



Breton Road Unmerge Schinino Property

Parcel ID's	Address	Current Owner	Date of unmerge/ common owner Deed	size	Comment	Notes Area of Tax Card
217-052-000	46 Blueberry Hill	Caroloni (new owner)	11/09/1999 1560 0183 Lot 5	House on lot	Traniello Sold in 2007	lot 52 separated into 2 purchased w/ 217-052-000'
217-053-000	50 Blueberry Hill	Traniello Realty Trust	11/12/1999 1560-0692 Lot 6	Vacant lot	These are inland lots on Governors Island	lot 52 separated into 2 purchased w/ 217-052-000'

DEPARTMENT OF PLANNING AND LAND USE

47 Cherry Valley Road • Gilford, N.H. 03246 • (603) 524-6294 FAX (603) 524-1396

August 7, 1996

Leo R. & Pearl Sandy
46 Blueberry Hill Lane
Gilford, N.H. 03246

Re: Blueberry Hill Lane, Lots 5 & 6

Dear Mr. & Mrs. Sandy:

This will respond to your inquiry relative to the current status of your two lots (presently combined into 217-052).

After a review of the relevant records and consultation with Town Counsel, this department makes the following declaration:

1. The lots in question are #5 and #6 of the original subdivision of Blueberry Hill Lane on Governor's Island.
2. Both lots in question met the zoning ordinance in 1962 and are conforming lots today.
3. Lot #5 of the original subdivision now contains single family residence. (One dwelling unit.) This structure is conforming to all setbacks.
4. Lot #6 is unimproved.
5. Lots #5 and #6 are adjacent and are in common ownership.

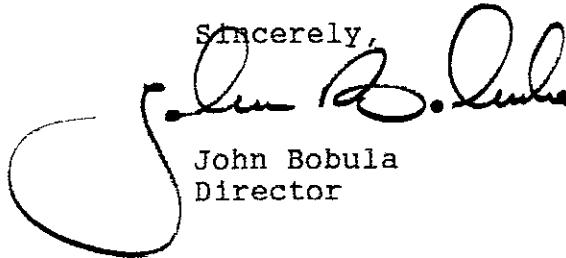
Based on the above numerated facts, it is the position of the Town of Gilford that the subdivision lots originally numbered 5 and 6 are separate lots of record, that they are assigned tax lot numbers 217-052 and 217-053 respectively and that these lots conform in all respects with the Gilford Zoning Ordinance.

B

Leo R. & Pearl Sandy
August 7, 1996
Page 2.

By copy of this letter, the Assessing Department is requested to make such adjustments to the Town records as may be necessary.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Bobula". The signature is fluid and cursive, with a large loop at the end.

John Bobula
Director

cc: Board of Selectmen
B. Shea, Chairman, Planning Board
W. Corcoran, Assessor
File

BlueberryHillLane

B

8/5/96

Re: Leo Sandy
46 Blueberry Hill Lane

Measurements

• front \pm 100 ft. from front Rd.
of house

• Right hand side to lot in
question: 64 ft.

• Left side: 47 ft.

• Rear: 315 ft.

Mr. Sandy has put
strings up.

B

LEO ROBERT SANDY, Ed.D., NCSP
46 Blueberry Hill Lane
Gilford, New Hampshire 03246-6609
Home Tel: (603) 366-5728 Work Tel: (603) 535-2287
Home Fax: (603) 366-5728 Work Fax: (603)
Email: lsandy@oz.plymouth.edu

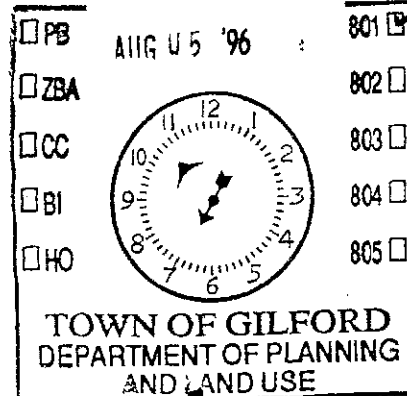
August 3, 1996

Dear Mr. Bobola:

I am writing to inform you of our intention to reestablish lots 5 and 6 as distinct entities on Blueberry Hill Lane in order to facilitate the sale of both these properties. These lots have two separate deeds and are part of an earlier subdivision of buildable lots on the island. In fact we purchased lot 6 more than a year after we bought lot 5. Several years ago the town of Gilford joined these lots without our awareness. It may have been done unlawfully/unintentionally during the reappraisal of all town property. Nevertheless, we would like to separate lot 6 from lot 5 at this time as their connection inhibits the sale of our house. No changes have been made to lot 6 since we purchased it.

