

MINUTES

ZONING BOARD OF ADJUSTMENT, WILTON, NEW HAMPSHIRE

AUGUST 27, 1986

Case # 86-12

ZBA Members present: Acting Chairman-Tom Mitchell, Stephen Blanchard, Eddie Lamminen, Herbert Klein, Grayson Parker, Recording Secretary-Gail Proctor.

The meeting was called to order at 7:45 P.M. in the Town Hall Court Room. Chairman Mitchell read the application of Robert Levesque Maple Street, Wilton, N.H. requesting a variance to the terms of Article VI, Section A&B of the zoning ordinance. Mr. Levesque proposes to establish a restaurant on his Gray's Corner property (Lot # F-143) in the Residential-Agricultural Zone. Chairman Mitchell asked Mr. Levesque for a presentation to the Board concerning his request. Mr. Levesque addressed the ZBA's five criteria as follows:

Mr. Levesque stated that the surrounding area will not decrease in value but will increase with commercial property. He explained that the two parcels in back of his property owned by David Glines and the Veterinary Office were of commercial use. He pointed out that all areas except for across Rte. 101 (which is a residential sub-division) is industrial in nature. Mr. Levesque commented that he would rather put in a business than an alfalfa field on his property.

Mr. Levesque stated that he felt the public would benefit from the pro-

S. Blanchard pointed out that the property was located in the aquifer.

There was discussion by Board members about building size, exits, and hours of operation, but it was felt by the Board that these details would be taken up by the Planning Board.

Chairman Mitchell asked Mr. Levesque to address the "hardship" criteria. Mr. Levesque stated that it would be a loss of a business opportunity for him. Mr. Levesque stated that he could not use the four acres as is.

Chairman Mitchell explained to the meeting that the Board cannot change the zoning. He explained that each case is taken individually and each case is heard on its own merits and evidence.

Mr. Levesque commented that the Board had granted other variances in the area, for example the Veterinary Office.

Chairman Mitchell asked for comments from the attending abutters.

David Glines representing himself and his sister, Edna Tuttle, who was also present, stated that the land was a valuable piece of property and he felt that it was inevitable that something would be done with it. He said it was ~~z~~ valuable for commercial use. Mr. Lamminen asked Mr. Glines if he was in favor of the proposal and he replied yes.

Mr. Maki was not against the proposal. He stated that the land was not good for agriculture or housing.

Charles McGettigan stated that a hardship existed in that no one would build a house on the lot and it was senseless to build a house on the land. He stated that it should be zoned commercial.

Michael Davidson stated that he agreed with the ~~z~~ previous statements.

Gail Proctor suggested to the Board that the request was not within the powers granted to the ZBA and that the appropriate place to decide the issue would be by the voters at Town Meeting.

Grayson Parker commented on the high visibility of the project on Rte. 101 and the possibility of it obstructing a scenic view of the area,

Stephen Blanchard stated that the project was in accordance with the Master Plan.

Chairman Mitchell then summarized the evidence presented by Mr. Levesque. It was the agreement of the Board that the applicant meet the first four ZBA criteria (including the hardship factor). Chairman Mitchell stated that in his opinion the proposal was contrary to the spirit and intent of the ordinance which does not permit commercial activity in a RES.-AGRIC. zone. Mr. Mitchell also pointed out the unwillingness of the Town to change the area to a more intensive use because at the March 1986 Town Meeting a warrant article to rezone the area to light industrial was defeated.

Eddie Lamminen said he did not agree and queried if people would rather see a restaurant on the property or a W.P. Grace Co.

Grayson Parker stated that he understood Mr. Mitchell's point but he did not agree with it.

Being no further discussion, S. Blanchard moved that the application of Robert Levesque as submitted be granted.

The motion was seconded by Grayson Parker.

The Board voted 4-1 to approve the motion. Tom Mitchell cast the dissenting vote.

Other Business:

Board members made plans to attend the Municipal Association's Law Lecture Series this fall.

An application from Don Philbrick is expected and the Board set the date of September 24, 1986 at 7:30 P.M. to hear the request. At 7:00 P.M., Board members will review the property in question on Curtis Farm Rd.

Stephen Blanchard stated that he was unable to sit on the case as his company had done work with the applicant.

There being no other business, the meeting was adjourned at 8:32 P.M.

Gail Proctor
Gail Proctor

Acting Secretary, ZBA