

Minutes of the Board of Adjustment Meeting June 21, 1988

Present: Howard Humphrey, St., Joseph Timco, Everett Chamberlain, David Penny, Patricia Hammond Grant, Clerk, and Mary Allen, Chairman

The Chairman opened the meeting at 7:30 P.M. The first action of the evening was to reopen Case #113, Special Exception Article XIV Section C, by McWalters & Byk. The Chairman recapped the history of the case. It was heard on June 7, with a site review on June 16 followed by deliberations. The Chairman reported that there was additional information as to the width of the right of way on Route 202. It has been determined that the right of way at the point of the site in question is 33 feet and on measuring the distance from the building in the presence of Mary Allen, Joseph Byk and the Board Secretary Barbara Elia it was determined that the 33 foot right of way came within the inside post of the existing sign. If the sign were to be set back it would have to project from the building. Attorney Byk was present and verified the measurements. As there was no further information to be added Joseph Timco moved and Eb Chamberlain second that the hearing on case #113 be closed to continue deliberations, which began June 16, later in the evening. So moved.

The next item on the agenda was Case #115 for a Variance of Article VI Section C, 1, a by William G. and Arvilla Lang. Mary Allen, a neighbor of the Langs stepped down from the Board. The Board hearing this case will be: Howard Humphrey, Sr., Everett Chamberlain, Joseph Timco, Patricia Hammond Grant, Clerk and David Penny, Chairman. David Penny opened the hearing. The Clerk read the Application it was published in the Messenger June 6 and posted on the Town Hall Bulletin Board and the Legal Notice Board at the Town Hall. Notices were sent to abutters all receipts returned. The Chairman read the Article and Section in question, Article VI, Section C, 1, a. This hearing is for a Variance on Tax Map Lots #1a 722 and 1a 720. The Chairman, David Penny, also read the guidelines for granting a Variance from the Antrim Zoning Ordinance. Dennis McKenny, Surveyor, presented the Application. He stated that they had been before the Antrim Planning Board and had been instructed to come before the Board of Adjustment for a Variance as a non conforming lot was involved. Mr. McKenny pointed out that the property was purchased in 1964 when there was no zoning. This was a landlocked piece of property. The Applicant purchased the adjoining piece of property in 1974 and these are shown as two separate lots on the tax map and by deed. The lots in the area are of various sizes both conforming and non conforming. The Applicant wants to annex the lot purchased to the lot purchased in 1964 to be subdivided at a later date in a hearing before the Antrim Planning Board. The Applicant will have to retain a right of way through the lot he plans to separate. Robert Watterson of the Antrim Planning Board contributed some information about why the Board of Adjustment must first grant a Variance before the Planning Board could work on the Subdivision. Richard Schacht spoke to the ramifications of the proposed Zoning Ordinance. Shawn Hickey and Harry Page contributed some testimony in favor of the Variance. Marion Peat spoke to the fact that Mr. and Mrs. Lang were good neighbors and she had no problem with the Variance. The Chairman closed the testimony and the Board will go into deliberations later.

Case #116, a request for a Variance concerning Article VIII, Section B of the Zoning Ordinance made by William MacCulloch, owner, and Steven Lape (Artek). The Applicant proposes to operate a light manufacturing