Sincerely,

Leo R. Sandy
Leo R. Sandy



Mtg w/ L. Sandy 8/5/96
Adv that if there
is not an existing street.
setback nonconformance,
then the lots are and have
been separate with no further
Planning Board action required.
L. Sandy to provide setback measurements
if ok, J.B. will write letter confirming lot
separation
J.B. 8/5/96

B

MITCHELL & BATES PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW
UNION SQUARE • 382 UNION AVENUE
LACONIA, NEW HAMPSHIRE 03246

WALTER L. MITCHELL
TIMOTHY BATES

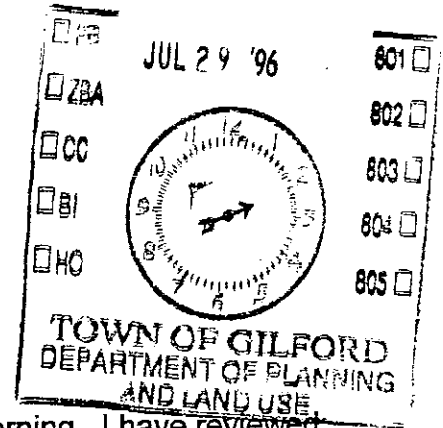
TELEPHONE (603) 524-3885
FACSIMILE (603) 524-0745

July 26, 1996

John Bobula, Director
Gilford Planning and Land Use
47 Cherry Valley Road
Gilford, NH 03246

Re: Gilford Zoning Ordinance - Merger of Lots

Dear John:



This letter will confirm our telephone conversation of this morning. I have reviewed Section 9.1.1 of the Gilford Zoning Ordinance regarding the merger of contiguous lots. It is my opinion that to the extent this provision is interpreted to require the merger of adjacent conforming lots, the provision is unconstitutional for at least two independent reasons.

First, by definition, conforming lots comply with all current land use regulations of a municipality, and it is my opinion that requiring such a lot to be merged with an adjacent conforming lot would serve no valid public purpose whatsoever. Such a requirement would therefore be struck down as violating substantive due process.

Second, I also believe that such a requirement would violate the constitutional guarantee of equal protection of the laws. That is, similarly situated landowners are treated in a vastly different way depending on whether their conforming lots are adjacent or separated by some minimal amount of intervening land. It does not seem to me that such different treatment can be justified with the theory that the regulation bears a substantial relationship to the achievement of an important public purpose. Therefore, the regulation would also flunk the equal protection test.

In light of the foregoing, I urge that Section 9.1.1 be amended to eliminate any interpretation that would require the merger of adjacent conforming lots. In the meantime, I am hopeful that the ZBA would interpret this section to not require the merger of such lots if the issue comes to the Board before an amendment can be adopted.

As always, we appreciate the opportunity to assist and hope you will call if you have any further questions.

Sincerely,

Timothy Bates

TB/scc

cc: David R. Caron, Town Administrator

e-mail: townlaw@worldpath.net

B

LAND USE INQUIRY / COMPLAINT FORM

INQUIRER	NAME:	<u>Leo + Pearl Sandy</u>		96-082
	ADDRESS:	<u>46 Blueberry Hill Lane</u>		Case No.
		<u>Gifford</u>	State: <u>NH</u>	ZIP <u>03246</u>
	TELEPHONE:	Work: <u>279-5680</u>	Home: <u>366-5728</u>	FAX:
REMARKS: <u>(Pearl)</u>				

INQUIRY	Brief description of Inquiry or complaint:	<u>We purchased the home on a 2 acre lot and an additional 2 acre lot. Town joined lots for tax purposes. We are now selling and would like to separate house lot and separate lot. Would like to know how to go about it.</u>

MAP 214-052-000 DO NOT WRITE BELOW THIS LINE

RECORD	RECEIVED BY:	<u>David D. Wells</u>	801[] 802[] 803[] 804[] 805[] 806[] 807[] 808[]
	METHOD:	IN PERSON[] TELEPHONE[] MAIL[] RADIO[] OTHER	
	DATE RECEIVED:	<u>17-11-96</u>	TIME RECEIVED: <u>3:00</u> am

