

Minutes of the Antrim Board of Adjustment Meeting November 12, 1990.

Present: Marianne Moery, Vice Chairman; Mary Allen, Clerk; Patricia Hammond-Grant; Joseph Timko; Everett Chamberlain, Alternate.

Chairman, Marianne Moery opened the meeting and introduced the Board. Mary Allen, Clerk; Patricia Hammond-Grant; Joseph Timko; Everett Chamberlain; and Marianne Moery, Chair. She outlined the procedure for a public hearing and asked the Applicants and other persons testifying to identify themselves and to address the five criteria for granting a Variance.

Thomas J. and Linda S. Curran, a rehearing for Variances to Article VIII, Sections C.l.d. and C.l.e. of the Antrim Zoning Ordinance. (Mr Curran did not make the first hearing) The Applicants propose adding a fourteen (14) foot by eight (8) foot deck to their property in the Lakefront Residential District. (Map #5 Lot #797) The Clerk read the Application and reported that notice has been published in the Peterborough Transcript on October 11 and November 1, 1990 have been sent to the abutters. There is no correspondence. Linda Curran presented the proposal for the Applicants. She noted that the property is extremely irregular in shape and that the house is located at the back of the property. The dimensions of the proposed deck will be eight feet by fourteen feet and will provide an additional exit from the house. They have located the deck taking into account that there is a well on one side of the property and a septic system on the neighbors property. This deck will have open plank decking and will provide a second exit with a landing. There was no testimony for or against the proposal, and no further comments either from the Applicant or the Board. The Chair closed the public hearing and asked the Board's pleasure on deliberations. It was determined that the Board would hear the second case and deliberate after this hearing.

Robert A. and Linda B. Thomas for a Variance to Article XV, Section C.1 of the Antrim Zoning Ordinance. The Applicant proposes adding a second story to a non-conforming residence on property in the Lakefront Residential District. The Chair introduced the Board and outlined the procedure for a public hearing. The Clerk read the Application and reported that notice has been published in the Peterborough Transcript November 1 and sent abutters, return receipt. Mr. Thomas has addressed a letter to the Board and provided the Board with information from the N.H.W.S.P.C.D relative to septic systems and holding tanks. Mr. Thomas outlined his original plan and the changes that he has made. The present proposal is to enlarge the size of the building by raising the roof to accommodate the bedroom thus increasing the first floor area for the kitchen and living area. The intensity of use will not be increased, therefore, there is no need to increase the septic capability. There were questions about the capacity of the septic system, with Thomas stating that

the State of New Hampshire has determined that there is no need to increase the septic if the intensity of use is not increased and will not allow him to improve his system. In answer to a question from Mary Allen, the Applicant confirmed that the house will remain on its present foundation and he no plans to use the property year round at this time. Carl and Gloria Nelson abutters spoke in favor of the proposal and there were no comments against the proposal. There being no further questions or comments from the Board the Chair summarized the proposal. This is a grandfathered cottage on a non-conforming lot 75' x 93' x 93' for which the Applicant intends to raise and repair the roof creating no increased intensity of use.

Deliberations: Thomas J. and Linda S. Curran--The Chair outlined the procedure and suggested that the Board address the five criteria for granting a Variance. 1. Diminution in value to surrounding properties would be suffered. The Board addressed the fact that this is an improvement to the property and a deck is a normal accessory to property in the Lakefront Residential District. The fact that the location of the houses of the abutters are a distance from this building. The consensus of the Board being that no diminution would be suffered. 2. Granting the permit would be in the public interest. It was noted that a second exit would be beneficial and after further discussion the Board agreed that it would be in the public interest for reasons of safety among others. 3. Denial of the permit would result in unnecessary hardship to the owner seeking it. The Board discussed the unique shape of the land and that a normal accessory use of a property in the Lakefront District would be a deck. 4. By granting the permit substantial justice would be done. The Board agreed that a deck is a normal use of this property and that there was one there before. 5. The use must not be contrary to the spirit of the Ordinance. The determination of the Board was that this use in in character of the district and that it is located so as not to intrude on the neighbors use of their property, therefore it is not contrary to the spirit and intent of the Ordinance. Patricia Hammond-Grant moved that the Board grant a Variance to Linda S. and Thomas J. Curran to Article VII, Section C.l.d and C.l.e. The Application meets the five conditions necessary for a Variance. Joseph Timko second. The vote: Everett Chamberlain, yes; Patricia Hammond-Grant, yes; Joseph Timko, yes; Mary Allen, yes; and Marianne Moery, yes. So moved unanimous. The Clerk informed Ms Curran that she will receive notification to this effect and that it will be then necessary to obtain a building permit before construction is started.

