off the tip...
506
507 JACKIE BERNARD: Number 17.
508
509 JIM SMITH: Ahh...
510
511 JACKIE BERNARD: Yeah, number 17.
512
513 JIM SMITH: ...it's the last one.
514
515 ANNETTE STOLLER: We ran into a similar problem in the neighboring town and...
516
517 [Overlapping comments]
518
519 ANNETTE STOLLER: ...we found out that...[indistinct].
520
521 RAYMOND BLETHEN: You can see that's definitely within...no matter what that white line...the white fence
522 that runs along there, their sheds would be definitely within 30 feet of...
523
524 JIM SMITH: That's only 15 feet.
525
526 NIEL DUNN: If I may asked Richard a questions while you are looking there? Because it was a PRD and it was
527 a 30 foot separation between the buildings, or structures, I guess first of all would...if that shed is under a
528 certain size it is not considered a structure?

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RICHARD CANUEL: All structures are considered structures.

NEIL DUNN: Let me rephrase that. Would it be whatever the requirement during the PRD of the setback of 30 feet was? I mean you can move an 8x8 shed. I mean, I don't know, I'm trying to get clarification.

RICHARD CANUEL: Well the way the language says in the PRD back in '85, it says "no principal structure or its accessory structures shall be located any closer than 30 feet to another principal or accessory structures". So...

ANNETTE STOLLER: And no discussion as to whether their temporary accessory structures?

RICHARD CANUEL: A structure is a structure.

NEIL DUNN: Yup.

RICHARD CANUEL: Something that's built that occupies a location on the ground.

NEIL DUNN: So to follow up on that would a variance against that since it's so well documented if you will in the PRD be allowed at that point and time?

RICHARD CANUEL: Well after this discussion here, I'm not so sure that a variance would even be applicable?

NEIL DUNN: Well, that's what I'm wondering? That's what I'm saying. Yeah.

RICHARD CANUEL: If a structure can be built on this applicants' property, right up to the property line and meet the 30 foot separation to the adjacent lot structures then there's no variance required.

NEIL DUNN: Exactly, but if his concern is that it might be within that 30...

RAYMOND BLETHEN: It is.

NEIL DUNN: ...and so therefore because it was a PRD and we're letting it live by the old rules are we allowed to reduce that 30 foot setback because that was pretty ridged at a different...

RICHARD CANUEL: Well just like any variance that the Board would grant, you know, if the Board considers it reasonable you can certainly grant that variance, but you would be granting the variance under those provisions for which the PRD was approved.

[Overlapping comments]

NEIL DUNN: Okay, I was just trying to get more clarity. Thank you.

572 RAYMOND BLETHEN: I believe that it's probably about 16 or 17 feet from the edge of our property because
573 when I talked w/them...you know, I obviously talked with them before coming here, and they weren't even
574 sure if they were within the edge of the property. I don't even know if they got a zoning permit or not, but
575 we took a tape measure and measured and there's was more than the 15 feet, so I know there's was more
576 than 15 feet, but there's no way that it would be 30 feet. I would say it's probably going to be about 16 feet,
577 17 feet from the edge of our property. So if you were to take that it would probably end up being about 20
578 feet...if I have a 4 foot on my property, and that means it would be about 20 feet from my garage to their
579 building.

580
581 JIM SMITH: Now according to the certified plot plan that's in here, the front corner of the existing structure
582 on your property is 15 feet from the property line, and when I take that information...common work... see the
583 last picture we have with the GPS lines superimposed. If you take and make an estimation from using that 15
584 feet, it would appear to be about 15 feet from the property line to the corner of that structure which is on
585 the other property.

586
587 RAYMOND BLETHEN: Right, I believe it's about 15-16 feet like I said between my property and their shed.

588
589 JIM SMITH: So it's clearly, if you were to build something in that area on your property would be within the
590 30 feet?

591
592 RAYMOND BLETHEN: Correct.

593
594 JIM SMITH: So Richard, you're suggesting that we could give him a variance possibly to encroach on the 30
595 feet?

596
597 RICHARD CANUEL: Yeah, if the Board finds that it's reasonable, sure.

598
599 JIM SMITH: Okay.

600
601 RAYMOND BLETHEN: I guess based on what I've learned, you know, it would be variance to be within the 30
602 feet of our neighbor's property, but no closer than 4 feet from the edge of my property.

603
604 JIM SMITH: No, I think what we're saying is the 15 feet setback...

605
606 RAYMOND BLETHEN: Yeah.

607
608 JIM SMITH: ...which is in the current...doesn't really apply to your piece of property.

609
610 RAYMOND BLETHEN: Right, no I understand that, so it would be a variance...

611
612 JIM SMITH: The only thing that applies is the 30 foot separation between buildings on one lot to the next lot.
613 It's a crazy rule, but...

614
615 RAYMOND BLETHEN: Right, so the variance would be within...

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JIM SMITH: ...within that 30 foot setback...

RAYMOND BLETHEN: ...within the 30 foot setback, but...

ANNETTE STOLLER: Um hmm, it's not an uncommon and type of ruling. It occurs in many subdivisions in towns.

JIM SMITH: Well thank god there isn't too may PRD's with this rule.

NEIL DUNN: The only thing I wonder about is though is...I'm sure he had a discussion with the neighbor...they were both looking at more the 15 foot, they didn't understand the PRD. I would like to have more numbers or something, I don't know? I guess it really doesn't matter if that's where we're leading down the 30 foot thing, but...

