

Minutes of the Antrim Planning Board Meeting May 12, 1988

Present: Mike Oldershaw, Sr., John Jones, Judy Pratt, Phil Dwight, William McCulloch, Rod Zwirner, Chairman protem, David Butler, Robert Watterson

The Chairman protem, Rod Zwirner, opened the meeting at 7:30 P.M. The first item on the agenda was the signing of the Mylar for the Robson subdivision which had been previously approved subject to the pins being set. The applicant assured the Board the the pins had been set and Rod Zwirner signed the mylar as Chairman protem.

A two lot subdivision application by Merle and Margaret Aborn was the next item on the agenda. The advertisement for a Public Hearing was published in the Messenger April 21, 1988 and certified mail return receipt requested sent to the abutters, all receipts being returned. Merle Aborn presented his proposal. This is for a two lot subdivision on Elm Avenue. The question of the larger lot being surveyed was raised and Mike Oldershaw moved to grant a waiver of the requirement that the second lot be surveyed, subject to no further subdivisions until a complete survey has been accomplished. Robert Watterson second. So Moved. The Application in order, and no opposing testimony, Phil Dwight moved to approve the subdivision, Robert Watterson second. So moved. Rod Zwirner, Chairman protem signed the mylar for the Board.

The continued hearing on the Great Brook Cluster Subdivision was the next item heard. Robert Cloutier, Ken Cloutier and Normand LaPlante the Applicants and their Attorney Jay Leonard were present to make their case. Jay Leonard spoke for the Applicants and went through the history of the Application. Attorney Leonard commented on the B. G. Miller analysis of the traffic study. The Applicant and their attorney feel that Miller did not address the matter of the traffic study properly. Attorney Leonard insisted that the Applicant would like an answer on how the Board wants to proceed. He reiterated that the subdivision will not cause West Street to be substandard as it is substandard now. Mike Oldershaw informed them that the Road Agent had estimated that improvements to the road planned for the future and not considering the effects of the subdivision would amount to approximately \$50,000.00, and that quite possibly the Applicant might have to pick up the cost of anything over that figure. Attorney Leonard spoke to the fact that this Application has been on the agenda since September and that the Applicant is entitled to a decision. Mike Oldershaw raised the point that the Board did not have Counsel present and he felt that the Board could not act without Counsel. Phil Dwight said that it was not fair to pin the Board down to prices, as what has to be done to the road has not been outlined. Leonard's argument was that this has been on the agenda since January 28, 1988 and nothing has happened. Phil Dwight's comment was that the members of the Board do not have complete information and that the Board has changed with the resignation of the Chairman and many new members and to ask for a decision without Counsel or SWRPC being present to give advice was not something the Board could do. The Applicant had been called and asked for a delay but they saw fit to appear anyway. Rod Zwirner said that he had been informed that a meeting had been arranged with SWRPC and the Board for May 17, 1988. Robert Cloutier stated that this would not be a legal meeting. The Board felt that if this were so it would have to be cancelled thus delaying the decision again.

There was lengthy discussion about the length of time it has taken the Board to come to a decision and what is expected of the Applicant as the road is concerned. Jay Leonard would like a schedule and said that the Applicant would agree to no extensions. Phil Dwight commented that his understanding was that the time frame starts when the Board has all the information. He also raised the question of the meeting with SWRPC on the 17th of May. He does not want to hold a meeting that will be subject to a suit at a later date. Questions raised by the Board were about the second road and its location, how the water and sewer will be handled, and the condition of West Street. Robert Cloutier asked the Board about the present construction on West Street. Will the Applicant be asked to complete this? Robert Watterson explained that this was already in process and that the surfacing will be completed very soon. Attorney Leonard stated that the Applicant is willing to contribute but not willing to rebuild it. Normand LaPlante stated that the Applicant wants only to pay their fair share. Attorney <sup>Leonard</sup> said that his understanding was the Board would follow the Miller report to the letter. Robert Watterson's comment was that the Board only wants it to be safe and that perhaps both the Board and the Applicant should get estimates. Another period of discussion followed, with Robert Cloutier commenting on the subdivision (12 lot) <sup>West</sup> in without any road improvement. Attorney Leonard asked to be put on the agenda for the May 26 meeting and it was agreed that John Jones would call Board Counsel, Phil Runyon, and ask him to call Jay Leonard, Applicant's Counsel, to discuss the status of the Application. The Applicant will also attend the June 2 Workshop Meeting of the Board to address SWRPC Workshop. Robert Watterson asked if the Miller group should be called to explain their Traffic Study. Leonard's feeling was that they had gone beyond level of service in their study. He feels that level of service and not the road should have been addressed in the study. Chairman, protem, Rod Zwirner will inform the Applicant of the results of the meeting with SWRPC on May 17 if one is held. Phil Dwight informed the meeting that he will not be present at the June 2 meeting.

Fred and James Blair approached the Board in regard to their proposed subdivision on Elm Avenue. Mike Oldershaw removed himself from the Board for this hearing because of conflict. The question of frontage on lot #1 as it is believed by the Board that it is either Town or State land as the Applicant does not have a deed for it. The Applicant referred to a letter written by his surveyor stating that it does not belong to either. Rod Zwirner will consult with counsel about the legality of the frontage on lot #1. Chairman Zwirner is also concerned with lot #4 because of wetlands. Mr. Blair requested that a public hearing be held and it was agreed that because of the time frame it will be held June 9. John Jones will be talking to Phil Runyon, Counsel, and will get back to Blair.

Mike Oldershaw took his seat on the Board and the Board addressed various matters. Phil Dwight raised the question and asked for clarification on the subject of Counsel. Is Attorney Runyon Town Counsel or Board Counsel and does the Board have direct use of his services? Edwin Rowehl, Selectman, said that probably it would be better to deal directly with Counsel. The secretary was asked to make copies of all impact studies for each member of the Board for a better look at the Cloutier Application. John Jones will get the opinion of Counsel in the matter of the May 17, 1988 meeting. Judy Pratt asked if the Board was going to talk to Miller about the Traffic Impact Study, and Robert Watterson discussed Level of Service.

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Phil Dwight asked when you raise the question of viability and the Town's potential liability? The question of the maintenance of the sewer service to the Development was raised and it was pointed out that State law says that it is owned by the developer or condominium association but they can contract the Town to maintain it. Judy Pratt suggested that the Board obtain a written report from the Water and Sewer Commissioners as to what was approved and how it will be accomplished.

A plan left in the Town Office by Paul Hardwick was discussed and it was determined that a Public Hearing will be scheduled for June 9.

Moved by Mike Oldershaw and second by Bill McCulloch that the minutes of the May 5, 1988 meeting be approved. So moved.

Meeting adjourned at 10:00 P.M.

Respectfully submitted,

*B. Elia*

Barbara L. Elia, Secretary  
Antrim Planning Board  
Antrim, New Hampshire