

To: Members of the Zoning Board of Adjustments, Town
Of Plainfield, New Hampshire

From: Samuel E. Mintz, Owner of the property at
58 Freeman Road Plainfield, New Hampshire

February 25, 2016

Dear Members of the Zoning Board of Adjustment,

I have tried in my petition to the Board to attempt to put in written form, and be responsive to the various section's of the Town of Plainfield, N.H. Zoning and Building Ordinances, in order to seek the Board's consideration and hopefully approval, for granting me permission for a Use Variance of this 12.1 acre Lot 1 designation, currently as a single-family property use, and changing it into a two-two-family residential dwelling unit property use, as part of the estate/compound, "The Oaks."

I have included in my written response description of this property, it's past history under my ownership (1986-2004), and its previous designated approved use as a two- two family Condominium. I repurchased the Lot 1 property in February 2015. I have also provided to the Board some previous history of the use of this house and property (1972-86) under other ownership.

This estate/compound property was used as an Inn/Bed &Breakfast/ Restaurant for fourteen years, which was a far more intensive use then what I am now proposing. My desire and purpose is to return this unique and beautiful estate/ compound property, "The Oaks", into it's original residential use, which is in keeping with the adjacent residential character of this Freeman Road. neighborhood.

History of the Ownership of, "The Oaks", by others (1967-1986)

I begin with a brief background of the Parrish Estate Compound that Maxfield Parrish (1870-1966) built as his home, and named, "The Oaks", in 1898, and where he lived for 68 years until his death at age 96 in 1966.

The property was then purchased by two of Parrish's neighbors and friends, Mr. and Mrs. Philip Burling, I believe in 1967, who undertook a major restoration of the property.

The Burling's sold the property to Mr. and Mrs. Thomas Wells in 1972, and they turned the house and property into a four star gourmet Restaurant and charming Inn and Bed & Breakfast, which they operated for six years until 1978, when the property was purchased by Maurice and Alma Gilbert.

The Gilberts continued to operate the Inn/ Bed & Breakfast/Restaurant in the main house, also turning Maxfield Parrish's Painting Studio building into a Museum for some of Parrish's paintings and prints, as well as living quarters for some of the staff who worked at the Inn. Tragically, the original Parrish house that had been designed and built by Mr. Parrish and an assistant, burned to the ground in 1979, leaving only the foundation and the original large brick fireplace standing. The Gilberts rebuilt a likeness of the original Parrish House on the existing foundation incorporating the original fireplace in (1979-80). The new house was designed by the well-known, local architect, Stephen P. Tracy, and was built by the Trumbull Nelson Construction Company. Several years later the Gilbert's built a separate two story building which they used as an Art Gallery, which was opened to the public and guests at the Inn and Restaurant. The Studio building, which Mr. Parrish had built in several phases over many years was the third building remaining on the estate/compound.

History of Ownership of < "The Oaks", by Samuel E. Mintz (1986 - to present) -

My late Wife and I had been, for the past several years, been looking for a second home, in the Upper Valley area that would be large enough to accommodate our four grown-up Children and seven Grandchildren. When I saw an advertisement along with a picture in the New England Real Estate Journal describing this large house that was for sale in Plainfield, New Hampshire. My recollection is that it did not mention or give any description of the other two buildings existing on the property.

When we drove up to view the property, we discovered that there was a separate small structure that we were told had been used as an Art Gallery, where one paid an entrance fee and was able to buy Parrish prints, calendars and other memorabilia. We also discovered a third large structure, that had been abandoned and exposed to the brutal New England weather in deplorable condition, which we later learned had been the former Painting Studio/ Living Quarters, of the great American Illustrator and Artist, Maxfield Parrish.

The three building Parrish estate/ compound we recognized was much more of an undertaking then we could handle, but it's location in this wonderful historic town of Plainfield, New Hampshire and the spectacular and breathtaking views across the valley to Mt. Ascutney had great appeal to us. My wife and I felt that it would be too large a property for us, but we thought that we might be able to convince one of our friends to purchase this very large building with us. And then seek permission from the Town of Plainfield, New Hampshire to convert what was this large Inn/Bed & Breakfast/Restaurant building, and to turn it into two-two individually separately owned Condominiums, as well as seek some other changes to this estate/property, in order to make it possible for us to purchase.

