

Minutes of the Antrim Board of Adjustment Meeting
August 7, 1990

Concerning: An application by Harry E. Page for variances to Article V, Section B.1. and Article VII, Section B.1. The applicant proposed an institutional facility and use; to wit, a correctional facility, Level 1, 2, and 3; for the Hawthorne College property located off Route 9 in the Highway Business District and the Rural District.

Present: Mariann Moery (vice chairman, presiding), Mary E. Allen (Clerk), Patricia Hammond-Grant, Howard S. Humphrey Sr. (alternate), and Everett Chamberlain (alternate)

Also present at hearing at Antrim school gymnasium: (see attached list)

Chairman Moery opened the hearing at 8:38 p.m. and introduced the board sitting for this case: Moery, Allen, Humphrey, Hammond-Grant and Chamberlain. Mary Allen would also be acting as secretary. The Chairman then outlined the procedural order for the hearing. Copies of the five conditions necessary for a variance were distributed to the audience and the applicant.

The Clerk then read the application and reported on the notification requirements for the public hearing. During that report the applicant's attorney presented a waiver of notice from Charles Owen and Priscilla Owen of Old North Branch Road. The Owens had been mistakenly been left off the list of abutters supplied by the applicant. They were both present at the hearing and also agreed verbally to waive notice of the hearing (see file for document). No others present claimed to be abutters not notified of the hearing.

Attorney Lloyd N. Henderson of Bennington presented the applicant's case after introducing Harry E. Page, Charles Luedtke, and Raymond A. Helgemoe. Mr. Page is an associate at the Proctor and Greene real estate firm and is representing the trustees of Hawthorne College in this case (see file for document). Mr. Luedtke is employed by the unnamed prospective buyer as an architect and development coordinator for correctional facilities. Mr. Helgemoe is a criminal justice consultant and the former warden of the N.H. State Prison.

Mr. Henderson said the property consists of 470 acres with 320 acres located in Antrim and 150 acres in Hillsboro and Windsor. There are 18 existing buildings on the property. Most of the Antrim acreage is in the Rural District but a small portion of the college's cafeteria building is in the Highway Business District.

Mr. Henderson said the former Hawthorne College campus presents "an unique situation" because of its overall size and the large number of existing buildings. The Antrim Zoning Ordinance doesn't permit any feasible use of the property and the buildings, he said. He then read the permitted uses for the rural district to the board and argued that none of those uses were feasible for the subject property.

Mr. Henderson also read the uses permitted by special exception in the rural district. He said the owners of the property - the former college's board of trustees - had had contact with 24 prospective schools but had not been able to finalize a sale. The college trustees had also looked into selling the property as a nursing home, he said, but found that the need for such a service in this area is not great enough.

Mr. Henderson concluded that "a prison camp is the only reasonable use of the property" and then addressed the five criteria necessary for a variance:

DIMINUTION: Mr. Page presented a study of the local impact of a federal, low-security prison which found no decrease, but rather an increase, in the property values near Florida prisons (see file). He also read into the record several letters from real estate agents in towns and cities that have similar prisons (see file), each saying that no adverse impact on real estate values had been suffered in those towns. Mr. Page had there were over 100 houses for sale in Antrim and that prices for those homes had dropped because there were no job openings in the area.

Mr. Page said the prison would provide about 100 new jobs for Antrim. He estimated that 60 percent of those employed at the prison would be hired locally with the other 40 percent of the employees moving into the area. The new employees could be expected to buy the homes now languishing on the market, he said.

Mr. Helgemoe explained the differences between the six levels of classifications for inmates. Level 6 is the highest security, used for inmates serving maximum sentences or life imprisonment. Levels 1, 2 and 3 - those levels for this application - are for inmates serving short terms (usually three years or less). The inmates would not be ones that were serving time for murder, rape or arson and they will not be discharged into this community when they are released. Only the area and building used for Level 3 inmates would need any fencing, he said, and the campus would continue to look like it did when the college was in operation.

PUBLIC INTEREST: Mr. Henderson said the prison would be a non-polluting, tax-paying, growth industry that would benefit

the town. The remaining timbered area (the actual campus covers about 60 acres) could be used as an improved woodlot.

Supervisors and other personnel would be hired from the local community, Mr. Henderson said, and they, in turn, would benefit the local businesses by using their goods and services. The private correctional facility would pay triple the amount of taxes to the town, he estimated, and could create 250 to 300 new local jobs.

