

Unofficial
As of 02/13/07

HOOKSETT
ZONING BOARD OF ADJUSTMENT
Minutes
February 13, 2007

Tracy Murphy-Roche called the meeting to order at 7:00 pm.

Attendance: Tracy Murphy-Roche, Chris Pearson, Dick Johnston, David Boutin, Ron Savoie, James Levesque, and James Gorton (non-voting Council Rep.)
Also present, Michelle Bonsteel

CONTINUED PUBLIC HEARINGS

JOANN BOUTOT

1099 Hooksett Road Map 41 Lot 73

Variance from Article 10-A, US Route 3 Corridor Performance Zoning District, Section E. Permitted Uses to allow the expansion of a nonconforming residential use in the zone wherein residential uses are not permitted.

Variance from Article 10-A, Section F. Dimensional Performance Standards 1.(a) and (b), wherein the minimum lot size with municipal water and sewer is 1 acre and the existing lot is 11,775 square feet, and wherein the minimum frontage is 100' and 50' is provided and wherein the minimum side yard setback is 18' (based on building height) and 4.7' is provided.

Special Exception from Article 26, Nonconforming Uses and Buildings, Section A., wherein it is a residential use in the commercial zone and wherein the existing residential structure is nonconforming as to setbacks and to obtain a special exception to permit the construction of an accessory garage structure on the premises having less than 50% of the existing building's square footage.

Ron. Savoie: Did your daughter give you the information that we had given to her?

A man identified himself as Mrs. Boutot's husband stated: Yes she told me that you suggested that it go back another ten feet and about four feet over.

R. Savoie: That was not a problem?

Mrs. Boutot's husband: That was not a problem. I just went with the minimum trying to get it where it was.

R. Savoie: That was a little bit to minimum.

T. Murphy Roche: Are there any questions from the Board?

D Boutin: The changes that we talked about when we were on site, none of them affected these numbers right?

R. Savoie: No it doesn't. As far as what is on the application it does not affect those numbers. When we met at the lot there is already an existing garage which is just about on the property line. We suggested we move it in 4 feet and back another 10 ft which would put it about 20 feet from the back of the house

M. Bonsteel: So you are creating a side set back where there was zero?

R. Savoie: Yes

C. Pearson: The recommendation to push it back was so they could safely swing around the house and have some room to get in and out of the garage.

M. Bonsteel: So you would have 10 feet off the front lot line?

R. Savoie: It would be 20 ft from the house. They were already 10 feet from the house. The lot rises steeply in the back. They have to go into the hill so they have to put a retaining wall anyway so another 10 feet isn't much.

M. Bonsteel: The building of the garage is not going to act as a retaining wall?

Mrs. Boutot's husband: That was not something I thought about until you mentioned it.

M. Bonsteel: That is what I mean, you can use the back wall of the garage as a retaining wall and then you can step it down. This is something you and I can discuss at building permit time.

R. Savoie: That is what we came up with when we met at the site.

D. Boutin: These numbers we spoke of, we all understand that they were suggestions based on our observation of the property. If a contractor goes into it and it needs to be 12 feet or more or he decides on 5 feet then we will have to work with that. I just don't want the applicant to be locked into those numbers. As long as he is conforming to the ordinance on the rear yard setback and he is making the side yard better I don't want him to be locked in with those numbers. Do you understand what I am saying?

C. Pearson: No less than 20 are what we were thinking. He is already 10 feet so no less than 20 feet.

D. Boutin: No less than 20 feet from the house? I think it makes sense but that is not a setback. He has a lot of room and a long back yard. All I am saying is that is it based on our numbers not the engineers and I want to make sure he is not locked into our numbers if those numbers don't work.

