

Minutes of the Antrim Planning Board Meeting October 6, 1988 (workshop)

Present: Judith Pratt, Philip Dwight, Rodman Zwirner, Mike Oldershaw, Sr., Edwin Rowehl and Rachel Reinstein, Selectmen's Alternate.

Rod Zwirner, Chairman protem for September opened the meeting at 7:30. Rachel Reinstein, Selectman, spoke to the Board about the status of the review of the proposed Zoning Ordinance. She reported that Town Counsel, Philip Runyon, and Board Counsel, Silas Little, have consulted and determined that the Ordinance should be put before the voters at the November Election. She stated that the Town and members of the Board would be liable if the Ordinance was not put on the ballot as soon as possible. The question of individual liability of Board Members was raised and David Penny clarified the fact that the Town's liability policy covered the actions of Board members. The Selectman outlined three actions that the Board could take in respect to the Ordinance.

1. Unpost the proposed Ordinance and revert to the 1974 Ordinance.
2. Repost the proposed Ordinance with all its revisions.
3. Place the proposed Ordinance on the ballot for the November 8 election with the revisions to be put before the voters in March.

Madeline Henley, Administrative Assistant, informed the Board that the Selectmen can call a Special Town Meeting provided no money is appropriated, per the Office of the Secretary of State. Phil Dwight questioned the legality of taking a vote at a Workshop Meeting and raised the question of what had initiated the action. In the discussion it was determined that the Board of Adjustment had requested Bill Suydam, Selectman, pointed out that if the proposed posted Ordinance were voted on at a Special Town Meeting November 8, 1988 the Board could continue with the revisions and put it on the ballot at the March Town Meeting. Phil Dwight stated that he felt pressured to vote on an Ordinance which had been voted down by the Board and that it presented a moral dilemma. Mary Allen, Chairman Board of Adjustment stated that she had conferred with Attorney Philip Runyon and in his opinion the Town was operating in legal limbo. Madeline Henley reported that she had spoken to Bernie Law of the NHMA and he was appalled at the length of time taken. She also reported that Paul Landry of the Office of State Planning was of the opinion that the Ordinance was past any defense if something isn't done. Mary Allen explained the position of the Board of Adjustment, that is, they are nervous about making decisions based on an Ordinance that has not been voted on by the electorate. Phil Dwight quoted the opinion given to the Board by Attorneys, Silas Little and Philip Runyon that the Board could continue as long as it was making a real attempt at completing the Ordinance. Rod Zwirner commented that his perception was the same as Dwight's as far as the Attorneys' opinion was concerned. Mike Oldershaw moved that the Board go into Executive Session to confer with counsel by telephone about the proposal from the Selectmen. Judith Pratt second. So moved.

The Meeting was reopened at 8:25. Mike Oldershaw moved to make Philip Dwight Chairman for the month of October. Second Judith Pratt. So Moved. Phil Dwight reported on his phone conversation with Attorney Silas Little. Little's opinion is that while there is potential risk^m continuing with the revisions its minor. The Board can continue to conduct the review and get it ready in its final form. Dwight announced that in the interest of expediency the meetings will be public with no public testimony. Any suggestions should be in writing and the Public will have an opportunity to speak at the Public Hearings.

Mike Oldershaw suggested that the Board could entertain comments but ~~The Board~~ would reserve the right to shut the debate off. Mary Allen asked for clarification of the time frame in which the Board plans to complete the revisions. Dwight stated that the Board would attempt to complete the review by November 3, 1988. Mary Allen asked for a letter to the Board of Adjustment to that effect. It was suggested that a copy of the minutes be made available to the Board of Adjustment. Allen also commented that the two Boards had different functions and she suggested that she review the Sign Ordinance and present it to the Board. agreed.

Phil Dwight suggested that as there was time left that the Board continue with the review. Mike Oldershaw was not prepared and as he was ill had attended the meeting only because there was an emergency. At this point he left the Board for the evening.

Rod Zwirner read a letter from Attorney Silas Little relative to impact fees. Cloutier Subdivision was discussed as it related to fees. It was determined that legal fees on such proposals should not be charged to the Town.

The minutes of the September 15 meeting were discussed. Judith Pratt moved and Edwin Rowehl second to accept the minutes as written. So moved. The minutes of the September 29 meeting were discussed and it was determined that inasmuch as, there were not enough copies, as the copier wasn't working, they would be taken up at the next meeting.

The Board then proceeded to the Zoning Ordinance review. Article XI, 5,6,&7 ok as written. 8 change height to not exceeding 50 feet. 9 change to read "Any domesticated animal that is normally or can generally be kept within the immediate living quarters of a residential structure. Any member of the swine, sheep, poultry, bovine, equidae family of quadrupeds, or reptiles having a venomous or constrictor nature do not constitute a household pet under the provisions of this Ordinance." 10,11,12 ok as written. 13,b,(1) change to twenty one days. Change 13,b,(3)a to read "The unit will only be occupied six months from issuance of a Building permit unless extended by the Board of Selectmen, regardless of b,(1) above." Change 13,b,(3),(a),iii as follows: The unit will be served by a State approved portable toilet facility. 14 ok. 15 to be changed as follows: 15. Temporary Uses: add "except as provided in d. 15,d,(4) add except as extended by the Board of Selectmen. 16. Yard Requirements: insert after the word structure "in excess of twenty four square feet. XI,17 deleted in its entirety as amended. Article XI, 18 was addressed. Madeline Henley suggested that under Cluster Housing the number of units should be restricted to the same number as would be allowed under other circumstances. Clustering is to save land that is valuable for other purposes. Judith Pratt and Madeline will get together to consult with the Attorney and get wording that will stand up. Article XI,C,2 amended by deleting the wording starting with i.e. There was further discussion on cluster housing and the use of common land. There was argument that common land should not include land used for buildings individual lots or roads and driveways. Second paragraph Article XI,18,C,(4). XI,19 ok as amended. XII,A,4, change Planning Board to Board of Selectmen. It was suggested that the Board pass over the parking Ordinance with any questions to be raised at the next workshop meeting. XIII,Non Conforming Uses. E,1, delete the words "devoted to a use not permitted in the district in which it is located"

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Mary Allen volunteered to have her comments on the sign ordinance available to the Board two weeks from tonight. The Board discussed the form they want the revisions to take. It was suggested that the changes be highlighted in some form. After much it was determined that highlighting would only cause confusion and the Board would like a clean copy with a separate list of changes.

Rod Zwirner moved to adjourn. Judith Pratt second. So moved.

Respectfully submitted,

Barbara L. Elia, Secretary
Antrim Planning Board