

**MINUTES OF THE BOARD OF ADJUSTMENT MEETING  
EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

**7:00 P.M.**

**JANUARY 26, 2016  
Reconvened from  
January 19, 2016**

**MEMBERS PRESENT:** Chairman David Witham, Vice-Chairman David Rheame, Arthur Parrott, Charles LeMay, Christopher Mulligan, Jeremiah Johnson, Lee Smith

**MEMBERS EXCUSED:** Patrick Moretti

**ALSO PRESENT:** Planning Department: Juliet Walker

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**V. PUBLIC HEARINGS – NEW BUSINESS (Continued)**

- 4) Case #1-4  
Petitioner: Jamey R. Beland  
Property: 373 Union Street  
Assessor Plan 134, Lot 5  
Zoning District: General Residence A  
Description: Construct second story rear addition.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.321 to allow a lawful nonconforming building to be extended, enlarged or structurally altered except in conformity with the Ordinance.
  2. A Variance from Section 10.521 to allow a 4'± left side yard setback for the addition where 10' is required.

**SPEAKING IN FAVOR OF THE PETITION**

The owner Jamey Beland was present and explained how the petition met the five criteria. He noted that his three abutters were in favor of the changes.

Vice-Chair Rheame asked Mr. Beland whether he would retain the existing foundation and continue the existing roof look, and Mr. Beland said he would.

**SPEAKING IN OPPOSITION TO THE PETITION OR  
SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one rose to speak, and Chairman Witham closed the public hearing.

### **DECISION OF THE BOARD**

*Vice-Chair Rheume made a motion to **grant** the variances as presented and advertised. Mr. Parrott seconded the motion.*

Vice-Chair Rheume stated that granting the variance would not be contrary to the public interest because nothing would significantly alter the general characteristics of the neighborhood. The applicant had cited several examples of nearby similar additions and made a good case. Granting the variance would observe the spirit of the Ordinance because the relief was based off of an existing foundation and mitigated some of the concerns of being so close to the property line. The concern regarding light and air for abutters would be mitigated by a lot of distance between the applicant's house and the one next to it as well as the double-wide property on one side. Granting the variance would do substantial justice because it would allow the owner to make full use of the home without increasing the land use footprint. It would not diminish the values of surrounding properties because upgrading the property would increase its value and those of surrounding properties. Regarding hardship, there was a unique set of circumstances in which the applicant's home was up against one property line and the other side was open, creating a unique situation due to the footprint. The property next to it had lots of room between it and the two houses on the side, so there was no reason for the public to be concerned. He recommended approval.

Mr. Parrott stated that he concurred with Vice-Chair Rheume and noted that the addition was very appropriate to the home and the neighborhood and met the five criteria.

*The motion **passed** with all in favor, 7-0.*

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- 5) Case #1-5  
Petitioner: Christian G. Hulseman  
Property: 430 Richards Avenue  
Assessor Plan 112, Lot 8  
Zoning District: General Residence A  
Description: Demolish rear garage addition and reconstruct extending to width of garage.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.321 to allow a lawful nonconforming building to be extended, enlarged or structurally altered except in conformity with the Ordinance.
  2. A Variance from Section 10.521 to allow a 3.5'± left side yard setback where 10' is required.

### **SPEAKING IN FAVOR OF THE PETITION**

Brendan McNamara on behalf of the owner reviewed the reasons for the variances.

Mr. Johnson asked Mr. McNamara what the new space would be used for, and Mr. McNamara said that it would be used for storage.

**SPEAKING IN OPPOSITION TO THE PETITION OR  
SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one rose to speak, and Chairman Witham closed the public hearing.

**DECISION OF THE BOARD**

*Mr. Mulligan made a motion to **grant** the variances as presented and advertised. Mr. LeMay seconded the motion.*

Mr. Mulligan stated that the request made sense because the required relief was driven by the existing non-conforming condition of the garage invading the setback. He agreed that it was necessary to increase the volume of the addition to the garage and maintain the same setback. He said granting the variance would not be contrary to the public interest or the spirit of the Ordinance, and the essential characteristics of the neighborhood would not change. It would result in substantial justice because the loss to the applicant if required to adhere to the side yard setback requirement would outweigh the gain to the general public. There was already an existing encroachment and the project was simply keeping it where it was. Granting the variance would not diminish the value of surrounding properties because a correctly-constructed addition would enhance the applicant's property values as well as the values of surrounding properties. Regarding the hardship, the special conditions of the property were the existing nonconforming configuration of the garage as it sat with the bumped-out addition. In order to make reasonable use of that addition, it needed to be expanded. There was no fair and substantial relationship between the purpose of the setback Ordinance and its application to the property. The loss of light and air to surrounding properties would not be more pronounced than it already was.