Mr. Henderson cited the 1986 case of LeBrack vs. the Town of Salem and Carter vs. the City of Nashua to support his arguments on public interest.

HARDSHIP: Mr. Henderson said the Hawthorne campus was an unique property, unlike any others in town, because of its size and the 18 existing buildings. There was a case for hardship, he said, because "any reasonable use of the land would not be a permitted use" under the current zoning. He argued that the hardship was inherent in the land because it had "18 buildings that will never be used again as a college."

SUBSTANTIAL JUSTICE: Mr. Henderson said the question of justice related to the hardship issue and the applicant's opinion that the property could not be used in another manner. Some residents had suggested that the zoning ordinance should be changed to allow the new use but Mr. Page had indicated there was not enough time for a zoning amendment procedure because the property was due to come up for taking by tax collectors' deed in two weeks.

SPIRIT AND INTENT: Mr. Henderson said the use being considered was not contrary to the spirit of the ordinance because the general purpose of the zoning ordinance was to promote the health and general welfare of the town. The town is suffering from poor economic times and has lost its two major employers. The fact that townspeople have to work outside of town does not help the general welfare of the town, he said.

After Mr. Henderson finished presenting the applicant's case, the Chairman asked those abutters in favor of the case to speak. There were:

Harold "Pat" Webber: acting as agent for Barry Proctor and the Estate of Spencer and Edith Deming and said the heirs were "favorable disposed" to a prison at the Hawthorne property.

Richard L. Watterson: said he saw no problems with the proposal.

Priscilla Owen: acting as agent for Mr. and Mrs. Linwood Grant

who said they approved the proposed use.

Gregory Richard: said he was in favor of the use and show the potential for new jobs would be excellent.

Richard P. Herman: acting as agent for the Bagley Pond Corp., said he would remain neutral about the proposal until he hears more about it.

The Chairman then asked any one else present and in favor of the application to speak.

Marie Slugaski: owns a real estate business in town and said the town would benefit from the economic boost of the prison. Mrs. Slugaski said there had been a drastic drop in the number of real estate closings in the area and that 636 properties were currently on the market in the area between Rindge and Hillsboro.

Wayno Olson: owns Wayno's Supermarket in Antrim said he was in favor of the prison plant. Mr. Olson said he thought the prison would boost local business and he felt the town should look into the proposal extensively.

Steve Hahn: representing the Bagley Pond Corp., said he supported the economic boost to the area and felt the risk from the prison would be minimal.

Harold "Pat" Webber, West Street, said he had children trying to make a living in small local businesses and felt the town needed an economic boost.

Tom Davies: lives near the college and thought the prison would be a suitable use for the property.

Steve Schacht: owns a construction business in town and said he was "100 percent for it".

Donna Lyon: said she was in favor of the application.

William MacCulloch: said he was in favor of the application.

Richard Houston: said he was "100 percent" in favor of the application.

After some discussion about the late hour and whether those opposed would be given an adequate opportunity to express their views, the Chairman decided the board would begin taking opposing testimony and to continue the hearing to another day if there was not enough time. Those abutters opposing the application were asked to speak first.

Keith Boatright, Stacy Hill Road (see file for documents):
Mr. Boatright said he was concerned about the escape rate

that had been presented at a public information session the previous week and its effect on his property. He said a one percent escape rate would mean a prisoner escaping every other month and that he feared they would come to neighboring properties to look for cars and money to continue their escape.

Mr. Boatright presented a survey of 22 local realtors who had been asked how the prison would impact the value of surrounding properties. Ten of the 22 realtors had responded, 5 had said the prison would diminish surrounding property values, one felt it would increase values, one felt it would have no effect.

Mr. Boatright also said the public interest of those abutting the college must be considered along with the public interest of the rest of the town. He also felt that the land and buildings were "'not so unique'" as to create a special hardship for the owners (college trustees) and he questioned what the hardship was for the owners. And he also felt that documents given to the board by Mr. Page which refer to prisons as "'locally undesirable land uses'" or LULUs could be also be interpreted as having an adverse impact on surrounding properties. Granting a variance would be "'piecemeal zoning by the board of adjustment'", he said.

Mary T. French, an abutter: said she was not in favor of the use and would prefer to have 500 college students near her property, not 500 prisoners. She said she was concerned about the identity of the new owner and she was worried that escaped prisoners come to her house.

