

ATKINSON PLANNING BOARD
Atkinson, New Hampshire

Public Hearing Meeting
Wednesday, November 19, 2003

**Present: Susan Killam, Chairman; Paul DiMaggio, Vice-Chairman (7:46);
Chuck Earley; Harold Morse; Nicole Cheney**
Alternates: Donna Sullivan
Ex-Officio: Phil Consentino, Selectmen (8:00)
Town Engineer: Steve Keach (8:06)

Ms. Killam called the meeting to order at 7:44 P.M.

CORRESPONDENCE

Incoming

1. Approval for Subdivision #SA2003004585, dated 11/6/03 for Killam Subdivision, Westside Drive.
2. Town of Salem, NH Legal Notice re: Stickney Lot Line Adjustment for 11/25/03.
3. ZBA letter to SFC Engineering re: Jerick RT, Rte #111, Map 20, Lot 20-6 Child Care Center approval extension.
4. ZBA letter to Ms. Morgan-Arnfield re: Approval of Accessory Living Unit, 53 Westside Drive, Map 11, Lot 24.
5. Selectmen's Minutes dated 10/20, 10/27.

Impact Fees amounting to \$117,000 have been expended to reduce the tax rate.

6. RCPC Re: Senate bill 95, which will establish a municipal workforce housing obligation.

Outgoing

1. Planning Board Legal Notice for meeting 11/19/03.

APPROVAL OF MINUTES - November 5, 2003

The minutes of November 5, 2003 were reviewed and the following correction made:

Page 3, 2nd last paragraph, second sentence, add 'Previously' before 'Mr. Keach'.

Mr. DiMaggio made a motion to approve the minutes of November 5, 2003 as amended. Mr. Earley seconded the motion. Motion approved unanimously.

Ms. Killam requested that Mr. DiMaggio take the chair. Ms. Killam sat on the Board as a voting member.

Mr. DiMaggio called the meeting to order at 8:00 P.M.

Continued from October 15, 2003

1. Engineering Alliance, Inc. for Heyland Development, LLC and owner John Lathrop III, submission of an application for Acceptance, Formal Consideration and Approval of a proposed 6 lot Rural Residential Cluster on 15.6 acres located at 33 Maple Ave., Map 9, Lot 33, RR2 Zone.

The Abutter's list was read. Present: Heyland Development, LLC

The applicant reported that all of the Town Engineer's concerns have been addressed. Revised plans, Homeowner's Association Document Draft and Test Pit results were submitted.

Mr. DiMaggio asked how they had dealt with the 50% Open Space. The applicant reported that they have accepted the Planning Board interpretation of the regulation. They were conservative in the first lot area calculations and they do have the 50% while still maintaining the six lots. Some lot line revisions were made, none of the frontage has changed. Site Lot plans were submitted along with the driveway profiles.

Mr. Keach's letter was reviewed. The Town Engineer has received the set of revised plans.

General Comments: 1) All state project permits should be received and noted on the final project plan set. 2) Developer will need to provide a performance bond.

Zoning Matters: 1) It is recommended that the draft copies of the Homeowners Association Documents and protective covenants be reviewed by Town Counsel.

Planning/Design Matters: 1) 2) 3) are minor corrections. 4) A waiver needs to be acted on for the 22' road section and, to minimize impact wetland, to seek a waiver for a 1 1/2 to 1 side slope. Mr. Keach recommended the side slope be carried further to the east with a guardrail. Mr. Keach supports both of the waiver requests. 5) Input from the fire chief.

6) Sheet C-4 of the project plans, platted Lots 33-3 through 33-6 consists of land with very steep slopes. The consultant has provided conceptual lot grading plans for residential construction of these four lots. This information has been added to the project plans as Sheets CP-1 through CP-3. Mr. Keach had asked the developer to provide proof of 'buildability' for these lots and the lot grading plans and driveway profiles have been submitted to demonstrate that there is a viable way of doing this. Mr. Keach noted that the driveways are steep with a maximum grade of 12 1/2%. He noted that there are no specifications in Atkinson that deal with grades. The DOT has a residential driveway standard of 15%. Drive under garages are proposed for these houses. Mr. Keach stated that he did not want to see grading crossing from lot to lot and this has not been proposed.

Ms. Killam asked where they land the cul-de-sac. Mr. Keach stated that a 3% platform has been created. There are regulations regarding this (see Sheet D1 - Drive Apron Detail) and they have accommodated that.

7) 8) 9) Minor corrections.

10) It is recommended that the guardrail be extended from Sta. 3+00 through Sta. 7+75-right, from sta. 2+75 through Sta. 7+75 left; and around the perimeter of the proposed cul-de-sac at locations where proposed roadway side slopes are steeper than 3:1 due to the overall steepness and length of proposed fill slopes. The same 2-foot wide gravel shoulder extension should be provided at all locations where rail is to be installed. It is recommended the data provided on both sheets C-6 & C-7 be revised accordingly.

11) 12) Minor corrections.

