

**TOWN OF ANTRIM  
ZONING BOARD OF ADJUSTMENT<sup>1</sup>  
66 Main Street – PO Box 517  
Antrim NH 03440  
(603) 588-8337**

**Draft Minutes  
July 20, 2022 – 7:00 PM**

**Members & Planning Staff present:**

Diane Kendall (Chair); David Clater, Janet McEwen, and Doris (Shelly) Nelkens (Members).  
Carol Ogilvie, Consultant; William Bryk, Administrative Assistant to the Land Use Boards.

**Members & Planning Staff absent:**

Michael Ott (*ex-officio*).

**Others present:**

Zander Kempf (for Antrim Commons, Applicant); Selectman Tom Davis.

**CTO:** 7:00 PM: The Chair called the meeting to order. As three members out of five were present, she explained to the Applicant's representatives its right to be heard by a full ZBA. The Applicant consented to be heard by a three-member panel.

The Chair then outlined the ZBA's rules of procedure. As the public hearing had concluded, ZBA Members may ask questions and the public may not. The Chair reopened the deliberative session for an update from Mr. Kempf. He reported that both an independent traffic consultant and DOT<sup>2</sup> had separately agreed on traffic issues and made the same recommendations.

The Applicant has received a Shoreland Permit with two more permit applications pending. Mr. Kempf said that some minor technical questions have to be revisited. The Applicant had obtained an analysis of travel distance showing that the visibility from the crosswalk is a minimum of 1,000 feet.

The Chair asked Mr. Kempf whether he had applied for workforce housing funding. He replied that he had not.

In response to a further question, Mr. Kempf replied that he had no specific guidance from any organizations. He had reviewed information from Jaffrey and Peterborough. In speaking with the Jaffrey Town Planner about the effects of increased density on water and sewer, he learned that it had minimal effect.

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<sup>1</sup> ZBA

<sup>2</sup> New Hampshire Department of Transportation.

The Chair then outlined the ZBA's deliberative procedure.

Ms. Ogilvie discussed a 2004 Variance for a former owner of 66 Main Street. The ZBA had granted it unanimously granted for six units, not to exceed 28. The minutes of the 2004 meeting led her to sense the ZBA was not concerned about any issue concerning the 2004 Application. She emphasized that the 2004 decision is guiding, not binding.

The Chair recited the variances from the ZO<sup>3</sup> sought by the Applicant:

1. Art. IX.C.C(1), to allow 32 dwelling units on Lot 106 where 8.35 are allowed and 15 dwelling units on Lot 106-1 where two are allowed;
2. Art. IX.3.A, to allow the existing front setback on Lot 106 to remain zero for the existing structure and proposed parking area;
3. Art. XV.B.1.A, to allow 33 parking spaces where 42 are required on Lot 106 and 17 where 32 are required on Lot 106-1;
4. Art. XV.A.2, to allow compact car spaces of 8'x15' and 9'x15' on Lots 106 and 3 where spaces of 9'x18' are required;
5. Art. XV.A.4, to allow parking spaces on Lot 3 to support the uses on Lots 106 and 106-1;
6. Art. XV.A.10, to allow total parking spaces of 86 where 122 spaces are required;
7. Art.XV.E, to allow parking areas on Lots 3 and 106 to be closer than ten feet to the right-of-way where a ten foot planting strip is required; and
8. Art. XIV.C.4, to allow for a maximum lot coverage above 40 percent on lots 3, 106, and 106-1 where 30 percent is allowed for multi-family and 40 percent is allowed for non-residential uses.

The Chair directed the ZBA to consider Variance #1, from Art. I (C) (C) (1), to allow 32 dwelling units on Lot 106 where 8.35 units are allowed and 15 dwelling units on Lot 106-1 where two are allowed.

Ms. McEwen requested clarification on the calculation of the number of parking lot spaces with particular regard to ADA<sup>4</sup> compliance. She questioned whether the Applicant's assumption of turnover was well founded. She urged that parking spaces should be reserved for residents' guests.

The Chair observed that the ZO and the Master Plan disagree. She outlined what she saw as the benefits of granting the Variance. She noted that a denial based upon a pre-existing density

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<sup>3</sup> Zoning Ordinance

<sup>4</sup> Americans with Disabilities Act

ordinance effectively inflicted an unnecessary hardship upon an Applicant who could only finance new construction with tax credits used in strict compliance with State and Federal statutes. The Chair moved and Ms. Nelkens seconded a motion to approve the Application as written. The ZBA voted three in favor of the motion, none against, none abstaining.

The ZBA then considered the application for Variance #2, from Art. IX (3) (A) to allow the existing front setback on Lot 106 to remain at zero for the existing structure and proposed parking area. The Chair noted the existing structure's non-compliance with the present setback requirement and that two parking spaces must be reserved for the fire connection at 42 Main Street. Variance #2 wouldn't affect parking. The two reserved spaces are Town property. The Chair moved and Ms. McEwen seconded a motion to approve Variance #2 as written. The ZBA voted three in favor of the motion, none against, none abstaining.

