

**MINUTES OF THE MEETING  
LEE ZONING BOARD OF ADJUSTMENT  
July 31, 2013**

**MEMBERS PRESENT:** Jim Banks, Chairman; John A. Hutton, III; Philip Sanborn; Tobin Farwell (Rice/Pearson only); Peter Hoyt, Alternate; Frank Reinhold, Alternate; and Craig Williams, Alternate (attending only).

**OTHERS PRESENT:** Caren Rossi, Planning/Zoning Admin; Christine Rice; Nathan Pearson; James P. Daley, Jr.; and James P. Daley, III.

Jim Banks, Chairman opened up the meeting at 7:02 pm; the Board members introduced themselves.

Tobin Farwell clerked and read the notice and abutters into the record.

**An application made by Christine Rice & Nathan Pearson, 37 Riverside Farm Drive, and property is known as Lee Tax Map # 26-11-4800. The applicant is requesting a Variance to Article V, Section B-3, Back & Side Setback. The applicant is requesting to construct a garage, 10'+- from the side property line where 25' is required. The request is to the 2013 Town of Lee Zoning Ordinance.**

Christine Rice explained to the Board that they would like to construct a mudroom and attached garage. They are proposing to attach it to the side where there is most room. This lot was an earlier subdivision, smaller lots, with the septic in the front, well is in the back, several lots in this development have come before this Board and received variances for the same thing. They would like to build this garage slightly larger than normal as Mr. Pearson works in Boston so typically Ms. Rice is the one to do all of the yard maintenance and currently they keep the snow blower in the basement and it is quite difficult to for her to maneuver this out and into the yard. They will be putting the yard equipment in the garage. They would like a mudroom as they have 2 small children and they would like to be able to put their snow clothes, boots, etc in the mudroom. She has gone around and spoken with the neighbors and they do not have an issue with the request. She feels it will enhance the neighbor values.

Jim Banks, Chairman opened up the floor for public comment.

There was none.

Tobin Farwell asked if the driveway was constructed as shown on the plan.

Christine Rice explained no, not exactly. It is entirely on their property and that property line is fenced.

John Hutton commented that they have done a nice job cleaning up the line and the fenced area.

**The Board determined the following Findings of Fact: Article V, Section B-3, Back & Side Setback.**

### **PRELIMINARY FINDING**

After reviewing the petition and having heard the presentation by the applicant, it is found that the Board **has (majority)** sufficient information available upon which to render a decision. If there is sufficient information, the application will be deemed accepted and the public hearing will continue. If it is found that the Board does not have sufficient information, the public hearing will be postponed to a date certain on \_\_\_\_\_.

### **FINDINGS AND RULINGS**

After reviewing the petition, hearing all of the evidence, and by taking into consideration the personal knowledge of the property in question, the Board of Adjustment for the Town of Lee has determined the following findings of fact:

- 1) The variance **will not (majority)** be contrary to the public interest because: many other variances for garages have been granted in this development.
  - a.) The zoning restriction as applied to the property **interferes (majority)** with the reasonable use of the property, considering the unique setting of the property and its environment because: built in the center of the lot, cluster so the lots are small, no other option to build, innovated open space plan did not think about the future.
- 2) The variance **is (majority)** consistent with the spirit of the ordinance because: other variances have been granted, they have cleaned up the property and they have done their due diligence to the site.
- 3) By granting the variance, substantial justices will **(majority)** is done because: consistent with previous activities of the board in the past.
- 4) The value of surrounding properties **will not (majority)** be diminished because: adding a nice addition brings value up.

**John Hutton made a motion to approve the Variance to Article V, Section B-3, Back & Side Setback. The applicant is requesting to construct a garage, 10'+- from the side property line where 25' is required. The request is to the 2013 Town of Lee Zoning Ordinance.**

**Tobin Farwell second.**

**Vote: all**

Jim Banks, Chairman explained the 30-day appeal process to the applicant.

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**An application to amend a previous decision granted on July 11, 2012 for a Variance of the 2012 Lee Zoning Ordinance from Daley Realty Trust, James P. Daley, Jr. Trustee & Daley Realty Trust, James P. Daley, Jr., Trustee. Properties are located at George Bennett Road & Calef Highway and are known as Lee Tax Map #11-09-0000 & Lee Tax Map#11-10-1000.**

**The previous decision was granted for a Variance to Article XXIII, Section (3), Non-Conforming Uses to allow for the construction of a commercial structure of approximately 200' X 150'. The applicant wishes to amend the decision to allow a multi-use office/storage office space within the existing structure.**

**If the board chooses not to amend the above decision, the applicant then requests a Variance to the following:**

**A Variance to Article XXIII, Section (3), Non-Conforming Uses to allow for the construction of a multi-use office/storage building of approximately 200' x 150'+-. This request is to the 2013 Lee Zoning Ordinance.**

Tobin Farwell explained to the Board that they are here tonight to request to convert an area of approximately 15' x 75' of an existing building into office space; this is due to time constraints. He provided a detailed drawing of the office spaces. He showed on a plan provided the parking spaces for the employees. He explained that there will be about 10 employees with an addition 30 about 4 times a year for about 2 week stints.

Frank Reinhold asked if the septic was large enough for this many employees?

A discussion followed.

Tobin Farwell does not think it is and this will need to be addressed prior to going to the next steps.

John Hutton questioned how much more development is going to happen on this site? What do you anticipate for the future? There has been a lot of activity on this site in the past few years.

Tobin Farwell explained there is about 13 – 15 acres left of developable land, with several wet pockets.

Jim Daley, III. Commented that he doesn't have any future plans. He needs a break.

Jim Banks, Chairman opened up the floor to public comment.

No public comment.

Philip Sanborn made a motion to amend the previous decision to allow a multi-use office/storage office space within the existing structure.

Frank Reinhold second  
Vote: All

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**Minutes**

Frank Reinhold made a motion to accept the Minutes from the 5/29/2013 & 6/26/2013 Zoning Board of Adjustment meeting as amended.  
John Hutton second.  
Vote: majority

MINUTES TRANSCRIBED BY:

\_\_\_\_\_  
Caren Rossi, Planning & Zoning Administrator

MINUTES APPROVED BY:

\_\_\_\_\_  
Jim Banks, Chairman

\_\_\_\_\_  
Philip Sanborn

\_\_\_\_\_  
John A. Hutton, III

\_\_\_\_\_  
Frank Reinhold, Alternate

\_\_\_\_\_  
Tobin Farwell (NOT DALEY)

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Peter Hoyt, Alternate