

**Present:** Chairman Matthew Morton, Russell Cooke, Richard Ford, Edna Mosher, Jill Newick, John Frink.

Also Present: Joe Mitchell, Tom Morgan, Chris Cross.

Meeting was called to order at 7:00 p.m.

**Minutes** Minutes of meeting held 2-3-03, were accepted on a motion Edna Mosher, seconded by Russell Cooke.

**Correspondence:** Letter dated 3-24-03 from Thomas & Clara Butler, asking that the variance requested by Joe Mitchell be disallowed

**Public Hearing:**

Application by Joseph Mitchell and Tosco Marketing to expand the Exxon convenience store at the corner of Nimble Hill Rd and Spaulding Turnpike. Proposal requires the following variances:

- A. From Article VI for a 65 foot setback where 75 feet are required;
- B. From Article VI for a 17 foot rear setback where 30 are required;
- C. From Article XIII to allow expansion of a non-conforming use and structure.

Joe Mitchell described proposal to add a portable cooler (8'X12' height 17') mounted on a concrete slab and connected to the convenience store building. Access to the cooler will be from inside - no exterior access. Mr Mitchell explained that additional cooling space is needed - that the additional space will allow more bulk purchasing and cut down on the number of deliveries of soda, beer, water etc. Also prevent running out of product especially in the summer.

Chairman Morton read into the record the letter from abutting property owners Thomas & Clara Butler. Mr & Mrs Butler object as, in their opinion, the addition could block the view of their property which is up for sale and they feel the variance could be bad for a new owner.

John Frink asked if Mr Mitchell had attempted to purchase abutting property and was told that price is prohibitive.

Also, asked that should a variance be granted, would owner be willing to place a fence or bushes as a buffer. Mr Mitchell agreed to meet this request.

Board continued to review the plan questioning if the proposal meets the required criteria.

The Public Hearing was closed and Board returned to regular meeting.

Richard Ford moved to grant the 3 variances requested with the condition that appropriate plantings be planted along the property line between the Exxon and Butler properties. Motion was seconded by Jill Newick.

Chairman polled members on the five criteria:

1. Agreed that there will be no decrease in property values by granting the variances.
2. The variances are not contrary to public interest
3. By allowing larger storage capacity any unnecessary hardship will be averted. The cooler will be located to the rear of the property and improved landscaping will better satisfy the intent of the ordinance and not interfere with the public or private rights of others.
4. There would be no gain to the general public by denying the variances requested - that granting the variances outweighs any injustice.
5. The use, with variances granted, meets the intent of the ordinance.

The motion carried by 4 to 1 vote - John Frink opposed.

Tom Morgan advised that Mr Mitchell will now require site plan approval from the Planning Board and the Conservation Commission will advise what the appropriate plantings should be. Mr Mitchell was asked to provide correct engineered drawings showing the proposed addition.

The meeting was adjourned at 7:45 p.m on a motion by Cooke, seconded by Ford..

Pat Main  
Secretary