R. Savoie: If he wants to go further back he can, it just gets steeper and steeper. The 20 feet that we talked about between the house and the garage is probably be a minimum that he is going to need to make a turn to get into the garage

M. Bonsteel: You are saying that the garage will be in a location not less than 20 feet from the existing residence and not 4 feet from the side yard lot line. Provided he meets the rear yard set back and the other side yard set back

R. Savoie: Yes

Open to abutters

Public

Closed public

T. Murphy Roche: Any other comments from the board?

D. Boutin motioned to grant the Variance from Article 10-A, US Route 3 Corridor Performance Zoning District, Section E. Permitted Uses to allow the expansion of a nonconforming residential use in the zone wherein residential uses are not permitted. Second by C. Pearson. All in favor none opposed motion carries

D. Boutin motioned to grant the Variance from Article 10-A, Section F. Dimensional Performance Standards1.(a) and (b), wherein the minimum lot size with municipal water and sewer is 1 acre and the existing lot is 11,775 square feet, and wherein the minimum frontage is 100' and 50' is provided and wherein the minimum side yard setback is 18' (based on building height) and 4.7' is provided.

Second R. Savoie. All in favor none opposed motion carries

D. Boutin motioned to grant the Special Exception from Article 26, Nonconforming Uses and Buildings, Section A., wherein it is a residential use in the commercial zone and wherein the existing residential structure is nonconforming as to setbacks and to obtain a special exception to permit the construction of an accessory garage structure on the premises having less than 50% of the existing building's square footage

Second by J. Levesque. All in favor none opposed Motion Carries.

NEW PUBLIC HEARING

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BRIAN BUTLER

236 West River Road, Map 24 Lot 2, Variance from Article 26 Section C.3 to extend a legally non-conforming use larger than the fifty percent of the original gross floor area.

D. Boutin: On the first page about half way down on the first paragraph, it says that the existing parcel is zoned commercial that would allow for the proposed use. However the existing lot size is 22,037 sq ft that doesn't meet the current zoning. My question is that it seems like the request is only half of the equation. They are asking for more than 50% enlargement but the same time they have a non-conforming lot.

M. Bonsteel: It is slightly a different situation.

D. Boutin: Ok, well I am just asking the question to make sure we are on the right track that's all.

T. Roche: I think it is a great observation because I read this and I didn't catch it but the agenda talks about a variance from article 26 C.3 to extend the legally non conforming use larger than 50% of the original gross floor plan but at the same time they are talking about making these changes to a lot that is substandard.

M. Bonsteel: It is an exiting residence in the commercial zone. Lets start with the use variance. It is not a variance because what they are doing is bringing the property use into conformity. They are going to maintain a residential aspect on the property but the addition is to create a commercial use in the commercial zone. They don't need a variance to maintain the residence because it is a legal non-conforming use. They are requesting an addition to the existing structure to provide for the retail space on the property that is a non-conforming lot in regards to area for a commercially zoned parcel.

He doesn't have the availability to purchase contiguous land that would bring the lot into conformity. The use we believe is compatible with the size of the

property. With the location of the house and how he will provide his parking we have been working on. This process has taken over a year. Between meeting with the TRC staff and meeting with fire and myself, meeting with DOT, coming back to TRC and going through this entire process until we finally massaged it to the point where it can work. We need a variance for the area aspect of the property not for the use.

D. Boutin: That is not what the agenda says.

M. Bonsteel. Because the way that our zoning code reads, it refers to use in both instances. It is a flaw in the zoning not the application or the agenda. I know it is confusing with that section of the code. I have tried to have it removed from the code and I don't know if they have done anything with it this time around or not. The way that it reads with regards to use or area and when it gets down to it, it refers only to use. At the preface it says use or area. It is very confusing to the public, the engineers, and developers, and it is confusing to everybody so I don't blame you for being a little bit uneasy.

