

Minutes of the Board of Adjustment Meeting October 9, 1990

Present: Thomas Curran, Chairman; Marianne Moery, Vice Chairman; Mary Allen, Clerk; Everett Chamberlain, Alternate.

Robert Gladding for a Variance to Article XIV, Section A.5. The Applicant proposes a hard pack parking area for a commercial property located on Main Street in the Village Business District. The Chairman opened the meeting and introduced the Board; Everett Chamberlain, Marianne Moery, Mary Allen, Clerk, and Thomas Curran, Chairman. The Clerk read the application and explained that the public notice was advertised in the Peterborough Transcript on September 27 and posted at the Town Hall. All receipts have been returned except for that of the Claude Grants and the Tenneys. There was no correspondence. The Chair read the five conditions for granting a Variance and asked the applicant and anyone speaking for or against the proposal to address these points. Gladding explained the proposal and he referred to the approval of the site plan by the Planning Board. He explained the drainage plan and stated that he plans to create a paved swale from the driveway to the corner of the street. The Road agent has looked at the project. Abutters, Robert and Linda Lester expressed concern for the drainage onto Prospect Street. Gladding said that he couldn't change the layout of Prospect Street but he will try to handle the drainage from his parking lot, and there will be no parking on the street. He also expressed the opinion that of a hard pack surface would be more desirable than a paved surface because it will drain more readily. Gladding pointed out that with the addition of this parking lot there should be no cars parking on the road. Marianne Moery called the Board's attention to the fact that the Hearing was on the surface treatment only. There was further discussion of the aesthetics of a hard pack surface. Gladding referred to what he believed were delays in the scheduling of the hearing and Mary Allen responded by referencing the constraints put on the Board by the publication date of the local newspaper. Linda Lester expressed concern for the impact on the neighborhood as the result of the addition of three businesses in the building. Mary Allen inquired about the number of offices in the building. Gladding stated that three spaces will be used by the doctor's office, two spaces by the accounting office and one space by his office and the number of spaces in question is nine. Mary Allen asked about the delineation of these spaces and what the makeup of the surface will be. Gladding explained that the area will consist of a gravel sub base with a hard pack crushed gravel surface. It was determined that the area of the lot is 3/4 of an acre. Curran expressed the concern that the arguments address all five conditions or granting a variance. Mary Allen expressed concern for the grade in the parking lot and suggested that the applicant place railroad ties, of some other type of barrier to stop cars from sliding down slope. There was discussion of the consequences of plowing snow. Marianne Moery again pointed out that the Variance is for the surface treatment only. Mary Allen again expressed her concern with the fact that

that the parking lot is not flat. Hearing no further testimony the Chairman closed the hearing. The Chair asked the pleasure of the Board about deliberations. The consensus of the Board was to delay deliberations until after the Breault case was heard.

David L. Breault for a Special Exception to Article IV, Section B.3.a. the Applicant proposes adding an apartment to his home on property located on Concord Street in the Village Business District. The Clerk read the Application and stated that it had been published in the Peterborough Transcript on September 27. All receipts returned and she had received no comments and no correspondence on the matter. The Chair read the Article in question and outlined the procedure to be followed. Mary Allen suggested that the Applicant explain the history of his case. The applicant stated that he believed that this property was a two family home when it was purchased. He explained that he had applied for an additional apartment which would make it three family and was denied by the Selectmen. He explained that there had been some confusion on his part about the need for a permit. After meeting with the Selectmen he felt that he had been before the Board and had the impression that he had complied with all the requirements of the regulations. He presently has some family problems and needs to correct the situation. Breault explained that this property is being used as a two family residence with a business in the barn. Board Member Chamberlain stated that this was a two family at one time. The Clerk explained that this is a retroactive situation. The Chair expressed the need to go through the list of requirements for a Special Exception for a conversion apartment, Article XII, Section D.1.a thru h. It was established that the Applicant complied with all of the points with each of the apartments having 700 square feet. It was established that there apartments are laid out one on the first floor and one on the second floor with separate entrances. The rear exit is presently through the barn and the applicant explained that he plans to build a deck with stairs for the upstairs apartment on the back of the house. The front entrances are in the same hallway. In answer to a question by the Clerk, it was established that there is parking for four cars in the front and four in the rear. Four of these are dedicated to the business. The Apartments are in existence with separate utilities. Public Hearing closed.

