

ATKINSON PLANNING BOARD
Atkinson, New Hampshire

Public Hearing Meeting
Wednesday, October, 19, 2005

**Present: Susan Killam, Chairman; Paul DiMaggio, Vice-Chairman (7:40);
Chuck Earley; Mike Fletcher (7:56); Harold Morse (7:43)**

**Alternates: Ted Stewart; Donna Sullivan; Joseph Guishard; Tim
Dziechowski (7:40)**

Ex-Officio: Selectman Jack Sapia

Town Engineer: Steven Keach (7:58)

Ms. Killam called the meeting to order at 7:34 PM and dispensed with the correspondence and approval of minutes.

Discussion:

**1. Carol Grant to discuss options for beautification of Main Street
overlooking Scenic Vista at Cogswell Farm.**

Ms. Grant distributed pictures of the area being discussed. About 10 years ago the town adopted a scenic vista ordinance. One of the goals of the original and current Master Plan was to protect the scenic vista from the intersection of Stage and Main and the church.

What Ms. Grant is discussing is a two-phased project. The first phase will not cost the town anything; the second phase would cost the town a Warrant Article. On the left-hand side of Main Street the scenic vista is not visible because of the trees that have built up. The seven poles along the road between the corner of Main and Stage and the pole from Steve Lewis' house to Leroy can be buried. Ms. Grant reported that there is no utility strip. Jameson Hill of Jameson Excavation quoted a cost of about \$50.00 a running foot to bury the poles. This does not include the charges from the utility company, the linesmen, the surveying, etc. It's best to do it in the late spring or early summer when the ground is firm. It will take about three weeks to complete this project, beginning around 10:00 AM. A detail officer should be present. The lines would be buried on the inside of the stone wall. If the stone wall was disturbed it would be restored and the area re-seeded. Verizon is responsible for the maintenance of the poles, relocating the poles and burying the poles. A field survey is needed. The advantage of doing this is that all the main power lines run north to south and the major lines to the Verizon Building will not be interfered with. In order to bury lines, any of the abutters along the road must give their consent because the utilities lines to their house have to be re-hooked up to the buried lines and there is a charge for this.

The cost of the hook up for the houses would be included in the Warrant Article so that the individual homeowners would not have to pay for something that benefits the whole town.

Steve Lewis has agreed to take care of the cost of clearing all the trees on the inside of the stone wall except for two hickory trees that he wants to save. The state budget for cutting trees along the roads was cut back this year and Ted Stewart agreed to help with this. The first phase is restoring the scenic view. Phase two would be the Warrant Article to cover the cost of burying the utilities.

Ms. Grant asked if the Planning Board would submit and recommend an article. It was suggested that Ms. Grant write to other towns that have buried their utilities to get their input. Mr. Earley suggested Ms. Grant get more information and the Board will work on this at a work session.

The discussion was closed at 7:55 PM.
The next discussion was opened at 7:56 PM.

2. Compliance issues and remedy options on Industrial Way, regarding lots where site plans have not been completed. See RSA 676:4-a.

Jim Kirsch is before the Board to discuss Loren Realty Trust. Mr. Kirsch reported that the owner has not completed the site plan. The town is holding a passbook of \$41,000. The owner told Mr. Kirsch to let the town use this money to finish the site plan. It covers loam, seed, shrubs and erosion control. Mr. Stewart stated that the Selectmen have to go to Town Counsel to go through the legal process of taking the money. Once the money is in town hands, Mr. Keach can put this to bid and supervise the work. The owner has been using the building. The roads and driveways around the building and a retention pond have not been completed.

Mr. Keach read RSA 676:4-a. He reported that the owners have no intention of completing their requirements under the site plan. At the time it was approved a bond of \$40,000 was acquired. This was a Restoration Bond and was not intended to cover pavement, landscaping, etc. Mr. Keach did not feel the town should do the owners' job for him. He suggested the Board use the RSA to make him bring the property into conformance. He noted that there are other problems in that area and that this would send a message. If the owner does not comply he would lose his Certificate of Occupancy. The town has had litigation with respect to this property. The owner was using the building before the sprinkler system was in place. He was fined quite heavily for this. This lot was conveyed from Beaver Brook to the present owner and the bond was transferred.

It was recommended the Board conduct a site walk and consult town counsel to see what would be an appropriate remedy. The Planning Board will send a letter

to the owner putting him on notice. If he does not comply the revocation process will begin.

The discussion was closed at 8:16 PM.

The Public Hearing was opened at 8:17 PM.

