

Minutes of the Antrim Board of Adjustment Meeting September 15, 1987

Case #109 William and Roy Rhodes, Special Exception

A public hearing was held before the Antrim Board of Adjustment Tuesday September 15, 1987, 7:30 P.M. at the Little Town Hall to consider a request by William and Roy Rhodes dba Clown Around for a Special Exception concerning Article H Section 7 of the Antrim Zoning Ordinance. The Applicant proposes to erect a sign over 9 square feet.

The meeting was called to order at 7:35 P.M. by Chairman, Mary Allen. The roll call was as follows:

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

There was some discussion about the scheduling of deliberations and inasmuch as, Attorney Jeffrey Crocker would be present in respect to the Hickey it was agreed to hear the Rhodes case first and then Hickey followed by Kincaid Construction Corp. The Board sitting for the Rhodes Special Exception will be as follows: Robert B. Flanders, ; Howard Humphrey, Sr.; Harvey Goodwin; David Penny; and Mary Allen, Chairman. The Chairman read the procedure for the hearing, and the Clerk read the application for Special Exception. Notices were sent by certified mail, return receipt requested to the applicant and abutters. All receipts were returned. A public notice was published in the Messenger September 1, 1987 and posted on the Town Hall Bulletin Board and on the Public Notice Board outside the Town Hall. The Chairman, then the section of the Zoning Ordinance that applies to signs.

Peggy May, representing William and Roy Rhodes presented a copy of the sign and measurement of same to the Board. She stated that the sign would not be lighted. She explained that it would be a mobile sign made permanent. The total area of same sign being 23 square feet. The Board pointed out that the posts would have to be included in the area of the sign as the frame. On refiguring the area of the sign it was determined that the overall area would be 31 square feet.

With the presentation complete and no opposing testimony the Board voted to enter deliberations of the William and Roy Rhodes hearing for a Special Exception.

David Penny, Board member, pointed out that there were two problems, the sign was over the 25 square feet allowed by the Ordinance and that the type of sign was not attractive and in keeping with neighborhood. Robert Flanders, Board Member, said

that signs were a problem and the Board should be strict. He also pointed out that this would be a temporary sign made permanent. The rest of the Board concurred.

Robert Flanders moved that the applicant's request for a Special Exception be denied as the sign is not in keeping with neighborhood and it is not within the allowed 25 square feet permitted by the Ordinance. Second by Harvey Goodwin. The vote went as follows:

Howard Humphrey, Sr.	Yes
David Penny	Yes
Robert Flanders	Yes
Mary Allen	Yes
Harvey Goodwin	Yes

Special Exception denied.

The Applicant requested information on just what would be needed to comply with the Ordinance. The Board stated that it should be within the 25 square feet allowed by the Ordinance and meet the set back requirements.

The Chairman then reopened Case #106 Hickey Brothers Realty Trust for a Variance concerning Article V, Section D.3 and D.4.a and b of the Antrim Zoning Ordinance. Present were Sam Zachos and Thomas Kern and Charles Kohler. The Board was presented with a letter and Mr. Kohler asked to read a statement. The Board asked Counsel, Jeffrey Crocker about the feasibility of reopening the Case. Counsel advised that the Board was sitting for deliberations only and that inasmuch as, the Hickey's were not notified that additional testimony would be taken none could be taken. Request to read the statement denied. Mr. Kohler withdrew his request to make a statement. The Board then voted to adjourn to seek advice of counsel concerning the Variance requested by Hickey Brothers Realty Trust.

The Board reopened deliberations at 9:15 P.M. The Board reported on the site review held at 6:30 P.M. and attended by Everett Chamberlain, David Penny, Harvey Goodwin, and Mary Allen also present at the site was Lloyd Henderson, Attorney for Hickey Brothers Realty Trust. The Board found the lot rocky and located some of the pins. It was determined that the right of way was a paper ROW only and there was no evidence of it being in use. The Board agreed to structure it's deliberation on the five criteria set by the N.H. Supreme Court. David Penny observed that the lot had no road frontage and questioned if it could support an adequate septic system for a two bedroom house. Harvey Goodwin said that it had not been clearly demonstrated that access could be obtained through the ROW and that there is no frontage on a Town road. Mr. Goodwin also pointed out that under ideal conditions the State requires a minimum of 20,000 square feet to support a septic system and that in his opinion the soil condition is ledge, and that the applicant did not demonstrate that the proposed sewage system would not pollute adjourning

property or the lake water. After much discussion the Chair called for a motion.

Moved by David Penny that based on the foregoing discussion that the application for a Variance concerning Article V, Section, D.3 and D.4.a.b.be denied based on the following facts found by the Board. 1. The variance could not be granted without diminishing the value of abutting property. 2. Granting the appeal would not be a benefit to public interest. 3. Denial of the permit would result in unnecessary hardship to the owner. 4. Granting the permit would not do substantial justice. 5. The Variance could not be granted without violating the spirit of the Ordinance. Second Everett Chamberlain. The Board voted as follows:

Howard Humphrey, Sr.	Yes
David Penny	Yes
Harvey Goodwin	Yes
Everett Chamberlain	Yes
Mary Allen	Yes

Application denied. There is twenty days to appeal in writing conforming to State Statutes.

The Board opened deliberations on the Variance applied for under Case #105 by Kincaid Construction Corporation. Present for the Applicant were Attorney Silas Little and Harry Page.

The Board and the Applicant agreed that due to the lateness of the hour the Board would adjourn to continue deliberations on September 22 at 7:30 P.M.

Respectfully submitted,

Patricia Hammond-Grant, Clerk
Minutes prepared by Barbara Elia