

ATKINSON PLANNING BOARD
Atkinson, New Hampshire
Regular Meeting
Wednesday May 19, 2010

Present: Sue Killam, Chairman; Paul DiMaggio, Vice Chairman; Bill Bennett, Ex-Officio,
Regular Members: Tim Dziechowski, Ted Stewart, Alternate Members: John Wolters, Harold
Morse, Mike Turell
Others: Bill Ermer of Palmer Gas, Julie La Branche, RPC

Ms. Killam called the meeting to order at:7:46 p.m.

The board scheduled the summer meetings for the 3rd Wednesday of the Month. The dates are
as follows for the Regular Meetings:

June 16, 2010
July 21, 2010
August 18, 2010
September 15, 2010

* **note:** additional dates maybe added if necessary

Correspondences

Incoming

Haverhill - Zoning Change to all Commercial Highway for Property at 1247 Main
Street. Meeting is set for June 15th, 2010
Advertisement - for a Free Pipeline Safety Emergency Response Program for Gas
distribution Being held in Portsmouth, NH
Salem Chamber of Commerce - News Letter

Outgoing none

Site Plan Amendment

Palmer Gas - Bill of Palmer Gas and his Operations Manager, Jim Kryczwicki, were in
on April 7, 2010 and proposed a site change of putting in a permanent tank from the temporary
tank they use now. This would be a safer, "greener", and more efficient way. Palmer Gas is
using a 1,000lb temporary tank to a permanent 18,000lb tank

Sue read from 1110:1; page SP 20 in the Zoning Ordinance under Minor Change Site
Plan. Sue also read the Public Notification Announcement.

Two weeks ago Abutter notifications were sent out and a news Posting was published --- no
abutters have responded.

Sue stated that to make a motion the voting members would be : Sue, Paul, Tim, Bill, Mike,
John, Harold

Member Mike Turrell made the motion to approve the minor site amendment. Harold Morse seconded the motion and the Board voted unanimously to accept the minor site amendment.

Ted Stewart joined of the meeting.

Re-Appointments

Sue stated that Sue and Paul applied for re-appointment and that the Board of Selectman approved the appointments.

A discussion as to when the term end and Selectman Bennett stated that it was the end of April of the term year. Tim D. stated the statute as well as Harold M. that the term ends three years from the date of signing.

Reorganization

Selectman Bennett nominated Sue Killam as Chairperson. Mike Turrell seconded the motion Board was unanimous

Harold Morse nominated Paul DiMaggio Vice-Chairman. Mike Turrell seconded the motion Board was unanimous

Approval of Minutes

The minutes of May 5, 2010 were read. Selectman Bennett made a suggestion to have the minutes emailed to members prior to next scheduled meeting

Correction to change all "Mike Fletcher" to "John Wolters" Under Rule proposed - "Make full lighting should be during operational hours and night lighting for safety" to read "Full lighting should be during operational hours and night lighting only as required for safety"

Harold Morse motioned to accept the minutes of May 7, 2010 as amended. John Wolters seconded the motion. Sue, Paul, Harold and John voted unanimously to accept the minutes with the rest of the Board abstaining

Workshop

Proposed Changes to Zoning Ordinances

The statute would be added to the chart of permitted uses:

nn: ***"Any operation where Commercial trucking activity that exceeds occasional truck traffic between the hours of 9:00PM and 6:00 AM"***

Selectman Bennett asked for the definition of "Trucking" Sue stated that there is one for Commercial Vehicles over a certain G. Paul asked if more than one trip every two hours. Selectman Bennett stated that you could have 4 1/2 trucks during the proposed hours.

Discussion on Article V Section 530

Discussion on idling was brought to the table. Ted stated that regarding Idling- Federal Law states that a commercial truck cannot idle more than 5 minutes. John Wolters asked if the Idling law should be added Sue stated that the Planning Board does not enforce Idling and that should be a Board of Selectman issue under ordinances. Board to continue working on definition.

Paul stated that there was one change and that was:

Defined is more than average of one trip every two hours. The word average to be added to read "More than an average of ". Julie added that what a trip is defined as. Mike Turrell suggested "one entrance and/or exit". Ted stated that the abutting towns have let residential development about the Town's Industrial park.

