

Minutes of the Planning Board Meeting August 4, 1988 (workshop)

Present: William MacCulloch, Phil Dwight, Judith Pratt, Rod Zwirner, Edwin Rowehl, David Butler, Rachel Reinstein, Selectman, and Mike Oldershaw, Chairman protem for August.

Mike Oldershaw, Chairman protem, opened the meeting at 7:00 P.M. and turned the floor over to Edwin Rowehl, Selectman and Board Member ex officio, at Mr. Rowehl's request. Mr. Rowehl read a statement prepared by the Board of Selectmen in reference to a petition presented by a group of citizens at the Selectmen's Meeting August 1, 1988. A copy of Mr. Rowehl's statement is attached to these minutes. The statement called for the Board to suspend any action until a Public Hearing can be held by the Selectmen to determine whether there is any legal basis for the removal of any Planning Board Member. Mr. Rowehl moved that the meeting be adjourned and as there was no second Mr. Rowehl stated that he could not participate in any further action that the Board would take this evening. Mr. Rowehl also informed the Board that Town Counsel and Planning Board Counsel, Phil Runyon, had been informed by the Selectmen that he was not to attend this meeting or give any legal advice to the Planning Board until all pending issues have been resolved. At this point Mr. Rowehl and Mrs. Reinstein left the meeting followed by a number of people who were present for the reading of the statement.

The Board proceeded with the Zoning Ordinance review as agreed at the July 28th meeting. The first item was Article V, Highway Business District (HE.) The Board agreed that item A, Purpose, was all right as written. The Board and Shelly Nelkins and Harry Page, Townspeople, went into a lengthy discussion on Article V,B,1,b, as a result Phil Dwight moved and David Butler moved that it be amended to read: Establishments engaged in the manufacturing, assemble, compounding, processing/packaging, treatment or distribution of projects including primary product production from raw materials but excluding establishments which emit dist and refuse matter or establishments which produce or emit toxic or noxious gases etc as written. After some discussion about enforcement the motion passed unanimously. Items c, d, e, f, g, and h are ok as written. Item i, was amended by placing a period after Research and testing laboratories. There was a great deal of discussion relative to the storage of hazardous wastes. Item j, Industrial Parks was discussed at length with the consensus being that there was a need to define Industrial Park and that the Board should request a definition from SWRPC. Items k,l,m,and n were ok as written. The Board discussed item o and agreed to change it to read: "Restaurants including resturants with takeout service. Items p,q,and r ok as written. Item s ok as amended. Items t,u,and v ok as written. Article V,B,2,d as amended was changed to give the approving power to the Zoning Board of Adjustment as determined at the meeting with Attorney Phil Runyon. The rest of Article V,B,2 is ok as written. Article V,B,3 was addressed with the lot size being addressed. Phil Dwight moved to change all references which are either in acres or feet to: 10,000square feet, 20,000 square feet, 30,000 square feet, 40,000 square feet instead of 1 acre, 90,000 square feet instead of 2 acres, 130,000 square feet instead of 3 acres and 170,000 square feet instead of 4 acres. Judith Pratt second. So moved. The Board agreed to eliminate Item C,c in its entirety. Items d,e,f,h ok as written. Items i,and j ok as added in the amendment. Item D, the word "and" is to be added after landscaped in the last line of the third paragraph.

The Board continued the review with Article VI Residential District (R) Judith Pratt questioned the fact that water and sewer services could be extended out of the Residential District and expressed her concern with the effect that this would have on density. It was established that the extension of water and sewer services does not change the zoning district and that to change the density an area would have to be rezoned. Article VI,B,1 William MacCulloch raised the question of permitting Multi-family and Conversion Apartments under permitted uses. Rod Zwirner pointed out that it was listed as a Special Exception. The consensus of the Board was that it remain under Special Exceptions Vote was as follows: Judith Pratt, Phil Dwight, David Butler, and Rod Zwirner it remaining under Special Exceptions and William MacCulloch and Mike Oldershaw against. Under Article VI,B,2,d reference was changed to Article XII. The question of "in-law apartments" was raised David Penny suggested that the Board rework the definition of single family dwelling to include inlaw apartment. It was suggested that the Board review under dwelling type, single family attached, single family detached, and define "caretaker" Article VI,B,3,c ok as amended and add d as amended. Article VI,C,1,a delete depth requirement. C,1,b Change minimum frontage to 100 feet and delete depth requirement. C,1,c, delete depth requirement. The subject of a slope requirement overlay was raised to be equal in all districts. Item 2,a change acres to 90,000 square feet and frontage to 200 feet and delete depth requirement. 2,b change frontage to 200 feet and acres to 130,000 square feet delete depth requirement. The Board discussed multi family dwellings which are listed as a Special Exception but not listed as a Special Exception under Article X. They had been included under Article XI,17 which had been deleted in its entirety pending drafting of a Site Plan Review. A note was made to have the attorney look into this for the Board. Phil Dwight moved to change the frontage for a duplex lot to 300 feet throughout the Ordinance. Second Rod Zwirner. After some discussion the vote went as follows: Phil Dwight, yes; Rod Zwirner, yes; David Butler, yes; Judith Pratt, abstained but changed her vote to yes; William MacCulloch, no; Mike Oldershaw, no. So moved.

