

Minutes of the Antrim Board of Adjustment Meeting September 1, 1987

Case #105 Variance and Site Review Kincaid Construction Corporation.

Case #106 Variance Hickey Brothers Realty Trust

Case #107 Special Exception Roger Croteau

A public hearing was held before the Antrim Board of Adjustment on Tuesday September 1, 1987, 7:30 P.M. at the Little Town Hall, Main Street, Antrim, N.H. to consider a request by Hickey Brothers Realty Trust for a variance concerning Article V, Section D.3. and D.4.a.b. of the Antrim Zoning Ordinance. The Board will also consider a request by Roger Croteau for a Special Exception concerning Article IV Section H.7 of the Antrim Zoning Ordinance. Having met earlier at 6:30 P.M. at the Kincaid Construction Corporation property on Water Street for a site review, the Board will also discuss its' findings at this meeting.

The roll call of the Board was as follows:

Mary Allen, Chairman	Present
Robert B. Flanders, Vice Chrm	Present
Harvey Goodwin	Present
David Penny	Present
Howard Humphrey, Sr. Alt.	Present
Everett Chamberlain	Present
Patricia Hammond-Grant, Clerk	
Alt.	Present

Mary Allen, Chairman, called the meeting to order at 7:35 P.M. The Board sitting for Case number 106 and 107 will be: Mary Allen, Chairman; Harvey Goodwin; David Penny; Everett Chamberlain; and Howard Humphrey, Sr.; Patricia Hammond-Grant, Clerk will not sit on these two cases.

After some discussion the Board agreed that they would hear the request of Roger Croteau for a Special Exception first (Case #107).

Mary Allen, Chairman, read the procedure and explained the policy of the Board. Patricia Hammond-Grant, Clerk, read the Application for a Special Exception. Notices were sent by certified mail, return receipt requested, to the applicant and abutters. All receipts were returned. There was no correspondence. A public notice was published in the Messenger August 18 and posted in the Town hall and on the legal notice board outside the Town hall.

The Chairman then read the sections of the Antrim Zoning Ordinance concerning the Special Exception (Article IV, Section H.7.).

Roger Croteau, the Applicant, presented the Board with a map showing the location of the sign and printed copies of the proposed sign. The sign would be 3 1/2' x 2 1/2' with six (6) additional signs 1' x 3' spaced 6" apart hanging from it. It would hang 7 1/2 feet above street level; be made of painted wood and would be lighted. Harvey Goodwin asked if it would be attached to the building. Mr. Croteau said that it would. Mr. Goodwin also asked about existing signs. Mr. Croteau said that there were two less than 9 square feet each and that he expected that they would remain.

Shawn Hickey of Hickey Brothers Realty Trust, an abutter said that the Hickey Brothers were in favor of the sign and other improvements Mr. Croteau has made to the property. Harry Page of Kincaid Construction Corporation also approved of the sign and liked the idea of a mall type shopping center. Harvey Goodwin of the Board pointed out that the sign could conflict with utilities and the Chairman asked about set backs from the curb line. Mr. Page again commented favorably on the improvements Mr. Croteau has made.

Deliberations to be made after the hearing.

Case #106 The Board went on to hear Case #106. Sitting on the Board for this case were: Mary Allen, Chairman; Harvey Goodwin; David Penny; Everett Chamberlain; and Howard Humphrey, Sr.; Patricia Hammond-Grant will not sit on this case. The Clerk read the Application for a Variance. Notices were sent by Certified Mail, return receipt requested to the applicant and abutters. All receipts returned. The Clerk then read the one piece of mail received on the subject from Mr. Richard Flynn of Pawtucket, R.I. a property owner and abutter of the property in question. Mr. Flynn objects strongly to the variance and claims that the building would be less than 20' from the property line. The letter was signed by Mary A. and Richard F. Flynn.

The Chairman, Mary Allen, read the Article in question Article V, Section D.3. and D.4.a.b. She also read Article VIII,E conditions for a Variance. Shawn Hickey representing Hickey Brothers Realty Trust made his presentation to the Board. He presented the Board with a map of the property in question as shown on Tax Map #5 lot 873. This is a substandard lot (50' x 200') with a 1/9th interest in common land. Gladys E. Newhall the present owner has been taxed all these years on a building lot. Mr. Hickey said that he has talked to the WSPCC and they say that if there is no water piped into the house other methods than a septic tank can be used for waste removal.