Description of the existing room types and sizes in the rebuilt main house, after the fire had destroyed the original Parrish house.

The First Level consisted of a living room 50' x 20' with fireplace; a second living room 35' x 20'; a dining room 20' x 12'; two separate and complete kitchens- one 8' x 15' - the other 21' x 15'; and two entry foyers - each 16' x 8' - one had a stair leading to Level Two, where there were six bedrooms each with their own full bathrooms; as well as two library/study rooms each 15' x 12'.

Since I was an experienced architect having designed numerous housing buildings in Boston, I could see the potential of possibly turning this large building into two-two family nicely laid out Condominiums. Each would have their own separate entrances, living room, dining room, kitchen and half bath on Level One; and on Level Two each would have three bedrooms with their own bathrooms, and a separate library/ study room. I also envisioned turning the building that had housed the Art Gallery into a full three bedroom house for my Daughter and her family who were interested in moving from Boston to the Upper Valley, which ultimately they did. And at that time I was unsure about the practicality of restoring the Studio/ Museum building.

My wife and I moved into Condominium Unit A in 1989 after completing some interior layout modifications, as well as accomplishing some necessary reconfiguration of Condominium Unit B. We had already completed the construction of the new sewage and water supply systems. These sewage and water systems were designed and built to accommodate a total of six units, which was my original plan for the whole Condominium property, and for which I was seeking the Town's approval, which I ultimately received. Meanwhile our friends who were supposed to purchase Condominium Unit B were unexpectedly offered teaching positions in California and were not able to purchase Unit B after all. It remained unoccupied from 1989, until Condominium Unit B was purchased by Peter and Alma Gilbert Smith. We continued living in Condominium Unit A, and the Smith's lived in Condominium Unit B, until the completion of the Studio/Museum building in June 2000, which then became our permanent second home.

The Smiths who had previously also purchased Unit B decided to also purchase Unit A in March 2003. therefore owning the whole large house and property, Approximately a year later in 2004, the Smith's decided that they wanted to dissolve the Condominium ownership arrangement, which meant dividing the three separate houses currently in Condominium ownership into three separate house lot properties, which I reluctantly went along with that change. Therefore, we had a Subdivision Plan prepared, separating each of the three buildings and their land areas into three separate fee-simple ownership Lots. 1,2, &3. We sought the Town's approval, and made this zoning change after approval was granted. And October 2004, the revocation of the former "Oaks Condominium" was completed. And even though the three properties remained in separate, individual fee-simple ownerships, the "Declaration of Reciprocal Covenants and Easements" document that dealt with the shared driveway and maintenance of the sewer and water systems that were part of the original Condominium Ownership still remained in effect. .

The following explains what has happened to the main house and property since the property was abandoned after the Smith's moved to California. This information was supplied to me upon my purchase of Lot 1 and the main house in February 2015.

According to document #0002415, June 2, 2014, book 1915, page #0315, page 1 of 8, Register of Deeds of Sullivan County, which I received upon purchasing the property of Lot 1 including the main house and two small ancillary buildings, was a Deed in Lieu of Foreclosure the 4th Day of April 2014, turning the ownership of the property over to Nationstar Mortgage LLC D/BA Champion Mortgage Company of 35- Highland Drive, Lewisville, TX.

It was after this transfer of Lot 1 and the main house to Nationstar Mortgage LLC D/BA Champion Mortgage Company took place, that serious exterior deteriorating maintenance conditions of the property occurred. As shown in pictures in Exhibit A, the abandoned property and house were left to quickly deteriorate with no ground maintenance, several broken windows, as well as the fact that no security of any kind was provided. This not only had a deleterious effect on my two properties and houses, but I was also concerned about the negative condition effect on my immediate neighbors properties, the Cassidy's and Davidson's. Therefore, I decided at my own expense to take over the exterior maintenance of Lot 1, and performed this service, at my own cost, until I succeeded in purchasing Lot 1 and the Main House, a year later in February 2015. I also include an Exhibit B, pictures showing the maintenance of the property after I began assuming responsibility for the up-keep of Lot 1, and all the common areas and driveway approach to all of the Lots. I also am including an Exhibit C which is a reduced area copy of the Subdivision Plan of Land Owned By Samuel E. Mintz, Peter W. Smith And Alma Gilbert Smith Route 12A and Freeman Road showing Lot 1.