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business for museum reproductions on property located at Gregg Lake Road in the Rural District. Mary Allen Chairman explained the procedure for the hearing. Patricia Hammond-Grant, Clerk, read the Application. The property is owned by William MacCulloch and Daniel MacDougal Antrim Tax Map #5-322 lot size 254x245x244. Advertised in the Messenger June 6, posted on the Town Hall Bulletin Board and on the Public Notice Board outside the Town Hall. The abutters notified were Andrew DiMasi, Harry Page and Butterfield and Nichols. All receipts returned. Inasmuch as David Penny is a neighbor of the property, he stepped down from the Board. The Board sitting on this case was Mary Allen, Chairman, Patricia Hammond-Grant, Clerk, Howard Humphrey, Sr., Everett Chamberlain, and Joseph Timco. Mary Allen, Chairman, read the Article that outlines the Rural District and permitted uses. She also explained the procedure followed in the deliberations for granting a Variance, the five conditions as outlined in the Zoning Ordinance must be met. Attorney Bernard Hampsey representing the property owners provided the Board with a four page printed argument, on the basis of these five conditions, for granting the Variance. He cited that the Board of Adjustment had granted a Variance in 1974 to Richard Davis for having a woodworking shop at this location. It was pointed out that the Special Exception was lost due to the passage of time. Attorney Hampsey argued that the building should be used commercially and that to lose the business would be a hardship to the community. He argued that the building is in existence and should be used commercially and that he feels that it is the best use. Brad Westgate, Attorney, for the Lape's (Artek) outlined their case. Steven and Carol Lape, owners of the business, manufacture museum reproductions and recent artists works, these are original works. They had a fire at their original location and need to locate as soon as possible as the season for taking orders is approaching fast. They employ 20 full time people who are long term skilled personnel. The Applicant demonstrated a plan of the proposed use of the building. The Board questioned the traffic impact on the area. In and out daily for the employees and UPS daily. Supplies and local vendors up to three times a week and product preparation material by trailer truck as needed. Attorney summarized that it was in the public interest to maintain an Antrim based business in Antrim and the building was suited for such a use. Joseph Timco asked about other businesses in the Area. The answer is that there is a woodworking shop across the street. Mary Allen asked about a retail store at the site. Steven Lape answered that they had a product display area and there is a walk in area which is open whenever the "Open" sign is out. Mr. Lape also explained that they employ 20 people, presently due to the fire it is 10, and at certain times of the year they have 20 to 30 private contractors, who do work at home. This work is returned once a week when additional work is picked up. The hours of operation are from 7:30 until 4:00 with the office being open from 8:00 until 4:30 there is no night time work. The Board asked Mr. MacCulloch if there was till a residence in the building. He replied that this was now office space. The size of the present building is 40' x 80' two story. David Penny asked to speak against the project. He presented the Board with a list of questions and started to ask some of the Applicants. Attorney Hampsey interrupted the questioning after Mr. Penny had gone through some of them and protested to the Board that they were excessive. Mary Allen, Chairman, reviewed the list and asked some of them for the Board's information. Richard Schacht questioned the length of time spent on the questions. Mary Allen, Chairman, stated that this was a Public Hearing and it would be completed. Tom Ferrence questioned the safety

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of the intersection of Gregg Lake Road and Route 31 if <sup>THERE IS</sup> additional traffic. The Attorney for the Applicant felt that this is not germane to this type of Hearing. Attorney Westgate spoke to the need of the Applicant (Artek) for a facility and production in place as soon as possible. Mike Oldershaw spoke for the number of people employed from the Town of Antrim. Mr. Lape stated that the average payroll was \$60,000 a year to regular employees and \$10,000. to outside contractors. Mr. Lape also stated that the business met State and Federal requirements. Shawn Hickey spoke for the Applicant and indicated his opinion that it would not reduce the value of the property in the area. Richard Schacht indicated his approval of the plan as the hardship in his opinion is related to the land and to the Applicant as their former location had burned down and they might lose the business. Richard also spoke for the Applicant. Brad Brown and Harry Page also indicated their approval of the plan. Robert Watterson indicated his approval stating that it is a commercial building for a commercial venture. Wayne DeKonning was also in favor along with Steve Schacht. Harry Page spoke of Andrew DiMasi's approval but Mr. DiMasi had not indicated any such approval to the Board or was he present. Mr. MacCulloch asked that the minutes of the meeting of Mr. Page Mr. DiMasi, William MacCulloch, the Lapes', Mary Allen, for the Board of Adjustment, and the Selectmen May 31, 1988 be entered into the record. Billy Nichols spoke to the danger of fire and asked questions about the storage of hazardous materials and precautions taken. He had questions about the residue of the resins and chemicals making their way to Great Brook. The Applicant said that no plans had been formulated. Tom Ferrence indicated his opposition to the plan based on the fact that no information had been provided about traffic, fire danger, sprinkler system, and the condition of the septic system. Dave Fulton spoke to the danger of chemical and pollution that could be caused if a drum should spill. He asked about carcinogens and future growth. Attorney Westgate argued that the question portion was over. Mary Allen answered that the Board can take questions. Mr. Fulton asked for a list of cancer causing agents. Attorney Westgate indicated that these were not required by the State or Federal Regulations. Spill plans are regulated at the State level. Fire prevention will be taken care of by interaction with the Fire Department. The Applicant is a minimal hazardous waste operation and is controlled by the State. Mr. Lape stated that his operation had been inspected by OSHIA and given its approval. The plan to dispose of waste thinner has been approved by OSHIA and the building will handle future growth. He has no plans to increase the labor force and only 10 will come back. He plans to have below 25 on site personnel and the Variance given to Davis in 1974 was for a use specifically in line with the Artek Business as he sees it. Mary Allen asked about plans for parking. Mr. Lape demonstrated on a plan that it was in two areas in back of the building. twenty spaces on a gravel surface. Shelly Nelkins also opposed to the location of the building. She spoke to the dangers of the chemicals and asked that Guide 26 be entered into the record. Don Chambers spoke both as a citizen of the Town and a member of the Fire Department to the possible dangers of the chemicals used and stored on the site. The Board questioned the reasons Mr. MacCulloch had for remodelling the building to a business site as it had been used as a residence. Peter Bebloosky spoke against the project citing that it was self induced hardship. Attorney's Westgate and Hampsey thanked the Chair and asked that the summary of the case be waived as the hour is very late. Patricia Hammond-Grant had another question how long to accumulate 100 barrels of waste chemicals. The Applicant answered that it would be twice a year. David Penny asked the size of truck. The answer was the same as a Ross or St Johnsbury Truck.

