

ATKINSON PLANNING BOARD
Atkinson, New Hampshire

Public Hearing/Workshop Meeting
Wednesday, December 21, 2005

Present: Susan Killam, Chairman; Paul DiMaggio, Vice-Chairman; Chuck Earley; Harold Morse; Mike Fletcher
Alternates: Joseph Guishard; Tim Dziechowski

Ms. Killam called the meeting to order at 7:37 PM.
Six members voted -Tim Dziechowski was the non-voting member.

Correspondence
Incoming

1. Keach-Nordstrom Associates dated 12/2/05 re: Cogswell Farm Invoice for Site Inspections.
2. Selectmen Minutes dated 11/7/05 & 11/21/05.
3. Keach-Nordstrom Associates dated 12/7/05 re: Rock Ridge Bond Estimate.

Mr. Morse made a motion to accept the bond amount of \$14,700 on the Busby Properties and to send this recommendation to the Selectmen. Discussion: Mr. Dziechowski had a concern that the trees on the landscape plan may not adequately buffer the residential area. Ms. Killam noted that the zoning requirements do not call for much density.
Mr. Earley seconded the motion. Motion approved unanimously.

4. Office of Selectmen letter to John Miller and Nicole Cheney re: letter of resignation.
5. Police Chief Consentino letter dated 12/14/05 re: Review of Consultant Report on proposed Zoning Changes for TR2 Sports Complex.
6. City of Haverhill Legal Notice for meeting of 1/10/06.
7. Senter Brothers, Inc. dated 12/14/05 to Keach-Nordstrom Associates re: Deer Run Road project.
8. James Lavelle Associates dated 12/19/05 re: request for continuance for Chambers hearing 12/21.

The abutter's list was read. Present: Lavelle Associates
Mr. Earley made a motion to continue this hearing to January 18, 2005 at the request of the applicant. Mr. Morse seconded the motion. Motion approved. Mr. DiMaggio abstained.

Mr. Lavelle reported that the reason for the request is that this hearing requires Zoning Board of Adjustment action.

9. Carol Kater, Recording Clerk letter re: notice of resignation.

10. Selectmen Minutes dated 11/28 & 12/5/05.

Outgoing

1. Legal Notice for Public Hearing 12/21/05.
2. Legal Notice for Public Hearing 12/28/05.
3. Legal Notice for Public Hearing 1/4/06.

The Public Hearing was opened at 8:00 PM.

Discussions

Carol Grant - Update on Scenic Vista Project
Ms. Grant was not present. Discussion was continued.

Public Hearings

1. Amendment to the previously approved National Fire Protection Codes to adopt the following New Codes:

NFPA 1 Uniform Fire Code - 2006 Edition, Paragraph 13.3.2.18.1 All New one and two-family dwellings shall be protected throughout by an Approved automatic sprinkler system in accordance with 13.3.2.1.18.2 and NFPA 101.24.3.5.1.

NFPA 101 Life Safety Code - 2006 Edition, Paragraph 24.3.5.1 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 made a motion to withdraw this amendment from the docket.

Mr. DiMaggio seconded the motion.

Discussion: Mr. Earley reported that, if this passes, the Fire Department would not have the option to require hydrants as an alternative to sprinklers. The Fire Department would rather have a hydrant system in cluster developments rather than have every home sprinkled. Mr. Earley reported that if the state passes these codes the town would automatically follow these standards.

The hearing was opened to the public.

Paul White asked if this passes who in the code enforcement office would implement this. Mr. Earley answered that the Fire Inspectors would enforce this. Mr. White asked when sprinklers were required and in what type of buildings. This was discussed and the regulations were reviewed.

Ms. Killam reminded Mr. White that the motion on the floor is to withdraw this amendment. Mr. White was concerned that this would come back in a couple of years. Mr. Earley assured him that this amendment would not come back from the town. Ms. Killam added that when NFPA comes out with amendments we can adopt the amendments or not as long as the parent code is on the books. The Planning Board could have just adopted this but felt it was important enough for the voters to have a say. If this is adopted by the state the towns cannot do

anything less than what the state mandates. If the state adopts it we must follow suit. Mr. White asked how much money is spent on training fire inspectors, how many false alarms come in from Bryant Woods and what it costs for every false fire alarm. Mr. Earley suggested that Mr. White meet separately with the Fire Chief because he is not qualified to answer these questions and neither is the Planning Board. He asked if there is a statute of limitation when fire inspectors can go back to see if fire equipment is installed properly. Ms. Killam again stated that the Planning Board was not qualified to answer these questions. If this amendment was going to be put on the ballot and the Planning Board was going to continue holding public hearings the Board could offer to get these answers, but the motion is to take it off the agenda. Mr. White asked if the Planning Board had discussed hiring a full time Fire Department. Mr. DiMaggio answered that the Board has received some input but has not spent a lot of time on this issue.

