

ATKINSON PLANNING BOARD
Atkinson, New Hampshire

Public Hearing/Workshop Meeting
Wednesday, February 16, 2005

Present: Susan Killam, Chairman; Paul DiMaggio, Vice-Chairman; Harold Morse; Mike Fletcher
Alternates: Donna Sullivan; John Miller
Town Engineer: Steven Keach (8:00)

Note: Paul DiMaggio came to the meeting but went home sick.

Ms. Killam called the meeting to order at 7:42pm

Correspondence

Incoming

1. Road Bond report dated 1/30/05.
2. Impact Fee report dated 8/04.
3. City of Haverhill Legal Notice for meeting of 3/1/05.
4. Town of Derry Legal Notice for meeting of 2/16/05.
5. Memo from Frank Polito to Selectmen dated 2/10/05 re: Errors on Town Warrant.
6. Board of Adjustment to Steve Cummings dated 2/14/05 re: Castle wetland variance approval.
7. Lewis Builders dated 2/11/05 re: Lot Consolidation of Map 3, Lot 6-1 & 6.

Mr. Morse stepped off the Board for this action.

The Lot Consolidation required signatures from the Board. The Board reviewed the plan and the Lot Consolidation was signed.

Mr. Morse returned to the Board.

8. Approval for Subdivision dated 2/8/05 #SA2005005839, Hodgson, Coventry Road.
9. Selectmen minutes dated 11/29/04, 1/3,1/24, 1/31,2/7/05.

The Public Hearing was opened at 7:58pm

PUBLIC HEARING:

Lavelle Associates for Thomas Hodgson/Livingston Development Corp.
submission of an Application for Formal Consideration and Approval of a 2
Lot Subdivision of 5.45A property located on Coventry Road, Map 14, Lot
84-2, TR2 Zone.

The abutter's list was read. Present: Michael Bisol; David Spero; Richard & Regina Gulezian; James M. Lavelle Associates.

Mr. Lavelle reported that the original plan was dated February 1981. Both lots are odd shaped. One of the owners decided to place the house in the center of the two lots and combine the two lots into one. The current application is creating back the two lots from the one to create approximately 5.45 acres. The new separation is similar to the original but is a little more regularly shaped. This

plan takes into consideration the soil requirements of today and meets and exceeds the lot sizing requirements. State Subdivision Approval has been received and the plan meets septic requirements. The soil data is on the second sheet. Lot 84.3 will be 2.49 acres and Lot 84.2 will be 2.97 acres. The plan shows the existing house, the lots meet the frontage requirements and is somewhat similar to the original division. Ms. Killam asked by what process the two lots were merged and Mr. Lavelle did not know. Tax map 14 shows Lot 84.2, there is no Lot 84.3 shown.

Mr. Fletcher had concerns with the frontage. Mr. Keach noted that they are in the interim time between the posting of zoning amendments. The changes to Article 4-Wetlands Ordinance would benefit this lot substantially. The existing dwelling on 84.2 was pre-existing non-conforming relative to the 100' setback from wetlands. The changes proposed in the posted amendment the 100' setback is replaced by a 50' vegetated depending on the quality of the wetland. The building pocket to the east would increase somewhat.

Mr. Miller made a motion to take this plan under jurisdiction. Mr. Morse seconded the motion. Motion approved unanimously.

Mr. Miller asked about 'erosion control' and the quality of the wetlands. Mr. Lavelle answered that, if the new Article passes it will change the location of the home on the lot, in which case the erosion question is irrelevant. Ms. Killam asked if the well needs to be replaced. The existing well is shown and will remain there.

Mr. Keach's letter was reviewed.

General Comments: 2) it was recommended that any approval granted be conditional upon installation of all proposed/required boundary monuments.
3) The application is eligible for expedited review.

Zoning Matters: Regarding Article 410, The Wetlands Conservation Zoning Ordinance, Mr. Keach recommended the wetland setback lines depicted on the subdivision plat be amended to reflect the posted amendments at this time.
Discussion: In the off chance that this Amendment does not pass, Ms. Killam felt that the smaller setback should not be shown. Mr. Keach felt that, by the time this gets to the registry we would know if the Amendment passed or not.

Planning/Design Matters:

- 1) The parcel identified as Map 14- Lot 84-1 on the abutters list provided on Sheet 1 of 2 is actually Map 14 - Lot 83-1.
- 2) Note 8 on Sheet 1 of 2 indicates Coventry Road is a Class VI road and it is a Class V road.
The NHDES Subdivision Approval number received by the applicant should be added to the text of Note 11 on Sheet 1 of 2.
- 4) The resulting areas of the two platted lots should be noted on Sheet 1 of 2 and that the map number should be added.

- 5) Re: Section 700:3(b) of the Subdivision Regulations, we recommend the right of way width of Coventry Road be noted on Sheet 1 Of 2.
- 6) It is recommended that the Certified Soil and Wetland Scientist who performed the HISS mapping and wetland delineation stamp Sheet 2 of 2.

The hearing was opened to the public.

Mr. Bisol from 4 Coventry Road expressed concern with the drainage. He stated that water drains onto his property. The town has two easements that go under Coventry Road and they are inadequate at this time. Any change in grade would directly affect him. He reported that any rains that occur, 4" or more, his cellar floods. He asked that some road improvements are done and culverts added to handle the normal flow. Mr. Lavelle reported that the wetlands flow from top to bottom of the plan sheet.

