

January 27, 2015

The Zoning Board of Appeals quarterly meeting was cancelled due to the Blizzard.

February 3, 2015

The Zoning Board of Appeals Public Hearing and Special Meeting was postponed due to the applicant's non-availability.

February 24, 2015

(Not all of this meeting is recorded as the tape broke during the hearing).

The continued public hearing was called to order at 6:05 p.m. by Stephen Offiler, ZBA Chairman. Other members present-Diane LeDuc, Robert Lassar, Christine Farrugia and Alternate Lincoln Cooper.

Staff present-Demian Sorrentino, Joyce Gustavson and Russell Gray (6:12 p.m.)

Also present-Stacy Abua.

The purpose of the hearing is to accept written and/or verbal comments on application #ZBA-14-03 by Bruno Gilbert of Gilbert Homes, Inc. for 0 Church Street (Map 03838, Block 024, Lot 025A) for a variance from Section 4.03 Frontage to reduce frontage requirements from 250 feet to 151.14 feet.

S. Offiler stated that the application was received 10/28/2014 and the Board has sixty-five (65) days to open the public hearing, thirty-five (35) days to close the public hearing, and an additional sixty-five (65) days to make a decision. The public hearing was opened 12/9/2014, which starts the thirty-five (35) day clock. The applicant granted a thirty (30) day extension and the public hearing was continued to 1/27/2015, bringing us to forty-nine (49) days. The 1/27/2015 meeting was postponed due to the blizzard and rescheduled for 2/3/2015 which was also postponed when the applicant faxed a letter, dated 2/2/2015 requesting the remaining thirty-five (35) day extension as the applicant (Roland Toutant) is out of the country and will return 2/19/2015. This additional extension allows the applicant and the other parties the opportunity to further negotiate between themselves and gives the Board until 3/19/2015 to close the public hearing. All extensions are used up and no representatives are here tonight to give additional testimony.

The continued public hearing was granted at the request of the applicant, as a last resort effort to demonstrate hardship.

S. Offiler asked if anyone had any questions or comments.

D. Sorrentino, Zoning Enforcement Officer stated that the n/f L' Barge parcel was not legally created, it is not a lot of record, it was illegally subdivided, and it has zero frontage to be a rear lot and not enough frontage to be a frontage lot. Mr. Pasay purchased the parcel from the bank and later sold it to Travis Heath.

D. Sorrentino stated that he will not issue any zoning permits for this parcel. Building permits for home improvements can be issued but nothing that requires a zoning permit can be done on the property.

Discussions with the involved parties have not been favorable up to this point. Little progress has been made in resolving the issue. Mr. Toutant will not give the land to the abutters, but he would give the land to the Town.

D. Sorrentino stated that if the Town took title to the land with the intent of immediately transferring it to T. Heath, it would need to go before the Planning and Zoning Commission for an 8-24 review and then to a Town meeting.

R. Gray questioned whether the applicant would be able to subdivide.

D. Sorrentino stated that if the property owners wanted to subdivide the property, they could re-propose a subdivision and go before the Planning and Zoning Commission, but right now they only want a building permit. The parcel does not meet the front lot or rear lot standards. If they want to propose a road and create frontage on the proposed road, they could do that now.

The parcel of land had previous subdivision approval but it was never recorded making it null and void.

S. Offiler asked if anyone had any other questions or comments.

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S. Offiler stated that the Board has two options. We can continue the public hearing under the impression that perhaps the applicant or his representatives will show up on the continued date; or close the public hearing.

D. LeDuc stated that because the applicant has not shown up and we have not heard any word from them, nobody has called to say we cannot make it; she takes that as they have nothing to add as to what was already said and would like to close the public hearing.

S. Offiler asked if anyone had any other questions or comments.

D. LeDuc made a motion, seconded by R. Lassar to close the public hearing at 6:25 p.m. All voted in favor of the motion.

Attest: _____
Joyce A. Gustavson, Recording Secretary

Attest: _____
Christine Farrugia, Secretary

February 24, 2015

The Zoning Board of Appeals Special meeting was called to order at 6:25 p.m. by Stephen Offiler, ZBA Chairman. Other member's present-Diane LeDuc, Robert Lassar, Christine Farrugia and Alternate Lincoln Cooper. Member's absent-Alternate Jim Perry, Alternate Russell Dexter.

Staff present-Russell Gray and Joyce Gustavson.

Also present-Stacy Abua.

Alternate L. Cooper was seated for the vacant position.

Audience of Citizens: No Comment.

Approval of Minutes: R. Lassar made a motion, seconded by C. Farrugia, to approve the 12/9/2014 public hearing minutes and the special meeting minutes as written and presented. Four (4) members voted in favor of the motion and one (1) abstention.

Unfinished Business:

a. Application by Bruno Gilbert of Gilbert Homes, Inc. for a Variance to Reduce Frontage Requirement from 250 feet to 154.14 feet for Property Located at 0 Church Street: The public hearing on this application was closed earlier tonight. The merits on the application were discussed on whether or not a hardship or uniqueness was demonstrated. It was the consensus of the Zoning Board of Appeals that neither uniqueness nor hardship

associated with the land was shown. Other alternatives have been offered to the applicant to remedy the situation to no avail. There is a gray area that is contained within some of Mark K. Branse references from a Land Use Symposium stating that you need to be careful when refusing to grant a variance if you effectively reduce the value of the lot to zero.

Adequate testimony was not heard demonstrating a hardship.

C. Farrugia made a motion, to deny Application #14-03 for a variance from Section 4.03 Frontage, to reduce the frontage requirement from 250 feet to 154.14 feet to Bruno Gilbert of Gilbert Homes, Inc. for property located at 0 Church Street, Assessor's Map 03828, Block 024, Lot 025A of 20.66 acres owned by Dalmik Well Drilling Company based on the following:

1) The applicant failed to give adequate testimony that demonstrates a hardship.

R. Lassar seconded the motion and all voted in favor of the motion.

b. Replacement for R. Waugh: Stacy Abua is interested in joining the Zoning Board of Appeals. The appointment will go before the Board of Selectmen at their March 4, 2015 meeting.

New Business:

a. Election of Officers: L. Cooper made a motion, seconded by R. Lassar to retain the present slate of officers. There were no objections and no other nominations. The following is the slate of officers for 2015: Stephen Offiler, Chair; Diane LeDuc, Vice Chair; and Christine Farrugia, Secretary. All voted in favor of the motion.

Any Other Business: It was suggested that S. Offiler send a letter to Jim Perry asking him to resign his position due to lack of attendance.

Adjournment: R. Lassar made a motion, seconded by D. LeDuc to adjourn at 7:10 p.m. All voted in favor of the motion.

Attest: _____
Joyce A. Gustavson, Recording Secretary

Attest: _____
Christine Farrugia, Secretary