

ANTRIM PLANNING BOARD

Minutes of the December 18, 2003 meeting

Members present:

Fred Anderson
Spencer Garrett
Dan Valley

Bob Bethel
Mike Oldershaw

Scott Burnside
Ed Rowehl

Public Attendees:

Ben Pratt
Joseph Cox
Russ Huntley, SVE Associates

Richard Gader
Many Cox

Carol Gader

Chairmen Rowehl convened the meeting at 7:00 PM by opening the public hearing on the request by Carol Gader and Joseph N. Cox for an annexation. The applicant proposes to annex a portion of Lot 3, Map 5 to Lot 5, Map 5. The property being annexed is on Gregg Lake Road in Antrim, NH 03440. He introduced the Board members and the procedure to be followed for a public hearing. He then asked Mr. Huntley, the agent for the Gaders to present their proposal.

Mr. Huntley presented a plot plan show the separation of 55,048 square feet of land from Map 5, Lot 3 (the Gader property) to be annexed to Map 5, lot 5 (the Cox property). The remaining area of the Gader property would be 130,000 square feet which meets the requirement of the Rural Conservation District. Mr. Huntley explained that the purpose of the annexation was to obtain legal frontage on Gregg Lake Road and access to the Cox property. He also explained that Mr. Cox was contemplating the possible restoration of the old mill building. Mr. Rowehl questioned the current access as being a narrow five foot trail and that if it were to be expanded it would be necessary to conform to the requirements of DES. Mr. Huntley stated that he was also a Wetland Scientist and he was aware of the requirements for disturbing a wetland; however, at this time there were no specific plans to change the access to lot 5. It was noted that the plan did not show the total area of lot 5. Mr. Huntley said that they did not conduct a complete survey of lot 5, only those boundaries that abutted on lot 3. He said that according to the tax records, lot 5 was about fifteen acres. The consensus was that the final mylar should show the approximate acreage of lot 5. Mr. Cox asked if it would be permissible to build a new house on the existing foundation of the old mill. He was advised that as long as he stayed within the setbacks it would be permissible providing it met with the approval of the building inspector. Mr. Oldershaw asked why the property being separated was not done so with straight lines rather than curved lines. Mr. Huntley said it was necessary to do so in order to retain 130,000 square feet on lot 3. Mr. Burnside asked if there was room for a septic field if a house were to be built on the mill foundation. Mr. Huntley said that Mr. Cox would probably negotiate with the Gaders for an easement to place the septic field

on their property. The two parties are also talking about a possible easement across lot 3 for access to lot 5.

There being no future discussion, Mr. Oldershaw moved to accept the application of SVE Associates Planning Board File # 2003-013 for an annexation of property located on Gregg Lake Road, Antrim, NH. The applicant proposes to annex a portion of Map 5, Lot 3 owned by Carol Gader to Map 5, Lot 5, owned by Joseph N. Cox. The properties are located in the Rural Conservation District. The motion was seconded by Mr. Burnside. Roll call vote: Fred Anderson - aye, Bob Bethel – aye, Scott Burnside – aye, Spencer Garrett – aye, Mike Oldershaw, Ed Rowehl – aye.

Mr. Burnside moved to conditionally approve the application of SVE Associates Planning Board File # 2003-013 for an annexation of property located on Gregg Lake Road, Antrim, NH. The applicant proposes to annex a portion of Map 5, Lot 3 owned by Carol Gader to Map 5, Lot 5, owned by Joseph N. Cox. The properties are located in the Rural Conservation District. The following conditions apply.

1. Planning Board requirements, commitments and agreements made by the applicant and/or his agent as recorded in the meeting minutes dated December 18, 2003 as they pertain to this application are a conditional part of this approval.
2. The applicant is to obtain a building permit for any construction or alterations and adhere to all building, health and fire codes.
3. The final mylar is to show the approximate acreage of lot 5.

Mr. Bethel seconded the motion. Roll call vote: Fred Anderson - aye, Bob Bethel – aye, Scott Burnside – aye, Spencer Garrett – aye, Mike Oldershaw, Ed Rowehl – aye.

Mr. Oldershaw moved to accept the minutes of the December 4, 2004 meeting. Mr. Anderson seconded the motion which was passed. The secretary presented a letter of resignation from Tom Mangieri and Jen Cunningham -Mangieri. The Board then appointed Mr. Valley to assume Mr. Mangieri's position on the Board until the March, 2004 election. Mr. Valley stated that it would be his intention to run for the position in the election. Mr. Valley did express concern that his work would be taking him out of town for the next few months and he would not be able to make all the meetings. The members felt that this was not a problem as other members have been granted leaves of absence to accommodate personal circumstances.

