

Minutes of the Antrim Planning Board Meeting, January 12, 1989

Present: Judith Pratt, Acting Chairman; Philip Dwight, David Essex, Michael Oldershaw, Edwin Rowehl, Rod Zwirner

Acting Chairman Judith Pratt opened the meeting at 7:30 p.m. She began by reporting that the Planning Board's 1988 expenditures did not exceed appropriations. She next stated that she and Madeleine Henley would attend a workshop on impact fees to be sponsored by the Monadnock Cross-roads project at the Harris Center on February 4. The chairman then reported that a lawyer consulted by Henley is of the opinion that Cross Road, which abuts a proposed subdivision near Elm Avenue and Route 202, is a Class V (summer maintenance) road according to state RSAs. The town can only be forced to maintain such a road by full vote of the town at Town Meeting, Chairman Pratt stated.

The first public hearing of the evening was a continuance of the December 8, 1988 hearing on Fred Blair's subdivision on Elm Avenue. Mike Oldershaw excused himself from the board. Blair stated that at the last meeting he was asked to put a covenant on Lot 1 that would limit access to the Elm Avenue side. Blair said he asked town attorney Phil Runyon whether Runyon had advised the Planning Board to request such a covenant and that Runyon denied doing so. Blair said that he and his partners have followed town subdivision rules to the letter and that they saw no reason why they should be required to put a restrictive covenant on the lot. Harry Page agreed with Blair. Oldershaw asked if all the boundaries were set, and Blair replied in the affirmative. Phil Dwight stated that attorney Silas Little felt that the Planning Board could not require such a restrictive covenant. Dwight then moved to formally accept the Blair application, Rod Zwirner seconded, and the board voted unanimously to accept. Chairman Pratt then signed the mylar and several copies of the plat.

Attorney Lloyd Henderson queried the chairman on whether the previous statement about summer maintenance of a Class V road was a legal opinion. Chairman Pratt answered yes, saying that Henley had spoken to an attorney at the New Hampshire Municipal Association. Henderson asked if the RSA cited was specifically for roads leading to summer cottages. The chairman replied yes. Henderson said that the RSA cited does not apply to Cross Road and that the lawyer consulted probably did not know the facts of the case. Chairman Pratt said the board would check into the matter.

In the second public hearing of the evening, Harry Page of Old Pound Partnership presented plans for two subdivisions on Route 202 near Cross Road. Page said that the first parcel, consisting of approximately 5 acres, would be subdivided into two lots sharing a common driveway to Route 202. Dwight asked Page if the lot conformed to the proposed Wetlands District ordinance in the Proposed Town of Antrim Zoning Ordinance. Page replied that he followed the ordinance's formula for deducting wetlands from the total lot to get the total buildable area. Lot 57-5 is 2.388 acres (104,047 sq. ft.) with no wetlands, and lot 57-4 is 3.015 acres, with 91,360 sq. ft. of dry land and 40,000 sq. ft. of wetlands. Chairman Pratt asked if there were any abutters who wished to

speaking. No abutters rose, but Dick Schacht noted that the McKinley property farther north on Route 202 provided a precedent for this kind of subdivision. Dwight moved to accept the application, David Essex seconded, and the board voted unanimously to accept.

Dwight noted that the Old Pound Partnership proposals were to be applied for separately, Chairman Pratt agreed, and Page proceeded to explain subdivision plans for a 10.5-acre parcel adjoining the 5-acre lot. Page stated that to comply with the Wetlands District ordinance, the partnership decided to split the parcel into three subdivisions instead of four as previously planned. Page explained that two of the lots had sufficiently small percentages of wetlands that they did not need to have any area discounted as per the Wetlands ordinance. 57-7 is a 2.078-acre lot with 84,817 sq. ft. of dry land and 5,700 sq. ft. of wetlands, requiring no discounting of land according to the proposed Wetlands District ordinance. Lot 57-6 is 3.026 acres, with 100,000 sq. ft. of dry land and 31,800 of wetlands. Lot 57-3 is 5.58 acres, with 92,000 sq. ft. of dry land and 151,400 sq. ft. of wetlands, with the latter being the buildable land according to the Wetlands discounting rule. Page said the subdivision does not need state subdivision approval and that a test pit had been dug. Approval of the latter is pending, according to Page.

