



ZONING BOARD OF ADJUSTMENT
WILTON
NEW HAMPSHIRE 03086

February 22, 1989

Richard Kahn & John M. Keefe (North Wilton Realty Trust)
William & Linda Draper

Meeting called to order at 7:32 P.M. in the Town Hall Court Room. Members present; E. Lamminen, G. Parker, T. Mitchell, C. Harris, G. Proctor Sub. Sec.

CH. Mitchell read the request of applicant Kahn and explained to the public that Board members Parker, Lamminen, Harris, and Mitchell (4) would hear the case. Alternate Proctor explained that as a last minute substitute, she was not prepared or informed adequately to review the case at this time. Mr. Kahn opted to reschedule the hearing with a five-member board. Date was set for March 7, at 7:30 P.M. in the Selectmen's Room.

Mr. Kahn asked the Board to review his application and plans for comments. Chm. Mitchell indicated that the Board could discuss generalities at this time but could not review the specific criteria. Mr. Kahn stated that he wanted to resolve the lot line adjustment without violating the spirit of the ordinance. Mr. Kahn explained that the PB had sent his request back to the ZBA for rehearing. The prior ZBA variance attached a condition (the placement of the septic area not in the Watershed District) that could not be met. Chm. Mitchell considered the former request void and felt Mr. Kahn needed two variances; one from the "grandfather clause" re: substandard lots and the second for a lot line adjustment.

The question of ownership was discussed. PB Chm. MacMartin reported to the Board that previous owner H. Chittendon had approached the PB in Nov. 1987 with a similar request and was informed by the PB that a variance was needed. When Mr. Kahn conveyed one of the lots to Mr. Keefe, subdivision approval was needed by the PB according to Chm. MacMartin. Merle Pierterse, realtor, pointed out the Selectmen Greeley had informally suggested to Mr. Chittendon that he sell one lot off to resolve the problem.

Mr. Kahn reiterated that he found the situation "very confusing" and merely wanted the Board to comment if the proposal had merit or not. E. Lamminen explained that because the lot was partially in the Watershed Dist, it created problems. He added it would be a problem if the owner had purchased the property with the intent of dividing it into two lots.

G. Parker suggested the Mr. Kahn consider eliminating the easement for the septic on the second lot.

Mr. Kahn felt he had a hardship as he thought the buildings were built before the creation of the Watershed District

Wm. Draper

CH. Mitchell explained to the applicant that members Harris, Lamminen, Mitchell, Proctor would be reviewing the request. Mr. Draper agreed to the 4 member Board understanding that a three member approval was needed to grant the variance. Grayson Parker, an abutter, excused himself.

The applicant showed the Board plans to build a garage to his Highland Ct. home that would be 4-6' from the sideyard lot. Stuart and Bonnie Draper sent a letter stating that they objected to the request as abutters. Bill Draper stated that he was not aware of the abutters' objections. E. Lamminen declined to review the case as he felt an awkward situation had been created and he felt an attempt to reconcile the Drapers' differences should be made. The Board and the applicants agreed to reschedule the hearing for March 7, 8:00P.M. in the Selectmen's Room to allow for a full Board to hear the case and to provide the applicants with an opportunity to resolve the abutters' objections.

Helena Vanderheyden appeared to the Board on the advice of Building Inspector Millwood to correct a clerical error with her tax card. Mrs. Vanderheyden explained that there had always been two units in her Burton Hwy. residence since 1968. Board members could not see any zoning violations with the situation and informed Mrs. Vanderheyden that it appeared she did not need any variances.

Other Business Chm. Mitchell distributed copies of the new by-laws. No action was taken as a full Board was not present.

Meeting adjourned 8:38 P.M.

Gail Proctor

Gail Proctor Sub. Sec.