A letter from SWRPC regarding the forming of a steering committee to study Brownsfields (i.e. contaminated properties). The secretary was instructed to contact SWRPC for more details and to ask if they were aware of any contaminated properties in Antrim. Members were advised that a copy of the NH Land Surveyors Assoc. annual meeting was on file.

The members then reviewed a request by the selectmen for a suggested subdivision of the Cutter property as part of a proposed creation of a recreational area. The proposal would create two lots in addition to the recreation area. Part of the proposal would be to have an easement from Route 31 across one of the private properties to access the recreational area. After some considerable discussion, it was the consensus of the Board that they would not look favorably on such an entrance. Although such an access would meet the literal definition of an easement in the ordinance it was felt that the usual interpretation of easements were for utility lines, services and driveways and that to call what would in effect become a public road an easement would be a stretch. The consensus also was that a more workable access would be to enter on Davison Road in to Whiton Road. The members felt that the width of Davison & Whiton Road would be sufficient to handle two way traffic and there was no requirement in the ordinance that such a road be fifty feet wide. It was acknowledged that some work would have to be done to insure proper grading and drainage but all things considered, the Board would be more receptive to such an entrance into the proposed recreational area.

The members discussed the need to fill the vacant alternate seats on the Board. Several names were suggested and the secretary was instructed to contact Diane Chauncey and Damon Lawrence to see if they would be interested to serve.

The members then reviewed the proposed changes to the regulations and ordinances taking into considerations comments made at the public hearing held on December 4, 2003. The chairman stated that none of the comments made, if incorporated, would constitute any significant changes; hence a second public hearing would not be required. Mr. Burnside moved that the following changes be made to the Subdivision and Site Plan Review Regulations:

Addition of a requirement to have wetlands delineated by a “Wetland Scientist”

Paragraph V.B.3.a.11

Location of wetlands and one hundred-year flood elevation line if applicable *The Planning Board reserves the right to have these areas delineated by a Wetland Scientist or a Soil Scientist.*

Paragraph V.B.3.a.12

Location of waterbodies, streams, rock ledges, cemeteries, drainage ditches and bridges. *The Planning Board reserves the right to have these areas delineated by a Wetland Scientist or a Soil Scientist.*

Paragraph V.C.1.a.11

Location of wetlands and one hundred-year flood elevation line if applicable. *The Planning Board reserves the right to have these areas delineated by a Wetland Scientist or a Soil Scientist.*

Paragraph V.C.1.a.12

Location of waterbodies, streams, rock ledges, cemeteries, drainage ditches and bridges. The Planning Board reserves the right to have these areas delineated by a Wetland Scientist or a Soil Scientist.

Amend Section IX, paragraph H.12 as follows to provide for the latest version of NH Standards for Road & Bridge Construction

12. Paved roads shall consist of three inches of hot bituminous concrete. It shall be applied in two (2) courses: a two (2) inch base course and a one (1) inch wearing course. The thickness specified shall be compacted. Pavement shall be applied by an approved paving contractor and in accordance with the State of New Hampshire Standards and Specifications for Road and Bridge Construction, Department of Transportation, 2002 as subsequently amended and/or superceded.

Addition to Section IX to establish requirements for the condition of roads before acceptance by the town

- G.6: If a road is to be offered up for acceptance by the Town it must be paved per paragraph H.12 and certified by a professional engineer that it meets or exceeds Class V specifications at the time of acceptance.

The motion was seconded by Mr. Bethel. the chairmen stated that the regulations would be effective immediately.

Mr. Anderson moved that the following changes to the Zoning Ordinances be adopted by the Board.

Article III – Redefinition of “Conversion Apartment”

Conversion Apartment: The remodeling of a single family dwelling unit into (2) two separate dwelling units which is constructed in such a manner that it does not meet the definition of a duplex dwelling. Such an apartment may be rented to the general public. The owner must occupy one of the dwelling units.

Amend Article XIII-D, Special Exceptions for Conversion Apartments

D.1.c. There shall be no exterior alteration of the structure except to provide for separate entrances and changes shall be in keeping with the existing architectural style of the building.

D.1.e. ~~The residence to be converted must be in existence as of the effective date of this Ordinance.~~ (Delete this requirement & renumber following paragraphs)

D.1.f. Only ~~the dwellings and attached accessory structures~~ shall be used for a residential conversion apartments.

