

Minutes of the Antrim Zoning Board of Adjustment July 25, 1996

Present: Chairman David Rust; Boyd Quackenbush; Alternate Tom Lawless sitting for Kristen Cleveland; Alternate Barbara Elia sitting for Frederick Swan. Donald Winchester arrived after the Chairman opened the meeting.

Chairman David Rust opened the meeting at 7:05 and had the Board introduce themselves.

Robert E. & Florine Warren - Public hearing concerning a Special Exception to permit a Conversion Apartment in their house located at 27 Highland Avenue in the Residential District, tax map 1A lot 149. The Clerk Barbara Elia read the Application and noted that the notice was published in the July 11 issue of the Monadnock Ledger and sent to abutters return receipt requested, all receipts returned. Correspondence included letters from one abutter and two of the neighbors, Lyman Gilmore, Janet Archer and Mark & Barbara Reynolds. (copies attached) The Chair asked the Applicants to state their case. Florine Warren spoke as Mr. Warren has a hearing problem. Mrs. Warren stated that she and her husband have moved back into the house and would like to make an apartment for a friend in the second and third floor area of the house. Mrs. Warren stated that there is a building permit for an outside stairway to be used in case of fire. This will be built in any event. The Warren's son has been living in the house. The Warren's are in the process of cleaning up the property after a long period of neglect by the former tenant. Warren was asked the status of the apartment if her friend should leave. She was unable to answer at this time. She stated that the electricity has been changed to a 200 amp service. There was no other testimony for the proposal.

Mary Allen a resident of Summer Street asked for clarification of the definition of a duplex and cited Article VI, Residential District; Section C.l.b., Lot, Yard and height requirements in areas served by public sewer and water. Allen maintained that the use was a duplex and that the Applicant should be requesting a Variance to Article VI, Section C.l.b. as the lot does not meet the frontage requirements. Chairman Rust was of the opinion that the Applicant was correct in requesting a Special Exception and referred to the Handbook for the Board of Adjustment in New Hampshire 1994 page 4 and 5. Board Member Boyd Quackenbush asked that Conversion Apartment be defined. Neighbor Andrew Paul suggested that if there is an approval it could be conditional and asked about proposed parking. Building Inspector Arthur Stenberg has viewed the site and has determined that there is an area which would provide space for 8 cars; with two apartments only 4 spaces would be required. Lyman Gilmore asked about the correspondence and at his request the Chair read the letters submitted by Janet Archer, Mark & Barbara Reynolds and Lyman Gilmore. There were further comments about the dumpster that has been located in the front yard for a very long time. Mary Allen stated that she understood the provisions for a Special Exception

but in her opinion it required a lot of the proper size. She suggested that the Board do a site view and that the BOCA Code be enforced. The Chair noted that the Board does a site view in practically every case and would be doing one in this case. Allen also asked that a Certificate of Occupancy be required before the building could be occupied. She asked that a plan for parking and surfacing and a plan for rubbish removal and storage be submitted. Allen also noted the definition of a duplex in Article III, Section 45.d. and suggested again that the case be heard as a Variance.

In rebuttal Florine Warren stated that they have been improving the property daily and that she will not see her friend living in the street.

The Board agreed to adjourn to conduct a site view of the property and return to the Town Hall to continue the meeting.

The Chair reconvened the meeting to order at 8:30 P.M. at which time it was moved by Tom Lawless and seconded by Boyd Quackenbush that the Board adjourn until August 8 at 7:00 P.M. pending Chairman David Rust's consultation with the Town Attorney relative to issues raised. So moved unanimously.

Meeting adjourned at 8:35 P.M.

Respectfully submitted,
Barbara Elia, Clerk

July 22, 1996

Antrim Zoning Board of Adjustment
PO Box 517
Antrim, NH 03440

Dear Members of the Board of Adjustment:

We apologize for not being here in person. We feel that this meeting is of significant importance to us, and we want very much to represent ourselves at it, but we've got to travel out of state to visit my wife's father, who has been very ill with cancer for the past year. We've asked Lyman Gilmore to present this letter into the record in our stead.

During the 10 years that we've lived at the corner of Highland Ave. and Summer St., we've watched the Warren property deteriorate. It's been sad to see such a fine and once-proud Victorian house suffer from such neglect; the view across our backyard has become more and more discouraging. We've never complained officially, because we felt that the Warrens had the right to live as they wanted, though we don't think that "live and let live" should mean that one neighbor has the right to undermine the good stewardship of the rest of the neighborhood.

