

MINUTES
BOARD OF ADJUSTMENT

OCTOBER 29, 1987

Case #16 - HILLSBOROUGH MILLS TRUST

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

Others present: Peter Ferrand, Ron Bitten, Steve Moheban (prospective buyer), Wil Sullivan (representing the applicant).

Meeting called to order by Ch. Laurenitis at 7:30 P.M. in the Selectmen's Rm.

Ch. Laurenitis read the application request of Hillsborough Mills Trust for a variance to the terms of Article VIII, Section C-3 a of the zoning ordinance. The applicant requested a 75' setback instead of the required 200' on Lots #D-94, L-64, L-65 (located on the northerly side of Rte.101 across from the present Eastview Condo.) in the Industrial Zone.

Att. Sullivan, representing Mary Abbott, explained to the Board that the request actually applies to Lot #D-94 and the combined total is approx. 10.5 a. Lots #L-64 and L-65 are too small to be developed.

Att. Sullivan stated that the request was a "classic" case for a variance because "literal enforcement of the law would render the land useless". Att. Sullivan showed the Board the configuration of the lot and how it is located between the Souhegan River and Rte. 101 with the widest point being 150'.

Att. Sullivan continued by stating the "hardship to the land was obvious" and added no surrounding land could be annexed to the property and the acreage could not be increased. Att. Sullivan commented that the area is "useless for an Industrial Zone" without the variance. The property is not in the Flood Plain according to Sullivan.

Ch. Laurenitis asked Att. Sullivan to address the spirit and intent of the variance criteria. Att. Sullivan responded by commenting that the purpose of the 200' buffer setback was to prevent Wilton's Rte.101 from "looking like Amherst's 101). He felt the spirit and intent of the ordinance was not affected.

Ch. Laurenitis asked Att. Sullivan to address the affect on surrounding property criteria. Att. Sullivan said the use would not change as it would be still Industrial and he added the use would not be seen from the road.

Att. Sullivan stated that not to grant the variance would create an injustice where "Industrial land would be rendered useless". Att. Sullivan explained that the lot was grandfathered and was part of the former Hillsborough Mills complex where part of the mill was in Milford and Wilton. The Milford portion has been sold and the remaining lots are in Wilton.

Att. Sullivan said the benefit to the public interest would be that "Industrial land would be used as envisioned and there was also a need for Industry in the Town".

Steve Moheban, prospective buyer explained to the Board that on site water (wells) would be installed and that the Town sewer would be used. Mr. Moheban planned to construct a multi-tenant building. Mr. Moheban said they had been to the PB for a conceptual hearing. Mr. Moheban stated that he could not use the site with the current setback requirements for this project. Mr. Moheban pointed out that the plan presented was "not a definitive plan, but a general idea".

Ch. Laurenitis asked if the existing trees would be left in the setback. There was a great deal of discussion amongst Board members regarding the buffer and whether a condition be added to the variance request specifying that the buffer remain or one put in place to assure for an appropriate green strip. Grayson Parker, after walking the property assessed that the existing trees were in the State's right-of-way.

Grayson Parker and Eddie Lamminen commented that the variance request seemed like alot although they felt the project and the reason for the variance were in accord.

Mr. Moheban stated that the building would be approx. 100'W x 600'L.

Board members again discussed the question of maintaining a forested buffer between the development and Rte. 101.

Ch. Laurenitis asked Mr. Moheban about the landscape plans and he said the entranceway and the area along the river would be landscaped. Ch. Laurenitis suggested that the landscape details be left to the PB and the site plan review process.

Board members were also concerned that if the trees were removed from the buffer erosion might occur.

Motion by Tom Mitchell: that the application request for a variance to Article VIII, Section C-3 a of the zoning ordinance be granted with the following conditions:

1. That the trees in the existing buffer zone remain.
2. That this condition be placed in a covenant.
3. The Board recommends that additional adequate screening within the 75' buffer zone be established as outlined in Article VIII, Section I of the Zoning Ordinance.

Second to Motion: by Grayson Parker

Vote: 5-0 in favor of the motion.

CH. Laurenitis submitted corrections to the minutes of Ellis and Krook. No other additions or corrections to the minutes - the minutes were approved to date.

Att. Carol Rolfe, representing Robert Dion contacted by telephone ZBA clerk and stated that Mr. Dion would be submitted a new request to the Board.

The meeting date was set for November 24, 1987 at 7:30 P.M. in the Selectmen's Room.

Board members agreed that Mr. Dion must submit a "professionally done plan" of his property with his proposal as was suggestion by Town Counsel in his letter to the Board 7/17/87.

No other business the meeting was adjourned at 8:20 P.M.

Gail Proctor
Gail Proctor - Clerk