

BOARD OF ADJUSTMENT

Minutes for September 8, 1987

CASE # 108 Variance
Maja Gamitri Realty Trust.

A public hearing was held before the Antrim Board of Adjustment on Tuesday, September 8, 1987, 7:30 P.M. at the Little Town Hall, Main Street Antrim, New Hampshire, to consider a request by Maja Gamitri Realty Trust. for a Variance concerning Article IV, Section 6 of the Antrim Zoning Ordinance

The roll call of the Board was as follows:

Mary Allen, Chairman	present
Robert B. Flanders Vice Chairman	absent
Harvey Goodwin	absent
David Penny	present
Howard Humphrey, Sr., Alt	absent
Everett Chamberlain, Alt	present
Patricia Hammond-Grant, Alt.-Clerk	present
Eric Tenney, Special Alt.	present

Mary Allen, Chairman, introduced Attorney Jeffrey Crocker who will be advising the Board on this case, and explained the procedure that will be followed.

Patricia Hammond-Grant, Clerk, read the application for the variance. Notices were sent by certified mail, return receipt requested to the applicant and abutters. All receipts were returned except the one sent to Carl and Jean Smith of Hillsborough, N.H. A public hearing notice was published in the Messenger August 25, 1987 and posted in the Town Hall and on the Legal Notice Board outside the Town Hall.

The Chairman made reference to the fact that some of the land to be considered in the application for the variance was located in Hillsborough and that the Board was not clear about its authority to act in respect to land located in another municipality. The Chairman then asked if anyone who felt they should have been notified of the hearing had not been so informed.

Helen LeVanda, Antrim property owner, asked why she had not been notified as a property owner across the lake. This was noted by the Board and it will consult legal counsel to see if the lake is indeed a boundary. Robert McNeil an abutter across the water was also not notified. Elizabeth Noble, Pierce Lake Road; Robert Vaughn, Pierce Lake Road; and Dr. Karin Mack, Route 9; also commented on the method of notification of the hearing.

The Chairman read page 18, Article VIII, Section E of the Antrim Zoning Ordinance, Conditions for a Variance, she also read Article IV, Section G, the article concerning the Variance. The Chairman commented on the fact that there have been some changes posted to the original ordinance during the period of time the applicant has been working on his plan.

Leigh Bosse, Attorney, representing Gary Bergeron of Maja Gamitri

Realty Trust said that the original application was presented to the Planning Board before the changes were posted. Silas Little, Attorney, representing Dr. Karin Mack for Lenoir Franseen, asked if Mr. Bergeron's application submitted to the Planning Board was complete and he cited R.S.A. 4:01. He believes that the applicant seeks greater density than allowed.

The applicant then proceeded with his presentation. Representing the owner Gary Bergeron were Leigh Bosse and Anthony Martz, attorneys; Tom Sommers and George Chadwick of Costello, Lamaze and DiNapoli an engineering firm and Mr. Bergeron.

Attorney Bosse stated that the applicants position was that no variance was needed and cited some cases where land in two municipalities was involved. He then turned the presentation over to Tom Sommers. Mr. Sommers showed a plan of the project and stated that the units would be two bedroom with water and sewer facilities located on the Hillsborough property. He had statistics on the impact on traffic, economic impact, and tax rate. He said that the road would be upgraded and that the units would be priced to sell at \$125,000. He said that all deed rights would be honored and commented on the special condition that the one tract of land was located with 7 acres in Antrim and 8.4 acres in Hillsborough.

Gary Bergeron, Owner gave the history of the project and commented on condo agreements and lake impact.

David Penny, Board Member, asked about percent of land covered, setbacks, density, and should the Hillsborough land be included in the Board's decision.

Attorney Bosse clarified the fact that there would be twenty six units as opposed to the twenty seven units noted on the application and notice of hearing. 26 units on 15.4 acres in four buildings.

The Chairman asked if the land in Hillsborough was buildable and if there were any topographical reasons that would prevent the use of land in Hillsborough for housing. There was some discussion ^{ON THE BOARD'S AUTHORITY} to impose limitations on land in another municipality.

Speaking in favor of the project were Tom Bergeron and Becky Prince of Henniker and Harry and Becky Cassaris operators of Breezy Point Inn.

The Chairman was presented with two petitions in opposition to the project which were placed on file.

Among those speaking in opposition to the project was Attorney Silas Little, representing Dr. Karin Mack for her mother Lenoir Franseen. Attorney Little cited a number of cases heard by N.H. courts which had much in common with this case. He questioned the use of a Town road and questioned the setback from this road. Also speaking in opposition were William Vaughn, Barry Roy, Ed LeVanda, Ann Edwards, Ann Ford, Carl Smith, Dan McCoy, Karin Mack, Gladys McCoy, Bill MacNeil, Art Myjak, and Bill Sedan. The voiced opposition to the number of boats that might be added to an already crowded lake, raised questions about right of ways and impact on the school system among other things.

In rebuttal Attorney Bosse thanked the Board and complimented the Chairman on the conduct of the hearing. Mr. Sommers said that they had no intention to violate the Zoning Ordinance and Attorney Little said that the Board should investigate the conditions of the application,

minutes of the project board meeting.

Mary Allen, Chairman, made a summary of the hearing and said that the Board would consult with counsel on the many questions before it.

At 9:55 the Board adjourned for five minutes and upon returning a motioned was entertained to consult with counsel. Moved by David Penny to adjourn under RSA 91A to seek legal counsel second by Eric Tenney. Passed unanimously.

Mary Allen, Chairman reopened the meeting at 11:00 P.M. Everett Chamberlain moved to reconvene and continue deliberations on October 6, 1987 at 7:30 P.M. Seconded by Patricia Hammond Grant. So moved unanimous. adjourned until October 6, at 7:30 P.M.

David Penny, Chairman in the matter of Case #105 Variance, Kincaid Construction Corp. moved to continue deliberations until September 15, at 8:00 P.M. second by Patricia Hammond Grant. So moved, unanimous. Meeting adjourned at 11:00 P.M.

Respectfully submitted

Patricia Hammond Grant, Clerk
Antrim Board of Adjustment
Minutes prepared by
Barbara Elia