

Present: Chairman Matthew Morton, Edna Mosher, Russell Cooke, Richard Ford, John Newick, Planning Board Rep Chris Cross, Planner Tom MOrgan.

Meeting was opened at 7:05 p.m.

Minutes: Minutes of meeting held March 4, 02 were accepted on a motion by Edna Mosher, seconded by Richard Ford.

Public Hearing: A Request by Curtis Pickering, 279 Little Bay Road, for a variance from Article VI of the Zoning Ordinance to permit creation of two lots with combined frontage of 205.13 feet where the Zoning requires 200 feet per lot.

Richard Ford, an abutter, stepped down.

Curtis Pickering presented a plan of his land with hand drawn lines showing two lots of 3+ and 16+ acres - one lot having 100 feet frontage and the larger lot with 105+ feet and stated that he was aware of other variances granted by the Town for hardship and financial gain but would not specify.

Chairman Mott asked for some background facts and Mr Pickering advised that he had received through inheritance, 25+ acres of land, had subdivided and sold two lots and now wished to subdivide the remainder. The 3 acre parcel with his residence and the balance of the land he would like to see preserved as open space but had no specifics to date.

Chris Cross noted that it is not necessary to subdivide in order to place a portion of one's land in conservation.

Curtis advised that he had attempted, in the past, to acquire either by purchase or land swap frontage for his back-land but was not successful also, if negotiations with a conservation group was not successful, he would have to consider selling to a private developer.

Chris Cross stated that this Board needs reasons why a variance should be granted and suggested that Curtis stay focused on offering his land to a conservation group.

At this time Chairman Morton opened the hearing to the public.

Ralph Estes, 307 Little Bay Rd, stated that the time he purchased his lot from Curtis he was told that the back-land was family land and would never be developed. He noted that the proposed subdivision will create a second houselot - Curtis agreed that a house could be built on the 16+ acre lot.

Richard Ford, Captains Landing, stated that he was concerned about the gunfire and explosions at all times of the year from the direction of Curtis's property and wondered if this activity would cease if the land was subdivided. Curtis stated that he has never posted his entire property but was considering it for this Fall.

Tom Gordon, 299 Little Bay Rd stated that he was also told there would be no development in back of his lot and he is opposed to this development as he believes that the development would devalue his property.

Abutter Thomas Redden was present but did not speak.

None of the public present spoke in favor of the proposal.

Chris Cross spoke of the various options available to Curtis - purchase of additional land, be granted a variance or build a town accepted road for house-lot frontage - that, in his opinion, Curtis has not shown any hardship nor is there anything unique about this proposal.

Curtis stated that he feels the subdivision is for the public good if land is preserved and if preserved would increase the value of surrounding properties. However, he could not state positively that the land would be sold to a conservation group

Chris Cross suggested that Curtis could negotiate with a conservation group contingent upon a variance being granted - that there is too much speculation on this proposal and not enough specifics.

There being no further statements from the public Chairman Morton closed the Public Hearing.

Russell Cooke moved to grant the variance as requested. Motion was seconded by John Newick.

Board proceeded to consider the required criteria.

1. No decrease in surrounding property values would be suffered -.

Board concluded that the probability of additional development of this land could impact the values.

2. Would granting be contrary to Public Interest -

Board concluded that there would be no benefit to the public - that public would best be served if land was preserved. Russell Cooke suggested that Board could hold up any decision at this time while Curtis checks his options - that if the variance is denied at this time the request could not be reheard unless there are new developments or circumstances change.

3. Denial of the Variance would result in hardship -

Board noted that zoning, in some cases, does restrict owners reasonable use of their property and the majority would like to see land owners able to use their property without restriction.

However use of Curtis's land is not being restricted being used for residential in a residential zone.

4. By granting would justice be done -

Board concluded that to grant the variance could be an injustice by setting a precedent for other lots without the required frontage. Also noting that the configuration of the lot with only 200 feet of frontage was created by the owner. Chris Cross stated that in his opinion, no reason had been given to grant the variance.

5. Is proposal contrary to the spirit and intent of the ordinance -.
Planner Tom Morgan advised that the 200 feet per lot frontage requirement was passed in 1974 and to the best of his knowledge was created to preserve open space.
Chairman Morton stated that the applicant appears to have no specific plans for his property and he would prefer to see some definite reason for requiring a variance .

Chair called for the vote and the motion was unanimously defeated.

Curtis asked if the Board of Selectmen could overturn this decision and asked if he could cite previous decisions from the BOA.

Chairman Morton stated that each case is considered individually and other cases should have very little bearing.

Tom Morgan advised Curtis that he had thirty days to file for a rehearing - that the Selectmen could not overturn a decision of the BOA.

Curtis stated that he will still appeal to the Selectmen - that he is afraid the denial could diminish his negotiations with a conservation group and he may be forced to sell his land to a developer..

The meeting was adjourned at 8:40 p.m. on a motion by Chris Cross, seconded by Russell Cooke.

Pat Main
Secretary

