

**BOARD OF ADJUSTMENT
MINUTES OF MEETING
SEPTEMBER 17, 1992**

MEMBERS PRESENT: Joseph Halla, Chairman; Phillip Cochrane;
Charles Cook; Michael Winograd; David Scanlon;
Alternate Ken Sorlin

CASES HEARD: 1992-09, Oliver Fifield, Variance
1992-10, Ann J. Weger, Special Exception

Joe Halla, Chairman, called the meeting to order at 7:40 p. m.

Since both of the cases involved relatives of David Scanlon, he stepped down and Alternate Ken Sorlin sat on the Board as a voting member.

1992-09, Oliver Fifield, Variance:

Joe explained the procedure of the meeting and the method of receiving testimony.

Ollie Fifield told the Board that he and his wife, Mary Ellen, have made a tentative deal to purchase the house presently owned by Allen and Penelope Crabtree on Baptist Road contingent upon approval of a variance and a special exception to operate a bed and breakfast and a minimal care home for the elderly. He explained that it is daughter, Ann's, wish to operate an assisted care home for the elderly. Since it may take a few years to get this started, she would like to run a bed and breakfast in the meantime. In order to do this, they would like to add four bathrooms to the existing house which will not meet the setback qualifications. Ollie presented a sketch of the addition showing it to be set back 58 feet from the center of the road. (The existing house is 42 feet from the center of the road; there is no greater non-conformance with the addition.)

Ollie presented a letter from Allen and Penny Crabtree authorizing the Fifield's to proceed with the Town to obtain the necessary approvals.

Ollie also introduced their lawyer, John Bardo, who would be representing Ollie and Mary Ellen Fifield and Ann Weger in this matter.

Ollie mentioned that when he applied for the variance, it was in the name of Oliver and **Mary Ellen** Fifield, and it was advertised in Oliver's name only.

Phil Cochrane wanted to know if the septic system would be adequate for the addition to the house. Ollie informed the Board that the septic system had been redone by the Crabtrees a few years ago, and it had been designed adequately.

John Bardo, on behalf of the Fifields, addressed the criteria needed for the approval of the variance.

Since there was no one present to speak either in favor or in opposition to the granting of the variance, the hearing was closed for deliberation

at 7:55 p. m.

Joe commented that as long as there is no greater non-conformance than has previously existed, he had no problem with granting this request.

Mike Winograd moved to grant the request for a variance to construct an addition to the house presently owned by Allen and Penelope Crabtree on Baptist which will not meet the minimum setback from the front boundary line under the terms of Article 5.B1 of the zoning ordinance based on the following:

1. Granting the variance would not cause any diminution in the value of surrounding properties.
2. Granting the variance would be a benefit to the public interest since the value of the property would be enhanced.
3. Denial of the variance would result in an unnecessary hardship to the applicant seeking it since the house was built before zoning regulations.
4. By granting the variance, substantial justice would be done.
5. The use is not contrary to the spirit of the ordinance as there will be no greater encroachment to the center line of the road setback than already exists.

The motion was seconded. Charlie Cook moved to amend the granting of this permit to include Mary Ellen Fifield's name as stated in the application for the variance and erroneously omitted in the public notice. The motion was seconded and passed.

The board members voted unanimously to **grant** the request for a variance as amended.

The appeal procedure was explained to the Fifields.

1992-10, Ann J. Weger, Special Exception:

The procedure of the meeting and method of receiving testimony was again explained by the chairman.

Ann Weger explained that she wanted to run a small minimal care facility for the elderly to provide care for those who are healthy but do not feel comfortable living alone. She explained that the outward appearance of the buildings would not change. She plans to start out with the operation of the bed and breakfast to hopefully cover the cost of the renovations needed for the buildings and then working slowly toward the minimal care facility.

Joe Halla asked Ann if she planned to expand the facility in the future to more than what she shows on the plans submitted. Ann said that she does not plan to go any bigger than the ordinance allows (10 guest rooms); her main goal was to stay within the structure that is already there.

Joe asked if there were any State regulations regarding the minimal care facility. Ann explained that it is not mandatory to have a license at this time for the facility for the elderly, but she said that she is sure there will be in the future. She plans to follow all fire codes and explained that there will be a separate exit for each guest room.

Mike Winograd asked about the parking facilities. Ann said that there is already established adequate parking.

David Scanlon spoke in favor of granting this request.

Since there was no one present to speak in opposition, the hearing was closed for deliberation at 8:12 p. m.

The Board members discussed the future expansion of the minimal care facility.

Mike Winograd moved to **grant** the request for a special exception to operate a bed and breakfast and a minimal care home for the elderly on property presently owned by Allen and Penelope Crabtree on Baptist Road under the terms of Article 5.3C of the zoning ordinance based on the following:

1. Granting of the permit would be in the public interest because the proposed use is allowed in that zone and it would provide an appropriate facility for the community.
2. The proposed use would not adversely affect the property values in the district because the residential nature would not be changed.
3. The specific site is an appropriate location for the proposed use because the building itself is appropriate for that type of utilization.
4. The proposed use would not affect adversely the health and safety of the residents and others in the area and would not be detrimental to the use or development of adjacent or neighboring properties because of the nature of the use.
5. The proposed use would not constitute a nuisance because of offensive noise, vibration, smoke, dust odors, heat, glare or unsightliness because there will be none.
6. The granting of the permit would be in the spirit of the ordinance because it is an allowed use.
7. The proposed use would not constitute a hazard because of traffic, hazardous materials, or other conditions because of the nature of the use and there is adequate off-street parking.

Mike also wanted to add that there shall be no more than 10 guest rooms as stated in the ordinance and parking shall be limited to the area as designated in the sketch presented along with the application for the special exception.

The motion to **grant** the request with the above conditions was seconded and passed unanimously.

The appeal procedure was explained to Ann Weger.

Other Business:

The minutes of July 23, 1992, were reviewed by the Board and accepted as written.

The meeting was adjourned at 8:30 p. m.

Respectfully submitted,



Kathryn Dickson, Clerk
Board of Adjustment