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David Penney presented the Board with a typewritten list of his reasons why the Variance should not be granted. The Chairman closed the public portion of the hearing.

The Chairman asked the Board's pleasure about going into deliberations on Case #113. Everett Chamberlain moved and Joseph Timca seconded that the Board adjourn to hold a special session for deliberations on June 27, at 7:30 P.M. upstairs in the Town Hall. This will be a continuation of Case #113, Case #115 and Case #116. So moved.

Respectfully submitted,

*Barbara L. Elia*

Barbara L. Elia, Secretary  
Antrim Board of Adjustment

TO: The Town of Antrim, Zoning Board of Adjustment

FROM: David & Dorothy Penny  
Gregg Lake Rd. Antrim

DATE: June 21, 1988

RE: Case #116

As concerned citizens of the Town and neighbors to the property in question, we feel the Board should consider the following questions:

QUESTIONS TO BE ASKED OF THE PROPERTY OWNER AND APPLICANT, MR. MACCULLOCH:

1. When did you purchase the property? *Apr. 1986*
2. What was it being used for when you purchased it? *family living 2nd floor*
3. What was its previous use? *Commercial Woodworking*
4. How long was it a residence? *abt 4 years*
5. When was it a woodworking shop? *74-82. fore close. rented by Bank R.H. Davis*
6. What is the name of the business that operated the shop? *Davis*
7. How many people did they employ? *up to 30 on site. No*
8. How many days per week did they operate? *5 das. Week 6:30-5:30*
9. How large is the parcel of land? *1.5 acres*
10. When was the property subdivided? *78*
11. When did you receive a subdivision approval from the Planning Board? *78*
12. How much road frontage does the property have? *pieces of requirements Hampshire*
13. What are the front, rear and side set backs on the building?
14. How many bathrooms are in the building? *one*
15. Is there a kitchen in the building? *No*
16. How many bedrooms are in the building? *No*
17. What is the size of the septic system? *3 Bdam.*
18. Was the septic system designed for industrial use? *Can't say for sure*
19. What is the current condition of Gregg Lake Rd. below your property? *Non Committal*

QUESTIONS TO BE ASKED OF THE APPLICANT, MR. LAPE:

1. What is the name of your firm?
2. Is it a corporation, sole proprietorship, or partnership?
3. If a corporation, is it a subsidiary of any other corporation?
4. If a partnership, who are the other partners?
5. How long has the firm been in business?
6. Please give a brief history of the firm?
7. Why did the firm move from the Bridle Road location?
8. Why did the firm move from the RT 9 location?
9. Why did the firm move from the RT 202 location?
10. What was the date of the fire?
11. What caused the fire?
12. Please describe your operation including the following:
13. What products do you produce?
14. What is the production process?
16. What type of machinery do you use?
17. What type of noise does it generate (including # of decibels)?
18. Does your production process generate any fumes?
19. What ventilating equipment do you use?
20. Where does it ventilate to?
21. How many people will you employ?
22. How many days per week will you operate?
23. During what hours will you operate?
24. How many shifts will operate?

