

Minutes of the Antrim Board of Adjustment meeting October 8, 1991

Present: Mariann Moery, Chairman; Harry Page; Patricia Hammond-Grant; Helene Newbold; Boyd Quackenbush

The Chairman opened the continued public hearing for a Variance to Article VII Section D.1.d of the Antrim Zoning Ordinance, requested by Allen D. Dube dba Add Enterprises for David and Jane Corliss (Tax Map #7 & 8 Lot 914). The Applicant wishes to construct a 6 foot by 36 foot porch with a roof which will extend into the 50 foot setback area. Chairman Moery introduced the Board sitting for this public hearing; Patricia Hammond-Grant will be sitting for the absent Joseph Timko who sat on the public hearing held September 24, 1991. The Application was read and the Waiver of Notice received from Stephen Elder (Tax Map #7 & 8 Lot # 418) was noted. The hearing continued with the Chairman outlining what had transpired at the previous hearing. (See minutes 9/24/91) Harry Page reported on the results of measuring the front yard setbacks on Pierce Lake Road (See Article XIV, Section A.15.c.(2)). This action provided the Board with the information that the Mattil property sets back more than fifty feet from the centerline therefore this Article and Section do not apply. It was established that the edge of the right-of-way is designated by the stonewall and that the house not including the deck is 44 feet from the edge of the right-of-way. The excavator testified that when he dug for the foundation there was evidence of some very large boulders, 10 to 12 yards in size, which they had to build the frost walls around. Cost was cited as the reason for not dynamiting these boulders. The excavator could not determine whether or not these boulders were ledge outcrops and suggested that they could be boulders because of the configuration. Page noted that there is a visible pond 75 feet from the house and that there is a lot of water on the property. There was discussion about pitching the water away from the property. The suggestion was made that the property can be entered into from the side which would be more in compliance. The layout of the building was consulted. Page expressed the opinion that the porch was not necessary as there is other access to house and questioned the design of the house. Patricia Hammond-Grant expressed the opinion the Board should not be redesigning the house. Dube argued that he has started construction and that he has a signed building permit. He stated that he is committed as the Corliss' were burned out and need to be into a house as they are now living in a trailer. Moery commented that it is not procedure to sign a permit before approval is obtained from the Zoning Board of Adjustment. Steve Schacht present for another hearing asked about the direction and size of the stairs which are indicated for the side of the building. Chairman, Mariann Moery summarized the hearing: Applicant proposed a 6 foot by 36 foot porch 38 feet from the right-of-way. The house has been destroyed by fire sat back 44 feet from the right-of-way and the garage, not destroyed by the fire sits back 50 feet from the right-of-way. Septic disposal is provided by a pre-existing holding tank system. The house will

be built higher than the original building because of the existence of water in the basement of the pre-existing house. The design of the house was discussed. Harry Page has determined that the conditions of Article XIV, Section A.15.c.(2) do not apply as there is an abutter set back more than the 50 feet. The abutter, Stephen B. Elder, not notified has since provided a waiver of notice to the Board and supports the proposal provided it does not intrude into the sideline setback. There are extremely large boulders at the rear of the building. A permit has been granted prematurely by the Building Inspector which has caused the applicant to pour the foundation. Public Hearing closed.

Deliberations: The Board discussed the design of the building and it was commented that there is no hardship as there are other alternatives. Page commented that a side porch and side entrance can be accomplished and that the boulders and water in the area are problems that can be overcome. After some discussion on these points: Harry Page moved to deny the Application for a Variance to Article VII, Section D.1.a. of the Antrim Zoning Ordinance based on the fact that with a change in design access from grade to the main living floor can be accomplished from the side, into the same area of the house. Second Helene Newbold. The Chair asked if there was a need to discuss the five criteria for granting a Variance. The five criteria for granting a Variance were discussed: 1. Diminution in value of surrounding properties--The Board unanimously agreed that granting this variance would not diminish the value of surrounding property. 2. Benefit to the public interest--The Board unanimously agreed. 3. Hardship--The Board unanimously agreed that the hardship requirement was not met. 4. Substantial justice--The Board agreed unanimously. 5. Spirit and intent of the Ordinance--After some discussion the Board unanimously agreed. The vote: Harry Page, yes; Patricia Hammond-Grant, yes; Helene Newbold, yes; Boyd Quackenbush, yes; Mariann Moery, yes. The motion passed unanimously. There was further discussion of "Hardship" and of the fact that it must be inherent in the land and not a financial hardship. The Chair outlined the procedure for appeal.

