

ZONING BOARD OF ADJUSTMENT  
MINUTES OF MEETING

Held: Thursday, May 1, 1980  
7:30 Council Chambers

Members Present: Vice Chairperson G. Lamoureux, R. Shortill, M. Cowan, R. Keefe,  
P. MacDonald and A. Barr.

Moved by Barr, seconded by Shortill to approve minutes of 4/10/80 meeting. U.A.

Voting on cases H80-9 and H80-10: Lamoureux, Keefe, MacDonald, Cowan & Shortill.  
Voting on case H80-11: Keefe (Acting Chairperson), MacDonald, Cowan, Shortill & Barr.

H80- 9 C. Peter Rasmussen, 200 Dover Point Road, Map L, Lots 89 and 89C, zoned R-20  
Petitions for a variance from Article 21:5.4. Petitioner wishes to be granted  
a variance for a subdivision of lots 89 and 89C; Re: frontage and building  
setback-sideyard for Lot 89C; and building setback-sideyard for Lot 89.

-Attorney J.P. Nadeau represented the applicant and described the details  
and actions which have taken place to date since the conception of the  
property in 1973.

Discussion ensued in reference to title searches, actual subdivision, moving  
of lot lines by deed, contour of land etc.

-Constance Moxley, a direct abutter, stated that she was willing to destroy  
the structure (chicken barn) that is 15' from the property line .

-Mr. Moxley, abutter, spoke in favor of variance in order to clarify the  
legality of subdivision and questioned the use of Rasmussen's address of  
200 Dover Point Road (taken from City Tax maps).

-E. Smith, 196 Dover Point Road, spoke in favor.

-I. Carrier, 194 Dover Point Road, spoke in favor.

-P. Calderwood, abutter on three sides, explained to the Board her objections  
to variances and subdivision in reference to the fact that there was never  
an original subdivision of lots recorded.

-W. Calderwood, abutter, spoke in opposition.

VARIANCE GRANTED: 3-2. No Stipulations. Vote- FOR: Cowan, Shortill, Keefe.  
AGAINST: MacDonald, Lamoureux.

H80-10 Daniel R. Sullivan, Corner Ash, Central and Mt. Vernon, Maps 29, 31, Lots  
1,2 and 8, zoned B-3 and R-12, petitions for a variance from Article 21:5.4.  
Petitioner wishes to subdivide three lots and reduce to two lots.

-Mr. Sullivan explained his intentions. He stated that the barn was origina-  
lly attached to the house when the house was located on Central Ave.

-P. Sullivan spoke in favor of variance.

Discussion ensued as to the use of the single family house, attachment of  
barn, clearing of adjacent lot (in R-12 zone). Questions were raised by the  
Board as to whether or not the structure supported a single family or did it  
house students. Sullivan replied that 5 students lived there.

-G. Mourgenos, an abutter, questioned the parking problem that presently  
exists and how the granting of this variance would effect said problem.

VARIANCE DENIED: 4-1 Vote- FOR Denial: Cowan, Shortill, Keefe, Lamoureux.  
AGAINST Denial: MacDonald. Variance denied as the applicant failed to show  
the following conditions:

1. Failure to show that hardship exist which is inherent in the land that is  
not in common with any other parcels in the area.
2. Failure to prove that granting a variance will not adversely affect other  
properties in the district and to grant the variance would result in an  
injustice.

H80-11 McQuade Realty, Corner Portland Avenue and Oak Street, Map 25, Lot 43 (and adjacent lot) zoned B-3, petitions for a variance from Article 21:4.8  
Petitioner wishes to construct a liquor store.

-Mr. Robert Leonard represented the applicant and explained his intentions. Discussion ensued in reference to the entrance/exit into the site.

Mr. Leonard stated that the plans were already filed with the Site Review Committee for the building involved as there is more area planned that complies with the Zoning Ordinance.

-Mr. Paul McQuade stated that it was his belief that the McQuade Realty owned no parcel of land that could be used for a liquor store in a B-2 zone.

VARIANCE GRANTED: 4-1 No Stipulations. Vote - FOR: Cowan, Shortill, MacDonald, Keefe. AGAINST: Barr.

Vice Chairperson Lamoureux declared the meeting adjourned.