

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

**Workshop/Public Hearing Meeting**  
**Wednesday, December 7, 2005**

**Present: Susan Killam, Chairman; Paul DiMaggio, Vice-Chairman; Chuck Earley; Harold Morse (7:40); Mike Fletcher (7:50); Ted Stewart (7:50)**  
**Alternates: Donna Sullivan; Joseph Guishard (7:40); Tim Dziechowski (7:40)**

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

Correspondence

Incoming

1. City of Haverhill Legal Notice for meeting 12/13/05 & 12/14/05
2. Keach-Nordstrom Associates dated 11/14/05 re: Lincmark RT estimate of plan review.
3. Keach-Nordstrom Associates dated 11/14/05 re: Michael & Denise Chambers estimate plan review.
4. Keach-Nordstrom Associates dated 11/14/05 re: Gilles Gagnon Site Plan review estimate.
5. Memo from Chief Michael Murphy dated 11/2/05 re: Hydrant test on Hitchcock Lane.
6. Keach-Nordstrom Associates dated 11/23/05 re: Rock Ridge Development Site Plan final review.
7. Memo from Erica Jordan dated 11/29/05 re: Cable presentations.
8. Selectmen Minutes dated 10/24, 11/10 & 11/14/05.
9. PB Budget Printout sheet dated 11/30/05.
10. Copy of Order of Notice – Polito v. Town of Atkinson.
11. Busby Construction Bond Estimate dated 12/1/05 for Rock Ridge Site Plan, Rt. #111.
12. State Approval for Subdivision dated 11/21/05 re: Lincmark Realty Trust, Map 13, Lot 15.
13. Lewis Group of Companies submission of Voluntary Lot Merger of Map 1, Lots 19 & 12.

**Mr. Morse stepped off the Board.**

**Mr. Earley made a motion for the Planning Board to sign the Voluntary Lot Merger of Map 1, Lots 19 & 12. Mr. DiMaggio seconded the motion. Motion approved unanimously. Mr. Dziechowski and Mr. Guishard did not vote.**

**Mr. Morse returned to the Board.**

14. E-Mail from D. Paul DiMaggio, Jr. dated 12/16/05 re: NFPA 1 & 101.

Outgoing

1. Memo to Department Heads dated 11/18/05 re: Review of Gagon Site Plan.
2. Planning Board Legal Notice for Public Hearing meeting of 12/7/05.
3. Mr. & Mrs. Jeffrey Fay dated 11/22/05 re: Amendment o Millstream Crossing Plan approval.
4. Planning Board Legal Notice for Public Hearing meeting of 12/21/05.

**APPROVAL OF MINUTES - November 16, 2005**

Minutes were continued.

**Discussions**

**Carol Grant - Update on Scenic Vista project.**

At the request of Carol Grant this discussion was continued to December 21, 2005.

The discussion was opened at 8:05 PM.  
Mr. Morse stepped off the Board

**Mark Fougere - Consultant's Report on Assessment of potential Impact of Proposed change to Zoning Ordinance in RR2/Sports Complex Residential District.**

At the request of the Planning Board Mr. Fougere submitted his findings in the Rezoning Analysis for Lewis Builders, Inc. Similar projects in surrounding towns were looked at as a comparison. The report does not go to total buildout, (800 units) which would take approximately 15 years to complete. This would make it difficult to project future income and costs. The 2005 Tax Rate and 2005 MS-1 were used in this analysis. An outline of his findings is as follows:

The proposed rezoning proposal is consistent with Atkinson's Master Plan. It is estimated that the proposed 288 garden style units will generate a positive fiscal impact of \$1,421,031. Approximately 547 residents will reside in this phase of the project.

It is anticipated that the project will generate 52 police responses in a year, 12 Fire Department responses and 35 EMS responses. This demand is not significantly different from the existing per housing unit demand presently seen in the community. The Fire Department is recommending that the Planning Board require a two bay fire station in the vicinity of the proposed project. With the recently acquired ladder truck this may not be necessary. The Police Department has noted that a radio communication problem presently exists in the area of the Golf Course. Additional demands are expected on the elderly van service that presently serves the community and these demands are expected to increase on a moderate level.

All the roads in the project will be private and the maintenance of the roads will not impact the town. The town currently pays for rubbish removal, if this is done privately it will be an additional savings. Because this is over 55 housing the School Department will not be impacted. The Planning Board should consider phasing of the project. This issue should be negotiated with Lewis Builders, taking into account project impacts and input from key town departments. It appears that this proposed project meets the regional impact tests noted in the RSA. The proposed over 55-age restriction language appears to be consistent with related zoning regulations. It is recommended that the town's attorney review the definitions.

