

ATKINSON PLANNING BOARD
Atkinson, New Hampshire

Public Hearing Meeting
Wednesday, June 15, 2005

**Present: Susan Killam, Chairman; Paul DiMaggio, Vice-Chairman (7:50);
Chuck Earley; Mike Fletcher**
Alternates: Donna Sullivan; Ted Stewart (7:55); Tim Dziechowski
Ex-Officio: Selectman Jack Sapia
Town Engineer: Steven Keach

Ms. Killam called the meeting to order at 7:30 P.M.

Correspondence

Incoming

1. City of Haverhill Legal Notice for meeting of 6/7 & 6/8/2005.
2. Keach-Nordstrom Assoc. dated 5/20/05 re: Northeast Metal Spinning, 13 Industrial Way, Map 16, Lot 4; Austin RT, Deer Run Road, Map 16, Lot 1.
3. Keach Nordstrom Assoc. dated 5/24/05 re: Estimate for review of plan for Lot Line Adjustments, Winslow Drive Realty Group, Map 13, Lot 29 through 29-6.
4. Keach Nordstrom Assoc. dated 5/24/05 re: Account Balance, William Ashford.
5. Keach Nordstrom Assoc. dated 6/9/05 re: Notice of payment in full of account for William Ashford.
6. City of Haverhill dated 5/27/05 Legal notice for meeting of 6/14/05.
7. PB Budget printout dated 5/31/05.
8. Selectmen Minutes dated 4/18, 4/25, 5/9.
9. City of Haverhill Legal Notice for meeting of 6/28/05.
10. Michael Chambers, Wetland Application for 43 Main Street, Map 4, Lot 5.
11. Gilles Gagnon dated 6/14/05 from Zoning Board re: Denial of Wetland Application.
12. Keach-Nordstrom Assoc. dated 6/14/05 re: Jameson Ridge Lot Line plan review.

Outgoing

1. Planning Board Legal Notice for meeting of 6/15/05.

Voting members: Ms. Killam, Mr. DiMaggio, Mr. Fletcher, Mr. Earley, Ms. Sullivan, Mr. Dziechowski, Mr. Sapia

APPROVAL OF MINUTES - May 18, 2005

The minutes of May 18, 2005 were reviewed and the following correction was made:
Page 2, third full paragraph, third sentence from the bottom, change 'There is a fuel island' to 'There will be a fuel island'.

Mr. Earley made a motion to approve the minutes of May 18, 2005 as amended. Mr. Fletcher seconded the motion. Motion approved. Mr. DiMaggio abstained.

PUBLIC HEARINGS:

Continued from May 18, 2005:

SFC Engineering Partnership for Rock Ridge Development, LLC continued review of an Application for Formal Consideration and Approval of a

Commercial Site Plan to construct a 2000 square foot office building, 8000 square foot garage and outdoor storage areas on 11.77 Acre property located on Route 111, Map 20, Lot 35-1, CI and RR3 Zones.

The abutter's list was read. Present: Rock Ridge Development, LLC, Town of Atkinson, Vincent DeSignore, SFC Engineering Partnership, Inc.

David Jordan presented revised plans that addressed Mr. Keach's comments from the May 18th meeting.

Mr. Keach stated that most of his comments have been addressed.

Still outstanding: Three state permits, DOT driveway permit, site specific permit and a construction approval for the septic system.

This project now fully complies with the zoning ordinance as presented.

Planning/Design Matters -

Soil and wetland scientist stamps are outstanding.

150' residential buffer is now shown correctly on all sheets with the exception of the Landscape Plan. Mr. Keach requested that this be added. The Landscape Plan is on a new sheet.

They are proposing to screen Mr. DeSignore's house with an 8' high landscaped berm constructed along the property line approximately 100' off the property line with 6' trees.

Page 6 of 13 needs to amend the location of the tree line.

Page 4 - Add a note stating that the proposed holding tank shall be properly registered with the DES prior to the issuance of an occupancy permit.

