

Minutes of the Antrim Board of Adjustment Meeting October 4, 1988

Present: Everett Chamberlain, Howard Humphrey, Sr. Joseph Timko, Patricia Hammond-Grant, Clerk, David Penny, Vice Chairman, Mary Allen, Chairman. Thomas Curran, newly appointed Board Member, was present but as it was his first hearing he chose to observe.

Mary Allen, Chairman opened the hearing and announced that as there was a full Board, Everett Chamberlain, Alternate, would not sit on the Board for the hearings this evening.

Case #119, Robert Gladding for a Special Exception concerning Article XIV, Section C,2,a&b and a Variance to Article XIV,C,2,b,2 Section C,2,a,5 and Section E. to permit the applicant to erect a sign over 25 square feet on the State right of way. Property located in the Village Business District. Notice was published in the Messenger Outlook and posted in the Town Hall and on the Town Notice Bulletin Board. Notices were sent to abutters with all receipts returned. One telephone call from the heirs of Eva Cutter represented at the hearing this evening by Henry Cutter. The Chairman read the Articles in question and also the Article concerning the conditions for granting a Variance. Robert Gladding presented his case. He stated that he planned to have four offices in the building in question and was requesting a variance for a sign to be stacked one on top of the other, painted and constructed in a professional manner. He said that he had been granted permission to put a second access off Prospect Street and that the sign would go between the highway and the driveway. He would like to light the sign with spotlights. David Penny asked for the record where the right of way is in relation to the building. Gladding stated that it would come in the middle of the driveway. Mary Allen referred to the sketch and determined that it appeared to be 20 feet from the center line of Route 202 and forty feet from Prospect Street. Each sign to be 2'x4' with an overall height of eight feet. She determined that the sign would be approximately 38 feet including the frame and asked the Applicant if twenty five feet would be out of the question. Gladding stated that if the signs were separate they would cover more area and he felt that stacking them would make a better looking sign. Public testimony in favor by Wayno Olson who stated that you can't run a business without advertising. There was no testimony against. David Penny expressed his concern that the sign should be smaller. Gladding felt that the signs should be the size noted so that they could be seen. Gladding also reiterated that he was applying for four signs two of which would be erected as soon as the Variance was granted. Public Hearing for case #119 was closed with no testimony from abutters. Hank Cutter for Heirs of Eva Cutter no objection to the proposal.

Case #120, Wayno Olson for a Variance on Article VII, Section D,1,d to permit the applicant to construct a greenhouse with less than fifty feet front yard set back. Property is located in the Rural District on Elm Avenue. The Chairman outlined the procedure to be followed and introduced the Board for the hearing. Howard Humphrey, Sr., Joseph Timko, David Penny, Patricia Hammond-Grant, and Mary Allen, Chairman. The Clerk read the Application, the hearing has been advertised in the Messenger Outlook, notices sent to abutters with all receipts returned, no correspondence. The Chairman outlined the conditions for granting a Variance.

Wayno Olson presented his case. This will be an extension to his kitchen, a sunroom, to allow more light and provide a certain amount of passive solar heat. It will extend five feet out from the existing wall, not as far out as the driveway. It will be nine feet ten inches high and will use no chemicals. It will have house plants and will add light to the kitchen. The existing porch on the front extends four feet six inches on the house side of the driveway and this addition will extend six inches beyond that. The request is to go six inches from the present line of the building. It will be built of premade panels and they cannot be altered. Questions were raised about the width of the right of way. Steve Schacht the builder stated that he believed it to be 31'6" and it is forty eight feet from the center line to the edge of the porch. The Chairman asked ~~if~~ if the house was built before zoning. The answer in the affirmative. Steve Schacht spoke for the proposal. It will give light to a dark house and add substantial heating gain. Abutter Paul Miller reviewed plan and stated that his concern was that it was described as a greenhouse. He was assured that it was only an addition to the kitchen. Ann Miller's concern was the same as Paul's and was reassured that it was for private use only. No objection from the Millers. Mary Allen summarized the hearing and stated that the Board would deliberate on this case later this evening if time permits.

Case #121 David Boulé Variance to Article XIII, Section D,1 to permit a non-conforming structure to be constructed in the Rural Zone. The Clerk read the Application this will be a storage building 55'x60' to replace a building 52'x60', the additional width will make storage better. Notices were published in the Messenger Outlook and posted on the Town Hall Bulletin Board and the Public Notice Board outside the Town Hall. Notices sent to abutters by certified mail all receipts returned and no correspondence. Mary Allen read the Article concerned and introduced the Board. The same Board as sat on the other cases. David Boulé presented his case. He plans to tear down the existing 52'x60' building and replace it with a like structure only with a cement floor and a metal roof. The additional width will allow room to load trucks. The building is 60' from one sideline and much more than that on the other side. There is adequate set back. Andy Lane is the only abutter and he has no objection to the proposal. Everett Chamberlain gave some input on the history of the building and Steve Schacht spoke for the proposal. The height of the building was determined to be twelve feet. The building will be neater than the one it replaces, unheated for storage of building materials. This is an extension of a non-conforming use. David Penny on referring to the Ordinance stated that the Board was dealing with Section E. Testimony was closed and the Board will deliberate later.

