



ZONING BOARD OF ADJUSTMENT

WILTON

NEW HAMPSHIRE 03086

SEPTEMBER 14, 1988 MINUTES

The meeting was called to order at 7:30 P.M. in the Town Hall Court Room by Chairman Tom Mitchell.

Members present: Chm. Mitchell, Grayson Parker, Cindy Harris, Arlene Laurenitis (replacing G. Infanti), Herbert Klein (replacing E. Lamminen), Gail Proctor (Sub. Sec.)

Others present: Abutters, press.

JAMES BOUTWELL (CONT.) - The applicant's request for a Special Exception to the terms of Article V, Section B 1 & 2 for a Home Occupation (printing distributorship - sales office) was continued from August 31st. Chm. Mitchell explained that the applicant had not legally owned the property and the hearing was continued until this time when Mr. Boutwell became the owner. Chm. Mitchell asked Mr. Boutwell to review the criteria for a Home Occupation to the Board. Mr. Boutwell described the business as a printing distributorship (no retail sales) with three employees; himself, his wife, and one other. According to Mr. Boutwell there would be no changes or additions to the property and the operation could be reverted back to its original state. The upper two levels of the barn would be used. The area would be insulated and sheetrocked. Mr. Boutwell did not anticipate any problems with noise, odors, lights, etc. (per ordinance). The 96' driveway with approx. 80' usable space would accommodate the family's two vehicles plus any traffic and parking generated by customers. Mr. Boutwell indicated there would be "little" walk-in traffic as 90% of the business activity would be transacted over the telephone. UPS would be the only deliveries and pickups of goods. Mr. Boutwell stated that he understood if the business outgrows the home it would move to a Commercial District.

Chm. Mitchell asked if Mr. Boutwell's new location would be doing the same kind of business (specifically retail sales and copy service). The applicant stated that the copy service would not be included in the new location and that the business would be "service oriented", employees would contact clients in their establishments.

A. Laurenitis asked Mr. Boutwell about the "kinds of printing services provided" and Mr. Boutwell explained that he did not manufacture or do any printing in his office. He added that he would be a sales rep. for trade houses and often would not handle an item at all.

H. Klein asked if the driveway would be expanded. Mr. Boutwell said he planned to widen the driveway (remove existing planting beds) about 2-3' and remove a wood pile to increase parking area.

Chm. Mitchell asked for comments from abutters and the public.

Abutter, Steven Blanchard stated he had "no objections" to the proposal as he was familiar with the business.

A. Laurenitis asked about business hours and Mr. Boutwell indicated that hours of business would be Monday thru Friday 8-5.

Motion: A. Laurenitis to approve the request of James Boutwell for a Special Exception to the terms of Article V, Section B 1 & 2 for a Home Occupation (printing distributorship - sales office) as presented.

Second: H. Klein

Vote: Unanimous approval

### Other Business

Chm. Mitchell read a letter from Linda Vanetti requesting a rehearing of her 8/31/88 case in which her request for a variance was denied by a 2-2 vote. A concurrence of three votes is needed to grant a variance. Chm. Mitchell explained that although Ms. Vanetti (represented by Barry Greene) was informed at the onset of the hearing that four members would review the case, Mr. Mitchell did not fully explain that the applicant would be denied the request if a tie vote occurred and that the applicant had the option of hearing the case with a full Board. Ms. Vanetti also requested the Board bear the costs of a rehearing. Chm. Mitchell stated that he personally felt the rehearing should be granted. Chm. Mitchell informed the Board that he had spoken with Town Counsel and he indicated that the former decision is technically correct and a rehearing not a continuation of the first hearing would be appropriate if Board members determined it was needed. Chm. Mitchell pointed out that a five member Board was not available at the original hearing.

G. Parker commented that if Barry Greene was speaking for Ms. Vanetti he would have been fully aware of the implications of a 4 member Board. A. Laurenitis asked if the applicant "has the right" for a full member Board. According to Ms. Laurenitis, the statute states a quorum is three members and the handbook suggests, not requires a Board to allow an option for a five member Board. She added that it is often impossible to assemble a full Board.

Ron Bitten asked for clarification on the Vanetti request. He understood the applicant was reapplying for a variance and not requesting a rehearing. Chm. Mitchell interpreted the request as for a rehearing. C. Harris read the section of the handbook (p. 29) which referred to the guideline. H. Klein pointed out that the statement used "could" not should to describe the five member Board option.

Motion: H. Klein to approve the request for a rehearing from Linda Vanetti for a variance to the terms of Article V, Section D to complete a studio apt. (third unit) on her proeprty.

Second: G. Parker

Vote: 3-2 denied (Klein, Mitchell, yes), (Parker, Harris, Laurenitis, no).

Chm. Mitchell asked a letter for denial be sent the applicant and also informing Ms. Vanetti an Appeal to Superior Court within 30 days is the next step if the request be continued.

Minutes of 8/31/88 approved as submitted.

Members scheduled site visits for Robert Dion.

Soil Conservation Service on Sept. 29th 3:15 P.M.

Board members will walk the property at 5:30 P.M. prior to October 5th hearing date.

FOLLANSBEE - A preapplication review of the variance request of Jacqueline and Ronald Follansbee was held. The Follansbees needed an extension of a permit granted by the Selectmen to reside in a camper trailer for more than one year while their permanent home was being built. The applicants said they needed an extra three months to complete their home (the permit expires 10/1). Board members reviewed the request to Article V, Section E of the zoning ordinance and determined that the request did not fall under the ZBA's jurisdiction. Board members unanimously agreed the Follansbees reapproach the Selectmen for an extension.

The applicant's filing fee would be returned.

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

*Gail Proctor*

Gail Proctor Sub. Sec.