Vote of the Motion: Motion approved unanimously.

Mr. DiMaggio thanked Mr. Earley and the Fire Department for being straight with the Planning Board and with the townspeople and for bringing this to everyone's attention.

The hearing was closed at 8:35 PM.

Mr. Morse stepped off the Board.

The next hearing was opened at 8:37 PM.

2. **Amendments to Zoning Ordinance, Section 620. Golf and Sports Complex/Residential Sub-District ("SCR Subdistrict"),** related sections and charts which would allow buildings within the SCR subdistrict to have more than four (4) units, but not more than forty (40) units in a building, so long as those buildings did not exceed fifty five (55) feet in height per the International Building Code and were set back four hundred (400) feet from the property line and/or town roads. These amendments to the zoning would not increase the allowable density and would correct omissions, typographical errors and recodification of the sections if necessary.

Mr. DiMaggio asked if there was any difference substantive or typographical from the amendment that was submitted last year. It was reported that this is word for word exactly what was on the ballot and approved by the Planning Board last year. Ms. Killam reported that the Planning Board has more information than they had a year ago and referenced the Consultant's Report on Assessment of potential impact of the proposed change submitted by Mark Fougere. This report has allowed the Planning Board to more heartily support the proposal. An overview of the proposal was presented.

Mr. Fletcher made a motion to accept the proposal as presented and move it to the ballot. Mr. Guishard seconded the motion.

Discussion: Mr. Fougere gave the Board an update on some new statistical information he received from Hampstead and Litchfield. The bottom line was that the additional information received did not change the recommendations he made in his initial report.

Mr. DiMaggio read the amendment through to make certain the document is the same as the one presented last year before a vote of the motion is taken. Upon review of the document it was found to be the first draft document and Revised Sections B & C were missing. Section 620:7 B & C. Several minor corrections and typographical errors were also noted and corrected.

Mr. DiMaggio will obtain the correct version of the document and review it.

Mr. Fletcher made a motion to withdraw his previous motion. Mr. Guishard withdrew his second. Motion approved unanimously.

The hearing was tabled to the end of the meeting.

Next hearing opened at 8:45 PM.

Mr. Morse returned to the Board.

Continued from November 16, 2005

1. Giles Gagnon - Continued review of proposed Site Plan of a 14,400 sq.ft. (60'x240') Industrial - 9 Unit Warehouse Building for property located at 12 Industrial Way, Map 16, Lot 50, CI Zone. Taken under jurisdiction 11/16/05.

The abutter's list was read. Present: Keith Walters

Mr. Lavelle reported that a drainage report has been submitted and that all the outstanding issues noted in Mr. Keach's November 16th review letter had been addressed. Mr. Keach will review the drainage report in depth. Mr. Lavelle reported that he has not heard from the Department Heads and wanted to receive those comments before making revisions to the plan. Mr. Lavelle added to the file a letter of intent. These are rental units for office and warehouse use. Ms. Killam noted that the letter of intent references Section 605, which states that sections (a) through (h) be addressed. This information was not addressed in the letter of intent. Mr. Lavelle reported that the information is on the plan. Ms. Killam requested that the letter reference all the information requested in Section 605. A copy of the approval of the Septic Design was presented and added to the plan.

Mr. Lavelle requested a continuance to the January meeting. If the Department Heads have not been heard from at that time the plan will include the revised recommendations from Mr. Keach. The Board recommended that Mr. Lavelle contact the Department Heads.

Mr. Earley made a motion to continue this hearing to January 18, 2005. Mr. Fletcher seconded the motion. Motion approved unanimously.

The hearing was opened to the public.

Abutter Keith Walters brought the following issues to the Planning Board. He felt there was some inconsistencies on the plan. The abutting property to the North has a 100' buffer requirement, which is not seen on this plan and there was an overt destruction of tree lines without a plan being presented to the Board. Mr. Walters noted that these trees would most likely be replaced by small 6' trees. Mr. Walters stated that the Board has the opportunity to instruct the developers to use common sense and to make sure that adequate buffering is added and that the lighting is addressed. Mr. Walters was told by Code Enforcement that it is not possible to watch these developers all the time. Ms. Killam noted that the buffer wording in the ordinances is to an abutting land use and not necessarily to the property line. The land Mr. Walters owns in Atkinson is Commercial/Industrial. Ms. Killam stated that if there should be a line drawn on this plan we should be able to see where it falls.

