

Minutes of the Antrim Planning Board January 14, 1988

Subject: Marianne Sanders, Review Special Exception;  
Roger and Christine Croteau, 3 lot subdivision  
Maja Gamitri Realty Trust ( Gary & Martha Bergeron),  
continued Public Hearing

Present: Philip McClintock; William McCulloch; Mike Oldershaw, Sr.;  
Robert Watterson; John Jones; Rod Zwirner; Harvey Goodwin,  
Acting Chairman; Lloyd Henderson, Planning Board Counsel.

Acting Chairman, Harvey Goodwin, opened the meeting at 7:40 P.M. The first subject raised was the review of a Special exception granted to Marianne Sanders by the Board of Adjustment at a meeting held December 22, 1987. This Special Exception was granted subject to Planning Board approval. Ms Sanders explained her position. She is opening a Real Estate Office at Rogers Country Store located on Route 9 at North Branch. This location was formerly a Pub and Deli. Ms Sanders explained that the hours of the new business will be shorter and the traffic less intensive than the old. After some discussion Robert Watterson moved that the Board find the site appropriate for the proposed use. Second John Jones. Passed unanimously.

The next item on the agenda was for a 3 lot subdivision on Route 31 on property owned by Roger and Christine Croteau. Legal notices have been posted on the Bulletin Boards at the Town Hall and published in the Messenger. Notices were sent by certified mail, return receipt requested to all abutters. All receipts returned. Don Mellon represented the applicant and presented the plan. Abutter Ruth Herne had some question about acreage and lot size, which were answered to her satisfaction. Bill Gutgesell raised the questions of frontage and type of housing expected to be built on these lots. Ruth Herne also had a question about the brook that flows through this property, across the street to feed her pond. Don Mellon explained that subdivision approval had been obtained from the State WSPCC, and driveway permits from the State Highway Department. Bill Gutesell questioned the location of the driveway opposite his. All was explained by Mr. Mellon. Harvey Goodwin said that it appeared to meet all requirements. Rod Zwirner moved to accept the Application. John Jones second. Passed unanimously. The Final Plat was then considered. Mike Oldershaw, Sr. moved to accept the Final Plat. Rod Zwirner second. Passed unanimously. The mylar and copies were signed by Acting Chairman, Harvey Goodwin.

Maja Gamitri Realty Trust (Gary and Martha Bergeron) continued Public Hearing was the next item heard. This Application is for a clustered development at Breezy Point off of Route 9 on Franklin Pierce Lake. The Chairman, Harvey Goodwin, gave the history of the case. The original Application for 27 units ammended to 12 units. All notification has been accomplished. The Chairman asked if there were any objections based on notification, hearing none he continued with the hearing. Tom Sommers, engineer of Costello, LoMasney and deNapoli, Inc. presented the plan. It will be for twelve dwellings in two separate buildings retaining the Inn with the outbuildings removed. The ell on the Inn will also be removed. The Applicant feels that the use is grandfathered on an existing Town road. They will build a turnaround as agreed. They have also applied for an additional eight units on the property located in Hillsborough. They have State WSPCC permits for septic approval. The plan will provide for a right of way to the Franseen property at a location to be agreed upon. Mr. Bergeron has a building permit to use the Inn for seven cooperative units consisting of: not more than two apartment type units and five motel, inn type units.

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Subject: Marianne Sanders; Roger and Christine Croteau, and  
Maja Gamitri Realty Trust ( Gary & Martha Bergeron)Page 2