Chief Murphy reported that he did not see any major issues with the site. Mr. Jordan stated that all the remaining issues would be addressed. Mr. DiMaggio had a question on the buffer area for Mr. DeSignore and the drop off area and elevation of the berm was discussed briefly. The Landscape Plan calls for white pine trees but spruce will work better.

Mr. Earley discussed snow storage. (See Sheet 3) Mr. Dziechowski will look at the topographic. Mr. DiMaggio questioned the hours of operation. Notes are on Sheet 3, Statement of Intent - 'Sound'. Trucks need to be accessed twenty four hours a day. The Statement of Intent was read. There are 10 to 15 on site personnel office and garage staff. Regular hours of operation are 6:00 A.M. to 5:00 P.M. 5 or 6 days a week. After hour access to equipment will be needed. The decibel levels comply pretty closely with OSHA standards. Mr. Keach noted that warning devices (back up signal) are excluded from the decibel level standards. Mr. DiMaggio asked if the statement could be modified from 6:00 A.M. to 7:00 A.M. He was told the noise level is not expected to be that high at 6:00 A.M.

Chief Murphy reported that the clearance and accessibility around the buildings meet the standards. There was some discussion on the gate and it was

determined that the gate is wide enough. Mr. Dziechowski had an issue at the last meeting with the level spreader. His concerns have been addressed. Ms. Killam asked what is involved between the applicant and the DOT to improve the entrance. The existing driveway cut is permanent. The applicant will widen the lane eastbound for deceleration. The hearing was opened to the public.

Mr. DelSignore stated that he appreciated the buffer.

Mr. Earley made a motion to approve the application of SFC Engineering Partnership for Rock Ridge Development, LLC for a Commercial Site Plan to construct a 2000 square foot office building, 8000 square foot garage and outdoor storage areas on 11.77 Acre property located on Route 111, Map 20, Lot 35-1, CI and RR3 Zones with the following conditions:

Receipt of three outstanding state permits.

Notes added 'NFPA13' sprinkler and 'NFPA72' alarm.

Hours of operation noted on the plan.

That all issues in Mr. Keach's review letter in Planning/Design matters are addressed. Mr. Sapia seconded the motion. Motion approved 6 to 1. Mr. DiMaggio opposed. Mr. Dziechowski did not vote.

Mr. DiMaggio stated that he was in favor of the plan but would have preferred not to have as many conditions.

New applications opened at 8:35 P.M.

Mr. Dziechowski stepped off the Board.

New Applications:

Winslow Drive Realty Group, LLC, Brian Boyle, Manager submission of an Application for Formal Consideration and Approval for Lot Line Adjustments and Plan Amendment to eliminate the Fire Access Lane by installing an additional hydrant on previously approved Subdivision Plan 'Jameson Ridge', Map 13, Lots 29-18, 19, 4, 5 & 6. Lots located on Winslow Drive, TC & RR2 Zone.

The abutter's list was read. Present: Winslow Drive Realty Group, Town of Atkinson, Paul Ankowiak, Joseph Cote, Tim Dziechowski, James Lavelle Assoc.

Jim Lavelle, Lavelle Assoc. presented. The lot line changes are on two separate plans. The purpose for this lot line change is to give one of the lots a larger building area. Mr. Lavelle stated that all of Mr. Keach's comments had been addressed. A note on the plan is not correct. It states that a piece of land is being transferred from Lot 19 to Lot 18. It should be Lot 18 to Lot 19. This was corrected. The smaller lot will remain approximately 1 1/2 acre.

The plans were reviewed. The well access easement will remain on the buildable lot.

Mr. Keach's letter was reviewed. All comments have been addressed except for the lot reversal. Mr. Keach asked about Lot 29-6 both on this plan and the original plan which had two house numbers on it #14 & #16. Mr. Murphy stated that they would look at where the actual driveway is located and the frontage to get the correct number. Mr. Keach stated that septic design approval is needed due to the change in the configuration of the lots. An amended subdivision approval will be needed just for the five lots that are being altered. Mr. Lavelle stated that he would do this if the Board so desires but asked if it is really needed. Mr. Keach stated that it was safer to do this and left it up to the developer. Mr. Keach suggested that when a new permit number is obtained it should be noted on the new plan as well and the old number should be referenced.

