

TOWN OF ANTRIM

ZONING BOARD OF ADJUSTMENT
GIFFIN AND 15 HILLSIDE HEARINGS

Zoning Board of Adjustment

Meeting date: Tuesday, January 4, 2022

ZONING BOARD OF ADJUSTMENT
DRAFTED MEETING MINUTES
January 7, 2022

Public Hearing/Meeting

Members & Staff Present:

Diane Kendall (*Chair*), Janet McEwen (*Member*), Michael Ott (*Selectboard Member*), Shelley Nelkens (*Member*), David Clater (*Alternate*), Scott Osgood (*Town Planner*)

Absent: Bob Holmes (*Vice Chair*),

Public Attendees: John & Colleen Giffin, (*Applicant at Town Hall*) Clifford Thornberry (*Applicant at Town Hall*), Neighbor with Clifford

Due to COVID-19 this meeting was conducted with social distancing and also made available to public access via Zoom

Opening of Meeting: Chair Kendall opened the meeting at 7:00 PM. Diane introduced Scott Osgood, the Town Planner.

The Chair appointed Mr. Clater to fill in for Mr. Holmes

Roll Call Vote for Attendance: Diane Kendall, "Here," Bob Holmes- Absent, Shelley Nelkens, "Here", Michael Ott, "Here," Janet McEwen, "Here," and David Clater, "Here."

Applicants signed in on the attendance sheet. Noted details on who and when who co talks.

Ms Kendall introduced Mr. Scott Osgood, Town Planner as assistant, secretary, and our tech person.

Two names were on Zoom: Fieldstone Consultant Engineer Chris Guida and Selectboard member Tom Davis. The Zoom system was not working properly.

The chair noted that two cases will be heard, one a new one, with John and Colleen Giffin, the other a continuance with Clifford Thornberry and a neighbor. Hopefully finish by 9:00 and by allowing 45 minutes to an hour for each case

Scott read the Public Notice "2021-08 Zoning Board of Adjustment as placed in the Monadnock Ledger-Transcript Newspaper, on the Towns interior and exterior bulletin boards of the Town Hall and the Town Website.

I. Public Hearing: John & Colleen Giffin will ask for a variance from Article V, Section C1 (b) of the Highway Business District in order to sub-divide a parcel with a non-conforming frontage for property located at Road (Tax Map 232 Lot 38).

(Zoom minutes were being recorded but did not function properly)

John Giffin, a former board member of many years on the ZBA, looks to sub-divide a lot of 36 +/- acres to a 4 +/- acre and 32 acres. The existing lot surrounds parcel 39, which is owned by a separate owner. Scott spoke with the owner, from New York, north of the city. It was noticed that this small section was previously part of the section across the street, which explains the small, odd shape. The owner called and received the information about the activity.

The applicants have 36 acres and look to have about 4 acres be taken out at the north and east side of the adjoining lot. The long-range plan is to have the parcel around the house so the son can have the new lot. Note the owner of the middle lot has property across the street as well. Applicant stated the owner does not plan to sell it.

To be within the requirements, the Griffins need 200 ft. of frontage but have only 93 ft for the new lot. It is seen that there is no feasible way to add frontage except by wrapping partly around the lot 39. Around the other lot, which would require wrapping around the other lot to have an additional 108 lf, with the current 92 feet to match the required frontage?

The applicant finished their report. The board members questions for the applicant are to have Ms. Kendall to ask the questions to the applicants.

The new lot will be double the size of the existing one. The lots were changed in 1984, with the new 202 road built by the state.

Mr. Giffin noted the length of the two lots owned by the Giffins is 932 ft. . Efforts reviewed on the application showing the maps of the lots.

Ms. Kendall- asked for responses to be given for all reviews as well as the details on the breakoff section with the board.

Mr. Osgood's staff report is available for additional information.

Ms Kendall noted there would be one new lot within the existing lot plus, has a driveway on both sides of the middle lot.

Mr. Ott asked about having the driveway in another place on other end of the property. Mr. Giffin said his dad has access through a southern driveway on the lot. Mr. Ott noted there is no need for

any new driveways. It was questioned that the 92 ft frontage would be viable. Mr. Giffin said it is visible if one walks in 20 ft from the highway, one will see the stone walls.

Ms Kendall asked if there were more new questions?

Mr. Clater asked if there were any further plans, or any possible traffic issues. Mrs Giffin says most of the property in conservation.

Ms Kendall opened the hearing for abutters.

No abutters were listed, including Mrs. Giffin's mom, an abutter

Mr. Osgood noticed the responses by the applicants and reviewed the issues. The Staff report has a lot of numbers regarding the distances between the current and additional lot lines plus, requests and comments from the Department heads. This included DPW, Fire, and Police. No negative issues were noticed.

(The ZOOM platform was not working properly and needed to be muted.)

The Board began review of the case.

Ms Shelly asked what is the rationale for the town having 200 ft frontages. Mr. Osgood, Town Planner answered that with a business district a wider frontage would be better to include larger buildings and wider, or dual access driveway points. Villages for single family, which is 100 ft. to 200 ft. lot lines often do not get town water and sewer for homes. It is more common like those with very little density.

Ms Kendall looks for the area dimension requirements in reviewing planning issues.

Scott said it is a high-speed road that can accommodate larger businesses. It has been found that restricting dimensions for residential areas would be very rare, as the owners are allowed to have lots of any large size.

Variance criteria

Questions answered

Criteria 1 – The variance will not be contrary to the public interest because: – The houses should be consistent with house lots in town. Ms Nelkins says it's not a residential lot. The Giffins stated the lot was residential before the highway was rebuilt and the Business District was recreated by the Town.

