

ATKINSON PLANNING BOARD
Atkinson, New Hampshire

Public Hearing Meeting
Wednesday, August 20, 2003

**Present: Susan Killam, Chairman; Paul DiMaggio, Vice-Chairman (8:10);
Michael Fletcher (7:44); Chuck Earley; Nicole Cheney**
Alternates: Ted Stewart; Joseph Guischard
Town Engineer: Steven Keach (7:50)

Ms. Killam called the meeting to order at 7:40 P.M.

CORRESPONDENCE

Incoming

1. NH Dept. of Environmental Services, Approval for Subdivision for Walker Road, Map 7, Lot 123.
2. Selectmen Minutes dated 7/7/03.
3. City of Haverhill, Legal Notice for meeting of 8/13/03.
4. Memo from Sue Coppeta, Treasurer dated 7/27/03 re: Impact Fees.

Since the program was started there have been 77 fees collected for a grand total of \$117,254. The Superintendent's office in a request dated 7/9/03 is asking for \$117,000 to be transferred to the school district. It will be used to offset the debt. Discussion followed on what the Board's role in this decision would be. Mr. Stewart felt that the Town Engineer should review this to see if it meets zoning. It was noted that if the funds must be used. This will be looked into.

Mr. Keach was asked for his input. He thought the funds should be specific to district wide improvements. The account is an off line account on the budget. The Board will find out from the Selectmen if any action has been taken at this time. Mr. Keach felt the responsibility of the Planning Board is to see to it, through the Building Department, that the funds are actually collected.

5. Vic Richards dated 7/29/03 re: MS-4 Storm Water Committee.

The committee is looking for a volunteer to serve. Ms. Cheney may be interested. She will need to confirm that there will not be conflict of interest. Mr. Stewart noted that some of the issues the committee will work on have already been addressed by our site plan regulations.

6. Keach Nordstrom dated 7/31/03 re: Palmer Gas.
7. Keach Nordstrom dated 7/31/03 re: Invoices for Killam Sudivision; Palmer Gas Site Plan.
8. Town of Derry, Legal Notice for meeting of 8/13/03.
9. Vic Richards dated 8/5/03 re: Public Hearing results on Millstream Drive Right-of-Way.
10. City of Haverhill Legal Notice for meeting of 8/26/03.
11. Keach Nordstrom dated 8/9/03 re: Settler's Ridge, Map 12, Lot 22-1 review.
12. Selectmen Minutes dated 7/14 & 28, 2003.
13. George Lemery dated 8/14/03 re: Millstream Drive right-of-way.

This letter states that Mr. Lemery accepts the decision of the Selectmen and will not go forward with any further legal action. A Quick Claim Deed was offered if the applicants would agree to pay the legal and recording fees.

14. State of NH, DOT dated 8/13/03 re: Salem-Atkinson environmental study.

This project is to replace guardrails on Rte. 111 from the Windham Town Line to the Hampstead Town Line and may have a small impact on wetlands on each side of the highway. The Bureau of Environment is conducting a study for this project. This will be turned over to the Conservation Commission for their input.

Mr. Guishard left the meeting at 755 P.M.

Outgoing

1. Planning Board Legal Notice for meeting of 8/20/03.

Ms. Killam noted that her abutters have been renoticed and there are some additions.

APPROVAL OF MINUTES - July 16, 2003

A motion was made by Mr. Stewart to dispense the minutes.

Mr. Earley seconded the motion. Motion approved unanimously.