Mr. LeMay said he concurred with Mr. Mulligan and had nothing to add.

*The motion **passed** with all in favor, 7-0.*

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- 6) Case #1-6  
Petitioner: Scott Mitchell  
Property: 2839 Lafayette Road  
Assessor Plan 286, Lots 18 & 19  
Zoning District: Gateway  
Description: Parking related to construction of a bank and drive-through facility.  
Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:
1. A Variance from Section 10.1113.20 to allow parking between a principal building and a street.

**SPEAKING IN FAVOR OF THE PETITION**

Attorney Bernie Pelech on behalf of the applicant stated that the variance was driven by the corner lot and the stringent regulations regarding drive-through facilities and handicapped parking spaces. He noted that there were two lots that the bank hoped to consolidate as well as vintage buildings that would be demolished and replaced. Attorney Pelech went through the reasons why the petition would meet all the criteria and emphasized the special conditions of the property.

Mr. Johnson said there were eight other spots and asked whether the civil engineer had looked at other configurations. Attorney Pelech replied that all the parking spots were necessary.

**SPEAKING IN OPPOSITION TO THE PETITION OR  
SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one rose to speak, and Chairman Witham closed the public hearing.

**DECISION OF THE BOARD**

*Vice-Chair Rheume made a motion to **grant** the variances as presented and advertised. Mr. Johnson seconded the motion.*

Vice-Chair Rheume stated that he was concerned about the potential of moving the bank building closer to Robert Avenue and locating the parking between the bank and the parking because it could compromise the ability to create an entrance off Robert Avenue. However, after further discussion, he believed that the applicant proposed the best compromise.

Vice-Chair Rheume stated that granting the variances would not be contrary to the public interest because the public interest was to promote the use of buildings near the streetscape to improve visual sight lines, and that was what would happen. It would observe the spirit of the Ordinance because, even though the applicant was requesting the opposite of what was required, the road was a secondary one, so the requirement was met. The fact that the parking would be between the building and the secondary road was not enough to say it was not in the spirit of the Ordinance. It would do substantial justice because no public provision would outweigh the applicant's right to use the property effectively and promote their banking business. The balancing test was in favor of the application. Granting the variance would not diminish the value of surrounding properties. There were two older buildings that would be replaced by an attractive structure that would bring vitality back to that corner of Lafayette Road. The hardship was that the lot was odd and had unusual circumstances, and the general public would not be outweighed by the unique hardship.

Mr. Johnson concurred with Vice-Chair Rheume, saying that the proposal was modest and the relief was reasonable. He understood the issue with the corner lot and the parking situation, and he felt that a safer in and out vehicular situation would be created on Route One.

Mr. Parrott stated that the no-parking regulation between the building and the road was reasonable and good logic from a Planning Board point-of-view, but he felt it made sense in that case. He thought it was significant that the parking spaces fronted a low-traveled and low-visibility side road in terms of the Gateway District and was a good exception to the normal rule of keeping the parking spaces in back of the building. He also felt that it would be a nice upgrade.

*The motion passed with all in favor, 7-0.*

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7) Case #1-7

Petitioner: Faithful Church of Christ Inc.

Property: 217 Bartlett Street

Assessor Plan 162, Lot 32

Zoning District: General Residence A

Description: Four unit dwelling with related parking and travel aisles.

Requests: The Variances and/or Special Exceptions necessary to grant the required relief

from the Zoning Ordinance, including the following:

1. A Special Exception under Section 10.440 to allow four dwelling units where the use is only allowed by Special Exception.
2. A Variance from Section 10.521 to allow a lot area per dwelling unit of 2,237± s.f. where 7,500 s.f. is required.
3. A Variance from Section 10.114.21 to allow an 18'± maneuvering aisle where 24' is required.

