

HATFIELD AND HENDERSON, P. A.

ATTORNEYS AT LAW

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DOUGLAS S. HATFIELD, JR.
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ANTRIM OFFICE:
MAIN STREET
ANTRIM, N. H. 03440
603-588-6394

Reply to: ANTRIM OFFICE

July 26, 1979.

James I. Dennison, Chairman-Elect*
Antrim Planning Board
Antrim, NH 03440

Re: (1) Gary E. Voss et al - Subdivision
(2) Town of Washington - Subdivision

Dear Jim:

I have reviewed your letter to Messrs. Gary and Frederick Voss asking for clarification of the number of lots requested to be given subdivision approval, and the letter from Gary Voss' attorney, Homer Bradley, to him dated July 20. I believe that Attorney Bradley correctly pinpointed the reason for the Board's concern.

If, in fact, as Attorney Bradley says in his letter, Parcel #1 (2.1 acres) as shown on the plan before the Board, is already a separate lot because it does not abut any of the owners' other property and because it is separately described in their deed, then subdivision approval is not required, and you could approve the proposed subdivision of the 8 acres into Parcels #2 and #3 and state on the plan that no action is being taken with regard to Parcel #1 because subdivision approval is not required.

However, my impression is that when Mr. Voss first came to the Planning Board back in February, there was an indication that all of the land shown on this plan was described as one large parcel, and the approval of the Plan submitted to the Board at that time "for recording purposes", was not intended to allow the creation of what is now shown as Parcel #1 as a separate lot.

I personally would like to see both the deed from the previous owners to Messrs. Voss, which I believe is based on the plan approved for recording purposes by you in February 1979, and the deed prior to that one, whereby the Grantors to Voss acquired the property. I believe it is necessary for me to see these documents before I can give you a definitive opinion as to whether this is a 2 or 3 lot subdivision.

I am enclosing herewith a copy of the complete Town of Washington Sub-division Regulations, together with several copies of some particular provisions, including those relating to the annexation of land by abutters, thus avoiding the necessity of subdivision approval or calling such an annexation a boundary line adjustment when it really isn't.

I would suggest that you look these over in connection with your consideration of revising your subdivision regulations.

As you may know I have been flat on my back for a week and apparently will be for a few days more at least, so I will not be at your meeting tonight. If you need to contact me at home, I will be available, so please do not hesitate to call if necessary.

Very truly yours,

HATFIELD AND HENDERSON, P.A.

By: 
Lloyd N. Henderson

LNH:lp1

Enclosures

* Contingent upon the receipt of spousal consent

Partridgeberry Lane, RFD #1
Swanzey Center, New Hampshire 03431
July 20, 1979

Antrim Planning Board
c/o J. T. Dennison
Antrim, New Hampshire 03440

Dear Mr. Dennison:

I discussed your letter of July 17, 1979, with my attorney and he gave me his opinion in a letter. I am enclosing a copy of his letter herewith. I will come over to your meeting on July 26, 1979, to discuss this with your further.

Sincerely,

A handwritten signature in cursive script that reads "Gary E. Voss".

Gary E. Voss

BRADLEY AND TALBOT

PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
50 WASHINGTON STREET
KEENE, NEW HAMPSHIRE 03431

HOMER S. BRADLEY, JR.
RICHARD J. TALBOT

July 20, 1979

TELEPHONE
AREA CODE 603
352-2030

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Rand S. Burnett

Mr. Gary E. Voss
Partridgeberry Lane, RFD #1
Swanzey Center, New Hampshire 03431

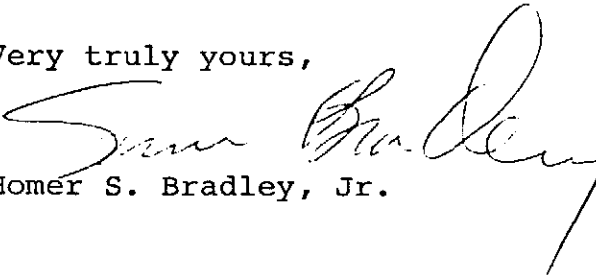
Dear Gary:

I have reviewed the map which you submitted to the Town of Antrim for subdivision approval and Mr. Dennison's letter of July 17, 1979. Apparently the difficulty is that the way the map is drawn it appears that the Board is being asked to approve a three lot subdivision.

Obviously this is not a three lot subdivision because parcel #1 (2.1 acres) is already a separate lot because it doesn't abut any of your other property. Furthermore, it is described in your deed as a separate lot. In my opinion, Parcel #1 should have been omitted from the original proposal to make it clear that you were only asking the Board for approval to divide the 8 acre parcel. However, it is too late to delete parcel #1 from the map because the approvals from the Water Supply and Pollution Control Commission relate to the existing map and would cause confusion if parcel #1 is deleted now.

I suggest that you ask the Board to note on the map at the time that it is approved that they are only approving the subdivision of the 8 acre parcel into two lots and that they are not taking any action with respect to parcel #1 since no action is required.

