

June 18, 1974

The adjourned meeting of the executive session of June 11 of the Board of Adjustment convened at 7:40 P.M. in the Town Hall to continue the consideration of the petition of Antrim Malls, Inc. There were present:

Robert B. Flanders, Chairman, William C. Abbott, Emery S. Doane, Benjamin Pratt, Eric Tenney, Mrs. Willard B. Dik, Clerk, and Mrs. Carole Webber, alternate

Mr. Flanders read two letters, one from the Planning Board finding the site an appropriate location for small, light industries conditioned on any such industries meeting all applicable State requirements for water supply and disposal systems. The second letter was from Lloyd B. Henderson of Hatfield and Howard regarding his finding that this case is not a matter of spot zoning as that term is legally and properly defined. Both letters were placed in the file of Case No. 2, Antrim Malls, Inc.

There was a good deal of talk about meeting the conditions in the Zoning Ordinance, and it was made clear that neither the Planning Board nor the Board of Adjustment has any authority to enforce. That is up to the Selectmen. The Planning Board can recommend only; the Board of Adjustment interprets under the Ordinance as passed. We are not an enforcing body. Mr. Flanders suggested that the Board should grant this petition with two stipulations - (1) Any industry to be restricted to those outlined in the presentation. Anything more would have to be considered as another special exception. (2) Any subdivision has to be approved by the Planning Board. Mr. Abbott explained that this site has two frontages on Route 202 of 210 feet. This gives them the right for two plots with entrance on 202. If they go to three and have to put in a road, then it is a subdivision and must come before the Planning Board. The question was raised whether we had the right to impose restrictions, and Mr. Flanders replied that we do have according to Town Counsel. A third restriction was added - Subject to all rules of the Zoning Ordinance.

MOVED: By Mr. Doane that the application be granted.

SECONDED: By Mr. Abbott, without conditions.

VOTED: Unanimously in the affirmative.

There was then discussion of the restrictions to be imposed. It was finally agreed that approval was given subject to the following:

- (1) Subject to only the industries as outlined in the presentation before the Board of Adjustment.
- (2) Should a subdivision be involved it must be approved by the Planning Board before parcels are sold or construction started.
- (3) Subject to all applicable ordinances of the Town.

MOVED: By Mr. Abbott that these restrictions be added to our decision.

SECONDED: By Mr. Doane.

Before taking a vote Mr. Flanders asked for further questions. Mr. Pratt had none. Mr. Doane remarked that according to the by-laws it would be possible for A & P, for instance, to put in a store. That would make it a shopping center and would have to come back to this Board. It was the concensus that A & P could have a processing plant but not a retail outlet. Mr. Abbott had no remarks.

VOTED: Unanimous decision in the affirmative.

Mr. Pratt expressed concern with some of the minor details. He is not sure that the best interests of the town over a period of years has been given enough thought by either the Boards or the members of the corporation, particularly in services required by a complex of this size. This type of approach is unfortunate. What we need is a master plan. Mr. Abbott replied that the Planning Board reviewed the fact and those who drew up the ordinance seriously considered an industrial area both on Routes 202 and 9. We should first have a soil survey on which to base a master plan, and then designate an industrial area.

The meeting adjourned at 8:40 P.M.

Respectfully submitted,

*Catherine C. T. Dik*

Catherine C. T. Dik, Clerk