

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

DATE: MAY 16, 2012

CASE NO.: 5/16/2012-4

APPLICANT: JEFFREY C AND DEANNA L BRUNELLE  
36 BOYD ROAD  
LONDONDERRY, NH 03053

LOCATION: 36 BOYD ROAD; 3-172-4; AR-I

BOARD MEMBERS PRESENT: JAMES SMITH, ACTING CHAIR  
LARRY O'SULLIVAN, VOTING MEMBER  
JAY HOOLEY, VOTING MEMBER  
JAMES TOTTEN, VOTING ALTERNATE  
NEIL DUNN, CLERK

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

REQUEST: RELIEF OF ADMINISTRATIVE DECISION

PRESENTATION: Case No. 5/16/2012-4 was read into the record with no previous cases listed.

JEFF BRUNELLE: Good evening. Should I start with what the whole thing's about or do you have any idea what the decision was?

LARRY O'SULLIVAN: Why don't you state what you're trying to do...

JEFF BRUNELLE: I'm trying to build a garage. It meets all the setbacks, it's not a variance issue. It was a letter I got said that they were contesting the subordinate clause, I believe, to the structure and the intended use of the garage. So the structure is subordinate to the house and the garage is being used to house collectible vehicles and motorcycles.

LARRY O'SULLIVAN: And it's an AR-I zone?

JEFF BRUNELLE: Yes.

JAY HOOLEY: Is the garage...

LARRY O'SULLIVAN: Do you buy and sell them?

45 JEFF BRUNELLE: No, I collect them and keep them. I have a hard time getting rid of them but I have like  
46 fifteen (15) or sixteen (16) of them. My biggest problem is is I don't have any of them at home. I have  
47 them stored in three different locations and I never get to use any of them 'cause I have to drive to get  
48 to them and some of them are packed in garages that are eight cars deep, so I'm trying to use the  
49 collection on a daily basis and different cars on a different day, but I don't have them at my disposal at  
50 home. I do have a garage at home that's a three (3) bay garage, but I have two little kids where you  
51 can't even walk in the garage with bikes and scooters and everything else that we store in there,. And  
52 plus, I don't wanna put any of the cars in those garages because...

53  
54 LARRY O'SULLIVAN: There's bikes and scooters.

55  
56 JEFF BRUNELLE: ...they're gonna get damaged. Right.

57  
58 LARRY O'SULLIVAN: Okay, so this looks like a huge garage.

59  
60 JEFF BRUNELLE: Yeah, it's an L-shaped garage. I'm trying to get six (6) bays out of it.

61  
62 JAY HOOLEY: How are you going to access it?

63  
64 JEFF BRUNELLE: From the right side of the existing garage. I have a twenty five (25), thirty (30) foot  
65 path that comes from my main driveway to get up behind there.

66  
67 JAY HOOLEY: So from the road, you'd be using the existing driveway?

68  
69 JEFF BRUNELLE: Yes.

70  
71 LARRY O'SULLIVAN: So do you do work on the cars in the garage?

72  
73 JEFF BRUNELLE: I don't work on them personally, no. They're just...they're all pristine cars. If I have to  
74 get them worked on, I'd bring them to a garage to get worked on. They're just...to have them at home is  
75 my goal.

76  
77 LARRY O'SULLIVAN: Okay, what's the height of the building gonna be? I mean, is it one of those...

78  
79 JEFF BRUNELLE: It's just a standard garage height. It should be on the plans, I believe. Do you have the  
80 copy of the plans? I had a full set of plans from my architect drawn up.

81  
82 JAYE TROTTIER: You don't have those.

83  
84 NEIL DUNN: Let me check in here.

85  
86 JIM SMITH: No.

87  
88 JAY HOOLEY: No.

89

90 NEIL DUNN: I guess that's kind of irrelevant to what we're here for, right?  
91  
92 LARRY O'SULLIVAN: Well, I've seen a garage that's a large garage that winds up being two and a half  
93 stories tall and somebody winds up doing truck work on it.  
94  
95 JEFF BRUNELLE: No, this is a basic...  
96  
97 LARRY O'SULLIVAN: You know?  
98  
99 JEFF BRUNELLE: ...eight (8) foot high garage doors with a full truss attic. Because...the attic is just  
100 trusses. None of the vehicles are trucks. They're all cars. Sports cars and older Lincoln Continental cars  
101 and motorcycles. And I do not work on them.  
102  
103 LARRY O'SULLIVAN: Is it heated? Is the garage heated?  
104  
105 JEFF BRUNELLE: It will be.  
106  
107 LARRY O'SULLIVAN: Do you plan on that?  
108  
109 JEFF BRUNELLE: I will heat it, yes.  
110  
111 LARRY O'SULLIVAN: Do you plan on living in it?  
112  
113 JEFF BRUNELLE: No, I got plenty of room to live in my house.  
114  
115 JIM SMITH: Forty five hundred (4,500) square feet.  
116  
117 LARRY O'SULLIVAN: I'm not making light of this, but we're you thinking about putting dogs in there, too?  
118  
119 JEFF BRUNELLE: No. Just cars. I actually...just to prove, I mean, I brought my registration schedule of all  
120 the vehicles I have.  
121  
122 LARRY O'SULLIVAN: Thanks, Mr. Brunelle. Yeah.  
123  
124 JIM SMITH: I think in trying to set this up, maybe we ought to have...  
125  
126 NEIL DUNN: Richard?  
127  
128 JIM SMITH: ...Richard, the Zoning Officer, give his interpretation of this so that we have some  
129 background from that point of view.  
130  
131 RICHARD CANUEL: Yeah. Alright, good. Just allowing the applicant to have his opportunity first. Yeah,  
132 this, you know, as you know, it's not a variance request. This is an appeal from the administrative  
133 decision of myself as the Zoning Administrator. The applicant, you know, applied for a permit to  
134 construct this garage. Looking at the size of the garage where, you know, just over twenty two hundred