Matt Peterson, Woodland Design Engineer: I did hand out a brief aerial so you can see where it sits. You can see the pool in the back of the property. We have the Transmissions Plus on the north and we have Amoskeag Beverage to the west and another commercial building to the south. This is located on West River Road across from Scott Ave and next to Brookside West. As stated this lot is undersized for zoning. Brian bought this piece about 2 ½ years ago and has lived there since then. He has owned a hockey shop in Manchester for about 20 years now and wants to relocate his business here. What we came up with is he wants to add on 1000 sq ft retail shop to the existing structure and continue to live in the structure. Everything we are proposing meets the zoning requirements. We didn't believe we needed any variances at the time. However, sitting down with Michelle her determination that she just gave you on the requirements here was that because the existing structure is over the building setback, even though we are not adding on to the building here we are going to be non-conforming and we needed to go because we are expanding as stated in the article we are asking for 26 C.3 that we are expanding this use by over 50%. We have put together this site to meet the parking requirements and the other requirements of the zoning board. Basically that article states that any legal non-conforming use may not be extended or enlarged by more than 50% of the original gross floor. The building coverage will be about 12% of the overall lot, and the open space will be about 51%. We are surrounded by commercial use.

T. Murphy Roche: Describe the business again

M. Peterson: A hockey shop, Brian can you describe this for them

Brian Butler (owner): Anything to do with hockey, repairs, skates, just hockey only

T. Murphy Roche: How many employees will you have?

B. Butler: Just me, I work 7 days a week

T. Murphy Roche: What about the activity with your customer base and what will the traffic be like in and out of there?

B. Butler: In the summer next to nothing, but with a good winter on a Saturday maybe 25-30 people.

M. Peterson: This will be most of his cliental from his business base that he already has. As I understand most of his cliental is from the Hooksett area so this works for him in this location. We will have to go to site plan and DOT and we have spoken to DOT.

T. Murphy Roche: So you haven't been to TRC yet.

M. Peterson: We have actually been there twice. He was there before I got involved and we went a couple of times.

D. Boutin: It is a significant improvement with respect to traffic. If you look at this you can see that there was a horseshoe driveway. Now it is limited to one driveway.

T. Murphy Roche: They were going to make you do that anyway. The DOT didn't require for him to change it?

M. Peterson: The DOT can't make him change his driveway without change. Unless he is asking for a new curb cut, which we are not so we don't have to change it.

T. Murphy Roche: Is there anything in the ordinance of a commercial use within the residential zone?

M. Bonsteel: Certain home-based businesses are permitted in the residential zone. There is no such mechanism in the commercial zone. Residences are not a permitted uses in the commercial zone. He isn't creating a residential use; he is diminishing that aspect and creating a commercial use. He is bringing it into conformity.

T. Murphy Roche: Well a little bit but he is still living there.

M. Bonsteel: Yes

R. Savoie: Would you consider that a rental place with a live in caretaker?

M. Bonsteel: No, you are looking at a brand new application. This is an existing residence and has been since the 50's and he is introducing a commercial business into a residential zone. We reached a conclusion and as a right he can maintain this residential use. If the building had been vacant for a year we wouldn't be having this conversation It was continuously resided in. We looked at several plans before we looked at this one. Fire had a problem with coming in with a fire truck. We reached a point to knock it down and start over. We came up with the plan that has the parking, fire access, handicap, and all the aspects it needs.

T. Murphy Roche: What is the back building on the plan?

B. Butler: It is an existing shed and it has two sections. The left section is all by itself and there is a door that goes into the longer section. There are two different compartments for lawn mowers, tools, etc

M. Bonsteel: There is a drainage area that comes off of 93 and goes through Amoskeag Beverage and cuts through his yard out to the river

M. Peterson: This is all wetlands that goes out to the back of the property

T. Murphy Roche: The pool will stay obviously and that is why it is on the plan.

C. Pearson: Is that a loading dock.

M. Peterson: It is a proposed garage for the residence on the backside. We had to put a 20 foot access for a fire land so it made sense to put it there.

