

Minutes of the Antrim Planning Board Meeting November 9, 1989

Present: Judith Pratt, Chairman; Edwin Rowehl, ex officio; Robert Watterson; Donald Chambers; David Essex; Nancy Timko, Alternate Egon Ali Oglu, Alternate. Also present was Road Agent, Robert Varnum.

The Chairman opened the meeting at 7:30 P.M. and introduced the Board sitting on this hearing, David Essex, Don Chambers, Robert Watterson, Edwin Rowehl, Nancy Timko representing Rod Zwirner, and Judith Pratt Chairman. The first item on the agenda is an Application for Site Plan Review for a six unit apartment house on DeBart Lane presented by KDK Corporation, Kevin Ricupero. The Chairman read the results of Public Hearings held by the Antrim Board of Adjustment for a Variance to the terms of Article VI, Section C.l.c.4 of the Antrim Zoning Ordinance and a Special Exception regarding Article VI, Section B.3.c, both of which were granted with recommendations. Don Mellen Surveyor presented the proposal for the Applicant, Kevin Ricupero, owner and developer. James Seiler, engineer for the developer was also present. Mr. Mellen pointed out that the plan was executed so that the wetlands would not be disturbed. He mentioned that all requirements have been met as far as setbacks and other pertinent items were concerned. Parking and snow removal have both been addressed. Profiles and construction details are on the plan. He opened the discussion to questions from the Board or the audience. The Chair asked for speakers in support of the project, hearing none she then asked for input from those opposed. There were no comments for or against. Robert Varnum, Road Agent, expressed a concern for the status of Debart Lane. Mellen stated that the road was accepted by the Town at the 1967 Town Meeting under Article IX. Mellen quoted the Town Meeting minutes regarding the results of this Article. Varnum stated that since it has not been maintained since 1967 it automatically reverts to a Class VI road. Varnum also expressed a concern for the site view at the entrance onto Grove Street. Seiler stated that the developer proposes to improve the site distance. Varnum asked for provisions for a turnaround if this is indeed a Town Road, and if it is to be a Town Road he will want to be inspecting it as it is constructed. Mellen commented that in his opinion the five year requirement is questionable. The Chair quoted the results of recent Supreme court cases as they pertain to roads. Ricupero stated that if the Town will not accept the road he will have to plow it. Bob Watterson asked if there are any other houses on DeBart Lane. It was established that the Monadnock Group Home uses this exit and plows its own right of way. Varnum stated that the regulations require a turn around and if it is to be maintained by the Town, and commented that he has to go by the regulations in effect today. There being no further comments from the public The Chair took questions from the Board. Ed Rowehl commented on the poor site distance and read the purpose of the Site Plan Review Regulation. He questioned the drainage, and suggested that it is inadequate. He observed that this could contribute to flooding. He mentioned

the bridge on Grove Street and the fact that it is inadequate. He stated that the eighteen foot traveled way is also inadequate. He expressed the opinion that there is inadequate space for emergency vehicles within the development. He also expressed concern for pedestrian traffic, specifically for school children. He stated that there is not adequate space for a 30 foot right of way, shoulders, and sidewalks and asked that the situation be reviewed by a traffic engineer. He also asked that a civil engineer check the plans for drainage. Mr. Seiler stated that DeBart lane is presently a road and they are not doing anything to change this. He stated that as a civil engineer he believes that this proposal will not affect the drainage. He stated that the wall could be pushed back and the site distance could be improved. Seiler stated that the road is there and a building permit was issued for property on this road a few years back. There was further argument about the safety of the road and the fact that the road was approved at a Town Meeting and is in existence. The Applicant will improve the road surface. Rowehl asked for a traffic and civil engineer to review this situation for the Board. A statement was made that if the road is not to Town specifications it cannot be accepted by the Town. It was clarified that the bridge in question is the one on Grove Street. Rowehl's recommendation is that the Board have a traffic and civil engineer review the plan. The Chair expressed the need for statement from the fire chief. Nelkins asked for comments on the way children would walk to school. Seiler stated that the same way other children go. Seiler expressed the opinion that two bedroom apartments do not generate that many children. Seiler also observed that this, although it is a Town Road, is inadequate as are other Town Roads, and in any case the owner is willing to maintain that section of DeBart lane in question. The Chair expressed concern for drainage and screening of the property. Seiler said that they are not proposing to do anything with that area as they do not want to become involved with the Wetlands Board. The Chair commented that the land has been changed by the removal of the trees. The Chair expressed concern for erosion control. Seiler stated that if it is a wetlands now it will have to remain a wetland. Seiler stated that they have made every attempt to minimize any affect on the wetland. He stated that the area can be seeded but it cannot be drained per Wetlands Board. The Chair stated that her concern is for vegetation. The BOA decision was interpreted. The West Street frontage was addressed. The Board will seek legal advice. The Chair asked about a statement from the sewer and water department which was in the file. Mellen presented the first plan that was submitted to the Board of Adjustment and explained the reasons why the DeBart Lane access was recommended by the Board of Adjustment. He also explained why the determination that sewer and water would come in through Grove Street was made. The Chair read a letter from Dan Watt of the Conservation Commission, relative to this project, dated April 5, 1989. The Chair commented on replanting, about which the engineer, Seiler, said that there is no problem. Ali Oglu asked about the economic feasibility of the property. The owner, Kevin Ricupero, pointed

