

Board of Adjustment copy:

Minutes of a joint meeting of the Antrim Planning Board and the Antrim Zoning Board of Adjustment December 17, 1992.

Present Planning Board: Judith Pratt, Chairman; Michael Oldershaw, ex officio; Edwin Rowehl; David Essex; Rod Zwirner.

Present Antrim Zoning Board of Adjustment: Helene Newbold, Chairman; Robert Bryer; Paul Matthes; Richard Winslow, Alternate sitting for Linda Lester.

Planning Board Chairman Judith Pratt opened the meeting at 7:30 P.M. and introduced the Planning Board as noted above. She then asked Board of Adjustment Chairman, Helene Newbold to introduce her Board as noted above. Chairman Pratt outline the purpose of the meeting, which was a public hearing concerning a request by Donald R. Mellen for the Geraldine A. Rabideau, Trust; Geraldine A. Rabideau, Trustee for a Variance to Article VIII, Section C.1.a. of the Antrim Zoning to permit a non-buildable lot of approximately 8,187 square feet for a right-of-way to Franklin Pierce Lake in the Lakefront Residential District and if this Variance is granted to subdivide a 68 plus or minus acre parcel into 8 lots. The Chair outlined the procedure to be followed:

1. To receive all testimony
2. Board of Adjustment will deliberate and decide on the Variance.
3. Planning Board will deliberate and decide on the Subdivision.

Donald Mellen presented the plan to subdivide a 68 plus or minus acre parcel into 8 lots one of which, lot #8 designated as an non-buildable lot to be used as a right of way to the Pierce Lake and to be owned jointly by members of Mrs. Rabideau's family. It was made clear that the owners of the backlots will retain their rights to use this lot as a right-of-way to the lake. (Rights established by deeds written before zoning was enacted by the Town of Antrim.) It was confirmed that the Rabideau Trust owns the property in fee and the owners of the backlots own a deeded right-of-way to the lake over this piece of property (lot #8) and that this is the only lake frontage owned by Rabideau who also owns a small non-buildable island in the lake. There was no public testimony for or against the proposal. Mellen made the following points:

1. There will be no change in the use of this property
2. The public has never had an interest in this property
3. This is the only access to the owners island and the fifty foot right-of-way is now a part of the original

parcel. In Mellen's opinion it is more fair as it distributes the ownership in the property.

4. The present use will continue.
5. There will be no change in use.

Edwin Rowehl observed that as the present right-of-way is only fifty feet wide and in view of the present set back requirements defined in the Antrim Zoning Ordinance it would not be possible to place a building on lot #8 or to get approval for a septic system from the State.

Deliberations, Zoning Board of Adjustment: The consensus of the Board was to immediately address the five criteria for granting a Variance.

1. The Board unanimously agreed that if the Variance were granted there would be no diminution of value to surrounding property.
2. The Board unanimously agreed that granting the permit would be in the public interest as there will be no change in use.
3. The Board unanimously agreed that denial of the permit would result in unnecessary ship to the owner seeking it as this is will provide access to their island and the use is not changing.
4. The Board unanimously agreed that substantial justice would be done.
5. The Board unanimously agreed that the use is not contrary to the spirit of the Ordinance as the use has not changed.

Helene Newbold moved that the Zoning Board of Adjustment grant the Variance to Article VIII, Section C.l.a. of the Antrim Zoning Ordinance to Geraldine A. Rabideau to make a separate lot, lot #8 to use as a right-of-way only to Pierce Lake, as found on tax map 8A lot 029. We find that all five criteria for granting a Variance have been adequately met. Second Richard Winslow. The vote: Robert Bryer, yes; Richard Winslow, yes; Helene Newbold, yes; Paul Matthes, yes. Motion carried unanimously.

Planning Board Deliberations for the Subdivision: Ed Rowehl raised a question relative to the number of lot 029. He observed that lots showing a zero preceding the number were usually publicly owned property. Mellen stated that the applicant owns this lot and that it has never been conveyed. Oldershaw asked about the disposition of the lot should the property be conveyed or subdivided at some future date. Mrs. Rabideau stated that it is her intention that ownership of the right-of-way remain with

the family. An abutter David Weymouth made a comment about the number of people that could use this right-of-way if the property were sold to others including interest in the right-of-way. He was declared out of order as the public hearing had been closed. Members of the Board and Mellen agreed that he could speak. Weymouth commented further of the possibility of numerous moorings being established if the number of persons with ownership in lot #8 should increase. The need for a clearly written deed so as not to eliminate the family but to exclude future non-family owners was noted.

Edwin Rowehl moved to accept the completed Application of the Geraldine A. Rabideau, Trust for the subdivision of a 68 plus or minus acre parcel into 8 lots. Michael Oldershaw second. The vote: Edwin Rowehl, yes; David Essex, yes; Rod Zwirner, yes; Michael Oldershaw, yes. So moved unanimously.

Edwin Rowehl moved the approval of the subdivision of lots 029, 957, 959, tax map 8A owned by Geraldine A. Rabideau Trust according to a survey map prepared by Donald R. Mellen into seven (7) lots of 11.74, 5.01, 7.53, 11.05, 11.05, 11.05, and 11.05 plus a non-conforming lot of 8,187 square feet, on the condition that lot #8 of 8,187 square feet is a non-buildable lot. Second David Essex. The vote; Edwin Rowehl, yes; David Essex, yes; Rod Zwirner, yes; Michael Oldershaw, yes. So moved unanimously. Mellen will make a note on the plan to the effect that the Variance was granted and the Chairman will sign the mylar and plans when they are ready.

Chairman Pratt asked both Boards' pleasure about purchasing a subscription to the Peterborough Transcript as this is the paper used for the publication of notices. The Zoning Board of Adjustment and the Planning Board agreed that the purchase was in order.

Zoning Changes 1993: Chairman Pratt asked the Zoning Board of Adjustment for comment on the changes proposed by the Planning Board for the 1993 Town Meeting. She called their attention to the change that allows neon signs by Special Exception and changes to sign sizes in the Village Business and Highway Business Districts. ZBA Chairman Helene Newbold suggested that the line "not visible outside the building" be deleted. This will be addressed at the public hearing to be held December 29, 1992 at 7:30 P.M. Newbold also had questions about the definition of premise as it pertains to the Sign Ordinance. The point was made that a second public hearing can be held if necessary.

Chairman Newbold raised the subject of the Clarke property on Smith Road and introduced a letter to the Board of Selectmen citing the Zoning violations evident on this property. The Board reviewed the letter and agreed that it should be sent to the Selectmen.

The Board of Adjustment agreed to schedule a public hearing in the matter of an application by Corliss Morrill to operate a greenhouse and stand at her property on North Main Street in the Residential District, where this use is permitted as a Special Exception, for January 5, 1993 at 7:30 P.M.

Edwin Rowehl made the motion to adjourn. Rod Zwirner second. Meeting adjourned at 8:45 P.M.

Respectfully submitted,  
Barbara Elia, Secretary