Deliberations: Robert A. and Linda B. Thomas--The Chair outlined the procedure for deliberations and asked the Board to address the five criteria for granting a Variance. 1. No diminution of value of surrounding properties would be suffered. The consensus of the Board was that no diminution would be suffered. 2. Granting the permit would be of benefit to the public interest. The point was made that this would be an improvement therefore

would improve the appearance of the property. 3. Denial of the permit would result in unnecessary hardship to the owner seeking it. As a result of discussion it was noted that this is a small lot and that the house will be in the same location and footprint which was established before zoning. The owner will not be expanding the footprint or the intensity of use just increasing the living space. The consensus of the Board being that denial will result in unnecessary hardship. 4. By granting the permit substantial justice will be done. The Board determined that by allowing the Applicant the full enjoyment of his property substantial justice would be done. 5. The use must not be contrary to the spirit and intent of the Ordinance. The observation was made that this is minimum expansion and that the number of bedrooms and bathrooms will not be increased thus not affecting the intensity of use. The consensus being that it complies with the spirit and intent of the Ordinance. Joseph Timko moved that the Board grant a Variance to Robert A. and Linda B. Thomas to Article XV. Section C.1 of the Antrim Zoning Ordinance. The Applicant has met all five criteria for granting a Variance. The Board finds that the Applicants are not increasing the intensity of use of the property. Everett Chamberlain second. The vote: Everett Chamberlain, yes; Joseph Timko, yes; Patricia Hammond-Grant, yes; Mary Allen, yes; Marianne Moery, yes. Passed unanimously.

The Chair opened the Annual Meeting for the Board of Adjustment which is being held late in the year. (usually held in April) The Clerk opened discussion of the duties of that office as she has held the position for over ten years and her term expires in April of 1991. Allen asked the Board's pleasure on the implementation of Application Fees to offset the cost to the Town of clerical work which results from these hearings. After much discussion it was determined that the Zoning Ordinance was adopted by the Town, so it follows that this should be a Town's expense. The suggestion was made that the secretary who presently takes minutes of the meetings only, pick up some of the day to day duties of the Clerk, that is, posting notices of public hearings, certified mail, follow up after the decision is made and other related duties. After some discussion it was agreed that as of January 1991 the secretary will take on these duties under the supervision of the Clerk who is a member of the Board.

The Chair opened nominations for officers for the 1990/91 year.
Chairman: Patricia Hammond-Grant nominated Marianne Moery as Chair. Second Mary Allen. So moved Marianne Moery abstaining.

Vice-Chairman: Mary Allen nominated Joseph Timko. Second Patricia Hammond-Grant. So Moved.

Clerk: Marianne Moery nominated Mary Allen. Second Everett Chamberlain. So moved.

The Officers for the 1990/91 year are: Chairman, Marianne Moery; Vice Chairman, Joseph Timko; Clerk, Mary Allen.

Mary Allen called the Board's attention to the need for additional members and alternates as both she and Tom Curran will be leaving the Board in April of 1991.

The Board then adopted the budget for the 1991 year. It was noted that the legal budget for 90 had been \$3,000.00 and inasmuch the pending litigation has been resolved this budget can be decreased to \$1,000.00. As a result of a 20% increase in postage by the Post Office Department it was determined that the postage budget should be increased by 20% to \$1,200.00. Total budget proposed for 1991 will be \$2,900.00.

Motion to adjourn.

Respectfully submitted,
Barbara Elia, Secretary