

MINUTES OF PLANNING BOARD MEETING

May 4, 2000

Members present: Ed, Rowehl, Chairman
Tom Mangieri
Spencer Garrett
Eric Tenney, Ex-Officio
Denise Dargie
Hugh Giffin

Members Absent: Bob Bethel
Fred Anderson, Alternate

Mr. Rowehl called the meeting to order at 7:00 PM. The first order of business was to sign a Notice of Lot Merger for Jeffrey & Donna Merceron.

Mr. Mangieri made a motion to accept the minutes of the March 2, 2000 minutes as corrected. The motion was seconded by Mr. Giffin and unanimously approved on a voice vote. Mr. Garrett made a motion to approve the minutes of the April 6, 2000 meeting which was seconded by Ms. Dargie and unanimously approved by voice vote. Mr. Mangieri made a motion to approve the minutes of the April 27, 2000 meeting which was seconded by Mr. Giffin and unanimously approved by voice vote.

Mr. Rowehl; presented the Selectmen's request to find an alternate place to hold the Planning Board meetings while the Town Hall was being renovated. After some discussion of possible meeting places it was decided that the Secretary would investigate and advise the Board of possible meeting places.

Mr. Giffin asked that the designation of an alternate member to the Board be added to the agenda. He proposed that Mr. Peter Beblowski be so named. Mr. Rowehl asked Mr. Beblowski for a summary of his qualifications. Mr. Beblowski stated that he has resided on Smith Road in Antrim for 16 years. He has been a professional geologist for 15 years and is currently employed by the Department of Environmental services. He previously was employed by the Department of Transportation. Mr. Rowehl then asked for discussion. Ms. Dargie asked Mr. Beblowski if he still served on the Conservation Commission to which he replied in the affirmative. Ms. Dargie then raised the question as to whether or not a position of the Planning Board would be a conflict of interest. Mr. Rowehl replied that it would not be as the Conservation Commission could have one member of the Commission on the Planning Board. Mr. Rowehl then explained that alternates are allowed to participate in discussions at Board meetings but they could not vote unless they had been appointed by the Chairman to fill an absence of a regular member. He also explained that the Board was permitted to have as many as five alternates. Mr. Rowehl then asked if there were any other questions from the Board. There being none, Mr. Giffin made a motion that Mr. Beblowski be appointed as an alternate to the Planning Board. The motion was seconded by Mr. Mangieri. A roll call

vote was taken. Mr. Tenney – nay, Ms. Dargie – nay, Mr. Mangieri – aye, Mr. Garret – aye, Mr. Giffin – aye and Mr. Rowehl aye. The motion was passed. Mr. Rowehl then explained to Mr. Beblowski that the term was for three years and that he was to see the Town Clerk in order to be sworn in.

Mr. Rowehl then present a request by the Selectmen to study the matter of Zoning Ordinances as they may pertain to the installation of transmission tower. He then read the ordinances for Wireless Communication Facilities which are in effect in the Town of Stoddard. Mr. Rowehl then explained that according to federal law the town cannot prohibit the installation of towers but they can control certain matters such as height and appearance. He had also obtained legal advise which was that any ordinance adopted should incorporate a provision to hold the applicant responsible for the demolition of the tower should it become obsolete. Mr. Rowehl then advised the Board that land surveyors had already visited town offices to investigate land sites for possible tower installations. He felt that the Board should act expeditiously to adopt an ordinance before the Town is presented with an application for a tower. Mr. Giffin suggested that it might be wise to adopt the Stoddard regulations and that the Selectmen should be consulted to find out if a public hearing on the matter was required.

At this point, it being 7:30 PM, Mr. Rowehl stated that it was necessary to continue the Public Hearing on the application of Mr. Donald Knapton for the subdivision of a 32.2 acre parcel, Tax Map 7A, lot 66 into eight lots.

Mr. Rowehl introduced a letter from Meridian Land Services which he read for the benefit of members of the public in attendance. Mr. Rowehl then asked if Mr. Giffin and Mr. Mangieri had met with the representatives of Meridian. Mr. Giffin responded that he had but Mr. Mangieri was unable to attend. Mr. Rowehl asked if the Board felt the concerns previously held by Meridian had been resolved. Mr. Giffin and Mr. Mangieri felt that they had been. Mr. Rowehl asked for further questions. There were none.

Mr. Rowehl then introduced and read a letter submitted by nineteen residents of Pierce Lake Road. In response to the letter Mr. Rowehl stated that the property in question was private property and that if in fact the residents were using it for recreational purposes as was indicated in the letter, they were in fact, trespassing. Ms. Crockett, a resident of Pierce Lake Road asked to address the Board. Mr. Rowehl stated that the public session of the hearing was closed at the March 2, 2000 hearing and the Board was not required to take comments from the floor at this time. Mr. Rowehl then asked for comments from Board members.