Other issues recommended were a clubhouse for the benefit of the residents and the purchase of one or two additional handicapped vans for transportation. Common areas should be considered in the garden style buildings. Consideration should be made to coordinate the operation of the existing golf course restaurant with providing meals to the residents of the condominium. A

program could be arranged to have meals delivered to residents if needed. An Elderly Services Program should be considered at some point in the phasing and the hiring of an Elderly Services Director. A retail facility may also be considered.

There was discussion on the Fire Department going to full time staff. Mr. Fougere noted that what is looked at is not how many calls are received but how many of these calls are 'missed calls'.

Every project that comes before the Board should consider the Regional Impact. Also recommended at some point would be a traffic study.

The Board was polled and there was some discussion on the emergency calls the project would generate and the proposed road use. The discussion was opened to the public with no comments noted.

The study is fairly complete. Mr. Fougere is still waiting for some additional data and will come back to the Board for further discussion when the additional data is received.

The discussion was closed at 9:10 PM.  
The next discussion was opened at 9:11 PM.

**Attorney Robert Levine, representing Peter Lewis - re: Proposed Zoning change to RR2/Sports Complex Residential District.**

Attorney Levine distributed copies of the Proposed Zoning change and asked the Planning Board if they could support this zoning change as written. This article is the same article that went before the voters last year and was defeated. A poll of the Board showed unanimously that they would support the article.

Mr. Stewart asked if there was any way a condensed version of this article could go to ballot with a complete text available should voters want to read it. He felt the ballot should be as short as possible. Mr. Fougere commented that you are allowed to consolidate as long as the description adequately describes what the zone change will be. He suggested consulting with Town Counsel and the Town Engineer. The Board will consult with all involved with putting together the Article.

**Mr. Earley made a motion to move the Sport's Complex Zoning Amendment to December 21, 2005. Mr. Stewart seconded the motion. Motion approved. Mr. DiMaggio abstained.**

The discussion was closed at 8:16 PM.  
Mr. Morse returned to the Board.  
The next discussion was opened at 8:18 PM.

**Charles Earley - re: Proposed Amendment to NFPA requiring Automatic Sprinkler Systems in New One and Two Family Dwellings and Manufactured Homes.**

This discussion is regarding NFPA 1 (Uniform Fire Code) and NFPA 101 (Life Safety Code). All New one and two-family dwellings shall be protected throughout by an approved automatic sprinkler system in accordance with 24.3.5.2. Mr. Earley is presenting this to the Board for their approval.

Mr. Earley discussed response times and how the fire department receives their calls. Excerpts from the Fire Department Master Plan pages 15 & 16 were read. He reported that the fire department has responded to 468 calls this year. This proposed ordinance gives the fire department an advantage and Mr. Earley felt that this proposal should go forward from this Board to the town. He noted that there is no cost to the taxpayer. No lives have ever been lost in a sprinkled building. This also will protect the firefighters. The national average of deaths for all occupations is 4.1 per 100,000, 18.2 per 100,000 for policemen and 10.8 or 11 per 100,000 for firemen. Mr. Earley believes that if this passes it will delay the town having to go to a full time fire department.

Mr. Fletcher thought that this may be too expensive and asked how the homeowner could afford such a system. He also inquired about the homeowners that are on wells and not the town water system. Mr. Earley stated that they would have a tank and a pump. The tank would be at a reduced capacity. Mr. Earley did not know what it would cost but noted that if you add \$10,000 to the amount residents are paying for land this is not a lot considering life safety issues. Mr. Fletcher questioned residents remodeling their houses or putting on a new addition. Mr. Earley reiterated that this is for 'all new' houses only. Discussion followed on houses that have been torn down with a new house replacing the old one. Mr. Earley felt that this situation would be considered a new house. This applies to single family homes only and not a cluster. Mr. DiMaggio felt it would be critical for the article to state as to what percentage of repairs would constitute old or new. It was felt that this is most likely covered somewhere else.

This would be a recommended change to the Building Code.

**Mr. DiMaggio made a motion to put this amendment to the voters in March. Mr. Stewart seconded the motion.**

Discussion: Ms. Sullivan commented that this might cause a hardship to a person with a lot that is not on a water line. Mr. DiMaggio stated that this is why it should go to the voters. Mr. Stewart noted that when the town adopted a NFPA Standard the town already voted in favor of these codes. The fact that we are isolating these codes because they are restrictive and costly to the residents and putting it to the voters does not mean it will pass. Mr. DiMaggio did not feel sprinklers should be mandated but did not want to make the decision, adding that

it should go to the voters. Mr. Stewart stated that the number of single family lots that have been developed and approved is a fraction of what has been approved in general and this trend is not likely to change.

