

Minutes of the Antrim Planning Board Public Hearing February 9, 1989

Present: Mike Oldershaw, Sr.; Edwin Rowehl; David Essex; Phil Dwight; Judith Pratt, Chairman; Rod Zwirner.

Judith Pratt opened the meeting the purpose of which was the third Public Hearing on the Antrim Zoning Ordinance. Immediately upon opening the meeting Chairman Pratt turned the meeting over to Phil Dwight who has been Acting Chairman in the matter of the Zoning Review. Chairman Dwight called the meeting to order and stated that the purpose of the Hearing was to discuss the final amendments; to discuss the proposed adoption of the BOCA Code. Dwight pointed out that no major changes could be made as a result of this hearing if the matter is to be put before the voters at the March Town Meeting. He suggested that they go quickly through the proposed revisions, and copies of same were provided for those desiring them. He went through the list taking each one individually. After explaining the reasoning for the changes he opened the floor to questions. Harry Page asked to have lot area requirements, on page 47 of the red book, clarified. Dwight explained that the Steep Slopes requirement overlays the Ordinance and that the stricter of any regulation always applies. Page questioned the purpose of the steep slope regulation. Dwight's answer was that the basic purpose is to prevent building in areas where septic and erosion would be a problem, and that there could be a possibility of getting State septic approval and not meeting the terms of the Ordinance. Page also asked for clarification of regulations as they apply to areas served by sewer and water and areas not served by sewer and water. After some discussion the Chair pointed out that any major changes would require another Public Hearing. John Robertson contributed to the discussion. The Chair stated that the Board would take the comments under advisement. Shawn asked how the Ordinance would be presented on the ballot, one question or multiple questions. Bruce Cuddihy was concerned with the consequences if the Ordinance did not pass. The answer being that the 1974 Ordinance as amended would still be in effect. Cuddihy also asked what the proposed Ordinance does for the Town. Mike Oldershaw replied that it protects natural resources, and that in some instances it is more strict and in others more lenient. Cuddihy spoke to the loss of business in the Town and the Chair pointed out that the Ordinance neither encouraged or discouraged business and stated that there were no changes to the regulations for home based business. Robertson spoke to the same issues and Dwight explained that the proposed Ordinance clarifies some ambiguities and is not perfect but in his opinion it is a good Ordinance. Marie Slugaske asked about small lots of record. Dwight stated that in his opinion they were grandfathered. He stated that he was not making a legal opinion. Harry Page asked about the Building Permit and term of same. Dwight was of the opinion that if construction starts within the prescribed period of time it is valid. Dwight expressed the opinion that in any Ordinance it is the intent. Chairman, Dwight, closed the discussion with the comment that if the body desired further discussion it will be reopened. Mike Oldershaw thanked the Townspeople for their participation.

Ken Andrews, representing the Building Inspectors Association of N.H. was introduced to the meeting. Administrative Assistant, Madeleine Henley explained that Mr. Andrews was present to explain the BOCA Code which can be adopted by the Town by reference. She explained that Andrews has met with the Selectmen and that the Fire Chief feels that it is time for a building code. If this is adopted it will go into effect June 1, 1989.