Mr. Giffin commented that he appreciated the sentiments in the letter but unfortunately they did not alter the guidelines of the zoning ordinances. In order to respond favorably to the concerns expressed in the letter it would have been necessary for changes to have been made to the zoning ordinances prior to Mr. Knapton's application. Mr. Rowehl explained that if Mr. Knapton's proposal meets all the zoning regulations there would be no grounds to disapprove the application and the fact of the matter is that all ordinances are met.

He went on to explain that the matter of water pollution was controlled by the State and that the Board would need to receive notice of approval from the State before approving Mr. Knapton's application. Mr. Rowehl then stated that the Board's attorney suggested that approval not be given by the Board unless State approval is received. Mr. Thomas Berry, Attorney for Mr. Knapton, pointed out that it was customary for planning boards to grant conditional approval pending State approval and he respectfully requested that the Board grant such approval. Mr. Rowehl agreed with Mr. Berry that the Board could give conditional approval. Mr. Rowehl felt that one condition should be that the services rendered by Meridian Land Service, Inc. be paid by the applicant. Mr. Giffin assured Mr. Knapton that the condition to pay the Meridian fee was not personal in nature and would apply to any party in order to indemnify the Town.

At this point Mr. Mangieri asked why the Board should not follow its attorney's advice and not approve the application without State approval. Mr. Giffin felt that the attorneys advice was over cautious. Mr. Rowehl pointed out that conditional approvals had been granted in the past. Mr. Tenney asked Mr. Berry that if it was common practice to grant conditional approvals, why did the Board's attorney suggest not doing so. Mr. Thomas said he could not speak for the Boards attorney but noted that the Board had only 65 days in which to approve the application of which 62 days had expired. Mr. Rowehl stated that the board had three options: 1. Approve the application, 2. Disapprove the application, 3. Conditionally approve the application. Mr. Rowehl then called a brief recess to draft a motion to either approve or disapprove the application.

Upon reconvening the meeting Mr. Giffin moved to approve the application of Donald Mellen/Donald Knapton, Planning Board File #99024, Tax Map 7A lot 66 for a subdivision of a 30.2 acre parcel into 8 lots as noted on plot plan dated 11/29/99, revised date 4/11/00, subject to the following conditions: 1. State of New Hampshire DES Wetland Board and Pollution Control Board approvals. 2. Verification of compensation for services rendered by consultants to the Antrim Planning Board. The motion was seconded by Mr. Mangieri. Roll call vote: Mr. Tenney – aye, Ms. Dargie – aye, Mr. Mangieri – aye, Mr. Garret – aye, Mr. Giffin – aye, Mr. Rowehl – aye. The motion passed unanimously. Mr. Rowehl explained that he as, Chairman of the Board, would sign the plans when the conditions of the approval were met.

Ms. Crockett asked to comment. She stated that she had attended the meetings in good faith, without counsel and felt that Mr. Knapton was disrespectful to the members of the Board. Mr. Berry responded that Mr. Knapton had been working cooperatively with the Conservation Commission and members of the Board for the past ten months. He further stated that the records would show that the Police Chief, Fire Chief and Road Agent have documented that granting the application would cause no adverse affects on Pierce Lake Road.

Mr. Rowehl announced that the matter of the Knapton application was closed and the Board would resume its discussion of the ordinances for towers. Mr. Tenney asked if a town meeting was required to approve any ordinance changes. Mr. Rowehl said that if the

Board decided to make a change to the ordinances it is necessary to post a notice of a public hearing to process a zoning change. He thought that once the notice is posted the ordinance is in effect but would not be permanent until voted on at the next town meeting. Mr. Mangieri made a motion to adopt the Wireless Communications Facility regulations as presented in the Town of Stoddard Ordinances corrected to indicate the Town of Antrim as appropriate and a Public Hearing be held June 1, 2000 at 7:30 PM. The motion was seconded by Mr. Giffin. After some discussion a roll call vote was taken. Mr. Tenney – aye, Ms. Dargie – aye, Mr. Mangieri – aye, Mr. Garret – aye, Mr. Giffin – aye, Mr. Rowehl – aye. The motion was passed unanimously.

Mr. Rowehl mentioned the 4/29/00 Public hearing on the Master Plan and commented on the coffee, donuts and cakes supplied by Mr. And Mrs. Anderson. Mr. Giffin suggest that a thank you note be sent to Mrs. Anderson.

Mr. Mangieri notes that Carol Olgivie of SWRPC would not be available for a Master Plan work session until 6/22/00. A motion was made by Mr. Giffin to cancel the 5/22/00 meeting of the Board, seconded by Mr. Mangieri and unanimously passed by voice vote.

Mary Warden, a member of the public audience stated that she had looked into GSI mapping but was still waiting for some responses. She was also in the process of researching and collecting information on Scenic Road designations. Mr. Garret said he would not be able to attend the June meeting and suggested the Secretary notify the alternates that their presence might be required.

A motion to adjourn the meeting was made by Ms. Dargie, seconded by Mr. Giffin and unanimously approved by voice vote. Mr. Rowehl adjourned the meeting at 8:50 PM.

Respectfully submitted,



Paul L. Vasques, Secretary
Antrim Planning Board