



ZONING BOARD OF ADJUSTMENT
WILTON
NEW HAMPSHIRE 03086

JULY 27, 1988 MINUTES

The meeting was called to order at 7:30 by Chairman Tom Mitchell. Board members present were George Infanti, Eddie J. Lamminen Jr, Arlene Laurenitis (sitting for Cindy Harris) and Grayson Parker; Secretary Joanna K. Eckstrom. Press represented by Ron Bitten, the Cabinet and Peter Ferran, the Telegraph.

Chairman Mitchell listed schedule for the agenda. Draper Energy Co., Inc., Stuart Draper, request for Special Exception; Charles O. and Laura E. McGettigan Jr request for Variance; and Highfields, Gary Frye et al, request for Special Exception continuing, decisional hearing.

DRAPER ENERGY CO., INC. - Stuart Draper, request for Special Exception to terms of Article VIII Section H.

Prior to start of meeting, Mrs Eckstrom informed Board of phone call from abutter in the case who had not been notified of the hearing. Abutter asked Boards' consideration to postpone hearing. Board felt that since not all abutters notified, hearing would be postponed.

Infanti stated willingness to meet as soon as possible on the matter.

Draper agreed to August 16 at 7:30 PM.

Selectman Richard Greeley took exception to comment that Town records not up to date. He said it was impossible to update tax maps on daily basis and added it was up to applicant to verify property ownership with Town Clerk office when making list of abutters. (Town has record of transfers of property which are filed separately from Tax Maps and Tax Lists.)

Since all were in agreement to postpone, the case will be heard on August 16. Abutters will be re-noticed and legal notice will also appear. One Alternate will be needed for hearing.

Mrs Eckstrom suggested Draper complete application for site plan review for Planning Board so that this may be heard on August 17 at Planning meeting and so there'd be no further delay.

CHARLES O. & LAURA E. MCGETTIGAN JR - request for variance to the terms of Article VI Section C-1.

At the Chairman's request McGettigan proposed his plan to put a two family home on 1.75 acre lot.

McGettigan said several years ago State divided his property (25 acres) by putting road through it. 85% of property is on one side of road; 1.75 acres on other. He proposes to rebuild the ell portion of house to allow for 2

bedroom apartment. The rebuilding would be smaller than what's now there; estimates new structure approx. 24 x 32 or 34 and will be attached same as existing ell. Ms Laurenitis asked if outside would change, ie sky lights, etc. McGettigan said no.

Addressing the five criteria, McGettigan felt, if anything, 1. surrounding property values would increase. Says no houses closeby; animals graze close to house. Size of house would be smaller.

Greeley asked if Four Corners was 2 family; McGettigan said yes and that Badger Farm was also.

2. Granting variance would be in public interest because this would allow him to keep property as it is. Wants to keep development down. An aunt wants to live in apartment.

3. Uniqueness of the land did pose hardship. The State "stole" a big chunk of land for road. Nothing could be done as far as adding to the 1.75 acres to make it conform.

4. Justice would be done because on 25 acres, all McGettigan wants is two units. Feels it only fair to allow this. Enables an aunt to live there, enjoy the peace and quiet, and leave his land open for farming.

5. Spirit of the ordinance will be preserved. Density will be only two family.

Ms Laurenitis asked about soils and limitations for number units. Greeley pointed out he farms across street and soil is not sand or gravel.

Barry Greene said soil types limit septic designs (which are based upon number of bedrooms) in a project. He did not feel this is a problem.

Stuart Draper felt project a good idea. Fix up would increase property value and there'd be tax benefit to Town.

McGettigan said he will put in new septic whether a condition of Board's decision or not.

Discussion from Board, Infanti reiterated that state basically subdivided 25 to 30 acres without owner's consent. He moved to approve the variance, second by Parker. Motion carried unanimously.

After close of hearing, Ron Bitten asked for clarification on State Law regarding creating 1.75 acre and 23+ acre parcels. Because of this treatment as two separate parcels (McGettigan is taxed separately for each), can owner apply to build on the 23+ acres? Yes.

HIGHFIELDS, GARY FRYE ET AL, Special Exception to terms of Article XI Section I, decisional hearing.

Mitchell reviewed application and information to date noting that no new evidence has been received for introduction in the matter. Infanti confirmed that 4 to 5 areas of wetland would be crossed by the proposed road.

Mitchell said that Weston Engineers, an independent organization, had looked at plans submitted by Thomas F Moran. Weston confirms plans are correct and that low impact to wetlands would result. The proposed road site is one of the

best alternatives.

Other report noted that largest wetland area is in center of project and wetlands are well-located and road proposal has minimum impact.

Lamminen said when he first heard proposal he asked to be asked down from Board because of deep concern of preserving wetland. When he walked site he found only a pond that'd been there for years and couldn't see what he defined as wetlands. At the last hearing on 6/14, he noted concerns of abutters were addressed and taken to heart; engineering data shows road would actually improve erosion and drainage problems in area. Houses going up is fact of life and it is Boards' duty to decide if it could allow the road on the wetland.

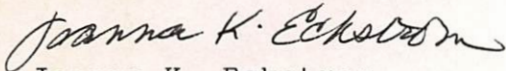
Lamminen moved to grant the Special Exception, seconded by Infanti; there was no discussion and motion carried unanimously.

The minutes of the June 29 having been reviewed by each Board member were approved as written by majority vote.

Other business, Board set up site visit to the North Wilton Realty Trust property on August 16 at 7:00 PM. The case will be heard at the meeting that evening at 7:30 PM.

The meeting was adjourned at 8:30 by unanimous vote.

Respectfully submitted,



Joanna K. Eckstrom
Secretary