Antrim Chamber of Commerce: Public Hearing for Variances to Article, XVII, Section C.2.a.(4) and C.2.a.(6) and a Special Exception to Article VII, Section C.2. of the Antrim Zoning Ordinance. The Applicant proposes to erect a sign approximately 3 feet by 4 feet on property owned by David Cutter (Touchwood Square) on Main Street in the Village Business District. The Secretary read the Revised Notice of Public Hearing and informed the Board that notice was published in the Peterborough Transcript and all abutters notified by certified mail. Stephen Schacht presented the proposal and demonstrated the location of the proposed sign on a map of the property. He also provided the Board with a drawing of the sign which is to be located on this lot. Schacht observed that this is a central location across the street from the Town Hall and accessible to pedestrian traffic. It will be a directional sign indicating the location of business

throughout the Town. The sign will be lighted with fluorescent lighting with a shield and the Applicant argued that it will not diminish the value of surrounding properties as it will promote business in the Town. Board Member, Harry Page noted that at some point the road to the Post Office will be accepted by the Town and that this will make the lot a corner lot. Dick Schacht spoke in favor of the sign and commented on the history of the Chamber of Commerce which now has 32 members. Gregg Goff spoke for the sign and commented that it was intended to promote business. John Robertson also spoke in favor of the sign. No one spoke in opposition. Harry Page established that the sign would be under 25 square feet. Helene Newbold clarified the purpose of the sign which is to promote business throughout the Town. Schacht confirmed that it will be located five feet off the ground and will have a map with the locations of interest on both sides of the sign. Mariann Moery summarized the proceedings. Public Hearing for a directory sign 3 feet by 4 feet on property owned by David Cutter across the street from the Town Hall. Since no property is owned by the Chamber of Commerce the property owner has agreed to allow it to be located thus. There has been verbal support and no opposition for this sign which is to be 3 feet by 4 feet.

Deliberations: Harry Page referred to Article XVII, Section D.6. as it relates to more than one free standing sign on a corner lot. Page observed that the lot does not have corner lot status at this time, it has the potential to be a corner lot. The road does not have corner lot status as is has not been legally accepted by the Town. Harry Page also advised the Applicant that the sign must be located fifteen feet from the right-of-way. The five criteria for granting a Variance were addressed with the Board unanimously agreeing that all five criteria have been met. Mariann Moery moved to grant the Variances to Article XVII, Section C.2.a.(4) and Section C.2.a.(6) be granted to the Antrim Chamber of Commerce, since all five criteria for granting variances have been met to the Board's satisfaction. Second Helene Newbold. The vote: Harry Page, yes; Patricia Hammond-Grant, yea; Helene Newbold, yes; Boyd Quackenbush, yes; Mariann Moery, yes.

Chamber of Commerce for a public hearing for a Special Exception to Article XVII, Section C.2. of the Antrim Zoning Ordinance. The Chairman opened the hearing and introduced the Board. The Secretary read the Application, which is for a Special Exception to permit a sign approximately 3 feet by 4 feet in the Village Business District. Steve Schacht presented the proposal for the Applicant. Harry Page asked if other things would be noted on the sign, such as, the Audubon Society, Girl Scouts, lakes, rivers, mountains, etc. Schacht agreed that this could be done. Page established that the sign would be bigger than 3 feet by 4 feet but less than 4 feet by 6 feet. The Chair summarized the proposal and read the Article in question. Harry Page moved to grant a Special Exception to the Antrim Chamber of Commerce, Stephen R. Schacht, Vice President, to Article XVII, Section C.2.

