

The Board of Adjustment met on Tuesday, April 27, 1976 at 7:30 P.M. in the Town Hall to hear the petition of John M. Lang (Case #15) for a special exception under Article V, Section B, 2, d of the Zoning Ordinance. The roll call was as follows:

Emery S. Doane	- Present
Benjamin Pratt	- Present
Robert B. Flanders	- Absent
Carole Webber	- Absent
Ralph Proctor	- Present
Harold P. Gfant	- Present
Eugene Bried	- Absent
Catherine C. T. Dik, Clerk	- Present

Also present were William G. Lang representing his brother John M. Lang, Mr. Joe Peat, Mrs. Bernard Lamb, Mrs. Mark A. Forman, Mr. Parsanti, Steve Schacht, Holly Anderson, Mrs. W. Gordon Allen, and Mr. Carroll Johnson.

The meeting was called to order at 7:30 P.M. The Clerk read the petition and recounted the procedure of notification by certified mail, return receipt requested, to the petitioner and seven abutters, all return receipts having been received; by regular mail to all members of the Board, the Selectmen, Town Clerk, Town Counsel, Chairman of the Planning Board, Building Inspector; by publication in the Peterborough Transcript on April 22, 1976, p. 12; and by posting on the Town Bulletin Board. A letter from the Planning Board mailed April 27 in the afternoon and received by the Clerk on the morning of April 28 approved the site as a suitable one for a trailer (mobile home).

The Chairman then reviewed the procedure for conducting the hearing and called on Mr. William G. Lang to present the case for his brother. Mr. Lang said that his brother who is retiring wishes to move his mobile home to his property on Jameson Avenue in the Residential District. Mr. Lang presented a rough plan of the land and indicated approximately where the mobile home would be placed. The area of the lot is about one and three-quarters acres. He is aware he must obtain acceptance of a septic system from the State Board.

The Chairman called for those in favor to speak, and Mr. Peat said he agrees with the petition.

Those in opposition were called upon, and Mrs. W. Gordon Allen said that any time an exception is granted this weakens the ordinance. We were attracted to Antrim because it had a zoning ordinance. At this point the Chairman clarified the difference between a trailer and a mobile home, and pointed out that this is the latter. Mrs. Allen went on to say that they have a barn which they intend to open in the back and make a studio and thus would overlook the Lang property. We feel that the view of a mobile home would decrease the value of our property. If you grant an exception in this case the assessment for all the abutting land really does drop somewhat because the abutters do not have the protection other people have and, therefore, would have an opportunity to ask for an abatement on their property tax.

Mrs. Lamb said that she agrees with Mrs. Allen, and would like to know where the mobile home is to be placed. Can they move it anywhere they wish? The Chairman explained that a mobile home placed on a permanent foundation is considered a home and is under the same regulations as all others. There are so many large rocks there that there would have to be careful planning for its placement. Mr. Lang explained that it will be beside his and 25 feet from his line, not the Lamb's line. As for Mrs. Allen, he said there is a maple grove between his mobile home and her house so she will not be able to see the mobile home except when the leaves are off. Mrs. Lamb went on to say she feels the zoning ordinance is very much weakened by granting special exceptions.

Mr. Pratt interjected that in this instance this is a legal lot and so we are not establishing a lot. We are concerned only with the John Lang lot. It exceeds the minimum requirement under zoning and if it did not it still is a legal lot because it existed before zoning.

Mr. Peat would like to know why people think that because a mobile home is placed on a permanent foundation it will decrease the value of their

property. This is what everyone uses for a block whether for zoning or property in general. I do not think so. The point I am trying to bring out is that when anybody moves in a mobile home the value of that property increases.

Mrs. Allen remarked that real estate is crazy everywhere. But that is what happens, when a mobile home is placed in a neighborhood.