William MacCulloch, an informal meeting with the Board concerning his property on Gregg Lake Road. This meeting was at the request of Mr. MacCulloch. Mary Allen, Chairman, expressed the position of the Board, it does not want to make any decisions. MacCulloch stated that he has had requests to rent his building and he would like to know what could be permitted. He would like to have some guidelines, number of employees allowed, signs, what are the parameters for its use. The Chairman informed him that the Board only looks at use in terms of an appeal and would view the building only on a case by case proposal. Joseph Timko said that he should talk to someone, possibly the Selectmen, but the Board of Adjustment could not help.

The Chairman said that she could not speak for future Boards but this Board feels that it can't make judgements on the Zoning Ordinance only at the behest of the Selectmen.

Mary Allen spoke to the Board about a letter sent to the Planning Board in regard to counsel employed by that Board. She stated that the Board of Adjustment would be going to court on May 1 with Harry Page who has as Counsel, Silas Little, Planning Board Counsel. The concern is that Attorney Little will be advising the Board on something he is contesting.

The Chairman also spoke to the Board in regard to the posted Zoning Ordinance and the Board's position when it makes decisions based on this Ordinance. Her concern is that it has been posted for fourteen months and the inaction of the Planning Board has placed the decisions of the Board of Adjustment in jeopardy. Joseph Timko asked about decisions made on the basis of this Ordinance. Madeline Henley reported that Attorney Runyon has spoken to Rachel Reinstein and after conferring with Silas Little they agree that it should be unposted. After much discussion Mary Allen asked for a consensus of the Board. Patricia Hammond-Grant, no opinion; Joseph Timko agrees with Madeline Henley and asked if Runyon had compared Ordinances and determined which is better. He also asked Madeline what the ramifications of unposting the Ordinance^{are}. Howard Humphrey, Sr., and Everett Chamberlain agreed that it should be ratified as soon as possible. Mary Allen's opinion is that the inaction of the Planning Board has placed the Board of Adjustment in jeopardy. She asked Madeline Henley to inform her of any decision made by the Planning Board.

Deliberations Case #119 Robert Gladding. The Chairman questioned visibility, does the sign obstruct the sight line. She also feels that the size is a problem. Allen feels that a site review is necessary. David Penny should not see the necessity for a site review but felt that the sign could be scaled down. He pointed out that there could be four signs on the lawn and that mounting them in a single frame was advantageous, but he could see no reason for the size of the sign. Curran asked questions about the sign ordinance. Howard Humphrey was of the opinion that the overall size of signs should be controlled. Howard Humphrey moved to deny the Variance to Article XIV, Section C, 2, b, 2. The Board finds that granting the Variance would not be in the Public Interest, would not create a hardship, and is contrary to the spirit and intent of the Ordinance. Second Joseph Timko. Patricia Hammond-Grant, yes; David Penny, yes; Howard Humphrey, Sr., yes; Joseph Timko, yes; Mary Allen, yes. The Special Exception was then addressed. Mary Allen stated the need for a site review and the Board agreed. The Board will meet, Thursday October 13 at 6:30 P.M at the site with deliberations to follow at the Town Hall.

Deliberations Case #121 David Boulé. The Board agreed that the plan meets all the criteria for a Variance. It would improve the property and the building will be safer. Joseph Timko moved to grant the Variance to Article XIII, Section E, 1. The Board finds that the proposed enlargement of the non conforming use meets the five criteria for granting a Variance and would create an unnecessary

Deliberations Case #121, David Boulé (cont)

Hardship if denied and would not be contrary to the spirit and intent of the Ordinance. Second Patricia Hammond-Grant. Patricia Hammond-Grant, yes; David Penny, yes; Mary Allen, yes; Joseph Timko, yes; Howard Humphrey, Sr., yes.

Deliberations Case #120, Wayno Olson. The Board found that this was also a classic case for which the Board of Adjustment was formed as the Applicant seeks a Variance for six inches. David Penny moved that the Variance to Article VII Section D,1,d be granted. The Board finds that the proposed enlargement meets the five criteria for granting a Variance and would create an unnecessary hardship if denied. It would not be contrary to the spirit and intent of the Ordinance. Joseph Timko second. Patricia Hammond-Grant, yes; David Penny, yes; Howard Humphrey, Sr., yes; Joseph Timko, yes; Mary Allen, yes.

The motion to adjourn was made at 10:30 P.M. The Board will meet at the Gladding site at 6:30 P.M. on October 13 for a site review, deliberations to follow at the Town Hall.

Respectfully submitted,

Barbara L. Elia, for
Antrim Board of Adjustment