

MINUTES  
BOARD OF ADJUSTMENT  
March 30, 1988

Case #3-88

Royden Sanders Jr.

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

Ch. Laurenitis called the meeting to order at 7:36 P.M. in the Town Hall Court Room. Ch. Laurenitis read the application request of Royden Sanders Jr. for a variance to the terms of Article XIII, Section B of the Zoning Ordinance. The applicant proposed to subdivide a lot with less than the required 15 a. in the Watershed District.

Ch. Laurenitis asked the applicant to explain the proposal.

Jan Sanders made the presentation on behalf of her husband who was out of town. Mrs. Sanders explained the proposed subdivision was 12.5 a. Lot A-31-1 with the present house remaining on A-31 with over 30 a. The present house contained over 10,000 sq. ft. of living space. The proposed subdivision would include the pond with the house and following a "natural division", hence the request for 12.5 a. instead of the required 15 a. Mrs. Sanders explained that in order to add the needed 2.5 a. an unnatural jog would be created on Old County Rd. The remaining 70 a. would be undeveloped. Mrs. Sanders stated that the pond should be kept with the house as the area was "roughly landscaped" (from pond to house) and the house view would include the pond.

Board members reviewed the criteria for the request.

Value of surrounding property-Mrs. Sanders explained that there would be no detriment to surrounding property as a single house would be build and due to the unnatural lines, it would be best to retain the pond with the existing house.

Public interest-Because there would be only two houses on 42+ a. of land, Mrs. Sanders felt there would be little impact on the watershed area. She also pointed out that the new municipal water system would be on line.

Unnecessary hardship-Mrs. Sanders reiterated her prior points that the sale of the main house needed to include the pond area and to relocate lines to make the needed 15 a. would create an unnatural boundary.

Substantial justice-Mrs. Sanders stated that the proposal would not hurt the watershed.

Spirit of the ordinance-Because only a single family house would be built on the 12.5 a. Mrs. Sanders felt this would be an appropriate use.

Discussion: Mrs. Sanders stated that they had no plans for the remaining 70 a. parcel.

E. Lamminen questioned the hardship factor and suggested that the pond be added to make up the required 15 a. he also questioned the necessity of keeping the natural boundaries stating ". . . there is plenty of room to make 15 a."

~~Mr. McCalum~~ pointed out that in the next few years the 15 a. watershed  
Marc McCalum

requirement would not apply.

Ch. Laurenitis commented ". . . it would be an intrusion if the property line were moved up the hill to include the pond".

Mrs. Sanders said the pond needed to remain with the house to maintain the view.

No objections from abutters.

Howard Preston, abutter, was concerned about the " lowland " on the property.

Ch. Laurenitis supported the request by reasoning the 12.5 a. was close to the required 15 a.

Grayson Parker felt the pond could be included to make up the 15 a. and he also suggested the possibility of a deed right-of-way for access to the pond.

Marc McCalmont, abutter, supported the proposal with the division of large lots.

Ch. Laurenitis felt a "literal application of the law would be a needless restriction and also the proximity of the house to the pond was an important consideration".

T. Mitchell stated that the property owners still had adequate use of their land and it could be "used in another fashion". T. Mitchell felt the spirit of the ordinance would be violated.

Because the Board had not conducted its usual pre-hearing site visit, Ch. Laurenitis suggested the Board members continue the hearing until a site visit was made. Board members felt it would not change their minds but would make the visit.

Motion: Grayson Parker-to continue the request until April 13, 1988 so Board members could make a site visit to the property.

Second: Cindy Harris

Vote: 4-1 in favor (T. Mitchell opposed).

Arrangements were made to view the property.

Continuation of hearing set for April 13, 1988 7:30 P.M. Town Hall Ct. Rm.

Other Business: Marc McCalmont asked the Board for guidance in his proposal to make a lot line adjustment on his two lots on Old County Rd. Although Mr. McCalmont's lots were grandfathered, it appeared that he would need frontage and acreage variances for a subdivision. Ch. Laurenitis would consult with Town Counsel on the issue.

Meeting was adjourned at 9:00 P.M.

*Gail Proctor*  
Gail Proctor - Sec.