Recently, a neighbor told us that he had tried to sell his house a couple of years ago. Two realtors came to the property and said that they would be wasting their time trying to sell the house as long as the situation at the Warren's existed as it is. One realtor wouldn't even get out of his car. He said, "You have a beautiful piece of property here, but we can't do business while that mess exists," and drove away.

As abutters to the Warren's, we find that story very disturbing. We realize that all the time and money we've spent trying to improve our home has gained us no equity whatever. In fact, our home is worth less now than it was when we bought it back before the housing boom of the late '80s.

We are completely opposed to the Warren's putting an apartment in their house. Since they have allowed their property to continually deteriorate during the time we have been neighbors, we have no hope that the situation will change, nor that they will attract tenants who will have any respect for the property or the neighborhood. We see adding an apartment as an effective way to make a very bad situation even worse. Changing a deteriorated house into a deteriorated, low-income apartment will further erode property values in the neighborhood, and

this single property has done far too much damage already. Real estate professionals that we in the neighborhood have spoken to state that such an apartment will indeed adversely affect our property values. We therefore ask that the town deny any exceptions that would so negatively affect the overwhelming majority of those involved.

If, however, the board of adjustment feels that it has no choice but to grant the Warren's request for an exception, we ask that the board impose the following conditions to establish minimal health and safety standards to protect the tenants and the neighbors:

1. A site inspection by qualified building and fire authorities should determine exactly what changes the property owners intend to make to create an apartment and that the building is structurally sound and adequate for use as a multiple-family dwelling.

2. The building should conform at least to the BOCA fire codes, and any other safety codes that the town deems reasonable.

3. The property owners should clearly demonstrate how and where they will provide adequate off-street, paved parking for themselves and all tenants.

4. The property owners should remove from the interior and exterior of the building all trash and perpetually stored items, including appliances and unregistered vehicles, that would impede escape from and access to the building in case of emergency and create general hazards to anyone using the property.

5. The property owner's open dumpster should be removed from its present position next to the public sidewalk and placed at least 60 feet from the edge of the road and covered or otherwise prevented from being an attractive nuisance to children.

6. A site inspection should determine that there will be adequate heating for tenants during the winter.

7. A site inspection should determine the extent of lead paint, asbestos, and other health hazards within the house, and adequate precautions should be taken to protect tenants, especially children, from such hazards.

8. The landlords should agree not to rent to families with children, or else they should provide an adequate, safe play area for children. There is plenty of lot area behind the house, but it is cluttered with dangerous trash, including boards and nails, and overgrown with neck-high weeds and burdocks.

We sincerely hope that in this case, the interests of the many will prevail over the interests of the one, and that the town can prevent the further erosion of our otherwise charming neighborhood. We urge you to deny this apartment, or, at the least, to impose such conditions as to ensure public safety and reverse the deterioration of the property.

Sincerely,

Mark & Barbara Reynolds

Mark & Barbara Reynolds
14 Summer St.
Antrim, NH 03440
588-6859

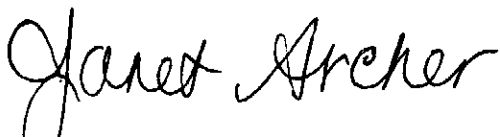
To the Antrim Zoning Board of Adjustment:
Re: Request by Robert & Florine Warren for a Special Exception to
permit a Conversion Apartment at 27 Highland Avenue

From: Janet Archer, owner of house at 22 Highland Ave.
July 24, 1996

It has been brought to my attention that the Warren's are asking for a special exception to have an apartment at their residence. I have many concerns about this because the Warren's have been the landlords for the previous tenants and the property has been used as a storage area for junk and trash, it has smelled from a garbage dump that is rarely emptied and has been a menace to the public health and safety of the people surrounding the house. I am glad for the chance to speak out about this problem, and I hope that the Zoning Board of Adjustment in making their decision will plan to enforce safety and health codes for the Warren's to follow. This has been a problem since I have lived here and for the welfare of the entire neighborhood this problem needs to be addressed before the Warren's should be allowed to be landlords anymore.

I plan to be at the meeting on Thursday, July 25th. I can be reached at 588-2201.