Deliberations: The Chair outlined outlined the procedure to be followed. No further testimony will be taken. The Board addressed the Breault case first. After some discussion Marianne Moery moved that the Board grant that the Special Exception requested by David L. Breault to Article IV, Section B.3.a. be granted since it complies with all requirements in Article XII, Section D.1.a thru h. Everett Chamberlain second. The vote: Marianne Moery, yes; Everett Chamberlain, yes; Mary Allen, yes; Tom Curran, yes. So voted unanimously.

Deliberations: Robert Gladding. The Chair outlined the procedure to be followed. No further testimony will be taken.

The Clerk Mary Allen commented that the conditions of the Ordinance have created a hardship by requiring that all parking lots in the Village Business District be paved. She also observed that in his presentation the Applicant had not addressed the five criteria for granting the Variance, and expressed the opinion that the Board view the parking lot because of the lack of barricades. Chairman, Tom Curran has viewed the property and suggested that the Board address the five criteria for granting a Variance. 1. No diminution of the value of surrounding properties. After discussion the consensus of the Board was that the addition of off street parking improves the situation. 2. Granting the permit would be of benefit to the public interest. The Board agreed that the hard pack surface would create a situation where there would be better drainage and as a result a little less water. 3. Denial of the permit would result in unnecessary hardship to the owner seeking it. The consensus of the Board being that if a smooth hard surface were required it would create a situation where there would be more ice and water retaliate. Mary Allen expressed the opinion that the surface proposed by the applicant would allow better percolation. Tom Curran observed that the required paved surface was a weakness in the Ordinance. 4. By granting the permit substantial justice would be done. Marianne Moery agreed for all the reasons cited for #3. The Board agreed. 5. The use must not be contrary to the spirit of the Ordinance. The Board agreed that it was not contrary to the spirit of the Ordinance to have a hard pack surface as such a surface is pleasing to the eye and water drains more readily from this kind of surface. Chairman, Tom Curran commented that the Planning Board has reviewed the site plan and as a result of the concerns expressed by Allen he would like to include a recommendation that a barrier be constructed whether it be vegetative of some other material. Mary Allen again expressed her concern with the slope of the parking area and while she said that she does not want to second guess the Planning Board she feels that there should be some sort of barrier to prevent cars from rolling off the parking lot in case of an accident. She expressed great concern that the lot is not flat. Tom Curran stated that he has viewed the property and feels that the lot is not very far from the drop off. Marianne Moery suggested a strong recommendation as this subject is out of the purview of the Board. Mary Allen again expressed the desire to grant conditional approval the condition being that the Applicant erect barriers, whether they be bushes or something more solid. Marianne Moery was of the opinion that a strong recommendation was all that the Board could make. The consensus of the Board, Tom Curran, Marianne Moery and Everett Chamberlain being for a strong recommendation. Marianne Moery moved that since the request meets all the five criteria the Board grant the Variance to Article XIV, Section A.5. as requested by Robert Gladding with an accompanying strong recommendation that some form of barrier be erected to prevent runaway cars from rolling onto Route 202. Everett Chamberlain second. The vote: Mary Allen, yes; Everett Chamberlain, yes; Marianne Moery, yes; Tom Curran, yes. Passed unanimously.

Discussed a letter dealing with the expiration of the terms of office for the Board Members. Allen announced that Brenner Fuller has been appointed to the Board as an Alternate and that David Penney will continue in the position of Alternate. The Board will hold an administrative meeting on October 23, 1990 at which time new officers will be elected. Marianne Moery expressed the need to address that the vacancy be filled as soon as possible so that the individuals will get some experience before the more experienced members have left the Board. There was further discussion of the functions of the Clerk. The Chair discussed the agenda for the administrative meeting. Election of Officers, recommendations to Planning board for zoning changes, filling vacancies, notify the Board of Selectmen that in 1991 there will be some vacancies on the Board. Mary Allen brought up the subject of the 1991 budget and brought the Board up to date on the Kincaid matter. There was some discussion of the proposed zoning amendment in the matter of Hawthorne College (Institutional Zone). The Chair referred to pages 41, 42, and 43 in answer to the controversy relative to whether or not this is addressed in the Zoning Ordinance. He expressed the need to communicate this to the Board of Selectmen with copies to the Planning Board.

Motion to adjourn,
Barbara Elia, Secretary
Antrim Board of Adjustment