J. Levesque: I think it is a nice plan.

Open to abutters
Public
Closed

T. Murphy Roche: We should not be concerned that it is a residential use in a commercial zone? He wants to use it for commercial and residential all at the same time. Shouldn't we be addressing this? It is a non issue?

M. Bonsteel: It is a non issue. The only reason why he is here is because a portion of the existing residence falls over the setback line.

T. Murphy Roche: Where in our code does it say you can do commercial and residential?

M. Bonsteel: It doesn't say you can't. What is says is retail is a permitted use in the commercial zone. Residences are not permitted in a commercial zone. It is a residence as of right, it predates the zoning ordinance and he is adding the commercial part of it to an existing residence. The zoning attempts to eliminate non conforming uses but your hands are tied because of the grandfathering clause of legal non conforming at the time it was written.

T. Murphy Roche: I understand, I have no concerns of it being used as a residential property

M. Bonsteel: He is not expanding the residential portion of the building. The addition is for the commercial use of the building.

Re-open to public hearing

M. Peterson (read from application) The use would not diminish the property, the parcel is surrounded by commercial uses on 3 sides and West River Road as a fourth. Also the addition that the applicant is asking for meets all the other zoning requirements of the Hooksett Zoning Ordinance. With the current zoning of the parcel as commercial, the commercial surrounding uses, and the nature of the request, the applicant feels that granting the variance would not diminish the surrounding property values.

Granting the variance would be in the public interest because the granting of a variance would allow for the development of the parcel in an area of town that had been zoned for commercial uses and a mixed use of this type would also allow for the continued residential character of the stie. Again as stated above the building addition would meet all other town requirements. Based on the fact that the proposed addition meets all the other zoning requirements we believe that the granting of the variance would be in the public's interest in that it allows for a reasonable use of the subject parcel.

An area dimension variance is needed to enable the applicants proposed use of the property given the special conditions of the property. The actual size of the existing structure is 1,800 sq ft which would allow for a 900 sq ft addition without a variance and the applicant is only asking for 340 sq ft to properly develop the commercial property for his needs. Again the proposed expansion meets all other town requirements. Also this particular parcel is surrounded by commercial development on three sides and wetlands on two sides. The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area/dimension variance. As stated above the variance would be for 340 extra sq ft of area to allow the applicant to relocate his existing business on his parcel. Granting the variance would do substantial justice because by granting a 340 sq ft extra building area substantial justice would be done in that the applicant would be able to relocate his business to this location, which is in the commercial district. The use is not contrary to the spirit and intent of the ordinance because lastly the applicant feels that maintaining the existing structure and proposing a 1,240 sq ft addition that meets all the other zoning requirements is not contrary to the spirit and intent of the ordinance.

D Boutin: If you look at number 2 granting of a variance would be in the public's interest because, and go down to about the 3rd sentence it says again as stated above the building addition will meet the zoning requirements. Based on the fact that the proposed addition meets all the other zoning requirements we believe that the granting of the variance would be in the public's interest in that it allows for a reasonable use of the subject parcel. It doesn't meet the requirements; it doesn't meet the size requirements. That is the point I was making. This number 2 is not a statement of fact as I understand it. That is where I have my concern.

M. Peterson: Your statement is because the lot is undersized you can't build on it. The building being proposed meets the zoning as far as setbacks and stuff like that. The lot itself is undersized. It is an existing non conforming lot but you can put a commercial use on it.

D. Boutin: In number 2, you specifically are referencing the addition. You said it will meet all town requirements and it doesn't. I have to say the issue, I didn't think of it or even in the TRC process it got past me.

M. Peterson: Which one doesn't meet the requirements?

D. Boutin: The lot is a commercial lot and in that zone the lot is supposed to be 22,500 sq ft. The lot in your own testimony states that it is undersized.

M. Peterson: I state that it is undersized but that is not related to it, ok that's fine.

D. Boutin: I don't want to argue with you that is just how I read it. I have to say the issue that I didn't think of at the TRC process and that the lot is undersized. I just assumed that it was a correctly sized lot, so shame on me for not bringing it up at the TRC, it got past me.

