

ATKINSON PLANNING BOARD
Atkinson, New Hampshire
Public Hearing/ Workshop Meeting
Wednesday October 7, 2009

Present: Sue Killam, Chairman; Paul DiMaggio, Vice Chairman; Regular Members: Ted Stewart;
Tim Dziechowski
Alternate: John Wolters;
Selectman Ex-Officio: William Bennett

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

Chairman Killam read the correspondence into the minutes.

Correspondence:

Incoming:

1. City of Haverhill dated 9/18/09, Public Hearing Notice for 10/6/09.
2. Office of Selectmen dated 9/15/09 re: Budget limit.
3. Impact Fee report dated 9/15/09.
4. Road Bond Report dated 9/22/09.
5. Keach-Nordstrom Associates dated 9/8/09 re: Annual Review of Performance Guarantees.
6. Memo from Chief Consentino dated 9/22/09 re: Plan review, Map 13, Lot 15.
7. E-Mail from Stantec dated 9/24/09 re: 12 Industrial Way additional escrow.
8. Stantec Invoice dated 9/18/09 re: Tuck Woods; Rt. 111 Dunkin Donuts; 24 Industrial Way; 23 Main Street.
9. Letter from Margaret Osborn to Selectmen dated 9/18/09 re: Occupancy of 8 Valcat Ln.
10. Zoning Board of Adjustment letter to Nancy Raczka dated 9/28/09 re: Wetland Variance.
11. Office of Selectmen memo dated 9/30/09 re: Budget limits.
12. State of NH, Dept of Transportation dated 9/30/09 re: driveway permit for Barden, Rt. 121.
13. City of Haverhill Legal Notice for October 14, 2009.
14. Nancy Raczka letter dated 10/2/09 re: Deed Addendum to build on Class VI.
15. State of NH, Department of Transportation dated 10/5/09 re: driveway application for Debesch, East Road.
16. E-Mail from Patricia Goodridge dated 10/8/09 re: 8 Valcat Ln.
17. State of NH, Department of Transportation dated 9/23/09 re: CTAP.

Outgoing

1. Kevin Barden dated 9/16/09 re: 6 Main Street, Site Plan approval.
2. PB Legal Notice for Public Hearing dated 10/21/09.

A discussion ensued regarding item 17 of the incoming correspondence, a letter from the State of New Hampshire, Department of Transportation regarding CTAP funds and a time line for repairing Town roads.

Discussion: Nancy Raczka – 47 Boulder Cove Road, Map 23, Lot 79, Deed Addendum to build on Class VI Road.

Chairman Killam read the letter from Nancy Raczka to the Planning Board dated 10/2/09 re: Deed Addendum to build on a Class VI road.

A discussion ensued as to how Boulder Cove Road should be classified. Member Dziechowski stated that it was a private road and was never deeded to the Town and was not a Class VI road. Member Ted Stewart responded that it was indeed a Town Class VI road. Member Dziechowski argued that the land under it was owned by the heirs to the Williams estate and therefore Boulder Cove Road could not be a public road.

The Board reviewed Regulation 674:41c (1), (2) and (3) of the RSA's for the definition of Class VI road. Member Ted Stewart stated that public way means open to the public, not owned by the public.

Member Dziechowski stated that one definition was if it was subject to gates and bars, such as Pope Road which was a public road that became private. Member Stewart stated that part of Boulder Cove Road up to the "Y" is a public road; it is harder to define where the pavement stops. It has to be 25 feet wide. Mr. Dziechowski stated that the dirt portion needed to be clarified and that according to the Department of Transportation it was a private way.

Member Dziechowski made a motion to recommend a permit to build on the road, if it is either a Class VI or a private road. The Motion was seconded by Paul Dimaggio.

Chairman Killam stated that the Board should review 674:41, specifically sections regarding Class VI roads. Mr. Dziechowski stated that the Board should request a waiver of liability for the Town for building on Class VI roads. Chairman Killam continued to review 674:41 and read sections into the minutes. Chairman Killam addressed Mr. Dziechowski stating that if the Motion goes to the Selectmen referencing both Class VI and private roads, then the addendum to the deed Ms. Raczka has provided has to change. The decision would be between the Selectmen and the Town Council.

Selectman Bennett asked if it was necessary for the Planning Board to decide what type of road Boulder Cove Road is before the Permit was granted. Member Dziechowski stated that the permit should be for a Class VI or private road. Selectman Bennett stated that Boulder Cove Road was not Class V or better, it was Class VI or less. Chairman Killam informed Ms. Raczka that the Deed would need to be changed before it was filed, once a decision was made on whether Boulder Cove Road was Class VI or private road and whether she had a right of way.

