

SPECIAL MEETING

October 22, 1986

PRESENT:

ATTORNEYS: Roger Elliott

SELECTMEN: Dennis Abbott, Robert Fay, Andrew C. Woodsome, Chrm.
of the Board.

PLANNING

BOARD: Roland Denby, Mike Hammond, Dwayne Woodsome, Larry
Jacobsen, Doug Foglio.

ZONING BOARD

OF APPEALS: Jean Chick, Mary Beth Munroe, Millard Genter.

CODE

ENFORCEMENT: Van Foglio.

Question was posed by Van as to what Section 2.08 of Zoning Book actually meant to the layperson.

Roger stated that it would appear to the layperson that Section 2.08 would grant the Planning Board authority to grant Variances. However, State Law specifically states that only the Zoning Board of Appeals carries the authority to grant such Variances.

Same conversation transpired about what this meant. Roger again stated that in fact the Ordinance did grant yard variances or the authority to the Planning Board., that it would be contrary to State Law.

The question was asked if a substandard lot existed that only the ZBA could grant variances. Karen Lovell stated that it would be a two stage process. The PB would have to be satisfied that the setbacks were acceptable and the house size would be appropriate. They could approve this application-subject to the granting of a variance for size(lot) by the ZBA.

Roger stated that perhaps this paragraph 2.08 may need some revision to meet with the State Laws.

Larry Jacobsen asked if a person has a building containing 3 apartments is it a "subdivision"?

Roger answered, in his opinion, anything subject to a lease is a subdivision. The exception are; motel rooms, camping areas and drive-ins. 3 or more units constitutes a subdivision or a Planned Unit Development. The PB has jurisdiction in the development of Subdivisions, PUD's and Cluster Developments. The PB must insure compliance with plans specifications and conditions before approving plans. They also have the authority to require a 25% Performance Bond. All subdivisions are Conditional Uses--and subject to all three requirements.

Grandfathered Subdivisions. If they were originally approved by the

Town they are still valid. The isolated vacant lots in a grandfathered subdivision can be built upon. Karen stated, as a rule of thumb, if it has had some municipal action it is probably grandfathered. Still discussing Grandfathered lots. Roger said each lot should have some reasonable use. The definition of "reasonable" is actually undefined. ie. A 50ft. lot with a 25ft. structure.

Substandard Sized Lots. Applicant must first meet with the Building Inspector. Then to the PB to "plan-out" the lot. Next and last step is the ZBA, who have the authority to issue a variance, usually not exceeding a 15% increase or decrease in stated requirements. The ZBA according to State Law has the final approval or disapproval.

Replacement and Maintenance, paragraph 9.03. Van described a 3700 sq. ft. lot with a 1947 structure. Fire less than 2 years ago burnt the home, the owner bulldozed the remaining burnt building down. Now he wants a permit to reconstruct his home. Can he issue one without going to the PB? Roger stated, according to P. 9.03 the property owners had 2 years to rebuild. The building must conform to the Code. The plumbing must be up to today's septic system regulations. They may not add on to the original sized structure--no garage, no deck...