*General terms*  
*Original Art Work*  
*some spray painting*  
*casting machine - (all contained)*  
*resins*  
*Sanders*  
*spray paint*  
*Booth*  
*2-Compressors*  
*making using flexible tubbers.*  
*Bronzes. neat at time*  
*Castes 3-5 yrs.*  
*very little*  
*some spray paint fumes*  
*vented out*

*Checked by EPA*  
*Raw materials Resins Paints & fillers*

25. Will employees generally remain on the premises during breaks?
26. How many units will you produce per week?
27. How are they shipped out?
28. How often are they shipped out?
29. What type of trucks?
30. What raw materials do you use?
31. How are they received?
32. How many deliveries per week?
33. What types of trucks?
34. What chemicals do you use in your production?
35. What is the average quantity stored on premises of each chemical? *3-4 gal Paint*  
*because of shelf life & Cost 3-4 Barrels Resin*
36. How are the chemicals stored? *4 tons Calcium Carbonate*
37. Are the chemicals toxic? *To be discussed w/ fire Chief*
38. Are the chemicals flammable?
39. What sort of reports do you have to file with governmental authorities? *None. Paint thinner 55 gal drum 6 mos.*
40. Do you use water in your processing?
41. If yes, how much water do you use ?
42. How will you dispose of the waste water?
43. What other waste materials will you generate?
44. Is any of your waste material Hazardous?
45. How is it disposed?
46. Do you have a Hazardous Waste generator license? *yes for drum*  
*Only Waste Paint thinner. 55 gal drum.*

47. What are the drums being stored at the Rt 202 property?
48. Are they empty or full?
49. Why are they there?
50. Are they sealed?
51. Have they been scrubbed?
52. If they have been, how was the residue disposed?
53. How many drums will you store on this site?
54. How will you store the drums?
55. Most general liability insurance policies exclude pollution damage, do you carry any specialized insurance to cover this exposure?
56. If yes, with what company and what are the limits of liability?
57. If no, who will pay for an environmental cleanup in the event of an accident.

*Harry Page - Abutler - How will the septic system be  
calculated. Owner not aware of the size*

*Jim*



POTENTIAL HAZARDS**FIRE OR EXPLOSION**

Flammable/combustible material; may be ignited by heat, sparks or flames.  
 Vapors may travel to a source of ignition and flash back.  
 Container may explode in heat of fire.  
 Vapor explosion hazard indoors, outdoors or in sewers.  
 Runoff to sewer may create fire or explosion hazard.

**HEALTH HAZARDS**

May be poisonous if inhaled or absorbed through skin.  
 Vapors may cause dizziness or suffocation.  
 Contact may irritate or burn skin and eyes.  
 Fire may produce irritating or poisonous gases.  
 Runoff from fire control or dilution water may cause pollution.

EMERGENCY ACTION

Keep unnecessary people away; isolate hazard area and deny entry.  
 Stay upwind; keep out of low areas.  
 Self-contained breathing apparatus (SCBA) and structural firefighter's protective clothing will provide limited protection.  
 Isolate for 1/2 mile in all directions if tank car or truck is involved in fire.  
 CALL CHEMTREC AT 1-800-424-9300 FOR EMERGENCY ASSISTANCE. If water pollution occurs, notify the appropriate authorities.

**FIRE**

**Small Fires:** Dry chemical, CO<sub>2</sub>, Halon, water spray or alcohol foam.  
**Large Fires:** Water spray, fog or alcohol foam is recommended.  
 Move container from fire area if you can do it without risk.  
 Cool containers that are exposed to flames with water from the side until well after fire is out. Stay away from ends of tanks.  
 For massive fire in cargo area, use unmanned hose holder or monitor nozzles; if this is impossible, withdraw from area and let fire burn.  
 Withdraw immediately in case of rising sound from venting safety device or any discoloration of tank due to fire.