Chairman Killam then asked Ms. Raczka if she had torn down the existing structure. Ms. Raczka responded that she still needed to get a demolition permit. Mr. Wolters pointed out that the property would be land locked if there was no access in the deed because she would be traveling over someone else's' land. Mr. Stewart stated that she should have something in the deed giving her a right to pass. Mr. Dziechowski stated that she does have access as a point of law since it is on an island.

Selectman Bennett pointed out to Ms. Raczka that the Fire Department would have to approve a sprinkler system if it is a private way. Mr. Dziechowski stated that if the house is more than 150 feet from a Class V road the owner can either sprinkle or make the driveway large to satisfy NFPA requirements. Chairman Killam asked if there was an easement.

Chairman Killam asked that Mr. Dziechowski amend his motion to include 641:1c (1), (2) and (3) to add (2) a so that the applicant could access the property by boat. Mr. DiMaggio asked if there was a structure on the property already. Ms. Raczka stated that there was a 2 bedroom year round residence built in 1952. Mr. DiMaggio stated that if there was an existing structure then access should not be a problem due to the law of adverse possession. Chairman Killam recommended that Ms. Raczka see an attorney and asked how many other houses were nearby. Ms. Raczka replied that there were seven. Mr. Wolters recommended that she check the deeds of the other properties to see if they had access in the deed. Ms. Raczka assented.

Chairman Killam requested a motion to approve the application to build and send it to the Board of Selectmen according to 641: 1c and 1d, either on a Class VI Town Road or on a private road with approval by Town Council.

Vice Chairman DiMaggio made the motion, the motion was seconded by Mr. Tim Dziechowski and the Planning Board voted all in favor of approving the motion.

The Board continued to discuss the application and Class VI roads. Ms. Raczka asked about her application to the Board of Selectmen. Chairman Killam stated that the Board of Selectmen would have to decide. Ms. Raczka stated that she would rewrite the addendum.

Mr. Dziechowski stated that the heirs of Mary Lou Williams own the land. Mr. DiMaggio stated that to him the issue was clear since the house on the property had been there for over 50 years; access should not be a problem. Selectman Bennett stated that if the Board made the wrong case, the Board of Selectmen would have to decide if it was a Class VI Public Road or a private way.

Mr. Dziechowski stated that the difference between this case and other cases was in the other cases the right of way was already in the deed and that is why they were

private ways. Vice Chairman DiMaggio asked when Mr. Bennett needed to decide the other case and Mr. Bennett replied that the Selectmen needed to decide this week.

The Board continued to discuss the issue of a house permit on Valcat Road. The question arose as to when it was plotted with seven house lots. Chairman Killam pointed to the definition of a Class VI road, as a public way that the Town does not maintain. Mr. Stewart stated that Valcat Road would be a problem for the neighbors if it were a private way or for the Town if it were a Class VI road. Mr. Stewart stated that the applicant on Valcat road was required to sprinkle. Chairman Killam stated that a sprinkler system was in the plan, and then when the house was built a sprinkling system was not installed. The fire chief had stated that he could accept an approved access instead. Mr. Stewart stated that Osborns dug into the road without permission. Chairman Killam stated that it was a new house with no certificate of occupancy yet.

Mr. Dziechowski stated that the addendum for the Raczka deed needed to be reworded. Mr. DiMaggio agreed that she has a problem.

Discussion: Review of Energy Plan Section prepared by RPC for the Master Plan.

Chairman Killam requested that Michelle Veasey and Judy Wainwright from the Energy Committee speak to the Board regarding the Energy Report done by the Energy Committee. Ms. Veasey stated that the goal of the Energy Committee was to get a base line of energy use for all buildings owned by the Town. The base line would be used when requesting grants to lower energy use. Ms. Veasey stated that the Energy committee would like to add a paragraph to the Master Plan requiring that any new Town building has to be energy efficient and meet energy standards. She stated that Ms. LaBranche from the Rockingham Planning Commission wrote the chapter based on other Towns. Ms. Veasey requested that the Planning Board give its feedback to the Energy Committee.

