

Minutes of the Antrim Zoning Board of Adjustment meeting March 28, 1995

Present: Robert Bryer, Chairman; David Rust; Boyd Quackenbush; Paul Matthes; and Alternate Erik Nycklemoe sitting for Frederick Swann. Also present was non voting Secretary Barbara Elia.

Present for the Applicant: Timothy F. Bernier, LLS; Christine M. O'Keefe and Joseph O'Keefe

Chairman Bryer opened the meeting at 8:40 P.M. and introduced the Board as noted above.

Dennis O'Keefe - Public Hearing concerning a request for a Variance to Article VIII, Section C.3. of the Antrim Zoning Ordinance. The Applicant proposes to build a house 35 feet from the high water mark at Franklin Pierce Lake and 41 feet from the street right-of-way on property located at Jackman Shores in the Lakefront Residential District Map 8C Lot 900. The Secretary read the application and testified that notice was published in the March 16, 1995 issue of the Peterborough Transcript. Notices were sent to abutters certified with return receipt. All receipts returned. The Chair read the procedure for a Public Hearing and outlined the five criteria for granting a variance. Tim Bernier representing Dennis and Christine Nichols the owners of the property presented the proposal for a two bedroom camp 26' x 37". Approval for Construction of the Septic System has been granted by the State. Bernier testified that the building has been sited as far away from the water as possible allowing room for the septic system at the rear of the lot. He then addressed the five criteria for granting a Variance. His arguments were as follows:

1. Diminution of value to surrounding properties - The area was subdivided in the mid 60's and the lot was in existence prior to zoning. Bernier stated that the proposed building will be equal to or exceed the value of property in the neighborhood.
2. Benefit to public interest - Lot predates zoning and the owners have owned and paid taxes for many years, therefore, it would be just to allow the owners use of the lot.
3. Hardship - The lot predates zoning and is assessed as a buildable lot. Hardship, the size of the lot (approximately 100' deep) precludes meeting the setbacks (100 feet from the lake and fifty feet from the road).
4. Substantial justice - Property has been in the family for years and recently conveyed to the son Dennis he plans a nice building equal to the other buildings in the area.
5. Not contrary to the spirit and intent of the Ordinance - This will be a recreational use in an area designated as

Lakefront Residential and the Ordinance should not penalize the owner of a pre-existing lot.

Joseph O'Keefe an abutter and the father of the owner stated that he had no objection to the proposed use.

Hearing no further testimony Chairman Bryer closed the Public Hearing portion of the meeting. Chairman Bryer commented that before going into deliberations he would like to consult with the Town Attorney as many similar applications have been denied in the past. The consensus of the Board was to continue the Public Hearing concerning Dennis O'Keefe for a Variance to Article VIII, Section 3.c until April 12, 1995 at 7:30 P.M. In the meanwhile the Chair will talk to the Town attorney. Mr. Bernier questioned the need for the Chair to consult with the Town Attorney but the Chair expressed the opinion that this is a necessary action.

The Board scheduled a public hearing concerning a Variance for David S, Wilson for April 12, 1995.

Administrative - The terms of three of the members of the Board expire in 1995. The Board of Selectmen have suggested that two of the members take three year terms and one take the one year term to make the terms expire: 1 in 1996; 2 in 1997; and 2 in 1998. The consensus of the Board was to meet at 7:00 P.M. on April 12, 1995 for an administrative meeting and to pick up the continued public hearing at 7:30 P.M.

Respectfully submitted,  
Barbara Elia, Secretary

**ANTRIM BOARD OF ADJUSTMENT**

Agenda March 28, 1995

Dennis & Christine M. O'Keefe - Public Hearing concerning a request for a Variance under Article VIII, Section C.3.

David S. Wilson - Application for a Variance to Article VI, Section C.3.a. First date possible for a Public Hearing is April 11, 1995.

**Administrative:**

Terms of Office - It has been called to my attention that the terms of Robert Bryer, Paul Matthes and Boyd Quackenbush expire in 1995. If you are willing to serve for another term the Selectmen suggest that one person take a 1 year term and 2 people take 3 year terms in order to stagger the terms of office. The terms of David Rust and Rick Swan are up in 1997. This will make the terms of office expire - 1 in 1996, 2 in 1997 and 2 in 1998.

**Zoning Amendments:**

All of the amendments proposed for the 1995 Town Meeting passed. I have copies of the changes.