

Minutes of the Antrim Planning Board Meeting September 28, 1990

Purpose: Public Hearing on a Zoning Change to add Article XIII "Institutional Use" to the Antrim Zoning Ordinance.

Present: Judith Pratt, Chairman; Ed Rowehl, ex officio; Rod Zwirner; Bruce Jeffery; David Essex; Nancy Timko.

Chairman, Judith Pratt opened the meeting at 7:40 P.M. and introduced the Board; Ed Rowehl, ex officio; Rod Zwirner; Bruce Jeffery; David Essex and Nancy Timko. She then requested that the subcommittee; Bruce Jeffery, Rod Zwirner, and Nancy Timko, who had worked on the proposed amendment, make the presentation, and she outlined the procedure to be followed, first the presentation with comments to follow. David Essex gave the background for the proposal and explained the concept of an "overlay". Bruce Jeffery explained the reasoning behind separating the prison issue and commented on the ACA certification requirement. They made further comments on the acreage requirements as spelled out in the proposed amendment and addressed the question of "spot zoning".

Selectman, Bill Suydam asked about ACA certification and asked about the Town's options if an institution was not certifiable. The Board pointed out that it would be in an institution's best interest to be certified, and that this could be enforced by the Code Enforcement Officer. Abutter, Marianne Moery noted that as written, the proposal required that the applicant meet or exceed ACA standards and makes no mention or a requirement for certification. David Penny asked why the Special Exception process was bypassed and mentioned that there were other uses not included. The Chair answered that if this proposal is voted by the Town it will only indicate that the area is appropriate for such a use, and the required Site Plan Review will address the other issues. She also noted that the amendment is proposed in two questions. Helene Newbold commented on the fact that in her opinion "light industrial use" has been overlooked. The Chair apprised the public of a plan to rezone and to layout the Highway Business District by lot line according to an appropriate use for the land. David Essex commented that possibly this could be done by the March Town Meeting. Abutter, Carl Beehner addressed the possibility of the loss of certification. Dr. Karin Mack, an abutter and nonresident property owner commented that in her opinion the Board should take more time and that the proposal does not provide for enforcement. Shelly Nelkens observed that the uses are now allowed by Special Exception and expressed the feeling that there is not point to the Institutional District. She presented the Board with suggestions for amending the Zoning Ordinance. Philip Dwight complimented the Board on the fact that this proposal will give the voter a chance to vote on an important issue. He further commented that he had no problem with the certification issue and that the Highway Business District exists whether it is right or wrong. Abutter, Barbara Beehner made comments on the terrain of the property, namely,

wetlands, granite, and the proximity of the river. She also asked if the Board had valid economic reports from towns the size of Antrim where private prisons have located. She had a number of questions relative to prisons, and the possibility that they might become Federal or State facilities. She also asked the Board if they knew what the 5 to 10 year impact would be, and asked if they had made comparison surveys. Janice Boatwright provided the Board members with copy of background for her presentation which addressed; her correspondence with the Office of State Planning, correspondence from Congressman, Chuck Douglas, her research into lots sizes in the area proposed for an Institutional District. She also provided a copy of a definition for "Spot Zoning" and an amended copy of the proposed amendment, "Article XIII, Business/Institutional District. She addressed the covenants for the Northbranch Farmsteads properties and requested the the Board allow time for the voters to be educated before presenting this proposal. Dick Schacht commented that historically public hearings are attended by those in opposition to the proposal and that he has a petition, which he intends to present to the Selectmen, containing 65 signatures which support the Board's action. He expressed the opinion that the people have a right to vote on this issue. Lorraine Carey Block read a letter to the Planning Board in which she addressed the possibility of the private prison becoming Federal or State, control of same, refuse disposal, and septic disposal. She cautioned about a blanket allowance for a prison and expressed the opinion that the rural area should remain rural. Richard Block read a letter to the Planning Board in which he expressed his opposition to the proposed amendment and commented that the purpose of said amendment is to address the problems of one lot. He quoted from some publications to support his position and urged the Board not to invite a prison by changing the zoning. Susan Bartlett, Bridal Road, read a letter written by Martha Pinello for the Conservation Commission in which the Board was urged to consider the impact on natural and cultural resources as outlined in the Master Plan, addressed the historic value of North Branch village and the need for recreational access to the North Branch River. There were also comments on the proximity of the proposed district to the Rural Conservation District. David Essex commented on the permitted uses near the Rural Conservation District. Richard Block commented that the requirement for a Special Exception is a control. Martha Brown made a comment on spot zoning. The Chair informed the public that the Board had consulted with its attorney and the area was defined on the strength of his advice. Shelley Nelkins read a letter from Ron Kurz in which he expressed his opposition to the proposal. Bob Mc Neil also expressed his opposition to the proposal and asked that the vote be postponed. He expressed the view that once the proposal is approved it will be too late to change. Phil Dwight again expressed the opinion that it is important for the subject to be brought to a vote. Karin Mack spoke to the position of the nonresident property owner. Richard Block asked for some assurance that the impact of a prison would be positive, and pointed out that no impact study had been done. At this point