Thank You


Janet Archer

LYMAN GILMORE 26 HIGHLAND AVENUE ANTRIM NEW HAMPSHIRE 03440
Phone:(603) 588-6860 E Mail: L_gilmore@conknet.com

July 25, 1996

David Rust, Chair
Zoning Board of Adjustment
Town of Antrim
Antrim, New Hampshire 03440

RE: SPECIAL EXCEPTION REQUEST BY MR. & MRS. WARREN

Dear Mr. Rust:

For the past twenty-five years we have been abutters to the Warren property, directly across the street. Initially we were pleased to have a friendly relationship with the Warren family. However, ten years ago when Mr. and Mrs. Warren moved out and tenants moved in, their property fell into serious neglect, and we have been increasingly distressed with the results.

For the past ten years the following conditions have existed that we believe to be in violation of Antrim's Zoning Code, Article I "General Provisions", B "Purpose," #1 ("To secure safety from fire, panic and other dangers."), and #2 ("To promote health and general welfare."); Article XIII "Special Exceptions," A, #2 ("Such approval would not adversely affect ther neighborhood, nor otherwise be injurious, obnoxious or offensive." #3 ("The use will not create excessive traffic congestion, noise, or odors in the neighborhood..."), #4 ("Such approval would be consistent with the intent of the zoning ordinance...");

The yard has been littered with refuse, trash, and unidentifiable plastic objects.

Inoperative, unused automobiles have been stored in yard.

Front porch piled, floor to ceiling, with old appliances, furniture, a piano, etc.

Disintegrating bags of coal lying next to the foundation.

Permanent, open, and frequently overflowing commercial dumpster in yard. This is dangerous to playing children, it is unhealthy, and it is very unsightly.

Plastic bags of garbage piled in yard.

Refuse blowing on neighboring yards including ours.

Two unused motorcycles in front yard.

Fire hazard: several years ago there was a kitchen fire when the children were alone in the house. After inspecting the building, the

Assistant Fire Chief reported that dangerous fire hazards existed in the house.

At least once, an additional family with young children moved into the upper floors of the house. We were concerned about fire danger and lack of second story exit.

Offensive dog: the tenants had a very aggressive dog tied to front of house; his line allowed him to almost reach the sidewalk, and his loud barking and violent leaping at anyone passing by frightened children walking to and from school and others.

Dog, often loose in the early morning, had frequent bowel movements in our yard.

Parking: the only house on Highland Avenue where cars were regularly parked on the street causing traffic congestion and creating a safety hazard when the children played in the street.

These conditions have been extremely upsetting to us. At one point several years ago we considered moving, but when we had a realtor visit, he refused to get out of his car, saying that the deterioration of the Warren property had significantly reduced the value of our property making it difficult to sell.

Now, the tenants have left, and Mr. and Mrs. Warren have moved back into their house. For the past month they have worked hard to clean up what has been a terrible condition, and currently it is considerably improved. Mr. and Mrs. Warren have informed us that they intend to remain in the house, continue to improve and maintain the property, and rent a single apartment to a friend. We have no reason to doubt their word.

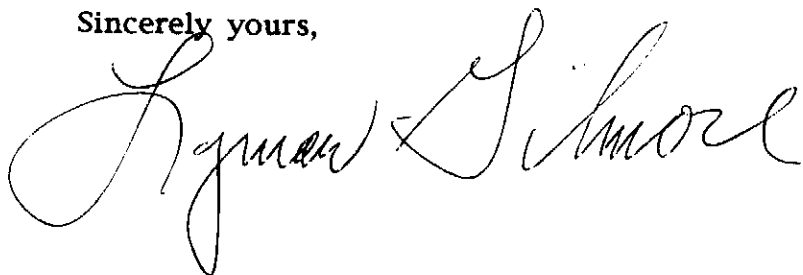
However, as the future is unpredictable, and in order to prevent neglect of the past, we respectfully request that, if the ZBA grants a "special exception" allowing a conversion apartment, stipulations be included to prevent a recurrence of the deterioration of the past ten years which has been "dangerous, offensive, and obnoxious."

Specifically, we recommend the following:

1. Dumpster removed (except during renovation).
2. Yard kept free of refuse, inoperative automobiles, old appliances, etc.
3. Dogs confined a safe distance from sidewalk.
4. Fire code complied with.
5. On street parking be limited.

We look forward to renewing our amicable and neighborly relationship with Mr. and Mrs. Warren.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Suzanne L. Moore". The signature is written in black ink on a white background.