

Minutes of the Antrim Planning Board Meeting October 13, 1988

Present: Michael Oldershaw, Sr., Judith Pratt, Edwin Rowehl,  
Rod Zwirner, Philip Dwight, Chairman protem, and  
Rachel Reinstein, Selectmen's Alternate

Public Hearing: Richard L. and Lorraine S. Edmunds and Joseph A.  
Lazar, Annexation

The Chairman opened the meeting at 7:30 P.M. Attorney Joseph Byk and Donald Mellon, Surveyor, presented the plans for the Applicants. This will be a property swap with property owned by Joseph A. Lazar being annexed to property owned by Richard and Lorraine Edmunds and property owned by Richard and Lorraine Edmunds being annexed to that of Joseph A. Lazar. Attorney Byk presented the Board with a copy of the notice of decision by the Antrim Board of Adjustment Case #114 in favor of this annexation, and a copy of the deed of Annexation. The Board was provided with copies of the plan and abutter, Brian Utter, reviewed them along with the Board. This annexation will provide Edmunds with a driveway that will be effective in getting trucks off the street thus easing the traffic situation. Mike Oldershaw moved to accept and approve the plan for the annexation of land from Richard L. and Lorraine S. Edmunds to Joseph A. Lazar. Judith Pratt second. The vote went as follows: Michael Oldershaw, Sr. yes; Judith Pratt, yes; Rod Zwirner, yes; Philip Dwight, yes; and Edwin Rowehl, yes. Michael Oldershaw moved to accept and approve the plan for the annexation of property from Joseph A. Lazar to Richard L. and Lorraine S. Edmunds. Judith Pratt second. The vote went as follows: Mike Oldershaw, yes; Judith Pratt, yes; Rod Zwirner, yes; Philip Dwight, yes; Edwin Rowehl, yes.

The Board reviewed the minutes of the September 29th meeting. It was pointed out that Administrative Assistant Madeleine Henley's name was misspelled. Rod Zwirner moved to accept the minutes as corrected. Mike Oldershaw second. So moved.

The Board reviewed the minutes of the October 6th meeting. Phil Dwight pointed out that the change noted on the bottom of page 2 of the minutes relating to E,1 is in error. Article XIII, D,1 should be amended to read: A structure devoted to a use not permitted in the district in which it is located may be enlarged or altered in a reasonable amount as approved by the Zoning Board of Adjustment. Judith Pratt moved to approve the minutes of October 6, 1988 as corrected. Rod Zwirner second. So moved.

Phil Dwight, Chairman protem, made a report to the Board on his work on the Zoning Ordinance since the last meeting. He has reviewed all the minutes since the review began, and looked up all the loose ends. He has conferred with Robert Panton of the SWRPC, and discussed the Ordinance with him among other things. Panton plans to be at the workshop meeting October 20. Panton gave some opinions on the wetlands ordinance and the steep slope ordinance. He also demonstrated an overlay that the Commission had done for another town. SWRPC could prepare one for the whole town. The Chairman had also compiled all the changes to the proposed ordinance and presented them to the Board for their review. Chairman Dwight proposed that the Planning Board should rescind the Ordinance as posted and post what has been done to date, holding hearings and making the changes as they may come up at the Public Hearings. The Chairman asked for discussion.

Mike Oldershaw asked what would be gained by posting the document without a Public Hearing. Phil Dwight stated that it clarifies the Board's position. Public Hearings could be held in November, December and January with a vote at Town Meeting in March. Edwin Rowehl pointed out that Public Hearings should be scheduled when posting the Ordinance. Rachel Reinstein confirmed that Articles not previously taken up should be open for review. David Penny, Vice Chairman of the Board of Adjustment, felt that the advantage of this procedure would be that the Board could officially get public input and that it would remove a sense of ambiguity. Carol Court asked about legality and Shelly Nelkins asked about minimum depth, would it remain as amended. David Penny asked if it was the intention of the Board to rehash some of the changes made. It was suggested that Robert Panton would be an advisor and that Silas Little would give legal advice. Mike Oldershaw asked if something is changed after it is posted is it enforceable. The Board discussed the 1974 Ordinance as Amended as opposed to the posted Ordinance. The need for legal advice was pointed out. David Penny questioned the changes made to the Article pertaining to Cluster Housing. The Chairman asked for a consensus as to how to proceed. Mike Oldershaw stated that the attorneys have made a suggestion and the Board should take their advice. The Ordinance presently posted should be unposted and the amended Ordinance posted simultaneously. The Board was in general agreement. It was pointed out that a number of things needed to be straightened out. In law apartments are to be dropped. It was determined that a definition of caretaker was not needed. The page numbers of the Ordinance should be numerical for greater clarity.