What I have tried to outline in my appeal to Plainfield's Zoning Board of Adjustment, for my USE VARIANCE change request is recognition that for fourteen years, from (1972-1986), this very large reconstructed house/ building and property was used as an Inn/Bed & Breakfast and Restaurant. Also my understanding, that an Accessory Apartment and detached(ADU) unit are both allowed in this zone, along with such uses as an Inn/Bed & Breakfast, and a Day Care Center. In addition, under the Home Occupation Section of the Town's Zoning Ordinance, other uses for example, a work room for craftsman, studios for photographers, and cabinet-makers, would also be allowed. The conversion of this large single family main house on Lot1, into two- two family houses, under the Town's USE VARIANCE provisions, which is what I am seeking permission for, would be a much less intensive use of the property, and more in keeping with the residential character of the adjacent neighborhood than any of the above mentioned uses. Also this proposed zoning change could provide the opportunity to turn this large 6,800 square foot single family dwelling, into two separate more manageable sized affordable housing units for two families to reside in beautiful Plainfield.

Summary of my request to the Zoning Board of Adjustment, for a USE VARIANCE change for Lot 1, in the Town of Plainfield, New Hampshire.

I have included in the body of this letter report a history of the ownership and use of this estate/compound property, "The Oaks" since the death of Maxfield Parrish in 1966; and except for a brief five year period, this house and property has been for Inn/Bed & Breakfast/Restaurant use for the next fourteen years.

Under the Town's Zoning & Building Ordinances, Special Exceptions Sections, under Schedule A in the RCII Zone, the following are allowed:

- #1 Religious Institution
- #2 Public Outdoor Recreation
- #3 Removal of Natural Material
- #4 Commercial Outdoor Recreation
- #6 Day Care Center
- #10 Country Inn/Bed & Breakfast

Under the Home Occupation Section on page 50 of the Town Zoning Ordinance, occupations such as workrooms for craftsman, studios for photographers, and Cabinet makers are also permitted uses.

Under the Town's Zoning Ordinances Special Exceptions Section, the Home Occupation Section, and for the past fourteen year history usage of this house and property as an Inn/Bed & Breakfast/Restaurant all demonstrate the significantly less intensity of use that I am proposing as two-two family residences.

Under 674:30 Powers of Zoning Board of Adjustment

I. The USE VARIANCE will not be contrary to the Public's interest, as the property is relatively large (Lot 1- 12.1 acres) with adequate sewer and water utility systems already in place. Multi-family residences are found all over the Town of Plainfield, and including this property's past use.

II. The large (6,800 S.F.) size of this building and its existing interior layout makes it impracticable and obsolete as a single family residence.

A.

i This property has historically been used as an estate/compound with multiple residential units, and attempts to use the property as a single family residence have not been successful. "The Oaks", estate/compound is a unique property, as demonstrated by it's many years of use as an Inn/Bed & Breakfast/Restaurant.

ii Given the other uses allowed in the zone, and the historical use of this property, allowing it to return into a two-two family residence is a reasonable accommodation in this particular case.

iii The building is set deep with in the property and not visible from Freeman Road. The Lot 1 is large and the proposed two family use is so minimal, that

neighbors will be unaffected by the Zoning Board of Adjustment granting the requested relief.

III The proposed use is residential. Residential uses are allowed as permitted uses all over the entire Town including in the RCI and RCII zones. Further, Accessory Dwelling units are now allowed in all zones that are open for single family homes; and in this case no new structures are proposed, and the building cannot easily be divided up as an ADU.

IV Substantial justice will be done as the Owner of the property will be allowed to put the entire existing structure to use in a manner that is consistent throughout the Town, and its immediate neighborhood.

V While not as large as this residence, other homes in the neighborhood are also large. No new building development is necessary for this project, and property values will not be affected.

