

April 12, 1977

The Board of Adjustment met on Tuesday, April 12, 1977 at 7:30 P.M. at the Antrim Town Hall to hear the petition of Frederick Kramer, prospective purchaser, (Case No. 26) to establish a restaurant on property now owned by Richard H. Davis on Gregg Lake Road. The roll call was as follows:

Benjamin Pratt, Chairman	- Absent
Carole Webber, Vice Chairman	- Present
Eugene Bried	- Present
Ralph Proctor	- Present
Patricia Thomas	- Present
Robert B. Flanders, Alternate	- Absent
George McLean, Alternate	- Present
Catherine C. T. Dik, Clerk & Alternate	- Present

Also present were Frederick Kramer, petitioner, Richard H. Davis, owner, Mr. and Mrs. William C. Robinson, Edward Clarke, and Emery S. Doane. As the Chairman was absent the Vice Chairman, Carole Webber, called the meeting to order at 7:35 P.M. and called on Alternate George McLean to sit on the Board that evening. The Vice Chairman read the order of procedure. The Clerk then read the application and reported that notices were sent by certified mail, return receipt requested, to the petitioner, the present owner, and the following abutters:

Mr. Winslow Caughey, Box 217, 135 Fairway Lane, Fort Collins,
 Mr. and Mrs. William C. Robinson, 10 Hawthorn Colorado 80521
 Ter., New Bedford, Mass. 02742
 Mrs. Isabel Nichols, Depot St., Antrim, N.H. 03440
 Charles Butterfield, Oxbow Rd., Hinsdale, N.H. 03451
 Richard & Evelyn Davis, Gregg Lake Rd., Antrim, N.H. 03440

All receipts have been received except that of Winslow Caughey. The Clerk communicated with Robert Caughey to see if the address was correct and was assured that it was and that he had recently talked with him by telephone at that address. They both think it was the Post Office's fault. (The receipt was received by the Clerk on April 18, 1977, after requesting the Antrim Post Office to trace it.) Notices were also sent by regular mail to all members of this Board, to the Selectmen, the Town Clerk, the Town Counsel, and the Chairman of the Planning Board. Notice was published in

the Peterborough Transcript on March 31, 1977 on page 3 and was posted on the Town Bulletin Board.

The Vice Chairman stated that we are starting a new procedure by recording the meeting to help the Clerk in preparing the minutes and that the tape would be erased when the minutes are completed.

Mr. Kramer was then called upon to present his case. He stated that he has had extensive experience in the restaurant field starting at ten years old with a baking business selling birthday cakes, in college running a fraternity house, in Vermont at the Harvard Club and the Woodstock Inn, and now at Maplehurst Inn helping Mrs. Danforth run the Inn. He feels that this area can stand another fine restaurant, that this property of Mr. Davis' is very conducive for a fine restaurant, and certainly meets the needs of the community in that way. The house has a lot of history as such--one hundred years ago it was known as The Lake House and was a very fine summer resort. He showed a blue print of the property and said he plans to restore the building to the original look and add on a barn for additional space. The house lot is a two-acre plot, approximately, but has not been surveyed yet. Mr. Davis said it has already been approved by the Planning Board as a house lot when he petitioned to erect a woodworking shop on the original three-acre lot. From the roadway to the shop he is pretty sure would fulfill the required two acres, but if not he could move the roadway to give another ten feet. He has since bought another 35 feet so that the shop plot would be one acre plus. He went on to say that the septic system consists of a tank and a leaching field--it is all right, no problem, very adequate.

Mrs. Webber asked if Mr. Kramer planned to live in the house as well as operate the business, and the reply was, not really, that is not now my plan. I plan to renovate the whole house, but I really don't know. I will use two floors for the restaurant, and the upper floor either for overnight stays or office space. It is very possible I will have a manager in residence, or someone in that capacity who will be living there all the

time. Question: Will you be running an inn? Will you serve three meals a day? Reply: I will not be running an inn, just a restaurant. I will not be renting rooms; overnight stays will be just a personal accommodation. Question: Do you plan any entertainment? Reply: Yes, the overnight stays might well be entertainers coming from Boston or New York. It will not be rock and roll,--more in a cabaret style--for those who would like to come up and try out a performance,--a trombone trio, or the like. Question: Would you have a liquor license? Reply: Yes, I have talked with Mr. Kiblin of the State Liquor Licensing Board, and told him what I plan to do, and he seems to feel I should qualify for a first class restaurant license for beer, wine and liquor.

