

Town Pompey Zoning Board of Appeals

July, 29, 2013

7:00PM

David Tessier, Chairman, Kevin Sharpe Don Neugebauer, Dave Hale, Marc Wasmund, Attorney and Rick Penhall, Code Enforcement Officer were present.

David Tessier welcomed everyone, introduced the members stating that Pat Frazee was absent and said the one item on the agenda was the decision for the ESF College Foundation application from the June 24th meeting. An area variance was requested for the frontage on Purcell Rd. for the purpose of a subdivision. The original parcel is about 150 acres and the College Foundation wants to purchase about 75 acres. This parcel has 20' of frontage on Purcell Rd. and there is 1000' on Pompey Center Rd. The Code Enforcement Officer declined the subdivision request because of the frontage on Purcell Rd. This is a farm zone and the requirement for frontage is 250'.

The ESF College Foundation has applied for the area variance from 250' to 20'. There was a public hearing at the last meeting and the hearing was closed. The Board will deliberate tonight and hopefully will be able to make a decision and everyone is welcome to stay and listen.

David Tessier told the board members that if we do approve this request that the applicant has agreed to two conditions and we can add more if necessary.

One condition is to put permanent corner markers at the frontage on Purcell Rd. and also locating the same 20' width at the main property entrance. The other one is to not allow any houses to be built on the property. This property will be used for forestry purposes and for education.

Pat Frazee could not be here tonight and he did request that if we could adjourn the decision to the next meeting, he would appreciate that. So that is a question to the board, and no action was taken on that request. The hearing is closed, but if the Board has any questions for the applicant, Marc Wasmund or Rick Pehnall, we can ask them.

Dave Hale asked about the road frontage for farm zone. It is 250'. Is this an existing driveway already? David Tessier stated that it is existing, but it is hard to keep track of because it is 700' long. Is there a road ditch along Purcell Rd? Rick Penhall said that it has been used as an access road for many years.

Don Neugebauer asked if this was zoned differently would it decrease the frontage from 250' to 200' (residential) and David Tessier said yes. The two conditions are no houses and the construction of posts at the four property corners of the 20' wide driveway. That way both neighbors can know where it is. The college does intend to improve that driveway.

Dave Hale said that our decision tonight will determine whether they can subdivide the parcel and David Tessier said that if the variance is approved, they would then be able to go to the planning board for subdivision approval.

David Tessier told the board that the purchase of the land by the College Foundation is contingent on this area variance. There has been logging on this access road previously.

Don Neugebauer stated that he missed last month's meeting and is wondering if there was anything from the public hearing that we should know. David Tessier answered that if the

applicant purchased a 200' strip of property on Pompey Center Rd. and connected it to this proposed parcel, the calculation from the audience was that it would be 17 more acres and the applicant said that would put it out of reach for the college. Physical access from Pompey Center Road to this parcel would require crossing a small stream and going up a steep hill.

The applicant stated that the use would be about 10 to 15 students and a place to park cars. According to the neighbors there is a clearing there already. There were no objections from the audience. They liked the idea of marking the roadway but suggested that there should not be a gate at Purcell Road.

Don Neugebauer said that this is a substantial variance from 250' to 20'. Have we historically given variances? David Tessier said he doesn't think we have gone to a 20' frontage but this property is unique because of the conditions. The college's intent is to own this in perpetuity.

This existing 20' frontage could pre exist our zoning laws.

Marc Wasmund said that the focus is not on the use of property but it is on the frontage variance.

Dave Hale asked if the highway department has approved this? David Tessier said that if we approve this it could be with a condition of approval of the town highway department. Leasing the property is not an option for the applicant.

Summary of use variance criteria.

1. Benefit can be achieved by other means feasible – Frontage and access from Pompey Center Rd. – answer NO
2. Undesirable change in the neighborhood character answer No. ESF would be a good neighbor
3. Request is substantial Yes
4. Will it have adverse physical or environmental effects – better environmental choice using this access road.
5. Whether alleged difficulty is self created – YES If they were to purchase 200' on Pompey center Rd., they would still have trouble getting to the logs. Logging operations will still be from Purcell Road.

Pat Frazee did not like the application because it was so extreme from 250' to 20'.

Don Neugebauer said if he heard more opposition then he would be inclined to hold off on the decision.

Kevin Sharpe made a motion to accept the application for the area variance from 250' to 20' with the conditions of no houses being built, and with the property posts being permanent (concrete in steel pipes) on the four corners of the 20' strip.

Don Neugebauer seconded

Roll Call Vote

	Aye	Nay	Other
David Tessier	X		
Dave Hale	X		
Kevin Sharpe	X		
Don Neugebauer	X		

All in favor, motion carried

Meeting adjourned at 7:30 PM

Respectfully Submitted:

Carol Crolick