

**Minutes from Meeting of November 10, 2003** – Lavalley

Members Present: Mark Mulligan, Cindy Maxwell, David Gandle, Chase Duffy, Stuart Schulman

The Chairman reconvened the Lavalley hearing.

The Board noted that a variance could be granted but the rear parcel shall not be built upon, other than Lot 3, which will be broken off for a building lot.

Discussion ensued regarding how to limit development of the rear lot.

Atty. Lyons arrived, and noted that a variance is being requested for the one-acre lot with the existing house on Townsend Rd.

Discussion ensued regarding whether Lot 2 will be connected to the rear parcel. Of note: there will be three lots and a parcel, with the variance being for acreage.

Atty. Lyons said that no subdivision road could be built on the neck of the lot, but that a division could be made as long as more lots are not being created. Further discussion ensued regarding how to prevent future building.

The Chairman wanted a condition that Parcel 1A could not be built upon ever.

Atty. Lyons said that it is unlikely to ever be built upon. He said that that condition will negatively affect the property value.

Discussion ensued regarding whether the Board should restrict the parcel as unbuildable. Of note: The Board suggested the unlikelihood of voting for a variance if no condition of unbuildability is attached.

Atty. Lyons said that granting the variance does not make the lot more buildable or less buildable than it already is.

Of note: Lots two and three are two and three acres respectively.

Mr. Mulligan said that he thinks a variance will not enhance the lot to make it more buildable.

Discussion ensued regarding how to grant a variance and keep the lot open.

Discussion further ensued regarding whether the Board could deny a variance and stipulate that a variance not even necessary.

Atty. Lyons suggested that Parcel 1A be attached to Lot 2 to create a status quo and if the applicant ever wants to build, he would need to come before the ZBA. He said that his client just wants to keep the parcel in the family trust.

The Board moved to grant a variance from acreage on Lot 1 with the provision that Parcel 1A be attached to Lot 2 to maintain the provisions of the original subdivision plan approval granted 4/13/89, as well as filing with the Registry of Deeds.

The motion was seconded and passed with four in favor and one abstention.

Meeting adjourned 9:45 pm.