

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

DATE: JANUARY 16, 2008

CASE NO.: 1/16/2008-1

APPLICANT: LORI A. SILVA
PO BOX 545
LONDONDERRY, NH 03053

LOCATION: 2 BUYCK AVENUE, 10-60, AR-I

BOARD MEMBERS PRESENT: MIKE BROWN, CHAIR
YVES STEGER, VOTING ALTERNATE
VICKI KEENAN, VOTING ALTERNATE
LARRY O'SULLIVAN, CLERK

REQUEST: USE VARIANCE TO ALLOW A MULTI-FAMILY DWELLING IN AN AR-I ZONE, I.E. CONVERTING AN EXISTING TWO-FAMILY DWELLING TO A THREE-FAMILY DWELLING.

PRESENTATION: CASE NO. 1/16/2008-1 WAS READ INTO THE RECORD WITH TWO PREVIOUS CASES LISTED.

MIKE BROWN: Who's presenting this application? Come on up and take a seat right here and give us your name.

LORI SILVA: My name is Lori Silva.

MIKE BROWN: Okay.

LORI SILVA: I live at 2 Buyck Ave.

MIKE BROWN: Alright.

LORI SILVA: I've been there since '97.

MIKE BROWN: Miss Silva, before you get going, we wanna let you know that we only have four (4) voting members tonight. Typically, a full board is five (5) voting members. Whenever we have less than a full board, we offer each applicant the option of proceeding forwards with the application tonight with the understanding that with a four (4) member board, you would need three (3) members to vote in affirmative to grant you the variance. If it were two (2) to two (2), the variance

would not pass. A five (5) member Board, it's simply a simple majority, three (3) to two (2) either way. So, whenever we have less than a five (5) member board, we want each applicant to understand that four (4) voting members would require three (3) affirmative votes to grant any application. So, you have the absolute right to just proceed forward knowing that you have four (4) members. You also have the option, we always give the option in this situation, to have the case continued to the following month in the hopes that we'll have a five (5) member full board. We typically do have at least five (5), if not more members available because we have, you know, full members and also alternates but tonight, due to business commitments or travel, we only have the four (4), so it's your option as to how you wanna proceed.

LORI SILVA: I'll continue.

MIKE BROWN: Okay. Great. Alright, why don't you tell us what you're, in your words, what you're looking to do and then we'll get into the actual points of your application.

LORI SILVA: What I'm looking to do is take this mobile home off the said property. Take the mobile home off the property and basically put an addition onto my home for my parents to live in. But it would include a kitchen, so, I guess you don't call it an addition. But it would include a kitchen and a bath for them. Right now, as they house stands, it's a two (2) family but from the outside, it looks like a one (1) family. You can't really tell it's two (2). The apartment is on, above the garage and the entrance is on the side of the home. So, the way it looks now is a one (1) family and there would be an addition with a small porch on the front, just extending what's there now.

MIKE BROWN: Okay.

LARRY O'SULLIVAN: Would there be a separate entrance?

LORI SILVA: Yes.

LARRY O'SULLIVAN: An additional entrance?

LORI SILVA: Mm-hmm.

LARRY O'SULLIVAN: Where would that be?

LORI SILVA: In the front of the house.

LARRY O'SULLIVAN: So that would be in addition to the existing entrance?

LORI SILVA: Right.

LARRY O'SULLIVAN: Okay.

LORI SILVA: It doesn't have to be in the front of the house, I suppose, but that's where it is on the plans right now.

MIKE BROWN: Okay.

YVES STEGER: Why do you call the current situation a two (2) family home, for the current dwelling?

LORI SILVA: It's listed as a two (2) family. There's an apartment above the garage. I've had three (3) residences since I've lived there on the property, though. It's always been the mobile home, my residence and the apartment. So, I'm really not...I'm not gaining anything besides changing what it looks like on the outside. I'm gonna still have three (3) families on the property.

LARRY O'SULLIVAN: Okay, is the mobile home that's there now, does it have a separate sewer and water connections and so forth?

LORI SILVA: We all have...I have three (3) separate septic tanks on my property. Go figure. I don't know. And that's something that I think I'm gonna have to talk more with Mr. Smith about what we'll do with the septic system, whether I would leave that one (1) tank for the addition or connect it to mine, I'm not sure how that would work yet.