The Board first discussed street lights, the Town has 180 street lights. Mr. Stewart then stated that the Board should look at Table 6 regarding solid waste and asked if the Committee had talked to waste management. Ms. Veasey replied no and that the Committee needed to approach recycling. Mr. Stewart stated that a 10% shift in waste going to the land fill as compared to being recycled could save a great deal. Selectman Bennett replied that pick up was the lowest cost to the Town and said the Board should keep in mind a 90 year old woman getting the trash out. Mr. Stewart replied that for waste management everything should be on wheels. Mr. Bennett replied that a 90 year old woman could not handle 90 gallon bins. Mr. Stewart recommended that the Town get smaller bins and that 90% of families would recycle more but they cannot with 35 gallon bins. He further stated that if every household put out 1 bin it would make a difference. Mr. Dziechowski stated that the Town should pick up recycling every week. Mr. Stewart stated that single stream recycling would be easier for residents. Mr. DiMaggio stated that he only recycles paper. Mr. Dziechowski stated that residents could put paper in one bin and plastic in another. Mr. Bennett asked if magazines could be recycled and Chairman Killam replied in the affirmative. Ms. Veasey stated that plastic

recycling was down and that most plastic goes in the trash. Mr. Stewart stated that it would be better to let residents put everything in one bin and let waste management sort everything.

Ms. Veasey stated that the committee would have to discuss the issues. Mr. Stewart stated that he had talked to waste management and wants to have a compromise before the next Town meeting. Ms. Veasey asked if they wanted to discuss paying for trash. Mr. Stewart replied that he wanted to make recycling easy and did not want to penalize people. Mr. Stewart further stated that the Town pays \$80.00 per ton for solid waste while single source would cost \$30.00 per ton. Vice Chairman DiMaggio asked why. Mr. Stewart explained that single stream was discussed and rejected because waste management matched the lowest bid price.

Vice Chairman DiMaggio asked if they could change and have one bin. Mr. Stewart replied that two bins would be better, one for trash and one for recycling.

Ms. Veasey asked if the Board had received the draft chapter to the Master Plan entitled "Energy Efficiency and Sustainable Development". Mr. Bennett replied that he had not. Ms. Veasey gave all members of the Planning Board a copy of the draft chapter and it was introduced into the minutes.

Mr. DiMaggio asked if a Town vote was needed to change the Master Plan. Mr. Stewart replied no. Ms. Veasey stated that part of the grant was marked to review what was in the study and compare it to Town Ordinances. Chairman Killam asked if there were a deadline. Ms. Veasey replied that the deadline had been met and that the draft had been accepted. Mr. Stewart suggested that the policy should be voluntary oversight and incentives for voluntary changes to improve energy efficiency such as energy windows, inspecting insulation and so on.

Mr. Dziechowski stated that the Town does have a policy because the Town adopted the State plan, but it is not in the Code. Chairman Killam stated that the Town needed to improve the plan. Ms. Veasey stated that the State action plan gave 20 to 25 years to reduce energy use and that page 4 of the report compares 1990 energy use to 2004 energy use. Ms. Veasey stated that the issue was to put in the master plan that new buildings had to be energy efficient. Chairman Killam stated that an analysis of energy use had to be done at the design phase.

Selectman Bennett then mentioned the Town Library, which is probably not energy efficient. Ms. Veasey stated that before the Town approved a building design, it needed to look at expenses over the life of the building compared to initial cost savings. She also stated that the first item should be a comprehensive energy audit of Town Hall. Selectman Bennett asked Ms. Veasey if she could comment on homeowners. Ms. Veasey stated that energy efficiency for homeowners should be addressed, that homes account for 40% of energy consumption. Mr. DiMaggio asked if there would be incentives for homeowners. Chairman Killam replied that the State gives incentives to homeowners. Mr. DiMaggio asked how much, and Chairman Killam replied that they were small.

Selectman Bennett stated that as an example starting with property tax, if you added wind to the value of the home then subtracted it, then you would not be taxed for the added value.

Vice Chairman DiMaggio stated that he would like to make a Motion that a homeowner who installs geothermal, solar or wind gets a 10% tax reduction. Chairman Killam stated that the Planning Board could not establish tax policy.

Mr. Stewart stated that the library chose to wet sprinkle, and now 40% more of the building needs to be heated when it is not occupied. Selectman Bennett asked why the library would wet sprinkle. Mr. Stewart replied that it was cheaper for the general contractor and that there were no requirements or incentives, that other methods of fire prevention have to be incentivized.

Chairman Killam stated that in Epping, New Hampshire commercial structures need to be energy efficient.