T. Murphy Roche: Michelle speak to that for us

M. Bonsteel: It was discussed at the TRC and it was discussed with staff. The point that the applicant is trying to make is that the structure meets the setbacks for the zone even though the lot is undersized.

T. Murphy Roche: We don't have to address the lot size?

M. Bonsteel: We are addressing the lot size. This is an increase of the non-conforming. You are increasing more than 50% on a commercial

T. Murphy Roche: Where does the commercial/residential piece get addressed? It doesn't and it doesn't need to?

M. Bonsteel: It doesn't because it is as of right.

T. Murphy Roche: Well the residential is as of right but not together it's not.

C. Pearson: If he was here to extend his house it would be the same variance

M. Bonsteel: Yes, also for the use. The only reason this man is here is because he is increasing the size of a building that is "non conforming as to set back". A corner doesn't meet the setback. The way our zoning reads if this corner right here is over the lot line and you want to put an addition back here you have to come to the zoning board. If it is more than 50% of the existing building it is a variance. If it is less than 50% of the existing building it is a special exception.

T. Murphy Roche: I don't see in a commercial use it allows residential. I know it is grandfathered. It doesn't say in here that if it is grandfathered residentially

that you can add a conforming use to it.

M. Bonsteel: But the commercial use is as of right also. It is a permitted use in the zone.

T. Murphy Roche: Together?

I understand that retail is a permitted use but it doesn't say in here that a residential and retail is allowed together because the residential is a grandfathered use.

M. Peterson: As Michelle stated, section B has short standings in non-conforming lots. A lot of time you can expand on this and Section B is the only one that states what you are getting at and this will send it back to the planning board. No permits in any district for any non-residential or multi-family uses, nor any change or expansion of use, or construction shall be issued prior to site plan approval by the Planning Board. The planning board can have an issue with the residential staying but this is more of a planning board issue.

T. Murphy Roche: It seems to me that in this town all we needs it the planning board, why are we even here? What's the purpose of us?

R. Savoie: So we can aggravate the planning board

T. Murphy Roche: Just for a night out?

M. Bonsteel: There agenda is getting longer and longer and ours is getting shorter and shorter.

T. Murphy Roche: I don't understand why they are hear if it really is about the planning board. Maybe they should be before the planning board.

M. Bonsteel: Well they need the Variance.

C. Pearson: It is still the C3, which any non-conforming use shall not be extended

D. Boutin: The weird thing is that the non-conforming part is not being extended. Actually it is diminished because they are tearing the garage down.

M. Bonsteel: Someday when everybody has an hour and I am serious about this just on that one section non-conforming uses and structures I will sit down with you. I will dissect it and I will explain to you why that legislation that single piece of legislation is probably the biggest flaw in our zoning code. I have been fighting for two years to change it and I have gotten nowhere and I am the one who has to enforce it. Jessica and I will sit there and wrap my head around it just like what you are going through now. It takes 3 or 4 people sitting around to finally dissect it and say ok, ok, ok now I get it. It should be broken out. You should have a section that deals strictly with non-conforming structures and then you should have a section that deals strictly with non-conforming uses. This would all make sense to you if that were the way it was written but that is not the way it was written.

D. Boutin: If this was a conforming lot size wise it makes sense, I understand it. Because it isn't a conforming lot, it needs to be request of a variance for a non-conforming lot size.

M. Bonsteel: I disagree

D. Boutin: That is just my opinion

T. Murphy Roche: This variance from article 26 Section C.3 to extend the legally non-conforming use larger this article 26 speaks to both use and area.

M. Peterson: If you look at Article A there specifically says if there are uses and area. I had the same question about the lot being undersized and you need a variance for that but there is no where in here that I can request it from an article. Your non-conforming doesn't address that.

