

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

DATE: SEPTEMBER 16, 2009

CASE NO.: 9/16/2009-1

APPLICANT: JENNIFER D. AND MARC A. RANKIN
7 ALLISON LANE
LONDONDERRY, NH 03053

LOCATION: 7 ALLISON LANE, 16-30-4, AR-I

BOARD MEMBERS PRESENT: YVES STEGER, ACTING CHAIR
NEIL DUNN, VOTING MEMBER
JIM SMITH, VOTING MEMBER
MATTHEW NEUMAN, VOTING ALTERNATE
MICHAEL GALLAGHER, NON-VOTING ALTERNATE
JOE GREEN, NON-VOTING ALTERNATE
LARRY O'SULLIVAN, CLERK

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

REQUEST: AREA VARIANCE TO ALLOW THE KEEPING OF
LIVESTOCK ON A LOT IN THE AR-I ZONE WITH LESS
THAN TWO ACRES AS REQUIRED BY SECTION 2.3.1.4.1.

PRESENTATION: Case no. 9/16/2009-1 was read into the record with no previous cases listed.

YVES STEGER: Who would be presenting for the applicant? Please come in and...

JENNIFER RANKIN: I'm Jennifer Rankin and I live at 7 Allison Lane and we are the homeowners and we're actually just requesting to have poultry at the residence. I don't know if there's a difference between all of livestock or just poultry. So I just read this, right?

YVES STEGER: Yes, if you could just explain, first explain in general what you wanted to do and why you think you need a variance and then what is very important to us is that you go into what we call the five (5) points of law that need to be met for us to approve any request.

JENNIFER RANKIN: Okay. Basically, we live in Londonderry, we've owned our house about twelve (12) years. We thought that we had almost three (3) acres of land when we got chickens. We had them about five (5) months and then we were gonna start to build a coop and we went

46 into the Building Inspector to apply for our coop permit and he said 'you can't have chickens,
47 you don't have two (2) acres of land.' And we started looking into things because our
48 documents...we couldn't find what we thought we had, obviously. And I think we just
49 misunderstood. Instead of it being...we thought we had two point eight (2.8), it was about one
50 point eight (1.8). There's a right of way that is next to our property that the people that owned
51 our house previously did purchase, so that's why I say it's a little bit over an acre and a half. So,
52 we've had the chickens about six (6)...well, probably close to a year now and we would just like
53 to keep them. We have fourteen (14) chickens. So, the proposed...want me to go into the law?
54 If I can go into these cases now?

55
56 YVES STEGER: Yes, please.

57
58 JENNIFER RANKIN: Okay. So, the facts that support this request. The proposed use would
59 not diminish surrounding property values because livestock is permitted in the AR-I zone. The
60 only difference is a half (1/2) an acre of land which would meet the dimensional requirements.
61 The chickens are a significant distance from surrounding homes and would not disturb abutters
62 in terms of sight, noise or smell. The closest house to the east, south and north are over two
63 hundred (200) feet away and there is a fifty (50) foot right of way wooded area between the
64 Derry border and our lot. Our lot is actually on the line, the town line, so our neighbors live in
65 Derry. Well, one (1) of them does. And there is a twenty five (25) wooded area between our
66 Londonderry neighbor. In addition, Derry has no minimum size lot requirements for livestock,
67 so that those properties would suffer no loss in terms of property value. I do believe that that
68 may have changed within the last week, that Derry changed to have one (1) acre of land to have
69 livestock. Granting the variance would not be contrary to the public interest because in the ZBA
70 handout, on page two (2), it states that New Hampshire courts have interpreted this to mean
71 that no harm will be caused to the public interest by granting the variance. As stated before,
72 livestock is permitted in the AR-I zone. The chickens pose no disturbance with regards to sight,
73 noise or smell because of the distance to surrounding residences and the significant buffer on all
74 sides of the property. Therefore, the interest of the public is not compromised in any way. An
75 area variance is needed to enable the applicant's proposed of the property, given the following
76 special conditions of the property. On page four (4) of the ZBA handout, the special conditions
77 require that the applicant demonstrate that its property is unique in its surroundings. Our lot is
78 unique in compared to the surrounding lots. Number one (1), because we're on a cul de sac,
79 which acts as a buffer to the south and east sides of our lot. Number two (2), there is a fifty (50)
80 foot right of way, which we own half off, which is not included in our one point five (1.5) acres
81 and that it also is a wooded area and acts as a buffer to our Derry border. Number three (3) is
82 the directly abutting lot to the east is in Derry, which has no size restrictions for livestock.
83 Number four (4), our lot is larger than the other lots on Allison Lane by approximately half (1/2)
84 an acre and their residence are much closer in proximity, where our lot is set apart significantly
85 from the rest of the development. Our property is on a downward slope and the chickens are
86 towards the bottom of the hill and are barely visible from the road. The benefit sought by the
87 applicant cannot be achieved by some other method reasonably feasible for the applicant to
88 pursue other than an area variance because on page four (4) of the ZBA handout states that
89 other reasonable feasible methods include a consideration of whether the area variance is
90 required to avoid an undue financial burden on the applicant, which includes the examination

