

MINUTES BOARD OF ADJUSTMENT

AUGUST 5, 1987

Case #11 - ROBERT DION (continuation from June 24, 1987)

Case #12 - KAJ ARENDS

Members present: Arlene Laurenitis, Eddie Lamminen, Tom Mitchell, Grayson Parker, Gail Proctor (replacing Cindy Harris).

Meeting called to order by Chairman Laurenitis at 7:30 P.M. in the Town Hall Court Room.

Ch. Laurenitis read the continued request by Robert Dion of Intervale Rd. for a variance to the terms of Article V, Section D of the zoning ordinance.

Mr. Mitchell opened the case with a motion to: send a letter to the Selectmen alerting the Board of the apparent violation of the Home Occupation Ordinance and the Superior Court Order under which Mr. Dion operates his business.

Mr. Mitchell explained that he felt the business had outgrown its location and should move to a Commercial Zone as outlined in the zoning ordinance. Mr. Mitchell stated that the applicant should, ". . . find a place suitable in the proper district."

Second to motion by Eddie Lamminen.

Discussion by the Board. Mr. Lamminen said he "felt the same as Tom but the Board should act on what's here."

Ch. Laurenitis provided background material to the Board stating that, "many unregistered vehicles and junk vehicles were at the site contrary to the Superior Court Order agreement (June 10, 1985). Ch. Laurenitis reported that the N.H. State junkyard statutes were also not being upheld in that Mr. Dion had more than two unregistered vehicles on his property with no Junkyard permit, RSA 236:112.

Mr. Parker stated that he concurred with Mr. Mitchell's motion and he added that Mr. Dion has not fulfilled the conditions of the initial agreement.

Vote: 5-0 in favor of sending a letter to the Selectmen informing them of Mr. Dion's apparent zoning violations.

Tom Mitchell abstained himself from the remainder of the hearing as he felt because of Mr. Dion's zoning violations regarding the home occupation, Mr. Mitchell felt the present request of Mr. Dion should not be heard until the issue was resolved.

Mr. Robert Dion was not present at the hearing and was represented by Att. Carol Rolfe. Ms. Rolfe requested that the hearing be continued to "sometime in September". Att. Rolfe added that she felt that the lots in question should not be considered as "sub-standard" as only frontage requirements were involved. Ms. Rolfe provided the Board with a transcript copy of the Selectmen's meeting March 19, 1984.

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Vote: 5-0 in favor of sending a letter to the Selectmen informing them of Mr. Dion's apparent zoning violations.

Tom Mitchell abstained himself from the remainder of the hearing as he felt because of Mr. Dion's zoning violations regarding the home occupation, Mr. Mitchell felt the present request of Mr. Dion should not be heard until the issue was resolved. *I could not hear Mr. Dion request since he was in violation of previous ordinances*

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*Corrections
to minutes
by Tom Mitchell*

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Att. Rolfe stated that she would be approaching the Selectmen again (possibly August 17th to clarify the March 19, 1984 minutes. Mr. Lamminen pointed out that only one Board member is presently on the March 1984 Board.

Att. Rolfe stated that Mr. Dion may present a new petition to the Selectmen.

Ch. Laurenitis asked for clarification on the deed statements indicating that the Town records show the lots as one unit and had been taxed as one combined lot, not three.

Abutter, Jean Knight asked for clarification on the terms right-of-way, private alleyway, and access roads. Board members were unable to define the differences between the terms. Ch. Laurenitis pointed out that the PB would have more expertise in the road/driveway question.

Abutter, Peg Landry was concerned about a decision being made at a Selectmen's meeting without the abutters knowing about the appointment. Ch. Laurenitis suggested that the abutters be in contact with the Selectmen's secretary about future appointments.

Motion by E. Lamminen to continue the hearing until September 30, 1987.
Second by G. Parker.

Vote: 5-0 in favor of the continuation.

Case #12 KAJ ARENDS

CH. Laurenitis read the application request of Mr. Arends for a variance to the terms of Article V. Section D-3 of the zoning ordinance.

Upon review of the town zoning maps, it was determined by the Board that the property was in the Residential Zone and not the Res.-Agric. District as was previously understood by the applicant.

Mr. Arends stated that he would be able to meet the established setback and sideyard requirements for the Res. District.

It was the consensus of the Board that the applicant did not need to request a variance and the case was not acted upon.

Other Business

Board members composed a letter to the Selectmen re: Dion.

Sec. Proctor reported that Betty Ellis would be appearing before the Board for a variance for a three-unit residence and that Stephen Krook has applied for variances to construct a 33 unit elderly housing project.

Meeting adjourned 8:24 P.M.

Gail Proctor
Gail Proctor-Secretary