

MINUTES BOARD OF ADJUSTMENT
FEBRUARY 24, 1987

Case #1 Gwynne Mitchell (T.C. Bolt)
Case #2 Richard D. Rockwood
Case #3 Leonard Peterson

Meeting called to order at 7:32 P.M. in the Town Hall Court Room by
Chairman Laurenitis.

Members present: Herbert Klein (replacing Grayson Parker), Stephen Blanchard,
Tom Mitchell, Arlene Laurenitis, Gail Proctor (replacing Eddie Lamminen) also
recording sec retary.

Others present: Edward and Linda Vanetti, Douglas Merrill, (abutters).
Richard Pisapia, J. and Patricia Tatum, Gary Crooker, Eugene Mitchell.

Ron Bitten and Peter Ferrand.

Ch. Laurenitis read the application request of Gwynne Mitchell for a variance
to the terms of Article V, Section D of the zoning ordinance. Applicant pro-
posed to convert the existing industrial use (present T.C. Bolt warehouse) to
a 6 unit residential apartment complex.

Karen White of Design Strategies, representing the applicant, was asked by
Ch. Laurenitis to explain the nature of the project.

Ms. White explained to the Board the history of the building as being owned
and operated by the Mitchells as T.C. Bolt Co. for the part 8 years. Former
owner E.G. Abbot repaired and stored heavy equipment for many years and prior
to that, the building was housed by Southwestern Motor Freight Co. Mr. Mitch-
ell used the building as a warehouse with about 10 employees. Mr. Mitchell
stated that the Selectmen had given him permission to continue the industrial
use of the building when he had purchased it. Mr. Mitchell has had the build-
ing for sale and at this time he needs to continue using it as a warehouse
or return the building to a residential use that is consistent with the rest
of the neighborhood.

Ms. White explained that Lots #33, #34 and the present lot would be combined
for the proposed residential use. The total area would be approx. 18640 sq. ft.
The present building is 12,00 sq. ft. on two floors. Ms. White stated that
architectural and engineering studies were completed that suggested the over-
hang on Tremont St. could be removed and an additional storage area could be
removed without causing structural weakening of the building. The remaining
building would be approx. 10,800 sq. ft. (approx. a 20% reduction).

Ms. White presented architectural designs that would include 5 2 BR units on
two levels and a 1 BR unit in the ell. The five units would be approx. 1700
sq. ft. and the 1 unit would be approx. 600-900 sq. ft. Ms. White stated
these five were exceptionally large. The remaining space would be non-living
areas (porches, attics, storage). Parking areas (two) would accommodate 12
cars, two per unit. The areas would have turnarounds so no backing out on-
to Tremont St. would be necessary. Curb cuts would also be limited to two
(presently there are none). According to the plan, a sidewalk would also be
added.

Ch. Laurenitis questioned the lot line on unit #1. The lot line is also the
building line. Mr. Mitchell stated that he had an easement to the adjacent
property to take care of the buildings needs and well as an easement for a
fence lcoated in the back yard.

Ms. White presented to the Board a Land Use Map of the neighborhood which showed the area to be of single, duplex , and multi-family uses. Mrs. Tatum and Mrs. Vanetti expressed their disapproval of the proposal citing a lack of privacy, and an increase in traffic congestion in the area as problems. Mr. Merrill was concerned about the narrow width and present poor condition of the Tremont St. road near his house. Ms. White explained that there would be little change in traffic between the present use (which also including heavy truck and tractor trailer deliveries) and the proposed use. Mr. Mitchell pointed out that a 50' section of the front of the building would be removed and that would improve the visibility of the traffic both ways. Mr. Mitchell reminded the Board and the abutters that he needs to utilize the property some way and the proposal on the floor was a possibility and he added that he was open to suggestions.

Ms. White submitted to the Board a Trip Generation Rate Chart which showed on the average, trips per day for apt. dwellers were approx. 36/ day and warehouse use approx. 58/ day.

Ch. Laurenitis asked Ms. White to review the 5 variance criteria.

Ms. White responded -

#1-lessening of surrounding property

- the conversion and renovations of the property as proposed would put the property in character with the rest of the neighborhood (residential)
- the exterior of the building would be improved
- extensive landscaping and the addition of a sidewalk would improve the area
- would create more space
- residential use would be preferable to an industrial use or commercial
- truck traffic would be reduced
- pavement and drainage damage would be reduced
- value of surrounding properties would be improved
- 20% of the existing building would be removed

Mrs. Tatum criticized Ms. White's comments and stated she wanted to see "something more than opinion". Mrs. Vanetti stated that she would have no privacy in her back yard. Mr. Pisapia also felt there would be an increase in traffic on the narrow road. Mr. Merrill added that he felt the present road was unsafe.

Ch. Laurenitis asked Mr. Richard Rockwood (who was present for another case) his opinion on the issue. Mr. Rockwood felt that the surrounding property values could be increase by five times if the property was improved from the current industrial use.

#2 public interest

- truck traffic would be eliminated
- safety of the area would be improved especially concerning the school
- potential reduction of overall traffic
- new sidewalk would increase safety
- utilities not damaged by heavy traffic

H. Klein asked Ms. White if there was a need for more apts. Ms. White cited from the Master Plan that mixed uses of high density was desirable in the Res. Zone serviced by Town water and sewer.

Mrs. Tatum disagreed stating that there was an abundance of rentals in the town.

