

Minutes of the Antrim Board of Adjustment Meeting July 24, 1990

Present: Marianne Moery, Vice Chairman; Mary Allen, Clerk; Patricia Hammond-Grant; Howard Humphrey, Sr., Alternate; Everett Chamberlain, Alternate, Barbara Elia, Non-voting Secretary.

The Vice Chairman, Marianne Moery opened the meeting at 7:35 P.M. and introduced the Board. Mary Allen, Clerk; Patricia Hammond-Grant; Howard Humphrey, Sr.; Everett Chamberlain; and the Chairman, Marianne Moery. The Chair outlined the procedure to be followed for the public Hearing.

Thomas E. Ahearn for Variances to Article V, Sections C.l.d, C.l.e, and C.l.f of the Antrim Zoning Ordinance. The Applicant proposes to build a garage, attached to his home, but less than 50 feet from three boundary lines on the property located on Route 202 in the Highway Business District. The Clerk read the Application and reported that notices had been mailed to all abutters, certified mail, return receipt requested and the notice had been published in the Peterborough Transcript July 12. Mr. Hearn presented his case. This is a 0.2 acre parcel of land in the Highway Business District and he proposes to build a garage 16' x 30' attached to his house. The reason the the 30 foot length is that this is the length of the house. This will be a private garage and will be sided the same as the rest of the house. Ahearn presented the layout of his proposal. Mary Allen, Clerk noted that he had 46 feet of the necessary 50 on one side 40 feet of the needed 50 on the other side and 18 feet of the needed 50 on the garage side. An abutter, Mrs. Dalphond was present but she made no comment. The Chair asked for comments from the board. Howard Humphrey, Sr. commented on the size of the lot. It was noted by the Applicant that the location of the septic system precludes locating it elsewhere on the property. The Chair requested comments in opposition to the proposal. There were none. Comments in favor, abutter Dalphond stated that she had no problem with the plan. It was determined that it would have a cement floor with a frost wall. The Applicant indicated that he would not be removing any trees and that the area for the garage had been staked off. There being no further questions from the Board the Chair summarized the proposal as being on a pre-existing non-conforming lot and a request for Variances to the front, back and sideline setback requirement. The septic system precludes placing the garage elsewhere on the lot. This will be a private use and not commercial. Mary Allen clarified the fact that the Applicant had reduced the size of his garage by 4 feet to be more in compliance. It is now 16 feet wide. The Board went into deliberations and addressed the five criteria for granting a Variance. The consensus of the Board was that the Applicant met all of the five criteria. The Chair called for a motion. Mary Allen moved that the Board grant the Variance to Article V, Section C.l.d,e, and f to allow a 30' x 16' non commercial garage attached to the house and within 50' of the front, rear and side setback. The Board finds that all five conditions for granting a Variance have been met. Patricia

Hammond-Grant second. The vote: Everett Chamberlain, yes; Howard Humphrey, Sr., yes; Mary Allen, yes; Patricia Hammond-Grant, yes. Unanimously approved. Mary Allen emphasized that the size of the garage was important.

A public Hearing for Allan R. Johnson was next on the agenda but inasmuch as, Mr. Johnson was not present the Board took up the Ali Oglu public hearing.

Egon Ali Oglu, public hearing for a Variance to Article XIV, Section A.5 of the Antrim Zoning Ordinance. The Applicant proposes an unpaved parking area for a business located on Main Street in the Village Business District. The Chair outlined the procedure to be followed and read the five criteria for granting a Variance from the Zoning Ordinance. Mary Allen, Clerk read the Application and reported that notices had been sent to abutters return receipt requested and a notice was published in the Peterborough Transcript. Mr. Ali Oglu presented his proposal which is for a dance studio in the barn of his property. He stated that the lot would accommodate 14 cars which is in excess of the number required. He pointed out that the property would drain more readily if the surface were hard pack as opposed to paved. The parking is presently available and would be privately paved and maintained. Ali Oglu discussed the dedication of land to the library from the property. There were no abutters present. Mary Allen commented on the number of units in the buildings and it was determined that the house accommodated the Art Academy and one apartment and there was the proposed dance studio and one apartment in the remainder of the building. When asked about the traffic pattern, Ali Oglu explained that the plan was to hold classes for children early in the day and to teach aerobic dancing later in the day. Ali Oglu commented on the topography and his plans to control drainage. The parking lot is in existence and is gray in color. Ali Oglu expressed the opinion that if it were paved it would erode. The Chairman summarized the testimony. A commercial dance studio with a parking lot for 14 cars, more than necessary. The hard pack surface would enhance drainage and is a compacted hard surface, privately plowed and maintained. If this were a paved surface it would direct the water to the rear of the lot. The Board went into deliberations and addressed the five criteria for granting a Variance. The consensus of the Board was that the Applicant met the five requirements. Mary Allen discussed the subject of drainage. Patricia Hammond-Grant moved that the Board grant a Variance to Article XIV, Section A.5 allowing a hard pack surface for a fourteen (14) car parking lot in the Village Business District. The Board finds that all five criteria for granting a Variance have been met. Second Mary Allen. The vote: Everett Chamberlain, yes; Howard Humphrey, Sr., yes; Mary Allen, yes; Patricia Hammond-Grant, yes. So moved unanimously.

