

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

DATE: JULY 16, 2008

CASE NO.: 7/16/2008-3

APPLICANT: SANDRA D. CASEY
5 SOUTHWOOD DRIVE
LONDONDERRY, NH 03053

LOCATION: 5 SOUTHWOOD DRIVE, 1-62-23, AR-I

BOARD MEMBERS PRESENT: YVES STEGER, ACTING CHAIR
NEIL DUNN, VOTING MEMBER
BARBARA DILORENZO, VOTING MEMBER
VICKI KEENAN, VOTING ALTERNATE
LARRY O'SULLIVAN, CLERK

ALSO PRESENT: RICHARD CANUEL, SENIOR BUILDING OFFICIAL AND
ZONING ADMINISTRATOR

REQUEST: AREA VARIANCE TO ALLOW A REDUCED SETBACK TO A SIDE
PROPERTY LINE FOR A RESIDENTIAL ADDITION WHERE A MINIMUM
SETBACK DISTANCE OF 15 FEET IS REQUIRED.

PRESENTATION: CASE NO. 7/16/2008-3 WAS READ INTO THE RECORD WITH NO
PREVIOUS CASES LISTED.

YVES STEGER: Who will be presenting?

DANIEL CASEY: Daniel Casey, 5 Southwood Drive.

YVES STEGER: Thank you, sir. If you could start by explaining in general what you are planning to do and why you wanted to do and then, if you could guide us through the five (5) points of law. You're familiar with the points of law?

DANIEL CASEY: These are the five (5) points, there?

SHARON CASSIDY: These are the five (5) points.

DANIEL CASEY: Okay.

YVES STEGER: Okay.

DANIEL CASEY: Well...

YVES STEGER: Just start with the overall...

LARRY O'SULLIVAN: I would suggest you also explain that this is different than what we've heard earlier.

YVES STEGER: Correct. Okay.

LARRY O'SULLIVAN: 'Cause you're asking...

YVES STEGER: So, this is an area variance and area variances, essentially, you are trying to ask us to do something that is not in the zoning laws. So, there is a difference. In order for us to approve your request, you need to convince us that you meet all five (5) points of law and you're gonna have to prove them to us. If you do prove them to us, we have no other way than to approve your applications. If you miss any of the five (5) points of law, we cannot, by law, approve your applications. Okay?

DANIEL CASEY: Okay.

LARRY O'SULLIVAN: Which is different than the earlier case that we heard.

SANDRA CASEY: I know, I came to listen to the earlier cases and it didn't do me any good.

[laughter]

DANIEL CASEY: Well, what we're looking for is to just create some additional living space on our house. It's a small ranch. I figured by adding the additional space, I could also put a garage underneath. Do you have pictures of what the house looks like, I believe...?

VICKI KEENAN: Mm-hmm.

YVES STEGER: Well, we're trying to go through it.

LARRY O'SULLIVAN: We're trying to keep up with it on the computer as opposed to the hard copy 'cause...

DANIEL CASEY: Oh, okay. 'Cause the driveway kind of goes up like this. What my plan was would be to dig that out and put the garage even with the basement and then build the addition, you know, it would be onto the house and...

LARRY O'SULLIVAN: So, at the same, you're...the living space would be the same level as the house.

DANIEL CASEY: Same height as the house is now and the garage would actually be...

VICKI KEENAN: Level.

DANIEL CASEY: ...level with the basement.

SANDRA CASEY: Or up to a few steps difference...

DANIEL CASEY: Yeah...

SANDRA CASEY: ...because of the grade. It depends on...

DANIEL CASEY: ...whatever it's gonna be, right.

SANDRA CASEY: ...what it has to be.

DANIEL CASEY: And basically, I guess what we're looking at is we're gonna be, I guess, eight (8) feet from the back corner to the property line of my neighbor and I talked to him about it and he said he had no problem with it. He actually wrote a letter but it's kinda just...I don't know, I can bring it up to you and show it to you.

LARRY O'SULLIVAN: Do you have anything in the way of...?

JAYE TROTTIER: No.

LARRY O'SULLIVAN: We don't have anything already on the record if you'd like to get it on the record, you can submit it now.

DANIEL CASEY: Like I said, I talked to him and he had no problem with it. I don't know if that's got that information on there [inaudible]...I mean, he's...he said if he needs anything...anything else...

LARRY O'SULLIVAN: This is just the...the same type of an awareness letter as opposed to approval. There's no saying...