### **SPEAKING IN FAVOR OF THE PETITION**

Attorney Bernie Pelech representing the applicant and the realtor Ralph Pope were present to speak to the petition. Attorney Pelech reviewed the history of the church, noting that the adjacent 4-unit apartment went as far back as the 1980s. The Ordinance changed in 2014, which made four units allowed only by special exception. They were seeking that exception as well as a variance for the lot area per dwelling unit and the travel aisle. Attorney Pelech also noted that the church could be demolished. He reviewed the five criteria and special exception criteria.

Vice-Chair Rheume asked whether the entire proposed parking area would be paved. Attorney Pelech said he thought the lot would be completely repaved and striped. Vice-Chair Rheume noted that the potential demolition of the church could create parking on the opposite side, and he asked whether it had been discussed with clients. Attorney Pelech replied that a potential purchaser had thought it might be beneficial to demolish the church and make a u-shaped driveway. He didn't know whether additional parking could be generated due to its narrowness.

Vice-Chair Rheume said he felt that a lot of relief was being asked for lot area per dwelling unit and asked if there were examples of other units. Attorney Pelech replied that most of the neighborhood didn't meet current lot area requirements, and because the 4-unit building had existed for more than 60 years, he felt that the lot area per dwelling unit should not be a reason to require it to be smaller in size. Attorney Pelech also suggested a stipulation that the church be demolished, which would make the lot area per dwelling unit deficiency less of a problem.

Mr. Mulligan asked what the square footage of the living area in the building was. Mr. Pope said it was a total of 3,914 square feet but thought the total should be 3,600 feet if the church was considered. Mr. Mulligan said he was concerned that the apartment building seemed to be an accessory to a house of worship, and if the church was demolished, there would be four small apartments. He asked whether it would make sense to convert the building to two units so that it did not require as much lot coverage relief. Attorney Pelech said it would alter the property's value.

#### **SPEAKING IN OPPOSITION TO THE PETITION OR SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one rose to speak, and Chairman Witham closed the public hearing.

#### **DECISION OF THE BOARD**

Mr. Mulligan stated that he was fine with the special exception but had difficulty with the variance.

The Board further discussed the requested relief for the lot area per dwelling unit and whether there should be two units instead of four.

- The existing concrete block building and connector will be removed prior to the issuance of an occupancy permit for the four dwelling unit structure.

*Mr. LeMay made a motion to **grant** the variances as presented and advertised with the stipulation that the existing concrete block building and connector be removed prior to the issuance of an occupancy permit for the structure. Mr. Mulligan seconded the motion.*

Mr. LeMay addressed the criteria for the Special Exception noting that the four units were permitted by the Ordinance through special exception. He stated that there would be no issue of creating a hazard to the public or adjacent property on account of potential fire explosion or release of toxic materials or detriment to property values or change in essential characteristics of the area. He noted that the use had existed for a period of time except for an approximate period of 8 months so there would be no substantial change caused by allowing this to proceed. For the same reason, there would be no reason to expect that a traffic safety hazard would be created by this change or substantial increase in the level of traffic congestion. Mr. LeMay stated that the demand for municipal services would not increase for four units and, with an existing structure, no increase in storm water runoff onto adjacent property or streets.

Addressing the variance criteria, Mr. LeMay stated that granting the variance would not be contrary to the public interest or to the spirit of the Ordinance because the project was small with very little change. It would not change the essential characteristics of the neighborhood, and he thought it might improve it by removing the cement building. Substantial justice would be done because four units versus two units wasn't enough of a tipping factor. Developing and improving the property would also help surrounding properties. The hardship was that the investment in the property and the way it was legally developed went back to a use that was originally four units on a small lot, with the coverage close to the original size. Demolishing the cement building would reduce the intensity of the non-conformance on the property.

Mr. Mulligan said he concurred with Mr. LeMay and believed that the applicant met all the criteria for special exception. He had some misgivings about the lot area per dwelling unit variance, but the applicant was proposing a tradeoff by agreeing to demolish the church structure. The lot itself would meet relief under the Ordinance for anything over one unit. Given the historic use of the property and how large that structure was on a small lot, he believed that it would be an unnecessary hardship not to grant the variance.

*The motion passed with all in favor, 7-0.*

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8) Case #1-8

Petitioners: 599 Lafayette LLC owner, Aroma Joe's Coffee, LLC, applicant

Property: 599 Lafayette Road

Assessor Plan 229, Lot 8

Zoning District: Gateway

Description: Construct a stand-alone drive-through facility.

