

Minutes of the Antrim Board of Adjustment Meeting October 18, 1988

Present: Howard Humphrey, Sr., David Penny, Tom Curran, Everett Chamberlain, Patricia Hammond-Grant, Clerk, and Mary Allen, Chairman.

The Chairman, Mary Allen, opened the meeting at 7:30 P.M. It was noted that Case #124, Concerning a request by Peterborough Oil Company fro a Variance was postponed until November 15, 1988.

Case #122, concerning the request by Sandra M. Grant and Arthur Holt for a variance on Article XIII, Section D.1 to permit a non-conforming structure in a Rural Zone. The Clerk read the Application. Notice of Hearing was published in the Messenger-Outlook and notices sent to abutters. The Chairman read the Article applicable to this hearing and the Article that addressed the conditions for granting a Variance. Bonnie Forman presented the case for Mrs. Grant. This application is to replace a mobile home with one of larger size, i.e. 72 feet by 14 feet. Mrs. Forman pointed out that the dwelling presently on the property is in very bad condition and placing the mobile home on the property would do nothing but improve conditions. There was a trailer on the property but it was removed August 1987 as part of the process of cleaning up the property. The present building is 30 feet by 30 feet and the actual size of the proposed mobile home will be 68 feet by 14 feet. The present structure will be removed. The existing septic system has been repaired for a three bedroom house.

Brian Hennessey an abutter said that while he was not opposed he would like to know what the Selectmen's reasons were for refusing the application for a building permit. The Clerk referred to the Building Permit Application and noted that it had been disapproved on the basis of Article XIII,d,1 of the Zoning Ordinance. Mr. Hennessey stated that the property is worse now than if it had a trailer on it. He complained further about the condition of the property. Brenda Allen, another abutter, expressed her concern about a precedent being set. Mr. Forman stated that she understood the concerns but the mobile home would improve a bad situation. This is a three acre lot and the structure would be 134 feet from the Hennessey lot line and approximately 100 feet back from the road. As a result of questions from David Penny it was established that the trailer formerly on the lot had been there before zoning. It was 38 feet by 8 feet and had been inhabited. Sue Gross another abutter spoke to the condition of the property and Mrs. Grant agreed that if the Variance is granted it will be removed. Mrs. Forman stated that it would be done thirty days from the issuance of a Building Permit. Brian Hennessey had doubts about the septic system. Mrs. Grant said that it had been repaired by Byam Construction. Mary Allen, Chairman, reiterated that if the Variance were granted there would have to be a valid septic system as part of the requirements for a Building Permit. The Selectmen will make that decision. Brian Hennessey stated that he was not for and not against the proposal and that cleaning up the property would enhance and improve the property. Olin Forman spoke for Mrs. Grant stating that she needed a place to live and that this proposal would solve the problem. As a result of questions from David Penny it was established that this will be a new, two bedroom mobile home with a pitched roof placed on a cement pad or a poured foundation. Testimony was closed.

Case #122 (cont.)

The Board agreed to deliberate on this case later this evening or at a later date if necessary.

Case #123, concerning the request by Edward R. Matte for a Variance on Article VII, Section D.1.d to permit the construction of a porch with less than 50 feet from the street right-of-way in the Rural Zone. The Board sitting on this Hearing will be: David Penny, Tom Curran, Everett Chamberlain, Patricia Hammond-Grant, Clerk, and Mary Allen, Chairman. The Clerk read the Application which had been published in the Messenger-Outlook and notices of hearing sent to abutters. There was no correspondence. Mary Allen, Chairman, read the applicable Article and the conditions for granting a Variance. Mr. Matte asked the reason for the hearing, he said that his Application for a Building Permit had been approved and then disapproved. The Chairman read a report made by Art Stenberger, Zoning Officer, the dimensions of the porch falls within the setback requirements. Mr. Matte presented his case. This is for a porch approximately 28 feet by 10 feet on a non-conforming building which was built before the present set back requirements were entered into the zoning ordinance. This porch will be enclosed with glass and screen and the roof will be from 8 to 10 feet high. Mrs. Matte was the only one speaking and she was for the proposal. There was no further testimony and the Chairman summarized the case. The Board took a five minute break.

The Board reconvened and agreed to deliberate on case #123 first. The Board, Everett Chamberlain, David Penny, Tom Curran, Patricia Hammond-Grant, Clerk, and Mary Allen, Chairman, discussed the five conditions for granting a Variance. This is a pre-existing non conforming structure and the porch will be back from the road farther than the house. The Board had no problem with this. It could see no diminution of property values. It would be in the Public Interest. It would be an unnecessary hardship to deny the Variance. To grant substantial justice would be done and it is not contrary to the spirit and intent of the Ordinance. Patricia Hammond-Grant moved to grant the Variance; The Board finds that the five conditions necessary for granting a Variance have been met. Second Everett Chamberlain. The vote: Everett Chamberlain, yes; David Penny, yes; Tom Curran, yes; Patricia Hammond-Grant, yes; Mary Allen, yes.

The Board then took up deliberations on Case #122. The Board for this case is David Penny, Tom Curran, Patricia Hammond-Grant, Howard Humphrey, Sr., Mary Allen, Chairman. Howard Humphrey, Sr. confirmed that the septic system was not the Board of Adjustment's venue. Mary Allen spoke to the necessity for a foundation and established that under the Ordinance it was not a requirement. The Chairman pointed out that the proposal was to replace a preexisting grandfathered trailer with one of larger dimensions. In reality replacing a dwelling unit (the house) with a mobile home. The Board discussed conditions such as landscaping and foundations and the fact that cleaning up this lot would only improve the neighborhood. Tom Curran referred to the 1988 issue of Board of Adjustment in New Hampshire page 8 as it applies to the Board's authority. After much discussion David Penny moved that the Board table this until the Board meets with legal counsel for advice. Second Tom Curran. So moved. The sitting Board will reconvene Wednesday, October 26, 1988 at 7:30 P.M. to meet with Counsel

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Case #122, Deliberations cont.

Attorney Runyon if he is available. Mrs. Grant protested the length of time it has taken for a decision. Olin Forman spoke for Mrs. Grant and discussed her situation.

Meeting adjourned at 9:30 P.M.

Respectfully submitted,

Barbara Elia  
Board of Adjustment