135 (2,200) square feet, a twelve (12) [sic] stall garage is something that's sort of out of the norm for the  
136 typical residential garage. Looking at that and considering, you know, there was already an existing  
137 detached garage on the property, I reviewed our ordinance and the definition of "accessory structures"  
138 and basically made the decision that this was in excess of the intent of our ordinance for accessory  
139 structures. Plus, basing that decision on our past experiences with large garages that were constructed  
140 with permits that were approved and then come to find out later, they end up being used for  
141 commercial purposes. That's not to say that that's, you know, the applicant's intent, but me decision  
142 was based on, you know, just that past experience. I did discuss this issue with the Town Attorney, of  
143 course, to get his impression on whether this was a reasonable decision or not. And he tends to agree,  
144 simply because of the very nature of the proposed garage being something out of the norm of what you  
145 would normally see in a residential neighborhood. This garage in particular being somewhat different  
146 from what you see in that neighborhood in particular. There's no other garages that size for the other  
147 single family residences, so he sort of supported my decision in denying the permit, based on number  
148 one, the fact that it's out of character with the neighborhood and number two, based on some case law  
149 that addressed accessory structures and when you get to the point when accessory is beyond what you  
150 can consider accessory. It's a little much to be considered a truly accessory use or an accessory  
151 structure, so, you know, he did agree in that respect. Like I said, I thought this was something that  
152 needed to come to the Board. When I denied the application for the permit to the applicant, I did  
153 encourage him to come to the Board and appeal my decision, just so we can bring this to the forefront  
154 and bring the matter to light. Yeah, I mean, if the Board so chooses to overturn my decision, I have no  
155 problem with that either. Like I said, just based on our past experience with other large garages, I think  
156 we needed to have this discussion, so let's get it all out in the open and make a decision and see if this is  
157 applicable in our ordinance or not.

158  
159 NEIL DUNN: Richard, you said twelve (12). It says six (6) in the letter. A six (6) car garage. I thought you  
160 said twelve (12) car garage.

161  
162 RICHARD CANUEL: Oh, that's...yeah, we had...that's what I wanted to use for an example. I'm sorry,  
163 yeah. This was a six (6) stall garage. As a prime example, we had another garage a few years back that  
164 they applied for a building permit for a twelve (12) stall garage on a single family lot and I denied that  
165 permit as well and based on that denial, the owner did scale back the size of that garage to something  
166 that was more reasonable, so it shows that "the desire to have" and "what is reasonable" is two  
167 different things sometimes, so...I'm sorry.

168  
169 LARRY O'SULLIVAN: Was that the limousine service?

170  
171 RICHARD CANUEL: I don't wanna discuss who the actual...

172  
173 LARRY O'SULLIVAN: Okay.

174  
175 RICHARD CANUEL: It wouldn't be fair to that person.

176  
177 LARRY O'SULLIVAN: Sorry, okay, I'm just trying to...

178

179 NEIL DUNN: So the shape of this is an L-shaped...it says twenty two hundred (2,200) square feet. Do you  
180 remember what...or do you have the dimensions there? Does it look like there's excess space or that...?  
181  
182 RICHARD CANUEL: No, it's...  
183  
184 NEIL DUNN: Mr. Brunelle says he has registrations, so I mean, that helps justify his point.  
185  
186 RICHARD CANUEL: It does. It does.  
187  
188 NEIL DUNN: And I'm not, you know, I'm just trying to help figure out...Could he put a big barn there and  
189 then that would not be considered too big but he could put a huge barn that would have the same  
190 square footage?  
191  
192 RICHARD CANUEL: Sure, yeah. Yeah. Do you wanna see the plan?  
193  
194 LARRY O'SULLIVAN: But a barn wouldn't be out of place.  
195  
196 RICHARD CANUEL: He didn't have [indistinct].  
197  
198 LARRY O'SULLIVAN: That's what he's saying.  
199  
200 NEIL DUNN: Right, well I'm just trying to get a handle on it, is all my point is.  
201  
202 RICHARD CANUEL: So if you guys wanna just take a look at that. That's what was submitted as part of  
203 the permit application.  
204  
205 JAMES TOTTEN: Does the footprint come into play? I mean, I know it's indicated that the property's  
206 forty five hundred (4,500) square feet, but obviously, that's not on one floor. When you're considering  
207 the subordinate structure, is that...?  
208  
209 RICHARD CANUEL: Well, that's like I say, when it gets to the point, you know, when is accessory, you  
210 know...  
211  
212 JAMES TOTTEN: Right.  
213  
214 RICHARD CANUEL: ...becoming too much? Being that there was an existing garage on the property,  
215 then there was an additional detached garage built. Now we're getting what you could say is a third  
216 garage, which is much larger. I mean, we have no limitations in our ordinance on how many structures  
217 you can put on the property, but like I said, it gets to the point where, "is this really an accessory"?  
218  
219 JEFF BRUNELLE: There's not a third garage. I only have one (1) detached garage and then this proposed  
220 garage.  
221  
222 RICHARD CANUEL: Okay. Alright.  
223

