

The Board of Adjustment met on Tuesday, September 20, 1977 in the Antrim Town Hall to hear the petition of Charles W. and Pauline D. Jackson (Case No. 35 for a variance from lot area and setback requirements in order to subdivide the lot into two lots in the Business District. The roll call was as follows:

Benjamin Pratt, Chairman	- Present
Carole Webber, Vice Chairman	- Absent
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 Mrs. Jackson, Ralph Proctor, Emery S. Doane, and Donald R. Mellen. Upon the arrival of Mr. Mellen the meeting was called to order at 7:35 P.M. and the Chairman announced that the Board this evening would consist of himself, Robert B. Flanders, Patricia Thomas, George McLean and Catherine C. T. Dik. The Clerk read the application and reported that notices were sent by certified mail, return receipt requested, to the petitioner and abutters Mrs. Beverly Tenney, Ms. Bernice Robb, Goodell Company, Town of Antrim Tuttle Library, and Richard and Martha Jennison, and that all receipts had been received except from Mrs. Tenney. Inquiry at the Post Office by the Clerk revealed that the notice was at the Post Office because no one was at home to sign when the one attempt to deliver was made and that there has been no response from a reminder some time later. An inquiry by the Chairman of Eric Tenney on the 19th assured that Mrs. Tenney was aware of the hearing. 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 September 8, 1977 on p. 10 and posted on the Town Bulletin Board. The Chairman pointed out that the application was not complete in that no statement of the hardship or grounds for the hardship was made. Legally, for the Board of Adjustment to grant the variance, there must be a hardship involving the land or the property which granting the variance to the Zoning Ordinance would relieve. We should bear in mind

the providing of the reason is necessary. He then called on Mrs. Jackson to present the case, or have Mr. Mellen do that for her. Referring to his survey plan of April 26, 1977, Mr. Mellen said as you can see Lot No. 1, according to the Zoning Ordinance in a Business District within the Precinct, requires 100-foot frontage on the street and a half acre of land. We have the frontage on both streets, but need 22,000 square feet for a half acre and have only 17,667. Therefore, we are asking for a variance on that. In creating the new Lot No. 2 and keeping all of the paved parking area with the existing dwelling on Lot 1 there is only 5.85 feet in front of the barn, and so we are asking for a variance from the requirements of a 20-foot setback from a lot line. Lot 2 would have 40,180 square feet area. These are the two variances we are asking for. There are two separate deeds to these properties. The deed that goes with the big dwelling continues in back of the barn and that part is about three-quarters of the lot. The second deed is for the land around the barn and where the trailer and porch are which is marked in red on the plan. They want to keep all of the paved area around this existing building, and eventually what they would like to do is to convey Lot 1 and keep the back land with the barn and trailer. We checked with the Planning Board to see if they would be willing to give their feeling on this. I believe they were to write the Board of Adjustment giving their feeling. I think when discussing it with them they were in favor of it and not against it. (To date no letter from the Planning Board has been received by this Board.)

The Chairman asked if there was anyone who wished to speak in favor of the matter, or anyone who wished to speak in opposition. Mr. Doane of the Planning Board quoted from the minutes of the Planning Board to give the background of the matter. Mr. Jackson was told that a milar would be necessary before the Board could proceed. He returned with a plan where some of the lines were drawn in in pencil which could not be accepted by the Registry. Mr. Jackson returned later with a revised plan which raised

a new problem by doing away with a right of way from Aiken Street to the barn and creating two lots one of which was substandard in area and must be referred to the Board of Adjustment. A letter to the Board of Adjustment was to be sent advising that Mr. Jackson must come before that Board. I have no knowledge whether the letter was sent. (To date no such letter has been received by the Board of Adjustment.) I will state for the record the Planning Board found no objection. The intent of the Planning Board was, I believe, to support the application, and Mrs. Thomas agreed.

