

The Board of Adjustment met on Tuesday, October 25, 1977 in the Antrim Town Hall to hear the petition of Sidney Winton (Case No. 36) for a variance to move his home light industrial business to a separate establishment on Route 9 in the Rural District. 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
Ralph Proctor, Alternate	- Present
George McLean, Alternate	- Present
Catherine C. T. Dik, Alternate & Clerk	- Present

Also present were Mr. Sidney Winton and Mr. Robert Morrell. The meeting was called to order at 7:35 P.M. and the Chairman announced that the members of the Board serving this evening would be: Mr. Pratt, Mrs. Webber, Mr. Bried, Mrs. Thomas and Mr. McLean.

The Clerk read the application and reported that notices were sent by certified mail, return receipt requested, to the petitioner, Mrs. Susan Thomas, Mr. Hedman of Hancock Estates, Mr. Norman Cole, and Mr. Stanley Olsen, and all receipts have been received; by regular mail to all members of this Board, the Selectmen, Town Clerk, Town Counsel, and Chairman of the Planning Board. Notice was published in the Peterborough Transcript, on October 13, 1977 on page 10, and posted on the Town Bulletin Board. A letter from the Planning Board giving their opinion was read.

The Chairman pointed out that by state definition a "hardship" on which a variance is based must exist in the land.

Mr. Morrell then presented the case, and said that the building was constructed with no definite purpose in mind and could not be used, as was once thought, for a motel. It was not designed right. We have now someone who could put it to use. Is not that what zoning is for? It is not a really good place for a home, but due to traffic flow, location etc. lends itself to light industry. Otherwise it would have to be torn down and construct something else on the land. It has only one large room. Mr. McLean

remarked that it seems immaterial that it cannot be used for a home.

Mr. Morrell: You mean to tear down a \$25,000 house is not a hardship?

Mr. McLean: I did not say that. Mr. Winton: Hardship for whom - prospective buyer or present owner? Mr. Morrell: For present owner because cannot sell

it. Mr. McLean: The land is too shallow for a home. Mrs. Webber: If granted for reasonable use of the structure and reasonable relief to the

owner, are not those two considerations for a variance? Isn't this what we are discussing? Mr. Pratt: The proposal that you would have to make would

have to be based on that approach rather than the one in the application. The Chairman reread the reason for a hardship as presented on the application.

Mrs. Webber asked is this going to be the same business? Answer: Expansion of the same business. The Chairman again read the state's definition of a hardship. Mr. Morrell asked are you telling us we are the wrong people here tonight? Should it be the present owner? The Chairman pointed out that the thrust of your presentation must be that the use of the property is prohibited by the Zoning Ordinance--you and the owners are unduly restricted by the Ordinance. He is not worried by the application as such. Mr. Winton asked if he was inferring that we must change our application? Answer: Yes. Mr. Winton said my hardship is very simple; I want the property. In other words, Susan Thomas should point out it is a hardship to her because she cannot sell it. Mr. Morrell said that people say we cannot live in it. It is too close to the road for a home; but not for a business. It has been on the market for a year with many brokers. It is not a property that is going to sell unless you find a certain type of person who wants that certain type of property. The building was not designed for anything he could see. Mr. Hardwick has held the insurance on it and has asked many times what it was meant for. It is well built piece of property, and has a lot of very good qualities for Mr. Winton's type of business.

Mrs. Webber asked if we are having a hearing? The Chairman replied yes

indeed; he is not concerned about the application itself. What concerns him are that the arguments and evidence that would be presented would be of a type that the Board can legally consider. Any evidence you wish to make supporting the statement on the application may be completely valid but not what this Board can consider.

Mr. Winton: What bothers is the difficulty that exists with the present owner's difficulty of selling because of shallowness etc. It seems to me that would be a consideration. Mr. McLean remarked that if a piece of property was on the market for a year there is something wrong either with the property or the price.

Mrs. Webber asked what kind of industry he wished to put there, and Mr. Winton replied that we manufacture a kind of gift line of art reproductions. We started in a shed attached to the barn and then moved to the barn and turned it into a factory. I do not like having a factory in my back yard and so wish to move. Mrs. Webber: Do you sell directly from the factory? Reply: No, we ship from the barn; but might sell directly from this new property because of location. We hope to move as soon as we can. The Chairman asked when was the building constructed. Reply: In 1962 and a driveway permit was issued from the State. There is also a driveway to the house in the rear. There are 8.6 acres in that lot which goes to the river. The house in the back would be separate from it. It was asked if not sub-divided how can you do that? Mr. Winton said he was buying the whole thing and intends to maintain the residence for the woman who now resides there or rent it if she goes. The purpose is to turn that so-called little motel into a shop. The toilets are on one end. It is not designed for any particular purpose. There is a half-cellar and crawl space.