224 JEFF BRUNELLE: I don't know here you...  
225  
226 RICHARD CANUEL: Well, there was an attached garage to the house at one time.  
227  
228 JEFF BRUNELLE: That was a car port that was converted to like a mud room. It's part of when we did the  
229 addition in '06.  
230  
231 RICHARD CANUEL: Okay.  
232  
233 JEFF BRUNELLE: So I just have the three (3) car garage.  
234  
235 JIM SMITH: Jay?  
236  
237 JAY HOOLEY: Thank you. Just so we can interpret the drawing, there are how many overhead doors in  
238 the proposed garage?  
239  
240 JEFF BRUNELLE: In that plan right there, there's four (4), but I was actually thinking of making it six (6) so  
241 I could drive three (3) straight in and three (3) straight in.  
242  
243 JAY HOOLEY: So this plan does not represent what you're...  
244  
245 JEFF BRUNELLE: The doors don't. Yeah, the footprint is the same, but I was gonna go...  
246  
247 JAY HOOLEY: The footprint is the same, you're just looking at more, smaller doors.  
248  
249 JEFF BRUNELLE: ....doors, yeah.  
250  
251 JAY HOOLEY: Okay.  
252  
253 JEFF BRUNELLE: So it would have three (3) on each side.  
254  
255 JIM SMITH: I think one of the things that kind of enters into this...once this building is built, it's gonna be  
256 there, if not forever, for a long timeframe. How long you're going to own that building and lot is not  
257 predictable. You could own it for another year or you could own it for another thirty years.  
258  
259 JEFF BRUNELLE: My plan is thirty.  
260  
261 JIM SMITH: Well, you may plan on it, but there's no guarantees.  
262  
263 JEFF BRUNELLE: Right.  
264  
265 JIM SMITH: So, what we have to look at is what happens to this property if it changes hands?  
266  
267 JEFF BRUNELLE: Mm-hmm.  
268

269 JIM SMITH: What would the next person possibly use this building for? And the guarantee that they  
270 would use it to store vintage cars would be a stretch, I would think. So that's part of what has to go into  
271 this.  
272

273 LARRY O'SULLIVAN: That's just part. That's one of the things.  
274

275 JIM SMITH: Yeah.  
276

277 LARRY O'SULLIVAN: Right now, as a neighbor driving down the road, I would think that that's going to  
278 look an awful lot like the place that's next to Stratham Tire that rents out bays that people can park in.  
279 Park their RVs in and that lot. That's what they do for a living. That's a business that they have to do  
280 that.  
281

282 JEFF BRUNELLE: But driving by on the street, my property's all fenced in. You won't even see the garage  
283 doors. You'll see one side of it and maybe the back of one side of it. The rest of it won't even be visible  
284 from the street. Very little of it will be.  
285

286 LARRY O'SULLIVAN: Well the, see the things that change, once a building is permanent there. Trees are  
287 [aren't]. Buildings aren't either.  
288

289 JEFF BRUNELLE: Mm-hmm.  
290

291 LARRY O'SULLIVAN: What Richard's trying to do is is trying to say, well, here you have a piece of  
292 property that you could put this on...  
293

294 JEFF BRUNELLE: Mm-hmm.  
295

296 LARRY O'SULLIVAN: But it doesn't fit the character or the neighborhood. Regardless of whether it's  
297 seen from every angle on the road or just one or two houses that are nearby. So the whole idea is how  
298 do you something along those lines so that it's justified for you and it's justified for the town and the  
299 neighbors.  
300

301 JEFF BRUNELLE: Mm-hmm.  
302

303 LARRY O'SULLIVAN: Right? So, his decision, I think, has justice in it. It's unusual. It is not your typical  
304 garage. If it was a barn, if you had horses in it, if you had something along those lines that was more  
305 suited to agricultural/residential, bingo. You're in business. You wouldn't be here. But because there's  
306 all these garage doors and because it's gonna have driveways or car paths or something to get to it.  
307 You're changing the character of the whole lot. So that's where I'm coming from with it. It's a change of  
308 the character. And if it changes the character of your lot, it changes the character of your neighborhood  
309 regardless, or whether there's trees that block it now or if there's a hill there that blocked it. But I can  
310 see your predicament thinking that, you know, it would be great to have access right there, real nearby.  
311 I just don't think it's the right place for it in a yard in effect. In a residential yard.  
312

313 NEIL DUNN: If I may, Mr. Chairman, you know, we learn from our mistakes and we see a lot of things get  
314 approved and misused or misrepresented and stuff. But I kind of figure, so if you are an auto collector,  
315 you're supposed to keep your cars forty miles away?

