

Minutes of the Antrim Planning Board Meeting September 18, 1997

Present: Chairman Edwin Rowehl; Michael Oldershaw; Marion Noble; David Essex; Hugh Giffin; Carol Smith ex officio; and Secretary Barbara Elia.

Chairman Rowehl opened the meeting at 7:30 P.M. and introduced the Board as noted above.

Swiftwater Council Girl Scouts of America represented by Jane Behlke, Executive Director; Tom Somers, P.E. and Heidi Marshall, P.E. met with the Board to bring them up to date on the status of the development of Camp Chenoa at Gregg Lake. Hugh Giffin requested, and Tom Somers agreed to provide the Town with "as built" plans of the construction completed to date. Jane Behlke stated that it has been difficult to raise the funds for their original plan and as a result it will be necessary to build a smaller dining hall closer to the area that has been developed. Tom Somers displayed a plan of the area in question and explained that the Council will bring an amended plan to the Board when the plans are finalized. There was further discussion relative to signs. The Council was provided with a copy of the Zoning Ordinance and a Sign Permit Application and advised that they would need a Variance or Special Exception for the sign proposed.

Sludge Regulation - A copy of a memo to Selectmen from Water and Sewer Commissioners (copy attached) explaining why they cannot support the Ordinance proposed by the Planning Board was a matter for discussion. Mike Oldershaw suggested that the Board meet with the Selectmen and the Commissioners to discuss the matter. A letter from Town Attorney Bart Mayer of Upton Sanders and Smith on the same subject (copy attached) was also noted. The secretary will ask the Commissioners to attend the Board meeting scheduled for October 16 at which time the Selectmen will be represented by ex officio member Carol Smith or her Alternate.

Home Based Business - The Board considered some draft Ordinances and Definitions as they apply to changes to the Ordinance that could be proposed at the 1998 Town Meeting. There was discussion in regard to limiting the Districts in which this use is allowed and the total number of full-time workers or their hourly equivalent. The Board was asked to work on the draft regulation and bring the results to the next Board meeting.

Manufactured Housing - The Board considered a memo from Zoning Board of Adjustment requesting a review of the Ordinance as it applies to manufactured housing. The ZBA has had a number of requests for Variances/Special Exceptions to place manufactured housing (mobile homes) on individual lots and they ask that the Board consider the ordinance in relation to N.H.R.S.A. 674:32. The discussion covered the fact that the Ordinance addresses Manufactured Housing Parks only; and does not address mobile homes on individual lots. It was noted that if one were to be placed on a foundation it could be considered a single family

dwelling. The Board was asked to give the matter some thought and have some suggestions to be considered at the next meeting.

Communications Towers - It was called to the Board's attention that Developer Mackie White has indicated an interest in placing a tower on Bald Mountain. The need some guidelines was discussed and Chairman Edwin Rowehl requested that Marion Noble, who has attended a number of meetings at which this subject was discussed, put something in writing for the next meeting.

Correspondence:

SWRPC - Law Lectures
Changes in Planning Board Law
Miscellaneous notices and publications

Minutes of June 19, 1997 - Mike Oldershaw moved to accept the minutes as presented. Hugh Giffin second. So moved unanimously.

Minutes August 7, 1997 - Hugh Giffin moved the minutes as presented. Mike Oldershaw second. So moved unanimously.

Hugh Giffin made the motion to adjourn. Carol Smith second. Meeting adjourned at 9:40 P.M.

Respectfully submitted,
Barbara Elia, Secretary

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GARY B. RICHARDSON
JOHN F. TEAGUE
RUSSELL F. HILLIARD
JAMES F. RAYMOND
BARTON L. MAYER
CHARLES W. GRAU
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September 8, 1997

Philip Dwight, Selectman
Town of Antrim
P.O. Box 517
Antrim, NH 03440

Re: Sludge Ordinance

Dear Phil:

This letter is in response to your correspondence of September 3, 1997, with regard to the above referenced matter. Before the Board of Selectmen entertains adopting any ordinance, it should review, in detail, the contents of the State regulations to insure that they are consistent with the best interests of the Town. In addition, several copies of the ordinance should be on file with the Town so that individuals can review it. Any notice of a public hearing should refer to the fact that copies of the ordinance are available for review in the Town offices.

The circular distributed by the State is not entirely accurate. It is not advisable to rely upon subsequent amendments of the regulations by the State. Rather, the ordinance adopted by the Town will be the controlling document unless and until the ordinance is amended by the Town. This means that the Town will need to be vigilant regarding any actions taken by the State with respect to the rules.

