

ANTRIM PLANNING BOARD

Minutes of the August 21, 2003 meeting

Planning Board Members present:

Fred Anderson	Bob Bethel	Scott Burnside
Mike Oldershaw	Ed Rowehl	Dan Valley
Bill Prokop (For Mr. Genest)		

Planning Board Members absent:

Jen Cunningham	Spencer Garrett	Tom Mangieri
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Public Attendees:

Leigh Bosse, Atty.	Bob Bryer	Dennis McKenny
Barry LaValley	Michelle Reed	George Cole, Jr.

Chairman Rowehl opened the meeting at 7:00 PM by appointing Mr. Oldershaw to sit for Mr. Garrett and Mr. Valley to sit for Mr. Mangieri. The first order of business was a conceptual consultation requested by Mr. Bryer regarding the subdivision of his property. Mr. Bryer presented his plans for subdivision with the assistance of Mr. McKenny who would conduct the survey. He presented a drawing which he said was done by a wetlands expert which delineated the wetland areas. The problem appears to be Article XI (Wetlands District), paragraph F.1 which requires 68,000 square feet for a single family home on a slope of less than 8%. Only about 61,000 square feet is available because of the wetlands on the property. Mr. McKenny pointed out that the dry land averaged fifteen to twenty feet higher than the wetlands. He added that the land was either dry or all wet, nothing in between. Mr. McKenny pointed out that another 7,000 square feet could be obtained from another portion of the lot but it would not be contiguous. The question before the Board was whether or not the Board would accept and approve an application for a subdivision that fell approximately 7,000 square feet short of this requirement.

Following a review of the ordinance and consideration of possible means of waivers, it was the consensus of the Board that the procedure to follow would be to submit the application for a subdivision to the Planning Board which would have to be rejected and then appeal the decision to the Zoning Board of Adjustment by applying for a variance. Mr. McKenny was concerned about the cost of performing the complete survey if there was a possibility that the Zoning Board would not grant a variance to the requirements of the ordinance. Mr. Bosse asked if the subdivision request could be heard based on the existing drawing rather than conducting a complete survey. He was advised that such an application would not be accepted by the Board. Mr. Bryer and Mr. McKenny were advised that they could appear before the Zoning Board for a conceptual consultation. The Secretary placed them on the agenda of the meeting of the Zoning Board scheduled for August 26, 2003.

A motion made by Mr. Oldershaw and seconded by Mr. Valley to accept the minutes of the July 17, 2003 meeting as corrected was passed. A motion made by Mr. Prokop and seconded by Mr. Bethel to accept the minutes of the August 7, 2003 meeting as corrected was passed.

Mr. Rowehl reported that he, Mr. Oldershaw, Mr. Burnside, Mr. Valley, Mr. Prokop and Mr. Pratt visited property on Pierce Lake Road at 6:00 PM on August 18, 2003 which Mr. Donald Knapton was planning to subdivide. Concerns were expressed regarding provisions for adequate fire protection services and what potential liability might exist for the Town. Of primary concern was the access road to the property. The consensus of the Board was that the road leading into the subdivision would have to be built according to Class V specifications as required by the Subdivision and Site Plan Review Regulations. Furthermore, if the road into the new subdivision were to be an extension of the driveways on lots 66-6, 66-7 and 66-8, then those driveways would have to be brought up to Class V specifications. Members who had visited the site also expressed concern regarding the configuration of the lots because of the extensive wetlands on the property. They felt that it might become necessary to reconfigure some of the lots in the new subdivision, particularly numbers 2 and 3. Mr. Rowehl pointed out that there really wasn't any action that could be taken by the board until Mr. Knapton had filed a formal application for subdivision.