316  
317 JEFF BRUNELLE: Never mind the expense I have of storing them and...

318  
319 NEIL DUNN: So, to me, the lot's big enough. There's no variance needed. Yes, I think Richard was right  
320 to question it, but when Mr. Brunelle says yes, he has the registrations and you can look and you can see  
321 that they are collectibles, as opposed to somebody reselling, you know, '93 Camry's or whatever, it gives  
322 me this "what is a person to do?" He has plenty of room, he has plenty of...he could put up a big barn  
323 and put a hundred cars in there, you know? Because it would look more appropriate? I mean, I don't  
324 know. I understand where Richard's coming from, but from the point of view of owning the property  
325 and...

326  
327 LARRY O'SULLIVAN: Or change it to [indistinct].

328  
329 NEIL DUNN: Well, people could put cabanas and sheds all over the thing, I mean we see people try to  
330 put ten pound on five pound lots all the time. He's got plenty of room. I'm thinking, you know, I  
331 appreciate Richard being that observant and thinking maybe we should flag it, so to speak, but I also  
332 have some sympathy here. What do you do if you do collect cars? You know? And if they sell it later...

333  
334 LARRY O'SULLIVAN: They park it at that place next to Stratham, like everybody else does.

335  
336 NEIL DUNN: Oh, no. I wouldn't want my cars parked down there if I had collectibles.

337  
338 JEFF BRUNELLE: These cars don't even see the rain, never mind snow or any type of weather.

339  
340 NEIL DUNN: That's my thought.

341  
342 LARRY O'SULLIVAN: They've got garages. [Indistinct] a garage.

343  
344 NEIL DUNN: I don't know. I'm kind of seeing where...and if somebody buys it when he leaves in thirty  
345 years...

346  
347 JIM SMITH: Well...

348  
349 NEIL DUNN: I mean, the neighbors and...it's not approved for anything else. So if they try to run a  
350 business out of it, hopefully we'd have...

351  
352 JEFF BRUNELLE: My particular home is a very contemporary setting to it. A barn would be way out of  
353 character in my backyard. And I would think I barn would be more susceptible to putting heavy  
354 equipment in, bigger trucks, trailers. I'm putting doors in that I can't even get anything more than a  
355 residential car into. It can't be used for anything more than a garage.

356  
357 JIM SMITH: Well...



358

359 NEIL DUNN: That's just my take on it.

360

361 JIM SMITH: Okay. Neil, in reply to yours, we did, in fact, have a building built, I think it was on  
362 Commercial Lane, which was on a commercial lot. The gentleman who owned the piece of property  
363 went through the whole site plan process and it was specifically built to store his car collection, so while  
364 I'm not suggesting that's your solution, that's how someone else approached this problem.

365

366 LARRY O'SULLIVAN: The fella across the street that used to live across the street from me had Fords and  
367 Rivas. Whatever those are.

368

369 NEIL DUNN: Buicks.

370

371 LARRY O'SULLIVAN: Buicks, right? And he stored them at this Stratham auto place. Indoors. I don't  
372 know how he paid for it, but he had them.

373

374 NEIL DUNN: I don't know. I guess I'm just saying that he has plenty of room. He's not encroaching on  
375 any setbacks. I mean, it's not like we're saying, "Yeah, we're gonna give you a variance to be seven feet  
376 away and put a six (6) car garage up." You know, if the guy wants to put his collectibles in it. But again, I  
377 appreciate it. It's one of those things where you draw it. I have sympathy though, so I don't know  
378 where we go with that. That's just really my take on it.

379

380 JIM SMITH: What is the acreage of your piece of property?

381

382 JEFF BRUNELLE: I believe it's...I'm not sure. I wanna say...I'm not even sure...

383

384 LARRY O'SULLIVAN: It might say it here.

385

386 JAYE TROTTIER: It's one point five (1.5).

387

388 JIM SMITH: Okay, one and a half acres. Which is somewhat larger than a...the minimum lot size, but it's  
389 still not an overly large tract of land.

390

391 JAMES TOTTEN: I think it's almost helped out too by the shape, right? The "L" shape.

392

393 NEIL DUNN: Mmm.

394

395 JAMES TOTTEN: It reduces the impression from the road.

396

397 NEIL DUNN: The fence and the trees right now reduce much of anything that you see from the road  
398 going down there.