LARRY O'SULLIVAN: Were you around for the denial of the case from '66? "Undersized trailer on the same lot as the home"?

LORI SILVA: I wasn't around in '66, sir. I just bought the property in '97. It was on the property when I purchased the land, though. So, you're saying they asked for it to be there and it was...

LARRY O'SULLIVAN: Denied.

LORI SILVA: It was denied and now it's there?

LARRY O'SULLIVAN: It's still there, yeah, forty (40), fifty (50) years later.

MIKE BROWN: Well, we don't know if that's the case. That's what you're assuming.

LARRY O'SULLIVAN: That's an assumption, yeah.

MIKE BROWN: Yeah. Is the...

LORI SILVA: It's an eyesore.

MIKE BROWN: Is the apartment, is it an approved two (2) family setup?

LORI SILVA: Yes.

MIKE BROWN: From a Town standpoint?

LORI SILVA: Mm-hmm.

MIKE BROWN: Okay.

LORI SILVA: My tax card is two (2) family.

MIKE BROWN: Okay. So, in a nutshell, in the AR-I zone, you're allowed a single family home or a two (2) family home, which you have.

LORI SILVA: Right.

MIKE BROWN: And you're permitted to do so. But going from two (2) family to three (3) would be like an R-III type zone, Jim, and that's really the premise for this application?

JIM SMITH: Yes. Right.

MIKE BROWN: Okay.

LORI SILVA: The area where the home is, I mean, directly across the street is the transmission company, to the left is a welding company, I have 93 at the end of my road...

MIKE BROWN: Yeah.

LORI SILVA: ...and behind me is all zoned three (3), so I'm kind of right in the crosshair of three (3) different zones.

MIKE BROWN: Yeah. Yup. Any other questions at this point before we go through the application? Okay. Why don't you...what we do with each applicant is you obviously have submitted...this is a use variance and there's an application where there's five (5) points of law and what we'd like you to do is just read through those for us. I'm assuming you have a copy there.

LORI SILVA: I do.

MIKE BROWN: Okay. You're gonna wanna start with four-A (4.A), "Facts supporting this request."

LORI SILVA: Removal of the mobile home will increase the value of the property, in addition to beautifying the residence. The surrounding properties are mostly commercial and industrial. The appearance of the home is a one (1) family with the new addition. It would just appear as a larger home.

MIKE BROWN: And before you do each section, you just wanna read that first sentence, so what you just answered was "the proposed use would not diminish surrounding property values."

LORI SILVA: Right.

MIKE BROWN: Right, so when you continue, you just wanna state what that's referring to.

LORI SILVA: Okay.

MIKE BROWN: Thanks.

LORI SILVA: Do you want me to keep going or stay there?

MIKE BROWN: Yeah, just...

LORI SILVA: Keep going?

MIKE BROWN: Yup.

LORI SILVA: (B) is "granting the variance would not be contrary to the public interest because," there'd be no contraindication to the public interest. The addition would not be housing any more families than I have now. There's no more bedrooms or baths or kitchens. It's gonna stay two (2) bedrooms, one (1) bath, one (1) kitchen. The extra square footage would be to allow the apartment to be wheelchair accessible. My father has a little scooter that, not today he doesn't use in the house but I think in times to come, he might be, so the access within the addition and the driveway is already there. I don't need a new driveway to the property. So I really don't think I'm changing a lot as far as the public interest is concerned.

LARRY O'SULLIVAN: Could you repeat that for me? You said there is one (1) kitchen and there will remain...?

LORI SILVA: In the mobile home, there's a kitchen, a bath and two (2) bedrooms. And that's basically...

LARRY O'SULLIVAN: Oh, okay. So, you're taking the things that are in the mobile home and just saying that now that it's attached to the house, we're just moving it over.

LORI SILVA: Right. Right.

LARRY O'SULLIVAN: Okay.

