

Minutes of the Antrim Planning Board Meeting June 8, 1989

Present: Judith Pratt. Chairman: Edwin Rowehl. ex officio: Don Chambers;
Robert Watterson: David Essex: Rod Zwirner.

Judith Pratt opened the meeting and introduced the Board, and opened the first Public Hearing of the evening.

W. Gordon and Mary Allen. Don Mellon presented the proposal for a three lot subdivision of a 38.75 acre parcel. Lot #1 3.36 acres. lot #2 11.89 acres with the house, and lot #3 23.5 acres. A topographical plan showing test pits and the 4000 foot reserve area required by the state was presented. The chair questioned the conformation of lot #3 which shows a reserve strip across the back of lot #2. The owner, Mary Allen, stated that she as owner was concerned about development of the lot to the east, and that her lawyer has advised her that covenants would not control the possibility of access to this back lot if either lot #2 or lot #3 were sold to another. She would like to sell lot #2 and would like to keep access to this area away from her remaining property. The Chair stated that the Board would have to take this under advisement. Mary Allen asked Board Attorney, Silas Little, who was present on another matter, his feelings on the subject. He stated that the courts did not encourage reserve strips. Pratt again stated that this could be considered under the waiver clause of the Subdivision Regulations. There were no abutters to speak for or against this proposal. When asked, Don Mellon stated that the bounds have not been set. Board member, Watterson, expressed the opinion that a covenant would serve the purpose better. Mary Allen stated that, on the advice of her attorney, the plan was drawn in this manner. She stated that she will not give up this boundary and wants to retain the buffer strip. Robert Cloutier, who was present for another hearing, spoke in favor of the proposal. The Chair spoke to leaving an odd shaped lot as a legacy for the future. Mary Allen gave further arguments for the proposal. Watterson commented that the applicant is asking the Board to condone what amounts to a spite fence. Mary Allen argued that they own the property and want to control the back boundary line and were advised that covenants can be broken. David Essex asked about intent and was informed that the proposal was for a three lot subdivision and she as owner wants to control access to the property to the east of her property. Attorney Silas Little spoke about reserve strips and the definition of same. His feeling is that this is a reserve strip and that Planning Boards have tried to get away from this type of zoning. Harry Page expressed the opinion that brooks and water courses should be followed, and asked about Slope and dry contiguous land requirements. The Board reviewed the checklist for accepting the application and it was pointed out that the bounds have not been set and that there is a copy of the septic approval from the State in the file. Robert Watterson moved to accept the application as submitted. Second Don Chambers. There was a roll call vote and it was accepted unanimously. The Board held some discussion on the Approval of the Plan. Edwin Rowehl stated that he did not like the dog leg layout. Watterson stated that it seems to be a spite line. Donald Chambers had no problem with the plan as submitted based on the regulations. Edwin Rowehl moved to consider this further on June 22. Second David Essex. So moved. Mary Allen asked the Board for feed back on moving the line and asked what would be acceptable to the Board. The Chair made some comments on backlots. Edwin Rowehl spoke to the desirability of having the line go straight back to the rear boundary. Mary Allen stated that she will not do this. There was further discussion on the shape of the lot, when the possibility of a Conservation Easement as a possible solution was raised. The consensus of the Board was that, this was a possible solution. Rod Zwirner, as a representative of the Conservation Commission, stated that this was a step in the right direction. There was some discussion of a walking easement. The Chair closed the discussion and continued it until June 22, 1989

Northeast Farms. Attorney Silas Little presented the proposal for the owner, Fred Doleac, et al. This is for a six lot subdivision on 61.54 acres. The original application having been for seven lots. All lots are excess of five acres and the test pits have been done and bounds set. In light of the SWRPC review many of the problems have been resolved. This proposal had been renoticed for a public hearing as the original plan had been changed. There were no questions from the Board or the floor. Robert Watterson moved to approve the subdivision as submitted. Donald Chambers second. As a result of a roll call vote the plan was approved unanimously, and the Chairman signed the plans and the mylar.