Public Hearings:

1. Richard & Harratt Houde (Cameron) submission of an Application for Formal Consideration and Approval for a Lot Line Adjustment Plan between Richard & Harratt Houde, 14 Westside Drive, Map 17, Lot 29-2 (8.02A) and William Carpenter, 12 Westside Drive, Map 17, Lot 30 (2.83A) to transfer Parcel "A" (36075 SF) from Lot 30 to Lot 29-2, RR2 Zone.

The abutter's list was read. Present: Richard & Harratt Houde; William Carpenter; James Lavelle Associates.

James Lavelle presented. A variance was granted by the Zoning Board of Adjustment to allow for Mr. Carpenter's lot to be 2.0A with the wetlands. Mr. Keach recommended approval with the following conditions: Note the approved variance on the plan, Certified Wetland Scientist stamp, note length of missing property line, note the right of way width of Westside Drive, set the pins that the plan suggests will be set and correct the spelling of the word 'Lexington' on the location map.

The voting members: Mr. Sapia; Mr. Morse; Ms Killam; Mr. DiMaggio; Mr. Earley; Mr. Fletcher; Alternate: Mr. Stewart

There was discussion as to whether Mr. Stewart is a regular member of the Board or an alternate member. Ms. Killam stated that Mr. Stewart is an alternate until a letter of resignation is received from Nicole Cheney. A phone call was received from Selectman Fred Childs confirming Ms. Killam's statement. Mr. Stewart will vote as an alternate.

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

The hearing was open to the public with some discussion about the 2-acre high and dry ordinance.

Mr. Earley made a motion to approve the Application for a Lot Line Adjustment between Richard & Harratt Houde, 14 Westside Drive, Map 17, Lot 29-2 (8:02A) and William Carpenter, 12 Westside Drive, Map 17, Lot 30 (2.83A) to transfer Parcel "A" (36075 SF) from Lot 30 to Lot 29.2, RR2 Zone with the following conditions: 1) Note the approved variance on the plan, 2) Certified Wetland Scientist stamp, 3) Note length of missing property line, 4) Note right of way width, 5) Setting of all pins, 6) Correction of word 'Lexington' on the location map.

Mr. Stewart seconded the motion. Motion approved. One opposed.

The hearing was closed at 8:30 PM.
A five-minute recess was called.
The Public Hearing was resumed at 8:40 PM.
Mr. Dziechowski stepped off the Board.

3. Winslow Drive Realty Group, LLC, Brian Boyle submission of an Application for Formal Consideration and Approval for a Minor Site Plan amendment to previously approved Subdivision' Jameson Ridge' proposing to eliminate the Fire Access Lane by installing an additional hydrant on Woodlawn Avenue. Properties located on Winslow Drive, Map 13, Lot 29-12 & 13, RR2/TC Zone.

The abutter's list was read. Present: Winslow Drive Realty Group, LLC, Town of Atkinson, Joseph Cote, Tim Dziechowski

This 27 Lot Subdivision was submitted by developer Turner Porter in January 2004 and was conditionally approved by the Board on April 21, 2004. As part of the plan approval process the department heads were consulted. Much of the discussion during the approval process centered on a fire access, lack of water and how the developer would address this issue. The developer chose an access road and chose to sprinkle the buildings. The developer drilled a common well, which requires a DES approval. One of the requirements is to monitor wells within 500' of the proposed well. The developer went through this process and adversely affected some wells on Woodlawn Ave. Once Mr. Boyle was under a Purchase and Sales Agreement he negotiated with a water company to extend water down Rt. 121 to Winslow Drive. Mr. Boyle asked the fire chief what he thought of a hydrant in place of an access lane. Long before Mr. Boyle entered the picture the board was dealing with the issues of access road width and who would maintain the road, etc. The Board gave a conditional approval with a recorded easement. Mr. Boyle felt that he has improved the safety of the project by bringing in water. This is not a cost cutting benefit. It costs more money to run a water line than to pave a driveway 300' - 12' wide. Mr. Boyle felt that this would benefit his project and the abutting project on Woodlawn Ave.

Mr. Keach asked the Board if the easement would be extinguished or if it would remain there. A corrected plat or a release of easement would need to be filed at the registry. Mr. Boyle stated that the water company would need an easement in approximately the same area.

There was a question raised as to whether Mr. Earley, as a representative of the Fire Department should step down during this hearing. Mr. Earley chose to remain on the Board. The Chairman asked Mr. Morse if he would consider stepping down and Mr. Morse declined. RSA 673:14 was read. The Board

agreed that Mr. Morse and Mr. Earley's decisions were in keeping with RSA 673:14.

Voting members: Mr. Sapia; Mr. Morse; Ms. Killam; Mr. DiMaggio; Mr. Earley; Mr. Fletcher; Alternate: Mr. Stewart.