VI A variance allowing for a two unit building is minimal relief. The large floor area of this building could be used for at least four units, which is not what is being requested.

Special mention should be noted about the sewer and water systems that serve this proposed two-two family residents, as well as the other two homes on this estate/compound property. The sewer system was designed, built and approved to adequately handle six - four-bedroom houses. The water system was designed and located a considerable distance from the property on Route 12 A, where an approximately 100 gallon per minute well was drilled which provides more water availability than even the six units that were contemplated at that time.

In conclusion, I can only hope that for all of these compelling reasons that I have tried to outline in my petition, to change the single family zoning for this Lot 1 into a two family residential dwelling unit building on Lot 1, that the Zoning Board of Adjustment will see the merit in my request and grant me the USE VARIANCE approval to make such a change.

Respectfully and sincerely,


Samuel E. Mintz
58 Freeman Rd
Plainfield, NH 03781



EXHIBIT A



EXHIBIT A

EXHIBIT B



EXHIBIT B

EXHIBIT B



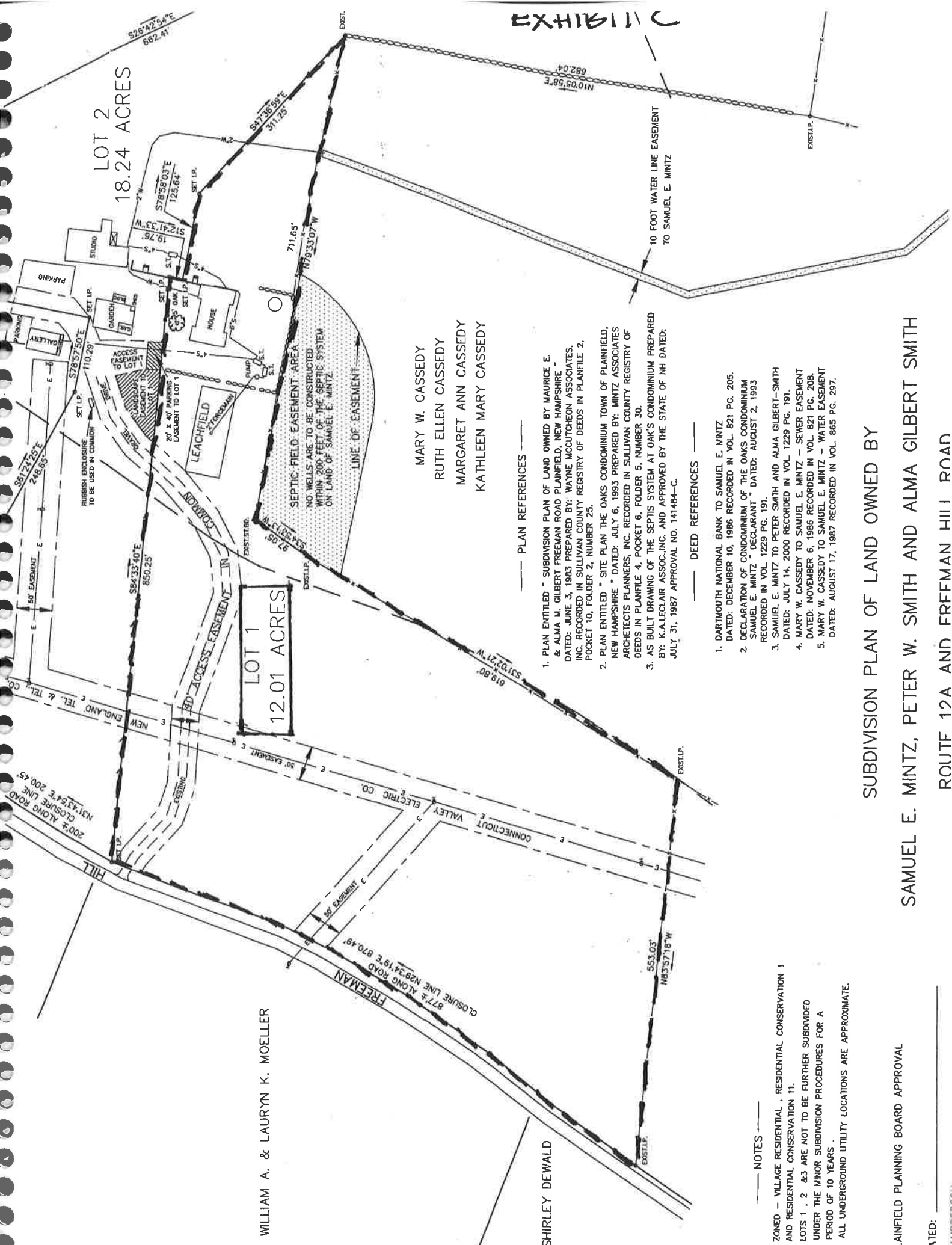


EXHIBIT C

LOT 2
18.24 ACRES

LOT 1
12.01 ACRES

MARY W. CASSEDY
RUTH ELLEN CASSEDY
MARGARET ANN CASSEDY
KATHLEEN MARY CASSEDY

PLAN REFERENCES

1. PLAN ENTITLED "SUBDIVISION PLAN OF LAND OWNED BY MAURICE E. & ALMA W. GILBERT FREEMAN ROAD PLAINFIELD, NEW HAMPSHIRE." DATED: JUNE 3, 1983 PREPARED BY: WAYNE MCCUTCHEON ASSOCIATES, INC. RECORDED IN SULLIVAN COUNTY REGISTRY OF DEEDS IN PLANFILE 2, POCKET 10, FOLDER 2, NUMBER 25.