JAYE TROTTIER: Well, they're not opposing it.

DANIEL CASEY: Right. He had no problem with it at all, actually, he said it would just increase the value of my home and...[inaudible]...kind of...

LARRY O'SULLIVAN: We're gonna take it as part of the record, so if you wouldn't mind giving us your testimony from there.

DANIEL CASEY: Oh, okay.

LARRY O'SULLIVAN: We're gonna keep this. We want you on TV, Mr. Casey.

DANIEL CASEY: Oh, I don't want to be on TV, though.

[laughter]

DANIEL CASEY: So, yeah, I could possibly get another letter. I don't know what...see, I've never done this before, so I have no clue as to what avenue I have to go down, so...

LARRY O'SULLIVAN: Did you get the...from the look of it, you have the document that said 'these are things you have to fill out and explain,' and...

DANIEL CASEY: Yeah.

LARRY O'SULLIVAN: ...what the requirements are.

DANIEL CASEY: Well, it just says I wanna build an addition and the addition will be as close as eight (8) feet from the property line, which I guess that's what you need the variance for, right?

LARRY O'SULLIVAN: Yup.

DANIEL CASEY: Facts supporting this request...am I reading the right thing?

YVES STEGER: Mm-hmm.

DANIEL CASEY: Okay. It would increase the value of my property and improving the curb appeal, will benefit the neighborhood in a positive way. The sole use would be personal and cause no reason for concern among surrounding neighbors. Granting the variance would not be contrary to the public interest because I am not changing my use of the property. I'm only improving its curb appeal. There would be adverse affects. This is to make more living space for my family. (C) is an area variance is needed to enable the applicant's proposed use of the property, given the following special conditions of the property. It would only allow eight (8) feet from the property line to the closest corner of the proposed family room over the garage addition. Again, the addition is to increase my living space. The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue other than an area variance because it's the most reasonable and likely location for it, where the driveway's already existing and we'd be able to, you know, drive right in. There would be no other changes there. Like I said, the garage would sit behind the...sit beside the basement foundation and...or if it had to be one (1) or two (2) steps up, depending on the grade. Granting the variance would do substantial justice because improving my property and increasing my living space and value of my home, also increasing the value and appearance of the neighborhood. The use is not contrary to the spirit of the ordinance because it does not have any adverse effects on the neighborhood, nor does it cause the property to greatly exceed the size or value of any other homes on the street. This addition will not cause any sight issues, nor will it cause any crowding issues. There's a few houses on the street that have recently done a couple additions like that. I believe it's...I think it's 9 Southwood and maybe eleven (11). The Brown's house.

YVES STEGER: Okay.

SANDRA CASEY:property line.

DANIEL CASEY: No.

YVES STEGER: Are there questions from the Board?

LARRY O'SULLIVAN: Sure. Mr. Casey, the other additions at nine (9) and eleven (11) that you mentioned, anybody gonna look for those, nine (9) and eleven (11)?

VICKI KEENAN: Mm-hmm.

DANIEL CASEY: Did you find...is that what they are now? What was [inaudible]...

LARRY O'SULLIVAN: We're gonna...we have the ability to go online to check...

DANIEL CASEY: Oh, okay. I believe it's the...

LARRY O'SULLIVAN: ...how you're...and one of the advantages that we have is we have the property lines drawn to approximation...

DANIEL CASEY: Oh, okay.

LARRY O'SULLIVAN: ...and where your...you may not know where your neighbors at nine (9) and eleven's (11's) property line is.

DANIEL CASEY: Oh.

LARRY O'SULLIVAN: We'll get a decent idea of that and can estimate. Where that was helpful in the earlier cases, this isn't so helpful this time for you because you're asking for a variance and the difference is that you have to prove to us that your lot is different enough from other lots around you that you can exceed the intrusion into the setback, okay? So, we require fifteen (15) feet on the side.

DANIEL CASEY: Right.

LARRY O'SULLIVAN: And you wanna go...

DANIEL CASEY: It would end up...

YVES STEGER: Eight (8) feet.

LARRY O'SULLIVAN: Eight (8) feet.

DANIEL CASEY: Eight (8) feet at the back corner.

LARRY O'SULLIVAN: So...we don't care if you set a bowling alley in your basement and turn this into a bowling alley. Our concern is that differential. That seven (7) foot difference between what's normally required and everybody else has to live by this law...

DANIEL CASEY: Right.