Oldershaw asked if the Partnership had obtained easements from PSNH. Page replied that the easement requires them not to obstruct the path with buildings and to let PSNH workers on the property to service the lines. Dwight moved to accept the second application, but a second was not heard until after further discussion. Shelley Nelkens asked if the applicants had paid the proper application fees 15 days before the meeting. Dwight replied that the Planning Board has never required applicants to do so and that it would be unfair to use that as an excuse to deny an application. Dick Schacht offered his opinion that considering the recent closings of Hawthorne College and Chicago Cutlery, the Planning Board should look favorably on opening up lots within the town's business zones. Zwirner asked where the brooks were within the lots under discussion. Page replied that the partnership tried to follow the zoning ordinance and use the brooks as boundaries between subdivisions. Page then read a February 8, 1936 deed to the land owned by one Eva Thompson, which contained the terms of the PSNH easement.

Oldershaw seconded Dwight's motion to accept the second application from Old Pound Partnership. The board voted 5-0 to accept, with Edwin Rowehl abstaining. Page asked when the board might take an official tour of the site. Pratt replied the the Planning Board would be busy during the next two weeks. Oldershaw said the board could discuss both subdivisions anytime and that it would keep the applicants informed. Pratt noted that the board had the option of approving one proposal before considering the other. Page asked that the 5-acre subdivision not be held up because of the 10.5-acre one.

Chairman Pratt then announced that a party interested in buying Hawthorne College wanted to meet with the Planning Board on January 19. Page pointed out that the zoning districts might need to be altered to accommodate businesses that might go into the Hawthorne property. Page

suggested that the board meet quickly with the interested party so that there would be time to change the zoning around Hawthorne in time for approval at Town Meeting this year. Oldershaw said the board would not rush into any decision. Pratt noted that the town could vote to change the zoning at any time. A February 2 meeting was set.

Dwight reminded everyone that he had asked the Board of Selectmen to provide a list of Planning Board members' terms of office. Chairman Pratt read from a partial list. The board then voted unanimously to make Judith Pratt chairman of the Planning Board and Mike Oldershaw vice chairman.

David Cutter approached the board with preliminary drawings of his development proposal for the Hyland property on Main Street. Cutter said he has a purchase and sales agreement with the owner of the property. His plan is to put retail units in a two-story building in the front of the lot and up to 15 dwelling units in the rear. He noted that he would attempt to maintain the "colonial character" of Main Street with his design. Another building on the property might be occupied by the U.S. Postal Service, with whom Cutter has been in contact for four months. Cutter stated he planned to use greenery to shield the parking lot from Main Street and that he believed the proposal just barely meets the town's density requirement. Rowehl pointed out the need for a cul-de-sac at the rear of the property for access by fire and rescue trucks. Someone asked what the character of the land was at the rear of the property. Cutter replied that the land dropped off. Henderson pointed out that the town had purchased the land abutting at the rear as a buffer zone for the nearby sewage treatment station. Oldershaw advised Cutter to get a copy of the subdivision regulations.

Henderson queried the board whether the town zoning ordinance allowed a landowner to relocate stone walls on his property that did not serve as the boundary line. Chairman Pratt said the board would seek an opinion on the matter.

Chairman Pratt read a letter from Henley informing the board that the selectmen had asked her to prepare a warrant article asking voters to adopt the Building Officials and Code Administrators International Inc. (BOCA) code as the town's building code. Rowehl said he thought the BOCA code was too broad. Dwight asked why the matter was before the Planning Board, and Henley replied that it was a Planning Board function to review the adoption of a building code. Henley noted that adoption can be "by reference," meaning that the entire text of the code need not be published before the vote. Oldershaw asked what costs might be involved in adopting the code. Henley replied the cost was \$65 a year to get copies and updates of the BOCA code plus the cost of hiring a code officer. Dwight pointed out that in many towns the fire chief co-sponsors the BOCA code at Town Meeting. Rowehl pointed out that the code officer's salary could be paid from fees.

Pratt read three memos from Robert Panton, the board's consultant at the Southwest Region Planning Commission. The first memo, dated December 22, 1988, stated that town appropriations for special Planning Board projects could be carried over into the following year. The second memo,

dated December 27, 1988, reiterated to the Board of Selectmen the types of services provide by the planning commission. The third memo, dated December 22, 1988, noted the state's suggestion that each town should develop a water resources management and protection plan. Panton stated that the minimum state grant for such a project is \$2,000 and that the total cost can be \$4,000-\$6,000. Panton advised that the Planning Board seek an appropriation of \$3,000-\$5,000 for its share of the costs and that it must notify the Southwest Region Planning Commission by January 31, 1989 if it intends to develop such a plan. Dwight moved to refer the question of a water resources management and protection plan to the town Conservation Commission. Oldershaw seconded the motion, which was passed unanimously.

Finally, the minutes of the December 8 meeting were approved 5-0, with Essex abstaining because he was not a member of the board on December 8.

Meeting adjourned at 9:30 p.m.

Respectfully submitted,

David Essex, Alternate Member
Antrim Planning Board