

**Danville Zoning Board of Adjustment**  
**July 22, 2014**  
**7:00 pm**  
**Site walk**

**Members present:** Chris Stafford-chairman, Tara Burkhart-vice chairman, Joe Luna, Roger Denison, Curt Springer, Janet Denison-clerk

**Excused members:** Michelle Cooper-selectmen's rep

**Others present:** Craig Stowell, Kelly Wood, David Acheson, Charlie Zilch

**Case # 2014-3** for Craig Stowell, 2 Hampstead Road, Tax Map and Lot 3-129 and 3-131-A, request for variance from Zoning Ordinance article IV.B.2 to permit a NH dealer's license.

An Existing Conditions Plan was provided by Charlie Zilch for the two lots and surrounding area. He explained the research he did indicated a right-of-way was made in front of the garage (on the south side of the building) as it was convenient access from and to the street. Mr. Zilch explained a plan dated 1964 in which the ROW is in front of the building. At that time Route 111 was along what is now Hampstead Road, north along Main Street to Pleasant Street, and then continuing along Kingston Road. A woods road also was along what is now known as Bergeron Way. This was probably made as access to landlocked properties to the north. Mr. Zilch said there is no clear, defined access to the northern parcels except for Bergeron Way.

The building as it is today was built such that the south east corner of the lot is on the ROW from Main Street. This corner and the ROW is now on land owned by Kelly Wood. Apparently there was no issue with the structure being built on the ROW decades ago. Mr. Zilch said a case can be made for adverse possession. A lot line adjustment or a quit claim deed can be filed to clear the matter.

The group looked at the north lot line which seems to follow the water line. Mr. Zilch pointed out it looks like the parcel was filled up to the line to make more usable area. This was years before there was great concern for filling wetlands.

The parking area to the south east is either owned by the state or the town; the correct ownership is unknown. Mr. Stowell said many cars will be parked in this area as they have been for years. It was stated that whoever the owner is may still be able to require that the area not be used for parking vehicles. This would restrict access to Mr. Stowell's property. It was stated that a land owner cannot be denied access to their own property.

The north east corner of the building, the closest point to the wetlands, is about 16-17'.

The meeting adjourned to the Town Hall.

Respectfully submitted,

Janet S. Denison-clerk