2. PLAN ENTITLED "SITE PLAN THE OAKS CONDOMINIUM TOWN OF PLAINFIELD, NEW HAMPSHIRE." DATED: JULY 6, 1983 PREPARED BY: MINTZ ASSOCIATES ARCHITECTS PLANNERS, INC. RECORDED IN SULLIVAN COUNTY REGISTRY OF DEEDS IN PLANFILE 4, POCKET 6, FOLDER 5, NUMBER 30.
3. AS BUILT DRAWING OF THE SEPTIS SYSTEM AT OAK'S CONDOMINIUM PREPARED BY: K.ALECLAIR ASSOC. INC. AND APPROVED BY THE STATE OF NH DATED: JULY 31, 1987 APPROVAL NO. 141484-C.

DEED REFERENCES

1. DARTMOUTH NATIONAL BANK TO SAMUEL E. MINTZ DATED: DECEMBER 10, 1986 RECORDED IN VOL. 821 PG. 205.
2. DECLARATION OF CONDOMINIUM OF THE OAKS CONDOMINIUM SAMUEL E. MINTZ "DECLARANT." DATED: AUGUST 2, 1993 RECORDED IN VOL. 1229 PG. 191.
3. SAMUEL E. MINTZ TO PETER SMITH AND ALMA GILBERT-SMITH DATED: JULY 14, 2000 RECORDED IN VOL. 1229 PG. 191.
4. MARY W. CASSEDY TO SAMUEL E. MINTZ - SEWER EASEMENT DATED: NOVEMBER 6, 1986 RECORDED IN VOL. 821 PG. 208.
5. MARY W. CASSEDY TO SAMUEL E. MINTZ - WATER EASEMENT DATED: AUGUST 17, 1987 RECORDED IN VOL. 865 PG. 297.

NOTES

- ZONED - VILLAGE RESIDENTIAL, RESIDENTIAL CONSERVATION 1 AND RESIDENTIAL CONSERVATION 11.
- LOTS 1, 2 & 3 ARE NOT TO BE FURTHER SUBDIVIDED UNDER THE MINOR SUBDIVISION PROCEDURES FOR A PERIOD OF 10 YEARS.
- ALL UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE.

SUBDIVISION PLAN OF LAND OWNED BY

SAMUEL E. MINTZ, PETER W. SMITH AND ALMA GILBERT SMITH

ROUTE 12A AND FREEMAN HILL ROAD

PLAINFIELD PLANNING BOARD APPROVAL

DATED: _____

WILLIAM A. & LAURYN K. MOELLER

SHIRLEY DEWALD