Mr. Pratt thought it might be well to go over what is involved in granting or denying a special exception. In this case the Board is bound by fairly specific rules. It need not concern itself with questions of justice, equity, or hardship. Two questions alone are to be decided: (1) Is the exception specifically allowed under the terms of the ordinance? This special exception is included in the Antrim ordinance. (2) Do the conditions stated in the ordinance exist in the particular case? Mrs. Lamb asked, "Do they?" and Mr. Pratt replied that this is for the Board to decide, but the philosophy has no bearing; the question is do the conditions listed in the Antrim zoning ordinance for the requirements for such a special exception exist? Mrs. Lamb, "So it is up to you to determine after this meeting."

The Chairman emphasized that a mobile home must have a permanent foundation, and have an adequate water supply and sewage system to meet State requirements.

Mr. Johnson said he was confused about what sort of house or home will be there, and Mr. Lang replied that it was a mobile home with the wheels off, a large one approximately 12' x 60' long. It is practically new, the one they are living in in Northfield, Illinois.

Mrs. Lamb asked if there is a sewage system on that lot, and Mr. Lang replied, "No, but there will be one there before they live in it."

Mr. Parsanti remarked that he too was of the opinion that a residential area, generally speaking, is not one where mobile type units are usually found. He is concerned only from the view that, like others have spoken, it tends to devalue the area in which they are located. It may not be true by some people's imaginations but it is a common fact that it does devalue the area. If exceptions

are made they soon blossom into more and more. So I am against the petition.

Mrs. Forman expressed opposition. Mr. Schacht and Molly Anderson made no comments.

The Chairman called for further remarks, and as there were none he reviewed what was presented,--that William G. Lang, representing his brother, John M. Lang, is petitioning for a special exception to place a mobile home upon a lot of land now owned by him and to be located according to the setback requirements of the Zoning Ordinance by-laws. In summary, we have had abutters or near abutters in the immediate vicinity who have expressed approval or opposition to granting this petition.

Mrs. Lamb asked Mr. Lang how long ago he bought his piece of land from his brother and Mr. Lang replied, "1964".

The hearing was closed at 8:10 P.M.

At 8:25 P.M. the Board met in executive session. The Chairman reviewed the requirements under Article V, Section B, 2,d. Mr. Proctor remarked that he would like to deny this petition but finds no legal grounds to do so. Mr. Pratt remarked that there is another mobile home there. Mr. Proctor pointed out that the driveway to the William Lang property goes through John's property--probably a right of way. Is it so recorded in the deed? There was considerable discussion as to whether these were two separate lots. If not, then any special exception that might be granted would be null and void if it turned out that the situation of the two lots is not as presented tonight. John owned the entire land originally and sold a piece to William. Eric Tenney, a selectman, helped William with this petition, and said that there were two lots there. Mr. Pratt said he was convinced that there are two lots. Mr. Proctor said that if under Special Exceptions, Article V, B, 2, d a mobile home is permitted in the Residential District if it is on a permanent foundation and has adequate water and sewage disposal, if the Planning Board finds the specific site appropriate for the use, and if the use as developed

will not adversely affect the neighborhood, then I have nothing to go on. Mr. Pratt said, "Given the Zoning Ordinance as drawn, and given the conditions as they exist now on Jameson Avenue (that is to say, with a mobile home already in residence there) with that as a background I feel that the Board has no choice under the circumstances but to grant the special exception. Mr. Pratt, therefore,

MOVED: That the Board grant the special exception as requested.

SECONDED: By Mr. Proctor, who concurs with Mr. Pratt's preamble to the motion.

VOTED: In favor: Catherine C. T. Dik  
Emery S. Doane  
Harold P. Grant  
Benjamin Pratt  
Ralph Proctor

Opposed: None

Mr. Pratt reported, after consultation with the Building Inspector, that the first thing Mr. Lang will have to do is to select a tentative site for the sewage facility, get a percolation test and have it approved, and then go to the Building Inspector for a permit for the foundation.

The Chairman pointed out that the by-laws of this Board call for the election of officers in the month of April. Mr. Pratt

MOVED: That the election of officers of the Board of Adjustment be postponed until the next regular meeting when we have more regular members of the Board present.

SECONDED: By Mr. Proctor

VOTED: Unanimously in favor.

The meeting adjourned at 9 P.M.

Respectfully submitted,

*Catherine C. T. Dik*

Catherine C. T. Dik, Clerk