

Present: Chairman Mathew Morton, Richard Ford, Russell Cooke, John Frink, Fred Lane, Planner Tom Morgan.

Absent: Edna Mosher

Meeting was opened at 7:05 p.m.

Minutes of meeting held 7/16/01, were accepted on a motion by John Frink, seconded by Richard Ford.

Correspondence:

Letter from Board to owner of 340 Little Bay Road advising that recorded deed does not include agreements/conditions of variance and a CO cannot be issued until deed is corrected.

Public Hearings:

GSM Realty Trust Storage Building.

Proposal was presented by Attorney Bernard Pelech. Chairman Morton stated that, due to possible conflict of interest, he would not be voting on this application.

Attorney Pelech described the proposal to construct a butler type building in the far corner of the property at 193 Gosling Road to be used to store both business and personal vehicles and noted that a use variance was required as the property is within the Waterfront Industrial Zone where only uses dependent upon ocean shipping are permitted.

Board was advised that the property has set vacant for some years since a proposal for a power plant fell through and a previous variance allowing salt storage has lapsed. Also, this property does not have access to the water and no agreements with any abutting owners and therefore is a burden to meet zoning requirements.

Attorney Pelech addressed the necessary criteria for granting a variance stating that proposal can meet all of the requirements.

Board was also advised that the building will be 80'X140' on a cement slab; will have electric and plumbing services; will not store any hazardous materials; if available, will tie-in to town sewer.

John Frink asked about future plans for the property and was told that there are no plans at this time, that the storage building is being placed in the far corner to keep options open for the main part of the property.

Tom Morgan asked about the large amounts of fill brought to the property and was told that the fill came from the Pease Tradeport and was used just to fill and even out the ground. Board requested a copy of the permit for their files.

Tom also asked about some trailers parked on the lot. Attorney Pelech did not know who owned the trailers and stated he would find out and get back to the Board.

Following review and there being no further questions from those present, the Public Hearing was closed.

Russell Cooke moved to grant the variance as requested - motion was seconded by Fred Lane. Board noted that this property, not having water access, could create a hardship. John Frink stated that he hoped, by granting this variance, the use of this property would not change but stay waterfront industrial land.

Board addressed the 5 Criteria as follows:

1. There will be no decrease in property values by granting this variance.
2. There is no benefit to the general public in denying the variance.
3. Zoning does restrict reasonable use - but it was noted that this variance is granted only to the area of the storage building and not the whole parcel.
4. Justice is served by allowing owner this use - and noted that, if necessary the building can be converted to waterfront industrial use in the future..
5. Use will meet the Spirit and Intent of the ordinance, that storage of salt trucks is consistent with planned use.

Motion to approve carried unanimously.

Request by Jay Smith to convert a three car garage on Patterson Lane.

Mr Smith stated that he is representing his tenants Mr & Mrs Haas, who are presently living on their boat docked at the end of Patterson Lane and want to purchase the property, remove the garage and build a two bedroom home on the same footprint (34' x 32') Lot is less than the 80.000 sf required..

Board reviewed plan and copy of permit granted for a septic system.

Noted that dwelling is able to meet setback requirements.

Mrs Sweeney, an abutter, was present and stated that she had no objections to the proposal. Also, many other abutters, who could not be present, had signed a letters stating that they were in favor of the proposal. These letters placed on file.

There being no further comments, the Public Hearing was closed.

Richard Ford moved to approve and Russell Cooke seconded the motion.

Board addressed the criteria as follows:

1. No diminution of property values - new home will increase values.
2. There is a benefit to having residents live in a home and not on a boat.
3. Zoning does restrict uses of these small parcels - and noted that all of the lots in the area are undersized.
4. Justice will be served by allowing this variance and the majority of those affected have no objections.
5. Residential use does meet the Spirit and Intent of the ordinance. John Frink stated that he hoped the dual amenities would not provide for a second dwelling. Mrs Haas stated that this is not their intent - they will only be working on their boat.

The motion to approve carried unanimously.

Other Business:

Board discussed the need to have applicants written justification for a variance prior to the hearing giving the Board the opportunity to review any arguments.

It was moved by Russell Cooke, seconded by Fred Lane and carried, that any justification for a variance must be submitted, in writing, two weeks prior to scheduled hearing.

Chairman Morton signed the letter addressed to James Scamman c/o Walsh Realty, re: the conditions of variance granted the lot at 340 Little Bay Road.

The meeting was adjourned at 8:30 pm on a motion by Richard Ford, seconded by Russell Cooke.

Pat Main
Secretary