Thomas Lawless, as agent for Theodore and Antonette Mitchel of Park Place. Mr. Lawless read an article from the July 30, 1990 issue of the New York Times reporting that country needs more medium and maximum security prison and that the federal government has converted at least one minimum security prison to tighter security. He was concerned that the town would not have any control over the security level of the prison if the variance was approved. He also had concerns about the increased danger to Antrim police officers who would have to handle escapes and the possibility of future bankruptcy on the part of the new owners.

Charles Owen: said he wants to keep an open mind on the project and weigh the pros and cons.

Barbara Williams: said she was opposed to the prison plan and worried about the safety of her three children and the increase in traffic that the prison would bring. She also felt property values would decrease.

Robert McNeil: owns an antique business on Route 9 and said he was concerned about the increased traffic near his

business and whether the prison would have a beneficial impact on the town's economy. He said prisons are usually 'self-contained' and handle many services, such as laundry, on the premises and not in the local community.

Lawrence Reed, River Road: said he was concerned about the prison's impact on the value of his property.

Holly Forgit, Old Branch Road: said she wants the benefits and the detriments carefully weighed.

The Chairman then opened the floor to others opposing the application:

Scott Bowden, North Branch Farmstead Rd.: said the data on the escapees was incomplete and that he wants the board to find out what party will be liable for personal or property damage if a prisoner escapes.

Jean Ganodu, North Branch Road: said there was not guarantee that adding the prison would sell the 100 houses on the market in Antrim. He was also concerned that the prison would not benefit local business because they would be taking low bids and could give contracts to businesses out of town.

Ed Richard, Route 9: was concerned over the fact that prison operate 24 hours a days and would have shifts of employees coming and going to work at odd hours. He also had concerns about the increase in traffic near his home.

Carl Beehner, owns a nearby bed and breakfast inn: Mr. Beehner's property is for sale and his real estate agent has said the price for the property would drop if the prison plan is approved. He also had concerns about what party would be liable for problems with the prisoners.

Loranne Block, Lovern Mill Road: (see file for document): read a letter to the board. She was raised in the town where a prison was located and says she was fearful as a child when prisoners escaped. She also said that minimum security facility was changed to a maximum level facility.

Helene Newbold, Stacy Hill Road: said she opposes the prison plan and was concerned that proposal 'not be ram-rodged down people's throats'.

Richard Block, Lovern Mill Road: (see file for document): read a list addressing each of the five criteria for a variance. Mr. Block said only prison employees, not other residents, would want to buy property near the prison, that the serious nature of the request required more time and thought, that there was no hardship caused by not finding the right buyer for the Hawthorne property yet.

Gay McNeil, co-owns an antique business with her husband on Route 9: has concerns about the impact to property values.

Holly Green, North Branch: argued that the present market conditions do not constitute an unnecessary hardship on the owner.

David Avery, Liberty Farm Road: thinks the town needs much more information before considering whether it wants to become a 'prison town'.

Chuck DeYoung, Old North Branch Road: is opposed to the prison plan.

Jeanna Gagnon, Algonquin Avenue: said she would not have considered buying a home in Antrim if a prison was located here. She has concerns about the safety of her small child. (Mrs. Gagnon submitted a letter to the board after the public hearing closed the next day. The Chairman ruled that the letter could not become part of the official record since it was received after the public hearing but did place it on file.)

Maureen Beebe, Old North Branch Road: said she was opposed to the plan for the reasons outlined in Keith Boatright's presentation.

Susan Bartlett, Bridle Road: said she was opposed to the plans.

Tom Lawless, Forrest Road: told the board he had lived near a prison in New York state and found that its presence produced a stress on the community, especially when a prisoner escaped. He had concerns about the 'quality of life' in Antrim if the prison was approved.

Bruce French: said he had concerns about what would happen if the for-profit organization running the prison went bankrupt. He also questioned the economic benefits to the local community if the prison were to work with the lowest bidder for goods and services and not local businesses.

Carl Beehner: said he was concerned about the identity of the new buyers and wanted to know who or what corporation was financing the sale and operations of the prison. He also did not think the spirit and intent of the ordinance would be honored if the variance was granted.

Edward McVeagh: urged the town to call a special town meeting to consider the request.

The hour being late, the Chairman ended the first session of testimony at 11:35 p.m. and set Wednesday, August 8, 1990 at 7:30 p.m. in the Antrim gymnasium as the date for continuing

the public hearing.

Respectfully submitted,

Mary E. Allen
Clerk
Antrim BOA