ASSIGN.	REC'D/PROCESSED FOR ASSIGNMENT BY:	<u>Bobola</u>	801[] 802[] 803[] 804[] 805[] 806[] 807[] 808[]	DATE: <u>17-11-96</u>
	DPLU DIV.:	<input checked="" type="checkbox"/> ZONING ORDINANCE - Code Enf.		<input type="checkbox"/> PLANNING - Plan. Dir.
		<input type="checkbox"/> BLDG. CODE - Bldg. Insp.		<input type="checkbox"/> ADMIN. - Staff
		<input type="checkbox"/> HEALTH CODE - Health Officer		<input type="checkbox"/> TIMBER - Staff

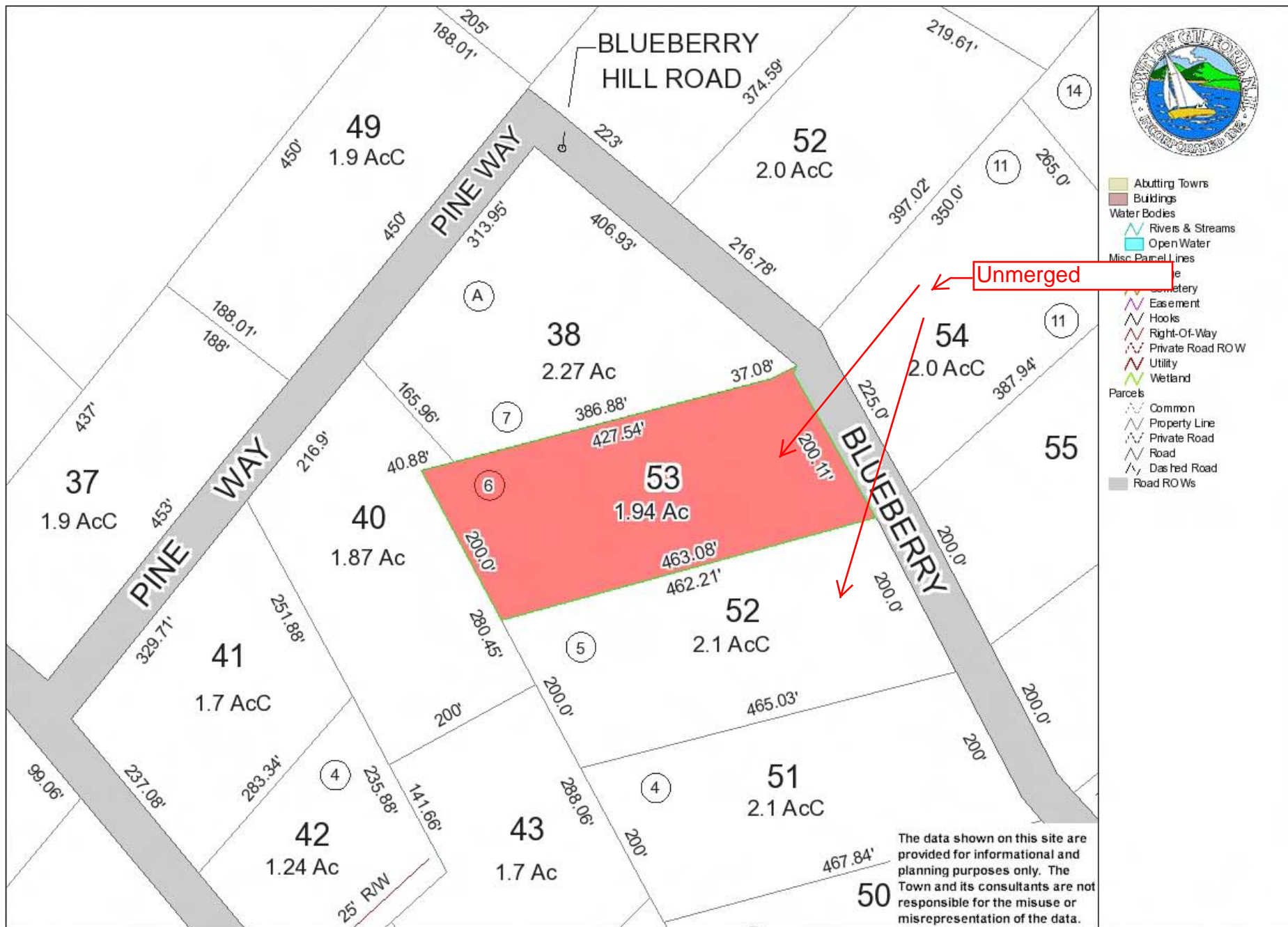
ASSIGN.	ASSIGNED TO:	801[] 802[] 803[] <input checked="" type="checkbox"/> 804[] 805[] 806[] 807[] 808[] Other #:
	<input type="checkbox"/> Complete LOT CONFORMANCE CHECKLIST.	
	<input checked="" type="checkbox"/> Investigate and recommend action to be taken.	
	<input type="checkbox"/> Investigate and take appropriate action.	
	<input type="checkbox"/> Investigate and report in writing	
	<input type="checkbox"/> Other:	

Comments: Check w/ Assessor Dept & Taxmap.