LORI SILVA: Under (C), "the zoning restriction as applied to the property interferes with the landowner's reasonable use of the property, considering the unique setting of the property in its environment such that"; the reasonable use of the property would remain the same. It would present better. It would look better without the mobile home on the property but it would remain the same. Number two (2), "the fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property because" the specific restriction is the property's zoning as a two (2) family. The addition would constitute a multi-family, yet nothing is changing in a negative way. Appearance would not change with the exception of the addition to the home. Number three (3), "the variance would not injure the public or private rights of others since" since 1997, I have maintained a multi-family residence. There would be no change to the health, safety or welfare or others to the community. And (D), "granting the variance would do substantial justice because" it would allow me to care for my elderly parents in a safe manner. It would increase

the property value and it would beautify the area. The use is not contrary to the spirit of the ordinance because the use of the property's not changing.

MIKE BROWN: Okay. Questions from the Board?

LARRY O'SULLIVAN: I have a question for Jim. I suspect that this is a nonconforming use and is this one of those 'it's been around for forever before zoning,' but if the case that was denied in, what was it, '77 or '66?

YVES STEGER: Sixty six ('66).

LARRY O'SULLIVAN: Sixty six ('66), how do we...? I mean...

JIM SMITH: Obviously I was not employed by the Town in '66.

LARRY O'SULLIVAN: No kidding.

JIM SMITH: So, you know, some of these things, trying to explain what has happened over the last thirty (30) or forty (40) years is pretty difficult. We're also dealing with not the original owner of the property. How and when that trailer was placed on there I have no idea.

LARRY O'SULLIVAN: How could they have a third sewer on the property?

JIM SMITH: Well, '66, that was probably right on the verge of where they really started requiring septic plans on the State level. I think it was along in that era, the early '60's. So, up until that point, you kind of, as near as I can tell, you put in the ground whatever you thought would work. And I haven't looked at the folder to see if there's any record of the septic systems. I have my doubts that there are probably any real records, given the age of it.

LARRY O'SULLIVAN: And finally, if the trailer or the mobile home is removed, are there State requirements for the remaining septic? What happens to that? Or is there...?

JIM SMITH: Well, okay, I think you have to look at two (2) different things. If they simply remove the trailer, that would have no real impact as far as the septic systems for the other...

LARRY O'SULLIVAN: Building.

JIM SMITH: ...buildings on the site. If you were to replace that trailer, then, yes, they'd have to design a system to prove that the existing system is adequate.

LARRY O'SULLIVAN: Okay. Thank you.

YVES STEGER: But if we approve, they're gonna have to go in front of...they're gonna have to have the whole situation reviewed and the septic system is gonna be reviewed before...

JIM SMITH: Right, yeah.

YVES STEGER: ...the site plan is approved, right?

JIM SMITH: It would be considered new construction.

YVES STEGER: Exactly.

JIM SMITH: So, if we do not have a record of an approved system, we'd have to go through that procedure to come up with a system which is adequate for the load's that gonna be created.

LARRY O'SULLIVAN: I have a question about the drawing that we have as well. It looks as if the...I can't really tell elevation, whether this is a separated...the addition is separated by height or just the wall. So, is there height separation difference between the two (2)...I guess one of them is an existing...I mean, there are two (2) existing apartments now.

LORI SILVA: Right. I'm not sure what you mean by height difference. The way that...

LARRY O'SULLIVAN: The addition that you're proposing, is it a different height than the existing?

LORI SILVA: I don't think it will be. There's not gonna be a cellar. It's gonna be on a foundation, of course, but there's not gonna be a cellar to it.

LARRY O'SULLIVAN: So, it'll be at the same level.

LORI SILVA: It's all on one (1) level.

LARRY O'SULLIVAN: Will there be access between any two (2) of the facilities? Of the apartments?

LORI SILVA: Right now, no. I don't have that as a plan but it wouldn't matter if there was. You know, if it was contingent upon your decision, it wouldn't matter if there was. On the other side, the apartment, there's a hallway between us that goes to the garage with stairs. So, if I was to have a door out of my office, into this addition that...it might even work out better, actually.

YVES STEGER: There is a drawing that shows the addition and I suppose that the addition is the one that is being drawn by a pencil as compared to the other one that looks like a...?

LORI SILVA: The addition is the one that looks professional. The other one is my little drawing.

YVES STEGER: Oh...

LORI SILVA: Yes, the addition is the one with the measurements included. The other...

YVES STEGER: Okay.

LORI SILVA: Okay.

YVES STEGER: I was confused.

JIM SMITH: That was my suggestion when she brought it. I figured she should show the existing so you'd be a little more comfortable with what you're looking at.

