

Minute of the Zoning Board of Adjustment Meeting April 12, 1995

Present: Robert Bryer, Chairman; David Rust; Boyd Quackenbush; Paul Matthes and Alternate Erik Nycklemoe sitting for Frederick Swan.

The Chair opened the meeting at 7:00 P.M. and introduced the Board as noted above.

Organization: The Chair pointed out the need to elect a Chairman and Vice-Chairman for the ensuing year. In his statement Robert Bryer removed himself from consideration for nomination and pointed out that he would not be Chair after this meeting. Bryer discussed terms of office; and the need to stagger those terms so that open positions can be filled in an orderly fashion.

The Chair called for nominations for Chairman for year 1995. Erik Nycklemoe nominated David Rust for Chairman of the Zoning Board of Adjustment. Robert Bryer second. Paul Matthes was nominated for Chair and declined the nomination. Paul Matthes nominated Boyd Quackenbush for Chairman. Robert Bryer second. The vote for David Rust was: David Rust, yes; Erik Nycklemoe, yes; Robert Bryer, yes; Boyd Quackenbush, abstain; Paul Matthes, no. The vote for Boyd Quackenbush was: David Rust, no; Erik Nycklemoe no; Robert Bryer, no; Boyd Quackenbush abstain; Paul Matthes, yes. David Rust was voted Chair for the year 1995 by a majority vote of the Board.

Paul Matthes nominated Boyd Quackenbush for Vice Chairman. Erik Nycklemoe second. The vote: David Rust, yes; Erik Nycklemoe, yes; Robert Bryer, yes; Boyd Quackenbush, abstain; Paul Matthes, yes. Boyd Quackenbush was elected Vice Chairman for year 1995 by a majority vote of the Board.

Selectman Paula Kulpinski introduced Tom Lawless, who has agreed to serve as Alternate to the Board of Adjustment; and Kristin Cleveland who has agreed to serve as a member of the Board. Paul Matthes expressed a desire to be renominated for the one year term expiring in 1996. Boyd Quackenbush expressed the desire to be renominated for a three year term expiring in 1998. Erik Nycklemoe informed the Board that he can no longer serve as serving on the Board creates a conflict with his job. He will serve on the continued hearing (O'Keefe) in order to complete the process.

Dennis O'Keefe Continued Public Hearing: The Secretary read the proposal which concerns a request by Dennis O'Keefe 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 line, on property located at Jackman Shores in the Lakefront Residential District Map 8C Lot 900. The Secretary noted that notice was published in the Peterborough Transcript and mailed to abutters by certified mail, return

receipt. All receipts returned. In summary the Chair stated that Tim Bernier had presented the proposal on March 28 and before going into deliberations the Chair asked for a continuance for the purpose of consulting with the Town Attorney Barton Mayer of Upton Sanders and Smith. Chairman Bryer reported that the attorney has advised him that the lot was established long before zoning was enacted by the Town and is truly a "grandfathered" situation. He commented further that as there is State Approved Septic Design it makes the lot more desirable as a building lot. Bryer also reported on a conversation with Planning Board Chairman Judith Pratt who advised him similarly. The Board went into deliberations. Erik Nycklemoe established that the abutters on each side of the property (Joseph and Christine O'Keefe Map 8C Lot 899 and Carter Munsie Map 8C Lot 364) were present and had no objection to the proposal. After further discussion Erik Nycklemoe moved that the Board address the five criteria for granting a Variance. Paul Matthes second. So moved unanimously.

1. Could the Variance be granted without diminishing the value of abutting property? The Board unanimously agreed that it could be granted without diminishing the value of abutting property.
2. Would granting the appeal be of benefit to the public interest? The Board unanimously agreed that it would benefit the public interest.
3. Would denial of the permit result in unnecessary hardship to the owner because of the unique features of the land? The Board unanimously agreed that denial would result in unnecessary hardship.
4. Would granting the permit do substantial justice? The Board unanimously agreed that granting the permit would do substantial justice.
5. Could the Variance be granted without violating the spirit and intent of the Ordinance? The Board unanimously agreed that granting this Variance would not violate the spirit and intent of the Ordinance.

Boyd Quackenbush moved that the Variance be granted. Paul Matthes second. The vote: Robert Bryer, yes; David Rust, yes; Erik Nycklemoe, yes; Boyd Quackenbush, yes and Paul Matthes, yes. The Variance to Article XIX, Section B.2 is granted. At this point Erik Nycklemoe removed himself from the Board and Kristin Cleveland sat in his place.

David S. Wilson concerning a Public Hearing for a Variance to Article VI Section C.3.a of the Antrim Zoning Ordinance. The Applicant proposes to locate a garage 30 feet from the street right-of-way which is within the fifty foot setback required by the Zoning Ordinance. The Applicant waived the reading of the procedure to be followed as this was the second hearing this

evening. The Secretary read the Application and reported that notice was published in the Peterborough Transcript March 30, 1995 and mailed to abutters by certified mail all receipts returned. David Wilson presented his proposal which is to build a garage 28' x 24' approximately 30 feet from the street right-of-way. The Applicant presented his plan and testified that the reason for siting the garage at this location was an outcropping of ledge in the rear. He also testified that he consulted with Building Inspector Arthur Stenberg and he agreed that the garage could not be built on the ledge. The Applicant explained that the Town required him to improve DeBart Lane up to his driveway before he could get a building permit. He has also brought in sewer lines at his own expense. DeBart Lane is considered to be a class VI road after the Wilson driveway. He further testified that there are no other houses close by. Chairman Robert Bryer suggested that the Board conduct a site review. David Rust moved that the Board adjourn to meet Wednesday April 19 at the Town Hall at 6:00 P.M. to go to the site, and to return to the Town Hall by 7:00 P.M. to continue deliberations.

Reorganization: The Board agreed to continue the process at a meeting to be held May 11, 1995 at 7:00 P.M.

Meeting adjourned at 8:30 P.M.

Respectfully submitted  
Barbara Elia, Secretary