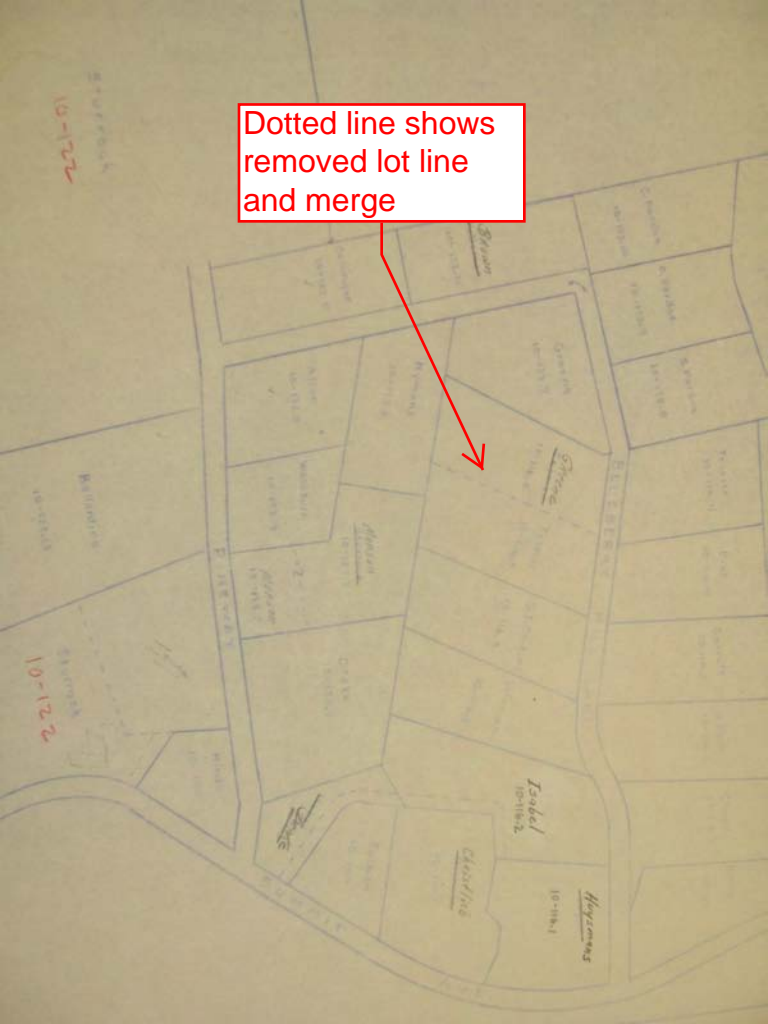
DISPOS.	Reply:	<u>To separate lot, application for subdivision to Planning Board is required.</u>

DISPOS.	<input type="checkbox"/> CASE CONT. TO FOLLOW UP	<input type="checkbox"/> REFERRED TO SELECTMEN
	<input checked="" type="checkbox"/> INQUIRY ANSWERED	<input type="checkbox"/> REFERRED TO TOWN COUNSEL
	<input type="checkbox"/> COMPLAINT UNFOUNDED	<input type="checkbox"/> COMPLAINT FOUNDED AND CLEARED BY DPLU
	CASE CLOSED BY:	<u>John B. Bole</u> DATE: <u>7/23/96</u>

Case No. 96-082



Dotted line shows
removed lot line
and merge



V

916747

WARRANTY DEED

Statutory Short Form

We, **LEO R. SANDY**, and **PEARL A. SANDY**, husband and wife, of 46 Blueberry Hill Lane, Gilford, Belknap County, New Hampshire 03246-6609, for consideration paid, grant to **RALPH EDWARD TRANIELLO**, whose mailing address is 76 Winchester Street, Medford, Massachusetts 02115, with **WARRANTY COVENANTS**:

A certain tract or parcel of land, together with the buildings and other improvements thereon, situate on Governor's Island, Lake Winnepesaukee, in the Town of Gilford, County of Belknap, State of New Hampshire, bounded and described as follows:

Beginning at an iron pin on the westerly side of Blueberry Hill Lane at the southeast corner of the within conveyed tract;

thence North 89° 23' 30" West along the northerly line of Lot No. 4 465.03 feet to an iron pin at land of Sturrock;

thence Northerly along land of Sturrock 200.0 feet to an iron pin at the southwest corner of Lot No. 6;

thence South 88° 18' 20" East along the southerly line of Not No. 6 462.21 feet to an iron pin on the westerly side of Blueberry Hill Lane;

thence South 12° 28' 30" East along the westerly side of Blueberry Hill Lane 200.0 feet to the point of beginning.

Meaning to describe and convey Lot No. 5 as shown on a Plan of Blueberry Hill Lane and adjoining lots owned by Maurice Tessier, Governor's Island, Gilford, N.H., dated September 1961

BK1560 PG0183

made by Harold E. Johnson, L.S., recorded in Belknap County Registry of Deeds in Map Book 17, Page 1294.

Also conveying hereby the right to use for travel on foot and with vehicles, in common with the "grantors" their heirs and assigns, and others, the roadway known as Blueberry Hill Lane. The fee title to said Blueberry Hill Lane is hereby reserved to said "grantors", subject only to the right of the grantees and others to travel thereon. The grantors assume no obligation for maintenance or repair of said Blueberry Hill Lane.

This conveyance is made subject to the right of Public Service Company of New Hampshire to erect, operate and maintain lines for the transmission of electricity, for light, power and other purposes as conveyed to said Company by deed of Edna S. Saltmarsh and Robert C. Saltmarsh dated June 2, 1941 and recorded in Belknap County Registry Book 194, Page 258.

This conveyance is made subject to the restrictions of the Governor's Island Club dated September 18, 1952 and recorded in Book 340, Pages 63-71 of Belknap County Registry, and the grantees covenant and agree that they shall be bound by all said restrictions.

The grantees are entitled to all the rights pertaining to the use in common with the "grantors" and others of community beaches at Governor Estates on said Governor's Island and a right of way in common with the "grantors" and others to pass and repass over roads on said Governor Estates, as now enjoyed by the "grantors", and which are more particularly described in deed of New Hampshire Savings Bank et als to Robert C. Saltmarsh and Edna S. Saltmarsh dated June 13, 1940 and recorded in Book 246, Page 165 of Belknap County Registry.

SUBJECT TO and together with the benefit of the Declaration of Covenants and Restrictions for Governor's Island Club, Inc. dated 27 June 1992 and recorded with the Belknap County Registry

BK1560 Pg0184

of Deeds in Book 1306, at Page 61; see Assent dated 18 October 1992 and recorded in Book 1306, at Page 205.

Meaning and intending to convey all the same premises conveyed to Leo Sandy and Pearl Sandy by deed of Frank Hussey and Patricia Hussey dated 20 June 1981 and recorded with the Belknap County Registry of Deeds in Book 807, at Page 370.

SIGNED THIS 5th DAY OF November, 1999.

Leo R. Sandy
Leo R. Sandy
Pearl A. Sandy
Pearl A. Sandy

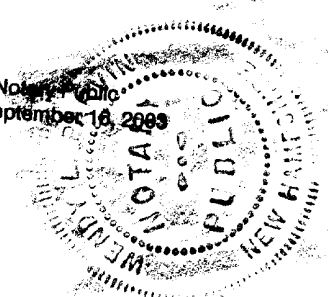
STATE OF NEW HAMPSHIRE
COUNTY OF BELKNAP, SS.

The foregoing instrument was acknowledged before me this 5th day of November, 1999 by the above named Leo R. Sandy and Pearl A. Sandy.

Wendy L. Parvin (Seal)
Notary Public
My Commission Expires:

sandywd1

WENDY L. PARVIN, Notary Public
My Commission Expires September 16, 2003



RECEIVED

1999 NOV 9 PM 1:01
Rachel M. Norman
REGISTRY OF DEEDS
BELKNAP COUNTY
Registrar

STATE OF NEW HAMPSHIRE	
DEPARTMENT OF REVENUE ADMINISTRATION	REAL ESTATE TRANSFER TAX
***2 THOUSAND 7 HUNDRED AND 75 DOLLARS	
11/09/1999	397372 \$ ****2775.00
VOID IF ALTERED	

