

**TOWN OF DERRY
ZONING BOARD OF ADJUSTMENT MINUTES
December 7, 2017**

Members Present

Lynn Perkins, Chairman
Heather Evans, Vice Chair
Stephen Coppolo, Secretary
Randall Kelley
Michelle Navarro

Members Absent

Alternates Present

Donald Burgess
James Webb
Evan Rathburn

Alternates Absent

Code Enforcement

Robert Mackey

Mr. Perkins called the meeting to order at 7:00 p.m. with the salute to the flag, and notice of fire and handicap exits and that this and all Zoning Board meetings are videotaped.

The Board introduced themselves for the record.

17-128 William and Michelle Mensinger, Jr.

The applicant is requesting a variance to the terms of Article VI, Section 165-47.B.4 of the Town of Derry Zoning Ordinance to construct a 28' x 32' detached garage less than 15 feet from the side property line at 10 Ledgewood Drive, PID 14031-028, Zoned LDR

William Mensinger, owner, read his application criteria and letter of explanation for the record. He said that in 1983 they have done a lot of landscaping to the property as his wife is the former president of the Derry Garden Club so yard has extensive landscaping. He said that he did not wish to build the proposed garage in the rear of his property as he would have a 250' driveway and would have to remove a lot of landscaping.

Board Questions

Mr. Kelley asked if he had an existing garage. Mr. Mensinger said yes, that it was for one car and he has three vehicles.

Mr. Burgess asked if there was a two car garage and one car under. Mr. Mensinger said no that he has a one car under and the other structure is a carport.

Mrs. Navarro asked if the proposed garage is to be built where carport is now. Mr. Mensinger said yes.

Mr. Burgess asked if there would be heat and electricity installed in the garage. Mr. Mensinger said yes but no water as it is not accessible to the septic system.

Mr. Kelley asked what was the size of the existing carport. Mr. Mensinger said it was 12' x 18'.

Mr. Kelley asked if he was seeking to double the size. Mr. Mensinger said yes as he would like room to be able to work on his own vehicles.

Mr. Perkins said a normal garage is 24' why asking for 28'. Mr. Mensinger said he wanted to use a shop as looking into retirement and restore cars and his wife would be able to have her workshop upstairs.

Code Enforcement

Mr. Mackey supplied the following information for the record:

- The applicant is requesting approval to construct a 28' X 32' detached garage within 1' of the left side property line.
- The side of the property where the garage is being proposed abuts the Eversource Energy transmission power line right-of-way.
- Records indicate that the home was constructed in 1979.
- If approved, permits and inspections will be required.
- There are pictures of the property in the file for review by the Board.

Mr. Mensinger said that the proposed garage would be 39' from front and 1' off side line.

Mr. Burgess said that the setback requirement is 35' from front lot line not curb and asked where measurement came from. Mr. Mensinger said it was from the curb.

Mr. Burgess said that there appears to be a granite post out front and asked Mr. Mackey if the applicant would need to be 35' from that. Mr. Mackey said yes. He said in a typical subdivision road is 50' right-of-way if roadway centered could measure 25' from center and that should give approximate location of where lot line would be.

Mr. Webb asked Mr. Mackey if the applicant could build the proposed garage 2' off the house and meet lot lines. Mr. Mackey said that he was not sure of what depicting as the applicant has reasons why the proposal would not work and he could also see reasons for wanting to relocate the proposed garage.

Mr. Mensinger said that he has proposed to place where the existing carport is now and if move back will have to remove large birch trees. He said that the property lines are not straight as they go at an angle.

There was some discussion of where proposed garage would be constructed on the property with regard to lot lines.

Mr. Perkins asked if survey and have to shrink to 30' would there be a problem. Mr. Mensinger said no.

Mr. Kelley said that he felt 26' would allow enough leeway for error.

Mr. Perkins said that it was under the Board's purview to request a survey with pins set. He asked if 1' from lot line near the power lines would be an issue and the applicant has stated he would reduce the proposed garage if he needed to so as to not have to come back.

