

Minutes of the Planning Board meeting January 19, 1989

Present: Mike Oldershaw, Sr.; Judith Pratt, Chairman; Edwin Rowehl, Rod Zwirner; Phil Dwight; David Essex, Alternate; Rachel Reinstein, Selectman; and Madeleine Henley, Administrative Assistant.

Judith Pratt, Chairman opened the meeting at 7:10 P.M. and immediately turned it over to Phil Dwight for the Zoning Workshop. Dwight commented on the schedule for the Public Hearing to be held February 9, 1989. The first matter addressed were a list of changes suggested by Town Counsel, Phil Runyon. The Chair felt that some of these changes were editorial changes but they were presented to the Board. It was suggested that the change pertaining to the Manufactured Home Subdivision be tabled. On page 60 Commercial District should be Business District. On page 69 "i" is out of order, it should be last. Page 70C change to twelve consecutive months. On page 82 make a change to Rights of way. On Page 84 change the reference to Town Meeting Day of 1989. (use the date). On page 85 make a change by deleting the word "use". On page 53 #4 Change "Selectmen" to Zoning Board of Adjustment. Page 66#4 change to "Zoning Board of Adjustment. Dwight presented a list of changes not noted in the minutes for the Board to reconfirm. 1. The sign ordinance should be amended to permit Banners. 2. Change the number on conversion apartments from six to three. 3. Article V did not provide for areas served by water and sewer as outlined in the Village Business District. Judith Pratt moved to reconfirm the votes on the above mentioned points. Second Edwin Rowehl, so moved.

Suggestions were presented for changes in the zoning of some of the Districts. 1. Rezoning of the Hawthorne College Property. 2. Change Rural Conservation District to include the Northwest corner of the Town. 3. A Suggestion by Cloutier to add areas served by water and sewer to the Village Business District. Dick Schacht spoke to the Master Plan and the plan to expand the Town as outlined in the plan. Schacht expressed the opinion that the Ordinance does not follow the Master Plan set forth by the Town. Selectman, Reinstein, stated that any changes should be considered by the nature of the property itself. Board Chairman, Judith Pratt, stated that changes in zoning should not be made by Water and Sewer Department but by the Planning Board. There was much discussion on the validity of the Ordinance as it relates to the Master Plan. Phil Dwight pointed out that major changes should not be made due to the timetable for the Public Hearing and the presentation of the Ordinance for a vote of the Town. Dwight asked the Board if it would like to make any changes to the Districts. The consensus was not at this time. Phil Dwight addressed the subject of multi-family housing. The Ordinance states that six units per site are allowed and Dwight felt that this was not the intention of the Board. Judith Pratt moved to change it to six units per building. Edwin Rowehl suggested that this should go through the subdivision process to control the total number of units per lot. Dwight commented that when the Article was rephrased it got changed to six units per site and Dwight feels that this is an error. Rowehl reiterated his opinion that the number should be controlled by proper road ways, etc. Dwight referred to comments by Board Attorney, Silas Little. Harry Page commented on the need for a site review if there was to be more than 1 six family unit on a lot. Judith Pratt moved to make the change: "with a limit of six units per building" and to make the change any other place that it might be applicable. Mike Oldershaw second. Rod Zwirner expressed his agreement with the way it is presently written. After some discussion Judith Pratt moved the

question. A vote was called with the Board in favor of voting. The vote on the motion went as follows: Mike Oldershaw, yes; Judith Pratt, yes; Phil Dwight, yes; Edwin Rowehl, no; Rod Zwirner, no. Motion carried 3 to 2. The question of adding Cluster Housing to the Rural Conservation District was raised. Judith Pratt pointed out that the Rural Conservation District would probably be voted on separately as a result this will be resolved. Dwight asked for a consensus of the Board. The Board expressed opposition to this idea. The question of 400 foot depth on duplex lots was next addressed. Harry Page expressed his opinion that this in effect increases the overall lot size and he feels that it is ridiculous. Dwight asked the Board if it would like to change. Board member Mike Oldershaw stated that this has been argued at length and that this Board had not made the change. After much discussion Mike Oldershaw moved to change the depth to 200 feet. Judith Pratt second. The vote is as follows: Mike Oldershaw, yes; Judith Pratt, yes; Rod Zwirner, abstained; Phil Dwight, abstained; Edwin Rowehl, no. Harry Page raised the subject of backlots. The Acting Chairman noted that this subject is a complex one and it can be taken up next year. Harry Page expressed the opinion that if backlots are allowed it will cut down on road building and he argued that it could preserve open space. The Board now turned to a letter from Board Attorney, Silas Little, critiquing the Ordinance. The Board addressed item #7 as it pertains to the Steep Slopes District. The Board worked on some possibilities with Harry Page making the comment that the Board should change lot size to 4 acres as this could be controlled under the State Subdivision Regulations as the State controls anything under five acres. Judith Pratt adjourned to the Selectmen's room to work on an amendment. Harry Page suggested that attention should be paid to slopes on driveways. Phil Dwight raised the question of #5 of Little's comments. It was established that this was covered by a change noted in the amendments posted December 15, 1988. Mike Oldershaw moved that the sentence outlined in the wetlands ordinance should also be included as the last sentence in #5 of the Steep Slopes Ordinance. "Any necessary testing or expenses incurred to clearly delineate questionable wetland areas shall be at the expense of the landowner or developer." Edwin Rowehl second. So moved. The Board discussed the responsibility for the expense of an accurate map and an accurate survey. It was felt that there could be some duplication of effort. The accuracy of the maps presently in use was also discussed. There was further discussion of steep slopes as they occur in areas served by water and sewer. Mike Oldershaw was of the opinion that the availability of sewer and water does not constitute a zoning change. Judith Pratt moved that Steep Slopes be considered as overlaying the rural area and those areas of any other district not served by water and sewer. Rod Zwirner second. After some discussion about the areas in question Judith Pratt withdrew her motion and moved that the steep slope district shall be as overlaying any part of this ordinance. Second Rod Zwirner. The vote: Judith Pratt, yes; Edwin Rowehl, yes; Rod Zwirner, yes; Phil Dwight, abstain; Mike Oldershaw, abstain.