Frank and Lillian Watterson/Robert Cloutier for an annexation. Robert Watterson removed himself from the Board as his father and mother are the applicants. Ed Rowehl also stepped down as he is an abutter. Robert Cloutier presented the plan for the applicants. This is an annexation to provide land for an access to the proposed Great Brook Cluster Subdivision. In exchange Cloutier et al will transfer land to Watterson so as to enlarge his lot for possible future subdivision. David Essex asked to be brought up to date on the Cluster Subdivision. Cloutier explained the history. There were no comments from the floor. Cloutier presented the deeds and explained that there was a disclaimer printed on the plan stating that they were not creating any new lots. Attorney Little expressed dissatisfaction with the disclaimer being on the plan and not in the deed. The Board discussed the fact that approval can be made with the contingency that it be included in the deed. Donald Chambers moved that the plan be approved subject to the disclaimer being included in the deeds. Second David Essex. The vote: Rod Zwirner, yes; Donald Chambers, yes; David Essex, yes; Judith Pratt, yes.

Joseph & Ann Hyland/C&S Realty David Cutter presented the plans for a two lot subdivision of property located on Main Street. The proposal is to have a commercial development on the front lot and to access the back lot with a proposed road. Development of the back lot to be determined at some future date. The Chair raised two questions: 1. The existing house will impinge on the setbacks for the proposed road. 2. A performance bond will be necessary for the proposed road. Robert Gladding expressed concern about a buffer between his property and the proposed road. The applicant stated that the road as shown on the plan included the setbacks. Bill Suydam, Selectman, asked if the subdivision was independent of the area used for the road, and asked about the location of the road. It was established that this was the only place that it could be located. There was much discussion about approval with contingencies, with comments from Dennis Chirichiello, Richard Watterson and Harry Page contributing to the discussion in favor of the plan. David Cutter asked about the road bond and stated that he does not propose to construct the entire road right away and asked that the entire road not be considered in computing the amount of the bond. Edwin Rowehl stated that this could be discussed. Robert Watterson expressed the opinion that the whole road should be considered and a percentage of the bond returned as the work is completed. David Essex asked about negotiations with the Post Office. Cutter stated that basically they have determined that they like the location. Robert Watterson moved to accept the Application. Rod Zwirner second. David Essex, yes; Robert Watterson, yes; Edwin Rowehl, yes; Rod Zwirner, yes; Judith Pratt, yes. Application Accepted. Robert Watterson asked the Applicant to acquire something from the Water and Sewer Departments showing that they will supply service to this project.

Robert Watterson moved to approve the plan with the contingencies: 1. That the burned out building be taken down. 2. That a performance bond for the road be posted. (amount to be determined). The Chair asked how this will be determined. Cutter stated that he will be back in two weeks with some estimates for the road.

Mary Gold. Estate of. Dennis McKenny showed the Board a proposal for a three lot subdivision on Mattheson and Goodell Roads and asked for their input. The Board pointed out that under the new Ordinance lots in a rural area now need 90,000 square feet. The Board also had questions about the conformation of the large lot and asked about State Subdivision Approval. The Board made some suggestions which McKenny will consider. He will submit a completed plan at a later date.

The Board then took up some pending matters. Chairman Pratt asked the Board's pleasure on combining the existing checklists to form one final checklist. She called the Board's attention to a letter from Robert Panton of the Southwest Regional Planning Commission. She spoke about performance bonds and the method for collection. It was determined that the mylar should not be signed until all contingencies are met. Ed Rowehl reported the status of Beaver Dam Road to the Board. Robert Watterson spoke to the need for a map to be included in the Zoning Ordinance and a description of the zones.

Edwin Rowehl moved to accept the minutes of the June 1, 1989 meeting. Second Rod Zwirner. So moved.

Rod Zwirner moved to adjourn. Second Robert Watterson. So moved.
Meeting adjourned at 10:15 P.M.

Respectfully submitted.

Barbara Elia. Secretary
Antrim Planning Board