91 of a relative expense of alternative methods. The hen house is already in the best possible
92 location in order to avoid impacting the surrounding properties. The only alternative is to
93 purchase land from an abutter, which we are not in a financial position to do, even if an abutter
94 were willing to sell to us. Granting the variance would do substantial justice because according
95 to the ZBA handout, this can be interpreted as saying that an injustice occurs when any loss to
96 the individual is not outweighed by the gain to the general public. The loss of our abilities to
97 have chickens on a private, one and a half (1 ½) acre lot would be greater than a gain to the
98 general public that would occur if we were to remove them. The impact to the surrounding
99 property homeowners is negligible or nonexistent. Therefore, the public does not gain
100 anything significant, where if we lose our ability to benefit from the use of livestock, we would
101 have to make arrangements to find either homes for the chickens or destroy them. They are our
102 family pets and our children would suffer greatly from the loss. We also enjoy fresh eggs from
103 them. Beyond the abutters, there would be no other gain to the general public at all to remove
104 the chickens. The use is not contrary to the spirit of the ordinance because the spirit and the
105 intent of the two (2) acre requirement for livestock is to prevent impact by way of sight, noise
106 and smell to the abutting properties. Because the adequate buffer on all sides and the
107 significant distance to the nearest home, keeping our chickens would not create any of these
108 issues. Except for the lack of half (½) an acre, the use is consistent with the overall intent of the
109 ordinance in the AR-I zone. The lack of the half (½) acre is offset by the adequate separation
110 and wooded buffer we have maintained from all abutters.

111

112 YVES STEGER: Thank you. Are there any questions from the Board?

113

114 MICHAEL GALLAGHER: As I go further down here, I notice the letter that was sent out.
115 How did that come about? Who brought it to whose attention or is it something you went for a
116 permit for and then were told about the restrictions?

117

118 JENNIFER RANKIN: So, when we were at the Town Hall, in the Building Inspector, we had
119 paid the twenty five (25) dollars for the permit to build the coop. We had told them that we
120 would come back because we needed to figure out what it was. I had visited a couple days after
121 my husband and I had just said we would build a shed and that was it and I left. So, the
122 Building Inspector had it opened, because we had paid the twenty five (25) dollars, so he had
123 come down to check things out and he noticed the chicken coop and he did submit the letter to
124 us. But he had come and spoken to us first.

125

126 MICHAEL GALLAGHER: So this had come about by the process of you folks going for a
127 permit?

128

129 MARC RANKIN: Yes.

130

131 JENNIFER RANKIN: Yes.

132

133 MICHAEL GALLAGHER: And did you say you told them it was for a shed or...?

134

135 MARC RANKIN: Nope, we told him it was for a chicken coop and a shed.

136
137 MICHAEL GALLAGHER: Okay. Alright.
138
139 JENNIFER RANKIN: Yeah, actually, it's a half (1/2) shed and the half (1/2) coop on the backside.
140
141 MICHAEL GALLAGHER: Okay.
142
143 YVES STEGER: Seeing the letter, that it says a size of two hundred and eight (208) by a
144 hundred twenty eight (128). These are not feet, correct?
145
146 MARC RANKIN: Twenty (20) feet by twelve (12).
147
148 JENNIFER RANKIN: The shed?
149
150 MARC RANKIN: The shed itself.
151
152 YVES STEGER: Oh, twenty (20) by...okay.
153
154 MICHAEL GALLAGHER: Twenty (20) by twelve (12).
155
156 Jrrr ...is it, maybe?
157
158 YVES STEGER: Yup, okay. Sorry.
159
160 JIM SMITH: In your presentation, you mentioned that you own half (1/2) of that road right of
161 way. Have you thought about consolidating that into your lot so that you would actually
162 increase it to the one point eight (1.8)?
163
164 JENNIFER RANKIN: I don't think it would...
165
166 JIM SMITH: It would get it closer.
167
168 JENNIFER RANKIN: Yes, it would get it closer and I did speak to somebody about a month
169 ago about doing that and he had just explained the legal fees involved in that and so,
170 eventually, we will go down that road because I thought it had already been included, because
171 when we purchased the house, they had told us that they had done that, so I'm not even sure
172 what's on record. And there is one (1) piece of property very far behind ours that isn't even
173 remotely close to the chicken coop that possibly we could speak to those people about buying.
174 They live in Derry and it's kind of funky living on the town line.
175
176 JIM SMITH: Okay, the point I was getting to is it'd be less of an insult to the zoning regulation
177 if it was one point eight (1.8) versus the one point five (1.5).
178
179 JENNIFER RANKIN: [inaudible]...have that road?
180