**Mr. DiMaggio amended his motion to put this amendment forward to Public Hearing to hopefully be put on the March ballot. Mr. Stewart seconded the motion. Motion approved. 4 approved - 2 against. Mr. Fletcher and Ms. Sullivan voted against.**

The discussion was closed at 10:00 PM.  
The next discussion was opened at 10:02 PM.

### **Old Business**

Mr. Stewart requested that the following be put to Public Hearing. When Mr. Keach approves a road it goes to town meeting vote after the Selectmen move it. This proposed article would allow the Selectmen to take Mr. Keach's final approval of the road and accept the road when it is completed. (Section 674:40a) The Selectmen will move this to the warrant. The Planning Board approved of this action.

### **Set calendar of Public Hearing for Ballot text and Petition Articles**

The Public Hearing will handle the NFPA, the Lewis Builder's proposal, the updated Building Codes and the New Subsection to address Eminent Domain as Zoning and Building Code Changes. The deadline for petitions is December 14<sup>th</sup>. The Wetland Article will come in as a petition. Ms. Killam felt that this is a major piece of legislation. When it comes in by petition nothing can be changed or adjusted. Ms. Killam felt that this would not be the appropriate way to proceed. Mr. Dziechowski will not be bringing another Proposed Article in by petition regarding buffers.

The last day to post these Articles is December 23<sup>rd</sup>. Public Hearings will be held December 21<sup>st</sup> and December 28<sup>th</sup>. NFPA and Lewis Builder's Proposal will be put on the agenda on December 21<sup>st</sup>. All the others will be put on the agenda for December 28<sup>th</sup>.

**Mr. Earley made a motion to move the NFPA and the Lewis Builder's Proposal to December 21, 2005. Mr. Stewart seconded the motion. Motion approved unanimously.**

**Mr. Earley made a motion to move any Citizen Petition Articles, Building Code Updates and Eminent Domain Subsection to December 28, 2005. Mr. Morse seconded the motion. Motion approved unanimously.**

### **New Business**

Mr. Morse discussed Section 480: Storage of Vehicles. A number of residents have commercial vehicles that they take home at night. Mr. Morse asked for clarification on this regulation and it was discussed. This may be put to a Workshop Session.

Mr. Earley stepped off the Board.

### **Public Hearing**

**Proposed Amendments to the Building Codes to adopt the latest available revision to previously approved National Fire Protection Codes:**

- NFPA 1 Uniform Fire Code - Except paragraph 13.3.2.18.1 (exception)**
- NFPA 18 Wetting Agents**
- NFPA 52 Vehicular Fuel System Code**
- NFPA 54 National Fuel Gas Code**
- NFPA 59A Production, Storage and Handling of Liquefied Natural Gas**
- NFPA 73 Electrical Inspection Code for Existing Dwellings**
- NFPA 90B Installation of Warm Air Heating & Air-Conditioning System**
- NFPA 92A Smoke Control Systems Utilizing Barriers and Pressure Differences**
- NFPA 101 Life Safety Code - Except paragraph, 24.3.5.1 and 24.3.5.2 (exception)**
- NFPA 170 Fire Safety and Emergency Symbols**
- NFPA 220 Types of Building Construction**
- NFPA 221 High Challenge Fire Walls, and Fire Barrier Walls**
- NFPA 251 Fire Resistance of Building Construction and Materials**
- NFPA 255 Test of Surface Burning Characteristics of Building Materials**
- NFPA 303 Marinas and Boatyards**
- NFPA 307 Construction and Fire Protection of Marine Terminals, Piers and Wharves**
- NFPA 312 Fire Protection of Vessels during Construction, Conversion, Repair and Lay-up**
- NFPA 318 Protection of Semiconductor Fabrication Facilities**
- NFPA 495 Explosive Material Code**
- NFPA 498 Safe Havens and Interchange Lots for Vehicles Transporting Explosives**
- NFPA 505 Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance and Operations**
- NFPA 654 Prevention of Fire and Dust Explosions from the Manufacturing, Processing and Handling of Combustible Particulate Solids**
- NFPA 703 Fire Retardant-Treated Wood and Fire-Retardant Coatings for Building Materials**
- NFPA 1123 Fireworks Display**
- NFPA 1124 Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles**
- NFPA 1126 Use of Pyrotechnics before a Proximate Audience**

The hearing was opened to the public with no comments noted.

**Mr. DiMaggio made a motion to adopt the Amendments to the NFPA Codes except for NFPA 73. Mr. Morse seconded the motion. Motion approved. 5 in favor 1 opposed. Mr. Fletcher voted against.**

Mr. Earley returned to the Board.

**Mr. DiMaggio made a motion to go into a Non-Public Session per 91-A:3D-Section 2D. Stewart seconded the motion. Motion approved unanimously.**

The meeting was closed at 10:45 PM.

Next scheduled Public Hearing meeting December 21, 2005.

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

Carol Kater