

ANTRIM PLANNING BOARD

Minutes

November 10, 1983

Present: H. Goodwin, J. Jones, B. Kierstead, R. Watterson, and J. Dennison, Chairman and Secretary pro tem

Absent: W. MacCulloch, K. Wasserloos, R. Zwirner. R. Reinstein attended, on request, the meeting of the Commissioners of the Southwest Region Planning Commission to learn what changes must be made on zoning ordinances and subdivision regulations to comply with new state laws. She was accompanied by Town Counsel, L. Henderson.

The meeting came to order at 7:40 p.m.

Public Hearing, Property of Susan J. Herman, Liberty Farm Road (folder 83-5)

The prescribed notices had been posted on two town bulletin boards at least two weeks before the hearing. A paid public notice appeared in the Hillsborough Messenger on October 27, 1983. Fourteen abutters and the applicant were notified by certified mail 15 days in advance of the hearing date. Acknowledgments of receipt were returned by all 15. Only one interested neighbor, not an immediate abutter, attended the hearing.

This application had been initially reviewed with the Board on June 22, 1983, and a preliminary discussion had been held September 29, 1983. It is a five-lot subdivision--the "Hills" lot Tract II and Windsor lot Tract II are not included.

The Antrim Town Counsel submitted a letter to the Board, enclosing the vote of the Town of March 13, 1982, authorizing title to part of Old Mountain Road, a Class VI road, being transferred to the Hermans in exchange for an easement to the Town over Herman land giving Class V access from Liberty Farm Road to Old Mountain Road. The deeds accomplishing the exchange are prepared, awaiting the specifications shown on the plan accompanying the subject subdivision application. Thus, lot 5 of 58.5 acres shown on the plan has 350 feet frontage on a town-maintained road.

Dennis McKenney, surveyor, represented the applicant. He submitted a letter from the State Department of Public Works and Highways granting approval for driveway access to Route 9 for Lots 1 and 2. The letter is filed in folder 83-5.

It was noted that the Hermans, applicant, are expected to pay the costs for preparation and registration of the deeds for the exchange of land with the town.

The Hermans will reimburse the town for the \$43.25 spent for certified letters and newspaper advertisement.

Since no further matters arose to invalidate the subdivision application, it was approved by the Board and signed by the Chairman.

B. Carl and Barbara Beehner, former Hawthorne Inn property, Route 9

The applicants were represented by realtors, Mary Lindstrom and Walter Grim. It is proposed that the Hawthorne Inn property, located at Route 9 and River Road in the Route 9 business zone in Antrim, be reopened first as a Bed and Breakfast and antique enterprise, then as an inn with antique shop.

As required by Article V, section A, paragraph 2a of the Zoning Ordinance, applicants must obtain a special exception from the Board of Adjustment for the proposed use of the property, because the former use had been abandoned for two years and three months, and therefore, had become a non-conforming use. As with any special exception, the Planning Board must find "that the specific site" is an appropriate location for such uses, and if in each case it has an adequate water supply and sewage system, and meets all applicable requirements of the State."

Since the property had been adequately served with water and sewerage for many years being used as an inn, the Board determined that the site is still appropriate for such uses. One of the existing structures on the property, it is proposed, will be converted to an antique shop. Since there is more than adequate parking spaces on the property, since there are established driveways onto both Route 9 and River Road, and since antique shops are a permitted use under special exception, the Board judged the site appropriate. (See plan in Folder 83-7.)

The Board reminded the applicants that they must meet State requirements for fire protection and health and sanitation specifications.

The Board of Adjustment has published a notice in the November 10 Peterborough Transcript setting a hearing on this proposal for November 22, 1983. The Planning Board's decision will be conveyed to the Board of Adjustment before then.

Minutes of Meeting of October 27, 1983

One correction was required in the minutes as prepared by Secretary Wasserloos. The public hearing on the Birchmere Investments proposal reviewed on October 27 will be on the final plat, not on the preliminary application, and will be held December 8, 1983, not November 10. With these changes, the minutes were approved.

The proper application form from Birchmere Investments has been received and was acknowledged to the subdivider's agent by the Chairman on October 29, setting the date of December 8. Twelve abutters will be notified at least 10 days before the hearing.

Robert J. and Anita I. Strepka
Malcolm and Avis French
Merle Aborn, Jr.
Dorothy G. Day Elm Avenue

The Board received a letter dated November 1, 1983, from attorney Robert Howard representing a potential buyer for an 8.3 acre lot on Elm Avenue. The lot is owned by Dorothy Day who obtained it April 23, 1982 from the Strepkas, who bought it and other land from Merle Aborn, Jr., in 1979. Aborn had acquired the property from Malcolm and Avis French in 1975. The Frenches had divided their property into three lots, with approval by the Antrim Planning Board on August 14, 1974. Atty. Howard enclosed the plan of the French subdivision, Lot 2 consisting of two parcels,

one of 1.3 acres north of Elm Avenue joined to one of 8.3 acres south of the road. The combination of the two parcels into one lot was necessary partly because the northern parcel came to the Frenches from a different deed and ownership than abutting Lot 3 and the southern part of Lot 2. The survey by M. Attridge clearly shows that the two parcels are combined into one lot.

Even though a State court case said that a Town road may divide property into separate lots, in this case, the owners, Aborn and Strepka, acquired Lot 2 as one combined lot.

The problem arises because Strepka on April 22, 1982, conveyed the southern 8.3 acre parcel of Lot 2 to Dorothy Day. He retained for himself the northern 1.3 acre parcel on which a house is located. This conveyance was improper, because zoning for the district required each lot to be 2 acres. By selling part of Lot 2, Strepka subdivided his land without Planning Board approval.

Atty. Howard has advised his client, the prospective buyer from Dorothy Day, not to acquire the property until the Planning Board and the Town agree to hold him or her harmless due to the improper subdivision in 1982.

Town Counsel has advised the Board that State law permits the Town to fine Strepka up to \$500 for improperly subdividing his land. Another remedy would be for Strepka to obtain enough added land to increase his parcel to 2 acres. Or, he could obtain a variance of the Board could grant a waiver.

The matter was not resolved by the Board pending further consultation with Town Counsel.

Dennis H. Corrigan and Gary I. Van Overmeiren (Folder 83-8)

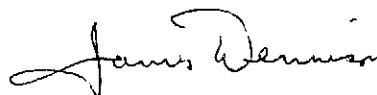
The Board has received, dated October 22, 1983, an application for approval of a preliminary layout of a subdivision into two lots of a 70.5 acre piece of land fronting on Route 202. The proposal had been considered by the Board at its May 8, 1980, meeting. The Board's secretary wrote Mr. Corrigan on May 14, 1980, asking that he furnish a right-of-way plan for the Route 202 frontage, and verification that the State has allowed access from the property onto Route 202. The plan was submitted with the current application along with a letter dated June 3, 1980, from the State Department of Public Works and Highways confirming the driveway access.

It was noted that the survey, dated November 23, 1982, and signed by Kenneth S. Rockwell for Northeast Forest Management Group in Claremont, N.H., was a tape and compass survey that did not wholly conform to Antrim's current subdivision regulations. As specified by Mr. Corrigan's application, a letter will be sent from the Board to Mr. Rockwell requesting that the survey conform to our regulations.

Meeting Dates and Adjournment

Because of the Thanksgiving and Christmas holidays, the next meeting of the Planning Board will be on December 8 and the following one will be held on January 12, 1984. If a strong need arises, a meeting could be held on December 22.

The November 10, 1983, meeting adjourned at 9:30 p.m.



James Dennison, Chairman and Secretary
pro tem