

Minutes of the Antrim Zoning Board of Adjustment Meeting
May 31, 1995.

Present: David Rust, Chairman; Kristin Cleveland; Boyd Quackenbush; Alternate Thomas Lawless sitting for Frederick Swan and Alternate Barbara Elia sitting for Paul Matthes.

The Chairman opened the meeting at 6:30 P.M. and introduced the Board noted above. The Board immediately adjourned to go to the location for the Stephen D. & Linda Variance tax map 7 lot 1355, on Whitney Road to view the site.

The Chairman reopened the meeting at 7:00 P.M. with the same Board hearing the continued public hearing concerning an application submitted by Stephen D. and Linda S. Bean for a Variance under Article XIII, Section D.3. to permit a manufactured home on lot #7/1355, Whitney Road in the Rural District case #95004ZBA. The public hearing was advertised in the Peterborough Transcript May 18 and sent to abutters by certified mail return receipt, all receipts returned. The Chair asked if the applicant had any additional testimony hearing none he closed the public hearing and opened deliberations. The Chair asked the Board's pleasure. There were comments on the number of mobile homes located in this neighborhood. The consensus was that there had been sufficient testimony and that the Board should address the five criteria for granting a variance.

1. No diminution in value of surrounding property would be suffered: The board unanimously agreed that due to the nature of the neighborhood no diminution of surrounding property would be suffered.
2. Would be of benefit to the public interest: The Board unanimously agreed that inasmuch as the Lunderville Mobile Home Park was closing this would be in the public interest due to unique features of the neighborhood.
3. Hardship: The Board unanimously agreed that denial of the permit would result in unnecessary hardship to the owner seeking it due to unique features of the neighborhood.
4. Substantial justice: The Board unanimously agreed that by granting this permit substantial justice would be done.
5. Not contrary to the spirit and intent of the ordinance: The Board unanimously agreed that the use is not contrary to the spirit and intent of the ordinance due to the unique features of the neighborhood.

Chairman David Rust announced that the Board has voted unanimously in the affirmative on the five criteria for a variance and moved to grant the application of Stephen D. Bean & Linda S. Bean tax map 7 lot 1355 for a variance regarding Article XIII, Section D.3 of the Antrim Zoning Ordinance. The Board

finds that: the variance is granted based on the unique features of the neighborhood. Second Thomas Lawless. The vote: Thomas Lawless, yes; Kristin Cleveland, yes; Boyd Quackenbush, yes; Barbara Elia, yes; David Rust, yes. Motion carried unanimously.

Continued public hearing regarding a request made by Stephen F. LaSala, Michelle Shea-LaSala for a Variance to the terms of Article VIII, Section C for property located in the Lakefront Residential District, tax map 8A lots 163, 22 and 478. The applicant proposes to expand the present structure on lot 22 such that the cottage on lot 22 will become attached to the building on lot 163. Notice was published in the Peterborough Transcript May 18 and mailed to abutters by certified mail return receipt. All receipts returned. Chairman Rust announced that as a result of the site review held May 26 at 6:00 P.M. the Board agreed that a variance to the height requirement was not needed. It was the consensus of the Board as noted above that the property complied with the height requirement of the Zoning Ordinance (35 feet). Applicant Stephen LaSala commented that all of the residences on the water side of Masquanipi Drive are fifty feet from the edge of the water and most of them have decks extending into that setback. The Applicant also suggested that he would provide a greenbelt between his property and that of his nearest neighbor and said that he was prepared to combine lots numbered 169, 163 22, and 478 under one deed to make a more conforming lot. Further testimony established that that portion of Masquanipi Drive accepted by the Town ends at Trillium Trail. Hearing no further testimony the Board went into Deliberations for the variance to the setback requirement to build an enclosed deck 76 feet from the high water mark at Steele's Pond in the Lakeside Residential District. The Board agreed to address the five criteria for granting a variance.

1. No diminution of surrounding properties would be suffered: The Board unanimously agreed that no diminution would be suffered based on the condition that the lots are combined.
2. The Board unanimously agreed that granting the permit would be in the public interest as the combination of lots would create a more conforming lot.
3. Hardship: The Board unanimously agreed that denial of the permit would result in unnecessary hardship to the owner seeking it as a deck would allow the applicant to enjoy his property to the same extent as neighboring properties. It was noted that they enjoy decks, both closed and open, which are as close or closer than the decks proposed.
4. By granting the permit substantial justice would be done: The Board unanimously agreed that this is the case.
5. The use must not be contrary to the spirit of the ordinance: The Board unanimously agreed that the proposed use would not be contrary to the spirit and intent of the ordinance.

Chairman David Rust announced that the Board has voted unanimously in the affirmative on the five criteria for a variance and moved to grant the application of Stephen F. LaSala, Michelle Shea-LaSala tax map 8A lot 163,22 and 478 for a variance regarding Article VIII, Section C of the Antrim Zoning Ordinance on the condition that:

1. Lots numbered 169, 163, 22 and 478 be combined and
2. A state approved septic design is received

Second Kristin Cleveland. The vote: Thomas Lawless, yes; Kristin Cleveland, yes; Boyd Quackenbush, yes; Barbara Elia, yes and David Rust, yes. Variance granted.

Meeting adjourned at 8:15.

Respectfully submitted,

Barbara Elia, Clerk
Antrim Zoning Board of Adjustment