399

400 JAMES TOTTEN: There's a bunch of trees as well, yeah.

401

402 JAY HOOLEY: I drove past it the first time.

403  
404 JAMES TOTTEN: With the "L" shape as well.  
405  
406 LARRY O'SULLIVAN: Well, it's not up now, right? We're not...he's not taking it down.  
407  
408 JAY HOOLEY: No, I'm just saying that that could change the...the fence and the trees that exist right  
409 now, you almost wouldn't even see that house. However...  
410  
411 JEFF BRUNELLE: The fence is gonna stay.  
412  
413 JAY HOOLEY: Well...  
414  
415 JEFF BRUNELLE: To the front edge of the garage.  
416  
417 JAY HOOLEY: As was mentioned before, that may be your intent but once this things is permitted...  
418  
419 JEFF BRUNELLE: Right.  
420  
421 JAY HOOLEY: ...then the next person might not keep a fence and might not keep the trees and then that  
422 certainly would change the impact, visually, that it would have.  
423  
424 RICHARD CANUEL: So as I said, you know, my decision was based strictly on interpretation of the intent  
425 of the ordinance. Like I said, you know, I have no problem if the Board were to overturn my decision.  
426 That wouldn't hurt my feelings at all. That would actually make it easier for me as the Zoning  
427 Administrator, to tell you the truth, so that we at least have, you know, some kind of parameter to say,  
428 you know, something of this size is acceptable, maybe something larger than this isn't. But, you know,  
429 so that I at least have a line in the sand somewhere but, as I say, it gets to a point where, you know,  
430 when does "accessory" go beyond what we consider to be subordinate to the primary use?  
431  
432 NEIL DUNN: And I think, Richard, to answer your question, I mean, put two different people on the  
433 Board and the requirement could change.  
434  
435 RICHARD CANUEL: Of course.  
436  
437 NEIL DUNN: So I appreciate the fact that you'd bring it up and that if we did overturn it or we don't, and  
438 you've always been great about everything we do as a Board, so I think you did the right thing by  
439 bringing it up and getting more than one opinion is what you're doing.  
440  
441 RICHARD CANUEL: Yup. Well, I think it was important to have this discussion in a public venue. 'Cause  
442 like I say, we've had situations where we've actually issued permits for large garages and we've even put  
443 a condition on the permit that it shall not be used for commercial use. And one example I can give, we  
444 did that two years later. Our Code Enforcement Officer at the time was involved with enforcement  
445 action because the guy was discovered as doing an automotive repair business out of that garage, so,  
446 obviously, he built it for that intent originally, so it's hard to say, you know, what is someone's intent,  
447 so...

448  
449 NEIL DUNN: Oh, absolutely.  
450  
451 RICHARD CANUEL: ...like I said, not basing on, you know, what Mr. Brunelle is going to do or not do on  
452 his property is based strictly on my interpretation of the intent of the ordinance here, so...  
453  
454 JEFF BRUNELLE: Isn't that...  
455  
456 JIM SMITH: Ma'am, would you...? Well...  
457  
458 LAURA ARONSON: I don't know when it's appropriate to speak [indistinct].  
459  
460 JIM SMITH: Would you come up to a microphone and identify yourself?  
461  
462 LARRY O'SULLIVAN: Thank you. Hello.  
463  
464 JEFF BRUNELLE: Hello.  
465  
466 LAURA ARONSON: I'm the property owner at number 38 Boyd Road. My name is Laura Aronson. I  
467 agree with your decision. I'm assuming...I haven't seen where you plan to put the garage, but I'm  
468 assuming that it would be between the existing garage and Boyd Road. Is that correct?  
469  
470 JEFF BRUNELLE: No.  
471  
472 LAURA ARONSON: Where do you plan to place it?  
473  
474 JEFF BRUNELLE: Behind the existing garage and behind the house.  
475  
476 LAURA ARONSON: Well, is it behind the house or behind the garage?  
477  
478 JEFF BRUNELLE: A little bit of both.  
479  
480 LAURA ARONSON: So would the access be to the side of the house or to the side of the garage?  
481  
482 JEFF BRUNELLE: The access to the garage?  
483  
484 LARRY O'SULLIVAN: To the new one if you were to put it on...  
485  
486 JEFF BRUNELLE: It would be beside my garage.  
487  
488 LAURA ARONSON: So you would be building in another access path between Boyd Road...  
489  
490 JEFF BRUNELLE: I wouldn't be building any more access paths.  
491  
492 LAURA ARONSON: So you would go through the existing...?

493

494 JEFF BRUNELLE: I'd go up my driveway, and I'd take a right and I'm looking at a three (3) car garage and  
495 I'm looking at a twenty five (25) to thirty (30) foot paved area in my driveway now that goes up and is all  
496 paved behind there where I park cars when the weather is good. So I would not be changing driveway  
497 or access to Boyd Road or anything like that.

498

499 LAURA ARONSON: 'Cause I know that, you know, your house is clearly visible and your garages are  
500 clearly visible from Boyd Road as well, you know, if you didn't have a fence next to mine, it would be  
501 visible from mine as well, from my driveway. So I'm assuming that...I can't picture it like...and I believe it  
502 would be unsightly and I believe it would be excessive, which is why I'm here tonight. And I'm still  
503 having trouble visualizing where this sits on the property. Isn't there a steep hill to the back of your  
504 garage?

