

**ATKINSON PLANNING BOARD**  
**Atkinson, New Hampshire**

**Public Hearing/Workshop Meeting**  
**Wednesday, November 2, 2005**

**Present: Susan Killam, Chairman; Paul DiMaggio, Vice-Chairman; Chuck Earley; Harold Morse**  
**Alternates: Ted Stewart (8:03); Tim Dziechowski**  
**Ex-Officio: Selectman Jack Sapia (8:00)**

Ms. Killam called the meeting to order at 7:35 PM.

Correspondence

Incoming

1. City of Haverhill Public Notice for Planning Board meeting 11/9/05.
2. James Lavelle Associates letter dated 11/1/05 re: Map 17, Lot 29-2 & 30 Westside Drive monument certification.
3. Rockingham Planning Commission 'Zoning Notice' Ordinance Amendment Schedule Calendar.
4. Keach-Nordstrom Associates, Inc. dated 11/1/05 re: Account Balance: Bryant Brooks Estates (Little River Subdivision).
5. Selectmen minutes dated 10/13 & 10/17.

Outgoing

1. James Lavelle Associates dated 10/24/05 re: Lot Line Adjustment approval for Carpenter/Houde, Westside Drive, Map 17, Lot 29-2 & 30.
2. Winslow Drive Realty Trust dated 10/27/05 re: Jameson Ridge Plan Amendment, Fire Access Lane, Winslow Drive, Map 13, Lot 29.
3. Planning Board Legal Notice for Public Hearing Meeting 11/16/05.

The Public Hearing was opened at 7:54 PM.

All members present will vote.

**PUBLIC HEARINGS:**

**James Lavelle Associates - Minor change to previously approved Lot Line Change for Jamie Stephenson, East Road, Map 14, Lot 86-1 & 86-2.**

James Lavelle is before the Board to discuss this plan that was approved in 1980 but was never recorded. In order to get this plan recorded at this time a new Mylar would have to be done. Most of the information is the same except for a few address corrections. This will get the plan in a format that the registry will accept. After reviewing the minutes Ms. Killam reported that there were a couple of meetings that led to this approval and there was some disagreement between James Lavelle, Sr. and the Board. At the end of the meeting Mr. Lavelle commented 'Why don't you record it yourself?' Neither the town nor Mr. Lavelle recorded the plan. The lots are deeded by the plan and have been resurveyed.

**Mr. DiMaggio made a motion to restamp and sign the Lot Line Change. Mr. Earley seconded the motion. Motion approved unanimously.**

The hearing was closed at 8:15 PM.

The next discussion was opened at 8:18 PM.

**Discussion:**

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

Ms. Grant distributed pictures of the scenic vista and the roadway. Ms. Grant reported on the difference between a scenic byway and a scenic road. Scenic roads are under RSA 231, which puts restrictions on the use of the road, the side of the road, etc. There are no restrictions on a scenic byway, which is what Ms. Grant is advocating. This designation will make the road eligible for Federal Grants for enhancement projects. Ms. Grant sent a letter to the Office of Energy and Planning regarding the project. The Office of Energy and Planning responded stating that having the road declared a scenic byway would provide prestige and community pride with no restrictions. The office recommended the Planning Board submit an application for Rte. 121 to be included and designated a New Hampshire Scenic Byway, which will make the town eligible for Federal Grants. The application of Federal Grants must be in by January 20, 2006. Before you can be eligible the State has to give the stretch of road a scenic byway designation. It was suggested the application include as many pictures as possible as well as noting any historical sites along the way. It was also suggested that Verizon be contacted to get the specific cost of burying any poles along the road.

The Planning Board should formally request a survey from Verizon to see what it would cost to bury the utilities. The Cable Company may also want to be involved. The Planning Board needs to determine the definite start and finish point to determine which poles will be taken down. Some poles have a gray or green box on them. These boxes are juncture points. Verizon would need a police detail on the site. The Federal Grant does not cover the cost of burying the poles but they may cover the cost of a scenic outlook. The roadway will also be included in the state's tourist promotional display.

**Mr. Stewart made a motion that the Planning Board apply to Verizon for a Cost Analyses Survey. Mr. DiMaggio amended the motion to include a Cost Analyses Survey to include a survey for 7 poles and one for 9 poles. Mr. Earley seconded the amended motion. Motion approved unanimously.**

Mr. Stewart will be on site during the survey. Support from all the committees and Boards will be helpful. Mr. Dziechowski discussed the possibility of other communities being involved and including Rt. 121 (Stage Road) as a Historical Road from town line to town line.