**SPILL OR LEAK**

Shut off ignition sources; no flares, smoking or flames in hazard area.  
 Stop leak if you can do it without risk.  
 Water spray may reduce vapor; but it may not prevent ignition in closed spaces.  
**Small Spills:** Take up with sand or other noncombustible absorbent material and place into containers for later disposal.  
**Large Spills:** Dike far ahead of liquid spill for later disposal.

**FIRST AID**

Move victim to fresh air and call emergency medical care; if not breathing, give artificial respiration; if breathing is difficult, give oxygen.  
 In case of contact with material, immediately flush eyes with running water for at least 15 minutes. Wash skin with soap and water.  
 Remove and isolate contaminated clothing and shoes at the site.

**FIRE OR EXPLOSION**

Flammable/combustible material; may be ignited by heat, sparks or flames.  
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 Remove and isolate contaminated clothing and shoes at the site.

copy - 325 6/1/51

APPLICATION FOR VARIANCE

William W. MacCulloch and Daniel R. McDougall have requested a variance regarding Lot 322 on Map 5 of the Town Tax Map, containing 1.5 acres, located on Gregg Lake Road in Antrim, New Hampshire. The variance is necessary in order for the property to be used commercially so that the premises might be leased to Artek, Inc. The specific commercial use would be light manufacturing as Artek is in the business of creating and selling museum reproduction pieces. Granting of the variance would permit the use for which the property was intended and would allow Artek to remain in Antrim. We would respectfully suggest to the Zoning Board of Adjustment that the application meets each of the five (5) conditions as enunciated in our statutes and set forth in Article XVI of the Proposed Antrim Zoning Ordinance. It is the position of the applicants, as well as the proposed tenant (Artek) that we fulfill the requirements as follow:

A. Granting the variance will not diminish the value of surrounding properties. On the contrary, it is anticipated that the immediate abutters will advise the Board in person, or by letter, that they are in favor of the application. The two-story building has been improved considerably by the present owners and is ideally suited for the intended use. The site itself will be improved by the variance since it will result in an attractive and appropriate commercial use of the property that will favorably reflect upon the value of surrounding properties. There is suitable access to the property from Gregg Lake Road, yet the building itself is partially shielded from view by the terrain along the edge of the property. The proposed use would be consistent with the special exception granted for a

woodworking plant last year to Kincaid Construction Corp., the owner of Parcel 940, as shown on the Tax Map. Although the lot itself is nonconforming, prior approval was given by this Board to create the subject lot and a special exception was granted in 1974, under the prior ordinance, for a woodworking shop. The proposed use would be most consistent with the prior special exception.

B. Granting the proposed ordinance would serve and benefit the public interest. Compliance with this condition will be more fully developed by Mr. and Mrs. Lape and their attorney. We would simply add that it is crucial for the community of Antrim to retain Artek as it provides an excellent commercial/industrial base for the town. Should the variance be denied, Artek will be forced to proceed with its alternative plans to locate in another community. It is simply a matter of good timing and availability that this property is available for Artek, which will allow Antrim to continue to receive the benefits from this fine developing industry. Conversely, it would not serve the public interest if Artek was forced to move from Antrim. Tonight's application gives the Board an excellent opportunity to allow the property to be used for the purpose for which it was intended and to retain an important and productive industry for your community.

