

ZONING BOARD OF ADJUSTMENTS
MINUTES OF MEETING
NOVEMBER 23, 1987
COUNCIL CHAMBERS

MEMBER PRESENT: Alden Joy - Chairman, Joyce Bowden, Randy Turner, David Bertrand, William Colbath

ALSO PRESENT: Steve Stancel - Planner, Dick Selleck - Building Inspector, Patricia Unish - Recording Secretary

Alden Joy introduced all board members and explained the procedures that the board will take during the hearings.

Meeting was called to order at 7:30 P.M., this meeting was a continuation from November 19, 1987.

H87-63 Nickolas Skaltsis, 100 Central Ave. also known as Assessor's Map 15, Lot 79, Zoned RM-10, requests a variance from the terms of Article IV, Section 170-12, Table I, Part C, to convert a Residential Building to an Office Building.

William Colbath asked to step down due to a personal and business relationship with Mr. Skaltsis. Randy Turner sat in for Mr. Colbath.

Nickolas Skaltsis stated that the property was in the RM-10 zone and there is 37,000 square feet of lot and 2700 square feet of building. The Hardship is in the building. It was built in 1928, as a large one family house. This area has changed and it is no longer a residential area. The area now consists of a gas station that is open until 11:00 P.M., four family units, grocery stores, and the entrance to the Spaulding Turnpike. The driveway location will remain the same and there will be only a right hand turn exit from the property. Property will not be paved. Do to the run-off going onto the abutters property.
The Chamber of Commerce has interest in this property.

Mr. Upton owner of lot #78, spoke in favor. Stated this house has been vacant for two (2) years. The appearance of the house and property is bad. He would rather have this property zoned business or office, rather than leave it as it is.

Mr. Land from the Chamber of Commerce stated that the Chamber was very interested in this property. They are not yet committed to the property, but were looking into it.

Herman Gitchier abutter with a common boundary. Stated his only concern was the drainage and run-off. He asked if this variance was given could there be any way a stipulation could be put in. The stipulation would address the drainage problems. If more parking was added to the lot it would affect the drainage. And this would have to be corrected.

Nickolas Skaltsis stated there were storm drains available. He also stated that he was aware of the drainage problem and knew they had to be addressed.

Mr Upton stated in the winter months the snow is plowed up to twenty (20) feet high. There really is no problem with the drainage from this parking lot.

Public Meeting Closed

The variance was granted with the Finding of Facts to be:

- 1) The unnecessary hardship is the proximity of current businesses precluding use as a dwelling.
- 2) Substantial justice will be delivered by allowing reasonable use of this property.
- 3) There was no adverse testimony as to the diminution in value of surrounding properties.
- 5) The benefit to public interest the building now has a negative impact on the neighborhood, but will give a productive use.

This variance was granted with the following conditions:

Vote 4/0

- 1) A right turn only sign at the exit.
- 2) No major additional paving without a site review.

H87-65 Jay Edwards, doing business as Underwood Enterprises, 46 Back River Road, also known as Assessor's Map I, Lot 6-C, Zoned RM-12, requests a variance from the terms of Article V, Section 170-16 to subdivide an existing lot into two lots, one of which would have insufficient frontage on a public right of way (fifty (50) feet where a maximum of one hundred fifty (150) is required.)

Attorney Malcom McNeal represented Jay Edwards. Stated that the property has a house, barn, and to the rear of the property there is a garage. The hardship is in the unique shape of the lot, and the group location of the structures on this land. There is 3.2 acres of land with river frontage. The lot is long and narrow. The barn on the property is a two hundred (200) year old structure. The only use of this site will be for single family housing. Granting his variance will enable the land to be used, and be more productive. Any accessway will be private. Granting this variance will also allow the barn to remain.

Bill Fogerty an abutter from Back River Road felt that this will devalue the surrounding properties. Some of this property is on a fifty (50) per cent slope. They will have to cluster these homes to be able to do anything. The traffic is a problem now in this area. Granting this variance will only devalue the area.

Malcom McNeal stated there will not be any devaluation of this property. The site will be subject to Planning Board review and the conservation ordinance will be carried out. The project will enhance the area not devalue it.

Mr. Fogerty stated that with the barn the view is not clear. There have been many accidents there. He would rather see a City Street there.

Jay Edwards stated the barn is set back forty (40) feet and does not block the view from the road.

Malcom McNeal stated that there would not be any condos, or multi-family housing put in this area. Having a private road will limit the amount of homes to be put in this area to four. The request is to divide this land into two (2) parcels. Mr. Edwards does not want condo's he wants single family homes. If this variance is granted make the variance with a condition limiting one family dwellings.

Steve Stancel recommend a condition that the land in the back only be used for single family units. Steve felt this could be done and it would be in the best public interest.

Discussion arose concerning the legality of this condition.

Malcom McNeal stated there were asking for relief from the dimensional requirements. With an attorney and the owner stating they will only build single family units. Mr. McNeal felt that it was legal to stipulate such a condition.

Mr. Forenty stated he will remove his opposition if it will be limited to single family units only.

Public Hearing Closed

The finding of Facts are as follows:

- 1) The unnecessary hardship is in the shape of the land. It is a long narrow piece of land.
- 2) Substantial justice will be reasonable use of land with limitations.
- 3) Harmony with spirit and intent will be it reduces the intensity of allowed use.
- 4) Diminution in value of surrounding properties there was no adverse testimony. Abutter withdraws his opposition.
- 5) Benefit to public interest will be the reduction of intensity of use, reduces traffic danger.

This variance was granted with conditions Vote 5/0

This variance was granted with the following conditions.

- 1) Proposed by the owner and his legal Attorney that single family detached dwellings only to be built.
- 2) Future development of this parcel shall not exceed four single family units.

Meeting closed 9:00 P.M.