

Minutes of the Antrim Planning Board Meeting December 8, 1988

Present: Judith Pratt, Rod Zwirner, Edwin Rowehl, Robert Watterson, Michael Oldershaw, Sr., and Phil Dwight, Chairman.

The Chairman opened the meeting at 7:00 P.M. and review the mail. A bill from Attorney Lloyd Henderson was discussed and the Chairman observed that inasmuch as he was not on the Board at the time billed he could not say anything about it. Mike Oldershaw and Robert Watterson will review the bill.

Chairman of the Board of Adjustment, Mary Allen, was present to discuss changes she had suggested to the sign ordinance at the public hearing. Article XIV, C.c. on page 80. It was agreed to eliminate the second sentence. The BOA was of the opinion that signs could be smaller if presented closer to the lot line. Mike Oldershaw raised the question of safety but the Board felt that this was not a problem. Mike Oldershaw moved to eliminate the last sentence of Article XIV, Section C.c. and to remove the 8' setback from Section C.2.a.(5) and add only 1 free standing sign to Section C.2.b. Mary Allen observed that there were two typos on page 81. Section 2.b.(1) reference to Section C.2.a.1.-5 should be changed to reference to C.2.a.1.-6. She also suggested that oversized banners should be allowed. The Non-conforming structure was discussed and what is presently in effect. Brian Hennessey asked for an explanation which Mary Allen provided. He also asked about grandfathering and pre-existing non conforming structures. Selectman, Rachel Reinstein observed that if it is more non-conforming it requires a variance. Mike Oldershaw argued the need if it is already in existence. David Penney suggested that it not be made more conforming. Phil Dwight observed that this should be clarified. The Board addressed Article XIII, D. and referred to the changes suggested by Mary Allen at the Public Hearing. The Board agreed to drop the words "reconstructed or altered in from the first paragraph. Mike Oldershaw moved to amend Article XIII, Section D.1. by removing the words "constructed reconstructed, or structurally altered". Second Judith Pratt. So moved. The definition will be changed to conform to the Ordinance. The Change will be as written by Judith Pratt. (Definition 82 page 19) So moved.

The Board tabled discussion on the Zoning Ordinance to meet with Fred Blair relative to his proposed subdivision on Elm Avenue. Mike Oldershaw removed himself from the Board as he is an abutter. The Chairman, Phil Dwight, made a statement to the effect that over the past months there have been a number of changes to the Board and he (the Chairman) did not believe that proper procedures had been followed. The Chairman stated that plans must be submitted to the Board 15 days before a Public Hearing at which the plan will be discussed. Blair stated that literally the only change had been that Vejr had sold to Old Pound Partnership and the spelling of a name had to be corrected. Blair said that he had conditional approval subject to the prevention of the future subdivision of the six acre parcel and referred to the minutes of June 16. Robert Watterson reiterated the Board's desire that there be no future subdivision of lot #1. Phil asked the Board's pleasure. Selectman Reinstein suggested a covenant for no future subdivision to be noted on the plan. The question of distance of a wall from a boundary line was raised and the Applicant stated that presently the State has no rules that apply to this. The rules for a Public Hearing were discussed and the Chairman urged the Applicant to have another public hearing. The Applicant had no objection and a continued Public Hearing will be held January 12, 1989 at 7:30 P.M.

The Board next met with Barry Greene representing Old Pound Partnership in the matter of a subdivision of property on Route 202. The Chairman explained to the Applicant that he believed that a completed application had not been submitted as the Applicant had not provided the Board with plans of the proposed Subdivision. Greene argued that he had the plans and the checklist this evening. The Chairman stated that these plans should have been available before the public hearing and that the Board would only act on them at the next Public Hearing which will be held the second Thursday in January. January 12, 1989 at 7:30. The Chairman advised Greene that the vote to accept will only be made in accordance with the Zoning Ordinance in effect January 12, 1989. Greene asked for the names and addresses of the Planning Board members and a copy of the minutes of the meeting November 17, 1988. It was established that renotification was not required. The Chairman established that it was the Applicants responsibility to pay for advice of Counsel in this matter. Greene had no problem with this.

Madeleine Henley, Administrative Assistant, raised the question of Hancock Estates. Mike Oldershaw suggested that the Board check with Counsel. She also asked about building within twenty feet of a pond. Phil Dwight observed that presently there was no regulation to prevent this. Brian Hennessey raised the question of a property owner cutting his land completely off. Robert Watterson observed that this was the State's venue. The Chairman observed that the Planning Board cannot control everything. Mary Allen observed that there was a concern with streams and small ponds and should they be inclusive in the Ordinance. The Chairman observed that in order to get the Ordinance to the voter at Town Meeting nothing could be added. The timetable restricts changes to minor ones only. Chairman Dwight presented the Board with a copy of the proposed Notice of Public Hearing for the January 5, 1989 Hearing on the Ordinance. Judith Pratt moved to correct the minutes of the November 17, 1988 meeting to reflect the corrections listed by Phil Dwight, (list enclosed) with appropriate attachments. Second Rod Zwirner. So moved, unanimous.