The Board addressed the wetlands ordinance. Judith Pratt moved to delete 1,C. Mike Oldershaw second. So moved. Dick Schacht spoke to the fact that the State has the protection and the intelligence to enforce this and that the Town did not. The Board discussed 5,A

and Mike Oldershaw moved to follow Attorney Little's suggestion to establish a twenty five (25) foot buffer zone from the edge of any designated wetland area. Judith Pratt second. Rod Zwirner explained the reasoning for the 125 foot setback. Phil Dwight replied that he was just reporting what was suggested to the Board by the Board's Attorney. Mike Oldershaw suggested to Rod Zwirner that as a member of the Conservation Commission he lobby the State to increase setbacks. Judith Pratt observed that the Board was concerned with basic zoning now. Dick Schacht was of the opinion that changes should be made at the State level. Harry Page brought up the subject of septic repair. Mike Oldershaw moved to include: No septic tank or leach field would be constructed or repaired or enlarged closer than seventy five (75) feet of any wetland area. Judith Pratt second. Vote: Judith Pratt, yes; Phil Dwight, yes; Mike Oldershaw, yes; Edwin Rowehl, opposed; Rod Zwirner, opposed. The Board addressed paragraph #2 of Si Little's letter. with agreement. Harry page discussed the wording of 5,B and suggested the use of the words "dry contiguous land". Buildings near ponds and streams was discussed and it was suggested that this discussion be delayed until a further review of the Ordinance. There was further discussion about whether or not ponds or streams could be considered wetlands.

Mike Oldershaw raised the subject of conversion apartments. He stated that as a result of input from the public that this should be considered. The idea being that less than six apartments was not economically feasible. Mike Oldershaw moved to bring the number of conversions per location from 3 up to 6. No second. Judith Pratt moved to change the limit from 3 apartments to 4 apartments. Mike Oldershaw second. Dick Schacht expressed his appreciation of it being brought to the floor. and spoke to the remodeling of dilapidated buildings. Richard Court spoke in opposition. Shelly Nelkins contributed to the discussion. After further discussion with Phil Dwight expressing the opinion that this was a mistake and David Essex addressing the need for affordable housing and points about Business Profits Tax, hardship, and maintaining the village district as it is, Judith Pratt called the question, with a second by Rod Zwirner. All in favor of the motion: Judith Pratt, Mike Oldershaw, opposed: Edwin Rowehl, Phil Dwight, Rod Zwirner. Phil Dwight asked if there was further discussion on the number of units in multi-family dwellings. No discussion. Richard Court raised some discussion about the number of buildings per site. Harry Page's points were taken up and the Board discussed Bob Watterson's letter. Judith Pratt moved that in place of 5,B of the wetlands ordinance the following be introduced: In areas not served by sewer and water, an area equal to 75% of the minimum lot size shall be contiguous dry land. In areas served by water and sewer, an area equal to 50% of the minimum lot size shall be contiguous dry land. Mike Oldershaw second. So moved.

Harry Page expressed the need for enforcement and an enforcing officer as the Board discussed the BOCA Code. The Planning Board went on record as being in favor of the BOCA Code and will hold a Public Hearing to discuss this on February 9, 1989 at 7:30 P.M. in conjunction with the Zoning Ordinance Public Hearing. Rod Zwirner moved that the Planning Board vote to adopt the BOCA Code and present it to the Town for Public Hearing February 9, 1989. Second Mike Oldershaw. So moved. Edwin Rowehl moved to repost the amendments as of the January 5, 1989 Public Hearing and to hold a third Public Hearing

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February 9, 1989 at 7:30 P.M. So moved.

Motion was made to adjourn at 11:00 P.M.

Respectfully submitted,

Barbara L. Elia, Secretary  
Antrim Planning Board