Mr. Stewart suggested that the Town empower the Building Inspectors to allow them to require that more energy efficient systems be put into new construction. Vice Chairman DiMaggio asked what the State guidelines were. Mr. Stewart suggested incentives as an alternative. Chairman Killam stated that she thought that was how Epping handled it. Mr. DiMaggio asked if the Town could give tax incentives, and Ms. Killam responded that the State set the Town tax rates.

Mr. Dziechowski initiated a discussion on net metering. Ms. Killam asked him to explain net metering. Mr. Dziechowski explained that if the building owner generated more power than was consumed, the meter would run backwards, the amount of power generated could be accumulated resulting in a net bill of \$0.00 for an entire year and that no cash was involved, the building owner would not be paid for electricity in excess of the yearly electrical bill and the negative meter is cumulative for one year.

Vice Chairman DiMaggio stated that Ms. Veasey did not mention oil, natural gas and uranium reserves in her report. Ms. Veasey replied that there was mention of it in the report, but it was softened.

Ms. Veasey stated that the Energy Plan was about looking at the long term. Ms. Veasey asked the Board's opinion on establishing an Energy Commission. Chairman Killam stated that a request for an independent Commission with a budget could be brought to the Board of Selectmen because establishing a Commission would need to be on the Town Warrant at Town Meeting.

Mr. DiMaggio suggested a motion to bring the Energy Plan to the next Public Hearing. Mr. Bennett stated that he had not had a chance to read the report and would like a chance to review it before it went before a public hearing. Chairman Killam agreed.

Vice Chairman DiMaggio made a motion to continue the discussion on the Energy Plan at the Planning Board workshop on November 4, 2009. Mr. Bennett seconded the Motion and the Board voted unanimously to continue.

Mr. Bennett requested Ms. Veasey's email. Ms. Veasey asked if the Energy Fair could be announced at the Selectmen's meeting. Mr. Bennett replied that she should ask Barbara Snicer and she would put it on the web site and on the Channel 20 crawler.

Approval of minutes- June 17, July 15, August 19, September 16, 2009:

The Planning Board reviewed the minutes for June 16, 2009 and made corrections. Vice Chairman Paul DiMaggio made a motion to approve the minutes as amended. Mr. Tim Dziechowski seconded the motion and the Planning Board voted unanimously to approve the Minutes as amended.

The Planning Board reviewed the minutes for the meeting of July 15, 2009 and made corrections. Board members present at the July 15, 2009 meeting were Chairman Killam, Vice Chairman Paul DiMaggio, Mr. John Wolters and Selectman Ex-Officio, Mr. William Bennett. Mr. John Wolters made the motion to approve the minutes as amended, Selectman Bennett seconded the motion and the Board voted unanimously to approve the minutes of the July 15, 2009 meeting of the Planning Board as amended.

The Planning Board reviewed the minutes for the meeting of August 19, 2009 and made corrections. Board members present at the August 19, 2009 meeting were Chairman Killam, Vice Chairman Paul DiMaggio, Mr. John Wolters and Selectman Ex-Officio, Mr. William Bennett. Mr. John Wolters made the motion to approve the minutes as amended, Selectman Bennett seconded the motion and the Board voted unanimously to approve the minutes of the August 19, 2009 meeting of the Planning Board as amended.

The Planning Board reviewed the minutes for the meeting of September 19, 2009 and made corrections. Board members present at the September 19, 2009 meeting were Chairman Killam, Vice Chairman Paul DiMaggio, Mr. John Wolters and Selectman Ex-Officio, Mr. William Bennett. Mr. John Wolters made the motion to approve the minutes as amended, Vice Chairman DiMaggio seconded the motion and the Board voted unanimously to approve the minutes of the August 19, 2009 meeting of the Planning Board as amended.

Chairman Killam asked the Board if there were any other items to be discussed.

Member Tim Dziechowski stated that he would like to discuss the wetlands buffer, the state level plans list and workforce housing. Mr. Dziechowski asked the Board for comments on accessory apartments as a solution for workforce housing, if the septic system was approved for more residents. Chairman Killam stated that she would

love to discuss workforce housing and that zoning changes would have to be made and reflected in the Master Plan. Chairman Killam stated that changing the master plan to allow accessory apartments would require extensive review and zoning changes. Chairman Killam stated that the Energy Report was an additional chapter in the Master Plan and would not involve an extensive review or changes.

Mr. DiMaggio made a motion to adjourn. Mr. Tim Dziechowski seconded the motion and the Board voted unanimously to adjourn the meeting. Chairman Killam adjourned the meeting at 11:00 p.m.

Respectfully submitted
Karen Wemmelmann

Minutes prepared from notes.

APPROVED _____