Favor

No one spoke in favor to the request.

Opposed

No one spoke in opposition of the request.

Mrs. Evans motioned to go into deliberative session.

Seconded by Mr. Kelley.

Vote: Unanimous.

Mrs. Navarro, Mr. Kelley, Mr. Coppolo, Mrs. Evans, Mr. Perkins

Deliberative Session

Mr. Perkins said there have been previous cases with tight neighborhoods have asked for buffers and where the applicant is proposing 1' he has 50' of powerlines. He said that there also was no one present from Eversource here to object to the proposal.

Mrs. Evans said she agreed as the applicant has plenty of space. She said that she liked the proposed design and that the applicant has stated his reasons for location and she felt it was a straight forward case.

Mr. Kelley said he would like a condition of having a certified plot plan.

Mr. Coppolo said that becomes a cost factor and applicant builds at own risk.

Mr. Perkins said that the Code Enforcement Officer did not walk around with lasers to locate property line pins.

Mr. Kelley said that he understands that Eversource is the abutting property where proposal would be encroaching and if anywhere else would have stricter criteria. He said if get a certified plot plan he would agree as Eversource could come in and find the garage is over the lot line. He said that this would set precedence but if obtain a certified plot plan there would be no issue in the future.

Mr. Coppolo said no one can be sure of future and utility is not going away so he was not concerned with the 1' distance from the lot line.

Mr. Perkins reviewed the proposed conditions for the record.

Mr. Coppolo motioned to come out of deliberative session.

Seconded by Mrs. Evans.

Vote: Unanimous.

Mrs. Navarro, Mr. Kelley, Mr. Coppolo, Mrs. Evans, Mr. Perkins

Mr. Coppolo motioned on case #17-128 William and Michelle Mensinger, Jr. to Grant a variance to the terms of Article VI, Section 165-47.B.4 of the Town of Derry Zoning Ordinance to construct a 28' x 32' detached garage less than 15 feet from the side property line at 10 Ledgewood Drive, PID 14031-028, Zoned LDR as presented with the following conditions:

- 1. Subject to obtaining all State & Town permits and inspections.**
- 2. Subject to obtaining a certified plot plan.**

Seconded by Mrs. Evans.

Vote:

Mr. Kelley: Yes.

Mrs. Navarro: Yes.

Mr. Burgess: Yes.

Mr. Coppolo: Yes.
Mr. Perkins: Yes.

The application was Granted by a vote of 5-0-0. Anyone aggrieved by a decision of the Board has 30 days to file a request for a rehearing. After that the recourse would be to appeal to Superior Court.

Approval of Minutes

Mr. Perkins motioned to approve the minutes of November 16, 2017 as written.

Vote: Unanimous.

Mr. Rathburn, Mr. Webb, Mr. Burgess, Mrs. Navarro, Mr. Kelley, Mr. Coppolo, Mrs. Evans, Mr. Perkins.

Other Business

Mr. Webb said that he received an email regarding Right-To-Know but did not know of date.

Mr. Perkins said that he had also received an email stating that there would be a presentation regarding Right-To-Know to be held here at the Town Hall. He stated that he would review and forward to the office so it could be emailed out to members.

Adjourn

Mr. Burgess motioned to adjourn.

Seconded by Mrs. Evans.

Vote: Unanimous.

Mr. Rathburn, Mr. Webb, Mr. Burgess, Mrs. Navarro, Mr. Kelley, Mr. Coppolo, Mrs. Evans, Mr. Perkins.

Adjourn at 7:50 pm

Minutes transcribed from notes & tape:

Ginny Rioux

Recording Clerk

APPROVAL OF MINUTES

Mrs. Evans motioned to approve the minutes of December 7, 2017 as written.

Seconded by Mr. Kelley.

Vote: Unanimous.

Mr. Rathburn, Mr. Burgess, Mrs. Navarro, Mr. Kelley, Mr. Coppolo, Mrs. Evans, Mr. Perkins.