Block, Beecher and Dwight volunteered to study the subject. Lorraine Carey Block spoke to the negative economic impact of such a use. Vincent Fulmer, Chairman of the Board of Trustees for Nathaniel Hawthorne College made comments to the effect that the Trustees have been trying to market the college and find that the present zoning is handicapping them as the educational use, which had been grandfathered for one year, has expired and it now requires a Special Exception from the Board of Adjustment to continue operating as a college. He expressed appreciation for the efforts of the Board and said that he would be grateful for a vote by the Town. He expressed the need for a definitive position from which to negotiate. He spoke to the decline in the value of the property if there were further delays. There were further comments in opposition from Tom Lawless, and Shelly Nelkins. Barry Greene, of Proctor and Greene, a Realtor asked to address the body and was denied. Phil Dwight addressed the tax situation at the college and Helene Newbold stated that she is not opposed to the zoning but it should include another use. Jan Boatwright made further comments on uses in other districts throughout the Town. There was discussion of an alleged \$20,000 deposit on the the college property. Fulmer replied that to his knowledge no deposit has been received. To a question about an application to the Federal Bureau of Prisons, Fulmer replied that he has no knowledge of any being made. The Chair summarized a letter in opposition of the idea of allowing a minimum security prison in the aforementioned district from Scott and Jeanna Gagnon of Algonquin Avenue. Gagnon questioned the premise that such a use will provide additional employment for the area and stated that they would never have bought a home in Antrim if they thought there was any possibility of a prison being located here. Hearing no further comments the Chairman closed the Public Hearing.

Deliberations: On discussing the subject of "spot zoning" the consensus of the Board was to follow the advice of Board Attorney, Silas Little and that the Town is protected further by the Wetlands, Steep Slopes and Site Plan Review Regulations. Bruce Jeffery raised the subject of "certification" with the consensus being that a prison could not be accredited until after it is built. The Board also discussed the subjects of, stigma of a "prison" town, and possible bankruptcy. To the issue of changing the district to a Business/Institutional District the consensus was that there would be more chance of pollution by adding the Business use and that adequate septic could control any problem if the use were of institutional nature, and that with an Business Use there would be more problem with pollution. The idea that the Highway Business District can be redefined by property line at some future date was put forth. There was further discussion of certification with the premise that insurance premiums could be a factor to control conditions and the possibility of the use of the Site Plan Review as an added control being put forth. Upon determining that this document is complete as it stands the Chair called for a vote. Bruce Jeffery moved that the Planning Board propose the following changes to

the Antrim zoning ordinance as posted to be placed on the ballot at the next Town Meeting for the General Election November 6, 1990. To add:

ARTICLE XIII - Institutional District

A. Purpose

1. The Institutional District is intended to provide for the orderly establishment of institutional uses in Antrim. The Institutional District is an overlay of all those parts of Antrim both north of Route 9 and east of a line one thousand (1000) feet west of Liberty Farm Road.
2. The Institutional District shall be considered as overlaying any other districts established in the above area. Any use permitted in the portions of the district so overlaid shall continue to be permitted.

B. Permitted Uses

1. Hospitals
2. Camps
3. Shelter Houses
4. Conference Centers
5. Colleges
6. Primary and Secondary Schools

C. Lot Requirements

1. Minimum lot size: 15 acres
2. Minimum lot depth: 300 feet
3. Minimum setback all sides: 100 feet
4. Minimum lot frontage: 300 feet
5. Maximum building height 35 feet or two and one half stories whichever is less
6. Maximum permanent resident density 6 per acre

To repeal Article III, B., 60 and to substitute the following Article III, B.

60. Institutional Use: Public or private use or institution such as, but not limited to a church, library, public or private school, hospital, shelter house, conference center

To renumber all subsequent articles and references thereto as follows:

Article XIII - Special Exceptions to Article XIV.
Article XIV - Supplemental Regulations to Article XV.
Article XV - Off Street Parking, Loading and Unloading Regulations to Article XVI.

Article XVI - Non-Conforming Uses, Structures and Lots to Article XVII.
Article XVII - Signs Ordinance to Article XVIII.
Article XVIII - Administration and Enforcement to Article XIX.
Article XIX - Zoning Board of Adjustment to Article XX.
Article XX - Amendments to Article XXI.
Article XXI - Appeals to the Board of Adjustment to Article XXII.
Article XXII - Validity/Severability to Article XXIII.
Article XXIII - Repealer to Article XXIV.
Article XXIV - Remedies to Article XXV.
Article XXV - Penalties to Article XXVI.
Article XXVI - Effective Date to Article XXVII.

II. If Article XIII is passed, to amend Article XIII to add:

B. 7. Privately owned minimum and low security correctional facilities provided that:

a. Operation of the correctional facility will meet or exceed requirements of the American Corrections Association for minimum and low security correctional facilities.

b. The correctional facility buildings and grounds will meet or exceed requirements of the American Corrections Association for minimum and low security correctional facilities.

D. Lot requirements for privately owned minimum or low security correctional facilities:

1. Minimum lot size: 100 acres
2. Minimum lot depth: 500 feet
3. Minimum setback on all sides: 100 feet
4. Minimum lot frontage: 300 feet
5. Maximum building height: 35 feet or two and one half stories whichever is less.
6. Maximum permanent resident density: 3 per acre

Nancy Timko second. The vote: Rod Zwirner, yes; Bruce Jeffery, yes; Nancy Timko, yes; Edwin Rowehl, yes; David Essex, yes. So moved.

Motion to adjourn.

Respectfully submitted,
Barbara Elia, Secretary

10/01/90