T. Murphy Roche: So these two should be separated out

M. Bonsteel: Yes, they need a tremendous amount of work

R. Savoie: That is neither here nor there. I understand it, I agree with Michelle

Abutters

Public

Closed

R. Savoie motion to grant the Variance from Article 26 Section C.3 to extend a legally non-conforming use larger than the fifty percent of the original gross floor area.

D. Boutin Second. All in favor motion carries.

OTHER BUSINESS

T. Murphy Roche: Request for rehearing on the application for Richard Boisvert.

D. Boutin I will be recusing myself as I did in the original hearing.

T. Murphy Roche: Jim you will be voting on this

R. Savoie: May I make a statement?

T. Murphy Roche: Go right ahead

R. Savoie: This is ridiculous, I am sick of this, I really am. This is crazy. We are in a position that we can't win. This has been going on for 7 years.

D. Johnston: That is right I will second it.

M. Bonsteel: And it is costing the town a fortune.

We did what the court told us to do, it came back to us we reviewed it on the merits of the application based on our zoning. You rendered a decision.

R. Savoie: End of discussion.

T. Murphy Roche: I have a concern. I read uchitas appeal and he says on page 4 a lot of things but he said that number 3 allowing further testimony at the ZBA meeting on January 9th 2007 after the public hearing had been closed on December 5, 2006. I looked at the December 5, 2006 minutes and it was specifically that the hearing was not closed it was tabled.

First of all I have a problem with the fact that this is not accurate. I don't know if lawsuits are going to be based on this but I think somebody like Bart or somebody should be looking at this because that is simply not the case.

J. Skorupski: Matt Serge from Bart's office is working on it.

T. Murphy Roche: This is bogus it is not truthful. It is pathetic that an attorney can simply just write whatever he feels or he is not too bright by looking back at the minutes because it was tabled.

M. Bonsteel: He is hoping that the judge wont.

T. Murphy Roche: I think it is important that we bring to our attorney or whoever that it wasn't closed it was tabled. That is the first thing.

M. Bonsteel: We will make sure that Matt gets the minutes.

T. Murphy Roche: My other question is I am looking at this March 11 2002 minutes. Is twenty-seven the number of representatives of how the Town of Hooksett feels because that was the number of people that signed a petition about this two gas stations within 1000 feet of each other. Does that represent the sentiments of the town's people, twenty-seven petitioners?

R. Savoie: It doesn't even meet the requirements

M. Bonsteel That is under the state statute who can bring an amendment or a warrant to the votes.

T. Murphy Roche: Ok so

M. Bonsteel: Whether or not it was filed properly there is a whole bunch of questions about that and that is something that Matt would have to answer.

D. Johnston: We already gave approval for the one on Alice Ave and that is right across the street from them. It is now a new Gulf Station.

M. Bonsteel: Yes, but it is not the only place in town like that. Go down Route 3A and you have the exact same situation on the Manchester border.

D. Johnston: What happened to the free enterprise?

T. Murphy Roche: This is so self serving and you know what I am annoyed at the fact that the person that is bringing this suit, sat here in this last meeting and when we were talking about all this and opened it to the public never said a word. Never adds anything, never says anything and sits right back there and we have to deal with this. Then what Uchida sends is not even accurate. I am sorry but I have not seen anything new in this, any new testimony. Is that the purpose of this?

M. Bonsteel: I think the judge will feel the same way honestly. As I said the judge delivered that application back in your lap because he did not believe the

zoning board addressed the issues of the application based on its merits under the zoning code adequately. He dumped it right on back onto your lap for you to listen, take testimony, specifically on the merits of the application, specifically what was in front of you and you did that. You didn't meander off into weird places, you stay on point, and you rendered a decision. If it goes back to the judge at this point what can he say? You did your job. You took testimony and you did your job.

D. Johnston: We listened to all sides.

M. Bonsteel: I think it is a valid point that it be noted that those individuals were in this room with their attorney and never entered into the conversation.