LARRY O'SULLIVAN: ...and what you're requesting. So, what we're looking for here and why those questions needed to be filled out with how you're gonna use it and so forth...

DANIEL CASEY: Okay.

LARRY O'SULLIVAN: ...is we need to find out what's unique about your property that requires you to put that addition there...

DANIEL CASEY: Okay.

LARRY O'SULLIVAN: ...without it costing you a fortune. For example...

DANIEL CASEY: The...

LARRY O'SULLIVAN: [inaudible] cost.

DANIEL CASEY: Right. The other thing is I couldn't put it on the other side of the house because there's a stream that runs through there and I'm pretty sure they wouldn't want me to be building anything close to that. So, I mean...

LARRY O'SULLIVAN: Okay, so you have a stream that runs...

DANIEL CASEY: ...and then I'd have to put in another driveway.

LARRY O'SULLIVAN: You see that on the map, Vicki? I don't have the...

DANIEL CASEY: That's on the...it's on the opposite side of the house.

JAYE TROTTIER: He included this...

VICKI KEENAN: It's actually on his submittal.

[inaudible comments]

VICKI KEENAN: This is actually, that's somebody else. That's 11 Southwood. It just...

YVES STEGER: So, essentially, special conditions are...

LARRY O'SULLIVAN: Yeah, the special conditions would be then that you have a stream on the side of your house.

DANIEL CASEY: Yeah, it's on the opposite side.

LARRY O'SULLIVAN: On the opposite side.

DANIEL CASEY: I couldn't put a garage over there.

LARRY O'SULLIVAN: Which limits your use of that side..

DANIEL CASEY: That side of the house is pretty much, yeah, just cut the grass and that's it.

LARRY O'SULLIVAN: And you can't put it behind the house because you have a leachfield...

DANIEL CASEY: Right.

LARRY O'SULLIVAN: ...and a septic tank and what have you...

DANIEL CASEY: A septic tank there.

LARRY O'SULLIVAN: ...directly behind the house.

DANIEL CASEY: I couldn't do that.

LARRY O'SULLIVAN: Or pretty close to behind the house.

DANIEL CASEY: No.

YVES STEGER: Actually, the house is exactly in the middle of...so, putting the garage on one side or the other side is not gonna change too much the distance to the other property line.

SANDRA CASEY: We have pictures to show you there would be no crowding there because it's all open.

LARRY O'SULLIVAN: And we have the overheads...

DANIEL CASEY: Yeah, they got all kinds of things.

LARRY O'SULLIVAN: One of the issues that we always have is the protection of your neighbor's property, whether they are in favor of your addition or not...

DANIEL CASEY: Right.

LARRY O'SULLIVAN: ...you would expect us to do that for you, too...

DANIEL CASEY: Oh, exactly.

LARRY O'SULLIVAN: ...if one of your neighbors did something out of the ordinary./

DANIEL CASEY: Exactly.

LARRY O'SULLIVAN: So, again, we're volunteers. We care about your rights and the rights of your neighbors and we take the Master Plan, our interpretation of it, State law, State requirements...

YVES STEGER: Okay.

LARRY O'SULLIVAN: ...Richard's opinion.

YVES STEGER: Are there more questions for the applicant?

BARBARA DILORENZO: Yes, I do. I'd like to ask.

YVES STEGER: Go ahead.

BARBARA DILORENZO: Just so I understand, now, you've got twenty eight (28) foot in the front...

YVES STEGER: Mm-hmm.

BARBARA DILORENZO: Richard, I thought there was something about garages had...couldn't be more than twenty four (24) feet wide, is that...? Does that play out here...?

LARRY O'SULLIVAN: No, that was the special exception.

RICHARD CANUEL: That's the exception, you're applying the special exception criteria.

BARBARA DILORENZO: Okay. I just wanted to clarify that. Okay.

DANIEL CASEY: Yeah, it says...

BARBARA DILORENZO: Now...

DANIEL CASEY: Oh, I'm sorry, go ahead.

BARBARA DILORENZO: Okay. So, you say it's eight (8) feet from the lot line at...the way that this print is here, I'm not sure if it's that little jut piece that comes out that you're saying is the eight (8) feet or whether...

SANDRA CASEY: Yes.

BARBARA DILORENZO: ...'cause you were saying the back part but the twenty (20) foot is what I would call the back part. So, is it the little jut, the piece that juts out...

DANIEL CASEY: Juts out, yeah.