A well will supply the development with water, quality and quantity information is available. Counsel, Lloyd Henderson, spoke to the status of the road, and asked about provisions for the maintenance of same. The Applicant agreed that any repairs necessary will be made. They will videotape the road before construction and will resurface at completion of construction. Leigh Bosse, attorney for the Applicant, presented the Board with copies of a draft of the Condominium agreement. While acknowledging that this is a Town road the applicant agrees that under the Condo agreement it will be maintained year round. The Applicant pointed out that due to the magnitude of the development they had hired an independent engineer, Hoyle Tanner, to work for the Town. It is the Applicant's opinion that this engineer feels that the project is in compliance. It was pointed out that the original plan was to move the road but in this plan it remains the same. The Applicant then spoke to fire protection. The fire hydrants will be placed so as to be accessible from the road and there will be individual sprinklers for all units. Robert Watterson, Board member, raised the question of the width of the road. The Applicant argued that this had not been raised by the independent engineer. Silas Little, attorney for Dr. Karin Mack, representing the Franseen interests, quoted the case KBW vs The Town of Bennington in arguing for the twenty foot road width. Questions were raised about school bus safety and whether or not this was a Town road were raised again. Lloyd Henderson, Planning Board Counsel, read an Article from the 1935 Town Report in which a number of roads were abandoned. No conclusion was made. Mr. Schmid asked that he have continued access to his land from this road. Attorney Bosse agreed absolutely. Barry Roy pointed out that he had no driveway as such and parked on the side of his property. He asked that the placement of the development's driveway not interfere with parking for his property. Silas Little also spoke to the condition of the road, he feels that it is substandard. Attorney Lloyd Henderson recommended that the Board take into account the testimony and take a look at the road. As a result of this discussion the Applicant, Gary Bergeron agreed to provide and maintain sidewalks for safety. The Chairman suggested that the discussion move on to other subjects. Discussion was raised about boats, Bosse said that they will be moored in a designated area. The location of which has not been decided upon at this time. Attorney Silas Little raised the question of the legality of the Application as it applies to the existing Ordinance, proposed Ordinance, etc. he feels that it violates the Zoning Ordinance. He referred to a letter sent to the Board dated December 8, 1987. Attorney Bosse asked that the Board accept the Application. The Chairman said that the Board was not ready at this time. Attorney Little discussed the technicality of accepting the Application and the complications of the Zoning changes. Attorney Henderson suggested that before taking action the Board recess to discuss legal issues with counsel. Mike Oldershaw, Sr., so moved. William McCulloch second. Passed unanimous

Acting Chairman, Harvey Goodwin, reopened the hearing at 10:00 P.M. Board member, Mike Oldershaw, Sr., stated that the road and the status of the Inn are the issues. The Applicant, Gary Bergeron, reiterated that the Inn would be part of the Condo Association and asked about bringing the road up to Town specifications. The Applicant then left the meeting to consult with his engineer. Attorney Bosse stated that the Co-op will be a unit in the Condo Association. Attorney Little argued about the number of units in Antrim. Upon returning to the

meeting the Applicant's engineer suggested that they improve the road to Town specifications, twenty feet wide. After some discussion, Board member, Robert Watterson, confirmed that this would be total reconstruct, excavation, gravel, culverts, and maintain the same grade as far as possible, twenty feet wide. The limits are from route 9 down to the turnaround with shoulders as needed for drainage. The Board asked that the improvement done with consideration to Mr. Roy's property. The engineer will provide documentation. The Board reconfirmed that the Inn would be a part of the Condo Association. There will be twenty one owners in the Association. Twelve in Antrim, eight in Hillsborough and the co-op in the Inn will count as one. After further discussion, Mr. Bergeron asked for approval subject to conditions: Approval of the Condo documents; Bonding requirements; Road improvements. Mike Oldershaw, Sr., moved that the Board give conditional approval subject to such conditions as may be agreed on by the Board at an adjourned hearing to be held February 11, 1988 at 7:30 P.M. Second William McCulloch. Passed unanimously.

The Board met with Fred Doleac and his attorney, Silas Little, to discuss the Application for a Preliminary hearing for a proposed clustered development of 32 dwelling units of which 6 may be duplex on 65 plus or minus acres, located on Smith Road. (20 single-6duplex) The hearing will be scheduled for February 11, 1988 at which time Mr. Doleac expects to have the impact studies and other pertinent information.

Harvey Goodwin then raised the subject of subdivision of land owned by the Monadnock Paper Mills for the purpose of providing the land for the water tower for the Town of Antrim. It was stated that this will not be subject to WSPCC regulations, but the plan needs approval. Lloyd Henderson believes that it should have subdivision approval and will talk to the parties involved and arrange for the hearing. Possibly February 11, 1988. Robert Cloutier will also be scheduled for February 11.

The Acting Chairman raised the subject of the budget for 1988 and what should be included in that budget.

The Board then discussed the Public Hearing held January 13, 1988 on the Proposed Zoning Ordinance. A meeting has been scheduled for Monday January 18, 1988 for the purpose of a workshop to consider changes suggested by the Public at the hearing. The plan is to have it ready for a second Public Hearing to be held before February 8. Board members Robert Watterson and William ~~McCulloch~~ <sup>McCulloch</sup> expressed their reservations about the number of changes and the time frame in which these must be accomplished for the Public Hearing. Harvey Goodwin expressed his opinion that this is a good document and with some work can be presented to the Public for a vote in March. John Jones expressed his opinion that the voters should have a chance to vote on it. Robert Watterson asked for a vote. Acting Chairman, Harvey Goodwin, was not in favor of a vote at this time. It will be discussed at the scheduled meeting January 18.

Meeting adjourned at 11:55 P.M.

Respectfully submitted

Barbara Elia, Secretary  
Antrim Planning Board