181 JIM SMITH: That would be to your advantage.
182
183 MARC RANKIN: Right.
184
185 JENNIFER RANKIN: Yes.
186
187 YVES STEGER: Richard, do you know, do we have other chicken coops in Londonderry?
188
189 RICHARD CANUEL: Yeah, we do. We do have other properties that have poultry type
190 livestock, yes.
191
192 YVES STEGER: What size are they?
193
194 RICHARD CANUEL: I couldn't tell you off the top of my head. But, you know, I'm sure they
195 meet the two (2) acre requirement, otherwise we'd have an enforcement issue as we do here...
196
197 YVES STEGER: No, I understand. The point I'm trying to make is that if I have a chicken coop
198 with one (1) chicken over one (1) acre...
199
200 RICHARD CANUEL: Oh, okay.
201
202 YVES STEGER: ...or one (1) with two thousand (2,000) chickens over two (2) acres, what would
203 be the limit that would be allowed within the two (2) acres?
204
205 RICHARD CANUEL: There is no limit from our ordinance.
206
207 YVES STEGER: I could have ten thousand (10,000) over two (2) acres?
208
209 RICHARD CANUEL: Sure, of course you could. Yeah.
210
211 YVES STEGER: I'm trying to go to the spirit of the ordinance, obviously.
212
213 RICHARD CANUEL: Mm-hmm.
214
215 YVES STEGER: If I have two thousand (2,000) or ten thousand (10,000), it becomes a lot of noise
216 and smell and other things and fourteen (14) is actually...
217
218 RICHARD CANUEL: Yeah, that's the true spirit of the ordinance.
219
220 YVES STEGER: ...pretty benign and I'm trying to look for the spirit of the ordinance here.
221
222 RICHARD CANUEL: Yeah, the spirit of the ordinance is to reduce the nuisance. Sound, smell,
223 those sort of things.
224
225 YVES STEGER: Okay.

226
227 JIM SMITH: In fact, that would be the limiting factor.
228
229 RICHARD CANUEL: Yes.
230
231 JIM SMITH: Right.
232
233 YVES STEGER: Yeah, I would guess.
234
235 JIM SMITH: Richard? Is there a requirement on the distance for the poultry from the lot lines?
236
237 RICHARD CANUEL: Yeah, any pen or enclosure is supposed to be at least twenty five (25)
238 feet from the property line. You know, that's one (1) restriction to help limit the nuisance.
239
240 JIM SMITH: So, they do, in fact, meet that.
241
242 RICHARD CANUEL: Yeah, they certainly meet that. Yeah.
243
244 YVES STEGER: Other questions?
245
246 NEIL DUNN: I always go back to our property cards that we have here on file and it says "one
247 (1) acre," so, looking at a sketch we have and the computerized property file, without a certified
248 plot plan, do we go with an acre or do we go with an acre and a half?
249
250 LARRY O'SULLIVAN: Richard, what do you have from our records?
251
252 RICHARD CANUEL: I have the same information you have.
253
254 LARRY O'SULLIVAN: Of one (1) acre?
255
256 RICHARD CANUEL: That says one (1) acre, yes.
257
258 JENNIFER RANKIN: I mean, I have different...the book that I looked at said one point five
259 (1.5). Upstairs.
260
261 RICHARD CANUEL: Yeah. I just have the, you know, the assessing card information here and
262 that also says one (1) acre, so...
263
264 JIM SMITH: The subdivision plan that's in here shows one and a half (1 ½), though.
265
266 RICHARD CANUEL: Yeah.
267
268 MATT NEUMAN: Yeah, but that's not a certified...
269
270 JENNIFER RANKIN: I mean, I have our mortgage paper. I don't know if you want to see that.

271
272 MATT NEUMAN: That's a plot plan. It shows one point five (1.5).
273
274 MICHAEL GALLAGHER: Given the square footage...
275
276 JIM SMITH: No, that's...a mortgage inspection plan.
277
278 MATT NEUMAN: Yeah, it's used for...
279
280 JIM SMITH: Yeah, that's what I got here on the screen.
281
282 JENNIFER RANKIN: Yeah, but yours says one (1)?
283
284 JIM SMITH: No, this says one point five (1.5).
285
286 JENNIFER RANKIN: Oh, okay.
287
288 JIM SMITH: What he's suggesting is the assessing card is showing one (1).
289
290 MATT NEUMAN: Well, it's easy enough to verify.
291
292 YVES STEGER: Yeah.
293
294 MATT NEUMAN: Give me one second. I'll do that.
295
296 [pause of approximately fifteen (15) seconds]
297
298 YVES STEGER: That's what I was trying to find.
299
300 MATT NEUMAN: The internet.
301
302 JIM SMITH: Yeah, you can't pull the keyboard up here.
303
304 MATT NEUMAN: I know. I like to make it difficult.
305
306 JIM SMITH: Yeah, well...
307
308 [pause of approximately fourteen (14) seconds]
309
310 LARRY O'SULLIVAN: Matt, are you gonna keep that?
311
312 MATT NEUMAN: Just for one second.
313
314 LARRY O'SULLIVAN: Okay, I didn't know if we need to mark it.
315