Criteria 2 – The variance is consistent with the spirit of the ordinance because: – Is a best use with two non-conforming lots as there is, along the business district that there are 9 that have less than 200 ft. Mr. Osgood, using the GIS map and reviewed the road from the Hillsborough line to the Rural residential area and identified the lots with less than required frontage.

Mr. Ott asked that there should be no change to the existing lot and the driveways.

3- Substantial justice is done by granting the variance because: -- The ability to utilize the property to its fullest extent. There will be additional housing, and additional conservation lands in the wet areas.

If this is denied, does it call for cause in justice? Mr. Ott questioned how hard it would be to know if this is the best use.

4. The values of surrounding property will not be diminished because: granting variance will make a new lot which will match existing properties.

Criteria 5: Literal enforcement of the provisions of the ordinance would result in unnecessary hardship.

(A) For the purposes of this subparagraph, “unnecessary hardship,” means that, owing to special conditions of the property that distinguish it from other properties in the area: (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because: 5 Literal enforcement of the --- for an un-necessary hardship. Not personal but is rated as literal enforcement. No relationship exists between public purpose

And (ii) The proposed use is a reasonable one because: Attempting to bring the lot would conformity and be oddly shaped. The use is reasonable, house center on the lot, to the fullest extent.

Board members asked, what is wasted space ? A response from the applicant stated the owner could stress the property but only a useless section, such as a wetland. There could also be an oddly shaped lot, which would not have as many uses..

It was mentioned that if not granting the variance one cannot do subdivision.

It was mentioned that the Giffins are retiring soon and to have the house for others. It could be that leaving the land is no hardship decision and would not be a hardship. But on to the uniqueness, is the way the road was constructed, in the middle, and creating a lot across the road did make it less usable. And also, with the driveway is already existing there would be no issues on where to provide one. Mr. Giffin had spoken with the state and confirmed the lot already has a curb cut, in 1985, DOT has records of both.

Not contrary -2 The board members agreed the Variance is consistent with the spirit

One reason for the ordinance is for allowing commercial density and /or extensive traffic issues. The Board did not feel the new frontage would not affect the commercial or traffic issues.

The Board felt there is Substantial justice because of the uniqueness. It is a frontage that was created y the State, and thus should agree the Board and applicant shoo be able to use the frontage as built by the state.

And literal enforcement would be an unnecessary hardship. At the present time there are very few commercial opportunities. Most property in the area is residential and farms with only a few businesses with residential use being more prevalent.

A motion was made to grant the motion. Ms. McKewen made the 1st motion, Mr. Ott 2nd it

A Roll Call Vote of the current board was held with all agreeing to grant the request.

With the Variance granted the Chair will write notice of decision +++++

Request from the Board for the Town Planner: Find information from an Engineer. Note Accessory Structures – They are an allowed use, as long as the lot size meets the structure, and must be allowed in the district to be built in.

Ms. Kendal noted that the meeting for Clifford Thornberry & Noel Bryant was continued. It first started in June and was continued in November.

Ms Kendall asked if a quorum was present. Answer was yes, but one of the original members was not at this meeting. Bob Holmes. One applicant was not present, applicant Negel. The engineer was expected to arrive, but did not attend, but did try to work through the Zoom, which did not work for this meeting.

Ms Kendal concurred there will be some discussions before reopening the hearing.

Zoom calls came in from Tom and Chris, but the Zoom kept crashing.

Questions in regard to changes to the plans: They include: House moved back two feet, the driveway moved to 10 ½ ft away from the neighbors lot line, and stairs off the balcony that added to the impervious area, getting under the previous area be under pervious percentage, water control from storm water management is to make the plan more conforming but , if it was changed substantially then we would ask to re- submit. That is when abutters are allowed, and can talk,

When in the hearing process, then the abutters have not had the opportunity to ask questions and comments about the new work, so they can weigh in.

The applicant is able to answer many of the board's questions regarding stormwater driveway location and changes to the building.

Ms Kendal noted that the original proposal had a cantilevered roof, and that was that the application that the with the footprint being the foundation, but with the roof extending beyond the roof. Adding a patio as well. Questions were raised as to where the cantilever goes, and how far. The applicant stated it was moved back two feet. The newest plan still has the overhangs. It was noted there a deck on the side. The driveway is a bit smaller than the initial change and makes the area less pervious as well.

DES was expected to be able to review the revised plan, but there is no approval as yet. It was asked if the DES considered only the lake front, or does it include the steep slopes as well. It is not approved as yet. The Board had hoped for a faster run around for the DES.

No need to stop the meeting, but there were technical issues. Scotts iPad picks up the discussion, and Scott takes notes.

Details to be reviewed include: Expansions of the footprint, the size of the cantilever, the steep slopes, and the driveway location.

The Board is considering ending the application and having the Applicant bring forward a new one and o take a month to hold the meeting. The owner agreed that he will withdraw. A consultant will be provided and would likely need 4 weeks

Concerns about the steep areas need to be studied. It was asked that the Town Planner to get back to applicant to consider the need a variance for the steep slope.

The Board and applicant agreed to go February, the 8th or 22nd in February, with no withdrawing. There will be a need to apply for a variance if it is on a steep slope. The Applicant should be talking with Scott, and or Dario for input. The owner stated he has met with Dario. His work will consider any considerations as to the work.

Discussion

Motion The board chose a motion to hold a hearing for February 8th. Motion by Ms McKewen, 2nd by Mr. Ott.

Vote: All members approved.

IV: Town Planner report: None at the present time

V. Recaps – None at the present time.

VI. Correspondence – None at the present time

VII. Other Business – None

Motion: Motion to End the meeting

Vote: All Approved

Meeting Adjourned:

Respectfully Submitted

D Scott Osgood, P.E.

Town Planner