Requests: The Variances necessary to grant the required relief from the Zoning Ordinance, including the following:

1. A Variance from Section 10.440 to allow a stand-alone drive-through facility as a principal use.
2. A Variance from Section 10.531 to allow a side setback of 23.6'± where 30' is required.
3. A Variance from Section 10.836.31 to allow an outdoor service facility to be located 64'± from a residential zoning district where 100' is required.
4. A Variance from Section 10.1243 to allow a second free-standing sign on a lot.

### **SPEAKING IN FAVOR OF THE PETITION**

Attorney Tim Phoenix of Hoefle, Phoenix, Gormley and Roberts representing the applicant was present to speak to the petition. He also introduced the Principal Todd Baker and the engineer John Lorden. Attorney Phoenix reviewed the petition. Mr. Lorden then explained

the technical aspects and showed a layout of the area. He stated that Aroma Joe's would be different from typical drive-through kiosks because the customer would order and pick up on the same side, and there would also be a walk-up. He discussed the parking, the planned improvements to landscaping and grading, the cross-easement through the main plazas, then entries and exits, the dedicated crosswalk and sidewalk system, and the kiosk's hours of operation.

Attorney Phoenix stated that the project would improve the end of the lot. He discussed the 10-ft drive-up aisles, the walk-up service window, the entry locations, the average queue length, and the traffic flow. He noted that all the tenants had signage on the main sign in front of Bowl-O-Rama, but the applicant felt that a separate sign made sense because the kiosk would be off to the side of the main plaza. They needed relief to allow commercial use 64 feet from residential zone. He further reviewed the criteria and variance requirements and how they would be met.

Chairman Witham asked for more detail about the proposed landscape improvements and said he was uncomfortable about the second freestanding sign. Mr. Lorden replied that they would plant low shrubs. Attorney Phoenix explained the reasoning for the sign, saying it would make it easier for customers to find the kiosk. Chairman Witham said he wasn't sure how people would see a sign a few hundred feet off the road. Mr. LeMay asked about potential noise created from an amplified window. Attorney Phoenix said there would be no amplified window.

Mr. Parrott asked whether the studies showed that the queue of customers would get long enough that people would just drive past. Mr. Lorden said the maximum queue at other Aroma Joe kiosks was usually six cars. Mr. Parrott said he was concerned about congestion and also questioned the purpose of putting up a large sign in the middle of a parking lot because it didn't seem to serve the function of catching people's attention. He reasoned that regular customers would know where the kiosk was. Attorney Phoenix agreed that at some point it would be self-regulating but thought the sign would be the best advertisement. Mr. Parrot said other stores would want separate signs.

Vice-Chair Rheume asked Attorney Phoenix whether he thought the sign would not affect the right-of-way and whether the 30-ft easement along the edge of the property would have a negative effect. Attorney Phoenix said the sign would go in the green area and would not affect traffic and that the easement was a roadway to access the back and would not be a problem.

Mr. Johnson asked Ms. Walker whether a traffic study would be required. Ms. Walker replied that the Planning Board would discuss it the following week.

**SPEAKING IN OPPOSITION TO THE PETITION OR  
SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one rose to speak, and Chairman Witham closed the public hearing.



**DECISION OF THE BOARD**

Chairman Witham asked the Board whether they wanted to address the sign separately. Vice-Chair Rheume said he felt that Variances 1, 2, and 3 were grantable but wasn't sure that the sign would help the business. Chairman Witham felt that a hardship had not been proven for a freestanding sign. Mr. Johnson thought the applicant could use the main sign.

*Vice-Chair Rheume made a motion to **grant** Variances 1, 2, and 3 as presented and advertised and deny Variance 4. Mr. Parrott seconded the motion.*

Vice-Chair Rheume stated that the land parcel was an odd shape and didn't have a lot of use other than parking. It was an underutilized portion of the property, which drove some of the relief request as well as one of the variances for the sign setback. He was concerned about the apartment complex, but there was a tree buffer and the property line was a ways from the complex. He stated that granting Variances 1, 2, and 3 would not be contrary to the public interest because they would not change the essential characteristics of the area and would in fact make better use of that area. It would observe the spirit of the Ordinance because the relief sought was minimal and had mitigating factors. Granting the variances would do substantial justice because it would allow the use of the odd parcel and improve it, and no public interest would outweigh the owner's making full use of that area. It would not diminish surrounding properties because the lot was commercial except for the residential part, which was back far enough, and the complex owner supported the petition. As for the hardship test, it was an odd-shaped parcel and was driven by easements. Denying Variance #4 would be in the spirit of the Ordinance because the Board's concern was having a logical placement to the sign that would serve the business. Where the sign was proposed to be placed would not help the business tremendously in getting its message across, and it would be far away from the road and take away open space. It could also set a precedent for other businesses.