LARRY O'SULLIVAN: So, it really does...

LORI SILVA: Of course, the existing isn't to scale.

LARRY O'SULLIVAN: Right.

LORI SILVA: One question, if I could, about the mobile home again. There's a separate tax card for that mobile home. There has been since I purchased the property. So, I'm not sure if you can...if you had said 'no' to them having it and then all of a sudden they had a tax card, I would think somewhere along the line, it must have been approved.

LARRY O'SULLIVAN: Oh, no.

JIM SMITH: No.

LORI SILVA: But I don't know the system of your tax cards.

[laughter]

LARRY O'SULLIVAN: Oh, no.

LORI SILVA: Never mind.

JIM SMITH: Okay.

LARRY O'SULLIVAN: You're gonna get taxed...

JIM SMITH: I think you bring up a good misconception. Just because it's on the tax card doesn't mean it was installed with building permits, et cetera, et cetera.

LORI SILVA: Oh.

JIM SMITH: It just means that the Assessor went out there, noted what was on the property, made an assessment of what was existing.

LORI SILVA: Okay.

JIM SMITH: And when you have multiple buildings, I believe they have multiple cards. I think one card will show the land, the remaining card will just show the second building or whatever...

LARRY O'SULLIVAN: Structure only for the second card?

JIM SMITH: Yeah.

MIKE BROWN: I have one question, particularly as it relates to a use variance and it's (C.1). In order for the Board to grant approval for a variance, all five (5) of the points, including the three (3) sub-points for (C) need to be satisfactorily met. It's just one of the things that we're obligated to do, so, number one (1) in particular, we have to hear you talk about how the setting of your property within its environment is somewhat unique compared to other residential properties. And I think you started to talk about that when you were giving us an overview. Can you kind of expand on what surrounds your lot that makes it somewhat unique and different than a typical residential lot?

LORI SILVA: It's not a typical residential community. It's not, you know, the nice cul de sac and white fence type of community...

MIKE BROWN: Yeah.

LORI SILVA: It's a small, dead end road off a main road, which is Ash Street. And, like I said, I'm kind of in the crosshairs of...I have industrial park across the street on Londonderry Road.

MIKE BROWN: That's what I mean. So, the back of your property, based on our map, appears to border industrial land. At least that's based on our geographic map and then across the street, you have commercial land but to the sides, you have residential. So...

LORI SILVA: On my left side, I have a residential home, yes.

MIKE BROWN: Yeah. So, it's somewhat of...it's not somewhat, it is a unique circumstance relative to typical residential lots.

LORI SILVA: Right.

MIKE BROWN: Okay.

LORI SILVA: Right.

MIKE BROWN: Okay.

YVES STEGER: Very good.

MIKE BROWN: Yup. Any other questions from the Board at this point? Okay.

LARRY O'SULLIVAN: I'd like to ask about the driveway.

LORI SILVA: Yes.

LARRY O'SULLIVAN: You don't have a drawing on the driveway for what's proposed.

LORI SILVA: The driveways are already there. I don't plan to change them.

LARRY O'SULLIVAN: Are there two (2) cuts in the road?

LORI SILVA: Yes.

LARRY O'SULLIVAN: And there is no plan to put another one in?

LORI SILVA: No reason to.

LARRY O'SULLIVAN: Okay. And the existing well, it looks as if the well is very close to your addition.

LORI SILVA: The addition's gonna be built behind the well. That's why it's set to the back of the home instead of being flush. It could go back further, I certainly have the land towards the back...

LARRY O'SULLIVAN: The depth for it.

LORI SILVA: ...if I had to.

MIKE BROWN: Okay.

LARRY O'SULLIVAN: Good. Thank you.

MIKE BROWN: Members of the public who are here to speak in favor of the application? And members of the public who may have questions or concerns about the application? Okay. Back to the Board. Any additional questions?

LARRY O'SULLIVAN: Yeah. Do you still have the cake decorating business there?

LORI SILVA: I never had it there, sir. That was Doris Buyck.

LARRY O'SULLIVAN: So, I don't know if there's a means to be able to note that, that case number 7/77, although it was granted, the variance goes with the land, right?

JIM SMITH: Right.

LARRY O'SULLIVAN: But after you haven't used that for a year, it takes it off the books, right?