#3 hardship - inherent in the land

- the use is permitted in the residential zone and in the ordinances
- the special condition existed is the fact the building was constructed and used for purposes other than residential
- due to structural elements, the building could not possibly conform to the present zoning
- it could not be remodeled into a single family house
- the cost would be prohibitive
- it would be uneconomical to convert the building into 1 or 2 units.
- when the building was built in the 30's, the surrounding densities were not as high
- a business use in a residential district creates higher liabilities for the tractor trailers, school and commercial uses. It makes business difficult
- a hardship exists that the strict requirements cannot be adhered to
- the land is unique, no other property is like it in the neighborhood
- special conditions exist because this large building is on a small lot

#4 substantial justice

Ms. White stated that she felt this should be addresses as " a loss to individual property not outweighed by public gain". Ms. White continued by adding:

- the use would be more conforming in a residential neighborhood
- it would protect residential rights and uses in the district
- no Town repairs on road due to heavy Industrial use
- a sidewalk would provide an added safety feature
- traffic flow would be safer with the addition of two curb cuts

#5 spirit of the ordinance

Ms. White explained that the lot size of $\frac{1}{2}$ a. per unit was established to protect residential units from fire, traffic congestion, and to provide adequate light and air. Ms. White felt there would be enough distance for the above. She added:

- a new building would not be created but the present building would be reduced in area
- traffic would not be increasing
- residential uses are separated from the dangers of commercial/industrial uses
- the proposed units would not be incompatable with the residential zone
- the lot size would provide for privacy and space
- conditions would improve (road visibility)
- the proposal would meet the spirit of the Master Plan with higher density dwellings in the Res. Zone served w/ town w & s.

Ch. Laurenitis commented that the proposal was of a "heavy dense use" and she was concerned about having adequate space for yards and outdoor activities.

Ch. Laurenitis read a letter from abutters Frank & Lynne Brookshire who supported the project.

Gary Crooker commented that he felt the residential use would be an improvement to the neighborhood over the existing warehousing facility. Mr.

Crooker said he had encouraged Mr. Mitchell to pursue this project as he had felt it would be an asset to everyone, the Town as well as the neighbors.

Motion by Tom Mitchell: to grant the variance to Gwynne Mitchell for a conversion of 6 apartments from the present Industrial Use to the terms of Article V, Section D of the Zoning Ordinance.

Second to Motion by Stephen Blanchard

Vote: 2-3 against the motion

Members Klein and Proctor in favor.

Members Blanchard, Mitchell, and Laurenitis opposed.

S. Blanchard stated that he felt there was no hardship in the land although there was a hardship in the building.

Case #2 Richard Rockwood

Ch. Laurenitis read the request of Richard Rockwood for a Special Exception to the terms of Article V, Section B 1 & 2 of the Zoning Ordinance. The applicant wishes to use one room of his Abbot Hill Acres home for a part-time real estate sales office.

Mr. Rockwood explained the nature of this business as an office area for himself. There would be no substantive changes or employees in the business. There existing ample parking for himself as well as 3 or 4 additional spaces for clients. There would be no sign.

Ch. Larenitis read the Ordinance and the Board agreed that the request met the established guidelines for a Home Occupation.

Motion by Tom Mitchell to approve the request for a Home Occupation as submitted by Richard Rockwood.

Second to Motion by Stephen Blanchard.

Vote: 5-0 in favor of motion

Case #3 Leonard Peterson

Ch. Laurenitis read the request of Mr. Peterson for a variance to the terms of Article VIII, Section C-1 of the zoning ordinance. Mr. Peterson's proposal was for a subdivision of a lot and existing office building from the remainder of the present Industrial complex of Label Art.

Att. Wil Sullivan represented Mr. Peterson. Att. Sullivan explained the present facility owned by Mr. Peterson was being sold and Mr. Peterson would like to retain the office building for his personal use. The office building does not have direct frontage on a public road (the existing road is a private road belonging to the Label Art Co.). Att. Sullivan stated that deeded rights to use Label Art's parking lot could be drawn up.

Ch. Laurenitis asked the applciant to address the five criteria.

#1-surrounding property

-Att. Sullivan stated there would be no change therefore, no effect on the surrounding property.

#2-public interest

-there would be no expanded use to the building

Ch. Laurenitis stated that preserving the character of the building would also be important.

#3-hardship

Att. Sullivan felt there would be no public gain to not granting the variance

-the property was unique in that it had no direct road frontage

-the building was 102 years old

-the office building was originally used as a management wing for the worsted mills. Current practices do not separate that business aspect.

-because of traffic, it is not easy to walk between the bldgs.

Mr. Mitchell asked if a long term lease would be possible instead of the requested subdivision. Att. Sullivan felt it was not a "clean way to arrange for ownership".

#4-substantial justice

-above reasons also applicable

#5-spirit and intent

-the purpose of the ordinance is to limit the density and according to Att. Sullivan there would be no problem

T. Mitchell asked if there would be any employees and Att. Sullivan ^{said} there would be none. He added that Mr. Peterson's intent was to hold meetings a/o consultations in the office building for his personal use.

There was discussion on the number of parking places that should be available at the Label Art area. The applicants suggested four and the Board agreed that it seemed to be an appropriate amount.

Motion by Stephen Blanchard to accept the request as presented with the condition that:

1. parking for 4 cars be provided for in the deed of Label to the Brick Office Building
2. The building be not expanded

Second to Motion by Tom Mitchell.

Vote: 5-0 in favor of motion

It was suggested by Ch. Laurenitis and agreed upon by the Board that the secretary in the future send by mail a copy of the meeting's minutes for approval. This would enable members to study the minutes before the next meeting when the minutes would be formally approved.

No other business.

Meeting adjourned at 9:40 P.M.

Jane Proctor
Recording Secre.