

Minutes of the Joint Meeting of the Antrim Board of Adjustment and the Antrim Planning Board December 5, 1989.

Present for the Board of Adjustment: Mary Allen, Clerk; Marianne Moery, Acting Chairman; Patricia Hammond-Grant; Joseph Timko; Everett Chamberlain, Alternate; Howard Humphrey, Sr., Alternate.

Present for the Planning Board: Judith Pratt, Chairman; Edwin Rowehl, ex officio; Rod Zwirner; David Essex; Donald Chambers.

Judith Pratt, Chairman of the Planning Board opened the meeting at 7:30 P.M. Marianne Moery, Acting Chairman Board of adjustment, introduced the Board sitting on this hearing, Marianne Moery, Acting Chairman; Mary Allen, Clerk; Patricia Hammond-Grant; Joseph Timko; and Everett Chamberlain. Judith Pratt, Chairman of the Planning Board introduced that Board, Edwin Rowehl, Rod Zwirner, Donald Chambers, David Essex, and Judith Pratt as Chair. Pratt outlined the proposal and located the lot on the Tax Map, Map 5, lot 1271. Attorney, Norman Makechnie presented a letter of authorization to act for the Estate of Barbara Ziegler. Harry Page, an interested party, was asked to present the plan, which is for the establishment of a .77 acre lot to be given to the Town of Antrim. Page explained the proposal. The lot has no road frontage and does meet the minimum lot size. He explained that there is no necessity for Septic Approval as this is a bona fide gift to the Town. Page read the applicable RSA.(149-E:3.IV-b) The applicant did not provide a copy of the required form due to the illness of their attorney, Douglas Ley. The Applicant is asking for a Variance to Article VII, Section D, 1.a and b.because of lack of frontage and acreage. There was no testimony by abutters for or against the proposal. Mary Allen had questions about the location of the Lily Pond. Attorney Cronin, representing Clark and Frances Ziegler in this matter, explained the circumstances that surrounded the creation of a lot of this size and shape. It was explained that this lot will be granted fee simple to the Town. Clark Ziegler also spoke to the circumstances surrounding this gift. Allen had further questions about abutters to the Lily Pond, which were answered by Page. Attorney Makechnie explained that the land is an outright grant to the Town. Allen asked if there are any other encumbrances on the property such as right of ways to others. It was established that the Town will have a clear title for all intents and purposes. There are no encumbrances and the right of way will be outlined in the deed. Rowehl established that the area in question is still in the Estate of Barbara Ziegler. Hearing no further questions the Chair, Judith Pratt, closed The Public Hearing.

Board of Adjustment deliberations: The Chair outlined the proposal and read the five contingencies for granting a Variance. This proposal is to allow a lot that has no frontage on a Town Road and to allow a lot with less than proper amount of acreage. The Board addressed these points. 1. Diminution of value: The Board was in agreement that this would not affect the value of

surrounding properties. 2. Public Interest: The consensus was as it is a gift to the Town, it is in the Public Interest. 3. Hardship: The Board was in accord on this as it is a very wet area and nothing will every be built in this area. 4. Substantial Justice: The Board agreed that as a conservation area and a gift to the Town it would be of benefit to the Town. 5. The consensus being that this is a Conservation zone and a gift to the Town therefore it is not contrary to the spirit and intent of the Ordinance. This will be protecting access to a very fragile area which is extremely important. Allen stated that in drawing the motion it should be made clear that it is not a buildable lot and is a gift to the Town. Hardship was addressed again at the request of Mary Allen. The consensus of the Board was that, inasmuch as, this is a gift and in the abutters interest it was desirable as a proposal. Mary Allen moved that the Variances to Article VII, Section.D.1.a.& b. be granted. The Board finds that the creation of a .77 acre lot, without road frontage, and with less than the two acres required, as described, is in the public interest and meets the requirements for a Variance.

The Board approves the creation of this lot with the understanding that the lot is to be deeded to the Town of Antrim, along with a twenty foot wide walking easement across the land presently owned by the Estate of Barbara Ziegler, and that the lot will not be used as a building lot. Second Joseph Timko. The vote: Everett Chamberlain, yes; Joseph Timko, yes; Patricia Hammond-Grant, yes; Mary Allen, yes; Marianne Moery, yes. Motion passed unanimously.

The Chair, Judith Pratt, raised the point of waiving fees for this hearing as it is a benefit to the Town. Marianne Moery moved to waive fees in this instance. Second Rod Zwirner. So moved. There was some further discussion of the ROW to the cemetery. Judith Pratt thanked the Zoning Board of Adjustment for their attendance at this meeting.

The Planning Board addressed the Subdivision Application for this proposal. The Chair pointed out that the first thing to be done was to accept the completed application. She also pointed out that until the exemption form from the WSPCD has been received the mylar will not be signed. Donald Chambers moved to accept the Application. Rod Zwirner second. So moved. The Board took up the matter of the Approval of the Subdivision. David Essex asked about waiving the requirements and the Chair pointed out that the Variances have been granted. Donald Chambers made the motion: The Planning Board approved the proposed subdivision contingent upon the satisfactory completion of forms from (New Hampshire) Water Supply and Pollution Control. Second David Essex. The vote: Edwin Rowehl, yes; Rod Zwirner, yes; Donald Chambers, yes; David Essex, yes. So moved.

Motion was made to adjourn the Planning Board Meeting. So Moved.

Barbara Elia, Secretary
Antrim Planning Board