JIM SMITH: No, it's a variance. A variance stays with the land.

YVES STEGER: Exceptions go away...

LARRY O'SULLIVAN: If the business...

JIM SMITH: Exceptions cease...

LARRY O'SULLIVAN: If the business goes away...

JIM SMITH: That's only for a home occupation. If that is granted by a special exception, if you don't use it for a year, then it ceases. When it can be proven. But if you have a variance to do something, then the variance runs with the land.

MIKE BROWN: Unless the...a different business would predicate a different use.

LARRY O'SULLIVAN: So, if this, instead of...right. Instead of...okay, I understand.

MIKE BROWN: Yup.

VICKI KEENAN: Can I ask a question? And this is probably more for the Board than the applicant. In our zoning, it talks about frontage related to multi-family dwellings. Do we need to vote on a frontage variance or anything like that? No? Okay.

MIKE BROWN: No.

VICKI KEENAN: Alright.

MIKE BROWN: If there were a need for any additional variances, Jim or the applicant would have brought that forward as a separate...

VICKI KEENAN: Okay. Alright.

MIKE BROWN: And that would have been an area variance because of dimensions.

VICKI KEENAN: Okay.

MIKE BROWN: Yup.

VICKI KEENAN: Thank you.

YVES STEGER: The current dwelling is a two (2) family dwelling, correct?

LORI SILVA: Yes, sir.

YVES STEGER: Which gives you the right to rent a portion of it.

LORI SILVA: Yes, sir.

YVES STEGER: Is it rented at this time?

LORI SILVA: Right now, somebody is slotted to move in February first.

YVES STEGER: Okay.

MIKE BROWN: Alright, any other questions? Okay. We're gonna take it under advisement and deliberate and vote. Thank you.

LORI SILVA: Thank you.

DELIBERATIONS:

MIKE BROWN: Okay. Anyone wanna start?

LARRY O'SULLIVAN: Yeah, but the question is, there's gonna be a site plan for this of some type or kind, so, we're not too concerned about the distance to the well or the property lines. I just wanted to make sure that it was in relation to the house, what we saw here was close. And the driveway and the number of cars, I think, is covered. Obviously, the access to the road is...it is a dead end road, so it's not gonna be difficult no matter what.

MIKE BROWN: Yeah, but...

LARRY O'SULLIVAN: I think the points have been met.

MIKE BROWN: There wouldn't be a Planning Board or site plan. This would simply be a permitting through the Building Department. It's not a subdivision, so...

LARRY O'SULLIVAN: Okay.

MIKE BROWN: But there is oversight for those types of things.

YVES STEGER: Yeah.

MIKE BROWN: Driveways, you know, distance to wells, that type of stuff.

LARRY O'SULLIVAN: Permitting works.

MIKE BROWN: Yeah. I felt all along when I brought up the GIS map, although the two (2) properties next to this one that are similarly situated have the same situation in terms of bordering industrial land in the back and commercial across the street, when you look at all of the factors, the short dead end, the 93 impact, the mix of zoning, this is definitely a unique setting of an AR-I property. So, I felt that that was met and the applicant expanded upon that. And the other four (4) points, I thought, were met on the merits of its own.

YVES STEGER: Yeah, I agree with you. I had only reservation with the (C.1) for exactly the same reason...

MIKE BROWN: Right. Yup.

YVES STEGER: ...you pointed out. The only thing that is...to be able to meet the spirit of the ordinance, at some point in time, we need to make sure that this not become a true three (3) family dwelling.

LARRY O'SULLIVAN: Right.

YVES STEGER: 'Cause right now, you don't want to be in a situation where there would be two (2) rental on this property and it is...my suggestion's probably that we may have some restriction in...because this goes with the land, so she may decide to sell the property, then we will have one where we could have dual rental and that would be...would not necessarily be in line with the spirit of the ordinance. So, we may want to put restrictions...

MIKE BROWN: Yeah, I...

YVES STEGER: ...in the approval.

MIKE BROWN: So, I'm gonna ask the Building Inspector for a point of clarification. The variance, as it's written, if we approved it, would be to allow a three (3) family dwelling.

JIM SMITH: Correct.