13) It was recommended the applicant consider installing a street lamp at the intersection of Bryant Brook Estates and Maple Avenue to provide nighttime visibility at this intersection. Mr. Consentino agreed this should be done. The applicant agreed to use the nearest existing utility pole. The rest of the issues are minor.

Mr. Morse made a motion to take the plan for Bryant Brook Estates, 33 Maple Ave., Map 9, Lot 33, RR2 Zone, dated 11/19/03 under jurisdiction. Mr. Earley seconded the motion. Motion approved. Mr. Consentino abstained.

Mr. Keach questioned the shared driveway along the side slope, which is very steep. Mr. Keach suggested installing some boulders to make it less steep. The applicant agreed to this. The applicant will look at the guardrail and grading issue again. The shoulder and slope does meet the standards. Mr. Keach noted that the secondary roads are the last to be plowed in a storm and noted the public safety issue. Some areas may be revised to 3 to 1.

Mr. Earley made a motion to waive 12a, the reduction of the road width to 22' and 12b, to go to a 1 to 1 1/2 slope. The applicant was asked to provide a letter requesting these waivers for their file. Mr. Morse seconded the motion. Motion approved. Mr. Consentino abstained. The receipt of the letter requesting the waivers should be noted on the plan.

A site walk was scheduled for Sunday, December 7, 2003 at 9:00 A.M.

Mr. Morse made a motion to continue this hearing to the Site Walk on December 7, 2003 and to the Public Hearing on December 17, 2003. Mr. Earley seconded the motion. Motion approved unanimously. Plans will be sent to all department heads.

The hearing was closed at 8:45 P.M.
The next hearing was opened at 8:47 P.M.
Mr. Morse stepped off the Board.

New Applications

- 2. Lemery Development, LLC submission of an Amendment to "Cogswell Farm" Site/Subdivision Plan for Consideration and Approval to allow the separation of a previously approved 4 unit building (Bldg. #9) located on Fox Hollow Road into 2-2 unit, buildings, Map 13, Lot 1, Bldg. #9, TR2 Zone.**

The abutter's list was read. Present: Cogswell Farms Condominium Association; Lemery Development LLC.

Mr. Kiberski noted that the original plan had a 4-unit building. What is proposed is splitting it into 2 - 2 unit buildings (buildings 6 & 9). Mr. Keach noted that there are the same number of units, road configuration and square feet of usage.

Mr. Keach's letter was reviewed:

General Comments: 2) Mr. Keach suggested that the proposed site plan amendment should qualify as a 'minor change'. 3) No state permits are affected.

Planning/Design Matters: 1) The final amended project plans should show the footprints. It is a Building Department issue. 2) It is recommended that the final amended plan be revised to depict proposed grading in the vicinity of the proposed buildings. 3) It is recommended that the final amended plan specify how water, sewer and other utility services will connect to the two adjusted buildings. 4) It is recommended that the previously approved street names (Partridge Lane & Fox Hollow Road) be labeled on the amended site plan and the previously approved hydrant at the intersection of Cogswell Farm Road and Fox Hollow Road should be added to the final amended site plan. 5) The invert out elevation for a cross culvert near the intersection of Partridge Lane with Fox Hollow Road (323.95) is incorrect. The correct invert elevation is 343.95.

The Board agreed that this is a Minor Change because it respects density. Section 600:22A in Zoning were reviewed.

The hearing was opened to abutters.

Mr. Richard Grattedi owns a unit at Cogswell Farm and is a Cogswell Farm Association Board Member and Attorney Bob Jutras were present. Attorney Jutras stated that they do not oppose the splitting of the four-unit building. He noted that this is not a 'phased in development' and consulted with McClain/Graph, legal experts in this area to make sure there are no problems. It

was their opinion that the plan needs to receive Attorney General approval and would require an amendment to the declaration. Because it is not a phased in development, the documents also require the developer to obtain a 100% vote of the unit owners and they will need to get approval from all of the banks which are holding mortgages on the individual units. Attorney Jutras asked that approval of this be conditioned on the proper steps. Mr. Keach noted that this couldn't go to the Attorney General without the approval of the Planning Board. Attorney Jutras expressed concern with the size of the units questioning if they would stay at 1600-sq. ft. because the fees are based on the percentage ownership.

Mr. Keach stated that the Building Department could issue no permits until there is Attorney General approval.

The hearing was closed to abutters.

**Mr. Earley made a motion to continue this hearing to December 17, 2003.
Ms. Cheney seconded the motion. Motion approved unanimously.**

The hearing was closed at 9:20 P.M.

Selectmen Consentino left the meeting.

Mr. Morse returned to the Board.

The next hearing was opened at 9:21 P.M.

3. C. Warren Stickney submission of a Proposed Lot Line Adjustment Plan for Consideration and Approval for Lot Line Adjustments on three abutting properties located on Westside Drive, Map 11, Lots - 15, 15/2 & 26 to allow transfer of acreage, TR2 & RR3 Zone. Properties owned by C. Warren & Olive Stickney Rev. Trust, Kevin & Lynne Stickney & Jameson & Janet Hill.