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

The Board reviewed the plan. Mr. Fletcher asked if the water company would extend a water line at their own cost. Mr. Murphy stated that being a public utility they cannot extend a line on speculation, either the developer or the residents need to assume the cost. In this case the developer has agreed to pay. Mr. Boyle reported that there is a \$10,000 to \$15,000 difference in cost for the water line as opposed to the access road. Mr. Sapia was not in favor of creating through traffic and felt that these were two separate issues. Mr. Stewart was hoping to extend the water line to provide a better water supply to the school and library. The cost is less extending the line down a secondary road than down a state highway. Mr. Murphy felt he could provide more protection with a hydrant than with an access road.

A poll of the Board found Mr. Earley in favor of the hydrant. Mr. Sapia noted that you don't sacrifice safety requirements and codes and conditions of one development for another. You keep the new developments up to code and if something else can be improved somewhere else in town you do it. Mr. Sapia felt that that the Board is getting way off track discussing a water line to the school and town hall. Ms. Killam agreed and reminded everyone that the request before the Board is to remove an access road on a particular plan in trade of a hydrant. Mr. Stewart stated that this fire access lane that is gated does not have the benefits of traffic flow, police access, etc.

In response to a question from Mr. Stewart, Ms. Killam stated that the town does not have an ordinance that limits the length of a cul de sac. Many communities recommend a 500' maximum unless the Planning Board feels a longer one is necessary, such as topographic issues. The cul de sac being discussed is about 2,500', four times larger than the limit recommended. This could be a proposed article in the future.

There was discussion about using the school private property as part of this access road. The school district did not provide this alternative access. Ms. Killam noted that we are talking about eradicating an emergency access on the plan in trade for a fire hydrant. Ms. Killam was in favor of both the access road and the hydrant.

The access road was discussed at a School Board Meeting. Mr. Stewart stated that the Board of Selectmen asked to have the access through the school

parking lot denied. Mr. Sapia did not agree with this. Mr. Sapia stated that he was asked at the School Board Meeting what the town's opinion was on this issue. He stated that what the School Board does on their property is their business and asked that the School Board take into consideration line of site, engineering, etc. Because the access road was made an attachment to a legally binding contract the Selectmen felt they had some responsibility to participate in the meeting. Mr. Sapia asked what an access road had to do with Little League. He did not ask the Board to deny it. The School Board Members were against this access road because it was attached to the parking lot. Mr. Stewart stated that if this fire hydrant passes tonight he was hoping that the access road would be accepted because access to Woodlawn is a good thing. This would provide secondary police access.

Mr. DiMaggio asked Mr. Murphy if the Fire Department ever used the access lane at Settler's Ridge. Mr. Murphy stated that he could not recall using it. It was used before it was paved to fight a forest fire. Access roads in other developments have not been used. The hydrants are used regularly.

The hearing was opened to the public. Joseph Cote, resident of Woodlawn Ave. stated that he was in favor of the hydrant. Mike Turell, who lives on the lower part of Woodlawn Ave., could not imagine how serious an emergency would be to use Woodlawn Ave. to get onto Winslow. He felt the Fire Department some day may have to use Winslow to access Woodlawn Ave. He was not in favor of any access road, gated or not.

Mr. Morse asked if the fire hydrant was an option when the plan was approved would the fire department require an access. Mr. Murphy stated that he would not, he would have asked for more hydrants. Mr. Murphy felt that protection would improve by putting in the hydrant. He doesn't have to worry about the access being maintained, etc.

Mr. Sapia felt that when a new development is going in there should be equity and a consistency in our policy. We are sacrificing a safety factor on a new development to enhance an older development. Mr. Morse stated that we have always negotiated with developers for off site improvements. Mr. Murphy noted that the town would not have the fire protection it has on the West Side of town today if it wasn't for negotiating hydrants from developers. Hydrants are placed in strategic locations by negotiating with developers.

Mr. DiMaggio noted that he was instrumental in providing access lanes in other developments. He added that these access lanes have not been used. He was in favor of the hydrant.

Mr. Earley made a motion to approve Brian Boyle's submission of an Application for Formal Consideration and Approval for a Minor Site Plan amendment to previously approved Subdivision, 'Jameson Ridge'

proposing to eliminate the Fire Access Lane by installing an additional hydrant on Woodlawn Avenue. Properties located on Winslow Drive, Map 13, Lot 29-12 & 13. RR2/TC Zone. Mr. Stewart seconded the motion. Motion approved - 3 opposed.

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

The hearing was adjourned at 10:10 PM
Next scheduled Workshop Meeting - November 2, 2005.

APPROVED _____ Respectfully submitted,

Carol Kater