

Antrim Planning Board

January 30, 2003

Members present:

Fred Anderson	Peter Beblowski	Jen Cunningham
Tom Mangieri	Mike Oldershaw	Bill Prokop
Ed Rowehl		

Member absent:

Bob Bethel	Spencer Garrett	Craig Oskello
Dan Valley		

Public Attendees:

Chris Baker-Salmon	Bruce French
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Chairman Rowehl opened the meeting at 7:00 PM by appointing Mr. Oldershaw to sit for Mr. Bethel and Ms. Cunningham to sit for Mr. Garrett. He explained that the first order of business was a public hearing to review the proposed ordinance for a Shoreland Protection District. He noted that the first public hearing on the matter was held on December 12, 2002; however, significant changes were made to the draft which then required a second public hearing. Mr. Rowehl said that Mr. Baker-Salmon had presented the Board with a document outlining four specific items in the proposed ordinance that he felt required clarification. Copies of the document are in Planning Board file #2002-023 and Property File # 9-48+50. The concern in item #1 was the location of the reference line on Mr. Baker-Salmon's property. After reviewing a plat of the land and some discussion it was established that the reference line is the high water mark of the North Branch River as shown on a map entitled Sub-Division and Annexation and dated 11/03/91. A copy of said map is in Property File # 9-48+50. Mr. Baker-Salmon then conceded that his concern expressed in item #2 was moot based on the determination of the reference line in item #1. Item #3 addressed the matter of bulk storage of chemicals and petroleum products. Mr. Baker-Salmon felt that the ordinance as worded would prevent him from having large quantities of propane and special sand on his property which he uses for his glass business. Mr. Mangieri asked what quantities of propane were being used. Mr. Baker-Salmon stated that he went through an average of three 1,000-gallon tanks every two to three months. Mr. Rowehl felt that "bulk supplies" did not include supplies which were consumed on individual premises and suggested wording to that effect be added. Following some discussion, it was decided to move on to item #4 and return to item #3 during deliberation. In item #4, Mr. Baker Salmon was concerned that the way Item #13 of the ordinance was worded would prevent anyone from constructing anything but a single-family dwelling. Mr. Mangieri stated that Mr. Baker-Salmon concerns and comments would be taken under advisement by the Board. Mr. Baker-Salmon asked that the ordinance not be adopted by the Board if these items were not clarified. Mr. French asked whether or not the Board's intention was to adopt or not adopt the ordinance. He was advised that the decision would be made following

deliberation by the Board. The Secretary then clarified the sequence of events should the ordinance be adopted or not be adopted by the Board this evening.

Mr. French asked why the Board was considering adopting the ordinance at all since the State already had a Shoreland Protection Act. Mr. Mangieri explained that there were slight changes from the State act but the main reason was to give the Town of Antrim the ability to enforce the requirements if it becomes a Town ordinance. Mr. French referred to item 13.a and asked what would generate 300 gallons of sewage per day. Mr. Mangieri said that one guideline would be that flushing a toilet consumes 1.5 gallons. Mr. French was concerned that item 13.a would limit the replacement of an existing septic system if it failed. Mr. Beblowski pointed out that item 13 addressed the matter of non-conforming lots and not structures. He added that Article XVI, paragraph C “Non-conforming Structures” subparagraph 2 did deal with the matter of replacement in kind should a structure be destroyed by any means. In his opinion “structure” would cover a septic system. Mr. Oldershaw felt that the Board should solicit the advice of counsel on the matter of replacement of non-conforming septic systems. Mr. Beblowski suggested inserting wording with regard to any non-conforming structure uses on a lot that is not directly address by the Shoreland Protection Ordinance overlay be dealt with under Article XVI in the zoning ordinance. Mr. Prokop returned to Mr. Baker-Salmon’s concern that item #13 would preclude the construction of a commercial facility. Since there were no further comments from the public, Mr. Rowehl closed the taking of testimony from the public and had the Board go into deliberation.

Mr. Oldershaw was concerned with the wording for bulk fuel and cited the possibility of a cluster housing complex or condominium unit being supplied by one large tank. Mr. Anderson said it was not uncommon for duplex housing to be supplied from one tank. Mr. Mangieri felt that Mr. Oldershaw’s scenario would not be allowed because in essence it would be a commercial operation. Mr. Prokop suggested that perhaps bulk storage be defined by the number of gallons. Mr. Beblowski stated that he had researched a number of ordinances and did not find a specific definition of “bulk”. Bulk storage was generally used in context of towers and silos. He did not feel that hazardous material needed to be spelled out nor bulk defined by size. Following some discussion, Mr. Mangieri felt that there was no need to clarify the wording in the ordinance. Mr. Baker-Salmon said that he still would like bulk fuels to be defined.

Mr. Rowehl wondered if the matter could be resolve this evening and Mr. Mangieri stated that it could and noted that bulk storage referred to facilities like Rymes Heating Oils. Mr. Beblowski felt that bulk storage precluded residential uses. Mr. Mangieri reiterated his opinion that the wording should not be changed. The consensus of the Board was to not make any changes in the wording for bulk storage.