Mr. Keach stated that he and the road agent have looked at this in the past. He referred to Sheet 2 and the Board reviewed the stream flow in relation to Mr. Bisol's house. Mr. Keach affirmed that there did not appear to be a direct impact to Mr. Bisol's area. Mr. Keach wondered if there was a maintenance problem with the culverts. Mr. Bisol reported that he has lived there for twenty years and has always had this problem. Ms. Killam told Mr. Bisol that he already gets water in his cellar, the question is will this particular building add to this. Mr. Bisol asked if this situation get worse if he would have any recourse. It was noted that this section of road was paved and raised recently and that no changes were made that would effect drainage. Mr. Keach asked if this was ground water and discussion followed on the water table, which appears to be high. Mr. Keach believed Mr. Bisol was having problems but was not able to offer a solution. Ms. Killam wondered if the road agent could solve the problem or if there was a problem with the construction of the home.

It was Mr. Keach's opinion that this action would not measurably affect Mr. Bisol's property. Mr. Keach offered to walk Mr. Bisol's property to see if he could offer some suggestions. Mr. Fletcher asked what would happen if this does affect his property. Mr. Keach noted that he had given his professional opinion. Mr. Keach will meet with Mr. Bisol to look at the property. Ms. Killam reported that the applicant received a 9' variance to the side lot line in 1984.

Dave Spero from 7 Coventry Road lives directly across the street from the property and had concerns with aesthetics. He asked how much distance there is between the existing structure and the existing garage. The closest distance is about 205'. He asked if the new, less restrictive ordinance would change how the house sits on the lot. Ms. Killam told Mr. Spero that the Board does not review house plans. If the proposed wetlands ordinance passes it is conceivable that whatever will get built on the lot can go much further back where the lot begins to flare which will be approximately 300' from the road. Mr. Spero's concern was that every other house on Coventry Road is facing in one direction

and was concerned with the possibility of having a view of the side of the proposed dwelling. He was concerned with losing his privacy. He asked about the driveway and this was not shown on the plan. The driveway would probably be opposite Mr. Spero's lot line. Ms. Killam agreed with his concerns and hoped the proposed wetlands zoning ordinance will pass. Mr. Gulezian, 10 Coventry Road, stated that he will end up with a house in his back yard and was concerned with his property value. He was surprised a house could be squeezed in there. Ms. Killam stated that the frontage is there.

Ms. Killam stated that the Planning Board only handles administrative functions. If the plan meets our ordinance the Board must pass it. Mr. Gulezian asked, if his property value is reduced, who would this matter to. Ms. Killam assumed it would matter to the person building there because they would have the same concerns. If you don't agree with the decision of the Planning Board you could appeal to the Board of Adjustment. Ms. Killam felt that this would be a question for an attorney. It was asked if the drainage issue was the concern of the Planning Board. Ms. Killam stated that this is why we have an engineer present to answer these questions. If the engineer had a different answer the Planning Board would act on this recommendation. Section 676:12 - Building Permits was reviewed.

Mr. Lavelle asked that the Board consider approving this subdivision based on addressing satisfactorily Mr. Keach's comments and amending the building setback based on the outcome of the Proposed Wetlands Article.

Mr. Morse made a motion to approve the application for Thomas Hodgson/Livingston Development Corp. for a 2 Lot Subdivision of 5.45 Acre property located on Coventry Road, Map 14, Lot 84-2, TR2 Zone - Plan dated 12/15/04 with the following conditions: All comments in Mr. Keach's review letter dated 2/16/05 addressed; to amend the building setback based on the outcome of the Proposed Wetlands Article on 3/15/05 to see if the 50' wetland setback would apply; payment of all fees; setting of all boundaries; subject to all impact fees with a note added to the plan that all impact fees are assessed at the time of Planning Board approval. Mr. Miller seconded the motion. Motion approved. Mr. Fletcher opposed.

The Public Hearing was closed at 9:00pm.

Workshop Discussions - Continued from 2/2/05

Master Plan Update:

Mr. Miller reported on the formation of the Master Plan Committee. We don't have an electronic copy of the Master Plan. Mr. Miller will continue to work on this and get the Master Plan on the website. There are 4 members of the committee so far and most of the previous committee members have been contacted. He has received some interesting feedback from previous members.

He will be meeting with the selectmen on February 28th and would like to get started in mid March. Committee Members to date: Frannie Graves, Donna Cordova, Ted Stewart, John Miller, Maureen Claire. A couple of previous members seemed interested in joining.

Mr. Miller reported that the Selectmen are concerned that we need to put some energy toward reviewing the subdivision regulations to see how we can plan for the Sports Complex/Residential District. Ms. Killam noted that she has been trying to get a conversation going on the growth control and phasing issues and no one seemed to want to discuss it. This issue would have to go on the ballot like any other ordinance and this would be a year away. Attorney Kalman made the suggestion that the Board should look back into our site plan regulations. Mr. Keach referred to Section 674:22-Growth Management and this was discussed. There was a legal decision that you can't impose both impact fees and growth management and you can't have a growth management ordinance that is without basis and fact. The growth rate in your area should be considered. Mr. Keach noted that he has never seen a perfect growth management ordinance and suggested the Board work with the applicant of the Sports Complex/Residential District regarding these concerns.

A Workshop Discussion will be held to discuss Section 490:1 to try to avoid 'skinny lots'. It was suggested this be added to the Subdivision Control Regulations.

Approval of Minutes was tabled to the next meeting.

Mr. Morse made a motion to adjourn. Mr. Fletcher seconded the motion. Motion approved unanimously.

The meeting was adjourned at 9:40pm.
Next scheduled Planning Board meeting March 2, 2005.

APPROVED _____ Respectfully submitted,

Carol Kater