Item VI,C take multi family and elderly units out of permitted uses and list them as e, and f, under Special exceptions Height requirements to be addressed under Supplemental Regulations. The Board agreed to delete Article VI,C,3,6 in its entirety. Article VII Rural District (RA) was the next item addressed. Article VII,A, and B are ok as amended and written. It was agreed to ask the attorney how to address pesticides in the Zoning Ordinance. Supplemental Regulations? William MacCulloch raised the question of including conversion apartments. The Board agreed to include Conversion Apartments under Special Exceptions. VII,B,2,d ask the attorney about the use of Board of Adjustment as the authority. VII,C,6 amended to include churches and the lot area changed to 220,000 square feet. 8 ok as amended. 10 delete in its entirety. Article VII,D,1 change acreage to 90,000 square feet and under b change frontage to 200 feet, under c delete. The amendment for i change acreage to 130,000 square feet. depth is deleted.

Phil Dwight moved to accept the minutes of the previous meeting as written. Second William MacCulloch. So moved.

The Board discussed Scenic Roads and the requirements for same. The Town and the Property must comply with the rules. The Board does not enforce same.

Minutes of the Antrim Planning Board Meeting August 4, 1988  
page 3

The Board also discussed the right of the Board to grant entrance to a lot over Town land. The consensus of the Board is that if the frontage existed before the road changes were made the frontage still exists.

Mike Oldershaw raised the point of the Selectman's statement earlier this evening. He pointed out that the Board will need legal advice on this subject and that for the record it should be noted that the statement was not on Town stationery and was not dated or signed. The Chair asked for suggestions for a legal counsel. The names of Attorney Silas Little, John Cronin, and McWalters and Byk were mentioned. Chairman protem Oldershaw will try to contact them and get back to the Board.

William MacCulloch made a statement about the fact that this is an appointed position and the Selectmen who appointed him did not support him, therefore, he is considering resigning. Mike Oldershaw commented that he felt that the Board illustrated a good cross section and that he hoped he would reconsider. Phil Dwight commented that he hoped MacCulloch would not take the heat for basically unanimous decisions. Judith moved to adjourn. Second David Butler. So moved.

Respectfully Submitted,

Barbara L. Elia, Secretary  
Antrim Planning Board

Enc.

*produce exhibit & v-1 b, j*

The Board of Selectmen has received a petition signed by 130 Antrim residents, the text of which is as follows:

"We the undersigned petitioners feel that the present Planning Board has lost it's direction, and has become dominated by Real Estate Development people.

The appearance of a "CONFLICT OF INTEREST" by certain members has cast a shadow of doubt on whether the present Planning Board can objectively fulfill it's duty to serve the greater "PUBLIC INTEREST" rather than "SPECIAL DEVELOPMENT INTERESTS.

We are requesting that the Board of Selectmen act to correct this troubling situation by reorganizing the Planning Board with members not connected to Real Estate Development interests".

A group of people attended the Selectmen's meeting on August 1st, 1988 to express their objections to action taken by the Planning Board on July 21st, 1988. They also indicated that, in their signature gathering, they found dissatisfaction among residents to be much more wide spread than previously thought. The most prevalent complaint being that the Planning Board is acting contrary to the will of the people as expressed by actions taken at Town Meetings in 1987 and 1988. Many people also expressed their opinions that the Selectmen, as representatives of the people, are negligent in not controlling this condition. They also demanded that some members of the Planning Board resign due to "Blatant conflict of interest".

Since the July 21st meeting (my first as a member) many people have told us that the changes made to the requirements for the Village Business District have much broader effects than anyone realized at that time.

These people also believe that the Planning Board's refusal to avail themselves of the mandated professional assistance of the Southwest Regional Planning Commission is contrary to the will of the people, and

that recent actions by this Board give the appearance of favoring personal interests.

Based upon these serious charges, the Selectmen have decided that we will hold a public hearing under the provisions of RSA 673:13 to determine whether there is any legal basis for the removal of any Planning Board member. The hearing will be posted as soon as possible so these issues can be resolved without disrupting normal Planning Board activities and further consideration of the proposed zoning ordinance.

Pending the outcome of the public hearing we believe that this Board should not take any further action on Planning Board matters for the Town of Antrim, or make further changes to the Antrim Zoning Ordinance as proposed by the Southwest Regional Planning Commission.

I, THEREFORE, MOVE THAT THIS MEETING BE ADJOURNED.

In light of the decision of this Board to continue this meeting, I, as a Selectman, cannot participate in any further action this Board may take this evening.

In view of the Selectmen's decision to hold a public hearing on possible removal of Planning Board members, there is a clear conflict of interest for Town counsel in continuing to advise both the Selectmen and the Planning Board. The Selectmen have therefore directed Town Counsel not to attend this meeting or to provide further legal advice to the Planning Board until all pending issues have been resolved.