505

506 JEFF BRUNELLE: [Indistinct].

507

508 JIM SMITH: Just to try to clar...when you look at the plan, you have the house, the existing garage,  
509 actually this is...while you're calling it to the rear is really to the side of those two buildings and it's  
510 further along Boyd Road. So it extends the buildings along Boyd Road.

511

512 LAURA ARONSON: So...

513

514 JIM SMITH: So it's not really to the rear of your house...

515

516 JEFF BRUNELLE: So you'd be looking at one (1) twenty four (24) foot wall facing Boyd Road.

517

518 JIM SMITH: Yup.

519

520 JEFF BRUNELLE: And the rest of it would go deeper into my property...

521

522 JIM SMITH: Right.

523

524 JEFF BRUNELLE: ...and turn left back into my property, behind my house.

525

526 JIM SMITH: Well, the way it shows on here, it's not really behind anything.

527

528 JEFF BRUNELLE: Well, I consider the front of my house facing her driveway. Boyd Road I don't consider  
529 the front of my house. I consider that the side of my house.

530

531 JIM SMITH: Well, I'm looking at it strictly from the Boyd Road side.

532

533 JEFF BRUNELLE: Okay, so if that was the front, then it would be on the...going right down Boyd Road,  
534 you'd be looking at a twenty four (24) side of the garage and then it would run parallel to the house, the  
535 back...or the right side of the house, and then turn into the house.

536

537 LAURA ARONSON: So in order to site this, I'm assuming that you would be dropping trees back there?

538  
539 [Overlapping comments]  
540  
541 LAURA ARONSON: And the trees would be adjacent to my property?  
542  
543 JEFF BRUNELLE: No, it wouldn't. This is the furthest point from your property is where I'm building this  
544 garage.  
545  
546 JIM SMITH: Okay, wait a minute. Why don't you take a look at this plan. This is what we've been  
547 submitted...  
548  
549 LAURA ARONSON: May I approach?  
550  
551 JIM SMITH: Yeah.  
552  
553 LARRY O'SULLIVAN: Sure.  
554  
555 LAURA ARONSON: Thank you.  
556  
557 [After looking at drawing submitted by applicant] LAURA ARONSON: I don't...I see what he's saying, but  
558 I don't get where the access is to the new garage. Do you...?  
559  
560 LARRY O'SULLIVAN: He said he's gonna drive between the existing garage and the house, right?  
561  
562 JEFF BRUNELLE: No. My driveway's right here.  
563  
564 LARRY O'SULLIVAN: Yup.  
565  
566 JIM SMITH: Right.  
567  
568 JEFF BRUNELLE: This is all paved. Thirty (30) feet off this building right here is paved.  
569  
570 LARRY O'SULLIVAN: Yup.  
571  
572 JEFF BRUNELLE: So I come up, I drive down this pavement, I drive into the garage here, I can drive into  
573 the garage here.  
574  
575 JIM SMITH: Okay, that plan really isn't showing all that paved area, then.  
576  
577 LARRY O'SULLIVAN: Right. This plan isn't either.  
578  
579 JEFF BRUNELLE: This area right here next to the garage, if you came off the garage twenty five (25),  
580 twenty seven (27) feet, it's all paved, so I park cars next to it. And this all back here is paved. This is a  
581 big parking lot for me now and my pavement that's back there, the front of this garage is gonna follow

582 the pavement that I originally have there. So it makes it...so I just come in and drive three (3) bays here,  
583 and three (3) bays here. That's the way I have it figured.  
584  
585 LAURA ARONSON: What is the slope?  
586  
587 JEFF BRUNELLE: What slope?  
588  
589 LARRY O'SULLIVAN: The hill? Is there a hill there?  
590  
591 LAURA ARONSON: [Indistinct] there does a steep slope go dropping down here?  
592  
593 JEFF BRUNELLE: Behind the garage?  
594  
595 LAURA ARONSON: Well...  
596  
597 JEFF BRUNELLE: Behind...back here there is, yeah. Yup.  
598  
599 LAURA ARONSON: And...  
600  
601 JEFF BRUNELLE: But where I'm putting this is still flat, relatively flat. I don't have much to fill in at all.  
602  
603 LAURA ARONSON: [Indistinct].  
604  
605 JIM SMITH: Okay. Could you go back and get on the mics so we can pick it up? I think where we're at is,  
606 what is subordinate? I think that's the key to this decision...which I think, probably the Planning Board  
607 should incorporate into our zoning regs, some physical size on what an accessory building can be maxed  
608 out at. Is that what you're trying to get to, Richard?  
609  
610 RICHARD CANUEL: Oh, not necessarily. Like I said, my decision is just based on, you know, my  
611 interpretation of the intent of the ordinance. That's it. I mean, we have no lot coverage provisions in  
612 our residential zone.  
613  
614 JIM SMITH: I know.  
615  
616 RICHARD CANUEL: We have no maximum building sizes for accessory structures, so it's very open  
617 ended.  
618  
619 JIM SMITH: Okay. Any other questions from the Board?  
620  
621 LARRY O'SULLIVAN: I think because Mr. Brunelle answered by question about the impact in the area,  
622 the twenty four (24) foot visibility from Boyd Road, that satisfies my requirement. It looks like the  
623 majority of it is gonna be behind his house.  
624  
625 JIM SMITH: Well, not so much behind as to the side.  
626