Mr. Parrott said he concurred with Mr. Rheume and thought there was no hardship about the sign. He felt that its location would be more of a distraction than a help.

*The motion to **grant** Variances 1, 2, 3 and **deny** Variance #4 **passed** with all in favor, 7-0.*

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9) Case #1-9

Petitioner: Paul E. Berton and Jane A. Ewell Living Trusts

Property: 482 Broad Street

Assessor Plan 221, Lot 63

Zoning District: General Residence A

Description: Construct three townhouses.

Requests: The Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance, including the following:

1. Special Exception under Section 10.440 to allow three dwelling units where the use is only allowed by Special Exception.

Mr. Mulligan recused himself from the vote.

### **SPEAKING IN FAVOR OF THE PETITION**

Attorney Tim Phoenix of Hoefle, Phoenix, Gormley and Roberts on behalf of the applicant introduced the owner Paul Berton and the technical representative Mike Schlosser. Attorney Phoenix reminded the Board that the owner had previously asked for four standalone units, which the Ordinance allowed at the time, but while the petition was pending, the Ordinance required a special exception for anything over two units. Attorney Phoenix reviewed the project's history and said they had worked closely with Peter Weeks and the neighbors, who no longer opposed the project. He also discussed the Memo of Understanding. Attorney Phoenix said that the applicant was requesting three units instead of four and the project would have the same size and lot coverage and would look better. He also noted that the applicant could have either filed a request for a similar project, demonstrating that the new circumstances were material changed from the previous proposal (Fisher vs. Dover case), or they could have addressed the Board's concerns, in which case the Fisher vs. Dover case would not apply. The four-unit proposal was on appeal but if the 3-unit proposal was approved, the appeal could be withdrawn. Attorney Phoenix further stated that the applicant ad addressed all the previous concerns of the board and the neighbors.

At that point, Chairman Witham asked whether anyone wanted to invoke Fisher vs. Dover, but no one did. Attorney Phoenix pointed out that there were small lots across the street that did not meet density requirements and turn-around parking. He discussed how other homes were a mixture of single and family homes with several paving and side-facing entries and said he felt that the new proposal brought it in compliance with the character of the neighborhood. As for the special exception requirements, he stated that the property appraiser Fern Gardner had done a review based on the sale of units and concluded that the 3-unit building would not diminish surrounding property values. He reviewed Exhibit 5 with the Board and said the mass and scale were reasonable.

Mr. Johnson asked how many bedrooms were in the current house and how many would be in the new units. Mr. Berton said the house had four bedrooms and the condos would each have three bedrooms. They discussed whether Unit 1 was over the lot setback.

### **SPEAKING IN OPPOSITION TO THE PETITION**

Bruce Burnaby of 500 Broad Street stated that the petition did not meet all the criteria because the neighborhood's property values would decrease and a 6-ft fence would not shield such a large building. He pointed out that the multi-family houses on the street had not been changed for 35 years and also said that runoff would affect the adjacent properties.

Mr. Aiden French of 500 Broad Street said he was a direct abutter and opposed the special exception for developing a condominium association next to his property. He noted all the cut-throughs in the area would take away from the openness as well as diminish privacy.

Molly French of 500 Broad Street opposed the project, saying that a property turned sideways facing her property would change the neighborhood characteristics.

Daniel Wyand of 65 Pinehurst Road stated that the zoning was changed partly in response to the development, and he was concerned that approving the project would set a precedent for similar development. He suggested various stipulations if the Board voted in favor of the special exception.

Henry Melllenchuck of 458 Broad Street said he did not believe that the material changes were substantial because the decreased footprint was still larger than any house on Broad Street. The pavement would still be 24 feet and the landscaping would not lessen the building's impact. He disagreed with the property value assessments and thought the storm water plans were inadequate.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

Peter Weeks of PGW Real Estate Consulting referenced Exhibit 11, the Memo of Understanding, and asked the Board to consider a stipulation that the memo be made part of their approval concerning items agreed to in perpetuity. He further explained that sections of the rear and front of the property would be common areas in perpetuity and no dwelling unit or garage could be proposed on it. He also asked that the City approve the drainage plan or that the applicant hire an independent engineer to ensure that additional water would not leave the site.