Mr. Kramer produced a letter from Mrs. Hickey who lives up around the bend in favor of the restaurant and the liquor license which was read and placed on file. He said additionally he had asked Mr. Clarke to speak in his behalf and also Jane Hill who is at present at another meeting, but would prefer that they not speak before the opposition, if any, presents its case.

Those opposed were then called upon, and Mrs. Robinson spoke in opposition. She said she objected very strongly to a restaurant next door. The site is only 75 yards from our driveway and the distance from house to house is 85 yards. We searched in many, many towns and finally bought in 1973 five acres here in Antrim because we liked the small town, liked the people, and liked the land. In 1976 we put up a house which now is a vacation home but will eventually be our retirement home. We chose this location because it was peaceful and quiet. We feel that the proximity of the restaurant with the lounge and entertainment would certainly cause some kind of noise and the parking problem will cause a lot of confusion. This is what happens when you mix business and rural. Gregg Lake Road is not built for a 50-car parking lot; there will be a lot of confusion and

I think you are going to have traffic problems. Mrs. Robinson went on to say that one thing bothers her is that there is a zoning law and in less than two years ago there was a request for a variance entered by Mr. Davis for a business. The business is far enough away and the traffic would be no problem. But within two years after that here is another petition. There seems to be no sense in having a zoning law if every request is granted. This second request I cannot accept. I would not stay there if there is a lounge and entertainment. The value of that land would deteriorate I am sure you would agree.

Mr. Doane pointed out that this is not a request for a variance but for a special exception which is allowed under the Ordinance under certain conditions.

Mr. Kramer continued, if a restaurant is there the distance between your property and the house is such that the noise factor would not bother you. Talk and whatever clatter of china will be within the four walls so that the noise would not be noticeable. As regards the parking situation, during the day there will be no trouble. In the evening there will be no trouble from the parking area. It should not affect your privacy; everything would be below you. You say you are 75 yards from the restaurant but that is not really where your house lies.

Mr. Kramer introduced Mr. Clarke, a sometimes policeman cruising up Gregg Lake Road, to speak in favor. He said he can see no problem or drawbacks and thinks it is good, especially to bring badly needed tax dollars to the town. Some say we do not need another restaurant, but this competition would tend to bring up the quality. If this were proposed for the upper end of Gregg Lake Road, I would say no as it is too congested and narrow, etc. The only person to be bothered by traffic would be Mr. Davis, the only residence before the restaurant. The traffic would be coming off Route 31 and returning back on 31. Looking from the traffic point of view I can really not see any real problems because it is not going close to the congested area.

Mrs. Thomas asked, do you have any limitations for hours? Mr. Kramer replied that during the week I do not intend to stay open very late-- eight or nine o'clock; I will play it by ear. Weekends it would be later. The only person living there on a day by day basis would be myself at times, or a caretaker. No students are going to live there. I am not going to say no students, but I plan to appeal to a broad spectrum. I have two or three people under consideration for the caretaker, but they are not students. I might have students for bus boys. Question: You do not think they would use the Gregg Lake area by going up there to swim afterwards? I cannot say what they would do, but I do not anticipate that.

Mr. Davis remarked that last Fourth of July there was fear that there would be quite a traffic problem at the Lake, but there was not any problem at our end of the road, not from Lake House down to the corner.

Mrs. Robinson remarked in connection with the distance between her house and the restaurant that she expects to hear noises because of people going in and out are noisy. I anticipate hearing voices and expect to hear music. This devalues my property. I do not expect to hear clatter of dishes. Mr. Kramer replied: The building will be insulated; the entrance will be on the Gregg Lake Road side. Mrs. Robinson said it is a very quiet area in general and this would bring a disturbance of that quiet.