Mr. Rowehl informed the Board members that he, Mr. Oldershaw, Mr. Burnside, Mr. Valley and Mr. Prokop met with Mr. Harriman to view the Harriman excavation site off of Elm Avenue. In summary, it was concluded that the site was in the need of extensive reclamation. The Board struggled with the question of a course of action to be taken. Mr. Oldershaw said he would contact Mr. Goodwin who might be able to advise him of a person to contact at the State level that would be able to advise the Town of a course of action to pursue. The Board then discussed the status of bringing other excavation sites in town into conformance. It was agreed that the next course of action was to finalize the following documentation:

1. The application to operate an excavation site
2. The check list for operating standards
3. The check list for reclamation.

Mr. Burnside will review these documents and report back to the Board at the September 4, 2003 meeting.

Mr. Valley indicated that he would be submitting an application for subdivision at the September 18, 2003 meeting. He asked that members of the Board walk the site prior to that time. A site review was planned for 7:00 AM on August 26, 2003.

The Secretary reported that he was awaiting Town Counsel's opinion on legal advice obtained from the NH Municipal Assoc. regarding non-conforming uses. He advised the Board that as soon as Town Counsel had reviewed the excavation site agreement with

Halverson, a copy would be provided to the Board. The members reconsidered whether or not to purchase software to assist in the preparation of the Capital Improvement Plan and it was decided that the software would not solve the problem of inadequate input from department heads. Mr. Prokop also felt that there were currently a number of problems with the existing computer system and software and that adding another program would only tax the system. The Secretary provided members with copies from the May, 2003 issue of "NH Town & Country" regarding building on Class VI and private roads and copies of a letter to Ms. Piazza-Lofgren regarding failure to apply for a change of use for a home occupation. He also advised the Board that as of this date he had not heard from Zimmerman/Weston regarding reclamation of their excavation site.

The Board then took up the matter of Duplex apartments that had been tabled from previous meetings. It was agreed to retain the current definition #45-c in the ordinance for a duplex, i.e. Two-Family (Duplex) – A building having two (2) single family dwelling units. The Board also considered adding the following to Article XIV Supplemental Regulations as paragraph X.

X. Duplex Housing

- a. The duplex must be owner occupied
- b. The floor plans of each unit shall be a mirror image of one another and of equal area
- c. Each duplex shall be served by a single curb cut only
- d. The units shall be separated by a firewall per the BOCA Building Code
- e. Each unit must have separate and independent heating/cooling and electrical systems
- f. The duplex shall be under one ownership

The Board was concerned whether or not items a. and f. would be legal and the Secretary was asked to obtain an opinion from Town Counsel.

The current ordinance does not stipulate a lot size requirement for a duplex in the Lakefront Residential District. A motion was made by Mr. Anderson that was seconded by Mr. Burnside and passed to establish the lot size as 130,000 square feet in the Lakefront Residential District for a duplex.

A motion was made by Mr. Oldershaw, seconded by Mr. Anderson and passed to make the following changes in permitted uses and uses permitted by special exception:

1. Separate Condominiums and Cluster Housing into two distinct categories.
2. Add Condominiums to the Rural District as a use permitted by Special Exception
3. Add Cluster Housing to the Rural District as a use permitted by Special Exception

4. Change Duplexes in the Lakefront Residential District from a permitted use to a use permitted by special exception.
5. Delete Duplexes as a permitted use in the Rural Conservation District
6. Delete Multifamily Dwellings (Apartments) from the Rural District
7. Delete Multifamily Dwellings (Apartments) from the Rural Conservation District

The members discussed a request from the Road Agent that any road to be taken over by the Town be paved. The Secretary was instructed to draft wording to that effect to be incorporated into the subdivision regulations.

Mr. Bethel asked if the owners of the Seven Falcons building were exceeding the number of apartments that were permitted. The Secretary will instruct the Building Inspector to look into the matter.

Mr. Anderson moved to adjourn the meeting. Mr. Valley seconded the motion which was passed. Mr. Rowehl adjourned the meeting at 9:10 PM.

Respectfully submitted,

Paul L. Vasques, Secretary
Antrim Planning Board