

ANTRIM PLANNING BOARD

October 10, 2000 Meeting

Members Present:

Bob Bethel
Ed Rowehl
Tom Mangieri
Eric Tenney
Fred Anderson
Hugh Giffin
Spencer Garrett
Peter Beblowski

Members absent:

Denise Dargie

Public Attendees:

Mary Wardman
Phil Dwight
Travers Rank
Ben Pratt
Bill Prokop
Bob Bernstein

Chairman Rowel called the meeting to order at 7:03 PM. The first order of business was to approve the minutes of the September 26, 2000 meeting. Since a quorum of those present at the Sept. 26th meeting was not currently present a motion was made by Mr. Mangieri, seconded by Mr. Bethel and unanimously passed to conditionally approve the minutes subject to approval by either Mr. Beblowski or Mr. Garrett. Mr. Beblowski arrived shortly after this vote and gave his approval to the minutes.

Mr. Rowehl explained the need to appoint an alternate to the Board and introduced Mary Wardman as a candidate. After describing the makeup of the Board for Ms. Wardman's benefit, Mr. Rowehl asked that Ms. Wardman present a brief summary of her background and qualifications. Ms. Wardman proceeded to describe her educational and professional background, the fact that she had been a resident of Antrim for two years and that she had contributed information on scenic roads for the Master Plan. Mr. Rowehl asked if any Board members had questions for Ms. Wardman. There were none. Mr. Giffin moved that Ms. Wardman be appointed as an alternate member of the Board. The motion was seconded by Mr. Mangieri and unanimously approved. The Secretary advised Ms. Wardman that she was to sign an oath of office with the Town Clerk and there would be booklets covering State and Town regulations regarding Zoning Ordinances which she could pick up at Town Hall.

Mr. Rowehl introduced Mr. Rank who had requested a consultation with the Board. Mr. Rank explained that he had an opportunity to sell his business to someone who wished to conduct an automotive repair shop and to sell used cars but he was told that Automotive

Sales and Service were not a permitted use in the Village Business District. Following some discussion it was determined that Automotive Sales and Service were part of the Village Business District in the 1989 Ordinances. Subsequently the Planning Board voted to remove this permitted use in the Village Business District at their November 18, 1993 meeting. This change was approved by ballot vote at the March 8, 1994 Town Meeting. Mr. Mangieri asked if the District boundary were changed would Mr. Rank have to wait until the March 2001 meeting for approval. Mr. Rowehl said that the change would become effective as soon as it was filed with the Town Clerk. Mr. Giffin made a motion that the ordinance be amended to incorporate lots 190 and 189 on Map 1C into the Highway Business District. Mr. Mangieri seconded the motion. The motion passed on a role call vote; Mr. Mangieri – aye, Mr. Garrett – aye, Mr. Tenney – aye, Mr. Giffin – aye, Mr. Bethel – aye. Ms. Wardman raised the question of what would happen if Mr. Rank proceeded on the Boards change in the ordinance but the change were voted down at the annual meeting. Mr. Giffin felt that the change would be grandfathered. There being some uncertainty if that in fact were true, the Secretary was advised to contact counsel. (Note: the Secretary contacted Carol Olgivie of SWRPC on Oct. 11th. Ms. Olgivie said that the change in ordinance would not become legal until voted on at a town meeting and that the change would not be grandfathered.)

A motion was made by Mr. Giffin, seconded by Mr. Mangieri and unanimously passed by role call vote to hold a public hearing at 7:00 PM on October 30th on an application to be submitted by Mr. Rank to establish an automotive repair facility. Roll call: Mr. Mangieri – aye, Mr. Garrett – aye, Mr. Tenney – aye, Mr. Giffin – aye, Mr. Bethel – aye. Mr. Rowehl pointed out that this was the night scheduled for a Master Plan work session and it was agreed that the work session would follow the public hearing.

There was some discussion regarding the definition of “service” as used in “Gasoline Service Station” and “repair” as used in “Automobile Repair Shops”. Some members felt the terms were synonymous. The consensus was that the definitions should be reviewed with an eye towards possible revision of the ordinance.

Mr. Rowehl then took up the Selectmen’s request to amend the ordinance to eliminate the BOCA Building Code and to replace it with a less complicated code similar to that which is used by Hancock. The Selectmen submitted a draft of the suggested code. Mr. Giffin stated that the BOCA code only applied to single and double family dwellings. Mr. Bethel disagreed with Mr. Giffin and said that the BOCA code also applied to commercial buildings. Mr. Bethel asked why Antrim should copy the Hancock code. Mr. Mangieri asked what was wrong with the BOCA code. Mr. Dwight explained that the BOCA Code is complex and difficult to interpret and administer. He said that Greenfield is the only town in the area using the BOCA code. Peterborough adopted their code in 1976 which was basically the same as Hancock’s code which was adopted in 1973. Mr. Mangieri felt that to drop the code would be taking a step backwards. Mr. Tenney said the BOCA code was a nightmare to enforce. Mr. Mangieri asked if anyone had compared the suggested code to the BOCA code. Mr. Dwight explained that the suggested code was less stringent than the BOCA code and that the town did not have anyone qualified to enforce the BOCA code. Ms. Wardman noted that more houses would be being built and