Mrs. Webber asked, will this be just a dinner, or a breakfast, lunch and dinner operation? Reply, primarily it would be the dinner hour; perhaps lunch during the summer; no breakfast.

Mr. Clarke remarked that he finds during the summer that the Gregg Lake area is recreational. If hearing voices in the evening is objectionable we would have to close down most of the cottages.

Mrs. Robinson said, we are not in that area.

Mr. McLean asked Mr. Kramer if he were going to charge for spending the night, and the reply was that I am not conceptually thinking of renting

out rooms. I do not say primarily no. Mr. McLean then remarked that if you were to open a restaurant you would have to be 150 feet back. This property is only about 80. Mr. Davis said this is a present building and that the grandfather clause pertains, but was corrected by Mrs. Thomas.

Mr. Clarke remarked that where there is excessive noise the State moves in; it is controlled by the police and State liquor law,--not just one instance but if there is continued excessive noise they close it down. Mr. Kramer said it is his intention to cater to an adult clientele and not college students. They are not the ones who are going to spend \$10 or so.

Mr. Clarke said he has been working at Jackson's and people in cars from Connecticut, Massachusetts etc. stop there all the time.

Mr. McLean asked if Mr. Kramer would be opposed to restrictions of having to close on weekdays by 10 o'clock and weekends by 12? And do you plan to pave the driveway? Mr. Kramer replied he would strongly object to closing at 12 o'clock with a liquor license which allows one o'clock. During the week he would doubt he would be open passed nine and may close completely two nights a week. To have that hanging over my head I would not like to agree to that. Maybe on a particular evening a party of 15 might arrive shortly before twelve that would like to remain there until one o'clock. Mr. McLean asked how about paving the driveway? Mr. Kramer asked why? I am not sure I want to esthetically. I want to bring it back to a country setting with trees and grass. I will improve that driveway but short of an asphalt driveway. Mr. Davis remarked that the water from the road comes right in the driveway and right out again.

Mrs. Thomas suggested another possible restriction. You said you would have to do a lot of remodelling. She suggested that if after a certain time your remodelling is not done the property would return to a private residence. He replied that initially he would work on the house as it is at present. I want to open this summer so will concentrate on what is there now. The additions will come later and be a brand new building. I hope by late fall

to have the improvements done. The drinks will be served in the addition with food. The bar will be a lounge with seating maybe for six stools and in the bay window a few tables. All the rest in order to have just a drink must pay a dollar more. There will be no dancing except perhaps once a month, something special. I do not intend to make an Onset-type of operation. It will be more like a cabaret, the entertainment more in concert, a listening type of thing.

Mrs. Robinson asked what would be the total seating capacity of the restaurant. In the barn which will be 40' x 70' there will be a stage or performing area something like a theatre in the round with seating for about 75-100 to a total of 125. She asked how much parking will be provided? Mr. Kramer replied there will be parking for 50 or 75 or so cars. The east end will become the first parking area for 35-45 cars. If I find we will have to have more parking I will go to the west side below your driveway. Some grading will be necessary.

Mrs. Webber asked if there were any more questions and as there were none she read a letter from the Planning Board in opposition and placed the letter on file. Mr. Kramer asked if that was written as a result of a meeting of the Planning Board or written by Mr. Merrifield individually. Mrs. Thomas, as a member of the Planning Board, replied that it was the result of a vote of the majority of the Planning Board. Mrs. Webber said that the intent of that ordinance is to maintain that area as a rural area because we now have a business district. The Planning Board does not object to a restaurant but do object to where you want to put it. Mr. Kramer asked to see the letter, and said in other words they want a restaurant in the Business District. Mr. McLean pointed out the Zoning Ordinance to Mr. Kramer, and Mr. Bried said that in the Zoning Ordinance there are six guidelines for granting a special exception. Mr. Kramer remarked that it seems a paradox because a restaurant is a permissible

special exception but Mr. Bried said "if". Mr. Kramer asked if he could respond to the six guidelines but the Vice Chairman said they were for the Board to consider on the basis of information given.