Attorney Phoenix agreed to stipulate that Exhibit 11 require that post-construction conditions not exceed pre-construction conditions. He said the storm water management would be vetted.

Bruce Burnaby insisted that the project would still change the character of the neighborhood.

No one else rose to speak, and Chairman Witham closed the public hearing.

### **DECISION OF THE BOARD**

Vice-Chair Rheume stated that what was proposed eliminated the extra unit. He noted that the garage for Unit 1 faced the road but helped with the vehicle circulation and reduced the overall amount of pavement, and he pointed out that the applicant worked with several neighbors to make the project more of a win-win situation. He said the 10-foot setback met the Zoning requirement, and the property was a large parcel with a small building on it with similar examples in the neighborhood. Chairman Witham said the applicant addressed previous concerns by proposing changes more in keeping with the neighborhood and that the Board had to decide whether the special exception diminished property values and not the building. He also noted that the applicant could build a large duplex if denied. He emphasized that the arguments against the project were based on its size and not the units, which were consistent with what was nearby.

Mr. Parrott read Section 10.232.23 of the Special Exception requirements and said his concerns from the previous hearings had not changed because he believed there was a likely detriment to property values, especially to both adjacent properties, for reasons including loss of views and open space and large row houses facing sideways. He thought it was a better proposal but didn't meet the special exception regarding detrimental property values and character of the neighborhood.

*Vice-Chair Rheume made a motion to **grant** the special exception as presented with the following stipulation:*

*That the Memorandum of Understanding between the Paul E. Berton and Jane A. Elwell Living Trusts and the Residents of Broad Street and Pinehurst Road as presented be incorporated as a part of this and any future approvals related to this proposal.*

*Mr. Johnson seconded the motion.*

Vice-Chair Rheume stated that the proposal was within reasonable expectations for the essential characteristics of the neighborhood by having three separate units that were the size and scale for the neighborhood. There were other examples of large parcels on neighboring parcels, including four family units. He agreed that the lots were unusually large for the ZGA District but met the requirements. Granting the special exception would not pose any hazard to the public on account of toxic materials and would not create traffic safety hazards or increase in traffic. He did not feel that two additional units would be burdensome on Broad Street or much different from neighboring properties. Granting the special exception would place no excessive demands on municipal services because the project would only add two additional living units in an area that already had many living units. There would be no significant increase in storm water running onto adjacent properties -- the Memo of Understanding addressed it and would be further analyzed by TAC and the Planning Board. He believed that there would be no detriment to property values or change in the essential characteristics of the neighborhood because there were other examples of multi-units and the size and scale were within what one would expect. The applicant was taking advantage of what was allowed in setbacks but met the requirements, and he felt that the applicant could make a very large, architecturally-dissimilar single-family home from the other homes in the area, but he wasn't.

Mr. Johnson concurred with Vice-Chair Rheume, saying that he understood the abutter concerns about the detriment to property values but said the Board had granted similar cases before and he didn't think they the project would be detrimental. He wasn't behind the farm style of the house but believed the proposed scale was adequate and that a case was made for three units on a lot that size. He also said there was precedence for it in the neighborhood.

Mr. LeMay said he was previously concerned about changing the nature of the neighborhood more than anything else. He said that few if any homes faced sideways on those lots, and he wasn't comfortable with a 6-foot fence trying to hide a large home. He didn't buy the argument that just because the owner could build a castle there didn't mean it

that he would or that it would be practical. He said he was ‘on the vinyl fence about it.’ Chairman Witham agreed that adding a structure with three units would not change the character of the neighborhood. Vice-Chair Rheume noted that the revised proposal eliminated the middle building.

*The motion **passed**, with four voting in favor of the petition and Mr. Parrott and Mr. Lee voting against, 4-2.*

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## **VI. OTHER BUSINESS**

No other business was presented.

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## **VII. ADJOURNMENT**

*It was moved, seconded and **passed** by unanimous voice vote to adjourn the meeting at 10:30 p.m.*

Respectfully submitted,

Joann Breault  
Recording Secretary