316 JIM SMITH: Is that your only copy of that?
317
318 JAYE TROTTIER: If that's their only copy...
319
320 JIM SMITH: Yeah.
321
322 JAYE TROTTIER: We don't...
323
324 JENNIFER RANKIN: I have a couple copies of this one from...does that help? No?
325
326 MATT NEUMAN: It shows one point five (1.5). That was the subdivision plan that was
327 approved.
328
329 JIM SMITH: Yeah, that's...
330
331 MATT NEUMAN: Back in '77, looks like.
332
333 YVES STEGER: Let's use one point five (1.5) for...
334
335 NEIL DUNN: Okay, I just...when...
336
337 LARRY O'SULLIVAN: Well, we've always gone by what the tax cards say.
338
339 YVES STEGER: Yeah, that's right.
340
341 NEIL DUNN: Do you want to look? I'm sorry.
342
343 JIM SMITH: Do you have a copy of your deed?
344
345 JENNIFER RANKIN: No, I didn't bring one.
346
347 LARRY O'SULLIVAN: Did you say you own the right of way?
348
349 JENNIFER RANKIN: We own half of it. Our neighbors that live in Derry and the man that
350 owned it before us, they bought it and then it was split. So, they technically own half (1/2) of an
351 acre. So, and also, we've spoken to them about possibly purchasing their portion of the right of
352 way, but they, being on the town line, part of the, like, trash pickup, recyclables, the mail, part is
353 Derry and part is Londonderry, so they wanted to keep that for that reason.
354
355 MICHAEL GALLAGHER: So that home to the right of that right of way is in Derry?
356
357 JENNIFER RANKIN: Yes.
358
359 MARC RANKIN: Right. Right behind you, where you were looking.

360
361 JENNIFER RANKIN: So, the whole right of way is in Londonderry. The town line goes right
362 down the side.
363
364 MICHAEL GALLAGHER: So the home right across on the cul de sac, right, that's Derry?
365
366 MARC RANKIN: That's Derry, yes.
367
368 MICHAEL GALLAGHER: Alright.
369
370 JOE GREEN: Thirty dash nine (30-9)?
371
372 MICHAEL GALLAGHER: Yeah, that's what I was looking at. Yeah.
373
374 MATT NEUMAN: Is there a house on that lot behind you?
375
376 JENNIFER RANKIN: No.
377
378 MATT NEUMAN: No?
379
380 MARC RANKIN: I don't think...no.
381
382 JENNIFER RANKIN: Behind us? Yeah, no.
383
384 MICHAEL GALLAGHER: Yeah, that's thirty nine (39) [inaudible].
385
386 JENNIFER RANKIN: It backs up to...the people in Derry have these really long lots and the
387 back portion of their land is in Londonderry.
388
389 MATT NEUMAN: Okay.
390
391 YVES STEGER: See? These are all the houses.
392
393 MATT NEUMAN: Mm-hmm.
394
395 YVES STEGER: See the...and these are the closest ones?
396
397 MATT NEUMAN: Mm-hmm.
398
399 YVES STEGER: And these...
400
401 MATT NEUMAN: Yeah, I was just concerned about that lot right there.
402
403 JAYE TROTTIER: You can look up the deed online.
404

405 YVES STEGER: Okay. More questions?
406
407 JOE GREEN: Yeah, have we had any...somebody said that there was no letters to the Board?
408
409 YVES STEGER: No.
410
411 JOE GREEN: So that would mean that 30-3 has not said that it's been a problem for the past
412 year, six (6) months?
413
414 YVES STEGER: They may be in the audience. We don't know yet.
415
416 JOE GREEN: Okay.
417
418 YVES STEGER: But there was no formal letter.
419
420 MATT NEUMAN: Did you have any plans to have more chickens than what you have now?
421
422 JENNIFER RANKIN: Chickens don't live very long. They live about two (2) years and then we
423 would probably, when they left or stopped laying eggs, we would probably get a few more to
424 replace it but we wouldn't have more than...
425
426 MATT NEUMAN: And what do you do with the chickens once they've expired?
427
428 JENNIFER RANKIN: I don't know yet.
429
430 MARC RANKIN: We haven't gotten to that point yet.
431
432 JENNIFER RANKIN: Find a farm somewhere to...to give them to. I don't know if we could kill
433 them, so, I'm not sure.
434
435 MATT NEUMAN: So you don't have any plans of slaughtering the chickens?
436
437 MARC RANKIN: No. That's not on top of our list.
438
439 YVES STEGER: They mentioned pets.
440
441 MATT NEUMAN: Well, I know, but...
442
443 YVES STEGER: You don't slaughter pets, you know?
444
445 JENNIFER RANKIN: Yeah, we have three (3) young kids, so...
446
447 YVES STEGER: You slaughter livestock, but not pets.
448
449 MATT NEUMAN: Dogs and cats aren't as tasty as chickens, so...