The Chairman remarked that it is reasonable for this Board to assume that the Planning Board did in fact favor this application. It might have had different feelings if there had been only one deed to the lots. Mrs. Thomas asked Mr. Mellen if they had not had difficulty finding the title on the other lot, and he said they had to take it to court. In the process of conveying someone had not typed in the parcel with the barn. It was not on the deed when the Jacksons took title, and it was only discovered when I was surveying for this subdivision. I asked Mr. Jackson where was the other deed. Mr. Jackson was amazed and said that he had bought and paid for it and had taken care of it for two or three years. It took over a year but it is finally settled and they have a clear title. Mrs. Jackson said we are still being taxed separately for the two lots. The Chairman asked what would be the footage of the present barn lot. Answer: Probably 12,-13,000 square feet. Mr. Flanders asked what was the footage between the front of the barn and new line. Answer: 5.8 feet--not quite six feet. One is supposed to have 20 feet. There never were 20 feet. We have no intention of using the original entrance to the barn because the land there was dug down for the parking area. The entrance is on the Aiken Street side of the barn,--there is a sliding door up high for tailgate loading and another regular door for people. The barn would go with the trailer, and the parking lot goes with the main house. Mr. Proctor asked whether this change of lot line would permit changes in use of the

property, and said that off-hand he would say no it would not.

Mrs. Jackson then gave her reason for a hardship. There is only a very small connection of 12 feet between the front part of Lot 1 and the back part behind the barn which is inaccessible from the street for a car, so this land is useless to us unless it goes with the barn. There was a right of way in common which came up only to the end of the red line at the front of the barn. In the event this goes through the right of way would be wiped out. If they should convey the house they would convey without the right of way. That is why, if these two go together, the back land is much more usable with the barn and trailer rather than with the house.

As there were no further questions the hearing was closed at 8 P.M.

The Board then met in executive session and Mr. McLean suggested that we no longer accept any applications that are not complete. This application was a particularly confusing one. Mrs. Thomas asked is there any chance this Lot 2 will go into apartment houses? Mr. Pratt replied that he could not see where this variance will affect what he can or cannot do with either the buildings or the land. Mr. Flanders: I think he is getting ready to sell the apartment house. I think he wants to keep the back land for himself. It is a gorgeous building lot. Mr. McLean asked if anyone had any idea of the condition of the barn. Mr. Pratt replied that it is really pretty good, Mr. McLean: Where did they get the idea that the right of way could disappear? Mr. Pratt: Since they own all of this property in two lots the right of way is meaningless. If he sells Lot 1 off he can then, if he wants to and gets his buyer to go along, have any restrictions he wants. Mrs. Thomas: The right of way was put in for Goodell Company. The Company sold the front house and kept the barn, and then Jackson bought the barn. Mr. Flanders: They are going to have to make a completely different deed in order to sell the Lot 1. Mr. Pratt: When Goodell Company sold

Lot 2 and gave up the use of the barn the right of way did not go to Goodell Company; it went to Lot 2. The area of Lot 1 is 17,667 square feet; Lot 2 is 40,180 square feet. One lot loses and one lot gains by this line adjustment. Mrs. Thomas said that Mr. Jackson came to the Planning Board a while ago and wanted to put the laundromat in the barn but could not because of the septic system. Mr. Flanders: It would be more of a hardship if he came in and said he wanted to sell Lot 1.

As there was no further discussion the Board returned to open session and Mr. Pratt

MOVED: That the petition of Charles W. and Pauline D. Jackson for a variance from the area and setback requirements in order to subdivide their property into two lots be granted.

SECONDED. By Mr. Flanders

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

In opposition: None

Resolved: That due to the unusual shape of the property the strict application of the area and setback requirements does in fact constitute a hardship.

The Board moved, seconded and voted unanimously to adjourn at 8:25 P.M.

Respectfully submitted,

Catherine C. T. Dik

Catherine C. T. Dik, Clerk