

July 12, 1977

The Board of Adjustment met on Tuesday, July 12, 1977 in the Antrim Town Hall to hear the petition of Phillip R. McClintock (Case No. 31) for a variance to build a deck on the rear of his house to within 10 feet of the back lot line. The roll call was as follows:

Benjamin Pratt, Chairman	- Present
Carole Webber, Vice Chairman	- Present
Eugene Bried	- Present
Robert B. Flanders	- Absent
Patricia Thomas	- Present
Catherine C. T. Dik, Alternate & Clerk	- Present
Ralph Proctor	- Present
George McLean	- Present

Also present were Mr. McClintock, Mrs. Roberts, Dana Slater and Jim Smith.

The Chairman announced that the members of the Board serving this evening would be himself, Mrs. Thomas, Mr. McLean, Mrs. Webber, Mr. Bried and Mrs. Dik as Clerk. The Clerk read the petition and reported that notices were sent by certified mail, return receipt requested, to the petitioner and the following abutters: Arnold Clark, Maurice Poor, Jim Smith and Dana Slater; by regular mail to all members of this Board, the Selectmen, Town Clerk, Town Counsel, and Chairman of the Planning Board. All certified mail receipts have been received. Notice was published in the Peterborough Transcript on June 30, 1977 and posted on the Town Bulletin Board.

Mr. McClintock presented his case by saying that the petition as read was very self-explanatory and he felt that the deck would improve the value of the property. It will probably be about 12 feet from the back line taking into consideration the width of the stonewall. The Chairman asked if there were any questions, and Mrs. Webber asked if the deck will be made out of wood. The reply was yes. Mr. Bried asked how near are other structures. Mr. McClintock replied that the old porch was 7 feet wide but he wants to add 3 feet. I removed the old one which was rotten. There is a vacant lot of about half a mile of woods in back. The Chairman called for anyone in favor to speak and Mr. Slater said he sees no reason he cannot have it. In back of him

there is half a mile of woods plus a "sewage swamp" which receives all the drainage from the houses on Pleasant Street into a brook through there,--awful smell. Mr. Bried asked who owns the woods in back. Reply: Mr. Clark. Mr. McClintock said he cannot picture it as an access to anything. Mr. Bried asked if Mr. McClintock was told he had to come to this Board,--usually taking down an old porch would not require that. Mrs. Dik said he is enlarging it. Mr. Bried: "Well, some people wouldn't." Mr. McClintock: "That is what the Zoning law is for." And Mrs. Webber remarked that he is a law abiding citizen. As there was no one else to speak in favor the Chairman asked for objections and there were none. Mr. McLean remarked that the reason for granting a variance is because of a hardship and asked Mr. McClintock what reason he had. The reply: "What hardship? None whatsoever," and then asked for the definition of a hardship. The Chairman read the definition of a hardship from the Zoning Ordinance and pointed out that because of the narrowness and shallowness of the property he cannot conform to the required set back. Mr. McLean then asked if he were doing this because of the narrowness and shallowness of the lot, and Mr. McClintock replied he was doing it for the set back. The Chairman then asked for any other questions or comments, and as there were none he declared the hearing closed at 7:50 P.M. and the Board adjourned to executive session.

Mr. McLeah remarked that because of the shallowness of the property the owner has a hardship and, therefore, his variance should be granted. Mrs. Thomas said that 120 x 120 is not very large. Mr. Bried: I like his honesty. Mr. Proctor said that they bought the place relatively recently. We looked at it, but it did not have enough land and so were not interested. Mrs. Webber thinks that the deck would add to the esthetic value of the property. Mr. Pratt remarked that as the years go on there are going to

be more cases like this. On Highland Avenue the places do not begin to have the legal set backs. Mr. McLean said that nobody would build behind the McClintocks. If they did he would be the one to lose. As there was no further discussion the Board returned to the public hearing and Mr. McLean

MOVED: That the shallowness of the property causes a hardship; therefore, the variance should be granted.

SECONDED: By Mr. Bried

VOTED: In favor: George McLean
Eugene Bried
Patricia Thomas
Carole Webber
Benjamin Pratt

In opposition: None

Resolved: That a hardship existed due to the shallowness of the property.

The public hearing was adjourned at 8 P.M.

The Board then returned to executive session to discuss a letter from the Building Inspector to Mr. Frederick Kramer. Mr. Kramer wants to build a conservatory at the east end of the building and a hexagonal building 60 feet in diameter at the west end. That is a big structure! The Building Inspector has not issued a building permit because the proposed structure does not appear to conform to the usual use of a residence. No comment has been made as to the use,--this is just adding on to a home and he intends to buy it. A rough sketch of the drawing submitted to the Building Inspector was shown and placed on file.

Mr. McLean said that the big question is that Mr. Davis went to the Planning Board to get a subdivision but never went back to them for approval but then came to this Board and was granted the subdivision for his shop. He wonders who is going to pay for the additions--he is talking \$50,000 if a nickel.

Mr. Bried: Maybe he is going to build a merrygoround. Mr. Pratt remarked that the land rises abruptly in the rear so there would have to be quite an excavation into the banking. Mr. McLean remarked that the real question is

about set back from lot lines, and the establishment of a subdivision. Mr. Pratt said that will all have to be ironed out. Mrs. Webber said that something there had been painted a bright red, and Mr. Pratt said it was just the tin roofs over the bays that are painted red. Mr. Bried remarked that he supposes that it is something of a white elephant now. Mr. McLean remarked that this Board granted Mr. Davis the right for a non-conforming lot for a woodworking shop, but he has already broken the variance by selling chairs etc. there. Making them is all right, but not selling them. The mistake he made was not going back to the Planning Board to file his plan for a subdivision. It must be surveyed and a milar recorded at the Registry.

The meeting was adjourned at 8:15 P.M.

Respectfully submitted,



Catherine C. T. Dik, Clerk