Article VI,B,1 remove c and d. VI,B,3 add Public and Parochial Schools and Churches. David Penny suggested that under Article IV,B x and y should come out of permitted uses and go back into Article IV,B,3, Special Exceptions as originally published. Frontage for duplexes was discussed and it was agreed to make the frontage for a duplex in an area served by water and sewer "125 feet". Frontage for a duplex in an area not served by water and sewer should be "300 feet", throughout the Ordinance. Article IV,C,1,b a duplex lot served by public sewer and water should have a minimum frontage of 125 feet. and Article VI,C,2 a duplex lot not served by water and sewer should have a minimum frontage of 300 feet. So moved by Mike Oldershaw and second by Judith Pratt. Passed unanimously.

Carol Court discussed the use of the word "may" in the Ordinance. Shelly Nelkins suggested that water that cannot be walked on not be included in a lot area.

The Board discussed proposed additions to the Ordinance made by Judith Pratt. Article XI Section 18,c(2) In place of the passage that begins: i.e. by dividing the total area..."The Planning Board may require the developer to submit an additional subdivision plat plan, of traditional design, based on existing regulations without cluster design, to establish the number of lots (or dwelling units) that will be permitted in the cluster design." and this passage to be inserted in Article XI, Section 18,b as a second paragraph. "If the cluster design for a site is altered after the approval by the Planning Board, the approval will be null and void and the new design must be submitted for approval." Mike Oldershaw moved to make the changes proposed above, second Edwin Rowehl. So moved.

The Board discussed the need to limit the number of units allowed in multifamily dwellings. Judith Pratt moved that in all places where multi-family dwellings are mentioned there should not be more than six (6) units in a building. Edwin Rowehl second. So moved. Mike Oldershaw called the Board's attention to the clarification of lot size. Should the minimum depth be restated. Mike Oldershaw suggested that lot depth be restored wherever it was deleted.

Article IV,C,1,a restore minimum depth  
b 125 foot frontage 100 foot depth  
c restore  
d restore  
f lot frontage 100 feet, 100 feet depth  
Article IV,2,a lot frontage 200 feet, 200 feet depth  
b lot frontage 300 feet, 400 feet depth  
d lot frontage 200 feet, 200 feet depth  
Article V,C,c Restore lot depth 200 feet  
Article VI,C,1,a lot frontage 100 feet, 100 feet depth  
b lot frontage 125 feet, 150 feet depth  
c,(4) lot frontage 200 feet, 200 feet depth  
Article VI,C,2,a lot frontage 200 feet, lot depth 200 feet  
b lot frontage 300 feet, lot depth 400 feet  
Article VII,D lot size to be 200 feet frontage, 200 feet depth  
Duplex lot size to be 300 feet frontage, 400 feet depth  
Article VIII,C,1,b lot frontage 200 feet  
c lot depth, restore to 150 feet  
Article IX,C to remain as is.  
Article V,C,1,b frontage 200 feet. Judith Pratt moved and Mike Oldershaw second to accept the lot frontage and depth figures discussed above. So moved.

Selectman, Rachel Reinstein gave a vote of thanks to Phil Dwight for the work done by him on the Ordinance.

The Chairman, Philip Dwight, spoke to the Board about the costs of typing the analysis of changes made as a result of his research of the minutes. The Ordinance should be posted as a clean copy with the changes incorporated into it. He quoted costs of typing compared with the quote from SWRPC. Judith Pratt moved to have Phil Dwight take care of the duplication of the Ordinance. Mike Oldershaw second. So moved.