Mr. Clarke remarked that he had not been to too many meetings, probably his own fault. He does not quite understand why the Planning Board should send a letter. If they do write such a letter I should think it would have some effect on the decision. Mr. McLean said he should think that after being Selectman for three years he would be aware of this.

Mr. Davis said that when Mr. Doane was Chairman of this Board, I went to the Planning Board but found out I went to the wrong place and was sent to the Board of Adjustment.

The hearing was declared closed at 8:30 P.M.

The Board then met in executive session. Mr. McLean remarked that if we accepted there would have to be restrictions. If it was in a Business District he would have to have a set back of 150 feet. Mrs. Webber asked, do you not think we would have to protect the Rural District now that we have a very definite area for a Business District? What good was it to change the zoning if we do not uphold? Mr. McLean said that there are so many things that are wrong. Mr. Proctor remarked that the Ordinance has very recently been changed. But here we have one special exception there already and I, therefore, think we are on very thin ground. But Mrs. Webber said that that special exception did^{not} bring the traffic that this would. Mrs. Thomas remarked that if the Planning Board has written as strong a letter of disapproval as it has we should accept it. The Board then went over the six criteria for granting a special exception as follows:

1. There is no other restaurant in the immediate district, but there are David's, Hawthorne Inn, and Lakeside is opening a pub in the Rural District. Mr. McLean said they are all on Route 9, a major highway. This is on a secondary road. Mr. Proctor said we cannot say there are no restaurants in the Rural District.

2. The Planning Board disapproves.
3. The Robinsons, abutters, strongly object.
4. There would be a noise nuisance and traffic congestion. Mr. McLean said he did not think we can count much on Mr. Davis' remarks because he obviously wants to sell the property. Mr. Bried said there could be a noise nuisance and there could be a traffic problem on that particular road.
5. Adequate and appropriate facilities for proper operation. It can be done if they want to make the investment. We do not know whether the set back is correct. We do not know the minimum area. The septic system is questioned as adequate for the purpose.
6. Mr. Proctor remarked that the Rural District requires a minimum of two acres. Has this been surveyed for two acres? Is there adequate parking area, septic system, etc.? We do not know these things for certain.

If we accept this, we can do so with the proviso that this plan agrees with the one previously submitted to the Planning Board. Did the Planning Board have a certified survey from Davis when he first came to them for a subdivision? Mrs. Thomas said yes, but she cannot remember what it looked like. Mr. Proctor asked, should we say tonight that we reserve decision until we have the plot plan submitted to the Planning Board to make a comparison? Mrs. Webber said we could do that but I am prepared to deny the petition as we have an obligation to stop sticking in businesses in this District; that was not the intent of the Zoning Ordinance; we are going to be accused of spot zoning. Mr. Bried remarked that he does not see how we can approve this. Legally this is a subdivision. They should have had a surveyor's survey. Mr. McLean remarked that he cannot just move the line if the subdivision has been recorded. If not recorded he could move that line anywhere he wants. This is not a milar which is required for recording.

The Vice Chairman suggested that we try for a vote and Mr. McLean moved to vote, seconded by Mrs. Thomas, and voted unanimously in favor. The Board then returned to open session and the Clerk read the motion and the vote was taken as follows:

MOVED: That Frederick Kramer be permitted to establish a restaurant at property now owned by Richard E. Davis on Gregg Lake Road.

SECONDED: By Mrs. Thomas

VOTED: In favor: Ralph Proctor

In opposition: George McLean
Eugene Bried
Patricia Thomas
Carole Webber

Resolved: That the Planning Board has found the site to be inappropriate for the proposed use.

The Vice Chairman remarked that the answer is in the Planning Board's letter. It is the intent of the Planning Board letter to keep the Rural District as a rural area and have businesses in the Business District. It is our intent to enforce the Zoning Ordinance.

The Board then went on to other business. The Vice Chairman brought up the minutes of the last meeting for approval and after minor revision the minutes were unanimously accepted.

The meeting adjourned at 9:15 P.M.

Respectfully submitted,

Catherine C. T. Dik

Catherine C. T. Dik, Clerk