Very truly yours,



Homer S. Bradley, Jr.

Bjr/nk

Copy for J. T. Dennison

Planning Board
Town of Antrim
Antrim, N. H. 03440
July 17, 1979

Gary E. and Frederick H. Voss
Partridgeberry Lane
Swanzy Center, N. H. , 03431

Dear Messrs. Voss:


The Antrim Planning Board, at its meeting on July 12, 1979, considered the plans for a subdivision of your property bordering Route 9 in Antrim. July 12 should be considered as the date on which the plans, and supplementary material, were officially received by the Antrim Planning Board.

Your most recent appearance before the Antrim Planning Board was on February 22, 1979, at which time you submitted a survey showing the bounds of your property in Antrim which was signed "for recording purposes only" by an officer of the Board. The plan submitted at that time included the parcels identified as Parcels #1, #2, and #3 on the plan which the Board considered on July 12, 1979.

At its meeting on July 12, 1979, the Antrim Planning Board discussed whether your proposed subdivision contained two or three lots. Even though the New Hampshire Water Supply and Pollution Control Commission designated Parcel #1 as "unbuildable," the established interpretation would describe the proposed subdivision of your Route 9 property in Antrim as a 3-lot subdivision. As you know, the Antrim Planning Board in January, 1979, established a Temporary Restriction limiting approval of subdivisions to 2 lots until December 31, 1979.

If you would care to discuss this further with the Antrim Planning Board, you could appear at any of its regular meetings which occur on the second and fourth Thursdays of each month. The next meeting is scheduled for July 26. To help clarify the number of lots involved in your application, we request that you bring a copy of the deed to your property with any other relevant material.

Sincerely,


J. T. Dennison, Secretary

BY THESE PRESENTS, That DONALD M. SCHLESINGER, of the County of San Fernando, City of Glendale, and State of California, 91204,

do hereby grant to FREDERICK H. [redacted] of [redacted] County of Cheshire, and [redacted] 03467, and GARY E. VOSS, RD #1, [redacted] of Swansey Center, County of Cheshire, and [redacted] 03431, as tenants in common, with warranty of title:

Three parcels of land nearly adjoining, situated in the Town of [redacted], County of Hillsborough, and State of New Hampshire, described as follows:

Parcel 1: Beginning at a stone bound in the northerly line of [redacted] Route 9 at the intersection with [redacted] [redacted] [redacted] one hundred seven and three [redacted] [redacted] thence northerly on the easterly line of [redacted] two hundred fifty six and nine [redacted] [redacted] north branch of the Contoocook River six hundred [redacted] [redacted] feet to the northerly edge of [redacted] westerly on the northerly line of [redacted] two and three tenths (2.3) [redacted] [redacted] containing two (2) acres, more or less.

Parcel 2: Beginning at a point about two hundred [redacted] [redacted] corner of tract 1 above at [redacted] of Route 9 and the Contoocook River; [redacted] and southeasterly by the bank of [redacted] one hundred thirty six and [redacted] [redacted] feet to the edge of Route 9; thence westerly [redacted] one thousand six hundred [redacted] (1,690.8) feet to the point of beginning. Containing eight (8) acres, more or less.

Parcel 3: Beginning at a point about two hundred [redacted] [redacted] corner of tract 11 above at [redacted] of Route 9 and the Contoocook River; [redacted] and southeasterly by the bank of [redacted] one hundred seventy two (372) feet to the edge of [redacted] westerly by the edge of Route 9, two hundred [redacted] (271) feet to the point of beginning. Containing [redacted] (9.4) acres, more or less.

Intending to convey all the land North of Route 9, East of Liberty Farm Road, South of the North Branch of the Merrimack River, and West of the junctions of Routes 31 and 8, owned by Donald M. Schlangen.

Meaning to convey parcels #I-A-2, 4, 5, 6, 7, and parcel J-B-11 in the deed from Price to New Hampshire Timbers, Inc., dated September 21, 1965, and recorded in the Hillsborough County Registry of Deeds, Volume 1849, Page 151.

For further reference see a plan entitled "JAMESON, MANNING, CROMBIE, TAFT, FLINT and DAMON LOTS - Antrim, N.H.", dated November 13, 1978, drawn by S. J. Graff, to be recorded herewith.

Excepting what was sold to the State of New Hampshire during the relocation of Route 9.

Being a portion of the premises conveyed to Donald M. Schlangen by deed of Gerard E. Desmarais, dated September 21, 1965, and recorded in Volume 2661, Page 596 in the Hillsborough County Registry of Deeds.

This is not homestead property of the Grantor.

WITNESS my hand and seal this 29th day of January, 1979.

Witness:

Donald M. Schlangen

STATE OF NEW HAMPSHIRE
County of Sullivan, ss.

January , A. D. 1979

Personally appeared the above named Donald M. Schlangen, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument, and he acknowledged that he executed the same for the purposes therein contained.

Before me, _____
Notary Public

My commission expires: