

BOARD OF ADJUSTMENT _ Minutes of Meeting August 20, 1980 at 7:30 P.M. in Wilton Court Room.

Present: Members of Board of Adjustment - Greg Bohosiewicz, Chairman; Gail Proctor, Clerk; Thomas Mitchell; Steve Collins; Harland Savage. Abutters: Olive Wiggin, William Abbott, James Daly, Fletcher Seagroves. Building Inspector, Members of Board of Selectmen and others also present.

Case #1980-5. Gail Proctor read the petition presented by Hillsborough Mills to subdivide lot on Highland Street with some frontage on Seagroves Lane resulting in one nine acre lot and one fronting on Seagroves Road with less than required frontage, and less than required acreage; also Seagroves Road is not a town accepted road according to town officials.

Norman Draper, speaking for Hillsborough Mills, showed a map of the proposed subdivision and described the property. The small lot has a house on it which has been used as a dwelling since about 1945 or 1946. Before that it was a camp owned by A. J. Foster. The Abbott interests bought the property in 1945. In attempting to sell the property, he said that if someone wished to buy the land, they did not want the building, and those interested in the building could not afford to buy the additional land. Hillsborough Mills is flexible on the acreage for the house lot, but feel that additional acreage there would not be of value to owner of the house.

The road has a long history. Perhaps it is not now an official town road but it has been there for over 100 years. He read from the Town Clerk's record that the road was laid out in 1868, and apparently accepted at that time. In 1953, residents had petitioned to have it accepted as a town road, proposing that it be widened to 30 feet, but the article in the warrant was voted down by Town Meeting. There was discussion of whether it had ever been maintained by the town. Residents said it had been at some points, while town officials questioned this. Someone pointed out that had the town been aware of the acceptance of the road in 1868 the refusal to accept it in 1953 would not have occurred.

The lot is in the residential-agricultural zone. Mr. Draper thought that the possible purchaser of the 9 acres was considering farming it.

There was discussion of whether the building had a suitable septic system. Mr. Draper pointed out that although he didn't know what type of septic system was used, it had apparently worked so far and under the law if it required repairs it could be done since it is an existing system.

Discussion of whether Hillsborough Mills had considered updating the road to town standards. However, there would still be insufficient frontage and acreage regardless of whether it were on a town accepted road.

Mr. Draper presented an alternative plan of subdividing the lot if the variance is turned down. This showed a 10-foot strip on Highland Street to satisfy the frontage requirement, a 30 foot strip behind the other lots to connect the building lot to the frontage, and enough additional acreage behind the lot to satisfy the one acre requirement. This or a similar plan would be presented to the Planning Board should the variance not be permitted.

After a brief executive session of the Board members of the Board returned to the meeting. There being no further discussion, a motion was made by Tom Mitchell as follows:

Be it resolved that the variance requested by Hillsborough Mills to create a sub-standard lot as described in their petition be denied for the following reasons: (1) a hardship does not exist which is inherent in the land; (2) the spirit and intent of the zoning ordinance would be broken, and (3) not to grant the variance would not result in an injustice.

The motion was seconded by Gail Proctor. All members of the Board present voted in favor of the motion. Owners were informed of their right of appeal.

Case # 1980-7 (Case No. 1980-6 had been withdrawn previous to the meeting.)

Gail Proctor read the petition by Steven L. and Bernice S. Dunn to convert the barn behind their store on Main Street into a dwelling for the owners.

Mr. William Keefe, attorney for the owners, said that in regard to Ordinance 7C, they had checked measurements and found that the buildings on the lot covered not more than 66% of the entire lot, well within the 75% maximum coverage. They have decided to call this an apartment when it is done; apartments are permitted in the commercial zone. Under these circumstances, he felt that no variance is required under the zoning ordinance since apartments are specifically allowed in the commercial district and coverage of the lot is within the requirements. He presented a letter withdrawing the request for a variance. They will reapply for a building permit on this basis. Copy of the letter is attached as a part of these minutes.

The meeting was adjourned.

Helen L Ring