The ZBA then considered the application for Variance #3 from Art. XV (B) (1) (A), to allow 33 parking spaces where 42 are required on Lot 106 and 17 spaces where 32 are required on Lot 106-1. Ms. McEwen said that all residential parking issues for Antrim Commons must be clarified before the ZBA approves the Application. She particularly does not want residents crossing Main Street at all hours.

The Chair noted the requirements of ZO Article XV, Off Street Parking, (3) (B) (1) (a), which states in pertinent part: "All residential units shall have two (2) parking spaces per unit." She explained that the project is not viable with strict compliance with ZO (3) (B) (1) (a) is required. Ms. McEwen said that the Applicant's calculations of parking spaces are open to dispute. The Chair said that the number of parking spaces assigned each unit may be a condition of its lease. Ms. McEwen felt this was unrealistic.

Mr. Kempf said all his developments have limited parking. Every residential lease at the Antrim Commons will limit the number of parking spaces assigned to that unit.

8:00 PM. Selectman Davis left the meeting. Ms. McEwen noted 36 spaces on the site plan and permit application. She asked, "What if (Antrim Commons) couldn't make them work?"

The Chair asked for the total number of parking spaces required for the Applicant's properties, including the number of parking spaces for Map/Lot #104.106.001, the older building west of the Great Brook with doors at the north and south ends.

The Chair noted very close quarters there for parking, given the probable parking needs of the staff and vehicles of MaineLine Graphics at 1 High Street. However, she said, site plan review and firefighting access are issues within the Planning Board's jurisdiction. The Chair said the ZBA decided what could happen; the Planning Board's Site Plan Review determines whether those determinations are Code-compliant.

Ms. McEwen suggested the following condition for the Variances: the lease for a studio apartment limits it to one parking space. It is impossible to fit 42/32 cars into the available lots.

8:12 PM: The Chair suggested that the Application for Variance #3 be granted with the condition that lease agreements expressly state that studio and one bedroom apartments are entitled to one parking space and two bedroom apartments are entitled to two parking spaces. Any overflow may be covered by three extra spaces at 42 Main Street. The condition is premised on all residential parking located on the west side of Main Street. After brief conversation among the Members, the Chair withdrew her motion on Variance #3 pending the outcomes of the other Applications.

8:20 PM: The ZBA discussed Variance #7 from Art. XV (E), to allow parking areas on Lots 3 and 106 to be closer than ten feet to the right-of-way where a ten foot planting strip is presently required. Planning a grassy strip to delineate parking areas will make it safer. But a ten foot grassy barrier would eliminate at least eight spaces. The Chair moved and Ms. Nelkens seconded a motion to approve the application for Variance #7 as written. The ZBA voted in favor of the motion, three in favor, none against, none abstaining.

8:40 PM: The Chair moved and Ms. Nelkens seconded a motion to approve the application for Variance #8 as written. The Chair noted that the Variance was not contrary to the public interest and the value of the property is not diminished. Strict adherence to the ZO would work a hardship upon the Applicant. The ZBA voted in favor of the motion, three in favor, none against, none abstaining.

8:45 PM: Ms. McEwen moved and Ms. Nelkens seconded a motion to approve the application for Variance #5 from Art. XV (A) (4) to allow parking spaces on Lot 3 to support the uses on Lots 106 and 106-1 as written. The ZBA voted three in favor of the motion, none against, none abstaining.

8:50 PM: Ms. McEwen moved and Ms. Nelkens seconded a motion to approve a special exception from Art. XV (A) (10), to allow total parking spaces of 86 where 122 spaces are required. The ZBA voted three in favor of the motion, none against, none abstaining.

8:55 PM: The Chair moved and Ms. Nelkens seconded a motion to approve the application for Variance #4 from Art. XV (A) (2) to allow compact car parking spaces of 8'x15' and 9'x15' on Lots 106 and 3 where spaces of 9'x18' are required. It was noted that a truck's tail is likely to project over the grass verge at the edge of the parking lot, meaning the truck will not occupy more space than a compact car. The dispersal of vehicles among the parking spaces is a question for the on-site building management. The Chair recited the criteria for granting a Variance and said that the Applicant had met them: delineated spaces help tenants know where they can park. The ZBA voted three in favor of the motion, none against, none abstaining.

9:00 PM: The Chair moved and Ms. Nelkens seconded a motion to approve the application for Variance #3 from Art. XV (B) (1) (A) to allow 33 parking spaces where 42 are required on Lot 106 and 17 where 32 are required on Lot 106-1 with the condition that the leases give the right to one parking space to studio and one bedroom apartments and two parking spaces to two bedroom apartments. The Chair held granting this Application addressed a special condition and provided substantial justice to the Applicant. She stated that the Board of Selectmen may create parking

restrictions on Main Street. The ZBA voted three in favor of the motion, none against, none abstaining.

The Chair thanked the ZBA members and land use staff for swiftly completing the application process.

9:10 PM: Ms. McEwen moved and Ms. Nelkens seconded a motion to adjourn. By voice vote, all Members present voted for the motion. The Chair then adjourned the meeting.

Respectfully submitted,  
William Bryk  
Administrative Assistant to the Land Use Boards

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