450
451 YVES STEGER: So you would not have, for example, a problem, should we approve, to make a
452 maximum to the number of chickens you would...?
453
454 MARC RANKIN: Oh, no.
455
456 JENNIFER RANKIN: Nope, that would be fine.
457
458 YVES STEGER: ...you would be allowed to have?
459
460 MARC RANKIN: That would be fine with us.
461
462 YVES STEGER: Okay.
463
464 JIM SMITH: How many chickens do you currently have?
465
466 JENNIFER RANKIN: Fourteen (14).
467
468 MARC RANKIN: Fourteen (14).
469
470 JIM SMITH: Fourteen (14)?
471
472 JENNIFER RANKIN: I have a little picture of it. It's not a great picture, but, they're just in a,
473 you know, chickens don't need a lot of space.
474
475 MATT NEUMAN: Do you name the chickens?
476
477 JENNIFER RANKIN: Oh, no.
478
479 [laughter]
480
481 JENNIFER RANKIN: 'Cause then when they go missing, the kids would know.
482
483 MATT NEUMAN: Yeah.
484
485 JENNIFER RANKIN: But it's very, you know...
486
487 JIM SMITH: Yeah. Yeah.
488
489 JENNIFER RANKIN: ...the pen is what, twelve (12) by ten (10)?
490
491 MARC RANKIN: Twelve (12) by...
492
493 MICHAEL GALLAGHER: Twenty (20).
494

495 MARC RANKIN ...yeah, about twenty (20), yeah. Well, no, the pen itself, it's...
496
497 JENNIFER RANKIN: The outside.
498
499 MICHAEL GALLAGHER: Oh, the pen.
500
501 JENNIFER RANKIN: There's an outside half...
502
503 MARC RANKIN: ...about twelve (12) by fifteen (15) or so.
504
505 MICHAEL GALLAGHER: Oh, I see.
506
507 JENNIFER RANKIN: And then there's inside.
508
509 MARC RANKIN: We have inside and outside.
510
511 JOE GREEN: What would be the maximum amount of chickens that could live in that?
512
513 MARC RANKIN: Oh, I bet you we could have...
514
515 LARRY O'SULLIVAN: We have that picture, thank you.
516
517 JENNIFER RANKIN: Oh, it was in there, sorry.
518
519 NEIL DUNN: That's alright.
520
521 LARRY O'SULLIVAN: Mm-hmm.
522
523 MARC RANKIN: ...twenty (20) or thirty (30) chickens. But I, you know, we're not gonna have
524 that many, anyways.
525
526 JIM SMITH: So if we put a limit of, say, fifteen (15) chickens, you'd be...
527
528 JENNIFER RANKIN: Happy with that. Yes.
529
530 JIM SMITH: ...happy with that?
531
532 MARC RANKIN: Happy with that, yeah.
533
534 LARRY O'SULLIVAN: Yves, Jaye has looked up on the county register the lot in question and it
535 is one point five (1.5) acres.
536
537 YVES STEGER: One point five (1.5)? Okay. So, essentially, the statements that we heard, one
538 point five (1.5), plus a little bit because of the right of way, is what we should use for our
539 deliberation. Sounds good. Okay. Is there anybody in the audience that would like to speak in

540 favor of the applicant? Seeing none, anybody else that would be opposed or would have
541 questions?

542
543 CHRISTOS NIKOLAIDIS: I have a question.

544
545 YVES STEGER: Please, can you approach the microphone, state your name and address?
546

547 CHRISTOS NIKOLAIDIS: My name is Christos Nikolaidis. I have the property on 5 Allison
548 Lane which abuts the Rankin's. I'm not sure what the number is for that property. The chickens
549 have been there for, you know, as long as they have said. So I have no issue with the noise or
550 the smells or anything like that. It's been okay, because I'm the only house that's kind of close
551 to it. It's kind of out of the way so it's not a, you know, a sight issue or anything like that. The
552 only reason why I'm here and I'm asking the question is to the line of your questioning, you
553 know, what the extent is, not just for the owners right now but for the future owners. So if
554 somebody else comes in and they have the right to have livestock on the property, are we
555 talking about cows, cattle, are we talking about horses, are we talking about a thousand
556 chickens? So, it's the same, you know, to your concern as well. So, what I would request is that
557 this wording of the variance that states the limits of what can exist on the property. Does that
558 make sense?