Ms. Killam referred to Site Plan Section 645:1 Screening & Buffering and this was read. The parcel does not abut a residential district. Ms. Killam felt that there was more of an issue if the applicant cut trees on private property. Ms. Killam suggested that a neighborly thing to do would be to propose some buffering to ease the situation.

Mr. Dziechowski stated that when the Conservation Commission walked this property last year they were concerned that all the brush that was cleared was being dumped into the wetlands. Mr. Walters stated that there has been an infill of land.

Mr. Dziechowski, Mr. Walters and Mr. Lavelle will walk the site again.

Vote of the Motion - Motion approved. Mr. DiMaggio abstained.

The hearing was closed at 9:02 PM.

Mr. Morse stepped off the Board.

The hearing for Section 620. Golf and Sports Complex/Residential Sub-District was resumed.

It was determined that the December 2, 2004 - working document was copied instead of the final revised copy. The text of the Town Warrant from last year will be substituted for this one.

The hearing will be continued to December 28, 2005 with the new text - the specific ballot from last year.

Mr. DiMaggio made a motion to replace the improper text that was supplied at this meeting with the actual town ballot from last year which includes Section 620 and all related sections which were included on the warrant last year and to continue the hearing to December 28, 2005. Mr. Earley seconded the motion. Motion approved unanimously.

Mr. Guishard made a motion to advise the Town Administrator to provide an abbreviated copy of the ballot. Mr. Earley seconded the motion. Motion approved unanimously.

The hearing was closed at 9:10 PM.

Mr. Morse returned to the Board.

The next hearing was opened at 9:11 PM.

New Application

- 1. James A. Lavelle Associates for Lincmark Realty Trust submission of an Application for Formal Consideration and Approval of a proposed Two Lot Subdivision Plan on Property located at 124 Main Street (4.67A). New lot to consist of 2.46A and existing lot w/dwelling to be left with 2.21A, Map 13, Lot 15, RR2 Zone.**

The abutter's list was read. Present: James Lavelle Associates.

Mark Fougere presented in the absence of Steve Keach. This would be conditioned with subdivision approval and is eligible for an expedited review. A driveway permit is needed on Pages Lane and the project meets all zoning matters. Planning and Design issues are minor. Property is on the edge of a zone change between town center and rural residential, this should be added to the plan. It is recommended that the applicants provide a 25' from centerline easement on the front of the property for the proposed widening of Pages Lane. Location of the driveway on the new lot should be shown on the plan. House numbers required noted on the plan and pins to be set. There was discussion on the lot line and how it appears on the plan. The line will be extended for clarity.

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

A copy of the state subdivision approval was submitted as well as the lot sizing calculations. Both lots meet required size by soils. The proposal is to subdivide this into two lots. Mr. Stewart has been consulted and has requested an easement for site distance on the curve. There is approximately 600' of driveway. There is an abandoned well on the property and this was discussed.

Mr. Earley made a motion to continue this hearing to January 4, 2006.

Discussion: The following is a list of changes that are needed: To amend the abutter's list on the cover sheet, the last six items in Steve Keach's letter to be addressed and to clarify the street line. Ms. Killam asked if the applicant had been consulted about granting an easement to the town for the highway and they had not.

Mr. DiMaggio seconded the motion. Motion approved unanimously.

The hearing was closed at 9:28 PM.

New Business

Mr. Dziechowski discussed the Brooks Property site, Tax Map 20 on Rte. 111. He noted that there was a large pile of questionable material on the property. This is the property that Mr. Dziechowski had filed a wetland's complaint on, which is now pending. Mr. Dziechowski requested that the Board take action to contact Code Enforcement and to ask the Selectmen to recommend a cease and desist order.

Mr. DiMaggio suggested we provide Code Enforcement with the documentation from the Conservation Commission and ask them to take a look at the property. Ms. Killam will send a memo to Selectmen to recommend a cease and desist order, referencing Section 310:2A number 1 & 2 - Section 200:1 - Section 320:1B.

Mr. DiMaggio made a motion to authorize Ms. Killam to write to the Selectmen to enforce and possibly cease and desist Mr. Brooks on his property on Rte. 111. Map 21-4-1. Mr. Earley seconded the motion. Motion approved unanimously.

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

Meeting adjourned at 9:35 PM.
Next scheduled Public Hearing Meeting - December 28, 2005.

APPROVED _____ Respectfully submitted,

Carol Kater