*OWNERS*

C. Denial of the variance will result in an unnecessary hardship for the applicants. We would frankly concede that the establishment of a legal hardship is frequently difficult in variance cases. However, we would respectfully suggest that tonight's application more than meets the legal and factual definition of a hardship. In my more than 25 years of law practice, I have never been involved in a situation that was more deserving of approval, particularly on the issue of hardship. Here we have a building and site that previously was approved by the Board under the prior ordinance for a woodworking shop in 1974. The building has been improved since that time and is now a two-story structure clearly intended for commercial use. It would be inappropriate, to say the least, for the building to be used for residential purposes. Three-phase underground electrical power serves the property and in all respects the property is intended for commercial use. It would be a hardship inherent in the property to deny the variance because the denial would prevent the very use for which it is clearly intended. We would suggest that the argument for a hardship is enhanced when the ordinance does not permit the intended use. None of the permitted uses for the rural district or special exception cover our situation. Without a variance, the owners would be unable to use the property for the purpose for which it was clearly intended. We would further suggest that the rental and possible future sale of

the property to Artek, for its specific business purpose, would be a more appropriate use of the property than any of the uses listed in your ordinance for the rural district or for a special exception. Although the lot is nonconforming, it is of sufficient size and design to support the building as there is a sufficient access and room for parking by employees and customers.

By way of legal precedent, the 1973 case of Carter v. City of Nashua, 113NH407, states that an unnecessary hardship is suffered when there is interference with the right to use property as one sees fit for an appropriate purpose. The 1971 case of Vannah v. Bedford, 111NH105, is applicable as it states that a hardship results if a restriction upon the use of the property becomes arbitrary, confiscatory or unduly oppressive. We would further suggest that an unnecessary hardship exists when it is obviously required by the uniqueness of the land and the site itself. The New Hampshire Supreme Court made this statement in Rowe v. Town of Salem, (1979), 119NH505. We refer to prior New Hampshire cases to show that tonight's application is consistent with legal precedent, as well as deserving upon the facts the itself. To restrict the property to one of the permitted uses for the district would be unnecessary and unfortunate since the property is clearly not suitable for any of the specified uses. It would be consistent with prior Board action to permit commercial use today by way of a variance. To do otherwise would ignore the obvious fact that the building exists and is ideally suited for the proposed use. The community is more than protected by the fact that any different commercial or industrial use of the building is subject to future Board scrutiny as another variance would be needed for a different use. Granting the variance will alleviate the hardship as it will permit the property to be used as specified in our application. Thus, protection exists while the owners of the property, the proposed tenant, and especially the community, will greatly benefit by granting requested relief.

D. Substantial justice would be accomplished by granting the variance. I hesitate to repeat our prior arguments which reflect upon this condition. It is sufficient to state that the property in general and the building in particular would be virtually worthless if it was not permitted to be used commercially. To deny such use will virtually destroy the value of the property and deny the community the benefit of retaining Artek. Such a result would clearly be unjust and unnecessary.

E. Granting the hardship would not be contrary to the spirit of the ordinance. Granting the ordinance would be consistent with the "purpose" clause, as it would be consis-

tent with the master plan and would promote the general welfare of the community. The community benefits if the property is appropriately used and if the community makes every reasonable effort to retain Artek. Granting the variance would be consistent with the purpose set forth in the proposed ordinance for the rural district. We say this because the building is not intended for housing so we are not depriving the district of additional residences. Rather, you would be allowing the property to be used for its only obvious and intended use and that is for a commercial purpose. If no building presently existed, it could otherwise be argued that a variance should not be granted. However, that is not the case. The building does exist and its only logical use would be for commercial purposes. Therefore, to recognize the obvious and intended use of the property would not be inconsistent with the general purposes and intent of your ordinance. Granting the variance is the only fair and reasonable action to take in this instance and we would ask the Board to grant the requested relief.

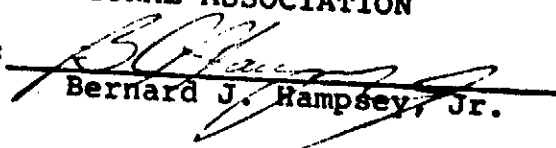
Respectfully Submitted,

WILLIAM W. MACCULLOCH and  
DANIEL R. MCDUGALL

By their attorneys,

BRIGHTON FERNALD, TAFT & HAMPSEY  
PROFESSIONAL ASSOCIATION

Dated: June 21, 1988

By:   
Bernard J. Hampsey, Jr.

Tuesday, May 31, 1988

Present: Rachel C. Reinstein, Chairman, John Jones, Edwin Rowehl,  
Brian Shupe, Benjamin Pratt Dave Kitteridge and Elizabeth Shaw.