559
560 MARC RANKIN: Yup.

561
562 MATT NEUMAN: Absolutely.

563
564 CHRISTOS NIKOLAIDIS: Otherwise, I'm in favor. It's not an issue at all.

565
566 YVES STEGER: Thank you, sir.

567
568 JENNIFER RANKIN: Is the variance to the property or is it to the people that own the
569 property?

570
571 YVES STEGER: Property.

572
573 MICHAEL GALLAGHER: The property.

574
575 JIM SMITH: Property. And it runs...

576
577 LARRY O'SULLIVAN: And it's forever.

578
579 YVES STEGER: And it's forever.

580
581 LARRY O'SULLIVAN: So, unless we put a restriction on it or can be very specific...

582
583 JENNIFER RANKIN: The people that own it after us...

584

585 LARRY O'SULLIVAN: Right.
586
587 JENNIFER RANKIN: Yeah.
588
589 LARRY O'SULLIVAN: And as Mr. Nikolaidis has mentioned, we have to be very specific about
590 what we will and won't allow. Can I ask another question, though?
591
592 YVES STEGER: Sure.
593
594 LARRY O'SULLIVAN: Sure, okay. You have a shed on, that I see anyway, on the lot. Is it
595 anywhere near twenty five (25) feet to a property line?
596
597 MARC RANKIN: Not even close.
598
599 LARRY O'SULLIVAN: Okay.
600
601 JENNIFER RANKIN: It's...
602
603 MARC RANKIN: I'd say it's about sixty (60) feet to the back property line and at least two
604 hundred (200) feet to everybody else.
605
606 JENNIFER RANKIN: And I think it's over a hundred, yeah.
607
608 MICHAEL GALLAGHER: I was out there. It's...
609
610 LARRY O'SULLIVAN: You can't see property lines, though, when you're out there.
611
612 MICHAEL GALLAGHER: That's true. There's a pretty good buffer.
613
614 LARRY O'SULLIVAN: They don't have those nice little yellow lines running right down...
615
616 JENNIFER RANKIN: I kind of used your GIS mapping tool...
617
618 LARRY O'SULLIVAN: Mm-hmm.
619
620 JENNIFER RANKIN: ...and it's approximately a hundred and sixty two (162) feet to the
621 property in Londonderry and to the other side, I think it was a hundred and...about a hundred
622 and forty (140). And to the back, it was, I think, about fifty (50). But to the people that own the
623 property on the main street, so, they're like three (3) houses down on the main street, not even
624 on Allison Lane, on...
625
626 MARC RANKIN: Old Manchester.
627
628 JENNIFER RANKIN: On Old Manchester Road. Their property is very long and it borders the
629 whole back of our property. And their house is towards the front so what's behind us is...

630

631 JOE GREEN: I just wanted to call to the attention of the Board, page eighteen (18), a nice aerial
632 view that shows you the proximity of all the other buildings.

633

634 YVES STEGER: Mm-hmm.

635

636 JOE GREEN: A nice aerial view.

637

638 YVES STEGER: Okay. Anybody else in the audience that has questions or is opposed? Please
639 state your name, address.

640

641 HEATHER TAYLOR: My name is Heather Taylor, I live on 10 Old Derry Road. I'm actually the
642 lot that they're talking about that live, like, we live...and the woods are right behind us, yes. So
643 we typically don't have a problem with the chickens. We don't hear them or anything but that
644 was my concern as well was making sure that the ordinance is limited so that nothing else is
645 included in the livestock. And also limits the amount of chickens that they can have. That's my
646 only concern.

647

648 YVES STEGER: Thank you.

649

650 HEATHER TAYLOR: Yup.

651

652 LARRY O'SULLIVAN: Is there a rooster there now?

653

654 JENNIFER RANKIN: No. There was when we first got them and we quickly got rid of him.

655

656 LARRY O'SULLIVAN: Okay, that would probably be one of the limitations that we...or
657 restriction that we would insist upon.

658

659 YVES STEGER: Okay. Anybody else?

660

661 CHRISTOS NIKOLAIDIS: Can I...?

662

663 YVES STEGER: Please go ahead, sir.

664

665 CHRISTOS NIKOLAIDIS: Besides the stuff that we just discussed, is there a way to limit it to
666 the existing structure instead of expanding or anything like that? And again, for future owners.
667 I'm not concerned that the current owners are gonna do anything like that, but for future
668 owners, so they won't be building another shed right next to it with, you know, chickens or
669 something, that gets closer to my property. 'Cause at this point, it's fine, the way it is.

670

671 YVES STEGER: Mm-hmm.

672

673 CHRISTOS NIKOLAIDIS: Thank you.

674

675 YVES STEGER: Okay. Any more questions from the Board before we get into the deliberation?
676 Yeah? No? No? Okay, the case will be taken into deliberation at this time, so there's no more
677 questions. You're free to stay around...

