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March 16, 1994

East Kingston Board of Adjustment

Attending: John V. Daly, Chairman; David Boudreau, Jr., and Stewart Aronson

The Meeting was called to order at 7:15pm by Chairman Daly.

Chairman Daly read the Public Meeting notification regarding the application for variance submitted by James Bioteau regarding driveway requirements. (1994-02)

Mr. Bioteau presented a plan of the proposed subdivision which would necessitate the second driveway. He noted the 407 ft. frontage as adequate to meet the frontage requirements for a subdivision. He stated there is a culvert in place which was designed and constructed by an engineer. Mr. Bioteau stated the use of the present culvert to access two lots was feasible. The Town has replaced one culvert going over the brook. He stated he wishes to use the culvert as a crossing and to use this particular area as a common driveway. He will not be using the entrance from the road as a common drive, but will designate the proper footage on either side to accommodate the driveways for each lot. The common use will be restricted only to the culvert crossing area and then it will be separate again. He noted the driveways would be side by side and he never intends to subdivide this proper again. He said he wants only two lots; he is only looking for one more house. He already has his own house built on the lot.

Mr. Boudreau stated the problem comes with the common crossing. He stated there is no purpose to add on 10-12 feet to the culvert; it would still be a common crossing.

Mr. Bioteau explained that the 5+/- and 6+/- acre lots fit all other criteria in every way, even to the 200 foot frontage requirement.

Mr. Aronson noted there are two drives entering the street and this seems to comply with the ordinance.

Mr. Daly asked Mr. Boudreau if he would issue a driveway permit under these circumstances.

Mr. Boudreau said the issue at that point is that the drive would be common over the culvert and not at the entrance. He stated he questioned that at the Planning Board discussion, but did not understand the width issue of the culvert.

Mr. Daly stated the Board of Adjustment only has jurisdiction to offer a variance if there is a denial by the Building Inspector of a driveway permit.

Mr. Boudreau stated he denied it at the Planning Board meeting, but he did not fully understand the facts as they are laid out before this board.

Mr. Boudreau confirmed that the culvert is 20 ft. wide and that he will approve a driveway permit.

Mr. Aronson motioned to table this request for a variance pending the Building Inspectors issuing a driveway permit.

Mr. Boudreau second.

The motion was passed with the understanding that if the Building Inspector does not issue a driveway permit, the applicant may return to the Board of Adjustment. The motion passed 3-0.

Mr. Boudreau stated the Building Inspector does not issue the permit until the applicant gets a building permit.

Mr. Bioteau stated he will get a driveway permit immediately. He stated he will write into the deed that the culvert will have to be maintained by the owners.

The meeting was adjourned at 8:00pm.

Respectfully submitted,

Nancy J. Marden, Administrative Assistant