

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, July 15, 2020**

Members Present:

Sue Killam, Chair
Mike Turell, Vice Chair
Paul DiMaggio
John Ottow
Ted Stewart
Paul Wainwright

Others Present

Julie LaBranche, Rockingham Planning
Sue Coppeta, Planning Administrator
Steve Keach, Keach & Nordstrom, LLC
George Kenney, Brengo Realty Trust, LLC
Jeffrey Brem, Meisner Brem Corp.

Call to Order:

Chair Killam called the meeting to order Wednesday, July 15, 2020 at 7:30 PM. The hearing time is 8:00 PM.

Chair Killam read a letter authorizing electronic meetings into the minutes. The public has access to listen or participate. This is a ZOOM Meeting.

Instructions for accessing the public meeting have also been provided on the Town website or can be found on the Town Facebook page. If there are issues, the Station Manager may be contacted at the Channel 20 station by telephone or email. If the public is unable to access the meeting the Board will adjourn and reschedule.

All votes taken during this meeting shall be done by roll call vote.

Chair Killam conducted a roll call attendance:

Chair Killam, no one else in the room; Vice Chair Turell, no one else in the room; Alternate John Ottow, no one else in the room; Member DiMaggio, no one else in the room; Alternate Wainwright, no one else in the room

Chair Killam informed the Board that there is one hearing on the agenda which was continued from the June meeting.

Correspondence:

- Letter report from Steve Keach dated July 14, 2020
- Letter from Atkinson Fire Chief dated 07/08/2020
- Letter from the Atkinson Board of Adjustment allowing variance

MINUTES: not reviewed

Other Business:

The Board discussed remarks made at the Selectmen's Meeting regarding reevaluating the Town Engineer contract. Chair Killam informed the Board that there will be a

workshop meeting August 5, 2020 and the regular meeting will be August 19, 2020. Labor Day will be late so Chair Killam is proposing a meeting on September 2, 2020. Ms. LaBranche asked about the workshop and zoning for elder care and requested copies of any draft documents that Planning Board members have been working on.

Ms. LaBranche also requested to discuss the emergency order by the Governor allowing electronic meetings and informed the Board that the order will end July 21, 2020 and it is not known if it will be extended. Chair Killam agreed.

Public Hearing: Chair Killam opened the public hearing Wednesday, July 15, 2020 at 8:00 PM. Voting will be: Chair Killam, Vice Chair Turell, Member DiMaggio, Member Stewart, Alternate Ottow, and Alternate Wainwright.

- 1) An Application for Site Plan submitted by Meisner Brem Corp for Brengoe Realty Trust, George Kenney, Trustee for the construction of a 2 story 10,430 square foot building and associated parking, loading and landscaping to be located on property at 25 Hall Farm Rd, Map 16 Lot 11 in the CI Zone. (Jurisdiction taken 6/17/2020)**

Abutters:

Stacey Realty, LLC, Brengoe Realty Trust, George Kenney Trustee (present), Ruby Holdings, LLC, 2 Industrial Way, Gary and Carla Russell, Twenty-three Hall Farm Road Realty, LLC, Carol and Christopher Thompson, and Meisner Brem Corp (present)

Chair Killam informed the Board that the Applicant attended the Zoning Board of Adjustment meeting July 8, 2020. She read a letter from Chair Saba permitting the variance from Article V Section 530:d(footnote 3) into the minutes. A 15.2 foot variance was requested.

Chair Killam also read a letter from the Fire Chief dated July 8, 2020 into the minutes. The letter is addressed to the Planning Board and the Zoning Board of Adjustment and is regarding 25 Hall Farm Road. The Fire Chief is requesting that the Town Engineer review the plan for unobstructed movement of fire apparatus, that is 20 feet beyond the parking area and around the loading dock area. The letter states that it is noted in the parking area, but not so clear in the loading dock area where tractor trailer units may be parked. The Chief is also requesting a note be added to the plan indicating that the building will be sprinklered in accordance with NFPA 13 guidelines; the building is not to exceed 35 feet in height. The letter also states that it is a limited review of the site only and a final review will be completed upon application of a building permit for compliance of all life safety codes within the building.

Chair Killam informed the Board that she has a document from Meisner Brem dated July 6, 2020 detailing the modifications to the site plan in response to the letter from Keach Nordstrom dated June 17, 2020.

Chair Killam then read a letter into the minutes from Keach Nordstrom dated July 14, 2020 reviewing the application. The letter refers to the Keach Nordstrom report of June 17, 2020 recommending several comments and recommendations regarding consideration and review of the initial submittal of the subject plan.

The letter then states that Keach Nordstrom received a subsequent submittal on July 7, 2020 made to the Planning Board on behalf of the applicants. Several documents were enclosed including: 1) a cover letter addressed to the Planning Board prepared by the Applicant's consultant dated July 6, 2020; 2) correspondence addressed to the Atkinson Zoning Board of Adjustment and the Planning Board from the Fire Department dated July 8, 2020; and 3) a site plan of seven drawings dated May 26, 2020 and last revised on July 6, 2020.

