

September 08, 1994

East Kingston Board of Adjustment

Attending: John V. Daly, Chairman; Joseph Conti, David Boudreau, (and David Ciardelli-arrived at 7:50). James Davis, Deputy Fire Chief was also in attendance.

Initially the meeting was attended by three members. Mr. Daly explained that a unanimous decision would have to be made in order for a variance to be granted.

After telephone calls, Mr. Dana Dowling decided to wait for the arrival of Mr. Ciardelli before proceeding.

The Meeting was called to order at 7:50pm by Chairman Daly.

Chairman Daly read the notice of this meeting for Amy Shafmaster, 60 Main St. (1994-04)

At this time Deputy Fire Chief Davis determined that the building to the rear of the house was now demolished and since this was his concern, he excused himself from the meeting.

Chairman Daly noted that Mr. Dana Dowling has been designated a spokesperson for Amy Shafmaster. Mr. Dowling is the General Contractor for Ms. Shafmaster.

Mr. Dowling stated that he is preparing a two bedroom addition to the existing house. There is only 284 ft. of frontage. He noted that the property cannot be fully upgraded without a variance. He noted this property has 35 acres. He stated he understands that Mr. Jacques was granted a variance with less frontage available.

Mr. Daly stated that each case before this Board is judged on its own merits and stands alone.

Mr. Ciardelli asked if the variance was required to meet the requirements of special exception.

Mr. Daly asked the intended use of the addition.

Mr. Dowling stated that the use would be for guest quarters only. Ms. Shafmaster and the groom (groom of horses related to the Shafmaster horse farm adjoining this property) were currently living in the main house. The addition would not be intended for rental purposes, but would be used for family gatherings; an accommodation for overflow of guests.

Mr. Daly explained to the members that Mr. Dowling was skipping ahead, assuming the if the variance is granted, he would then qualify for a special exception. The variance would be required to advance to the special exception in this case.

Mr. Dowling outlined the specifics in the situation: It would be one residential building lot; there would be 2 dwelling units; there is less than 300 ft. of frontage; the lot contains 35 +/- acres. A new septic system is being installed, designed for six bedrooms. There would be an additional 900 sq. ft. of floor area. Mr. Dowling stated he believes they will meet all the other provisions for Special Exception.

Mr. Ciardelli stated he is puzzled by this process, there is no caveat. In looking for a variance, he inquired if there was a need for special exception at all. The frontage is the only criteria not met, whereas the applicant has 284 ft. versus 300.

Mr. Daly noted that Town Counsel has found no reason not to grant a variance to the Special Exception.

Mr. Boudreau stated that each time the variance is granted the footage requirement is changed.

Mr. Conti noted that the hardship of the land is met; no other land is available to add. The land on one side is owned by Mr. Freeman, the other by Mrs. Sorenson.

Mr. Daly stated in this case, the frontage is only a few feet short of requirement; perhaps a problem with a minimum of acreage, but in this case there are 35 +/- acres. This makes the difference.

Mr. Boudreau stated there once was a non-conforming building on this site.

Mr. Conti noted that this building is gone, it no longer exists. The use of this building as a residence was only by special exception granted by the Selectmen.

Mr. Daly moved to consider the variance and read each criteria to be met.

Mr. Conti motioned to grant a variance as requested to the frontage requirement.

Mr. Ciardelli second.

The motion passed 3-0. Chairman Daly did not vote.

Mr. Conti stated the next step was to motion to grant the special exception. All criteria for meeting the special exception were now met.

Mr. Boudreau motioned to approve the Special Exception to allow two dwellings on one property.

Mr. Conti second.

The motion passed 3-0.

The meeting was adjourned at 8:17pm.

Respectfully submitted,

Nancy J. Marden, Administrative Assistant