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

Mr. Lavelle asked if a vote on the Lot Line adjustment could be taken separately from the water hydrant issue. Mr. DiMaggio stated that it has been listed together and felt it should stay together. Mr. Stewart suggested polling the Board to see if they are comfortable with the Lot Line adjustment. Ms. Killam addressed the Board and asked if anyone had a problem with the Lot Line adjustment and they did not. She asked if the abutters present if they had a problem with the Lot Line adjustment and they had no comments. The sense of the Board is that the Lot Line adjustment is straightforward.

The second part of this discussion concerned the change in the emergency access road and hydrant. The Board reviewed the original plan and the updated plan. Mr. Boyle read the conditional approval from the Planning Board dated April 21, 2004. One of the conditions was to include an easement on the fire access and maintenance of the roadway, which includes snow removal and resurfacing as needed as well as maintenance of a fire gate. On July 15, 2004 Mr. Boyle purchased the property. It stated on the plan that the units would be sprinkled or a list of conditions must be followed, which was noted on page 2 of the proposed plan. Mr. Boyle met with the water department and chose to go with a hydrant system. The water line was extended down Rte. 121 to Winslow Drive. The location and number of hydrants was reviewed and approved by Keach-Nordstrom. The hydrants have to generate 500 gallons of water a minute for a two hour duration. Mr. Boyle met with Chief Murphy and asked if he had a preference. Mr. Murphy thought it would be a good idea and suggested he obtain feedback from the Planning Board. The original well was fine for drinking water but not adequate to handle fire protection. Once the adequate water and pressure was obtained on Winslow Drive Mr. Boyle thought of extending the line. The fire access land on the plan starts and 12' wide at the end of Woodlawn Drive (because of the amount of land the town owned) and flares out to a 30' easement that ends at a common driveway. Mr. Boyle felt that this was not

practical. Mr. Boyle, as the current owner and developer, is proposing a superior option for the town. It may be a little more costly, but he would rather eliminate that access and make it a walking trail. Mr. DiMaggio asked why there is an 'S' turn in the path. The response was because of the grades. The 'S' curve in the original design was the developer's choice of how to connect to the two lots without changing the size and shape of any of the lots. This plan is depicting a proposed water line, which was not on the original plan.

Mr. DiMaggio asked if there was another subdivision in town that required a second access. Ms. Killam read a letter from Chief Murphy from March 2004 to the Planning Board regarding this subdivision. He expressed the following concerns regarding fire and rescue to the residents. 1) The length of the roadway which ends in a cul de sac. A secondary means of access and egress at the rear of the property through town owned property attaching to Woodlawn Drive. 2) The dwellings in the development are required to be sprinkled in accordance with NFPA13D, in the past this requirement has been waived provided pressurized fire hydrants are installed according to NFPA guidelines. It was requested that, if hydrants are chosen, they are properly bonded and no construction permit is issued until the system is completely installed, tested and approved by the fire department.

Ms. Killam viewed these comments as two different issues and was confused as to why they were being merged into one issue. Mr. Murphy stated that the fire department's concern is on fire protection and it was obvious that they could not provide an adequate water supply and that he would prefer a domestic water supply and sprinkling the houses. This access roadway made sense because of the inadequate water supply. Now that Mr. Boyle is meeting the water requirement he questioned if the access road was necessary. Chief Murphy felt that this would be a logical tradeoff. Once the hydrant is installed the fire lane is not as important.

Ted Stewart felt that there is a lot less chance of a fire access being blocked if utilities are underground. Mr. Sapia noted that the sprinkler system is being replaced by an updated fire hydrant system and asked what the difference is between the sprinkler system and hydrant. Chief Consentino stated that the Highway Safety Department reviewed this. It was their determination that access was needed between subdivisions in an emergency. The only issue discussed at this meeting so far is 'water'. He noted that 85% of all calls coming into the fire department are rescue calls not house fires. Nine out of ten calls from 911 is a police issue and not for a fire or rescue issue. Woodlawn has narrow roads and utility wires. If a tree comes down it will take the wires down and will take away any access to the upper part of Woodlawn. An access road is available now that can be utilized. Mr. Consentino felt that the Police Department was being excluded from this discussion. The road is important and was part of the original plan. He added that, if the road was blocked you can have five hydrants up there

and if you can't get your equipment through they are useless. He recommended the access road remain open.