Allan R. Johnson a public hearing for a Special Exception to Article XVI, Section C.2. of the Antrim Zoning Ordinance. The Applicant proposes a 3'x6' sign for a business located on Route 9

in the Highway Business District. The Chairman, Marianne Moery opened the hearing and explained the procedure. Mary Allen read the Application and explained the notification process. She exhibited photographs of the proposed sign which had been attached to the Application. The sign is now on the lot and the Application is being made after the fact. Mr. Johnson presented his proposal. The sign is wood and not lighted and is 3 feet by 6 feet within a framework of wood. It was determined that it would be within the required limit of 25 square feet. It was noted that there are two other signs on the lot, an Inspection Station sign 15" x 18" and another Business sign which is less than 6 square feet. Mr. Johnson emphasized that these signs are not lighted. Johnson confirmed that the State of New Hampshire Department of Transportation has approved the location of the sign. No abutters present. No testimony against the proposal. Chairman Marianne Moery summarized the proposal. This is a third sign for this property 3'4" x 6'8" and not lighted. The Board went into deliberations. The Chair read the requirements per the Antrim Zoning Ordinance. It was determined that only one free standing sign can be allowed on a lot, all other signs must be directional in nature. There was much discussion about taking down or relocating the additional signs which Mr. Johnson was reluctant to do. Mary Allen suggested that he apply for a Variance as this could not be considered at this time due to the manner of notification. i.e. Special Exception. Mary Allen asked Mr. Johnson if he would consider moving the signs and made some suggestions. After further discussion it was agreed that Mr. Johnson will change the smaller sign to a directional sign with no advertising on the sign and the Inspection Station sign will be attached to the larger sign. The Chair called for a motion. Patricia Hammond-Grant moved that the Board grant the Special Exception to Article XVI, Section C.2 to allow a free standing sign less than twenty five square feet in total size. The Applicant agrees to one 3'4" x 6'8" sign plus the State Inspection sign one one frame. Any other free standing sign will be directional in nature. Mary Allen second. The vote: Everett Chamberlain, yes; Howard Humphrey, Sr., yes; Mary Allen, yes; Patricia Hammond-Grant, yes. So moved unanimously.

Barbara Elia asked the Board to inform the Planning Board of any corrections that they feel should be made to the Zoning Ordinance at the next Town Meeting. Mary Allen discussed the requirement for paving in the Village Business District, and suggested that the Planning Board consider a definition for the word "paving".

Harry Page and Attorney Joseph Byk met with the Board to discuss the manner in which the Application for a Variance was made to the Board of Adjustment. Mary Allen informed the Board of the problem with the Application, that is, that it is too general and is asking the Board of Adjustment to make a Zoning change which is not in their area of authority. Page pointed out that when considering the new Zoning Ordinance the Town did not acknowledge the existence of the Hawthorne College property and since there is a definition for an institution in the "Definitions" this is

the basis of his application for an "Institutional Use". Byk pointed out that the Board could accept the application and the matter could be considered at the public hearing. The Board has the option of a conditional approval. After much discussion Page agreed to request the Variance for a Correctional Facility level 1,2,3. The Chair called for a vote on whether it is agreeable to the Board. Everett Chamberlain, yes; Howard Humphrey, Sr., yes; Mary Allen, no; Patricia Hammond-Grant, yes; Marianne Moery, yes.

Meeting adjourned,  
Barbara Elia, Secretary