T. Murphy Roche: They never said a word

M. Bonsteel: No, they let Joanne McHugh talk and they let this one and that one talk. The school district talked.

T. Murphy Roche: We need to make sure that anyone that needs to know that in this case is aware that those people are in these meetings and not adding not saying anything. I have a problem with that.

J. Levesque: With all the public discussion we were very lenient that night. We let anybody talk in that meeting.

D. Johnston: Not only once

M. Bonsteel: We didn't want to be accused of not taking comments. So you aired on the side of ok anyone who wants to enter into this conversation feel free. Everybody had the opportunity and they sat here mute.

T. Murphy Roche: I think that it is important that Matt Serge knows about them being present with their attorney and not saying anything.

J. Skorupski: I have given him everything on it this far.

T. Murphy Roche: Ok, I think he needs to know that. That is just not right. Are there any other comments from the board? Have any of you seen any new information that would change anything?

R. Savoie motioned to deny the rehearing.

Second by D. Johnston, all in favor, none opposed, motion carries.

R. Savoie: This thing with Autowholers said there is no letter that it exist. It came from the planning department not the board.

T. Murphy Roche: Yea, why do we have this?

R. Savoie: They are making reference to me in the letter. Michelle I make reference to the letters that you said we had or had sent to them concerning not having finished the site work and so on.

M. Bonsteel: Right

R. Savoie: And this gentleman and I use that term loosely says that no letter exist. He is taking it from the planning board. I didn't say it was from the planning board I said it was from the planning department. That is another instance that has to be corrected because a lawyer is taking a literary liberties.

T. Murphy Roche: Was he even here, was this attorney even present?

J. Skorupski: I don't think so because it references to the minutes.

R. Savoie: Yea he read it off the minutes, so he says. That is if he even read those.

M. Bonsteel: I don't even worry about that

R. Savoie: I am not worried I just want to make it referenced.

D. Boutin: What about the sign issue

T. Murphy Roche: They have a permit

M. Bonsteel: They have a permit. This is another one of those as of right things. The planning board apparently stated that weren't going to put up a sign but as of right if they have frontage you can put up a sign.

D. Boutin: He said that you said it wasn't approved.

M. Bonsteel: I didn't say it wasn't approved.

R. Savoie: The lawyer says it right here

M. Bonsteel: I just filed the letter.

C. Pearson: So what is the end result of this letter?

T. Murphy Roche: What is the point?

M. Bonsteel: There is no point.

R. Savoie: I think what the lawyer is trying to say is that they want to come back and put a different business in there than what we had originally approved.

M. Bonsteel: He does not know what he wants. I have heard through the grapevine that he is trying to market the property and he wants to be able to tell people that they can put in a gas station or an auto repair place. We are not going to tell him that.

R. Savoie: No, I thought we were very specific when we approved that.

T. Murphy Roche: We were

C. Pearson: I think that is where the sign discussion comes from because we were very specific with that also.

M. Bonsteel: We can't stop it.

D. Boutin: He can put in what ever the zoning ordinance allows him to do. If he wants to sell the property then let him sell it and then the buyers attorney can look at the zoning ordinance and determine what the buyer wants to do.

M. Bonsteel: It is not up to us to market his property.

D. Boutin: It is not up to us to decide what he wants to do which was the issue the night he was here. He didn't know what he wanted to do.

C. Pearson: Just approve us for anything and everything.

APPROVAL OF MINUTES OF – January 9, 2007

D. Johnston moved to approved the minutes Second but R. Savoie.

D. Boutin would like to change page 3 last paragraph to read motion carries 3 in favor 2 opposed.

Also page 8, take out schedule site walk and add discussion under Auto Wholesalers

Voted unanimously in the affirmative with the changes.

ADJOURN

The Chair declared the meeting adjourned.

Respectfully submitted,

Jessica Skorupski