

June 21, 1977

The Board of Adjustment met on Tuesday, June 21, 1977 in the Antrim Town Hall to hear the petition of C. David Platt (Case No. 30) for a variance to create an interior lot with a 33 foot driveway serving as frontage on Elm Avenue. The roll call was as follows:

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

Also present were Mr. and Mrs. Arthur W. Fletcher, Emery S. Doane, Mr. C. David Platt and son Steve. The Chairman called the meeting to order at 7:35 P.M., and announced that the members of the Board serving this evening would be Mr. McLean, Mrs. Dik, Mrs. Webber, Mr. Flanders and Mrs. Thomas as he would have to leave probably before the deliberations were over, and announced that we are required to keep accurate records so we have a recorder which will be running during the hearing and when the minutes are written the tape will be erased. We ask anyone who desires to speak to identify himself. The Chairman outlined the procedure for carrying on the hearing, and then the Clerk read the application and reported that notices were sent by certified mail, return receipt requested, to the petitioner and abutters Mrs. Arthur Millard, Mr. and Mrs. George Barr, Mr. Laurence Elbthal, Mr. Arthur Elbthal, Mr. and Mrs. Clark Craig, Jr., Mr. and Mrs. Joseph A. Kevit, Mr. and Mrs. Robert Merri-field, Ms. Barbara Weeks, Mr. and Mrs. Clifford Whitehouse, Mr. and Mrs. Arthur W. Fletcher, and Mr. and Mrs. Raymond Sweeney. All receipts have been received. Notices were sent by regular mail to all members of this Board, the Selectmen, Town Clerk, Town Counsel, and the Chairman of the Planning Board. Notice was published in the Peterborough Transcript on June 9, 1977 on page 3 and posted on the Town Bulletin Board. The Clerk also read a letter from the Planning Board which enclosed a copy of a letter to Mr. Platt from Emery S. Doane of the Board of Selectmen. These letter were placed on file.

Mr. Platt presented his case and showed a drawing prepared by Mr. Attridge of the entire 90-acre tract with the two acre lot with a 33 foot right of way in from Elm Avenue and 90 feet from the Barr property line. He said Mr. Attridge will draw in the five acre plot on Goodell Road at the corner beginning where the historical school marker is for approximately 300 feet for the Town Highway garage.

Mr. Flanders asked if he has this right of way will it definitely be a driveway just for that lot? Answer: Yes. Mr. Flanders also asked why this lot did not abut the Barr boundary, and the answer was because he did not want to give him that much land. This land is presently under land use and so I will have to pay the penalty on it and on the five acres to the Town to change the use.

Mr. Doane showed a copy of the assessors' card giving the various valuations on sections of the 90-acre plot, and pointed out that the proposed house lot is in both the Rural and the Business District.

The Chairman asked Steve Platt if he was in favor of all this, and he said he was. He then called for anyone in opposition, and there was no one. Mr. and Mrs. Fletcher had no objections--too far away. Mrs. Webber asked if the driveway needed any specifications, and 22-foot top surface was mentioned. Mr. McLean had no questions, and as there were no further remarks the hearing was closed at 8 P.M. and the Board adjourned to executive session.

Mr. Flanders feels that the variance should be granted with the stipulation that this driveway shall be a private way to this lot only. By not taking the house lot line to the Barr line there is available space for an access road to the land in back, if ever a development is desired, on either side of this lot.

Mr. McLean does not think the Business District has anything to do with it, and he has no doubt but that it lies entirely within the Rural

District. He feels there is no topographical condition,--no hardship whatsoever; He can include 210 feet frontage on Elm Avenue in the deed and thus make it a legal lot. The Zoning does not permit this type of lot.

Mrs. Dik said that both Districts were mentioned as it seemed very possible that a small part of the lot was in the Business District and in order to avoid any possibility of the hearing being disqualified on a technicality it was considered wise to list both.

Mr. Flanders said he thought Mr. Platt explained it very well, and referred to Article VIII, Section E, 1 of the Zoning Ordinance and felt that the gully qualified as an "exceptional topographical condition".

Mrs. Thomas said that when Steve came to the Planning Board he said his father wanted to give him only one acre but was finally persuaded to make it two acres. If the lot were down on the road it would conform to the requirements entirely. The only thing it does not meet is the driveway. In the gully there is nothing planted; that land is virtually worthless.

Mrs. Webber: Maybe the son could not pay the taxes on more.

Mr. McLean: A variance ways it has to be a hardship and I do not see the hardship. I don't think this will hurt anyone, but if we are going to grant a variance we must have a good reason for doing it, thus establishing a precedent. Mr. Flanders remarked that as far as he is concerned there would be no precedent because each case is judged on its own circumstances, and there was general agreement among the Board members.

Mr. Pratt remarked that probably without doubt their definition of a hardship is that he wants to give the minimum amount of land required. If the land had been suitable he would have given him the land right on the road, and to give him that far back for a building lot he would have to give him 3.8 acres in order to have the frontage; therefore, there is a hardship in the land because of this. If he were going to develop this whole area and run a road through here and bring it up to standard then this lot would

qualify as a conforming lot with 300 foot frontage on the new road.

Mr. Flanders thinks it would be an injustice not to grant and said he was going to make such a motion.

Mrs. Webber thinks that if we put a stipulation that the driveway be strictly a private one it would be all right.

As Mr. Pratt was not serving as a voting member of the Board this evening as previously explained, he left before the Board returned to open hearing.

In open meeting Mr. Flanders

MOVED: That the petition to create an internal lot of two acres with an access driveway 33 feet wide from Elm Avenue as shown on a plan entitled "Plan entitled Property of Christopher D. and Doris S. Platt in Antrim, New Hampshire, Scale 1"= 200', subdivision survey by J. Milton Attridge. Exterior bounds of tract from misc. plans and deed information, May, 1977" be granted with the stipulation that said driveway shall be used only for Parcel A as shown on said Plan.

SECONDED: By Mrs. Webber

VOTED: In favor: Patricia Thomas  
Catherine C. T. Dik  
George McLean  
Robert B. Flanders  
Carole Webber

In opposition: None

Mrs. Webber then moved that the meeting adjourn, seconded by Mrs. Thomas, and voted unanimously at 8:45 P.M.

Respectfully submitted,

*Catherine C. T. Dik*

Catherine C. T. Dik, Clerk