

ATKINSON PLANNING BOARD
Atkinson, New Hampshire

Public Hearing Meeting/Workshop Meeting
Wednesday, December 17, 2003

Present: Susan Killam, Chairman; Paul DiMaggio, Vice-Chairman; Michael Fletcher; Chuck Earley; Harold Morse (7:50)
Alternates: Donna Sullivan

Ms. Killam called the meeting to order at 7:45 P.M.

CORRESPONDENCE

Incoming

1. Keach-Nordstrom Associates dated 12/3/03 re: Bryant Brook Review Statement.
2. Town of Derry Legal Notice for meeting of 12/17/03.
3. Selectmen Minutes dated 11/17/03.
4. Keach-Nordstrom Associates dated 12/9/03 re: Woodland of Atkinson request for bond reduction.

Mr. Earley made a motion to forward this request for bond reduction to the Selectmen for approval. Mr. Fletcher seconded the motion. Motion approved unanimously.

5. Memo from Chief Murphy dated 12/10/03 re: Bryant Brook Review.
6. State of NH Division of Fire Safety & Emergency Management dated 12/11/03 re: Impact of choice of not participating in National Flood Insurance Program.

This was read. The Board is not interested in this because of the limited flood area in Atkinson. It will be forward to the Selectmen for them to review.

7. NH Division of Historical Resources dated 12/10/03 re: Telecommunication Co-Location, 2 Storage Way.
8. Comprehensive Environmental, Inc. re: Water Tables.

Outgoing

1. Conservation Commission dated 12/3/03 re: Proposed Wetlands District Overlay.

APPROVAL OF MINUTES - December 3, 2003

The minutes of December 3, 2003 were reviewed and the following corrections were made:

Page 3, second paragraph under #2, second sentence to read: 'The proposal will be written up and will be on the agenda at the Public Hearing tomorrow'.

Page 4, top of page, second sentence, change 'land graph' to 'land taking'.

Mr. Earley made a motion to approve the minutes of December 3, 2003 as amended. Mr. Fletcher seconded the motion. Motion approved unanimously.

The Public Hearing was opened at 8:05 P.M.

Continued from November 19, 2003

- 1. Engineering Alliance, Inc. for Heyland Development, LLC and owner John Lathrop, III - Continued review of application for a proposed 6 lot Rural Residential Cluster on 15.6 acres located at 33 Maple Ave. Map 9, Lot 33, RR2 Zone. Taken Under Jurisdiction 11-19.**

The reading of the abutter's list was waived.

At the request of the applicant Mr. Earley made a motion to continue this hearing to January 21, 2003. Mr. DiMaggio seconded the motion. Motion approved unanimously.

- 2. Lemery Development, LLC Continued review of Application for Amendment to "Cogswell Farm" Site/Subdivision Plan 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 reading of the abutter's list was waived.

At the request of the applicant Mr. Earley made a motion to continue this hearing to January 21, 2003. Mr. DiMaggio seconded the motion. Motion approved unanimously.

The Public Hearing was closed at 8:07 P.M.

The Discussion was opened at 8:08 P.M.

Discussion - Scott Kukshel discussion regarding the proposed Wetland Zoning Changes.

Mr. Kukshel, Mr. Wainwright and Mr. Manzar were present at this discussion.

Ms. Killam recapped the process. She commented that it would have been better if the work on this proposed zoning change had been done as a joint procedure between the Conservation Commission and the Planning Board in the

September/October time frame rather than the completed document coming to the Board in early November.

This proposed zoning change was discussed at the last Workshop Meeting and a poll of the Board showed a 100% non-acceptance of the ordinance as proposed. Mr. Kukshstel was not present at the Workshop Meeting because he was not aware the proposal was going to be discussed. Ms. Killam presented her reasons why she felt that this proposal was not ready for ballot. She felt the proposal would be very costly to the town and noted administration problems.

Mr. Wainwright stated that he was under the impression after the meeting last year that the Board wanted the Conservation Commission to look at the whole wetland issue. He asked what the Board would like to see happen. Mr. Killam stated that the graduated approach is sensible but that this proposed ordinance does not do it. Ms. Killam stated that the way she read the document she could not think of one wetland area that is not controlled by this district overlay. Ms. Killam asked how some of these wetlands get designated noting that it will be left to a Monday night Building Inspector to answer this question.

Mr. Kukshstel apologized for not being at the last meeting and presented additional charts and tables to the Board. The proposed ordinance was discussed at length and Mr. Kukshstel addressed each of the Board's comments. The table presented attempts to condense the five points of the regulations presented in the proposal.

Ms. Killam felt that this is more restrictive because there is little opportunity to have a 50' setback. Mr. Morse stated that he would be in favor of using a state regulation. Mr. Kukshstel agreed that if the Board would like to go with the state regulation it could be worked out. The regulation was read and discussed. Sections 410:4 Sec. A and 410:5 Sec.B were referenced. Mr. Kukshstel stated that he would drop Sections B & E in Section 410:4 from the definition.

Mr. DiMaggio suggested the charts and tables presented replace some pages in the document to simplify it and this was discussed. Conditional Permits as opposed to variances were discussed. Section 410:10 was referenced. Mr. Earley asked how this office will know if an applicant needs a variance or not. Ms. Killam stated that we do not have procedures and personal in place to administer what is described in the document. Mr. Kukshstel suggested using maps and overlays to help. Ms. Killam felt that something should be inserted into the building permitting process and should be part of the procedure. Innovative Zoning was also discussed.

Mr. Kukshstel asked for direction on what the Board would like to see for the meeting scheduled for tomorrow night. Mr. DiMaggio suggested revising the charts and to cut the text too possibly two pages. Ms. Killam would like to see

changes that make some meaningful amount of wetlands not have to fall under this ordinance.

The Board discussed if this proposed ordinance could make it to ballot in the short time left. Ms. Killam wished that work had started on this sooner so that the Board could recommend this.

This will be on the agenda for the next Public Hearing Ballot Text.

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

Next scheduled Planning Board meeting First Public Hearing Ballot Text - December 18, 2003.

APPROVED _____ Respectfully submitted.

Carol Kater