the question was "how would we want them built". Mr. Dwight pointed out that Peterborough is getting along fine with their code. Mr. Giffin pointed out that the population growth in Antrim is not rapid and that we are moving for more administration without a corresponding increase in population. Mr. Bethel said that the Town or the Building Inspector had to be a member of BOCA in order to speak to someone at BOCA regarding interpretation of the code. Mr. Mangieri said he would not vote for an inferior code. Mr. Giffin said that problems in construction are not in the new buildings but in existing older buildings. Mr. Bethel asked if the purpose of the new code was to keep the cost of building permits down. Mr. Dwight said that that was not the reason but rather to make it easier for people to understand the code. Mr. Garret said he was hesitant to make a change because he felt it might lead to building sloppy houses. A motion was made by Mr. Bethel, seconded by Mr. Mangieri and unanimously passed to table the matter for further study.

Mr. Rowehl brought up the subject of Wireless Communication Facilities and introduced Mr. Prokop who was part of a citizens group that was studying the matter. Mr. Prokop explained that the group had been meeting about once a week for the past 5 – 6 weeks to study the installations of Wireless Communication Facilities around the country. He offered the services of the group as a subcommittee to the Planning Board. He explained that they had met with Andrew & Elizabeth Bridge who had done extensive consulting work for a number of towns regarding the installation of towers. They would provide consulting services to present an informational meeting to the town or assist in preparing an ordinance for \$300.00. Mr. Prokop gave a copy of the consultants qualification to the Secretary. Mr. Prokop was asked for a time line for a draft of an amendment to the existing ordinance. Mr. Prokop said their last meeting was on 10/9 and the group was currently preparing for a ZBA meeting on 10/17. After that they would address the matter of revising the ordinance. Mr. Rowehl stated that if the group, working in conjunction with Mr. Anderson , the Boards representative, presented a draft of an amendment to the existing ordinance, it would more than likely be favorably received by the Board. Mr. Prokop asked if the Board wanted a draft copy for their next meeting. Mr. Mangieri suggested the December meeting.

Mr. Bernstein stated that as an alternate plan the group could have a revised ordinance sometime between 11/15 and 12/15 and could submit the amendment by Citizens Petition. He felt it would be better for the Board and the people in town to hear the Bridges and requested that the Board appropriate \$300 to hire them. Mr. Giffin felt he trusted the group to draft an amendment and the consultants time would be better spent with the group rather than with the townspeople. Mr. Rowehl said there was money in the budget to cover the expense. A motion was made for Fred Anderson to authorize up to \$300 for consultants to the group. Mr. Bethel seconded the motion which passed unanimously. Mr. Prokop said the group would try to have a draft ready by the 11/14 meeting of the Board.

Mr. Rowehl reminded the Board that they should try to attend the 10/17 ZBA Public Hearing for the application by American Tower. Mr. Giffin made a motion to place a moratorium in effect for six months. Mr. Bernstein said the moratorium would not apply

to the current application of American Tower. Mr. Dwight said that a moratorium might not be permissible. Mr. Giffin amended his motion to place a six month moratorium on applications for the purpose of finalizing the regulations for Wireless Communication Facilities. Mr. Bernstein suggested the moratorium be extended until the Annual Town Meeting. Mr. Mangieri seconded the motion. Role Call: Mr. Mangieri – aye, Mr. Garrett – aye, Mr. Tenney – aye, Mr. Giffin – aye, Mr. Bethel – aye. Mr. Dwight suggested the Board find out the legal implications of imposing a moratorium such as needing a public hearing. Mr. Rowehl directed the Secretary to contact legal counsel before proceeding with establishing a moratorium.

Note: On October 11th the Secretary contacted counsel and was advised that a moratorium could not be put into place unless voted upon at a Town Meeting. The Secretary consulted Selectman Dwight who said that a Town Meeting would not be scheduled before March, 2001.

Mr. Rowehl then noted that the balance of the agenda pertained to possible revision of portions of the Zoning Ordinances. Considering the lateness of the time Mr. Mangieri made a motion to table that portion of the agenda and schedule a meeting for October 24th as a work session. The motion was seconded by Mr. Giffin and unanimously approved.

Mr. Rowehl adjourned the meeting at 9:18 PM.

Respectfully submitted,

A handwritten signature in cursive script, reading "Paul L. Vasques", with a long horizontal flourish extending to the right.

Paul L. Vasques, Secretary
Antrim Planning Board