678
679 MARC RANKIN: Thank you.

680
681 YVES STEGER: ...until we make a decision.

682
683 JAYE TROTTIER: Here's your plot plan if you want it.

684
685 DELIBERATIONS:

686
687 YVES STEGER: Okay. Opinions?

688
689 MATT NEUMAN: Well, the way it is currently, I don't feel that it's diminishing the
690 surrounding property values.

691
692 YVES STEGER: Okay.

693
694 MATT NEUMAN: I think the abutters...

695
696 YVES STEGER: Yeah, that's right. Why don't you go through the five (5) points of law?

697
698 MATT NEUMAN: Well, why don't I?

699
700 YVES STEGER: Yeah. Anybody disagree with the impact on the property value?

701
702 [no audible response]

703
704 YVES STEGER: Okay.

705
706 MATT NEUMAN: As far as not being contrary to the public interest...I think with restrictions,
707 we can keep it to not being contrary. I think the issue as far as having thousands of chickens
708 and raising them is quite valid and we need to make sure that we limit it.

709
710 LARRY O'SULLIVAN: We could limit the current coup, we could limit the current location, I
711 mean there's...

712
713 MATT NEUMAN: Yeah.

714
715 LARRY O'SULLIVAN: As a matter of fact, what we've done in the past is we've limited it to the
716 existing poultry or existing livestock only so that when they did die, they weren't replaced.
717 Now, that would be, you know, a different story but we have the lots that are behind this
718 property, this...I don't know if anybody else has the maps up or not...

719
720 MATT NEUMAN: Mm-hmm.
721
722 LARRY O'SULLIVAN: But there is nothing there now in the way of structures. However, a
723 subdivision could be put in there with, you know, houses right up against the fifteen (15) foot
724 requirement that we have, so, that's why I would suggest that if we do approve this, that we
725 stick with the current location, current size, specifically.
726
727 MICHAEL GALLAGHER: No rooster.
728
729 YVES STEGER: Only chicken...
730
731 LARRY O'SULLIVAN: And only chickens...
732
733 YVES STEGER: And no more than a certain...
734
735 LARRY O'SULLIVAN: And only fourteen (14), period, you know?
736
737 YVES STEGER: Mm-hmm. Yup. Sounds good to me. Okay. Hardship. The special conditions
738 of the property.
739
740 LARRY O'SULLIVAN: That's always a tough one.
741
742 YVES STEGER: Actually, I think she did a pretty good job, but going through the...
743
744 MATT NEUMAN: Yeah.
745
746 LARRY O'SULLIVAN: Not bad, but the point is that, you know how many cul de sacs there are
747 in town? There's a ton of cul de sacs. But what they have that's different is their lot
748 arrangement.
749
750 YVES STEGER: Mm-hmm.
751
752 LARRY O'SULLIVAN: With the right of way on one side, with the cul de sac in the middle...
753
754 YVES STEGER: The bottom of the hill...
755
756 LARRY O'SULLIVAN: With the slope in the back...
757
758 MATT NEUMAN: The size of the abutter next to them.
759
760 LARRY O'SULLIVAN: Right, and the size of the existing properties close by.
761
762 MATT NEUMAN: Right.

763
764 LARRY O'SULLIVAN: That's why I think it's a bit on the unique side.
765
766 NEIL DUNN: And I think, additionally, where she mentioned abutting Derry on the one side of
767 the lot or maybe more, I'm not quite sure, and if they have less restrictions then...you know,
768 one (1) acre or nothing at this point, then...
769
770 LARRY O'SULLIVAN: Mm-hmm.
771
772 NEIL DUNN: That's kind of a unique setting to be in, I would think.
773
774 YVES STEGER: Yup.
775
776 NEIL DUNN: A special condition of the property.
777
778 YVES STEGER: Yeah.
779
780 MATT NEUMAN: And I think the downward slope definitely helps accomplish that as well.
781
782 YVES STEGER: Okay. Other methods?
783
784 MATT NEUMAN: Well, I think, you know, Jim had raised about purchasing the rest of that
785 right of way but I don't know that that does much...
786
787 JIM SMITH: Well, she said she couldn't...I was just saying if they consolidate it, then the lot
788 would, in fact, be one point-whatever it works out to be, which would be a little bit less of an
789 insult to the regulation than what the one and a half (1 ½) would be. So, it still wouldn't make it
790 but it would be closer.
791
792 LARRY O'SULLIVAN: Well, as it is, that fifty (50) foot right of way that goes through there,
793 nobody's going to be building on that.
794
795 JIM SMITH: No.
796
797 LARRY O'SULLIVAN: Right.
798
799 YVES STEGER: No.
800
801 LARRY O'SULLIVAN: And that helps to be the adequate buffer that I was talking about.
802
803 YVES STEGER: And actually...
804
805 JIM SMITH: They currently meet the required buffer of twenty five (25) feet anyway. By a
806 large margin, actually.
807

