

November 20, 1974

The adjourned executive session of November 12 reconvened at 5:05 P.M. on Wednesday, November 20, 1974 in the Town Hall. Present were: Robert B. Flanders, Chairman, William C. Abbott, Emery S. Doane, Eric Tenney, Mrs. Harold Webber and Mrs. Willard B. Dik, Clerk. Also present at the request of the Board were Lloyd B. Henderson and William O'Neil.

Mr. Henderson asked if this is an adjourned meeting because if not there is a potential problem of the right to know law. Proceedings have to be opened to the public. In this case the fact that you can go into executive session can be taken that you have to have it open to the public. Mr. Flanders replied that the applicants know what is going on and that they could be present. Mr. Henderson said in that case it was all right.

Mr. Henderson made another comment on the fact that the reason why Mr. O'Neil is here is basically to give the feeling of the property owners that this may or may not be a legitimate concern as a hearing on a variance on lot size,--to approve that lot as something that does not meet the requirements but would support the use of that lot and does not upset zoning or hurt others, etc. Whether the property owners like this deal or not, whether they want to take over the well may not relate to this problem. The Planning Board, I think, can dig a little deeper in a subdivision decision. This Board is narrowly restricted in trying to decide this matter.

Mr. Flanders remarked that we are dealing with a piece of property that does not conform and feels that somebody from the Association should know what was going on. Mr. O'Neil asked to see a plan, and after looking at the plan in our file asked if there was a big one that would relate this plot to the surrounding area. Mr. Abbott replied that there is such a plan in the Planning Board's files which he may see at some other time. Mr. O'Neil said he would be the one responsible for sending bills to the other twenty-four

owners. He said he is not against this at all, but would like to see the big plan because they are concerned that they have an easement to this land. The Chairman read an excerpt from the deed from Public Service to Caughey and Delp giving the right to pass over their land to this plot. Mr. Henderson pointed out that there was only a verbal agreement with Public Service for the pipes to cross their strip of land and that this should be put in writing. The Planning Board also has a concern about easements and compliance with State requirements for pure water, but this Board would give approval on lot size only.

Mrs. Webber asked if it would be wise for Mr. O'Neil to form an association of all the landowners served by the well because you are aware that it will not be long before the association of Delp and Caughey will be yours. Mr. O'Neil said again that they are not against this.

Mr. Henderson regrets he is right in the middle of this thing,-- he being Town Counsel and his firm representing Caughey and Delp. It is very uncomfortable, but there is nothing he can do about it.

The Chairman asked if there were any other questions and as there were none Mr. O'Neil left and the Board turned to the matter of granting a variance on this lot which is less than a half acre used for a well and pump house to be given by Caughey and Delp to Steel's Pond Improvement Association. As there was no further discussion the Chairman called for a motion. Mr. Abbott

MOVED: That the petition of John W. Caughey, Jr. and E. Kenneth Delp for a variance on required lot size in the Rural District for a plot of land located on the South side of high tension power lines of Public Service Company of New Hampshire and abutting West side of property of Maurice W. Sherburne of Elm Avenue, Antrim, be granted.

SECONDED: By Mr. Doane

VOTED: In favor: William C. Abbott
Emery S. Doane
Robert B. Flanders
Eric Tenney
Carole Webber

In opposition: No one

Mr. Tenney asked if we have to have a meeting at 5 P.M. He thinks that unless there is a real emergency we should have an evening meeting. That was the concensus of opinion of the Board. The Chairman explained that we would have had to wait three weeks for Mr. Henderson to have a free evening.

Mr. Doane remarked that we should be more careful about giving instant decisions and inviting people to wait for it after a hearing. We have been too eager to do that. This practice should be stopped. It was agreed that petitioners will be told that they will be notified of the decision by mail.

The meeting was adjourned at 5:55 P.M.

Respectfully submitted,

Catherine C. T. Dik

Catherine C. T. Dik, Clerk