Ken Andrews took the floor and explained that BOCA is a national Building Code and is minimum standards for the State of N.H. The Code is updated periodically and is designed to keep up with changes and to protect the consumer. The question was raised about working on a pre-existing building. The answer being that BOCA does not require you to update the entire structure and it was pointed out that the ordinance exempts all but structural alterations. It was determined that it is presently used by the Towns of Weare, Hancock, Peterborough, Hillsborough and Milford among others. Andrews was asked about alternatives and explained that planning boards and municipalities in the past have created their own code, he also stated that the State of N.H. was considering adopting BOCA as a state wide code. Andrews stated that the Code costs \$150.00 per year and this buys a copy of the Codes and updates and experts are made available to the Building Inspector for interpretation of the Code. Technical information and reports on certain products are supplied on a regular basis. Full time educational programs are also available. Hank Cutter asked about a comparison to the 101 Life Safety Code. Andrews answered that in some ways they are parallel and by 1990 the two will be completely parallel. Dwight asked if the code changes how will it affect the vote of the Town. Andrews stated that the intent of the Board is the issue but he suggested that the Board define its intent. The Chair asked if the revenues would support the budget. AA, Madeleine Henley, explained that revenues could not be used to directly offset the budget, as they go into the General Fund. Andrews stated that the Town of Hookset generated \$107,000. in fees for 1988, but Antrim's department would not generate that amount and there is no way of knowing just how much it will be. Madeleine stated that is fairly easy to set up fees to cover costs and to pay on a per inspection basis, she also raised the possibility of sharing an inspector with another town. Harry Page asked about the Town's liability for errors. Andrews pointed out that there was a saving clause in the Code and unless malicious intent was proven there is no liability. Shawn Hickey asked about adding apartments. It was determined that adding apartments was changing the use. Questions were raised about time lost waiting for inspections, use of native lumber, and questions about construction. Andrews stated that BOCA includes electrical, plumbing, gas fitting, etc., foundation, framing, etc. BOCA is considered minimum standards and the use of a code should cost no more than no code. BOCA membership costs \$150.00 per year with updates annually. A new code is issued every three years. The question of education of builders was raised and Andrews offered the services of the Building Inspectors Association to educate free of charge between Town Meeting and June 1 if the code is adopted. The Public session was ended and the meeting turned back to Chairman, Judith Pratt. Chairman Pratt asked for a vote of thanks for Phil Dwight for his dedication in preparing the Ordinance for Town Meeting. Phil Dwight moved to present the comprehensively revised Antrim Zoning Ordinance, posted October 27, 1988 and amended December 15, 1988 and on January 26, 1989 and on file at Town Hall, to the Town of Antrim at the March Town Meeting in the form of 4 questions. Mike Oldershaw, Sr., second. There was no discussion. The vote was unanimous. Phil Dwight moved to recommend that the Town adopt by reference, pursuant to RSA 674:52, the BOCA National Building Code as amended posted on January 26, 1989 and on file at the Town Hall as the Antrim Building Code. Edwin Rowehl second. Mike Oldershaw

asked Ed Rowehl if the Selectmen were in favor of the Code. His answer was in the affirmative. Phil Dwight raised the subject of cost of administration and expressed the hope that the builders can be brought up to date. The question was called and the vote was unanimous.

Phil Dwight then announced his resignation from the Board and moved to adjourn. Mike Oldershaw second. So moved.

Respectfully submitted,

Barbara L. Elia, Secretary
Antrim Planning Board

To see if the Town will vote to revoke the Official document known as the 1974 Antrim Zoning Ordinance, as amended, and adopt in its place the comprehensively revised Antrim Zoning Ordinance, (posted on October 27, 1988 and amended on December 15, 1988 and on January 26, 1989, and on file at Town Hall) Articles 1 through 8, and Articles 10 through 25; (excluding Article 9, the Rural Conservation District), as proposed by the Antrim Planning Board.
By Ballot

To see if the Town will vote to adopt Article 9 (providing for a Rural Conservation District) of the comprehensively revised Antrim Zoning Ordinance (posted on October 27, 1988 and amended on December 15, 1988 and on January 26, 1989, and on file at Town Hall) as proposed by the Antrim Planning Board. Adoption of this Warrant Article will be contingent upon the passing of Warrant Article #____, above.
By Ballot

To see if the Town will vote to adopt by reference, pursuant to RSA 674:52, the BOCA National Building Code, as amended, (posted on January 26, 1989, and on file at Town Hall) as the Antrim Building Code.
By Ballot

BALLOT QUESTIONS

1. Are you in favor of the adoption of Amendment No. One as proposed by the planning board for the own zoning ordinance as follows:

To see if the Town will vote to revoke the Official document known as the 1974 Antrim Zoning Ordinance, as amended, and adopt in its place the comprehensively revised Antrim Zoning Ordinance, (posted on October 27, 1988 and amended on December 15, 1988 and on January 26, 1989, and on file at Town Hall) Articles 1 through 8, and Articles 10 through 25; (excluding Article 9, the Rural Conservation District), as proposed by the Antrim Planning Board.

2. Are you in favor of the adoption of Amendment No. Two as proposed by the planning board for the own zoning ordinance as follows:

To see if the Town will vote to adopt Article 9 (providing for a Rural Conservation District) of the comprehensively revised Antrim Zoning Ordinance (posted on October 27, 1988 and amended on December 15, 1988 and on January 26, 1989, and on file at Town Hall) as proposed by the Antrim Planning Board. Adoption of this Warrant Article will be contingent upon the passing of question #ONE, above.

3. Are you in favor of the adoption of the building codes proposed by the planning board?