BARBARA DILORENZO: ...is the eight (8) foot and not the piece in the back?

DANIEL CASEY: Right.

LARRY O'SULLIVAN: And the side of the garage starts at eight (8) foot and goes further away from the house? Or from the property line?

DANIEL CASEY: Further away from the house and gets further away from his property line.

LARRY O'SULLIVAN: Right.

DANIEL CASEY: If you could...

LARRY O'SULLIVAN: At the closest point, you're eight (8) feet away.

DANIEL CASEY: Is eight (8) feet in that back little...

BARBARA DILORENZO: So do you know how many feet it is from that corner of that twenty (20) foot piece that you have there to the lot line?

LARRY O'SULLIVAN: 'Cause that would be living space back there, right? Above?

DANIEL CASEY: Right.

SANDRA CASEY: Yes.

DANIEL CASEY: Exactly, yeah.

BARBARA DILORENZO: 'Cause what I'm getting at is if you...

DANIEL CASEY: Well, it would be twenty (20)...

BARBARA DILORENZO: ...the size, the width of your garage down...

SANDRA CASEY: Well then, the house is forty four (44) feet long. It's not gonna look, like, proportionate. I know that sounds kind of stupid but you have this long house with this little, itty-bitty, tiny garage. It's just not gonna look right.

BARBARA DILORENZO: Mm-hmm.

SANDRA CASEY: So, that's why we chose the twenty eight (28) foot wide. So it would look like...

BARBARA DILORENZO: Yeah. But it would be farther away from the lot line, is what I'm getting at.

DANIEL CASEY: Oh.

LARRY O'SULLIVAN: As opposed to a twenty four (24) foot garage?

SANDRA CASEY: Yeah. It just looks, it's like two and a half (2.5) stalls. It just looks a lot better than the twenty four (24) foot.

BARBARA DILORENZO: But that four (4) foot could get you closer to the fifteen (15) feet.

DANIEL CASEY: So instead of being twenty (20) feet, it'd be twenty four (24) in the front.

NEIL DUNN: If I may? And whose measurements are those? Are those yours?

DANIEL CASEY: No, it's a plot plan I had...who was it? Do you remember his name? He lives in town here. Glenn... Glenn Leo?

NEIL DUNN: There's no name on it or anything, so I was trying to get a sense of who was drawing that, saying that it was eight (8) feet.

SANDRA CASEY: It was Glenn Leo. He's an architect here in Londonderry. We just had him draw up from our existing plot plan that we had.

NEIL DUNN: And Richard, what would you use to enforce the...you would look for a surveyed thing or you would look for, I mean, how do we know that it ends up at eight (8) if we say 'go ahead with twenty eight (28) feet,' when we don't have anything in front of us that's very easy to tell?

RICHARD CANUEL: Usually in cases like that when it's questionable, I would ask for that one (1) line to be plotted by a surveyor. Not necessarily have the entire property surveyed...

NEIL DUNN: Yeah.

RICHARD CANUEL: ...just that one line plotted so we can make a determination of the actual distance.

LARRY O'SULLIVAN: Right, the measurement that are made from our online services are approximate, however, from the closest corner of your house to your lot line is about forty six (46) feet. From the closest corner of your house, which would...looks like it's the rear left...

DANIEL CASEY: The rear. It would be the rear, yeah.

LARRY O'SULLIVAN: ...is forty six (46) feet.

DANIEL CASEY: To his...to the property line?

LARRY O'SULLIVAN: To the property line.

JAYE TROTTIER: But that's not exactly where the property line is.

DANIEL CASEY: No.

LARRY O'SULLIVAN: That's a ballpark.

JAYE TROTTIER: That's just what the...is on the GIS.

YVES STEGER: Oh, and that would be [inaudible] back.

NEIL DUNN: Mmm.

LARRY O'SULLIVAN: So what I'd be suggesting there is that it would be flirting with this twenty four (24) foot garage being able to fit fairly well in your lot as opposed to what it looks like to your, you know, proportions to the house, which I really don't have an opinion on.

YVES STEGER: So, was this presented by the applicant?

JAYE TROTTIER: No. Just like it says...

NEIL DUNN: No, that was...

LARRY O'SULLIVAN: That's added by the secretary.

NEIL DUNN: By Jaye.

YVES STEGER: Oh.

NEIL DUNN: Using the plotting off the GIS. Or the...

YVES STEGER: Actually, if this is true...