The letter states that based upon Keach Nordstrom review of the cited information, it appears that the Applicant's consultant was able to satisfactorily address the majority of their previous comments and recommendations. The remaining remarks will be limited to the Applicant's submittal of July 7, 2020.

Chair Killam requested Mr. Brem appear before the Board to address the comments in the July 14, 2020 letter from Keach Nordstrom.

Mr. Brem reviewed the revised site plan and existing conditions. Mr. Brem stated that a few revisions were made to the grading plan, but it is basically the same plan as before. Trees were added to the landscaping plan. There are also detail sheets and the approved septic design.

Mr. Brem reviewed his letter of July 6, 2020 for the Planning Board. Mr. Keach informed the Board that most of the issues have been resolved.

Mr. Brem summarized a few of the comments in his letter as follows: there is a note on the plan regarding the first few items on the plan, the applicant acknowledges that a driveway permit is needed, the plan was submitted to the Fire Department; a performance guarantee is needed; and also the frontage variance was received.

Mr. Turell asked about the notes that were requested to be on the plan and if there is a note on the plan regarding the variance approval. Mr. Brem informed him that the letter and revised plan were submitted July 6, 2020 and the Zoning Board of Adjustment meeting regarding the variance was July 8, 2020 so the notes will need to be a condition of approval.

The rest are engineering details that have been addressed. The last comment was regarding tree planting on the swale. Mr. Brem checked with the landscaping architect who informed him that red maples would thrive in that soil.

Mr. Brem requested that Mr. Keach address the rest of the comments in his letter.

Mr. Keach appeared before the Board to discuss his letter of July 14, 2020. He informed that Board that as stated previously, the comments of his June 17, 2020 report have all been satisfactorily addressed and all that remains are the comments of his July 14, 2020 letter.

In comment number one, the only State permit required is for the septic approval, which was received April 7, 2020.

The second is a reminder to Mr. Kenney to meet with the Road Agent to obtain a local driveway permit.

The third addresses the request from the Fire Chief regarding vehicular circulation for emergency vehicle access to the loading area at the rear of the building. In his remarks, he suggested that he is concerned about tractor trailers parked in the back. Mr. Keach requested the Mr. Brem address the issue. Mr. Brem informed the Board that the loading area was not intended for tractor trailers; all the garage doors are at grade; and there will be SU-30 vehicles at the most.

The Road Agent put a template on the size of the wheel base of the vehicle the fire department would need to put in the back of the proposed site. It is approximately 21 feet. Mr. Keach put a template on the site plan and it fits, without a vehicle parked in back, an emergency vehicle has 24 feet to operate, the same as a Town road in Atkinson. It would be easy to execute a hammerhead turn, back up and leave. Alternatively, if there were to be a vehicle(s) parked in the back by the garage doors, it would be less than 100 feet to back up and leave. Mr. Keach does not see a problem with emergency vehicles exiting and entering. Mr. Keach requested Member Stewart to speak. Member Stewart replied that he did not see what could be done in the case of someone parking in front of their own garage door.

Mr. Keach next addressed the Fire Chief's comments requesting a note be added to the final site plan indicating that the building will be sprinklered in accordance with NFPA 13 guidelines and suggested that if the Board grants approval of the plan, sprinklering be a condition of approval.

Mr. Keach addressed the final comment by the Fire Chief which states that under the zoning ordinance, the building be no more than 35 feet in height. He informed the Board that the height of the building is approximately 22 feet.

The fourth remark in his letter recommends a limited surety on private site development for appropriate sedimentation and erosion controls as well as site abandonment and public improvements.

The only zoning matters comment is an acknowledgement that Mr. Kenney has obtained a variance from the Zoning Board of Adjustment situating the building as it is shown on the site plan, and requesting a remark should be made on the plan.

Last, on the grading plan, at the back of the industrial building, on the southeasterly side of the building is a concrete pad immediately outside the door, which is required by building code. The slab elevation is 239.0. Under the current code it cannot be more than .75 of an inch drop from the sill to the top of the slab for code purposed. Mr. Keach is requesting that Mr. Brem put a spot grade on the plan so that the builder does not inadvertently violate code.

Mr. Keach remarked that the proposed plan is well engineered and thanked Mr. Brem. Mr. Keach informed the Board and the consultant that it is the egress door for Unit One.

Mr. DiMaggio asked about the five loading docks and the paved area and remarked that it did not appear that a semi could fit in the area. Mr. Keach informed him that the doors in the back are overhead doors and they are at grade, and it is possible to drive in to the unit.

Mr. Wainwright asked about the electrical service which is above ground, it looks like it is going through one of the trees. Mr. Brem agreed, stated that he would move the tree and requested that it be made a condition of approval.

