

HANSON BOARD OF APPEALS
Minutes of Public Hearing September 22, 2020

Board Members: William Cushing, Chairman
Kevin Perkins, Vice-Chair
Sean Buckley, Clerk
Joanne Miniutti, Alternate

Petitioner: Alexander Nicoletta – Case#20AP07
0 County Road – 7:30 PM
Variance
(cont. from 8/11/20)

Gary Rice, Land Planning, Inc. for the Petitioner

The Petitioner is requesting a Variance to allow for the construction of a single-family home that does not meet front setback requirements for the existing address. Property is located in Residence AA zone.

At the last hearing the Board requested more information regarding zoning changes, ownership at the time, copy of deed and whatever other pertinent information the Petitioner could supply.

Submitted at this hearing was a letter from Mr. Nicoletta's attorney Matthew A .Ezepik, Esq. dated 9/22/20, respectfully requesting that the variance be approved at this hearing. (see attached)

In the interim, Gary Rice, Land Planning, submitted a research summary package to the Board on the subject property.

Gary Rice spoke on the info submitted showing the deeds of the lot, the lot itself was created back in 1956 and at the time it met the requirements of the residential zone. Over the years it has been changed to business and then to Residential AA in the 70's. There was no exact date of the 175' frontage requirement coming in. They are seeking relief on the frontage of 175' down to 159.88'. The lot has 49,700 sq.ft. of area – plenty to meet the requirement. In the 1960's the lots had a house on one lot and the other was a buildable lot – paying taxes since 1960 per Rice. When the town changed the zoning the regular lay person does not understand what that entails. They are trying to get the relief for the owner to sell this but it has a huge tax debt on it. No wetlands – nice upland lot, per Rice.

Chairman Cushing stated by chopping off the lot and selling it to someone else, now puts the remaining lot in noncompliance. The lots merged for the purpose of zoning not for the purpose of title transfer or sale – now this person buys this – that person buys that - now you have a house that is in noncompliance. Chairman discussed this Petition with Town Counsel and in agreement that had these been held in separate ownership that would probably be protected. Now they are held in common ownership when zoning changed there is already a structure on the lot – for zoning purposes they become one. The key thing here is the common ownership – like the nail in the coffin.

If the property was rezoned to Residence A this plan would work . The lines would have to be revised. A zoning change would be required thru the Town.

The Board suggested the Petitioner make a motion to withdraw his request for a variance without prejudice which would allow him to file a new Petition if something changes with the lot.

The Petitioner requested to withdraw without prejudice.

Motion made to allow the Petitioner to withdraw without prejudice: William Cushing

Second: Kevin Perkins

Vote: 3-0