

Call to Order: Chairman Matt Morton called the meeting to order at 7:10 p.m. Board waited a few minutes for the applicants to arrive. Board members present were Edna Mosher, Jill Newick, Vincent Frank, Ralph Estes, Matt Morton, Chair and Tom Morgan, Town Planner. Also present was Attorney Watson, representing the applicants, John and Barbara Watson. Interested parties present, Jean Bowser, Weston, Todd and Eric Bowser.

Correspondence:

Minutes: Jill Newick made a motion to accept the minutes of July 17, 2006. Frank Estes seconded; motion carried.

Rehearing Request by John & Barbara Mahoney regarding the BOA's July 17 denial of a variance to establish two building lots with a total of 230 feet frontage on a Town Road, where Article VI of the Zoning Ordinance requires a minimum of 200 feet of frontage per lot. The property is located at 80 Little Bay Road, Tax Map 15, Lot 1.

Chairman Morton reminded the Board and the audience that this meeting was not a meeting to rehear previous Public Hearing but a meeting to decide if the Board wants to rehear the request. He reminded everyone that the Board was still short a Board member that couldn't be at the meeting. There are only four Board members present. The reason for this request is that the Attorney has submitted quite a list of items.

Attorney Watson was asked if he had any new information to present to the Board. One reason the Board would grant a request for a rehearing is if there was new information available. Attorney Watson stated there was no additional information but if a rehearing was granted they would probably submit additional information at that time.

The Attorney was asked if he felt the Board had erred in what they stated at the last meeting and he responded that he felt they had. The Board stated that they did not feel there would be any diminution of value of the property. The only fact the Board seemed to base their decision was that the applicant would not be denied use of the property. Attorney felt this was an old pre-Simplex standard. In Simplex and Boccia the standard is whether the proposed variance will allow reasonable use of the property. Attorney also stated that he heard one member suggest that even if though no variance was granted there was use of the property.

The Chair commented that the Attorney had stated that the Board had previously granted a similar variance to the Perkins property. The variance had nothing to do with subdivision, lot size or footage of frontage, it had to do with a house being torn down. The Attorney acknowledge the difference, however, stated that a variance had been granted with the same frontage. He was merely trying to point out that the Board has given other variances. Chair Morton commented that the Board grants a number of

variances that include property frontage but also numerous other types. The granting of a similar request a few years back may have been true, however, four years ago the Town made the decision to require a 200 foot frontage on property.

Attorney Watson stated the reason for variances is to allow relief from Zoning requirements. Two acres are required for each lot. The Mahoney's property is a long pencil shaped six-plus acre lot. The shape creates an unusual nature to the property. Applicants do not feel this is an unreasonable use of that property. Chair responded that this was not a unique piece of property, most properties in that area were of the same shape.

Board member Estes commented that the applicant states they can't get to the property because of the shape. There is a driveway going into the Mahoney's and the Bower's property, why can't a road be made from there to come into the two-acre lot? Could the two families get together to share the cost of the road? Attorney Watson stated this was brought up at the last meeting. Finances are such that they could not do this. Bowser family who were present said that this option had not been discussed with them.

The Chair reminded the Board and Attorney that they needed to be careful that they didn't get into the rehearing to grant the front footage request. The Board understands that one lot probably do not justify building a road.

Ms. Mosher who was sitting in the audience stated it appeared the applicants had not taken an elderly exemption for property taxes. The Attorney said that it had been pointed out to them at the last meeting. They did not realize that this was available to them. He did not know if they had looked into this option. He stated they just didn't have any income and just want to sell a piece of property and use this income which would allow them to stay on their piece of property.

Mr. Estes made a motion to deny request for a rehearing of the variance request by Barbara and John Mahoney, Mr. Frank seconded the motion. Motion carried. Request for rehearing denied.

Estes made a motion to adjourn, Ms. Newick seconded; motion carried. Meeting adjourned at 7:30 p.m.

Respectfully submitted,

Sandra W. Sweeney, Secretary