

## ZONING BOARD OF APPEALS

### MINUTES

Monday, March 31, 2003

**Members Present:** Peter Leavitt, Chairman; Lawrence Murch; Michael Higgins (arrived at 7:15); and Aurel Gagne. **Staff Present:** Amanda Simpson, Secretary

1. Call to order. Peter Leavitt called the meeting to order at 7:10 pm.

2. Approval of Minutes – February 24, 2003

3. MOTION: Lawrence Murch moved to approve the Minutes of November 25, 2002 as written. Seconded by Aurel Gagne.

4. VOTE: Unanimous.

5. Other Business:

a. P. Leavitt noted that they had received a resignation from Stephen V. Mairs. A. Simpson explained to the Board that they will receive all applications for the opening at the next meeting and will have an opportunity to make a recommendation to the Selectmen.

b. P. Leavitt asked if the Board should consider some definition for a "member in good standing". Standards should be created for alternates.

6. Hearings:

a. Map 8, Lot 96 – RR District

15 Ai Road

Janice Rowbotham

Variance – 10 feet short of 225 foot circle required under Section U.1.

P. Leavitt read the notice. L. Murch recused himself as he is a direct abutter to the property in question. Erika Frank, Attorney, is representing Janice Rowbotham who was also present. E. Frank explained that the property had been purchased with the understanding that there were two lots. J. Rowbotham attempted to enter into a purchase and sales for one of the lots and discovered that she did not have two deeds to the lots. During her attempt in creating two lots it was discovered that there was adequate frontage and acreage but not enough property to meet the 200 foot diameter circle requirement for new lots. A lot line adjustment was negotiated with the contracted buyer to reduce the amount of variance needed to ten feet. E. Frank noted that there would be no negative impact to the abutting properties, that the odd shape of the original lot (triangle) prevents any other configuration, there is no other use of the remaining land (that not included in the sale contract). E. Frank continued that the original evaluation of the possible subdivision was prior to the 200 foot diameter circle rule and her client has attempted all reasonable measures to comply.

L. Murch, the abutter, was approached but declined to grant J. Rowbotham a lot line adjustment.

P. Leavitt asked if there was any public that was opposed. No one is opposed.

P. Leavitt asked if there were any other public comments. There was none.

P. Leavitt opened the discussion up to the Board for questions and comments. A. Gagne asked to see the lot dimensions. E. Frank distributed a sketch that showed the original lot lines and the proposed lot lines. M. Higgins asked when the conflict was discovered. E. Frank responded that it happened at closing and they were able to

get an extension to pursue a solution.

M. Higgins asked if the property were purchased as an investment. J. Rowbotham indicated that it was purchased specifically because of the ability to sell one lot.

P. Leavitt pondered the hardship. These were not new lot requirements when J. Rowbotham purchased the property. The need for a variance did not exist until the transfer was attempted.

E. Frank stated that her client had entered into the purchase and sales in good faith and risked the possibility of being sued by the buyer. P. Leavitt noted that a hardship cannot be created by the owner.

P. Leavitt raised the issue of the shape of the lot. The requirement was created in part so that narrow lots could not be created. E. Frank stated that the original lot which is triangular was created prior to the new requirement.

P. Leavitt continued that the applicant had made every good faith effort to correct the problem. M. Higgins stated that the non-compliance is ten feet at the worst place and that he was not interested in giving variances unless all other options were considered.

J. Rowbotham stated that she had reviewed this with Jack Cooper, Code Enforcement Officer, and he had suggested pursuing the variance.

P. Leavitt called for a motion.

MOTION: M. Higgins moved to grant the variance as requested. A. Gagne seconded the motion. Motion carried unanimously.

## 7. Other Business

P. Leavitt noted that the report for the Town Report was submitted. In 2002 very few variances were requested or granted. Most applications were administrative appeals.

P. Leavitt noted that the Planning Board was holding the hearing on zoning amendments concurrently with this meeting. The amendments include clarification of in-law apartments.

The Board briefly discussed the criteria for appointments.

MOTION: M. Higgins moved to adjourn the meeting at \_\_\_\_ with a second by L. Murch. Motion passed unanimously.

Submitted by Amanda Simpson

Assessing/CEO Assistant