David Penny, Board Member, asked if it would be a year round residence. Mr. Hickey said yes but it would conform. Mr. Hickey said that the common land involved seven acres of land and shows a right of way which he plans to use to access this lot. Another alternative would be to access it through the lot owned by the Town of Antrim by the Old Town Beach. Mr. Hickey believes that

this lot will be offered for sale by the Town in the near future and he hopes to purchase it. The Board questioned the location of the right of way and noted that the land was very rocky and hilly. Linda Gobo had a point of interest if there was a right of way shouldn't all the owners have access to it. Gladys Newhall, the present owner, has owned it for thirty years and would like to dispose of it. Asked if it could be grandfathered. Ms Newhall also stated that the Flynn house was more than 20 feet away. Ken Walley spoke against the project. He also has a 1/9th interest in the common land in question and is definitely opposed. Ethel Walley explained the history of the purchase of the common land to protect the properties involved. She is also opposed. Ralph Dube has owned his cottage since 1957 and feels that all should abide by the rules. He is opposed. Sam Zachos has owned his cottage for 27 years and has access to it over the land owner by the Town of Antrim, which he feels he has improved over the years. He is concerned about the sale of the Town land. He is opposed. Miss Newhall spoke about trying to sell the land.

Chairman, Mary Allen, raised the question of adverse possession in the case of the Town land. Harry Page pointed out that this would not apply to Town land. Mr. Hickey was asked by the Board if he could relocate the house or make it smaller. He said that he was open for suggestions but would indeed put up a 9 foot house if it was necessary. Mary Allen recapped the issue. The lot totals 1/4 acre and 1/9 interest in common land (lot T) bordered by Town of Antrim and lot T. The hardship is that it is taxed as a building lot in an old subdivision and it is not on a Town road.

The Board opened deliberations on Case #107 Roger Croteau, Special Exception Article IV, Section H.7. The Board feels it needs a plan of what the sign would look like on the building mainly the elevation and it is noted that the setback requirements have not been met. Also that the size of the sign is over 25 square feet and hangs over the State Highway Right of Way.

Moved Harvey Goodwin to deny the application for a special exception since testimony given does not meet the requirements; the sign is over 25 square feet; does not meet the setback requirement from the front line and hangs over the State Highway Right of Way. David Penny second the motion. Vote:

Everett Chamberlain	No
Howard Humphrey, Sr.	No
Harvey Goodwin	Yes
David Penny	Yes
Mary Allen	Yes

Application denied.

The Board opened deliberations on Case #106 Hickey Brothers Realty Trust, Variance, Article V, Section D.3 and D.4.a.&b. The Board feels that the Town land has no consideration in the case. Harvey Goodwin moved that the Board meet for a site review

September 15, at 6:30 P.M. with deliberations to be made at the pleasure of the Board. David Penny second the motion. Motion carried.

Mary Allen moved that the Board adjourn to Executive session under RSA 91A, question personnel. David Penny second. So moved. Motion carried.

Site Review Kincaid Property September 1, 1987

The Board: David Penny, Chairman; Robert Flanders; Everett Chamberlain; Harvey Goodwin; and Patricia Hammond-Grant, Clerk; met at the Kincaid property on Water Street, Antrim, N.H. at 6:30 P.M. for a site review as moved at the August 18, 1987 hearing. Also present were Margaret Kincaid and Harry Page representing Kincaid Construction Corporation.

David Penny, sitting as Chairman for this adjourned hearing, reopened Case #105, Variance, Kincaid Construction Corporation, by reading the minutes. Mr. Page noted that Kincaid was the owner of the property as of August 31, 1987 and that the word "buffer zone" should be used in place of "set back and sideline". The Board agreed that reference to Town Counsel should be deleted. The minutes were approved as amended. Since Mr. Page has provided the Board with an accurate plot plan deliberations were started. After some deliberation it was agreed that due to the complexity of the problem, the Board should meet with Town Counsel before a decision can be made.

Harvey Goodwin moved that the Board adjourn to executive session to meet with legal counsel under RSA 91A. Robert Flanders seconded the motion. Motion carried unanimous.

Respectfully Submitted,

Barbara Elia, Secretary