In order to accomplish what has been proposed this evening the Chairman expressed the need for two motions, one to rescind the posted Ordinance and one to post the new Ordinance with changes made through October 13 and to schedule a Public Hearing for November 10, 1988. The Board discussed the wording for the motion. The specific wording for the Public Hearing will be checked by legal counsel. Mike Oldershaw moved that on October 26, 1988 the Board will rescind the currently posted Zoning Ordinance and post the proposed Ordinance with changes made through October 13, 1988 with a Public Hearing to be held November 10, 1988 at 7:30 P.M. at the Town Hall. So moved unanimous.

It was agreed to call Robert Panton of SWRPC and inform him that the typing will be done by others, and ask him to come to the October 20 meeting to give the Board his input.

Mike Oldershaw moved to adjourn at 10:00 P.M. So moved.

Respectfully submitted,

Barbara L. Elia, Secretary  
Antrim Planning Board

NOTICE OF DECISION  
BOARD OF ADJUSTMENT, TOWN OF ANTRIM, N.H.

CASE #<sup>114</sup>~~117~~

You are hereby notified that the request of Joseph A Lazar for a variance from the terms of Article IV, Section C of the Zoning Ordinance has been granted. The board finds that all five conditions necessary for a variance have been met.

Signed Mary Allen  
Chairman, Board of Adjustment

June 7, 1988

Application for rehearing on any question of the above determination may be taken with 20 days of said determination by any party to the action or person affected thereby according to New Hampshire Revised Statutes Annotated, 1955, Chapter 31:74-76

APPLICATION FOR APPEAL

Do not write in this space.

To: BOARD OF ADJUSTMENT, TOWN OF ANTRIM, N. H.

Case No.
Date filed
(signed)
Clerk

Name of Applicant Joseph A. Lazar

Address Main Street, Antrim, New Hampshire 03440

Owner of Property concerned Same
(If same as above, write same.)

Address Same
(If same as above, write same.)

Location of Property Corner of Main Street and Summer Street, Antrim, New Hampshire

Description of Property The lot at the junction of Main and Summer Streets at a stone post described in a Deed, Volume 3005, (Give length of frontage, side and rear lines.) Page 57, recorded at the Hillsborough County Registry of Deeds.

Proposed use, or existing use affected Length is 108.7', running 59° 01' 57" Side line is 131.72', running south 80° 22' 18" east and the rear line is 98.58' running south 3° 18' 6" west.

Fill out Section 1, 2, or 3. DO NOT fill out more than one section.

Section 1

APPEAL FROM AN ADMINISTRATIVE DECISION

The undersigned alleges that an error has been made in the decision, determination or requirement, by the Building Inspector on (date) to (person requesting permit) in relation to Article, Section of the Zoning Ordinance and hereby appeals said decision.

Section 2

APPLICATION FOR SPECIAL EXCEPTION

The undersigned hereby requests a special exception as provided in Article Section of the Zoning Ordinance. Supporting materials required under Article VIII, Section D are attached.

Section 3

APPLICATION FOR VARIANCE

The undersigned hereby requests a variance to the terms of Article IV Section C and asks that said terms be waived to permit a minimum frontage of 92.30' which is 7.7' less than the minimum requirement of 100'.

The undersigned alleges that the following circumstances exist which prevent the proper enjoyment of his land under the strict terms of the Zoning Ordinance and thus constitutes an unnecessary hardship the minimum frontage permitted in Article IV Section C for a single family detached unit is 100'. The frontage as it is proposed is less than the minimum requirement. While adjacent properties on Main Street have frontages significantly less than the requirement, i.e., Mooney frontage (lot #517) is 35'; Mary Carrol (lot #167) frontage is 52'; and Hickey Bros. frontage (lot #196) is 55'. The use as a single family detached dwelling unit will not change.

This application is accompanied by a fee of \$ to cover the cost of advertising and mailing the notices of hearing in accordance with RSA 31:71:IV.

Please list all land abutters and their addresses on reverse side of this form.