The second sentence of the proposed health regulation is both unnecessary and, perhaps ill advised. The first clause, referring to the adoption of the rules as a health ordinance is unnecessary as reference is made to RSA 147:1. The second clause refers to enforcement of the rules being "in conjunction with the New Hampshire Department of Environmental Services." What precisely does this mean? What if the Department of

Philip Dwight, Selectman

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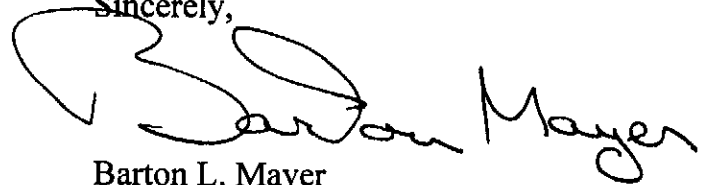
Environmental Services does not agree with the Town's position? What if it refuses to act? Can the Town act independent of the State? I recommend removing this provision so as to insure that the Town has the independent authority to make judgments about how it wishes to proceed.

Controversy has arisen in several Towns when sludge generated in the Town is proposed for land application within the Town. While Towns are not ordinarily bound by their own zoning ordinances, I can identify no case specifically extending that rule to health ordinances. Consequently, it is possible that the ordinance could be interpreted to apply to sludge generated within the Town of Antrim as you indicate that the Town's treatment works accepts waste from several commercial establishments. The difficulty presented is how the Town can best go about adjusting the rules to address this concern.

The Board of Selectmen may wish to give consideration to exempting sludge generated within the Town of Antrim from the application of the rules. However, this may generate more concern on the part of citizens within the Town. Alternatively, the Board could attempt to exempt the sludge generated within the Town from this specific rule. The difficulty with this is it raises questions about equal protection. If the Town is permitted to land apply its sludge, despite the fact that commercial establishments use the system, it could be argued that sludge generated from outside the Town should be treated the same. Perhaps language could be crafted which would exempt the Town from all of the rules, but the rules would be employed as guidelines by the Town.

The procedures enumerated in RSA 147:1 should be employed, and I agree that a noticed public hearing is advisable. If you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Barton L. Mayer". The signature is written in a cursive style with a large, looping initial "B".

Barton L. Mayer

BLM/ws

ANTRIM BOARD OF ADJUSTMENT
PO BOX 517
ANTRIM, NEW HAMPSHIRE 03440
(603)588-6785
FAX (603)588 2969

TO: Antrim Planning Board
FROM: Antrim Zoning Board of Adjustment
SUBJECT: Zoning Changes
DATE: September 5, 1997

Due to increased activity, in requests for public hearings, to place Manufactured Housing (Mobile Homes) in different areas throughout the Town, and the ambiguity of the Zoning Ordinance regarding the subject; the Zoning Board of Adjustment requests that the Planning Board review Town regulations in the interest of compliance with State Statute N.H.R.S.A. 674:32. It is our understanding that the subdivision on Reed Carr Road, dedicated to Mobile Homes, is full and that the use of the land at the corner of Route 202 and Whitney Road, as a trailer park, has been discontinued.

We would also appreciate a review of the requirements for "conversion apartments". Should they be permitted in all Districts and are the requirements stringent enough?

If you have a need for input from this Board we will be happy to attend a meeting when this subject is discussed.

Tom Davis, Acting Chairman
Antrim Zoning Board of Adjustment



cc: Antrim Board of Selectmen
Building and Zoning Officer

ANTRIM WATER & SEWER DEPARTMENT
PO BOX 517
ANTRIM, NEW HAMPSHIRE 03440
(603)588-2433
(603)588-6785

TO: Antrim Board of Selectmen
FROM: Antrim Water Commissioners
SUBJECT: Proposed Sludge Ordinance
DATE: September 15, 1997

At our regular meeting September 8, 1997 we reviewed the wording of the Ordinance for control of the land application of sludge proposed by the Antrim Planning Board.

In our discussion we, the Commissioners, observed that the building rented by Goodell Company to Procraft is industrial; and that the proposed use of the Cogworks building on Water Street will be industrial. It was also noted that there are many businesses about Town that are considered commercial.

The Town's largest employer is the Town of Antrim, and if there is any hope for change, the language in this ordinance would prohibit it. That same language would also prohibit the Town from disposing of its own waste by land application. We would like to note that State and Federal limitations and standards are based on scientific data; and that they, the State, will only defend those recommendations any deviation would be difficult for the Town to defend. As a result of this discussion the Commissioners found that they could not support this proposal. This was an unanimous decision.

BP

Ben Pratt
Antrim Water and Sewer Commissioners

cc: Antrim Planning Board