627 LARRY O'SULLIVAN: Okay.  
628  
629 JIM SMITH: I mean, this is front of the house.  
630  
631 LARRY O'SULLIVAN: Yeah.  
632  
633 JIM SMITH: I mean, the building's over in this direction. This is the road frontage.  
634  
635 LARRY O'SULLIVAN: Mm-hmm.  
636  
637 JIM SMITH: So I would say it's not behind any...anything.  
638  
639 JEFF BRUNELLE: It's to the right of what I consider the front. Like I...I consider that the side of my house  
640 for some reason.  
641  
642 JIM SMITH: Yeah.  
643  
644 LAURA ARONSON: May I speak again?  
645  
646 JIM SMITH: Sure.  
647  
648 LAURA ARONSON: Thank you. I believe this would be highly visible from Boyd Road and it would not  
649 only impact me but the neighbors across the street because I can't see how it could not be visible. The  
650 fence that...I know he's got a fence across your driveway, you have that fence you sometimes close. You  
651 often leave open, and there is not another fence there. There are some trees, but I still believe that this  
652 would be an eyesore.  
653  
654 JIM SMITH: Okay, that leads to another question. How tall is your fence?  
655  
656 JEFF BRUNELLE: Six (6) feet, I believe.  
657  
658 JIM SMITH: How does a six (6) feet fence fit on the front, Richard?  
659  
660 RICHARD CANUEL: I don't understand your question. How...?  
661  
662 JIM SMITH: Is that considered a structure or not?  
663  
664 RICHARD CANUEL: Well, no because I'm sure that fence was installed before we had our fence  
665 provisions in our ordinance, so...I wouldn't make an issue of that, myself.  
666  
667 NEIL DUNN: I'm looking at the GIS card and it shows...or the...  
668  
669 JAYE TROTTIER: Assessor.  
670  
671 LARRY O'SULLIVAN: Assessor's.

672

673 NEIL DUNN: Assessor's card, excuse me, and the house is a very modern looking house, so to me, the  
674 "L" shape is not putting a whole lot of frontage there. It...like I said, if you put a big barn up, then  
675 probably people wouldn't think about it. He appears to be a car collector, not a mechanic. When we  
676 look at some of the big other buildings where we see they have big, huge garage doors ten feet high and  
677 the higher ceilings, I mean, it kind of lends itself to maybe being more than a...a different type of  
678 structure, so I don't know.

679

680 JIM SMITH: Okay.

681

682 LARRY O'SULLIVAN: We have some dealers, automobile dealers in town that don't have that many  
683 garages.

684

685 NEIL DUNN: Right. Yeah, no, I understand that but we also have some large houses that have a lot of  
686 rooms, too, that most houses don't have. Where do you draw the line?

687

688 LARRY O'SULLIVAN: That's the point.

689

690 NEIL DUNN: Yeah, no, I know. And I'm just saying, where do you draw it?

691

692 JIM SMITH: Okay...

693

694 NEIL DUNN: I'm comfortable with the look and the "L" shape gives it a limited space and he has  
695 collectible cars as opposed to...

696

697 JIM SMITH: Okay, I'd like to open it up to anybody who's either in favor or opposition. Whoever has any  
698 other additional comments. Is there anyone? Okay. So we covered that point. Has the Board got any  
699 additional questions? Comments? If not, we'll close the hearing and take this under deliberations.

700

701 DELIBERATIONS:

702

703 LARRY O'SULLIVAN: This is just administrative decision, too, so it's...

704

705 JIM SMITH: Right, we're deciding whether or not Richard's interpretation was, in fact, correct...of the  
706 zoning ordinance of what an accessory building should be.

707

708 JAMES TOTTEN: The tough part I have is that if I try to envision this with six (6) garages, right? There's  
709 already a three (3) bay garage on there. You can envision that you would look at that lot and just see  
710 garage. And the house would be dwarfed. And that's the whole subordinate and accessory piece that I  
711 struggle with. But I have the same sympathy that Mr. Dunn conveys. It would be big.