out that this will be rental property. Further comments were made by Ali Oglu as to the steepness of the back of the lot, and the congestion of the area. Seiler stated that he did not understand the objection. David Essex commented on the fact that DeBart lane might be a legal issue. He was addressing the non-conforming nature for the width of the road. The Chair stated that some use of the land has to be granted as it is a non-conforming lot. Essex asked questions about the status of the road. The Chair will seek legal counsel of Board Attorney Silas Little. Mellen referred to the results of the Variance and Special Exception hearings before the BOA. Seiler stated again that the Town has granted building permits on this road in the past. Selectman Suydam commented on the status of the road and fact that things said at this hearing are not necessarily binding. The need for legal opinion was further mentioned. The Chair opened the floor for questions. Harry Page asked about the Variance. It was established that it was a Variance to Article IV, Section C.1.c. Page commented on the history of this proposal and further commented on the reasons why the water lays at that particular site. The Chair expressed the need for an on site inspection. It was observed that the attitude and policy of the Wetlands Board at this time is not to drain wetlands. Seiler stated that if the Town denies access through DeBart Lane the Wetlands Board will have to grant access through West Street, at the cost of a lot of time. Nelkins asked about the wooden bridge and the problems of traffic. Mellen stated that all construction vehicles could come in through Hilton Avenue. Varnum said that he will work with the Applicant on the flow of traffic. Nelkins asked that the builders try not to have trucks on the road when children are going to and from school if the plan is approved. Hearing no further questions the Chair closed the hearing and went into deliberations. Watterson asked to have the building staked out for the on site inspection. The Chair stated that if the Board does not make a decision tonight this will be continued until December 14, 1989. It was established that there will be an on site inspection at 10:00 A.M, Saturday, November 18, at the Grove Street entrance. The safety of the intersection was further discussed with the Applicant agreeing to make some corrections.

The Budget was addressed. The Chair has discussed the use of the services of SWRPC with Carol Ogilvie and has established that they can work on a per case basis and that the bill can be submitted with the plans that have been reviewed for the purpose of passing through the charges. The Chair has also tried to talk to the attorney to determine what the appropriation for legal fees should be for the 1990 year. The Chair commented that the Town would like the S&W the Boa and the Planning board to acquire a computer and addressed the costs of same. The desirability of billing for legal services on a quarterly basis was stated.

Harry Page dropped off the application for the subdivision of the Lilly pond property. This was an Application for a joint meeting of the Planning Board and the Board of Adjustment.

David Cutter Site Plan Review. The elimination of parking of cars on the Main Street side of the plan was discussed. The number of parking spaces needed for the proposal was also discussed, and the desirability of a greenstrip was stated. There was further discussion of the commercial building on the lot and the flow of pedestrian traffic. Nelkins had a great deal of opposition to the locations of the sidewalk. Cutter asked about the tree at the entrance of the road, he feels that it could come down now at little or no expense. Cutter will leave the tree and at a later date it will have to be taken down. The Board stated that it is his decision. David Cutter stated for the record that he would like to take it down but if the Town does not want it taken down it is the Town's responsibility. There was further discussion about trees. Cutter has no problem with eliminating the parking but would like a provision for a drive-up teller. It was agreed that the sidewalk up the Antrim Inn side of the property is not necessary and that a sidewalk will be placed on the West side of the property. Ali Oglu asked if it could be staked out and the Board could do a site review. The Chair took a consensus of the Board as to the viability of the sidewalk on the north side of the building. The consensus was that it is not necessary. Cutter asked about the Bond for the road. He has estimates of 50 to 55 dollars a foot. It was established that the bond can be returned as the road is completed. Cutter claims that the road is already 33% done. It was suggested that there should be some bonding for the sidewalk and the landscaping. Watterson asked about written paving estimates. Cutter asked the Board if they could recommend that the Building Permit be issued for the foundation. It was established that the Town does not have a foundation permit. Cutter claimed that he is confused about know what has been approved. The consensus of the Board is that the road is approved and the post office has been approved but the points discussed tonight are at issue. Cutter confirmed that this will be a slab foundation. Don Chambers moved that a bond in the amount of thirty five thousand dollars (\$35,000.) be posted for the road. Five thousand dollars (\$5,000.) of this will be retained until the sidewalk is completed. Ten thousand dollars (\$10,000.) of this will be retained until landscaping is completed. The remainder of the bond can be released in proportion to the amount of the road which has been completed. Robert Watterson second. So moved. Once the Bond is satisfied The Chairman will sign the mylar for the subdivision of the property. The issue of the sidewalk was clarified. The sidewalk will be omitted from the North side of the road. Sidewalk to run along on north side of retail building. There will be a one way exit for service area at south end on Main Street. Eliminate parking on West end of building and straight row of parking to the North of the building. The green strip to be continued along Main Street for approximately forty feet (40 feet). An adjusted plan must be submitted before approval is given.

The minutes of the meeting November 2, 1989 were addressed. Ed Rowehl moved to accept the minutes as read. Second Donald Chambers. So moved.

Respectfully submitted,

Barbara Elia, Secretary