

MINUTES
BOARD OF ADJUSTMENT, WILTON, N.H.
April 2, 1986

Case No. 86-3

Case No. 86-4

ZBA Members Present: Arlene Laurenitis, Eddie Lamminen, Stephen Blanchard, Steve Collins(alternate), Tom Mitchell.

The meeting opened at 7:30 P.M. ~~Eddie Lamminen~~ ^{Stephen Blanchard} made a motion that Arlene Laurenitis continue as Chairman. ~~Stephen Blanchard~~ ^{Eddie Lamminen} seconded. Arlene Laurenitis agreed to be Acting Chairman until the 5th member of the board is appointed. There was no dissent.

corrected
2/9/86

1. Case No. 86-3 Application by Craig D. and Wendy M. Peterson of 2202 Cliffside Drive, Sanford, NC for a variance to Article VIII Generally and Article V, Section A,B,C, to have a veterinary hospital on their property located at the junction of Isaac Frye Highway and Rt. 31 South.

Acting Chairman Laurenitis opened the hearing by reading the applicant's request and stating that the ZBA has received a letter from the Petersons authorizing Attorney C. Wilson Sullivan to act on their behalf.

Attorney Sullivan began by explaining that there was some confusion over the actual zoning of the property. The latest zoning map has the property as all residential. Several years ago the property was listed as part residential and part industrial. That is why the application asks for a Variance to the applicable sections to the Residential and Industrial ordinances. After some discussion, Tom Mitchell noted that in either case the applicant needed a Variance and the ZBA noted that it was beyond the ability of the board to resolve the issue.

Attorney Sullivan presented the following arguments for the granting of a Variance:

The property is at the junction of three busy roads, therefore not suitable for residential use because of traffic and noise.

The property is unique also because it is almost totally surrounded by industrial land.

Question by A.L. as to size of the property.

Att. Sullivan: 2.4 acres

Q by A.L. as to past use of the property.

Att. Sullivan: Residential, 2 currently vacant units.

(Att. Sullivan's arguments)

If part of the property is Industrial, that part is too small to be adequate for industrial use.

As to the Spirit of the Ordinance, Att. Sullivan compared the Special Exception uses for Residential property to the proposed use and said they were as intense of uses as that which the applicant proposes in terms of traffic count, etc. There is no provision in the ordinance for location of a veterinary hospital.

T.M. asked why the applicant was not applying for a Special Exception for a hospital. Att. Sullivan said he did not think that "hospital" encompassed a veterinary hospital.

S.B. pointed out that the problem of whether the property was Residential or Industrial was brought up when he was a Selectman, but never resolved.

A.L. asked about the size of the proposed use.

Dr. Michael Maki, who is interested in the property, responded that he wanted to add on to the house a building of about 30'x35', about 1000 sq. ft., and use that as the hospital, using the house as a residence for himself. There would be 2 veterinarians. They plan to do only small animals and not have outside housing, but an outside pen to walk dogs.

Att. Sullivan stated that a veterinary hospital would be of great benefit to the town.

A.L. asked if there were any comments from abutters.

Abutters present: Mr. Glines, Mr. Keys, Mr. Levesque.

Mr. Keys expressed concern about barking dogs and boarding of dogs.

Mr. Maki said the building would be well insulated and that they would not board animals except in the case of hospitalized animals.

T.M. asked what special condition of the property created a hardship.

Att. Sullivan replied that the location of the property at the junction of three busy roads and the fact that it is surrounded by industrial land.

Mr. McGettigan suggested that the ZBA might want to ensure that animal noises be restricted and to condition the use so that any future owners could not change the use.

Att. Sullivan noted that they knew they would have to go before the Planning Board for site plan review to discuss adequacy of parking, septic system, etc.

The board discussed attaching conditions to a variance, and A.L. made the following motion:

That the application of Craig D. and Wendy M. Peterson of 2202 Cliffside Drive, Sanford, NC for a Variance regarding Article VIII Generally and Article V, Section A, whichever is applicable, of the zoning ordinance to their property located at Isaac Frye Highway at the junction of Rt. 31 South for the purpose of using the premises as a Veterinary Hospital be approved subject to the following conditions:

1. That there be no animals lodged outside.
 2. That construction of the Veterinary Hospital have sufficient sound proofing so that animal noises are not heard outside the building.
- and, 3. That the variance for the Veterinary Hospital restrict the Veterinary Hospital to the practice of serving small animals.

Seconded by Steve Blanchard.

Vote: Unanimous in favor of approval.

2. Between hearings, the board discussed future scheduling. The ZBA has two hearings scheduled for April 9, 3 open applications, and has received 2 inquiries for applications. One of the open applications is regarding the Peterson gravel pit application. Tom Mitchell is the only board member who sat on the original hearing. Phil Laurien contacted A.L. regarding completion of the watershed impact study and stated that they would like to proceed with the application. T.M. felt the applicant would have to present their whole case over again. A.L. and S.B. will be unable to sit on the case, leaving only 3 members to sit. A.L. discussed scheduling the hearing after a new board member and possibly alternates are selected.

3. Case No. 86-4 Application by Michael and Torey Cox of Holt Rd., Wilton, for a variance to Article 6 Section D of the zoning ordinance for the erection of a mudroom/entranceway within the 35 foot sideyard setback requirement.

As a technicality, A.L. noted that the notice should be amended to read "erection of a mudroom/entranceway addition" instead of "garage".

Four of the five ZBA members viewed the property on 4/1/86.

Michael Cox stated that they have an 8' x 12' deck on the front of their house facing the sideyard line that they hope to replace with a 12' x 12' enclosed entranceway. The building will be only 4' closer to the line than it is now and will bring the building to 25' from the sideyard property line.

T.M. asked the applicant to address the 5 criteria for a variance:

1. Value of surrounding properties will not be diminished.

Mr. Cox replied that the present deck is falling down and the addition would enhance the property values.

2. Benefit to public interest.

Mr. Cox said the change would increase the aesthetic value of the property.

3. Special conditions of this property.

Mr. Cox replied that the house was located on an angle on the lot, with the front entrance facing the side lot line. Entering on the other side would also violate setback requirements. The house was built before the zoning ordinance.

4. Substantial injustice.

Mr. Cox said they wanted to make more living area in the house which is small. They have two small children.

5. Proposed use will not be contrary to the spirit of the ordinance.

T.M. observed that the intent of the ordinance is to preserve open spaces and that these properties are already close.

A.L. asked for opinions of abutters. An abutter from across the street had no objections. Torey Cox said the next door neighbor did not object.

S.B. made the following motion:

That the ZBA approve the application of Michael and Torey Cox of Holt Road, Wilton, for a Variance to Article 6 Section D

of the zoning ordinance for the erection of a mudroom/entranceway addition as per the application, within the 35 foot sideyard setback requirement.

Seconded by A.L.

Vote: In favor: Arlene Laurenitis, Eddie Lamminen, Steve Blanchard and Steve Collins.

Opposed: Tom Mitchell

Motion passed.

4. Continuing on other business, the board decided to have a meeting on April 30 to hear some of the pending applications.

S.B. asked about the applicaiton of Robert Bragdon. A.L. said she had not seen it but would look for it.

The board discussed setting a monthly meeting date, but did not reach a final decision.

Meeting adjourned at 8:45 P.M,

Respectfully submitted,

Arlene A. Laurenitis

Arlene Laurenitis, Acting Chairman