808 LARRY O'SULLIVAN: Mm-hmm.
809
810 YVES STEGER: Okay. Substantial justice?
811
812 MATT NEUMAN: It would allow them to keep their chickens, which is very important. I was
813 joking.
814
815 [laughter]
816
817 LARRY O'SULLIVAN: I think that we're talking about the spirit again as part of this, is that,
818 you know, one and a half (1 ½) plus the right of way plus the circumstances that they're in with
819 the slope and the what have you, makes it justifiable.
820
821 YVES STEGER: And then not contrary to the spirit of the ordinance. I mean, when I read it
822 first, I was thinking about, you know, five thousand chickens and I said 'oh my God, we're
823 going to have to start looking at feet and feet,' and then when I hear fourteen (14) that are pets,
824 I'm saying, you know, 'this is really not contrary to the spirit of the ordinance.' Unless
825 somebody wants to disagree with that. Okay? So, would somebody would like to make a
826 motion that would include carefully worded...
827
828 LARRY O'SULLIVAN: Restriction.
829
830 YVES STEGER: ...details, such as limited to chickens only, with a maximum, let's say fifteen
831 (15), with the current structure and at the same location. If it's not the current structure, because
832 it could fail, replaced by one that is not larger...
833
834 LARRY O'SULLIVAN: That's why I say the 'site.'
835
836 YVES STEGER: ...and it would be in the same location.
837
838 LARRY O'SULLIVAN: 'Site' and 'size.'
839
840 YVES STEGER: Okay. So, if somebody wants to make a motion?
841
842 LARRY O'SULLIVAN: I'd like to make a motion, Mr. Chairman, that we approve case
843 9/16/2009 [sic] as presented with the following restrictions: that we restrict the site of the
844 current coop and the size of the current coop to the existing and current location, only and
845 exclusively; and that we restrict the limit of number of chickens to fifteen (15); and that it is
846 chickens only that this variance is applying towards.
847
848 YVES STEGER: Thank you. Anyone would like to second this motion?
849
850 MATT NEUMAN: Second.
851
852 YVES STEGER: We have a motion by Larry and a second by Matt. Any further discussion?

853
854 LARRY O'SULLIVAN: Anybody want to make any additions to that one?
855
856 YVES STEGER: Well, I thought that was everything that...
857
858 LARRY O'SULLIVAN: Sufficient?
859
860 JIM SMITH: Yeah.
861
862 YVES STEGER: Yeah. Okay?
863
864 NEIL DUNN: Did you say 'no rooster'? Or 'chicken only...'
865
866 LARRY O'SULLIVAN: "Chickens only," yeah. Richard, would a rooster be considered a
867 chicken?
868
869 RICHARD CANUEL: Well, it's considered poultry. That would be the same, sure.
870
871 LARRY O'SULLIVAN: Well, that's why I said 'chicken.'
872
873 RICHARD CANUEL: Yeah.
874
875 YVES STEGER: Yeah.
876
877 LARRY O'SULLIVAN: Okay, then...
878
879 MATT NEUMAN: You may want to through a note...
880
881 MICHAEL GALLAGHER: I would...
882
883 LARRY O'SULLIVAN: Then I would make an amendment and I would appreciate the second
884 to the amendment, too, is that and no roosters be allowed on the lot.
885
886 MATT NEUMAN: I would second that.
887
888 LARRY O'SULLIVAN: At any [inaudible]. And you'll second that, Matt?
889
890 MATT NEUMAN: I will second.
891
892 YVES STEGER: We have an amended motion and an amendment second. Any further
893 discussion?
894
895 LARRY O'SULLIVAN: No.
896
897 YVES STEGER: Seeing none, all in favor, say 'aye.'

898

899 JIM SMITH: Aye.

900

901 MATT NEUMAN: Aye.

902

903 NEIL DUNN: Aye.

904

905 LARRY O'SULLIVAN: Aye.

906

907 YVES STEGER: Aye. All against, say 'nay.'

908

909 [no response in opposition]

910

911 RESULT: THE MOTION TO GRANT CASE NO. 9/16/2009-1 WITH RESTRICTIONS WAS
912 APPROVED, 5-0-0.

913

914 RESPECTFULLY SUBMITTED,

915

916

917

918 LARRY O'SULLIVAN, CLERK

919 TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

920

921 **APPROVED OCTOBER 21, 2009** WITH A MOTION MADE BY JIM SMITH, SECONDED BY
922 MICHAEL GALLAGHER AND APPROVED 4-0-1 (MATT NEUMAN ABSTAINED AS HE
923 HAD NOT ATTENDED THE MEETING).