BK1560 Pg0185

916939

WARRANTY DEED

Statutory Short Form

We, **LEO R. SANDY**, and **PEARL A. SANDY**, husband and wife, of 46 Blueberry Hill Lane, Gilford, Belknap County, New Hampshire 03246-6609, for consideration paid, grant to **RALPH EDWARD TRANIELLO**, whose mailing address is 76 Winchester Street, Medford, Massachusetts 02115, with **WARRANTY COVENANTS**:

A certain tract or parcel of land located on Governor's Island, Gilford, Belknap County, New Hampshire, and shown as Lot No. 6 on a plan entitled "SUBDIVISION OF LAND, PINEWAY AND BLUEBERRY HILL LANE, GOVERNOR'S ISLAND, GILFORD, BELKNAP COUNTY, N.H. FOR GARDINER G. GREENE, JR." by Ronald M. Mitchell & Associates Inc. dated October 6, 1978 and recorded in the Belknap County Registry of Deeds in Map Book 73, Page 1, more particularly bounded and described as follows:

Beginning at a found one-half inch (1/2") iron pipe on the westerly side of Blueberry Hill Lane, so-called, at the southeasterly corner of Lot 6, as shown on said Plan;

thence North 12° 00' 19" West 200.11 feet to a found one-half inch (1/2") iron pipe.

thence South 56° 08' 00" West 37.08 feet to a found three-quarter inch (3/4") iron pipe along the southerly sideline of Lot 7 as shown on said Plan;

thence North 84° 47' 03" West 427.54 feet to a found drill hole at the southwesterly corner of said Lot 7 and land now or formerly of Hysmans as shown on said Plan;

BK 1560 Pg 0692

thence South 10° 12' 06" East 200.00 feet along said land now or formerly of Hysmans to a set one-half inch (1/2") iron pipe;

thence North 87° 53' 03" East 463.08 feet to the point of beginning.

Lot 6 contains 1.94 acres, more or less.

Also conveying hereby the right to use for travel on foot and with vehicles, in common with the grantors, their heirs and assigns, and others, the fifty foot (50') strip of land adjoining the easterly boundary of said premises reserved for a street, now known as Blueberry Hill Lane. The fee title to said fifty foot (50') strip of land is hereby reserved to said "grantors," subject only to the right of the grantees and others to travel thereon. The grantors assume no obligation for maintenance or repair of said fifty foot (50') strip of land.

This conveyance is made subject to the right of Public Service Company of New Hampshire to erect, operate and maintain lines for the transmission of electricity, for light, power and other purposes as conveyed to said Company by deed of Edna S. Saltmarsh and Robert C. Saltmarsh dated June 2, 1941 and recorded in Belknap County Registry Book 194, Page 258.

This conveyance is made subject to the restrictions of the Governor's Island Club dated September 18, 1952 and recorded in Book 340, Pages 63-71 of Belknap County Registry, and the grantees covenant and agree that they shall be bound by all said restrictions.

The grantees are entitled to all the rights pertaining to the use in common with the "grantors" and others of community beaches at Governor Estates on said Governor's Island and a right of way in common with the "grantors" and others to pass and repass over roads on said Governor Estates, as now enjoyed by the "grantors", and which are more particularly described in

BK1560 PG0693

deed of New Hampshire Savings Bank, et als, to Robert C. Saltmarsh and Edna S. Saltmarsh dated June 13, 1940 and recorded in Book 246, Page 165 of Belknap County Registry of Deeds.

Meaning and intending to convey all the same premises conveyed to Leo R. Sandy and Pearl A. Sandy by deed of Gardiner G. Greene, Jr. and Susan C. Greene, dated 2 July 1984 and recorded with the Belknap County Registry of Deeds in Book 875, at Page 151.

SIGNED THIS 12th DAY OF November, 1999.

Leo R. Sandy
Leo R. Sandy
Pearl A. Sandy
Pearl A. Sandy

STATE OF NEW HAMPSHIRE
COUNTY OF BELKNAP, SS.

The foregoing instrument was acknowledged before me this 12th day of November, 1999 by the above named Leo R. Sandy and Pearl A. Sandy.

Louise D. McKean (Seal)
Notary Public
My Commission Expires: September 15, 2004

sandywd2

RECEIVED
1999 NOV 12 PM 2:58
Rachel M. Normandin
REGISTRY OF DEEDS
BELKNAP COUNTY
Registrar

STATE OF NEW HAMPSHIRE
DEPARTMENT OF REVENUE ADMINISTRATION
REAL ESTATE TRANSFER TAX
THOUSAND 7 HUNDRED AND 95 DOLLARS
11/12/1999 407411 \$ 795.00
VOID IF ALTERED



BK1560 PG0694