

August 12, 1985

Case 85-13

Applicant/Greeley

Addendum to Minutes

Addendum to Minutes: Request of Richard and Marilyn Greeley for a variance to the terms of Article VI - Section A & B of the Zoning Ordinance to change the zoning of Lot# C-91 from Res.-Agric. to Commercial.

The statutory requirement is, in any ZBA regulations with variances to consider with equal weight these questions:

1. Does the granting of the variance affect the value of the surrounding property?
2. Does the granting of the variance benefit the public interest?
3. Will a hardship be imposed (other than financial)?
Is the property in question unique in physical terms?
4. Would an injustice be perpetrated if the variance is not granted?
5. Is the spirit and the intent of the Zoning Ordinance being upheld?

In addition, the statutory requirements also state that the above considerations be equally weighed.

RE: Greeley application

Of the above points, the following was not satisfied.

Point #3 - The majority of the Board felt that the land was not unique since there are other Res.-Agric. lots in the proximity along Route 101. To create a spot zoning situation would not be in the best interest of the Town.

Point #4 - The law appears to be clear that a purely monetary consideration, i.e. maximizing profits, does not constitute an injustice, especially since the lot can still be put to other uses as it is currently zoned.

Point #5 - The spirit and the intent of the Zoning Ordinance is not to create a spot-zoning situation or to permit a more intensive use of land than the surrounding area. It was the intention of the

Board not to contradict the clear wishes of the electorate (Town Meeting vote).

It was also the feeling of the Board that it is reluctant to change zones from a less intensive use to a higher intensity by clearly contrary to intent and spirit of the ordinance.

Town Council Silas Little pointed out proposed use would probably be of an industrial use rather than a commercial.