Discussion - Steven Keach - Interpretation of Section 600:11a

Mr. Keach reported that he had an inquiry from Mike Garape who used to be employed by the Rockingham Planning Commission. He is now employed by Seacoast Development. Seacoast Development has put a substantial piece of land around town center under agreement. The question was regarding the interpretation of the cluster ordinance and Page Z28 was referenced. Section 600:6 re: Density - was read. Part A - each rural cluster development should be entitled to one additional dwelling unit for every hundred feet in depth added to the required landscape buffer described in Section 600:11. Such entitlement should be based on a formula of 1 dwelling unit bonus per 10-acre area. Under the buffer requirements of Section 600:11 how is the bonus applied? The ordinance is silent as to what it means. Mr. Keach noted that this ordinance has never been used and once it is interpreted it stays that decision until it is amended or clarified. The question is what is being measured per 10 acres - 10 acres of the site, 10 acres of incremental buffer, 10 acres of total buffer.

Mr. DiMaggio is the only Board member that was involved in the writing of this ordinance and he was asked for his opinion. Mr. DiMaggio questioned what the intent was at the time it was written and research was needed. Ms. Killam interpreted it as the formula of 1 dwelling unit bonus for a 10-acre area.

Mr. Keach asked if there is a map that will show what areas are scenic vista areas. There is a map available in the office and the information is available in the Master Plan.

The Public Hearing was opened at 8:07 P.M.

PUBLIC HEARINGS:

Continued from July 16, 2003

1. Dean and Susan Killam continued review of an application (extended jurisdiction 7/16 (90 days) for a proposed five lot residential subdivision of 15.4 Acres of property located at 49 Westside Drive, Map 11, TR2 Zone.

The abutter's list was read. Present: Dean & Susan Killam; Patricia Walker; Richard K.N.C. & Susan Deyermond; James M. Lavelle Associates; Sublime Civil Consultants, Inc.

Ms. Killam stepped off the Board and Mr. DiMaggio took the chair.

Mr. Lemery's letter dated 8/14/03 stating that he would not go forward with any legal action was read. He offered the Killam's a Quit Claim Deed if they paid the legal and recording fees and they agreed.

A letter from Vic Richards dated 8/5/03 regarding permission to work in the right-of-way was read. The letter stated that at the Public Session the Selectmen voted unanimously in favor of the request.

Mr. Lavelle reported on the outstanding issues. He referred to tax map 11-10, property owned by Patricia Walker and proposed lot 11-9-2. An overlay was presented which demonstrated the changes made to the lot line in order to return it to the way it is shown Ms. Walker's deed. These changes were shown and explained to Ms. Walker and she accepted this. The plan will be amended to reflect these changes. The deed was drawn from a plan dated in 1967 and the new lines were drawn as accurately as possible. There were two separate bounds noted. Mr. Lavelle stated that they made their survey conform to the most recent bearing system, which is Millstream Crossing.

Mr. Keach explained that the means of measurement in 1967 were very crude. He assured Ms. Walker that Mr. Lavelle has come up with the most accurate measurement and Mr. Keach was satisfied with Mr. Lavelle's explanation.

Sheet 2 - A driveway easement will be added in the area of construction for the addition of an underdrain where the easement went into the lot.

Discussion followed on the discrepancies in the water line. Sublime Consultants reported that he called Chris Frye from Lewis Builders and was told that there is a 4 inch main in Millstream Drive and there will be a 6 inch connection at the hydrant for pressure. He was assured that it would work. Mr. Frye offered to write a letter attesting to this. Mr. Earley stated that Peter Lewis, Mr. Morse and the plan agree that the line is 6 inches and questioned where Mr. Frye got his information. It is 6 inches on Westside Drive and 4 inches to the hydrant. Mr.

Keach stated that, what Mr. Frye is saying is that, at that hydrant location, he can deliver the amount of pressure required. Mr. Earley asked, 'What if it doesn't? Mr. Keach stated that the system belongs to Walnut Ridge. They know what the town expects and they are prepared to benefit from this subdivision by having additional customers. If Mr. Frye is attesting to the fact that it can deliver a certain volume of water at a certain pressure it becomes their responsibility. If not, no building permits will be issued.