of the Antrim Zoning Ordinance to allow a sign approximately 3 feet by 4 feet on property owned by David Cutter (Touchwood Square) in the Village Business District, since all conditions have been met. Boyd Quackenbush second. The vote: Harry Page, yes; Patricia Hammond-Grant, yes; Helene Newbold, yes; Boyd Quackenbush, yes; Mariann Moery, yes.

Harry Page introduced Robert Bryer who has recently been appointed by the Board of Selectmen to the Board of Adjustment as an Alternate.

Planning Board: Judith Pratt, Chairman; David Essex; Rod Zwirner and Marie Slugaski, Alternate; came before the Board of Adjustment to accept recommendations for any changes to the Zoning Ordinance which the ZBA feel would help in the consideration of Variances and Special Exceptions. It was noted that the Consensus of the Board of Adjustment is to agree with the list as outlined by Harry Page at the BOA meeting held September 3, 1991. (see copy attached) The list was addressed point by point with there being some discussion relative to the Wetlands Ordinance with agreement to try to make it more clear and consistent with the rest of the Ordinance. There was discussion about the definition of "Area, Building" and whether it intended to refer to the footprint only or to the area of the whole building. It was agreed that this could be made more clear. The subject of Cluster Housing in the Conservation District was raised with Chairman, Pratt expressing the opinion that it was defeated at the 91 Town Meeting and that there should be a wait of two or three years before it is presented again. Backlots were also discussed and Pratt indicated that she could not support the submission of this proposal by the Planning Board but it could be given some consideration if it were submitted by petition. Judith Pratt also made reference to the incorrect information distributed last year to defeat this proposal. The idea that the BOCA Code is too detailed and that the Town should have its own code was introduced for discussion. Pratt indicated that the Planning Board is not qualified to write a building code. The suggestion was made that other Towns be consulted as to the extent of their building code and that the State of N.H. Plumbing and Electric Codes could be adopted. Pratt spoke to the subject of low cost housing and advised that the Town should be looking at this seriously in light of the Town of Chester decision.

Meeting adjourned at 10:30 P.M.

Respectfully submitted,  
Barbara Elia, Secretary

Harry Page suggested a number of changes namely:

The definition of a grandfathered structure.

Review the Wetland square foot requirement for the eventuality that both wetlands and steep slopes occur on the same lot.

In Page's opinion the definition of a wetland on page 13 has no correlation with the definition on page 49 of the Ordinance. Page feels that this is contrary to the State definition of a wetland as the State definition does not include brooks, rivers, streams, ponds or lakes.

Definition of Area, Building is unclear; does it mean the total floor area or just the area of the footprint?

On page 52 Page noted that Article XI, Section 5.A.b. contradicts Article XI, Section 6.A.

Definition 146: Zoning Officer, Page has trouble with how the Ordinance is enforced, and questioned how Certificates of Occupancy are issued. He discussed the possibility of the BOCA Code being replaced with an Antrim Building Code.

Article V Highway Business District Section C.i. and j. Lot, Yard and Height Requirements for duplex and multi-family uses are less restrictive than for residential uses. Page also had a problem with the side yard setbacks especially for business uses.

Article VI (R) 6.a. to be consistent change 80,000 square feet to 90,000 square feet.

Article VIII (LR) B.2.d. is inconsistent with D.

Page suggested that backlots be permitted in the RCD to limit the building of roads. He also suggested that Cluster Housing be allowed in this district.

Page called the Board's attention to page 63.9 as it pertains to: Household Pets.

Page 71-Home Occupation the definition excludes people doing business outside the home i.e. loggers

At the suggestion that a definition for "Lot of Record" be included it was determined that one already exists.

Board of Adjustment Meeting September 3, 1991.