Mr. Cote stated that he is against the gate. There was a better concern as to how the gate would be maintained and how plows would get through. Another concern was the traffic. Access to the end of the road is very difficult with any kind of equipment because people park on the road. It is impossible to get up the road in the winter.

Mr. DiMaggio asked Mr. Consentino what the difference is between this access road and the access road at Wright Farm and if the road had ever been used. Mr. Consentino stated that it has not been used but it is easier to get into this development because of the width of the road. You don't have this width on Woodlawn Ave. and we would like to open this up. Mr. Boyle noted that this is the first letter ever received by the police department on an access road. Mr. Boyle stated that this recently approved subdivision is the closest residential subdivision to our emergency equipment. How often is this road going to be opened up? It is a common driveway the first 150'. He asked the Board what is best for the town. Mr. Consentino felt that there was a lot of discussion on this when the plan was approved. He added that it is very beneficial to the developer to do away with a road that goes between two lots. His concern was with the safety of the residents of Woodlawn Ave. The police department felt that the emergency access should stay.

Peter Lewis noted the toys and bicycles that are on this road. He noted that this is someone's driveway. An abutter noted that this is a path that is not plowed in the winter. Ms. Killam noted that if this access were in place it would be kept clear. Mr. Keach added that there would have to be a revised drawing if this was approved. Three sheets and additional documents need to be altered. This would put the Board in the position of doing a conditional approval on something they have not seen. Mr. Sapia commented to the abutters regarding cut through traffic. There is a lack of consistency relative to access and egress to specific areas and he did not see the issue of hydrants and access road being one in the same. Mr. Earley stated that we are gaining a pressure hydrant at the end of Woodlawn Ave. This is an older section of town and the houses don't have the fire protection the newer houses have. A hydrant here is a win situation for the town. Mr. Cote agreed with this.

Mr. DiMaggio agreed that dead end streets discourage crime. He asked Mr. Boyle why this is a better deal for the town. We are looking at a hydrant on the end of Woodlawn vs. limited access between Winslow and Woodlawn. This is the cost benefit decision for this Board.

A sense of the Board follows:

Mr. Earley - Hydrant System

Mr. Fletcher - Access Road

Mr. DiMaggio - Access Road
Mr. Stewart - Hydrant System
Mr. Sapia - Access Road
Ms. Sullivan - Hydrant System
Ms. Killam - Access Road

Ms. Killam asked Mr. Boyle for a written statement saying that he is removing the second part from his application so that when a vote is taken the Board can complete an action. Mr. Stewart asked if new information were received of an additional access to Woodlawn within the next month if it would make a difference in the vote. He asked if the second part could be tabled for a month.

Mr. DiMaggio made a motion to make the Lot Line Adjustment and the discontinuing of the access road separate issues. Mr. Fletcher seconded the motion.

Ms. Killam preferred that the developer come back in a month with another application to continue this. We could in one application approve and deny if the motion was phrased correctly. Mr. Boyle expressed disapproval at the way this was being handled.

Vote of the motion: Motion fails 6 to 1.

Mr. DiMaggio made a motion to approve the Lot Line Adjustment taken under jurisdiction at this meeting for the subdivision located on Winslow Drive with the following conditions:

Amended State Subdivision Approval.

Reversing Lot 18 & 19 in text of Note 2.

Adding the final NHDES permit number on the plat.

Mr. Fletcher seconded the motion. Motion approved unanimously.

Mr. DiMaggio made a motion to invoke Section SD 900:1 Subdivision where the Board can request a Public Hearing for a minor proposed change.

Mr. DiMaggio rescinded this motion.

Mr. DiMaggio made a motion to disapprove the hydrant proposal and stay with the original plan. Mr. Fletcher seconded the motion. Motion approved 4 in favor 3 against.

A five-minute recess was called.

Steven Keach left the meeting.