Mrs. Webber asked do we assume that Mr. Morrell is a salesman for Mr. Hardwick? He is not here tonight. Reply: The Hardwick Agency is the

broker for the seller. Mr. Winton said that Mr. Morrell had called him about this property. He had an ad in one of the papers and Morrell answered it.

Mrs. Webber asked, in this particular business do you use ovens? What kind of reproductions? Mr. Winton replied we use synthetic material, spray painting in reproducing statues, three-dimensional things. We do work for New York Museum of Fine Arts, and Mystic Seaport. The Chairman asked about the abutters, are they land and buildings? Answer: Norman Cole is the only one with a building; Olsen property is land only.

The Chairman then asked for any more questions and as there were none the hearing was declared closed at 8:12 P.M. Mr. Morrell asked when they could expect a decision and the Chairman replied that legally we have 30 days. We never have taken that long; sometimes the night of the hearing. I cannot say tonight.

The Board then met in executive session and Mr. McLean

MOVED: To adjourn the executive session for further study and consultation to a week from tonight (November 1, 1977) at 7:30 P.M.

SECONDED: By Mr. Bried

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

In opposition: None

The Clerk was instructed to be sure to have the same members of the Board present at the adjourned session.

The meeting was adjourned at 9:30 P.M.

November 1, 1977

The Board of Adjustment reconvened the executive session on Tuesday, November 1, 1977 at 7:30 P.M. to continue discussion of Case No. 36, Sidney Winton, for a variance to permit the establishment of a light industry on Route 9 in the Rural District. Present were the same members consisting

of Mr. Pratt, Mrs. Webber, Mr. Bried, Mrs. Thomas, Mr. McLean, and Mrs. Dik, Clerk.

Mrs. Webber opened the discussion by referring to the Zoning Ordinance and asked whether an "accessory building" had to be on the same premises with a person's residence. There was general agreement that it should be. She then turned to the section pertaining to Variance when "the application of the requirements of the ordinance will deprive an owner of such property a reasonable use of it and will impose upon such owner a hardship not shared by the owners of other property in the same District," and cited the permits granted to Mr. and Mrs. Ennio Fabrizio (Case No. 23) for a seafood restaurant, and to Mr. and Mrs. Francis Giamette (Case No. 19) for a restaurant both on Route 9 in the Rural District. She also quoted, "The specific variance granted is a minimum variance that will give reasonable relief to the owner and necessary for a reasonable use of the land or structure", citing the word "reasonable" as being the key word in this case.

Mr. McLean agrees with the Planning Board that this particular business would be good for the town and feels that to grant it would be a reasonable decision. He suggested that we might possibly ask Mr. Winton to relinquish his rights on his present property, but it was felt that those rights would expire in two years of abandonment and that to establish any other business there he would have to come before the Board.

Mrs. Webber remarked that this is a nice little business which would attract people who are interested in the arts and who would want to come for reproductions--maybe the kind of people Antrim would want to attract. Mr. Pratt added, it is a clean, light, small business,--clearly the kind that Antrim would like to attract. The townspeople have still been afforded quite a little protection. There was a hearing with opportunity for people to object. If the Board of Adjustment grants a variance anyone

can come in and appeal. No abutters objected to it.

The Chairman read a letter from the Planning Board in which it gives its reasons for objecting to our decision on the Rockwell case, and gives its reasons for favoring this case. Mr. McLean remarked that its opinions on the two cases were "total contradictions". In trying to assist us they make it three times more difficult.

Mr. Pratt remarked that it is very important to try to get this Zoning Ordinance changed and brought as much in line with what all the people want in all the different areas. Mr. McLean said that we need this as a Business District, but are waiting for the soil survey and then the master plan, then the Planning Board will know better where we want business and where people want business. Meanwhile everything is stopped unless this Board grants a variance. Mrs. Thomas said that Mr. Goodwin and Mr. Healy of the Planning Board are to make a survey of the whole length of Route 9 and give an opinion at its next meeting.

Mr. McLean then

MOVED: That the request of Sidney Winton for a variance to establish a light industry on Route 9 in the Rural District be granted.

SECONDED: By Mrs. Thomas

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

In opposition: None

Resolved: That the site is suitable for the proposed use.

The Chairman then announced that we had two new cases scheduled for November 15, --one from Russell Cuddihy regarding a right of way and the other from Harold E. Hammond to divide one large apartment into two, thus making four units instead of the existing three. There was very brief discussion of these two cases.

It was unanimously agreed to adjourn the meeting at 8:50 P.M.

Respectfully submitted, *Catherine C. G. Doherty*  
Clerk