

BOARD OF ADJUSTMENT - Minutes of Meeting held March 15, 1983
at 7:30 p.m., Wilton Selectmen's Room

Case 1983-1
James D. Miller
Case 1983-2
Rodney A. Sanders

Board Members Present: Greg Bohosiewicz, Steve Collins, Gary Crooker
Gail Proctor, Tom Mitchell. Helen Ring present as secretary.

7:30 p.m. Case 1983-1 James D. Miller, Isaac Frye Highway

This hearing was originally scheduled for February 25, but postponed at the request of the applicant.

Mr. Miller requested a special exception under Article V, Section B for a home occupation as a dealer in used brass cartridge cases.

He stated that he plans to purchase and resell used brass cartridge cases. He will purchase a lot, bring it home and store it until a sale is made, and then deliver it to the customer. He does not plan to sell retail. He does not envision employees, or that there will be smoke or dust other than normal for residential use. There is little or no chance of fire or explosion since these cartridges have been fired and the powder burned. Asked if there might be an occasional unexploded cartridge that got in with the others, he felt that while this could happen, there would be so very few that it would not pose a danger.

No abutters have raised any questions.

Motion made by Tom Mitchell, seconded by Gail Proctor, and voted unanimously.

Be it resolved that we allow the applicant to conduct a used brass cartridge business in the said location as a home occupation.

8:00 p.m. Case 1983-2 Rodney Sanders, Route 101 at Gray's Corner area.

Mr. Sanders requested a special exception for expansion of a commercial use in an industrial zone under Article VIII, Section H; and also a variance for expansion of a non-conforming business where frontage requirements are not met, Article VIII, Section C-1.

The request for a special exception was taken up first. Mr. Sanders wishes to build an addition to his building where he sells antiques (glass, china and furniture). He anticipates this may change the ratio of wholesale to retail from 90%-10% to 70%-30% respectively. This might increase traffic turning in slightly, but no tractor trailer trucks are likely. His plans include 30 parking spaces, although he anticipates that it is unlikely that more than 15 would be used at one time. There will be no increased fire hazard because he does not do refinishing. His hours will probably be from 9 or 10 a.m. to probably 4 p.m. six days a week, probably closing on Mondays. The space covered by buildings and parking lots will be within the requirements (C-2).

Motion made by Tom Mitchell, seconded by Gail Proctor and voted unanimously.

Be it resolved that we allow the special exception concerning Article VIII, Section H for the expansion of Mr. Sanders wholesale and retail antique business.

The request for a variance relative to less than 200 feet of frontage was then taken up. At the time Mr. Sanders purchased the lot, only 150 foot frontage was required.

Since then the zoning ordinance has been changed to require 200 foot frontage, making the lot a non-conforming lot. He felt that since the change had been made after he purchased the lot, it was a hardship on the land which would deprive him of its reasonable use. A building permit for expansion had been approved in 1979 but he was not in a position to build for financial reasons and this permit has now expired.

There was discussion concerning the hardship requirement for a variance. While the Board appeared to agree that there was indeed a hardship and an injustice, the majority felt the hardship was not inherent in the land but manmade in that it was a result of the change of zoning ordinances, and that since the intent of the change was to restrict congestion, it would not be in accordance with the spirit of the ordinance to permit a non-conforming use to be intensified.

It was suggested that a solution might be for Mr. Sanders to purchase another 50 feet of frontage from his abutter, Page Enterprises, and that he first discuss this with the Planning Board to see whether it would be necessary to carry the 50 foot extension to the back of the lot or whether a strip about 10 feet deep would be sufficient. No abutters have raised objections.

Greg Bohosiewicz also described the appeals process should Mr. Sanders wish to appeal.

Motion was made by Tom Mitchell and seconded by Gail Proctor:

Be it resolved that the applicant, Rodney A. Sanders, be allowed a variance to relieve the frontage requirements under Article VIII, Section C-1 for his property.

The motion was defeated; all members of the Board voted no except Gail Proctor who voted yes.

Helen Ring, Secretary