MIKE BROWN: And I'm not sure I understand Yves' point here in that, is there any...if we do approve that, is there any restriction that says two (2) of those units can't be rented? They can.

JIM SMITH: They can.

MIKE BROWN: Right.

JIM SMITH: They could be. All three (3) of them could be rented if you want.

MIKE BROWN: So, we are approving a situation where someone could live there and rent out the other two (2) units on the basis of this variance. But it would be restricted to three (3) families.

YVES STEGER: And so we have to look in that...looking at the (C.1), is the environment acceptable for a three (3) family environment?

MIKE BROWN: Yeah. I just don't know if there's a restriction beyond what the variance says that you would want to put on here. That's why I asked for the clarification.

YVES STEGER: Mm-hmm.

MIKE BROWN: 'Cause you were kinda talking about considering some kind of restriction. I don't know what restriction you would put.

LARRY O'SULLIVAN: You can't on the building once it's there.

YVES STEGER: I understand.

LARRY O'SULLIVAN: But I do think that a restriction that we need to place on this approval is to remove the trailer, mobile home, completely.

MIKE BROWN: Yeah. That is...

LARRY O'SULLIVAN: That it will be done as part of...

MIKE BROWN: That is part of the application but you can certainly put it as a condition...

VICKI KEENAN: Yeah.

MIKE BROWN: ...referencing the application.

LARRY O'SULLIVAN: The issue is that it's not against the policy of the Town to have a parked mobile home on your property.

MIKE BROWN: Yes. Yup.

LARRY O'SULLIVAN: However, with the foundation and a sewer system...

MIKE BROWN: Yes.

LARRY O'SULLIVAN: ...it is.

MIKE BROWN: It would be a reasonable condition of approval, Larry, to state that it would be removed per what's stated in the application. You would just be relating to what the applicant has committed to, so...

LARRY O'SULLIVAN: There's also, on the drawing that...the Town drawing, there's a private way that's deeded smack through the middle of the property. I don't know if that was... 'cause there's no relation to that property deed, which is marked two four one nine four five three (2.4.1.9.4.5.3), and this property. So, whether that's something that...do you see it on the drawing?

YVES STEGER: Yeah.

LARRY O'SULLIVAN: That private way is somebody else's, was deeded to somebody else. I don't know if it could be. I've never seen anything like this on a property. Where a house is existing in the middle of a private way.

MIKE BROWN: Yeah, that's not...

LARRY O'SULLIVAN: Do you have that, Jim?

YVES STEGER: But the new dwelling is not on the road and we're not gonna...we're not deciding on eliminating the current dwelling, so that's probably not relevant.

MIKE BROWN: Yeah, it's not germane to...

LARRY O'SULLIVAN: It's a moot point, huh? Okay.

MIKE BROWN: Yeah. Okay.

YVES STEGER: Okay.

LARRY O'SULLIVAN: Well, I have no objection...

JIM SMITH: That would be a civil matter between whoever has the rights to that road and the owner of the property.

MIKE BROWN: Right. Okay, so I'd be looking for a motion.

VICKI KEENAN: I make a motion...

MIKE BROWN: Okay.

VICKI KEENAN: ...to approve the use variance from a two (2) family dwelling to a three (3) family dwelling with the restriction that the...or the exception that the trailer be removed from the property upon completion of the addition.

MIKE BROWN: Okay.

LARRY O'SULLIVAN: I'll second.

MIKE BROWN: I've got a motion, Larry seconded it. Any further discussion? Okay, all those in favor, signify by saying 'aye.'

LARRY O'SULLIVAN: Aye.

MIKE BROWN: Aye.

YVES STEGER: Aye.

VICKI KEENAN: Aye.

MIKE BROWN: Opposed? Abstain? Okay, motion is approved.

RESULT: THE MOTION TO GRANT THE USE VARIANCE WITH RESTRICTIONS WAS

APPROVED, 4-0-0.

RESPECTFULLY SUBMITTED,

LARRY O'SULLIVAN, CLERK

TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

APPROVED FEBRUARY 20, 2008 WITH A MOTION MADE BY VICKI KEENAN, SECONDED BY YVES STEGER AND APPROVED 3-0-2 (MARK OFFICER AND BARBARA DILORENZO ABSTAINED AS THEY HAD NOT ATTENDED THE JANUARY 16, 2008 MEETING).