Add to Article III: Definitions

ACCESSORY LIVING UNIT: A separate living unit within a structure that contains its own bedroom, kitchen and bathroom facilities incorporated in such a manner that it does not meet the definition of a duplex dwelling as defined in this ordinance. At least one member occupying such a unit must be related to the property owner by blood, marriage or adoption or be a family caregiver. The unit may not be rented to the general public. The owner of record must occupy one of the units.

Permit Accessory Living Units as a Special Exception in the Lakefront Residential and Rural Conservation Districts

Add to Article VIII: Lakefront Residential District (LR)

B.3: Special exception Uses (See Article XIII)

b. Accessory Living Units

Add to Article IX: Rural Conservation District (RC)

B.3: Special exception Uses

f. Accessory Living Units

Add to Article XIII, paragraph D: Special exception Uses

6. Accessory Living Units: Permitted subject to the following conditions:

Purpose & Intent: In order to provide for non-rental housing alternatives for immediate family members or family caregivers, a single family home may contain not more than one (1) accessory living unit.

- a. The unit shall be within or attached to the primary dwelling unit.
- b. The unit shall be occupied as a residence by no more than two (2) persons
- c. The unit shall have a minimum area of 400 square feet of livable floor area but shall not exceed forty percent (40%) of the total floor area.
- d. The unit shall have a separate entrance and shall have adequate egress in the case of fire or other hazard. The additional entrance shall be

located to the side or the rear of the building and shall be constructed in keeping with the existing architectural style.

- e. The sewerage disposal system designed for the residence, either existing or as it may be modified, shall be approved by the New Hampshire Division of Water Supply and Pollution Control and must meet any other applicable regulations.
- f. At least one (1) common interior access between the principal dwelling unit and the accessory living unit must be provided.
- g. Separate utility service connections and/or meters for the primary dwelling unit and the accessory living unit are not permitted.
- h. The accessory living unit shall have separate off-street parking as provided in Article XV.
- i. The house number for the accessory living unit shall be determined at the time of the building permit application.
- j. If a property containing an accessory living unit is conveyed and the new owner wishes to maintain the accessory unit, the new owner shall apply for a certificate of occupancy for the dwelling unit. The purpose is to ensure that one of the two dwellings is owner occupied.
- k. An accessory living unit is limited to one bedroom.
- l. There shall be no occupancy of an accessory living unit until the Building Inspector has issued a certificate of occupancy.
- m. The driveway shall be designed so as to appear as a driveway of a single-family residence and no new curb cut from the street shall be constructed.

Revise Article XXI, paragraph A.1 as follows:

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within ~~a reasonable time~~ 30 days as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. *The Board of Adjustment may, at its discretion, waive the 30-day time limit.* The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Add to Article VIII, Section C: Lot, Yard and Height Requirements

9. Duplex dwellings: The minimum lot size (area) shall be 130,000 square feet with a minimum frontage of 300 feet and a minimum depth of 200 feet.

Change permitted uses and uses permitted by special exception in various districts

Add to Article VII: Rural District

C. Special Exception Uses (See Article XIII)

n. Condominiums

o. Cluster Housing

Delete from Article VII: Rural District

C. Special Exception Uses (See Article XIII)

a. Multifamily dwellings (apartment houses)

Delete in Article VIII: Lakefront Residential District

B.1: Principle Permitted Uses

b. Duplex dwellings

Add to Article VIII: Lakefront Residential District

B.3 Special Exception Uses (See Article XIII)

b. Duplex dwellings

Delete in Article IX: Rural Conservation District

B.1 Principle Permitted Uses

b. Duplex dwellings

B.3 Special Exception Uses

a. Multi Family Dwellings (apartment houses)

Add to Article XIV: Supplemental Regulations

Y. Multifamily dwellings may only be constructed on property served by the municipal water and sewer system.

Add to Article XIV, Supplemental Regulations-

X. Duplex Housing

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

The motion was seconded by Mr. Garrett and passed. The chairmen stated that these changes were to be presented as ballot items to be voted on at the annual meeting in March of 2004.

The members agreed to hear the application of Mr. Mellon for an annexation at the January 15, 2004; however, since there will also be a meeting for excavation site operators and owners that evening with State representative Mary Pinkham-Langer, the members requested that no other items be placed on the agenda.

Mr. Anderson moved that the meeting be adjourned. Mr. Oldershaw seconded the motion. Mr. Rowehl adjourned the meeting at 8:25 PM.

Respectfully submitted,

Paul L. Vasques, Secretary
Antrim Planning Board