

Minutes of the Antrim Board of Adjustment Meeting April 11, 1989

Present: Tom Curran, Joseph Timko, Everett Chamberlain, Marianne Moery, Patricia Hammond-Grant, Clerk; and David Penny, Acting Chairman.

Public Hearing Case #134 (continued). Concerning a request by Kevin Ricupero for a Variance concerning Article VI, Section C.i.c.4 and a Special Exception concerning Article VI, Section B.3.c. The Applicant proposes to construct a six unit apartment building with less than the 200 foot frontage required on property located on West in the Residential District.

David Penny, Acting Chairman opened the meeting at 7:30 P.M. Chairman Mary Allen had stepped down as she felt that she was in conflict if she sat on this hearing. The Chair read the procedure for a hearing on a Variance or Special Exception. The Clerk read the Application which was for a proposed six unit apartment building on 2.98 acres with less than the required frontage. Harry Page raised a question about the fact that this use is not listed in Article XII. The Chair stated that the Board will take this up in its deliberations and pointed out that the applicant was applying for a variance on minimum lot frontage.

The Public Hearing was opened, the Board sitting on this hearing was: Tom Curran, Joseph Timko, Marianne Moery, Patricia Hammond-Grant, Clerk; David Penny, Chair. The Chairman asked the Applicant to address the five conditions for granting Variance in his presentation. Kevin Ricupero presented his case with a sketch of the lot in question and drawings of the proposed project. He proposed entrance off West Street which has about 40 feet of frontage. There is another exit onto DeBart Lane which has about 30 feet of frontage. Sewer and water are available off West Street. He proposes one unit with six apartments all with front and back doors, paved driveway and parking lot to Town specifications. There will be twenty six parking spaces. The applicant plans to loam, seed and plant trees. The Chairman asked about the topography of the lot. The answer being that it is wet by the brook and Ricupero plans to leave it wooded. The lot is also rocky with a slight slope. The applicant has consulted with the Conservation Commission. This lot it is believed was created in the 70's. The size of the units will be 36 x 20. Harry Page expressed his opinion that the applicant does not need to give information on the building. The Chair asked the applicant to direct his testimony to the five points for granting a variance.

1. Diminution of surrounding property. The applicant stated that this will be an asset to the Town. It will give a nice appearance and increase values.
2. Benefit to Public Interest. Would provide housing and increase the tax base.
3. Denial would result in unnecessary hardship to the owner. It would be a hardship because of the frontage. When asked if the lot could be used for anything else the owner said that he did not know the answer.
4. Granting the permit would result in substantial justice being done. The owner pointed out that a variance would be needed in any case. The project would enhance the area and increase the tax base and provide housing.
5. Not contrary to the spirit and intent of the ordinance. The applicant stated that it would benefit the Town.

The sketches and plans were made available to the public for perusal. The Chair asked for discussion from the Board. Marianne Moery asked about screening. Patricia Hammond-Grant asked for a more complete plan.

The applicant stated that he has not done any engineering, this will be done subject to approval. Steve Schacht spoke for the development and expressed the opinion that engineered drawings are not necessary. The Chair pointed out that the Board could ask such questions that it feels necessary. The Chair again gave the public an opportunity to look at the drawings and the plot plan. The Chair called the meeting to order and read a note from Judith Pratt, Chairman of the Planning Board and expressed that this was a poor plan without detail. The Chair also read a letter from Dan Watt of the Conservation Commission dated April 5, 1989 expressing concerns for the wetlands and erosion among other things. The Chair opened testimony to those in favor of the project. Shawn Hickey expressed the fact that he is 100% in favor of the plan. Steve Schacht also spoke in favor stating that the Zoning Ordinance encourages the development of residential areas with Town water and sewer and that some properties in the area have more than one apartment. Harry Page spoke to the need for affordable housing, and that the hardship was the lack of frontage. Police Chief, Chris Joseph expressed concern for the additional traffic that would be generated by this project on West Street. Joseph stated that he would prefer a Grove Street exit. Road Agent, Robert Varnum expressed similar concerns and pointed out that a West Street exit would create a four way intersection in the vicinity of the school. Virginia Rowehl and Moira Pascucci spoke against the proposal, stating that this was luxury housing not affordable housing. The applicant countered with, these will be two bedroom units and that he, the applicant, was looking for the \$700.00 market. These units will be the same as those at the Birches of Bennington. Kerry Marcellino spoke against the project stating the increased traffic on West Street in the area of the school will be a cause for concern, and that the multi-family dwelling is not consistent with the neighborhood. Mrs. Huntington expressed a concern with the wetland and how it will affect her property. She asked for something in writing assuring her that her property will not flood as a result of this development. Marty Smith was of the opinion that this development would adversely affect the value of her property. Ella Davies pointed out that the right of way would be within sixteen feet of her property and within twelve feet of a fire escape. Ed Pascucci stated that the project has already affected the value of his property and that further development would decrease the value of the property. Mona Plourde felt that the driveway was the main object of concern with children using West Street to get to school. She stated that the wetlands do not dry up in summer and asked if engineering would take care of the water problem. David Penny, Chairman, answered that this would have to be considered. Board Member, Tom Curran, asked what percentage of the lot was wet? Dan Watt, Conservation Commission, answered that about 1/4 was wet but it was not major but would have to be dealt with. Abutter, Moira Pascucci stated that she would not mind a duplex but felt that six units were too many. Marty expressed a preference for a Grove Street entrance. Kevin Ricupero responded with the suggestion that the development could be fenced for privacy. Ed Rowehl, Selectman, expressed a concern for the size of the development and safety of the West Street entrance. There were arguments about drainage, size of the development and the safety of adding more traffic to West Street an area used by children to access the school. Mrs. Huntington asked for assurance in writing that her property would not be flooded as a result of this development and expressed the need for a privacy fence. Ella Davies again spoke to safety. Karen Ricupero spoke for the development

