



Town of Antrim, New Hampshire

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Zoning Board of Adjustment Minutes 11/13/2018

ZONING BOARD OF ADJUSTMENT MEETING MINUTES November 13th, 2018 Public Meeting

Members & Staff Present:

Ron Haggett (*Vice-Chair*), William Bryk (*Member*), Ray Legerwood (*Member*), Shelley Nelkens (*Member*), Carol Ogilvie (*Planning Consultant*), and Ashley Brudnick-Destromp (*Assistant*)

Absent: John Giffin (*Chair*)

Public Attendees: Robert Morrill (*abutter 17 N. Main St.*), Corliss Morrill (*abutter 17 N. Main St.*), Mitchell Bauchemin (*abutter 18 N. Main St.*), Mark Spinosa (*abutter 8 N. Main St.*), Michelle Dagesse (*applicant*), John Cilley (*applicant*), Don Winchester (*abutter 12 N. Main St.*)

Opening of Meeting: Vice Chair Haggett opened the meeting at 6:58 pm. He addressed the attendees and informed them that the board would be reviewing the minutes from 10/23/18 first, prior to the public hearing.

Minutes: Ms. Brudnick-Destromp pointed out that she had incorrectly spelled Mr. Ledgerwoods name without the "d" throughout the minutes from 10/23/18.

Motion: Ms. Nelkens made a motion to approve the minutes as amended. Mr. Bryk seconded the motion. By a voice vote, the minutes were approved as amended for 10/23/18.

Recuse: Ms. Nelkens then recused herself from the board as an abutter of the property on the application, and seated herself with the other abutters and the applicants.

7:09 PM Public Hearing:

Vice Chair Haggett introduced the Board members and explained the Hearing process to the abutters and the applicants. Vice Chair Haggett offered Mr. Cilley and Ms. Dagesse to reschedule, where there were only 3 members able to attend the board, both declined.

Vice Chair Haggett asked Ms. Brudnick-Destromp to read the Public Notice, and asked if it was published. Ms. Brudnick-Destromp informed the board that the first notice was published on 10/19/18, but contained a typo that was in the abutter's notifications regarding the wrong article being referenced, and it was corrected and re published on 11/02/18. She mentioned that the abutters notifications should have read Article XIII Section D(1) and not Article XII Section D(1), as that article does not exist. She read the notice from 11/2/18 that was published in the Villager Newspaper.

The Vice Chair asked Ms. Brudnick-Destromp if the notice was posted in the appropriate public places, she responded yes, inside and outside town hall, as well as the post office. The Chair asked Ms. Brudnick-Destromp if she received the certified mail notifications from the abutters, she responded yes, all abutters received their certified mail.

The Applicants:

Vice Chair Haggett asked the applicants to begin the public hearing. Mr. Cilley started by stating that he wanted to build a 2 family home within the existing home at 15 North Main St. Vice Chair Haggett asked about any structural changes to the outside of the home. Mr. Cilley confirmed the front porch had been removed, and a barn/shed had been removed.

Vice Chair Haggett mentioned the frontage variance, where they are at 102 and need to be at 125ft according to the Zoning Ordinance. Mr. Cilley confirmed that was correct. Vice Chair Haggett asked Mr. Cilley and Ms. Dagesse to go through their application question by question and respond to them out loud. Ms. Ogilvie provided a copy to Ms. Dagesse of their application.

Mr. Cilley stated to what he can see, that the home was originally some sort of boarding home, as it was set up easily to have 2 different units, and he believes it was used for multi families years ago due to the layout within. There were preexisting multiple access points to the kitchen and family room that is typical of a multi-family home or boarding home.

Vice Chair Haggett asked about the parking, and if off street parking would be provided for both units. Mr. Cilley responded there is plenty of off street parking not depicted in the photo of the house, as it is to the side of the house. Vice Chair Haggett asked if Mr. Cilley is doing most of the work himself. Mr. Cilley responded yes, other than the areas where he needs a licensed professional, such as chimney work and electrical.

Vice Chair Haggett went over the lay out for both units, and wanted to verify that each unit has separate entrances and exits. Mr. Cilley responded "Yes," and added that the building inspector has already come by and is on board with what they are doing as well.

