

MINUTES

BOARD OF ADJUSTMENT

MAY 25, 1988

Meeting opened at 7:15 P.M. in the Town Hall Court Room.

E. Lamminen moves that Tom Mitchell serve as ZBA Chairman. C. Harris seconded. Motion approved unanimously.

E. Lamminen moves that G. Parker be Vice Chm. Motion granted.

T. Mitchell noted that a new secretary is needed. He will contact the Selectmen to see how to handle it.

Members present: G. Infanti, E. Lamminen, G. Parker, T. Mitchell, C. Harris.

Two applications for next month - Proctor, Greene, & Frye need a Spec. Exc. to Article XI, Section D 1. Thirty days notice is needed plus professional opinions before request is approved.

Suma Realty request to construct a single family residence on Lot L-79 (Intervale Rd. and Island St.) need a variance to Article V, Section D-2.

Regular meeting called to order at 7:30 P.M. Case #5-88 Veronica Mahoney 9 Russell St. requesting a variance to Article V, Section D to create a lot without required acreage.

Chm. Mitchell read the ordinance to the audience.

Att. Bill Keefe representing V. Mahoney brought deeds from 1867 & 1868 showing that there were two separate lots but taxed as one lot now. They would be re-creating what was a century ago. 1901 was the last deed because the lot never left the family's ownership so no title search had be done. The lot is larger than most around it. Required frontage and setbacks are present. Lot doesnot have required acreage.

T. Mitchell asked Mr. Keefe to address the criteria.

1. The use would continue to be residential - same size. Would not lessen the value of the surrounding property.

2. Asks abutters to speak - no objections. Mrs. Mahoney recieved the land from Daniel Mahoney which deed states there being two separate lots. Tax map shows as one. Mr. Mahoney stated the existing house is owned by two people and one person owned the land, his grandfather bought both properties and they became one lot.

2. It would be the same residential use. Generate tax revenues and the neighborhood would not be unduly burdened by one more house on the road.

3. Uniqueness and hardship - it was two separate lots and the ZBA is bound by tax maps; it doesn't necessarily mean it is so. The lot is larger than most of the other lots.

T. Mitchell asked if, "we are denying full use of the property?"

4. The property goes back before zoning when two lots existed. The Mahoney family has always owned it (120 yrs.) and they should be able to have their use of it.

James Jasper, abutter, stated he could not understand why the lots can't be two again.

G. Infanti commented he was not sure about the deeds and maybe it's only a lot line adjustment.

5. The village district has not changed much and the lots are in similar size to this lot with no real change.

E. Lamminen asked abutters to speak up - no objections.

T. Mitchell felt the spirit of the ordinance may be violated because current zoning is not met.

*density requirements are in violation.*

Motion: G. Parker to grant the variance to Veronica Mahoney to Article V, Section D of the zoning Ordinance.

Second: E. Lamminen

Vote: 3 yes (Infanti, Lamminen, Parker) 2 no (Mitchell, Harris).

Donald & Roslyn Greig Case #6-88

Variance to Article V, Section D on Forest Rd. property.

The property has 202' frontage and Stoney Brook runs behind. The lot has substandard acreage.

T. Mitchell read the case. There are presently two small houses on the lot. Mr. Grieg was being transferred to Vermont and felt he could not sell the houses as is on one lot.

G. Infanti asked Mr. Keefe about the deed and Att. Keefe stated that there was always one lot.

The criteria as follows:

1. NO change to the property. NO use change. No density change. The properties are taken better care of. Ray Holmes, abutter, had no problem with it.

2. Everyone's interest is to encourage home ownership. Starter, low income homes.

3. Two camps were put on the property before zoning. One had to own these two houses together, thus an unnecessary hardship.

T. Mitchell agreed that by not granting the hardship would create a hardship because the two homes are grandfathered and existed. Nothing would be done to change or alter the property. The land is unique.

4. Where there are existing grandfathered bldgs, full use should be given.

5. Nothing would be changed except a subdividing boundary. There would be no contradiction to the spirit of the ordinance.

Discussion was held about lack of parking with .007 a. (2900 sq. ft.). There should be an easement or clause in the deeds to accommodate parking.

E. Lamminen moves to accept the variance to Article V, Section D with no conditions.

G. Infanti second.

E. Lamminen moves to accept the variance to Article V, Section D with the condition that the lot line be moved in southerly direction 3 feet so it will change southerly lot to 59 feet of frontage.

G. Infanti - second.

Vote: unanimous approval

Irene Duval asked the Board about how to make two apartments in her Maple Street property. Board members suggested the possibility of making a condition that when one moved out it would go back to a single dwelling.

Lot is  $\frac{1}{2}$  a. Mrs. Duval would need a variance for 2 units according to Article V, Section D.

Jeff and Nicole *Burnett* inquired of the Board the procedure for changing into a two family unit the Paul & Mary Amsden property (Dale St.) on .4 a.

Business segment:

Scheduled public hearing for Proctor, Greene, & Frye for June 14, 1988 at 8:00 P.M. Abutters should be notified 10 days prior to hearing. Actual decision will be made July 27, 1988.

Suma Realty scheduled for 7:00 P.M. on June 14th.

Site visit at 6:30 P.M.

Site visit P&G&F June 13th at 5:00p.m.

Motion to adjourn: C. Harris

Second: G. Parker

Meeting adjourned at 9:53 P.M.

Cindy Harris  
Sub. Sec.