

Minutes of the Antrim Board of Adjustment meeting June 2, 1992

Present: Helene Newbold, Chairman; Paul Matthes; Linda Lester; Robert Bryer.

Chairman, Helene Newbold opened the meeting at 7:05 P.M., introduced the Board as noted above and outlined the procedure to be followed for the Public Hearing.

Heirs of Diamond Maxwell: Public Hearing for a Variance to the terms of Article VIII, Section C.1.b. and d. and asks that said terms permit lot widths of 96.76' for lot 3, 50.00' for lot 4 and 68.52' for lot 5; and sideline setbacks of 10.68 for lot 4 and 10.68' for lot 5. The Chairman outlined the procedure to be followed. The Clerk read the application and testified that notice had been published in the Peterborough Transcript on May 21, 1992 and abutters notified by certified mail, return receipt. All receipts returned. There was no correspondence. The Chairman read the Article in question. Don Mellen, Agent for the Heirs of Diamond Maxwell presented the proposal and the reasons: The Applicant alleges that the following circumstances exist: Separate dwellings, erected prior to zoning, on a family owned lot which is now being subdivided among heirs. Mellen testified that the buildings have been in existence for a long time (prior to zoning) and that the heirs are trying to divide the estate. The 27 plus or minus acre parcel is being divided into five lots, lot 1, 5.44 acres; lot 2, 5.8 acres; lot 3, 5.15 acres; lot 4, 5.1 acres; lot 5, 5.4 acres and Parcel A an area of 21,952 square feet proposed to be annexed to the Bertha K and Mason B. Harris property. This proposed annexation will create a more conforming lot for the Harris'. To a question from Board Member, Robert Bryer, Mellen confirmed that the buildings were already on the lot and had been for a long time and that the sideline setback for lots #4 and #5 was 10.68 feet. The Board expressed the desire to view the property and Robert Bryer moved to adjourn for a site review to return by 8:30 P.M and continue the hearing. Linda Lester second. So moved unanimously.

The Chairman reopened the hearing at 7:58 P.M. and addressed the five criteria for granting a Variance. The Applicant's Agent, Donald R. Mellen and an owner of the property, Mary Chagnon testified to the five criteria. 1. No diminution of surrounding properties--They could see no reason why property values would decrease as individual ownership would promote better maintenance of these properties. 2. Benefit to public interest--The Town will be better able to tax the houses and the property would not take advantage of Current Use Assessment. 3. Hardship--Mellen and Chagnon commented on the topography and slope as contributing to the nature of the subdivision. Board Member, Robert Bryer argued the fact that the sideline setback on lots #4 and #5 would be undesirable should the property be sold to others. 4. Substantial Justice--Mellen and Chagnon had no comment to this one. 5. Spirit and Intent of the Ordinance--Mellen commented that the Board of Adjustment was set up for just such a

purpose and the buildings were in existence prior to zoning. To a question from the Board about septic disposal, the answer was that each building has its own septic and well. Mellen commented that the existing buildings were the reason for the strange layout of the lots, he also commented on the well radii for the wells and the need of easements for these radii. Robert Bryer again commented on problems that would arise should the properties be sold in the future due to the fact that the buildings on lot #4 and #5 are so close. There were comments on the wetland to the rear of the property, the fact that the property was not purchased as it is it was inherited, and the fact that the location of the buildings will not change. Robert Bryer continued to argue against the proposal. Mason Harris, an abutter stated that he has no objection to the proposal. If the plan is approved by the Board of Adjustment and the Planning Board Mr. Harris has a purchase and sales agreement to purchase Parcel A.

Deliberations: Linda Lester commented that the land was inherited and not purchased in its present state. Robert Bryer questioned the gain if the Variance were granted. Helene Newbold expressed the opinion that the gain would be specific ownership for each lot and commented on the value if the property took advantage of Current Use Valuation. She also commented that this subdivision would prevent the sale of back lots. The Board addressed the five criteria for granting a Variance.

1. Diminish values of abutting property--The consensus of the Board was that it would enhance the values.
2. Public Interest--Linda Lester, yes; Paul Matthes, yes; Robert Bryer, no; Helene Newbold, yes.
3. Hardship--Robert Bryer, no; Linda Lester, yes; Paul Matthes, yes; Helene Newbold, yes. There were comments on the wet area.
4. Substantial Justice--The Board agreed unanimously.
5. Spirit and Intent of the Ordinance--Robert Bryer, no; Linda Lester, yes; Paul Matthes, yes; Helene Newbold, yes.

Paul Matthes moved to grant the Variance to Article VIII, Section C.1.b.&d. of the Antrim Zoning Ordinance requested by Donald Mellen for the Estate of Diamond Maxwell to allow lot widths of 96.76' (Lot 3); 50.00' (lot 4); and 68.52 (Lot 5) and sideline setbacks of 10.68 for Lots 4 & 5 at Gregg Lake (Brimstone Corner and Craig Road) Tax Map #5 Lot #793. The Board finds that: All criteria for the Variances have been met, subject to Planning Board approval of the subdivision in question. Helene Newbold second. The vote: Linda Lester, yes; Paul Matthes, yes; Robert Bryer, no; Helene Newbold, yes. Approved by a majority vote of the Board. Meeting adjourned at 9:45 P.M.

Respectfully submitted,  
Barbara Elia, Secretary