Vice Chair Haggett asked Ms. Ogilvie if the applicants answered and responded to the questions, to her professional opinion, accurately and fully. Ms. Ogilvie verified that they had answered all questions and responses to both articles correctly and efficiently.

Vice Chair Haggett asked if there were any questions from board members for the applicants. Mr. Bryk said that in general, the state of NH needs more housing for folks, and it has been something talked about in the newspapers for a while now. He went on to add that even though this is only one additional unit, it is still one more unit than before, and as a public policy, the variance should be approved.

Vice Chair Haggett asked about the possible tenants, and if it would be elderly housing in any way. Mr. Cilley responded no, but that they have a good history of tenants, and referenced their other apartments in town and outside of town as examples. Mr. Legerwood asked how many bedrooms per unit there will be. Mr. Cilley responded that there will be a 2 bedroom unit upstairs, and 3 bedroom unit downstairs. Mr. Cilley added that 3 bedroom apartments go quickly, and there are a lot of families that look for 3 bedrooms as a step in the right direction when they are trying to move ahead in life.

The Abutters:

Bob Morrill started as the first abutter to speak. He stated that he does not want an apartment building abutting his property. Mr. Morrill stated that he has lived in his house for 42 years, and that after seeing the other property on Main Street owned by Mr. Cilley, and the kids toys and barbeque grills left outside, he doesn't like the looks of it and it's not taken care of in a good way. Mr. Morrill stated that when people rent, they do not tend to take care of the property the same way, and he does not want that image to be in his neighborhood, and that he also believes it will decrease his property value. Mr. Morrill stated he is, "dead set against it." Mr. Morrill added that there is already availability for rental properties in the town that currently have vacancy signs in front of them on the same road further up. Mr. Morrill thanked the board for their time.

Ms. Nelkens spoke in favor of the applicants. Ms. Nelkens mentioned that her home was originally a 2 family home. She went on to mention several other houses on the same road that used to be multi family, current homes that have apartments, and the boarding house. Ms. Nelkens referenced what Mr. Morrill stated about the outside of the house not being taken care of, and that she would call Mr. Cilley and Ms. Dagesse if that was the case, and was positive they would address it quickly. Ms. Nelkens also mentioned how the house itself was a mess, and how great it looks now with the work that they have done so far.

Mr. Winchester had provided Ms. Brudnick-Destromp with a written and signed letter from Marion Noble, an abutter who was absent that evening, prior to the meeting beginning. Ms. Brudnick-Destromp read the letter on Ms. Noble's behalf, as well as Mr. Winchester. Ms. Noble and Mr. Winchester are both against the apartments, and stated reasons why they are against it within the letter. One of the big reasons is that they feel, due to data that Ms. Noble found; their property value would be greatly impacted in a negative way. Ms. Noble also mentioned that the frontage is actually less than what the applicants think they have, as Ms. Nelken's had won a lawsuit in the past that gave her an additional 8-10ft of their frontage. Ms. Noble also mentioned how the neighborhood was intended to be single-family homes, and that adding apartments will put a strain on the towns water and sewer. The full letter is to be attached to the approved minutes from this meeting on 11/13/18 for future reference.

Mr. Spinosa then spoke, stating that his sister and him both agree that they would not have an objection to it as a 2 family home if Mr. Cilley and Ms. Dagesse were going to owner occupy one unit.

Mr. Legerwood asked Mr. Cilley and Ms. Dagesse if they were aware if it was a single family home when they purchased it. Mr. Cilley responded that he did not think it was an issue, as his other properties have been successful converting to apartments. Mr. Cilley also mentioned that every 9 months he sends a letter to his tenants to make sure they clean up the yard, in reference to what Mr. Morrill stated about his other property in town, and how it looks on the outside. Mr. Cilley said that although they are in the business to make money, they also want to provide people who are not ready or cannot purchase a home, a good place to live and raise a family. Mr. Cilley stated that everyone has to start somewhere, and that most people do not just have money to buy a home without having to rent for a while. Mr. Cilley also added that even though this house was purchased with the intent to convert it into 2 units to be rented, if they were unable to do so, that they would sell it again as a single family home. Mr. Cilley also added that, with the work he has put into the home and how it looks now as opposed to before, he believes if anything, he has increased the property value of the abutters homes.