JAYE TROTTIER: That's just it...

YVES STEGER: ...it would indicate that they don't even need to seek a variance because...

LARRY O'SULLIVAN: Oh, no.

JAYE TROTTIER: That's just is it, is that's not a plot plan by any means.

YVES STEGER: Okay. Alright.

JAYE TROTTIER: That's just from GIS.

VICKI KEENAN: Mm-hmm.

LARRY O'SULLIVAN: That's an estimate. That's why I said it's an estimate.

YVES STEGER: So, we're gonna assume that this is correct?

VICKI KEENAN: We should.

YVES STEGER: Okay.

VICKI KEENAN: Mm-hmm.

YVES STEGER: Alright. More questions?

LARRY O'SULLIVAN: Are you gonna require an exception...or the restriction that it be measured to the corner?

YVES STEGER: Mm-hmm.

LARRY O'SULLIVAN: Okay.

RICHARD CANUEL: If I may, if the Board sets a particular distance in their approval, we require that her builder submit a certified foundation plan to show that they're meeting that particular setback which has to be...

DANIEL CASEY: Right.

YVES STEGER: But if we approve, we will approve with what has been proposed.

LARRY O'SULLIVAN: Unless we restrict it.

VICKI KEENAN: Mm-hmm. That's right.

NEIL DUNN: Or less, or more, I mean?

YVES STEGER: Oh, correct. Yup. Okay, any more questions?

NEIL DUNN: Let's see here...

YVES STEGER: Anybody in the audience speaking in favor of the application? Seeing none, anybody speaking against or having questions? Seeing none, I'll return to the Board. More questions? No?

JAYE TROTTIER: Did you wanna read that into the record officially?

LARRY O'SULLIVAN: Oh, we have the letter that Mr. Casey submitted.

[Clerk Larry O'Sullivan read Exhibit "A" into the record].

YVES STEGER: Thank you. So entered into the record. Do we have any more discussions or is somebody ready to make a motion?

LARRY O'SULLIVAN: Well, I would suggest that we don't make a motion until we know what the plot plan looks like. So, I would ask for additional information from the applicant. And that's what I would suggest.

YVES STEGER: Okay. Anybody has an opinion on that subject?

NEIL DUNN: You know, I'm trying to think. So often we're used to getting certified plot plans when it's this close or at least...or maybe we're confusing bigger commercial projects, but, you know, if Richard says he would require that as part of the building permit process...

LARRY O'SULLIVAN: It's gonna be required anyway.

VICKI KEENAN: Right, it's...

NEIL DUNN: And if it's gonna be required, then I don't know what we gain there, if we're feeling comfortable that, you know, because of the stream and the woods that you can't do anything on that side, I don't know...

LARRY O'SULLIVAN: If it would buy them...cut their time frame down and the ability to build the thing faster. If they had a push to get it done this summer. I don't know. I'm just trying to help out. Make it easier.

NEIL DUNN: No, I...oh, I thought you were basically asking for them to continue it to get us more information.

LARRY O'SULLIVAN: Yeah, we'd have it continued and...

NEIL DUNN: To another month.

LARRY O'SULLIVAN: ...that would be taken care of quicker, in my opinion.

YVES STEGER: Why would that be the case?

LARRY O'SULLIVAN: Why would it be done quicker? I don't know, how long would it take to get a normal application through?

YVES STEGER: Well, after...

LARRY O'SULLIVAN: 'Cause it's only after all that that Richard would wind up with the information.

BARBARA DILORENZO: Still, we have to make a decision.

VICKI KEENAN: ...true. Yeah.

BARBARA DILORENZO: And we haven't made a decision yet. We still would have to make a decision. Go through the whole same process again.

YVES STEGER: So, we would have to go back for a month, then make a decision and then they have to make the application. If we approve now with the eight (8) feet and we say eight (8) feet is okay, well, they're gonna have to go in front of the...

LARRY O'SULLIVAN: I see what you're saying.

VICKI KEENAN: Mm-hmm.

LARRY O'SULLIVAN: I see what you're saying. Go ahead.

YVES STEGER: ...in front of the Planning Board...

LARRY O'SULLIVAN: See, I was thinking...

YVES STEGER: ...and they're gonna verify and if it's wrong...

LARRY O'SULLIVAN: I was thinking that we don't...

YVES STEGER: ...or if it's more than eight (8) feet, they'd have no problem. If it's closer than eight (8) feet, they will be rejected.