ANNETTE STOLLER: May I...

NEIL DUNN: PRD things are hard with all these special provisions and their small lots.

JIM SMITH: Yeah.

NEIL DUNN: Then people try to squeeze a bunch of stuff on them.

JIM SMITH: Well, that's exactly the problem. You have...

ANNETTE STOLLER: The reason I asked, Mr. Chair? The reason I asked about temporary versus permanent is some...I have seen a case where a temporary shed was moved. I'm not suggesting that be done, but was moved to satisfy the ordinance. In other words, a thing you go buy in Kmart...

JIM SMITH: Right.

ANNETTE STOLLER: ...or wherever you buy it...

RAYMOND BLETHEN: Yeah, I don't...my neighbors have a very beautiful lawn with in ground sprinklers and all that kind of stuff, and I don't see them moving their sheds to...

ANNETTE STOLLER: Are your neighbors here?

RAYMOND BLETHEN: No, they're not here, but they are wonderful people.

JIM SMITH: Do you know if the shed has a...how big that shed is on that corner of their property?

RAYMOND BLETHEN: I don't.

660 JIM SMITH: Roughly?
661
662 RAYMOND BLETHEN: I would say probably 8 foot by maybe 12 probably. That's a pretty common size shed I
663 think right probably?
664
665 JIM SMITH: Okay. We get complicated ones. Is there anybody in the audience have any comments? No?
666 Okay. Any other comments from the Board?
667
668 **DELIBERATIONS:**
669
670 ANNETTE STOLLER: I think with open questions, we should continue it pending answers to where the other
671 structure are.
672
673 JIM SMITH: Okay, I'll entertain a motion on something? Anyone, whoever...?
674
675 ANNETTE STOLLER: Can I move, or am I on, or off? What's the...
676
677 JIM SMITH: Ah, for this case, we'll have you on.
678
679 ANNETTE STOLLER: Geeze thanks. Well, I so move that we continue this hearing until the next meeting to
680 obtain more precise measurements from of a 30 foot distance to other buildings, other structures.
681
682 JIM SMITH: Do I have a second?
683
684 NEIL DUNN: I'll second it.
685
686 JIM SMITH: Okay, all those in favor?
687
688 ALL: Aye.
689
690 JIM SMITH: Okay, it looks like we are continuing this based on coming up with some firmer information as to
691 what's on the other piece of property and what the location is.
692
693 RAYMOND BLETHEN: Right, so I should gather the distance that I need from the edge of my garage to their...
694
695 JIM SMITH: Okay, what we need to find out...
696
697 RAYMOND BLETHN: ...building?
698
699 JIM SMITH: ...and Richard can try to help you out on this would be the distance from the...
700
701 [Overlapping comments]
702

703 JIM SMITH: ...what we're really looking for is a location of what's on the other property, so we can then
704 determine whether you're gonna have to encroach into the 30 foot, 5 feet, 10 feet, or 20 feet, or whatever.

705
706 RAYMOND BLETHEN: Okay.

707
708 JIM SMITH: Okay.

709
710 ANNETTE STOLLER: Mr. Chair, not to complicate things...

711
712 BILL BERNADINO: I still think he's lost as to what he's supposed to do?

713
714 [Overlapping comments]

715
716 RAYMOND BLETHEN: Yeah, I have no...

717
718 BILL BERNADINO: He's lost; you can tell he's lost...

719
720 [Overlapping comments]

721
722 JIM SMITH: Richard knows what he wants.

723
724 [Laughter]

725
726 RICHARD CANUEL: Just come visit me at the office, and we'll go over it.

727
728 [Overlapping comments]

729
730 JIM SMITH: He'll get you straightened out.

731
732 RAYMOND BLETHEN: Okay.

733
734 RICHARD CANUEL: I'll pull that subdivision file and we'll take a look at it.

735
736 JIM SMITH: Yeah, because he's...

737
738 ANNETTE STOLLER: It's the best.

739
740 JIM SMITH: ...got information about what's located on the other property, or hopefully he does. Not
741 everybody gets a building permit for everything, so...

742
743 RICHARD CANUEL: So the continuation of the hearing will be next month?

744
745 JIM SMITH: Until next month.

747 NEIL DUNN: September 16th.

748
749 RICHARD CANUEL: Did somebody announce that? Yes.

750
751 NEIL DUNN: The next meeting September 16, 2015.

752
753 JIM SMITH: There won't be any further public notice.

754
755 **RESULTS: THE MOTION TO CONTINUE CASE NO. 8/19/2015-1 TO SEPTEMBER 16, 2015**
756 **WAS APPROVED, 5-0-0.**

757
758 RESPECTFULLY SUBMITTED,

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760 

761
762 NEIL DUNN, ACTING CLERK

763
764 TYPED AND TRANSCRIBED BY NICOLE DOOLAN, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
765 SECRETARY.

766
767 **APPROVED (SEPTEMBER 16, 2015) WITH A MOTION MADE BY J. TIRABASSI, SECONDED BY J. BENARD AND**
768 **APPROVED 4-0-0.**

18 Rossini Rd Attachment 2 – Pictures

Looking up driveway towards the area where the garage would be built:



Looking down the driveway from the front of proposed garage looking toward the street:



Looking at the edge of the property to see the separation created by tree line, fences and sheds:



Bing Maps Birds Eye Views showing the location of the proposed garage (Indicated with red circle):