**Mr. Earley made a motion that the Planning Board completes the application for the State Scenic Byway Road from Town Line to Town Line. Mr. Stewart seconded the motion. Motion approved unanimously.**

Mr. Dziechowski will right the letters of application. If there are any historical buildings along the road pictures and a write up should be included with the application. Carol Grant will do the write up for the historical sites. Mr. DiMaggio felt the cost of rebuilding the stone wall should be included in the application.

The discussion was closed at 8:55 P.M.

### **Approval of Minutes - August 17, September 21, October 5 & 19, 2005.**

The minutes of August 17, 2006 were reviewed and the following corrections were made:

Page 2, last paragraph third sentence from the bottom. Change 'AC' to 'OC'.

**Mr. Earley made a motion to approve the minutes of August 17, 2006 as amended. Mr. Sapia seconded the motion. Motion approved unanimously.**

The minutes of September 21, 2006 were reviewed and the following corrections were made:

Page 1, Incoming Correspondence #13, last sentence, change Ted Dziechowski to Tim Dziechowski.

Page 2, 3<sup>rd</sup> paragraph, second last sentence, correct RSA 674:54.

Page 2, 5<sup>th</sup> paragraph, third last sentence correct spelling 'Betourney'.

Page 7, 2<sup>nd</sup> paragraph, Mr. Earley reported that it is too late to plant any trees, it will be done next year.

**Mr. Earley made a motion to approve the minutes of September 21, 2006 as amended. Mr. Morse seconded the motion. Motion approved. Mr. DiMaggio abstained.**

The minutes of October 5, 2006 were reviewed and the following corrections were made:

Page 2, last paragraph, last sentence, change 'sited' to 'cited'.

**Mr. Earley made a motion to approve the minutes of October 5, 2006 as amended. Mr. Stewart seconded the motion. Motion approved. Mr. Sapia and Mr. Morse abstained.**

The minutes of October 19, 2006 were reviewed and the following corrections were made:

Page 1, heading, change 'Ted' Dziechowski to 'Tim' Dziechowski.

Page 4, 4<sup>th</sup> paragraph, first sentence, correct spelling 'Subdivision'.

Page 4, last paragraph, to read '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.

**Mr. Earley made a motion to approve the minutes of October 19, 2006 as amended. Mr. Morse seconded the motion. Motion approved unanimously.**

**Mr. Earley made a motion that a letter be written by the Planning Board to the Selectmen stating that members Nicole Cheney and John Miller are 'Neglect of Duty' on their part, per RSA 673:13 and that Ted Stewart be promoted to a regular member of the Planning Board. Mr. DiMaggio seconded the motion. Motion approved. Mr. Stewart abstained.**

### **Zoning Ordinance and Regulation Changes Ordinance changes relative to Eminent Domain Conservation Commission - Wetland Ordinance**

Ms. Killam questioned where this ordinance should be placed in zoning. Mr. DiMaggio will check on this. Mr. Dziechowski came across a section on Legal References and this was read. There was a Supreme Court decision in 1992 regarding the developing of a coastline and this was discussed. Their decision is why the wetland bureau is not adverse to access because to deny access to a landowner is 'a taking without compensation'. Mr. Dziechowski wanted to make sure that in our Wetland Zoning changes the Board does not attempt to block a landowner's ability to access their land.

Mr. Dziechowski reported that the new Wetland Article would be much simpler. The state passed a regulation that will make the town automatically in sync with the state. The final document should be ready in two weeks.

Parking Lot Wetlands Buffer - this refers to commercial site plans. Conservation would rather see a variance from a septic system close to the wetlands than a parking lot. Mr. Dziechowski read Section 410:8 which would be modified. The idea is for a 100' setback from wetlands. Ms. Killam felt that this would need a lot of work. Ms. Killam noted that we were trying to get away from variances and this would be excessive.

### **Road Agent - Road Regulation Changes**

Mr. Stewart stated that this regulation enables the Board of Selectmen to approve roads, approved by our Town Engineer vs. a town vote. Mr. Stewart stated that this Article is ready to go.

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

The meeting was adjourned at 9:45 PM.  
Next scheduled Public Meeting - November 16, 2005.

**APPROVED** \_\_\_\_\_ Respectfully submitted,

Carol Kater