Mr. Earley will check with the Fire Chief to see if the hydrant has been tested. Ms. Killam asked who is responsible for testing. Mr. Earley stated that it is Walnut Ridge. Ms. Killam noted that there is a plan that shows a 6-inch line and apparently it is not there. She asked why this wasn't enforced and who is responsible. She added that there were bounds that were not set and asked what else didn't happen. Mr. Keach stated that the bounds were in but they could have been destroyed by construction and landscaping. He reminded the Board that the Planning Board does not have anything to do with water, it is the water companies responsibility. Mr. Fletcher felt that the existing hydrant should be retested.

Mr. Lavelle asked if the town has any leverage for reimbursement if the existing hydrant is tested and proves to be under specs. Mr. Stewart noted that the developer couldn't issue any occupancy permits on any lot until the hydrant is set.

A letter will be obtained from Walnut Ridge.

Discussion continued on the possibility of bonding the water line. Mr. Keach agreed that this would work. Mr. Stewart noted that when you bond a road you know what it will cost. He questioned how the bond amount would be determined.

Mr. Keach reviewed his letter of 7/16/03 and reported on the open issues:

General Comments:

1. State permits, dredge and fill and state subdivision.

Mr. Lavelle reported that the dredge and fill permit was held up by the Conservation Commission because of their concern with the right-of-way. Now that this has been resolved by the Selectmen the permit should be issued soon. When this is issued the State Subdivision permit will follow.

2. Bonding should be a condition of approval.
3. Driveway permits

Zoning Matters:

Impact Fees

Note 7 on Sheet 1 of 6 should be revised to indicate the required side yard setback is 30' rather than 50'.

This was discussed. Mr. Keach noted that, based on the zoning definition, if the setback was left as is it would give you a larger envelope and will bring it farther away from the lot line. Because of the shape of the lot the side lot can be changed to a rear lot. Pg. Z6 was read.

It was determined that the sideline on Lot 11-9-4 will be changed to a rear lot line and will remain 50'.

Mr. Keach reported that the easements have been addressed. An easement should be added for an underdrain.

A letter from Walnut Ridge. A poll of the Board approved the bonding of the water line.

The hearing was open to the abutters.

An abutter had a question on the change in the side lot line to a rear lot line, which changes the setback from 30' back to 50'. His lot is the closest to the lot in question. This was explained.

A motion was made by Mr. Stewart to approve the plan of Dean & Susan Killam for a proposed five lot residential subdivision of 15.4 Acres of property located at 49 Westside Drive, Map 11, Lot 9, TR2 Zone with the following conditions:

Receipt of State Subdivision permit, State Wetland permit.

An added easement for the underdrain on the west side of the cul de sac Lot 11-9.

A letter from Walnut Ridge attesting that they can provide the proper water flow from the hydrant on Hitchcock Lane - 500 gal. a minute at 20 PSI static pressure.

Bonding of all infrastructures.

Mr. Fletcher seconded the motion.

Discussion: Mr. Earley requested an amendment to the motion to specifically bond the possible reconstruction of the water line on Millstream Drive if testing is not sufficient.

Mr. Fletcher seconded the amendment to the motion.

Amendment to the Motion approved - 1 disapproved.

Vote of the original motion. Motion approved unanimously.

The hearing was closed at 9:24 P.M.

Ms. Killam returned to the Board and took the chair.

Discussion - Chuck Earley - Verizon Site Plan

Mr. Earley reported on the Verizon Site Plan to install a larger generator. Mr. Earley asked who oversees the planting of the trees that are part of the approved plan. Ms. Killam stated that Code Enforcement is responsible. The generator is being installed and they have applied for a permit.

It will be noted on the permit that 'the permit is subject to the Site Plan as approved by the Planning Board'.

A motion was made by Mr. Earley to adjourn. Mr. Fletcher seconded the motion. Motion approved unanimously.

The meeting was adjourned at 9:30 P.M.
Next scheduled Planning Board meeting September 17, 2003.

APPROVED _____ Respectfully submitted,

Carol Kater