Mr. Dziechowski returned to the Board.

Steven Lewis Inc. submission of an Application for Formal Consideration and Approval to Amend the previously approved plan entitled 'Settler's Ridge' to build a Residential One Family house on Map 12, Lot 22-1 as opposed to the previously approved Group Home located on Pope Road, RR2 Zone.

The abutter's list was read. Present: Settler's Ridge Inc., Settler's Ridge Condo Assoc., Settler's Ridge Limited Partnership.

Mr. Lewis noted that there is no site plan to amend. There are underground utilities to the site. Septic is designed. The site is being cleaned up to get it ready to sell. It is a permitted use in the cluster. There is pressure, water, and setbacks are met.

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

This plan was never recorded and does not need to be amended -108 units are allowed 98 consumed.

The hearing was opened to abutters.

The condominium owners asked for assurance that this would be converted to a single family home and that it will be stay that way. This will be stated in the form of a deed restriction and Mr. Lewis agreed to this.

Mr. Earley made a motion to approve the Application for Formal Consideration and Approval to Amend the previously approved plan entitled 'Settler's Ridge' to build a Residential One Family house on Map 12, Lot 22-1 as opposed to the previously approved Group Home located on Pope Road, RR2 Zone with Deed Restriction noted. Mr. DiMaggio seconded the motion. Motion approved unanimously.

Discussion - John Miller - Master Plan Update

Mr. Miller requested a Vice President for the Master Plan Committee be appointed so that the meetings can continue when he is away on business. A recording secretary is also needed.

Keith Caviello - Sublime Engineering representing Sheila Simone of 'Act One Salon' - 6 Main Street.

Mr. Caviello stated that Ms. Simone is looking to build a new salon in this commercial zone. He presented a preliminary sketch to see if this was possible. They are looking to build a two-story structure, 4000 sq. ft., for salon and potential retail space. The existing building would be removed. The business would include massage therapy, yoga, nails, facials, etc.

A wetland runs along the property line. There is 100' building and septic setback. The zone lines present with a residential zone on one side and the piece is mostly in the commercial zone. Site Plan 645:1 Screening & Buffering Areas.

Sense of the Board: The Buffer of the Commercial Zone can be waived down from SD 645:1 to 100'.

Other Discussion:

Mr. DiMaggio stated that nothing has been done to get the cost benefit analysis of the alternative building design. Mr. Lewis has agreed to cover the cost of a consultant to review his proposal. Ms. Killam has composed a letter and will mail it to a consultant that she has already spoken to. The proposal will be faxed to the consultant and he will quote a price. It may take approximately a month. Mr. Lewis will send out this proposal to other consultants for quotes. A special meeting will be called for this.

Mr. Earley stepped off the Board and presented the following codes.

Public Hearing:

Proposed Amendments to the Building Codes to adopt the latest available revision to previously approved National Fire Protection Codes:

- NFPA 11 Low, Medium, - High-Expansion Foam**
- NFPA 12 Carbon Dioxide Extinguishing Systems**
- NFPA 35 Manufacture of Organic Coatings**
- NFPA 55 Compressed Gases and Cryogenic fluids in Container**
- NFPA 76 Fire Protection of Telecommunications Facilities**
- NFPA 92B Smoke Management Systems in Malls, Atria and Large Areas**
- NFPA 99 Health Care Facilities**
- NFPA 214 Water-Cooling Towers**
- NFPA 326 Safeguarding of Tanks and containers for entry, cleaning, or repair**
- NFPA 501 Manufactured Housing**
- NFPA 501A Fire Safety Criteria for Manufactured Home Installations, Sites and Communities**
- NFPA 601 Security Services in Fire Loss Prevention**

Mr. Stewart made a motion to approve the latest revision to previously approved National Fire Protection Codes. Mr. Sapia seconded the motion. Motion approved unanimously.

Mr. Earley made a motion to adjourn. Mr. DiMaggio seconded the motion. Motion approved unanimously.

The meeting was adjourned at 11:00 P.M.
Next scheduled meeting - Public Hearing Meeting July 20, 2005.

APPROVED _____ Respectfully submitted,

Carol Kater