Mr. Winchester said that property was well maintained until the very end, when the person who owned it moved out roughly 6 months ago, and it started to go south. Mr. Winchester added that the previous owners took very well care of it, and it was not abandoned for a long time.

Mr. Morrill said that, in reference to what Mr. Cilley said regarding sending letters to his tenants every 6 months to clean up the yard, *(for the record, Mr. Cilley stated every 9 months, but Mr. Morrill will continue to say 6 months, as well as Mr. Beauchemin.)*, that is exactly what he does not want to happen. Mr. Morrill stated again that he does not want to have to wait for every 6 months to have it cleaned up.

Ms. Nelkens stated, "So then it's ok to have a single family home that is a mess on the outside?" Ms. Nelkens then added that the previous owners did not take that good care of the property and she was cleaning up shingles on her property that blew off of it. She re stated there has always been multifamily homes on that block since the beginning, and that the applicants are doing such a good job cleaning it up and making it look better. Ms. Nelkens also said that, in reference to Marion Noble's letter, she did win the lawsuit that was mentioned, but never officially added the frontage to her property with the town. The frontage therefore, remains what the town has in it's records.

Mr. Beauchemin then stated that there were a lot of mixed opinions, and that he has only been there with his wife and cat for a year. Mr. Beauchemin added that they have a lot of money invested in their property, and that they would like to keep the value of the property up, and improve it for long term. He is concerned with folks who are transferring up, and has been a renter himself, and knows the horrors of what some tenants can do to a property. He also added that prior to purchasing his home, he rented an apartment here in Antrim. Mr. Beauchemin stated that not everyone is a bad tenant, but for the 6 months that might be like that before Mr. Cilley and Ms. Dagesse would get rid of the tenant or send a letter, it is not something he would like to see in a neighborhood he chose to invest in. He agrees that the house looks great now, and that it needed the work, "but beyond that, to keep the New England feel to the neighborhood, keeping it a single family would be better."

Mr. Ledgerwood explained to the public attendees that at this point they will be moving to a public meeting, and that they will not be taking any further comments from the public. Vice Chair Haggett further explained the Zoning Boards job, to make sure that individuals and the community can live together happily and easily. He then went on to say that the 3 members will now debate the issue in terms of what they have to consider to make a decision. Vice Chair Haggett said that the decision will be what is the fairest thing they can do that preserves the rights of the property owner, and the rights of the community. He also explained that anything they do, leads to 30 day appeal process. The board makes a decision, and there is a 30 day window of opportunity to make an appeal for a re hearing, with certain conditions met. The next step after that, would be to take it to the court system.

7:33 PM Public Meeting:

Motion: 7:33pm Mr. Bryk made a motion to close the Public Hearing and start the Board discussion on the Variance. Mr. Ledgerwood seconded. By a voice vote, all were in favor.

Discussion:

Vice Chair Haggett started by stating that he has lived in this town a long time, and that he has seen many changes and that everything is subject to change. He added that the applicants have gone through the process of making a case, they have met with the building inspector, Dario Carrara, and have answered all the questions asked of them. Vice Chair Haggett went on to say that the applicants have described the set up, and how it will be managed, and that it seems to him, that as a property owner that wants to do something with their property, that it is not an unreasonable situation or request to make. Vice Chair Haggett added that it may have a change on the neighborhood, or it may not, but it will take some getting used to. Vice Chair Haggett stated that he would be willing to approve, but wants to hear the other board members opinions.