7:30 P.M. bids were open for the second phase of the CDBG (water  
improvement project.)

Two bids were received. Ace Weldings Company of Merrimack, N.H. with a  
Base Bid Price, Less Alternate I: \$186,852.20.  
Ace Welding failed to include the bid bond which is a requirement of the  
bidding.

R.H.White Construction Co., Inc. of Auburn,  
Massachusetts was the low bid with a Base Bid Price, Less Alternate I:  
\$135,220.00

No decision was made at this time pending reply from State Planning  
Commission.

Selectmen called the meeting of the Board of Selectmen to order.

Selectmen's Meeting, Tuesday, May 31, 1988

Present: Rachel C. Reinstein, Chairman, Edwin F. Rowehl and John J.  
Jones, Elizabeth Shaw, secretary.

Meeting called to order at 8:30 P.M.

Rachel Reinstein made a motion to adopt the code of ethical conduct for  
public officials. John Jones moved to accept, Edwin Rowehl second.

Harry Page requested information as to what has been decided regarding the  
former Reel property. Selectmen were not free to discuss this topic as  
they will be meeting with attorney Wednesday night. This meeting has been  
posted.

Mary Allen joined the meeting.

Mr. & Mrs. Lape had been leasing the Artec building which was lost to fire  
last month. It is important to have there business settled in a new  
location in order to meet orders placed for December. Mrs. Lape is  
concerned over the possible loss of trained employees if they can not  
start operations within a short time.

Mr. Page, Mr. Demasi, Wayne DeKoning and Mr. McCulloch. joined the meeting

Mr. & Mrs. Lape would like to lease the McCulloch property on Gregg Lake  
Road and start production.

Rachel Reinstein spoke for the Board of Selectmen in offering their  
regrets over the loss of the building. Selectmen had asked Legal advise  
regarding the possible use of the McCulloch property. Selectmen were  
advised that the building could be used for storage until another location  
is found, but the building could not be used for the manufacture of the  
products.

Gregg Lake Road is not zoned for commercial use although a former owner  
had been granted a special exception to use the building now owned by Mr.  
McCulloch for a home-based business. Since the special exception was  
granted, the property has been sub-divided with the house being sold to  
Mr. Demasi and the building in question being in Mr. McCulloch's name.  
Rachel Reinstein pointed out the Selectmen could not grant a variance to

Mr. & Mrs. Lape

Mary Allen spoke for the Board of Adjustment to inform Mr. & Mrs. Lape that no application had been filed making it impossible for the Board of Adjustment to schedule a hearing for the next meeting.

Mr. & Mrs. Lape had considered the former Reel property as a possible site for their business as it 85% suitable right now.

Mr. Page pointed out his property was not for lease but rather for sale and Mr. & Mrs. Lape were unable to purchase the property.

Renovations would be required on the Gregg Lake Rd. property therefore Mr. & Mrs. Lape would have to have a definite answer as to the possibility of having their business remain at this location.

Mr. McCulloch informed Mary Allen and the Board of Selectmen he had not filled out an application for a variance or special exception pending some information as to how he should word the request. If he requests an exception for the Lape business will this require him to fill out another one for a wood working business in the event the one for the Lape business is denied.

Mary Allen explained the BOA must take a narrow view of requests for variances as board does not want to err in their decision.

The earliest date to hear the case would be the third week of June but a question as to having a quorum was of concern.

Spot zoning is risky and the Board would have to look very carefully at the letter of the law.

Mr. & Mrs. Lape answered questions raised by Mr. Demasi who is an abutter to the property. Mr. Page is also an abutter and neither are against the building being used as a business.

Mr. McCulloch agreed to fill in an application for the BOA.

If quarters are not found shortly for Mr. & Mrs. Lape's business, they will have to move out of town.

Minutes of last weeks minutes were accepted after correcting an error as to a structure on Rt. 31. The structure is located on Rt. 202 not 31.

Jury list was signed.

Building permits for the Kerber and Kace properties were signed.

Rachel moved to pay a bill received by Shaun Hickey. John Jones second.

Meeting adjourned 10:20

ems