

Minutes of the Antrim Board of Adjustment meeting August 13, 1991

Present: Joseph Timko; Harry Page; Patricia Hammond-Grant; Helene Newbold and Mariann Moery, Chairman.

This Board met at the Town Hall at 6:00 P.M. to go to the Lester and Giffin Russell property on West Street for a site review. (Tax Map #1A & C Lot 1279, BOA File #91007)

Upon returning to the Town Hall at 7:00 P.M. the Chairman reopened the hearing and introduced the Board (as noted above). Harry Page asked for the copy of the Soil Survey of Hillsborough County New Hampshire, Western Part to make reference to the types of soils on the property in question. He established that the soil types were mostly 247 and 143. There was further discussion of soil types and their relationship to the Ordinance. Page also addressed the size of the lot and the fact that there is inadequate frontage and area as it is in an area not served by both Town water and Sewer. The argument was made that this is a pre-existing non-conforming lot and is served by water. There was further discussion of the wetland area and the provision on the Steep Slopes Ordinance for a contiguous dry soil. Page argued that the Board could not consider the Application because it was filed incorrectly. He argued that the Ordinance does not address the grandfathered situation. The Chair defined the question and asked the Board's pleasure on the wetland setback regulation and how the rule should be defined as it applies to grandfathered lots. Chairman Moery advised that variances were created so as not to be confiscatory. It was pointed out that the location was the only valid location. Harry Page argued that it could be built elsewhere but that this is questionable because of the wetlands. There was further argument that this is the only safe location because of the driveway and that it should be no closer to the road than his house. There was further discussion of (Article XVI, Section A.15.c.(2)) of the Antrim Zoning Ordinance. There was discussion of the fact that this is not an accessory use as it will be the only structure on this lot and it will be a non-residential use. There was further discussion of a non-conforming lot as opposed to the non-conforming use and the fact that it is not clearly defined in the Ordinance. A suggestion was made that the approval could include the Board's review of the wetlands and that it could be restricted to a garage only. After much discussion Joseph Timko moved to return the Application as it is not correctly filed and tell the Applicant that he must file for Variances to Article VI, Section C.6.a.b.& d. and Article XI, Section 5.B.A. Second Helene Newbold. There was discussion as to whether or not this could be done and the Board determined that this is what should be done. The vote: Joseph Timko, yes; Harry Page, yes; Patricia Hammond-Grant, yes; Helene Newbold, yes. The secretary was instructed to inform Mr. Russell of it's decision and ask him to refile requesting the proper variances. If Mr. Russell chooses to refile the meeting will be scheduled for September 3, 1991 at 7:30 P.M. The consensus of the Board being that if the

Application were filed properly it could be considered favorably.
The Chair asked the Board to be prepared to discuss the Zoning
Ordinance after the Public Hearing on September 3rd.

Meeting adjourned at 8:30 P.M.

Respectfully submitted,
Barbara Elia, Secretary
Antrim Board of Adjustment