Mr. Ledgerwood said that both sides have presented themselves well, and he understands the intent of Mr. Cilley and Ms. Dagesse. Mr. Ledgerwood also said that he can understand where the neighbors of the property are coming from as well. He added that the neighbors all have single family homes, and that Mr. Beauchemin is the most recent, and his home looks nice, and he has noticed the changes he made. *(Mr. Beauchemin thanked Mr. Ledgerwood for the compliment.)* Mr. Ledgerwood said that he can see the feelings of these people, and their fears of property value going down. Mr. Ledgerwood mentioned that he was a realtor before for many years, and has experience with these situations. He added that there is probably a very good chance that their property value could decrease because of it, and where there are at least 4 neighbors that are in fear, that the board needs to do them justice as well. Mr. Ledgerwood said that he would be opposed to it, in fairness to the abutters.

Mr. Bryk said that he had heard with profound sympathy, the comments made by those who oppose the application, as well as the proponents and their supporter. Mr. Bryk added that the remarks that he had made earlier did not mean he did not hear what the abutters had to say, or that their presentation was not unfounded or inappropriate. Mr. Bryk then stated that he favors the application on the grounds that he had previously announced. He went on to add that, although he does not spend much time in town, he does own his home and pays taxes on it, so he can appreciate the concern of loss of property values. Mr. Bryk said that as much as it has been necessary for the greater good to construct the wind project in town, that his friends and neighbors passionately opposed, and that this apartment building is one additional unit in a state that is crying out for young adults and families who are looking to start out. Mr. Bryk said that he would vote in favor of the application.

Vice Chair Haggett asked Ms. Ogilvie if where there are 3 members, would the board have to be unanimous? Ms. Ogilvie stated all 3 board members would have to agree otherwise it would fail. Ms. Ogilvie wanted to add to the discussion to bring the conversation back to the technical application in front of the board. Ms. Ogilvie wanted to point out that the variance is not a use variance, it's a dimensional variance, and that the lot itself succeeds the requirements in size. She added that the special exception for the conversion apartments is allowed if all the required criteria's are met. The board must grant it if it meets the required criteria under NH state law. Ms. Ogilvie added that this is a more dense district, a duplex is by right in the zoning ordinance, and although conversion apartments are not mentioned in it, duplexes are. The town water and sewer are in this area, and it is meant to be a more densely populated area.

Vice Chair Haggett stated, "you satisfy the special exception, the law says you got it." He added that it's not a decision that can be made or unmade, if it is met then it's there. Vice Chair Haggett said that the variance to the 22ft is basically trivial, especially on houses over 100 years old. Vice Chair Haggett then said, "as the person chairing this, it would seem to me that the decision we are required by law to make is to grant the special exception, then granting the variance is a trivial piece on it. If this results in a re-hearing, what has to be presented then, are points of law and information not know that are new.

Our main job is to prevent any of these decisions from being a popularity contest, this is a decision because of the special exception, and that is an actual requirement. The law is very specific on this point. If you make your case, then you got the deal, and that is unlike anything else we do in terms of variances on the zoning code."

Vice Chair Haggett said that the board should take a voice vote and see if they come to a unanimous decision.

Mr. Ledgerwood had another question for Mr. Cilley in regards to the lower floor with the 3 bedrooms. Mr. Ledgerwood asked what Mr. Cilley would do if he had someone other than a family rent in there. Mr. Cilley stated that it would not happened, it happened once in another unit, and never again. Mr. Cilley added that it must be families with immediate members only, or small families living together. Mr. Cilley went on to explain that him and Ms. Dagesse both have children, and that they would never rent to someone who had a criminal, violent, or drug history. He went on to explain that they screen their tenants very well, and that they do not have a high turnover of tenants. Mr. Cilley referenced his tenant currently on Main Street, and how they have been renting to him since 2006.

Motion: Mr. Bryk made a motion for a roll call vote for the approval of the variance. Mr. Ledgerwood seconded.

Roll Call Vote: Vice Chair Haggett – "Aye." Mr. Bryk – "Aye." Mr. Ledgerwood- "Aye."

The application was approved unanimously. The Variance has been **Granted**.

Motion: Mr. Ledgerwood made a motion to adjourn the Zoning Board Public Hearing, and subsequently, the ZBA meeting. Mr. Bryk seconded the motion.

Vote: By a voice vote, all agreed.

Meeting Adjourned: 7:57 PM

Respectfully Submitted,

Ashley Brudnick-Destromp
Assistant to Land Use Boards