

MINUTES

BOARD OF ADJUSTMENT

OCTOBER 14, 1987

Members present: Ch. Arlene Laurenitis, Grayson Parker, Tom Mitchell, Eddie Lamminen, Cindy Harris, Recording Secretary-Gail Proctor.

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

Ch. Laurenitis read the application request of Thomas and Aura Jane Herlihy for a variance to the terms of Article V, Section D-1 of the zoning ordinance. Ch. Laurenitis stated that before the variance request was addressed the issue of a "grandfathered use needed to be resolved.

Eddie Lamminen wished to "step down" from the case. Ch. Laurenitis appointed Alternate Gail Proctor to substitute.

Ch. Laurenitis asked Att. William Keefe (representing the Herlihys) to address the Board. Att. Keefe stated that the Herlihys had received approval from the WSPCB for a septic system. Att. Keefe submitted a deed record that showed the trail of ownership of the property (document attached). Att. Keefe submitted a 1978 survey which showed the two tracts of land (6 a. and 13 a.) as one lot D-32.

Ch. Laurenitis explained that the request could be considered a "grandfathered use" under Article XII, Section C of the zoning ordinance as a substandard lot and a lot of record.

According to the deed document, the lot had been a lot of record since the 1940's.

Ch. Laurenitis asked Att. Keefe to provide proof of legal access to the lot. Att. Keefe indicated that the Town of Wilton (Selectmen) has granted a right-of-way to the property on August 31, 1987 on a Town owned strip.

Ch. Laurenitis explained that the request could be addressed under the grandfather provision as it was proved that the lot of record existed prior to zoning and the applicant had legal access to the property.

T. Mitchell asked why the Building Inspector did not consider the lot as grandfathered? Att. Keefe responded that he thought the B.I. was concerned about the width of the lot which the zoning ordinance does not address.

Ch. Laurenitis stated that she felt a "variance was not needed."

G. Parker asked if there was ample room for vehicles to "pass around the chlorinator house" that was located in the right-of-way. Att. Keefe felt it was adequate. G. Parker opinion was that "it would be tight without going on someone else's land".

James Tuttle of the Water Commissioners stated that there would be "enough room (about 14') for vehicles to pass around the chlorinator building."

J. Tuttle added that the Water Commissioners had "no problem" with the arrangements.

Ch. Laurenitis asked about snowplowing the right-of-way. J. Tuttle explained that the Town had been plowing the roadway to the chlorinator house anyway and that arrangements were made with the Herlihy's for use and maintenance of the road.

G. Parker asked why the property was not being reverted back to the Markaveriches (prior owners). J. Tuttle explained that the Water Commissioners had "no plans to abandon the land because the old reservoir would be used as a possible back up system for the Town", Tuttle added that a "purification plant" may be put in at some time".

G. Parker asked Florence Markaverich her opinion on the arrangements. Mrs. Markaverich said she had been "thinking it over" and decided the Town would not give up the piece of land and the "best thing would be to leave it as is".

Evelyn Lamminen speaking for her daughter Ingrid Howard stated that the new road being built has run on the Howard's land about 3'. Mr. Herlihy explained that it was an error on ^{the} road builder's part and that the situation was being corrected. Mrs. Lamminen stated that she had "no qualms" about the Herlihy's building on the property.

Eddie Lamminen commented that if "proper permits had been filed, we wouldn't be here tonight". He added that this is "happening all over Town and that the laws are being ignored".

G. Parker agreed with Eddie Lamminen's comments.

Alex Loverme asked about the future plans of the property. Mr. Herlihy stated that a single family house would be built and some selective timbering would be done. Mr. Herlihy said there would be no subdivisions. It was pointed out by the Board that the grandfather provision only applied to single units and that the Town's right-of-way agreement was for a single unit also.

Tom Mitchell moved that: the request of Thomas and Aura Jane Herlihy for a variance to the terms of Article V, Section D-1 of the zoning ordinance be withdrawn on the basis that Lot #D-32 is a "grandfathered lot of record".

Second to motion: Grayson Parker.

Vote: 5-0 in favor of the motion.

Other Business: The Board received an application request from Hillsborough Mills Trust. The Board's next meeting date was set for October 29, 1987.

Meeting adjourned at 8:25 P.M.

Gail Proctor
Gail Proctor - Clerk ZBA