

March 18, 1975

The Board of Adjustment met in the Antrim Town Hall on Tuesday, March 18, 1975 to conduct a hearing on Case #7 of Frank R. Brown and Charles Phelps, co-owners of Franchal Associates, prospective purchasers of land and building on West Street now owned by George E. and Ellen M. Edwards, for a variance under the terms of Article VI, Section B of the Zoning Ordinance to permit change from one nonconforming use to another similar nonconforming use within the Residential District.

Present were: Robert B. Flanders, Chairman, Mrs. Willard B. Dik, Clerk, Emery S. Doane, Ralph H. Proctor and Mrs. Harold Webber. Also present were Mr. Richard Schacht representing the petitioners, Mr. and Mrs. A. David Gavitt, Mr. and Mrs. Neal Wiggin, Mr. and Mrs. A. T. Gould, and one other gentlemen.

The meeting was called to order at 7:30 P.M., and the Chairman stated the rules of the hearing and called upon the Clerk to read the petition and relate the procedure of notification. The petition was read, and the Clerk reported that notices were posted on the Town Bulletin Board and published in the Peterborough Transcript on March 13, 1975 on page 16. Notices were mailed by certified mail return receipt requested to five abutters and all receipts have been received. Notices were also sent by regular mail to each member of the Board and the alternates, the Board of Selectmen, the Town Clerk, Town Counsel, Chairman of the Planning Board, the Building Inspector, and the petitioners and their representative.

The Chairman read a letter from the Planning Board stating its approval of the site for the proposed use, and then called upon Mr. Schacht to present the case for the petitioners. He explained that the design and model making would be done here but the manufacture would be done at their plant in Bethel, Connecticut. Mr. Edwards has done this sort of

thing, and has had heavy equipment parked there. This would be eliminated and only a small truck would be there. The building condition and appearance would be improved. Samples of the electronic hand tools were on display.

The Chairman called for those in favor to speak. There were none, so those in opposition were called upon. Mr. and Mrs. Gavitt, who are abutters, were concerned because as they understand the Zoning Ordinance this is designated a residential area. They fear that if a variance is granted that the next step will be to enlarge and it will mushroom into something incompatible to a residential area. Mrs. Gavitt feels upset and threatened by this variance. Mr. Flanders replied that they could expand if they met all the regulations of the State pollution law and the Planning Board and obtained a proper building permit.

Mr. Wiggin, who lives on the other side of the Gavitts, is concerned about conflict of interest. He has seen a judgment rendered on the basis of financial benefit. We must have some confidence in those administering the rules and at the moment he does not. Mr. Schacht says they are applying for one nonconforming use in place of another. To expand would require another variance for that expansion. If one variance is granted would it not be easy to grant another? Mrs. Wiggin said that she talked with Mr. Brown today who said that they do plan to move the manufacturing plant from Connecticut to here. Mr. Wiggin feels an uneasiness if this variance is granted. Does this open the door for another nonconforming larger use? Mr. Schacht replied that the operation as it exists today could continue and under the grandfather clause could move everything from Clinton Village and, therefore, expand to, say, five draftsmen and all his machinery. He thinks the potential that exists now is worse than the prospect with Franchal.

Mr. Gavitt remarked that if George Edwards sells his property it is more valuable commercially than residentially, and this problem is likely to come up many times.

Mrs. Wiggin mentioned that they on West Street have a problem in the winter time on that hill when slippery and the situation is aggravated if cars are parked in the road.

The Chairman then asked the Board if they had any questions. Mr. Flanders wonders why they want to do research in New Hampshire and manufacturing in Connecticut. Mrs. Webber asked how large is the building in Connecticut. Would this Antrim building be large enough? If they move the manufacturing plant here they would have to have a much larger building. Answer by Mr. Schacht: They prefer to keep research and manufacturing separate. Mrs. Webber asked if the property has been sold, and Mr. Schacht replied, "No. Everything depends on this meeting." In reply to a question about present layout of building Mr. Schacht said that there is an office in front, a room in back where plans are kept and work on design is done, and there is a shed attached where a truck is parked. In reply to a question about how many people are now employed by Franchal in the process of designing he said that now in Greenfield where he has quarters in the old Jeffco quarters there is Frank Brown and a part-time assembling man--basically two men. Mr. Proctor referred to Section VI, Section B of the Zoning Ordinance and said he assumed that if this variance is granted it will state specifically that it is restricted to the three uses mentioned in the petition. The question was raised whether the previous use of the brook for the children's fishing derby etc. would be curtailed, and Mr. Flanders said he had been advised there would be no change.

The Chairman stated that he wanted it to be clearly understood that this Board does not have any enforcing powers. That is done by the Selectmen.

The Chairman then summarized the petition as follows: Mr. Richard Schacht presented on behalf of Frank R. Brown and Charles Phelps, co-

owners of Franchal Associates, a petition for a variance to substitute for present nonconforming use another similar nonconforming use in the Residential District, the building to be used for an office, drafting room and shop for design of models. Requests are made to the company to make such and such a tool to do such and such a purpose, and the design would be made here and then manufactured in Connecticut.

Mr. Doane asked if there were any plumbing facilities in the building and Mr. Schacht replied that there were none. What is used now is a portable mechanical storage tank. The State requires that a system be 1000 feet away from open water, and there is not an acceptable system on the west side of the brook but on the east side there may very well be because that is going into an area of an acceptable system within the limits of the brook (this is on the ball field side).

The Chairman reaffirmed that if a variance is granted, before any changes can be made to the building there would have to be acceptance from the State Board of Health and presentation to the Planning Board and the Board of Adjustment.

The hearing was closed at 8:05 P.M.

Respectfully submitted,

Catherine C. T. Dik

Catherine C. T. Dik, Clerk

The Board of Adjustment went into executive session immediately following the hearing on the petition of Frank R. Brown and Charles Phelps, co-owners of Franchal Associates, for a variance under Article VI, Section B of the Zoning Ordinance.

Mr. Doane remarked that a variance goes with the land.

Mrs. Webber questioned who should bring the petition, the owners or the prospective purchasers. It was agreed that it should be the prospective purchasers. Mr. Doane asserted that this is legal.

Mr. Proctor considers it is strange that one operation is done in Connecticut and one here.

Mr. Flanders remarked that we are granting the variance for just three uses.

Mr. Doane feels that we cannot turn it down.

Mr. Proctor remarked that Article VI which is the law specifically says we cannot do it, but then we go to the variance where we can.

When questioned by Mr. Doane the Chairman replied that the building was heated by electricity.

As there was no further discussion, Mrs. Dik

MOVED: That the petition for a variance of Frank R. Brown and Charles Phelps, co-owners of Franchal Associates, prospective purchasers be granted for the use of land and barn on West Street now owned by George E. and Ellen M. Edwards as an office, drafting room and model shop for designing electronic tools, with no further expansion of use or structure and no manufacturing conducted on the premises.

SECONDED: By Mr. Doane

VOTED: Unanimously in favor: Catherine C. T. Dik
Emery S. Doane
Robert B. Flanders
Ralph H. Proctor
Carole Webber

In opposition: None

The Chairman called for an organizational meeting of the Board for Tuesday, April 8, 1975 at 7:30 P.M. at the Town Hall, and instructed the Clerk to send out notices.

The meeting was adjourned at 8:40 P.M.

Respectfully submitted,

Catherine C. T. Dik

Catherine C. T. Dik, Clerk