Mr. Rowehl returned to the matter of Mr. Baker-Salmon’s concerns with item 13 of the ordinance. After considerable discussion a motion was made by Mr. Oldershaw and seconded by Mr. Mangieri to change the first paragraph of item 13 to read, “Existing, individual, undeveloped, non-conforming lots of record within the Shoreland Protection District may be used for any permitted use or use permitted by special exception for related facilities....”. The motion passed on a voice vote. A motion was made by Mr.

Anderson and seconded by Ms. Cunningham to adopt the ordinance and submit it as a ballot item in March, 2003. Mr. Beblowski questioned if the changes made in wording were considered significant and would another public hearing be required. Mr. Oldershaw pointed out that the rewording did not impose more restrictive conditions. The consensus of the Board was that the changes were not significant. Mr. Rowehl then called for a roll call vote: Fred Anderson –aye, Peter Beblowski – aye, Jen Cunningham – aye, Tom Mangieri – aye, Mike Oldershaw – aye, Bill Prokop - aye. The Secretary was instructed to file the adopted ordinance with the Town Clerk no later than February 4, 2003.

Mr. Baker Salmon requested that it be made a matter of record that he would be able to store bulk chemicals on his property along the North Branch River. Mr. Mangieri, Mr. Anderson and Mr. Beblowski stated that it would be acceptable.

Mr. Mangieri asked that the approval of minutes of previous meetings be tabled. No motion was made, seconded or voted upon.

Mr. Oldershaw felt that the Board should begin to work on the matter of bringing all excavation sites in town into conformance with the existing regulations. Since the procedures to be followed are extensive and nothing had been done by the Board in a number of years, he suggested that we start with one site operator and work through the application, permitting process and reclamation phases. He felt that this approach would allow the Board to smooth out any rough spots in the procedure and then establish standards for all sites. He also suggested that the Town absorb any expenses that might be incurred in this initial process. Mr. Mangieri asked that any discussion on excavation sites be tabled as he had a number of things to say on the matter. No motion to table the matter was made, seconded or voted upon.

Mr. Beblowski agreed with Mr. Oldershaw's intent. The Secretary then briefed the Board on a three-prong program that he had discussed with the building inspector who was the enforcement officer of ordinances. The program consists of:

1. Follow Mr. Oldershaw's suggestion to work through all procedures with one operator.
2. Work with Ms. Weston & Mr. Zimmerman to reclaim their site.
3. Once the kinks are worked out in #1, proceed to bring all other sites into conformance with the regulation in an alphabetical basis.

The Board concurred that this would be a suitable course of action. The following points were brought up by various members

1. The definition of the extension of a site would be the removal of topsoil or surface matter.
2. A grandfathered site allows the pit to continue as long as it abides by RSA 155-E and Antrim's regulations.
3. A site plan review is required for expansion of an existing site or for a new site.

4. A grandfathered pit can continue to operate without having to go before the Zoning Board.
5. If a site becomes inactive and then has to start up it has to go before the Zoning Board for a special exception and then the Planning Board for a permit.

Mr. Beblowski would like to review the current application forms and possibly make some changes regarding availability of certain documentation. He will advise the Secretary with suggested changes.

The Secretary is to obtain more information regarding the meeting scheduled for April 3rd.

A motion was made by Mr. Oldershaw and seconded by Mr. Prokop to grant an extension in time until July 1, 2003 to Mr. Paul Dugre to install his septic system. Copies of the documentation are in Property file #4-111 and Planning Board file #2002-001. The Secretary presented the Board with the following information:

- A Dredge & Fill Application for Breezy Point
- An EPA Directive for Federal permits to dig in NH
- A DES letter requesting appointees to a River Management Advisory Committee
- A DES Drinking Water Source Assessment Report
- An application for a pilot project for Municipal Open Space Plans
- Notice of the Tenth Annual Planning & Zoning Conference - 4/12/03
- Notice of a Practical Guide to Zoning & Land Law in NH Seminar – 4/30/03

There were no reports on the U.S. Corridor Study or the Capital Improvement Plan.

The Secretary advised the Board that there was a discrepancy in the zoning ordinance regarding cluster housing. Article VII does not allow cluster housing in the Rural District as a permitted use or use permitted by special exception; however, Article XIV, paragraph C.2.a does permit cluster housing in the Rural District. Preliminary research indicates that cluster housing was a permitted use in the Rural District in the zoning ordinance adopted in 1989 but a ballot item in 1994 removed cluster housing from the Rural District. The Secretary was instructed to research the matter further to determine the correctness of the current regulation.

Following a review of forthcoming meetings, Mr. Prokop moved that the meeting be adjourned. The motion was seconded by Mr. Beblowski and passed. Chairman Rowehl adjourned the meeting at 9:50 PM.

Respectfully submitted,

Paul L. Vasques, Secretary
Antrim Planning Board