Ms. LaBranche asked about snow storage; it appears there is only one area and it is in the back. Mr. Brem pointed it out and also the one in the front. He also informed him that there are also other areas on the site which are not marked on the plan that can be used for snow storage.

Ms. LaBranche informed Mr. Brem that the State is moving into year 3 of MS4 stormwater management requirements and one requirement is for a maintenance plan for the stormwater drainage system. Mr. Keach informed Ms. LaBranche that there is a stormwater drainage maintenance system for the entire site attached to the stormwater management plan.

Ms. LaBranche informed the applicant that according to the new MS4 rules, the stormwater drainage maintenance needs to be drawn up in the form of the agreement and recommended that the agreement be drawn up into a separate document. The Town will need to inspect the stormwater management system for the site.

Chair Killam clarified that the applicant will execute the plan and maintain the stormwater management facility. The Town will be responsible for monitoring it.

Ms. LaBranche informed her that is what will be required in year 3 so that the Town will have some oversight. It is especially important in the case of a catastrophic failure where the Town will have to do maintenance. The point of the new requirement is to make the maintenance plan public and available.

Mr. Brem informed the Board that the document starts on Page 37 and ends on Page 43.

Member DiMaggio asked if it needed to be registered with the State and Ms. LaBranche stated yes.

Mr. Keach suggested that a note be put on the site plan acknowledging the existence of the operation and maintenance plan since the site plan will be recorded. The note will acknowledge that it is on file with the Town of Atkinson planning office and conclude by stating that lack of compliance with the plan can be considered a site plan violation.

Chair Killam stated that she agrees with Ms. LaBranche that the maintenance agreement should be registered. One issue is the fact that all Atkinson Town documents will be put on microfilm.

Mr. Keach pointed out that registering the document is a future requirement and is not applicable yet.

Mr. Brem stated that all that would be needed is to put a cover on the maintenance plan so it becomes easy to find and can be registered it separately. Mr. Brem also agreed that a note be added to the plan stating where the maintenance plan agreement could be found and suggested it be added as a condition.

Ms. LaBranche informed the Board that regarding MS4, a way to find the information quickly is necessary. The recording sheet can be put on file with the Town and be readily accessible.

Chair Killam asked if Ms. LaBranche had more questions.

Ms. LaBranche asked if the maintenance schedule talks about the retaining wall.

Mr. Brem stated that it talks about the earth berm and the side slopes.

Ms. LaBranche suggested that the retaining wall be added to the plan. Mr. Keach informed her that the retaining wall is four feet high and is basically a landscape wall. Mr. Brem informed the Board that the wall is part of the basin and will add a few terms so that it can be more easily understood.

Chair Killam asked if there were more discussion. There was none.

Chair Killam requested a motion.

Vice Chair Turell made a motion to approve an Application for Site Plan submitted by Meisner Brem Corp for Brengco Realty Trust, George Kenney, Trustee for the construction of a 2 story 10,430 square foot building and associated parking, loading and landscaping to be located on property at 25 Hall Farm Rd, Map 16 Lot 11 in the CI Zone. Approval is conditioned upon: 1) receipt of a set of plans with all of the mentioned notations clearly marked; including a note on the plan indicating that the building will be sprinklered in accordance with NFPA 13

guidelines; 2) Zoning Board of Adjustment approval of the variance be noted on the plan; 3) moving the maple tree away from the overhead electrical service; 4) add a finish-grade elevation of 238.94 on the concrete pad for unit one emergency egress; 5) prepare a storm water operation and maintenance plan to be recorded at the Registry of Deeds; 6) a note on the site plan indicating where to find the stormwater O&M Plan; and 7) receipt of an appropriate surety or performance guarantee. The motion was seconded by Paul DiMaggio.

Discussion: None

Roll Call Vote:

Vice Chair Turell, yes; Member Stewart, yes; Member DiMaggio, yes; Alternate Ottow, yes; Alternate Wainwright, yes; Chair Killam, yes. The vote is unanimous. Vote: 6/0/0.

Other Business cont'd.

The Board discussed future meeting requirements regarding Covid-19 restrictions. There was an announcement for school reopening in September. It is not inconceivable that electronic meetings could not be allowed, or that there be some type of hybrid meeting. One issue is space in Town Hall and social distancing. Another issue is requirements to wear a mask. Vice Chair Turell stated that the State is leaving it to the school districts to decide. Ms. LaBranche informed the Board that she would be providing guidance.

Chair Killam requested a motion to adjourn.

Member DiMaggio made a motion to adjourn the July 15, 2020 meeting of the Atkinson Planning Board. The motion was seconded by Member Stewart. All members present voted in favor. Vote: 6/0/0.

Chair Killam adjourned the July 15, 2020 meeting of the Atkinson Planning Board at 9:00 pm.

The next meeting of the Atkinson Planning Board will be a workshop on Wednesday, August 5, 2020.