The Chairman addressed changes to be acted upon. Enforcement Authority, Attorney Little feels that this is covered under State Statute. The Attorney suggested that it remain as written. Non-Conforming lots Judith Pratt had submitted a suggestion for an amendment. Little felt it would not work. The only one it would affect is the unwary. Little suggested that the wording is all right as written. The question of existing non-conforming lots was raised with Robert Watterson expressing the view that this was unfair. If lots were owned by three people it would be three lots if owned by one it would have to be combined. David Penny observed that there had been concerns since this had been written. Robert Watterson moved to delete Article XIII, Section B. Judith Pratt second. Discussion Edwin Rowehl addressed the grandfather clause. Mary Allen referred to a Rindge Case. Rod Zwirner raised the question of Hancock Estates. The vote was taken. Mike Oldershaw, abstain; Rod Zwirner, yes; Judith Pratt, yes; Robert Watterson, yes; So moved.

Page 60, Structure on a Small Lot of Record was addressed. Mike Oldershaw moved that Article XI, Section A.14. be deleted in its entirety. Judith Pratt second. Vote unanimous. Phil Dwight raised the Article XV, Section D.4. Temporary Uses. He questioned the deletion of extensions by the Board and asked the Board to reconsider, as this could create a hardship. Mike Oldershaw observed

that this had been discussed at the last meeting. Edwin Rowehl moved to add that the Board of Selectmen grant one six month extension. Rod Zwirner, Second. Judith Pratt was of the opinion that three months would be ample. Madeleine Henley said that the more time allowed the more would be asked for. And if it is available it will be granted on a regular basis. David Penney said that if a disaster struck in the winter months it could take longer to restore and this would create a hardship. Sometimes there are disputes that are beyond the control of the property owner. Mike Oldershaw suggested nine months. It could be extended by omission if not spelled out. The vote was called on the original motion. Edwin Rowehl, yes; Rod Zwirner, yes. The motion failed. Judith Pratt moved that temporary occupancy will not exceed nine months. Mike Oldershaw, second. Passed unanimously. Ruins were addressed next Robert Watterson moved to remove the words "such time limit can be extended by the Board of Selectmen: Second Mike Oldershaw. Passed unanimously. The question of set backs from bodies of water was raised with it being established that the section added at the last meeting would take care of the map situation. Mike Oldershaw expressed his desire to get the Ordinance posted and reviewed. Rod Zwirner agreed. Phil Dwight said that he would be more comfortable with a review by the Town Attorney, he pointed out that the Board could vote to poste but the copy must be ready for approval by the Board. The minutes of the December 1, 1988 meeting were addressed. Robert Watterson asked that the comments in paragraph 2 page 1 be ammended to read: Robert Watterson argued the merits of multi-family housing within the rural zone as they apply to cluster housing. Mike Oldershaw moved to accept the minutes as corrected. Second Robert Watterson So moved. Other questions were raised by Harry Page about duplexes in areas served by water and sewer and those in areas not served by water and sewer. The Chairman stated that substantive changes would require another public hearing and the Board is anxious to have the Ordinance ready for the Town meeting in March. There was discussion about the timetable for the availability of the Ordinance. Judith Pratt moved to post the Ordinance December 15, 1988 provided the material is available and legal counsel has reviewed it, with a public hearing scheduled for January 5, 1989 at 7:30 P.M. Rod Zwirner second. Passed unanimously Set backs from streams were then discussed with it being reiterated that this could easily require another Public Hearing. The Board agreed that there will be no meetings December 15, 1988 and December 22, 1988. The next meeting will be January 5, 1989, the Public Hearing on the Zoning Ordinance.

Madeliene Henley asked the Board for time at the January 19 meeting to discuss the budget. Discussion was made about voting on the Rural Conservation District separately. Robert Watterson observed that the Steep Slopes and Wetlands Articles and the Overlay should replace the Rural Conservation District. The Chairman asked for a list of members of the Board and the dates of their term.

Meeting Adjourned at 10:30 P.M.

Respectfully submitted

Barbara Elia, Secretary
Antrim Planning Board

Corrections to Minutes of Nov 17

1) Page 1 Center/Left Comments - Ref #91 changed

" #101 changed

2) Article IV B 2c } ^{Page} 28 changed to read
 V B 2d } 33 " "
 VI B 2f } 36 " Any use excessory to a principal
 VII B 2d } 41 " permitted use."
 IX B 2c } 45

Article VIII B 2 ^{Page} 44 Add "e" per above.

3) Article IV B 3 c ^{Page} 28 is deleted

4) Article VII 3rd line 1st Para (page 41) "Planning Board" should be "ZBA"
and
C 3+5 (page 41) change "5 acres" to "220,000 sq. ft."

5) The Steep Slopes District was unanimously adopted as presented (see attached draft)

6) Attach a draft of Wetlands district that was adopted.

7) Article IX Section C 1 a was changed to read "130,000 sq. ft."
Section C 1 b was deleted
Section C 2 - change the entire section to read "300 ft"

8) Article V (page 39) - Change C 1 to read:

" Lot Requirements: Areas not served by Public Sewer and Water"

Add a paragraph C 2 reading:

" Lot Requirements: Areas served by Public Sewer + Water

a) Shall be the same as required in Article IV C. 1.

9. Sign Ordinance Section E 10 (page 83) Add the following sentence
"This does not include banners containing the word 'open' or some other salutation, and less than 16" in size, which will be permitted at any time when the business is open." OK

Section 6-2 (page 84) add the following sentence:
"Repair of non-conforming signs is permitted. This includes work necessary to maintain the safety of the sign, provided that such work will not increase the size or general appearance of the sign."

10) Article X Section 019 - change "six (6)" to "three (3)"

11) Definition 9 (page 56) Household Pets

Household Pets: Page 56: Change to insert after ~~the word "animal"~~ ^{the word "and"} "animal, bird, such as a canary or parrot". Remove the word "includes" in 2nd sentence