VICKI KEENAN: Mm-hmm.

LARRY O'SULLIVAN: And then they'll be back here.

YVES STEGER: Well...we didn't make this application.

NEIL DUNN: No, 'cause you gotta have...it wouldn't be substantially different.

LARRY O'SULLIVAN: Yeah. Okay. I'll buy that.

YVES STEGER: Okay. Anybody ready to make a motion?

NEIL DUNN: I don't know, I guess I was kinda waiting to see what everybody else's sense with the eight (8) feet...my thought is, it's one (1) corner that's eight (8) feet. From there, it quickly gets to, probably, the fifteen (15) foot setback.

YVES STEGER: Mm-hmm.

LARRY O'SULLIVAN: Yeah, the front of it looks as if it's well outside the fifteen (15) feet.

NEIL DUNN: And then it jogs quickly and it's outside the fifteen (15) feet, so it's one of these uniquely crazy shaped lots where the house was built almost against the grain, if you will.

LARRY O'SULLIVAN: At opposing angles.

NEIL DUNN: Yeah, at opposing angles. Thank you, Larry. So, I think it seems reasonable. At first, I was a little concerned that he didn't have any special conditions but, you know, once you said that there is this stream there, I mean he obviously can't do anything with the stream.

LARRY O'SULLIVAN: Well, he's got the hill, the stream, the septic...

YVES STEGER: The stream, the septic, the leachfield and they have, essentially, that little corner here that cuts so that they don't have the whole...

NEIL DUNN: Right, and it's...

YVES STEGER: So, they've already taken as much as they could, now, you know, asking to reduce from twenty eight (28) to twenty four (24), now we're...you know...

NEIL DUNN: And it drops off quickly, so, I mean...

YVES STEGER: Exactly.

NEIL DUNN: ...if it was something that we were gaining a straight line...

YVES STEGER: Mm-hmm.

BARBARA DILORENZO: Right.

NEIL DUNN: ...two (2) or four (4) feet, I'd probably be more concerned, so.

BARBARA DILORENZO: Mmm.

VICKI KEENAN: Mm-hmm.

YVES STEGER: So...

NEIL DUNN: I don't know, that's my thought. I'm not bad with it.

VICKI KEENAN: It hits the five (5) points for me.

YVES STEGER: Yeah, I think so, too.

VICKI KEENAN: Mm-hmm.

LARRY O'SULLIVAN: The only thought that I had was to restrict it to twenty four (24) feet as opposed to the twenty eight (28), so he won't be a lot closer.

NEIL DUNN: So you get twelve (12)...

LARRY O'SULLIVAN: Yeah, at the closest point. Okay, but that was...you know, I'm not...because of the neighboring lot, and it looks as if there's no structures anywhere close to the edge of the property there...

YVES STEGER: Mm-hmm.

LARRY O'SULLIVAN: Or there may be a tree that's, what, forty (40) feet away but, you know, I don't really have a...this is significantly different than the other cases.

NEIL DUNN: Yes, well, plus...

LARRY O'SULLIVAN: I mean significantly different.

NEIL DUNN: Yeah, and again, where it tapers off quickly, it gets out of the eight (8)...that eight (8) foot, it's that very...

YVES STEGER: Very quickly.

NEIL DUNN: ...small corner.

LARRY O'SULLIVAN: Yup.

YVES STEGER: Okay.

NEIL DUNN: I would like to make a motion on case 7/16/2008-3 that we grant the variance as submitted.

LARRY O'SULLIVAN: I'll second it.

YVES STEGER: The motion has been proposed by Neil to grant and seconded by Larry. Any more discussions?

BARBARA DILORENZO: No.

YVES STEGER: Anybody in favor, say 'aye.'

LARRY O'SULLIVAN: Aye.

NEIL DUNN: Aye.

VICKI KEENAN: Aye.

YVES STEGER: Aye.

BARBARA DILORENZO: Aye.

YVES STEGER: Anybody against, say 'nay.'

[no response in opposition to the motion].

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

RESPECTFULLY SUBMITTED,

LARRY O'SULLIVAN, CLERK

TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

APPROVED AUGUST 20, 2008 WITH A MOTION MADE BY LARRY O'SULLIVAN, SECONDED BY NEIL DUNN AND APPROVED 5-0-1 (MARK OFFICER ABSTAINED AS HE HAD NOT ATTENDED THE JULY 26, 2008 MEETING).