712

713 JIM SMITH: No question about it.


714

715 JAMES TOTTEN: And in addition to another accessory building, the three (3) car garage that's already  
716 there.



717  
718 JEFF BRUNELLE: If you look at the size of the house, the footprint of the house...  
719  
720 JIM SMITH: No, no, sir.  
721  
722 JEFF BRUNELLE: Oh, I'm sorry, it's closed?  
723  
724 JIM SMITH: You're cut off at this point.  
725  
726 JEFF BRUNELLE: Sorry.  
727  
728 LARRY O'SULLIVAN: Are you in the section for accessory structures now or...?  
729  
730 JIM SMITH: Yeah, I'm just kinda looking at definitions. I think the main things it says "incidental to,"  
731 "subordinate to" and "customarily found in conjunction with the principle use".  
732  
733 LARRY O'SULLIVAN: Well, I believe our zoning intent isn't to allow that type or that huge a device or a  
734 building in the Art-I zone for accessory uses. It's out of character with the neighborhood.  
735  
736 NEIL DUNN: And the definition.  
737  
738 JIM SMITH: Okay. Would someone care to make a motion?  
739  
740 LARRY O'SULLIVAN: We didn't hear anything from that end of the table.  
741  
742 JAMES TOTTEN: I kicked the whole thing off.  
743  
744 JIM SMITH: He started it. Jay? Any comments?  
745  
746 JAY HOOLEY: No. I do understand it's, you know, what do you do? But at the same time...  
747  
748 NEIL DUNN: Yeah, it's...  
749  
750 JAY HOOLEY: The "accessory," "customarily found," I guess, you know, six (6) bays on top of the three  
751 (3) in front is not customarily found.  
752  
753 NEIL DUNN: No, and I agree with that after looking at that terminology. I guess it's just...you have to get  
754 creative at times to...  
755  
756 JAY HOOLEY: Yeah, no, I...  
757  
758 NEIL DUNN: Absolutely. Yeah.  
759

760 JAY HOOLEY: You know, I...my heart goes out to him. I wish, you know, but it's not just the aesthetics.  
761 It's just that's...footprint-wise certainly begins to...there's more footprint of garage on that property than  
762 there is footprint of home.  
763  
764 JIM SMITH: Right.  
765  
766 JAY HOOLEY: In totality. So that's not incidental.  
767  
768 JIM SMITH: It's supposed to be subordinate and incidental.  
769  
770 JAY HOOLEY: And incidental.  
771  
772 LARRY O'SULLIVAN: Richard, in order...could Mr. Brunelle put in fourteen (14) or twelve Quonset huts?  
773 You know, those upside down U's that are...  
774  
775 RICHARD CANUEL: Sure he could. Yeah.  
776  
777 LARRY O'SULLIVAN: Okay, and that...he wouldn't even have to come here?  
778  
779 RICHARD CANUEL: No.  
780  
781 LARRY O'SULLIVAN: Imagine having to look at that all day.  
782  
783 RICHARD CANUEL: No thanks.  
784  
785 JIM SMITH: Well, would someone care to make a motion?  
786  
787 LARRY O'SULLIVAN: I make a motion to deny...or, I'm sorry, to approve...sorry...  
788  
789 NEIL DUNN: Yeah, how do you word that one right?  
790  
791 LARRY O'SULLIVAN: Word this one right. To confirm the...our inspector...  
792  
793 JIM SMITH: You want to grant the relief.  
794  
795 LARRY O'SULLIVAN: Grant the relief? Thank you.  
796  
797 JIM SMITH: Yeah.  
798  
799 NEIL DUNN: No, you don't wanna grant it.  
800  
801 LARRY O'SULLIVAN: Oh. No, we wanna support the administrative decision.  
802  
803 NEIL DUNN: You'd wanna deny it.  
804

805 JIM SMITH: You'd deny the request.  
806  
807 LARRY O'SULLIVAN: So we're denying the relief.  
808  
809 JAY HOOLEY: No...  
810  
811 JIM SMITH: No, wait a minute. He's requesting a relief of administrative decision.  
812  
813 NEIL DUNN: Right.  
814  
815 LARRY O'SULLIVAN: And so we're denying the relief.  
816  
817 JAY HOOLEY: Or you're moving that the Board deny the appeal of the administrative decision, number  
818 5/16/2012-4...  
819  
820 LARRY O'SULLIVAN: And I'll second that.  
821  
822 JAY HOOLEY: ...because the structure does not meet the spirit and intent of being subordinate and  
823 incidental, too.  
824  
825 LARRY O'SULLIVAN: And I'll second that.  
826  
827 JIM SMITH: All those in favor?  
828  
829 LARRY O'SULLIVAN: Aye.  
830  
831 JAY HOOLEY: Aye.  
832  
833 JAMES TOTTEN: Aye.  
834  
835 NEIL DUNN: Aye.  
836  
837 JIM SMITH: Aye.  
838  
839 RESULT: THE MOTION TO DENY CASE NO. 5/16/2012-4 WAS APPROVED, 5-0-0.  
840  
841  
842 RESPECTFULLY SUBMITTED,  
843  
844   
845  
846  
847 NEIL DUNN, CLERK  
848 TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

849

850 **APPROVED AUGUST 15, 2012** WITH A MOTION MADE BY LARRY O’SULLIVAN, SECONDED BY NEIL DUNN  
851 AND APPROVED 4-0-1 WITH MATT NEUMAN ABSTAINING AS HE HAD NOT ATTENDED THE MEETING.