The abutter's list was read. Present: Warren & Olive Stickney Rev. Trust; Kevin & Lynne Stickney; Gary & Cindy Cereno; Jacqueline Traynor and James Lavelle Associates.

Mr. Lavelle reported that Mr. Stickney's lot contains 6.1 acres. The proposal is to subdivide and create two full parcels. Parcel B goes to Kevin Stickney's lot adding to 11/26. Parcel A will be added to Jameson Hill adding to 11/15. This will leave 2 acres at Mr. Stickney's home in Salem, NH. They have had a Technical Review meeting with the Town of Salem and this is on the agenda for the next Planning Board meeting. There are wetlands involved.

Mr. Keach reported that this is a Salem issue. The residence is in Salem and they are using the land in Atkinson to satisfy Salem zoning Provision 674:53. Before the plan is recorded it should be signed. Because Mr. Stickney's lot is going to 2 acres, subdivision approval is needed. All monuments should be set or bonded prior to recording and a letter from Mr. Lavelle stating that this has

been done is needed. Mr. Lavelle agreed to this. Mr. Lavelle stated that they might need to go to Salem to amend the plan. Mr. Keach stated that this would be an expedited review. Approval is needed from both Planning Boards.

The hearing was opened to abutters.

Ms. Traynor's lot abuts Jameson Hill's property (11/34). She asked if the Hill property could be subdivided. Mr. Keach stated that there is not enough frontage. It was noted that there are a lot of wetlands on the parcel, which would not be buildable and would not meet the 100' from wetlands. The Board told Ms. Traynor that it is not likely a subdivision would go in there. Ms. Traynor asked what the wetlands could be used for and this was explained to her. She also asked if the property could ever be a commercial use. The Board informed her that it could only be a home business. Mr. Stickney stated that this is not what Mr. Hill is planning. Ms. Traynor also asked about hunting and firearm restrictions. The land in questioned has been posted. This could change.

The hearing was closed to abutters.

Mr. Morse made a motion to approved the plan of C. Warren Stickney submission of a Proposed Lot Line Adjustment on three abutting properties located on Westside Drive, Map 11, Lots - 15, 15/2 & 26 to allow transfer of acreage, TR2 & RR3 Zone. This is conditioned on approval by the Salem, NH Planning Board, the change of note 7b, change note 8 and remove 'before bonded'. Mr. Earley seconded the motion. Motion approved unanimously.

The hearing was closed at 9:50 P.M. A five-minute recess was called. Due to a medical emergency Mr. Earley and Ms. Sullivan left the meeting.

The next hearing was opened at 9:55 P.M.

4. Omnipoint Holdings, Inc. for PAVCO, LLC submission of a Minor Site Plan Review for a Wireless Communication Facility co-location on an existing telecommunication tower located off Rte. #111, Map 20, Lot 35-1, RR3 Zone.

The abutter's list was read with no abutters present.

Deborah Zompa Couch, Wellman Associates, Inc. representing Omnipoint presented. This is regarding the existing tower off Rte. #111 (9 Connelly Road). Since the plan was submitted the height has changed to 174'. What is proposed is the installation of 6 antennas on the tower. The tower is 190' and they will be the second carriers on the tower. A structure is not proposed at the base of the tower but a concrete slab with three BTS and three outdoor cabinets are proposed. This will be a simple co-location.

Mr. Morse made a motion to approve the plan of Omnipoint Holdings, Inc. for Pavco, LLC for a Wireless Communication Facility co-location on an existing telecommunication tower located off Rte. #111, Map 20, Lot 35-1, RR3 Zone. Ms. Killam seconded the motion.

Discussion: Mr. DiMaggio asked about the fence. There is one already there and another fence is not proposed.

Motion approved. Mr. DiMaggio abstained.

The hearing was closed at 10:05 P.M.

The next hearing was opened at 10:06 P.M.

5. Proposed Amendments to the Building Codes to adopt the latest available revisions to the following previously approved National Fire Protection Codes:

- NFPA 20 Installation of Stationary Pipe for Protection**
- NFPA 30 Flammable and Combustible Liquid Code**
- NFPA 30A Motor Fuel Dispensing Facilities and Repair Garages**
- NFPA 33 Spray Application Using Flammable or Combustible Materials**
- NFPA 34 Dipping and Coating Processes Using Flammable or Combustible Liquids**
- NFPA 51B Fire Prevention During Welding, Cutting and other Hot Work**
- NFPA 86 Ovens and Furnaces**
- NFPA 1901 Automotive Fire Apparatus**

Mr. Morse made a motion to continue this hearing to December 3, 2003. Ms. Cheney seconded the motion. Motion approved unanimously.

Mr. Morse made a motion to adjourn. Ms. Killam seconded the motion. Motion approved unanimously.

The meeting was closed at 10:10 P.M.

Next scheduled Planning Board meeting December 3, 2003.

APPROVED _____ Respectfully submitted,

Carol Kater

