

Minutes of the Antrim Planning Board Meeting April 21, 1988

Present: Robert Watterson, Chairman pro tem, Mike Oldershaw, Sr., John Jones, Rod Zwirner, Judy Pratt. Also present were: Rachel Reinstein and Edwin Rowehl, Selectmen, Phil Runyon, Attorney.

The meeting opened at 7:30 P.M. and inasmuch as, the meeting was a work-shop meeting, the Chairman got right to the matter at hand, a meeting with Counsel, Runyon. The Chairman explained the position of the Board in the matters of the litigation before it. Counsel, Runyon, informed the Board that he has filed for an appearance with the Court as Town Representative, and has asked the Court for a thirty day extension in the matter of Karin Mack and Lenoir Franseen (Breezy Point/ Gary Bergeron). Runyon informed the Board that Bergeron has retained a new lawyer, Tom Pappas of the firm Wiggin & Nourie. The Town will have to provide certified copies of everything in the file for the Court to review. The Town will submit its' response and the court will decide to take action on the written material or hold a hearing. This must be filed by May 15, 1988. The Board is entitled to proceed with deliberations as the Court has not stopped the action. The filing of the writ does not change any action until the Court stops the action. Robert Watterson explained the history of the case and discussed Bergeron's Road Bond. Counsel's advice was not to worry about until it is requested by Counsel.

The question of Counsel being present when the Applicant is represented by Counsel at Public Hearings was raised. Counsel advised that any decision can be delayed until the Board has an opportunity to consult with Counsel, and that the Board can act in this manner if there is a problem with a decision. The question of charging for legal and engineering assistance in making decisions was raised and it was noted that this practice is supported by the Town's Subdivision Regulations.

The matter of the Cloutier, Cloutier and LaPlante clustered subdivision on West Street was raised. Robert Watterson explained the status of the review of the Fiscal and Traffic impact studies. The Chairman asked if the Attorney could give any input in the matter of determining a fair percentage of the cost of improving West Street. The Attorney suggested that the Board consider the cost without development and then consider it with the development and use this for a criteria in its decision. The Attorney suggested that the Board put the mistakes of the past behind it and consider the case on its merit. Eric Tenny, Water and Sewer Commissioner, also present at this meeting discussed the charges for water and sewer as it relates to this development. The Attorney suggested that the Board look at the policies of other municipalities and pointed out that the City of Nashua charges a fee based on the development's impact on all Town services.

Robert Watterson raised the subject of private roads within a development, and they discussed Condominium Documents at great length. The Attorney suggested that the Board have some guidelines so that it would have some frame of reference. The question of how long the Board can operate under the Posted Ordinance was also raised. The Attorney pointed out that there is no time frame under State Statute, but suggested that the Board give itself a deadline. They also discussed burned out buildings and the Attorney referred to RSA 676:17. As to the 90 day time frame as stated in the Town Subdivision Regulations, the Attorney feels that the time starts when the Board has all the information it needs to make a final decision.

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Attorney Runyon also noted that in giving Preliminary Approval the Board runs the risk of giving the developer false hope, and that before this is done the Board should feel that it knows enough about the project. The minutes should reflect that the overall concept of the project and that the number of units is reasonable. This is a Preliminary Approval and the Board reserves the right to reject the project if the documentation proves to be unreasonable.

Mike Oldershaw, Sr. asked the Attorney if he would ever consider representing a client before this Board. The Attorney replied "Definitely Not!"

Attorney Runyon advised the Board that when using a consultant at the expense of the developer, give them specific things to do.

Eric Tenny gave the Board copies of a letter to the Board from the Sewer and Water Commissioners in regard to the Cloutier Subdivision on West Street.

Mike Oldershaw, Sr. moved and John Jones seconded that the minutes of the meeting held April 14, 1988 be approved as read. So moved.

The Board took a few minutes to review the SWNHRPC reports provided by Selectman, Rachel Reinstein. A copy of the report as it applies to Great Brook Cluster Subdivision (Cloutier) will be sent to Rober Cloutier for his review.

Meeting adjourned at 10:20 P.M.

Respectfully submitted,

Barbara L. Elia, Secretary  
Antrim Planning Board