

November 03, 1994

East Kingston Board of Adjustment

Attending: John V. Daly, Chairman; David Ciardelli, Members. Norman Freeman, Sr. was in attendance as an observer and possible Alternate candidate to this Board.

These minutes reflect that there was no quorum at this informal discussion which was called at the request of a citizen seeking information regarding the possible uses of his property.

Larry Bean and his brother Jerry Bean were present. Larry Bean owns property at the corner of Rte. 107a and Rte. 108, MBL 100310, 4 Powwow River Road.

Mr. Daly stated initially that he was not sure of what the Board could tell them regarding uses.

Larry Bean stated that he is in the Residential Agricultural Zone and operations of chicken production has been his work. As of December 01, 1994, the agricultural aspect of his work will no longer be available as the company (Hubbard) will no longer be requiring his services. He stated he is seeking all possible options for the use of his barns.

Jerry Bean asked if they have to have a specific tenant use if they go that route, and also asked which would come first, the use or the tenant.

He was informed that the tenant would not have to come first specifically, but that the use would have to be in compliance, if not a variance would have to be sought. The procedure for variances was outlined.

Jerry Bean asked how specific does the use have to be.

It would have to be limited, there could be no hazardous waste, etc.

Mr. Daly stated the application would have to state that they would be seeking a variance to allow storage or to create a warehouse, but the tenant would not have to be stated at that time.

Mr. Daly also noted that the hardest criteria to meet would be that of hardship.

It was explained that any request for Zoning Change would require a sprinkler system installation because of the height of the barns. NFPA regulations would be in force at that point.

Further information about the sprinkler requirement would be found with either Chuck Boudreau, Deputy Bldg. Inspector or Fire Chief Conti.

It was also discussed that a Zone Change warrant article could be done concurrently with a Variance application.

Larry Bean noted that some time ago he did go before the Town requesting a Zone Change by Warrant Article.

Mr. Daly saw no reason why this would not be okay to repeat this process. He stated he would prefer the paperwork be filled out separately, but together would also be appropriate.

Mr. Daly noted that the decision process of the ZBA is fast and there would be no delay in this timeframe.

Larry Bean asked if they could reapply for the variance.

It was explained that they can reapply but it must be with different criteria. There must be new evidence to apply for a re-hearing; this must meet the 20 day deadline requirement.

Mr. Daly noted that the function of the Board is judicial.

Mr. Ciardelli noted that if the Zoning Change is made to be different, then they can reapply at that time as a new request under the new Zoning Ordinance.

Mr. Freeman noted that many things come under the heading of "agriculture".

The informal meeting was adjourned at 8:15pm.

Respectfully submitted,

Nancy J. Marden, Administrative Assistant