

Memorandum

To: David White

From: Peter Erb.

Date: January 12, 2012

Re: Expanded farmer's market location

Tax Map Number: 20-50-02.100

David,

This is a follow up to the previous memo I sent you on December 12th so that all possible issues are considered as soon as possible to hopefully avoid dead ends later in the review process. I have been thinking about the actual review of the transfer of the parcel from Giroux to Hannaford and there are several more issues that may come into play.

The result of a boundary adjustment (actually in this case the reconfiguration of previous subdivisions) must comply with current zoning requirements. Since this is a completely new facet of the Hannaford Application I am assuming that it would have to comply with the town regulations now in effect, while the current Hannaford application is being reviewed by those current at the time of application. That being said, I don't think that there are any real differences between them for this transfer.

The zoning regulations, section 2.5.7 Minimum Width and Depth Dimensions would not let the small finger of land (approximately 35 feet wide) to the south of the transferred parcel to be created. This could be solved by Hannaford buying the entire strip on the eastern side of the Quonset Hut property, and there may be other solutions, however the resulting lots would have to comply with section 2.5.7, *No lot created after the date of adoption of this Section (July 14, 1986) shall have a minimum width or depth dimension of less than 100 feet except as shown on Table 1. No lot or parcel of land under 5 acres in size which was created after this date (July 14, 1986) shall have a smaller lot dimension (width or depth) which is less than 20% of the other larger dimension. Triangular or other irregularly shaped lots may be allowed at the discretion of the Development Review Board provided that the configuration allows for reasonable use of the land and allows for development in accordance with applicable setback and lot coverage requirements.* Only an approximate 15 foot wide strip of usable land would exist there once setbacks are taken out. The only possible valid use might be for stormwater control for the Giroux property.

While there are no additional issues that I can see about the addition of the land to the Hannaford parcel, there may be some ramifications of the boundary change to the remaining Giroux property.

The reconfiguration of these lots is development activity. *Land Development: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation or landfill, or any substantial change in the use of any building or other structure, or land, or extension of use of land.*

Because of this, the uses of the Quonset hut lot would have to comply with setbacks from the newly established boundary. The new boundary would be in the Village District, and the rear yard setback is 10 feet from the new boundary. In order for the boundary change to happen The Quonset hut lot site plan would have to be revised to reflect these setbacks.

The Quonset hut property is currently not in compliance with the site plan approvals that it received, and I am in the process of getting it to comply, which will require a new site plan for that lot. If a notice of violation can be avoided the process is much easier, and I am trying to avoid that. Since this boundary adjustment may be in the works, it seems logical, if possible, to incorporate it into the resolution of the current violations in the same DRB review.

I have been working with Vic, and Darren Heath who leases the area from Vic about the existing violations, and I would like to copy this memo to them so they are in the loop. I don't want to overstep my bounds however and would like you to either give me the OK or possibly you could communicate with him directly about the issues.

Please let me know

Peter.



