

## **Antrim Planning Board**

January 16, 2003

### Members present:

Fred Anderson	Peter Beblowski	Bob Bethel
Jen Cunningham	Tom Mangieri	Bill Prokop
Ed Rowehl	Dan Valley	

### Member absent:

Spencer Garrett	Mike Oldershaw	Craig Oskello
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### Public Attendees:

Katherine Koziell

Chairman Rowehl called the meeting to order at 7:00 PM. He noted that the agenda called for a public hearing on the request by Joseph F. Koziell for a Change of Use for property located at 4 Contoocook Valley Ave., Antrim, NH 03440 Tax Map 1C, Lot 190 in the Village Business District. The applicant proposes to construct an apartment within the existing structure. The applicants were not present and Mr. Rowehl set the matter aside pending an appearance by the applicants before the end of the meeting.

Mr. Mangieri moved that the minutes of the January 2, 2003 meeting be approved as corrected. The motion was seconded by Ms. Cunningham and passed. The Secretary then introduced correspondence which covered the following: Livable Landscapes: A TV Program on January 29, 2003 concerning the loss of open space in New England. A letter from Ellena K Dyer in response to a cease and desist order issued by the Building Inspector.

Mr. Prokop reported that information for the Capital Improvement plan was still being gathered as part of the budget planning process for 2003.

The Secretary then introduced the following material which would be available at the January 23, 2003 informal meeting to discuss excavation sites: A list of sites, owners, operators and interested parties who would be invited to the meeting; copies of the 1992 Regulation adopted by the Planning Board; an application form to file for an excavation site permit which included a checklist; and an excavation & reclamation inspection checklist to be used by the building inspector to regulate site operation and reclamation. Mr. Mangieri felt the regulation should be split into sections each of which would be assigned to a member to study in preparation for the meeting. The Chairman preferred that each member to study the regulation and be prepared to discuss it at the 1/23/03 meeting. Mr. Prokop asked how the Board planned to respond to the possible statement by site owners that they are grandfathered. Mr. Rowehl stated that they still had to have a reclamation plan on file, that the Board was merely in the information gathering stage at this time, and that the Board was going to enforce the regulation.

At this point, Ms. Koziell appeared. Mr. Rowehl introduced the Board members and explained the procedure for a public hearing. Ms. Koziell explained that they had purchased the Seven Falcons building. The building is 32' x 104' and consisted of two floors. She explained that they were planning to build a new home on Franklin Pierce Lake and sell their current home; however their current home sold faster than they had anticipated; hence they needed a place to live. Consequently they want to put an apartment in the Seven Falcons building. The building currently has three rooms on the second floor and they want to add a kitchen and a bathroom. Mr. Rowehl asked if they planned to live there or rent out the apartment. Ms. Koziell said they would live there until they built their new home. She stated that they had already obtained a building permit and were abiding by all the requirements of the building inspector. Mr. Rowehl asked what their plans were for the rest of the building. Ms. Koziell said that for the next six to eight months they planned to concentrate on the outside of the building, including landscaping. They planned to install a new roof in the spring but had no other plans beyond that point. Mr. Prokop pointed out that any commercial use of the building would have to be uses permitted in the Village Business District. Ms. Koziell visualized having a real estate office in five years and perhaps two 1500 square foot apartments upstairs. Mr. Bethel advised Ms. Koziell that the building codes were more stringent for multi family housing than they were for single or duplex dwellings.

Since there were no abutters present to speak either in favor or against the application, Mr. Rowehl asked the Board if there were any questions. Mr. Prokop pointed out that the building codes for residential are different than those for commercial and that they should work closely with the building inspector. Mr. Rowehl asked if there would be a fire escape. Ms. Koziell said the building inspector told her that none was required if the distance from the bottom of a window to the ground was less than 15 feet. Mr. Valley felt that if they were renting the apartment, insurance companies would require a fire escape. He suggested that the Koziells contact the Fire Marshall. Mr. Mangieri wanted to know if there would be an entry to the apartment which would be separate from the commercial area to which Ms. Koziell replied that there would be none. The Board then reviewed the checklist and declared the application to be complete. Ms. Cunningham moved to accept the application of Joseph F. & Katherine Koziel Planning Board File # 2002-021 for a Change of use for property located at 4 Contoocook Valley Ave., Antrim, NH 03440 Tax Map 1C, Lot 190 in the Village Business District. The applicants propose to construct an apartment within the existing structure. The motion was seconded by Mr. Anderson. Roll call vote: Fred Anderson – aye, Peter Beblowski – aye, Bob Bethel – aye, Jen Cunningham – aye, Tom Mangieri – aye, Bill Prokop – aye.

Mr. Bethel moved to approve the application of Joseph F. & Katherine Koziel Planning Board File # 2002-021 for a Change of use for property located at 4 Contoocook Valley Ave., Antrim, NH 03440 Tax Map 1C, Lot 190 in the Village Business District. The applicants propose to construct an apartment within the existing structure.

The following conditions apply to this approval:

1. Planning Board requirements, commitments and agreements made by the applicant and/or his agent as recorded in the meeting minutes dated January 16, 2003 as they pertain to this application are a conditional part of this approval.

The applicant is to obtain a building permit for any construction or alterations and adhere to all building, health and fire codes.

The motion was seconded by Mr. Mangieri. Roll call vote: Fred Anderson – aye, Peter Beblowski – aye, Bob Bethel – aye, Jen Cunningham – aye, Tom Mangieri – aye, Bill Prokop – aye.

The Board then returned to a discussion of the January 23<sup>rd</sup> meeting on excavation sites. The Secretary agreed to have copies of the regulation, application and inspection checklist available for all present. There was some discussion as to the procedure to be followed to enforce the regulation, especially the requirement for reclamation. Of particular concern was the high cost of the reclamation of excavation sites that had operated for a number of years without any regulation by the Board.

The Secretary then reported that as yet he had not had a reply from Town Counsel to his request to review the proposed ordinance for Adult Oriented Businesses; however he had provided Ms. Cunningham and Mr. Anderson with some similar ordinances from the town of Bedford. Mr. Mangieri felt that the ordinance currently proposed was adequate and that the Board should proceed with a public hearing. The Secretary recommended that the Board not hold a public hearing without town counsels review of the proposed ordinance. His concern was that the Board would adopt an ordinance which might not be defensible in a court of law and expose the town to inordinate legal expenses. Mr. Mangieri moved that a public hearing be scheduled even if we had not heard from town counsel. The motion was seconded by Mr. Anderson. The Secretary asked for a roll call vote which follows: Fred Anderson – aye, Peter Beblowski – nay, Bob Bethel – aye, Jen Cunningham – aye, Tom Mangieri – aye, Bill Prokop – nay. Following some discussion it was determined that there was not sufficient time to schedule two public hearings in time to place the proposed ordinance on the ballot for the March meeting. It was determined to hold the first public hearing on February 20<sup>th</sup>. If the ordinance were adopted it would then become a ballot item to be voted on at the next available voting date..

Mr. Mangieri moved that the meeting be adjourned. The motion was seconded by Mr. Bethel and passed. Chairman Rowehl adjourned the meeting at 9:05 PM.

Respectfully submitted,

Paul L. Vasques, Secretary  
Antrim Planning Board