she said that they plan to build a good development and not cause the abutters any problems. She also stated that they would take the abutters concerns into consideration. Virginia Rowehl observed that the applicant knew the limitations of the lot when it was purchased. The Chairman asked the Board's pleasure about taking up the Special Exception at this time. It was the consensus of the Board that a Site Review would be necessary but testimony could be taken on the Special Exception. The Chair read the requirements for granting a Special Exception. The applicant stated that he had covered everything with his previous testimony. The consensus of the public was that all testimony has been given. The Chair summarized the hearing and the public portion was closed.

Deliberations Case #134. The Chair opened deliberations asking for discussion from the Board. The Board expressed the need for a Site Review. The Chair asked if the Board needed further information on the status of DeBart Lane. Selectman Rowehl stated that it had been accepted at a Town Meeting. The Board will need the date and a determination as to the class of this road. Tom Curran asked if the Board can consider a Class VI road as access. It was determined that some research would be needed on requirements for any access to a Class VI road. David Penny will ask the Town Office to research the status and condition of the roads in question. Marianne Moery moved to adjourn to a Site Review April 15, 1989 at 9 A.M. at the site, before further deliberations. Kevin Ricupero will accompany the Board. The Board will reconvene Tuesday April 18, 1989 at 7:30 P.M. for further deliberation. Second Joseph Timko. So moved. It was established that the Board will meet at the West Street entrance and Tom Curran asked that the Board walk around the area. Marianne Moery moved to adjourn.

Respectfully submitted,

Barbara L. Elia
Antrim Board of Adjustment

Dan Watt, Chairperson
Antrim Conservation Commission
Gregg Lake Road
Antrim NH 03440

April 5, 1989

Kevin Ricupero
K.D.K. Corporation
PO Box 253
Bennington NH 03442

Dear Mr. Ricupero,

Thank you for inviting me to visit your West Street construction site with you last Sunday. I appreciate your cooperation with the Conservation Commission to clarify our mutual concerns, and avoid any future delays and confusions as the project proceeds. At your request, and at the request of abutters, Mrs. Woods and Mrs. Plourde, Conservation Commission members, Rod Zwirner, Dan Watt and Peter Beblowski have visited the West Street property, to consider the implications that construction of driveways, buildings and parking lot may have on the wetlands that are part of the property and on runoff into Great Brook. This letter summarizes the Conservation Commission's recommendations about the site.

It is our observation that part of the property, including sections in which construction of driveways, and water and sewer connections will occur, contains standing water and appears to constitute a wetland area. For this reason, we request that you obtain a dredge and fill permit from the NH Wetlands board before removing any stumps, or undertaking any further construction in the wetland area.

In addition, we are concerned about the potential impact of runoff due to removal of trees from the property, and construction of buildings, driveways and parking areas. We are concerned about potential erosion of the banks of Great Brook due to increased water flow, and possible deposit of additional silt into Great Brook and Great Brook Pond.

However, we feel that all of these concerns can be addressed by a properly engineered design and building of the proposed construction. Therefore we will recommend that the NH Wetlands Board approve your dredge and fill permit, and that appropriate town agencies approve your plans and building permits, subject to the following conditions:

1. that you engage a qualified civil engineer to design the driveway and sewer and water connections, and a drainage system for the property as a whole;

2. that the engineer certify that the drainage for those constructions has been appropriately designed to handle all runoff from the existing wetlands, and additional runoff which may result (during construction and afterwards) as a result of removing trees from the property, and from the building and parking areas, in such a way that the runoff will drain into Great Brook without causing any additional erosion of the banks of Great Brook, or deposit of silt or other materials into Great Brook or Great Brook Pond.

We welcome your intention, expressed in your conversation with me on April 2, 1989, to do everything necessary to build an attractive and appropriately landscaped property on the site. In particular, we appreciate your plan to replant trees on the property, which will make it more attractive, and serve to absorb future runoff.

In conclusion, we have observed potential problems regarding wetlands and runoff, and we believe that they can be resolved by proper engineering and landscaping. If these activities are carried out as described above, we have no additional reservations, as a Conservation Commission, about the development you have proposed, providing it meets all other conditions and requirements which have been or may be set by other town boards and officials.

Thanks again for your cooperation. Please feel free to contact me if you have any further questions.

Sincerely,



Dan Watt

Chairperson, Antrim Conservation Commission

Copies to:

Antrim Planning Board
Antrim Zoning Board of Adjustment
Antrim Board of Selectmen
NH Wetlands Board
Abutters: Mrs. Charles Wood, Mrs. Mone Plourde