

August 7, 1985

Case # 85-13

Board Members present: Acting Chairman Gail Proctor, Tom Mitchell and Arlene Laurenitis.

Applicant Richard D. Greeley present with intended buyer Peter Bowman

Abutter present Marcel Trepanier

Also present David Stein and Atty. Silas Little

Meeting opened at 7:30 with Acting Chairman Gail Proctor reading the application from Richard D. and Marilyn R. Greeley of Temple Road, Wilton applying for a variance to the terms of Article VI Section A & B to permit a Commercial Bldg. and business on property located on the corner of Route 101 and Wilton Center Road, Lot c-91 on the tax map, in a res.-agric. zone.

First a letter from A. Kent Mc Celland was brought up to determine whether he was an actual abutter or not. The tax map was brought out and it was determined that Mr. McClland was not a true abutter.

Discussion was than opened. Mr. Greeley explained this lot of land was no longer feasible to farm as the state of New Hampshire did not consider it agricultural. As far a residential, he did not find it foreseen as the disturbance of the highway would be to distracting. He explained he was asking for a commercial zone for a commercial business. A hardship variance.

Acting chairman Proctor asked why he didn't ask for the change of zone at the next town meeting. Mr. Greeley stated time and he felt according to the statues on page 499 in the zoning book, sections 31-72, this change could be done. Member Laurenitis also agreed with Acting chairman Proctor.

Acting Chairman Proctor then asked Town Atty. Silas Little to explain to the board their rights in changing the zoning. Mr. Little stated any zoning ordinance is a static thing. It can vary in all respects. He felt as long as the 5 conditions were followed substantial justice would be done.

Member Mitchell asked Mr. Greeley what the spirit was. Mr. Greeley gave the alternative that he could put a business there which he felt would benefit the town or he could sell the property for trailer lots. He felt the commercial property with a commercial business would be an asset to the town while leaving it residential would be a liability.

Member Mitchell than asked for uniqueness. Mr. Greeley stated the highway was a downfall. The land has no depth. Heavy traffic would discourage anyone from building there.

Member Laurenitis asked Mr. Greeley how much acreage was involved. Mr. Greeley stated approximately 3 to 3½ acres.

Member Mitchell still needed more clarification on uniqueness. Mr. Greeley explained the depth of the land for residential and the state no longer classified the lot as agricultural.

Member Laurenitis questioned the property value. Mr. Greeley said he could not see a devaluation because of this change.

Member Mitchell asked what type of business was proposed. Mr. Greeley stated this company would make models of buildings out of pewter. It was basically mail order, larger than a home business, good, clean, and a small business. And he felt it would help balance the tax structure.

Citizen Bohosiewicz asked if the business folds then what? Mr. Greeley stated any other business would have to go before the planning board first. Acting chairman Proctor stated the variance would however be granted to the land and the zoning board would have no control over the type of business.

The board then questioned the proposed buyer. Mr. Bowman said if the variance passed he would put up a 20,000 sq. ft. steel building using 5,000 sq. ft. as actual workspace. He employs 6 people and would possibly rent some of the building out. He comes from Merrimack where his business is located. He now rents and has been asked to leave and would prefer to own his own building.

Acting Chairman Proctor stated her concern for the zoning mess on Rte. 101 but doesn't feel the problem can be resolved by singling out lots to rezone. She feels she must follow the framework which the town has set. Mr. Greeley felt she could change this as it was in the best interest of the public. He also felt it was the board's job as serving on the zoning board what the best use of the land is.

Abutter Trepanier asked about the entrance to this business. Mr. Greeley stated there were already three existing drives on Wilton Center Road.

Member Mitchell then made the motion to grant Richard D. and Marilyn R. Greeley of Temple Road to change the zoning from residential-agricultural to commercial property located at the corner of Route 101 and Wilton Center Road, Lot C-91 on the tax map, to the terms of Article VI Sections A & B of the Zoning Ordinance.

Acting Chairman Proctor seconded the motion.

The vote was then taken. Member Mitchell in favor. Acting Chairman Proctor and Member Laurenitis opposed. The motion was denied 2-1.

Acting Chairman Proctor tried to explain to Mr. Greeley that she thought he had a good idea but personally she couldn't rezone with a good conscience.

**Other Business:**

An application from A & L Development was discussed. It was determined that Chairman Bohosiewicz would contact someone at the soil conservation as this piece of land is considered wetland. It was also determined that a public hearing would have to be set. Notices would have to be printed in the paper once and posted in two locations.

An application from P & G Construction was also discussed. It was decided to send Mr. Greene a letter (see attached) to determine if just evidence is in order.

The board then discussed the wording in several sections of the zoning book. Member Proctor decided they would have plenty of time to go over the wording at another meeting.

Member Mitchell than made the motion to adjourn the meeting. Member Proctor seconded. Motion carried.

Meeting was adjourned at 9:50 p.m.