Sue brought up the "Grandfather" issue when you implement a new zoning ordinance and that it attempts to change a circumstance any pre-existing non-conforming use gets to remain so. Julie stated that it depends on how it's phrased and how it's crafted into the ordinance itself and a use maybe separate for a use or criteria and in that case would not be "grandfather" Julie would look into issue.

Discussion on Industrial park and the location of in reference to the highway. As well as the operational hours. Some small home based move to the industrial park, i.e. small landscape company and during storm in the winter are a 24 hour business. Weather related events are incidental and sporadic and not on an everyday basis. The board is trying to lessen the activity during the hours when the residents are asleep. There are four Special Exceptions - one being "would result in substantial justice being done", which is very vague. Special Exception does not run with the land. (Z62)

Selectman Bennett stated that trucking activity could also be opening/closing of doors, truck movements such as moving from one side to another of lot.

Julie stated structured a "nn" would be considered a new use any uses would be grandfathered to the change. Julie suggests that the wording "any operation" be changed to "any use" and Sue suggested the word "activity" be changed to "traffic". Traffic is defined as trips. Julie also stated that the non-conforming use section; "nn" if it were to be adopted and that if the business were to be sold and there was no change in the use or expansion to the use there would be no requirement for a special exception is if there was a change of "A-D" Special Exception changes don't run with the use of the land.

Under site Plan under Section 520:

Insert the words "**excessive truck traffic between 9pm and 6am**"

Under Site Plan 6160 add a new 6160:3:

"Commercial truck traffic will be limited between the hours of 9pm and 6am to only occasional/incidental commercial traffic to protect abutters and the residential quality of the surrounding neighborhoods"

Section 650:2 Site Plan

Paving/drainage/sidewalks

"All areas where commercial trucks are to be parked must be paved with impermeable bituminous concrete and may be required to have berm and drainage structures to collect and separate oil and water runoff."

Sue wanted to talk about "Bituminous" and is that the best word. Ted stated the concrete is resistant to gas and oil where as asphalt is not. Julie stated that gas stations is both asphalt and grooved concrete. Discussion on how to protect the ground/soil. Sue to talk to the town engineer.

John brought up idling again and that the topic is an ordinance issue and not a zoning issue.

Article V Section 530-g

Remove footnote #2 States " Under building height maximum - maximum height of accessory buildings is 15 feet except for agricultural uses." Paul stated that accessory building is not limited by our normal setbacks. A garage is 30 feet and a shed can be to the lot line or 15 feet. Accessory building is defined as "a building or use subordinate to the main building or use and customarily incidentally on main purpose of use"

Julie of the Rockingham Planning Commission asked if the Board received an invitation to the June 9, 2010 Annual Regional Planning Commission meeting at the Brookstone Country Club at 6pm.

Discussion on serving on the Rockingham Planning Commission, Julie stated that it is one evening a month per month to start at 7pm-10pm and is the second Wednesday of the month. The meeting place alternates as well as dinner is served. Paul DiMaggio and Mike Turell will consider it. Every third meeting is an MPO meeting, which is a Metropolitan Planning Organization.

CTAP I-93 project needs volunteers of 2 meetings for 2 hours during the day. Julie stated that Tim Dziechowski was instrumental in filing an application with for the Conservation Commission to develop a natural resource inventory. The project has \$2,200 left out of \$10,000 CTAP Phase II fund and this grant application is for an extension of six months for projects that the town needs and must be completed by January 31, 2011. This cannot be a line item. Sue and Ted will sit and send Julie a note to see if it would be covered under grant.

General Interest

Ted Stewart and Aaron LaChance have three areas on Maple Avenue regarding open/closed drainage and this is due to heavy water flow from storms. Warrant Articles will be necessary for these repairs due to the cost. Julie asked to have a copy of work to be done and she would be happy to look over proposal.

Julie has time accrued and if there is a workshop that is she is needed or a chapter in the Master Plan to go over.

Mr. Guisnard mentioned to Sue that he maybe resigning, no notification has been given. Sue just wanted to let the Board know of his intention.

Selectman Bennett made a motion to adjourn the meeting. The motion was seconded by Member Mike Turrell and the Board voted unanimously to adjourn. The Planning Board meeting was adjourned at 9:18 p.m.