

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, October 21, 2020**

Members Present:

Sue Killam, Chair
Mike Turell, Vice Chair
Barbara Brown
John Feuer
Paul DiMaggio
Paul Wainwright, Alternate

Others Present

Julie LaBranche, Rockingham Planning
Steve Keach, Keach & Nordstrom, LLC
Tim Peloquin, Promised Land Survey

Call to Order:

Vice Chair Turell called the meeting to order Wednesday, October 21, 2020 at 7:38 PM. The hearing time is 8:00 PM.

Vice Chair Turell 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.

Vice Chair Turell conducted a roll call attendance:

Chair Killam, alone; Vice Chair Mike Turell, alone; Member Barbara Brown, alone; Member Feuer, alone; Member DiMaggio, alone; and Alternate Paul Wainwright, alone.

Vice Chair Turell requested to review the minutes for the May 20, 2020 meeting.

MINUTES: October 7, 2020

October 7, 2020: Alternate Wainwright, Chair Killam, Vice Chair Turell, Member DiMaggio, Member Brown and Member Stewart were present at the October 7, 2020 meeting.

Discussion: none

Member DiMaggio made a motion to approve the October 7, 2020 minutes as amended. The motion was seconded by Member Brown. Roll Call: Vice Chair Turell, Member Barbara Brown, Member DiMaggio, Alternate Wainwright and Chair Sue Killam voted in favor. Vote: 5/0/0. The motion passes.

Correspondence: not reviewed.

Jason Grosky, Selectman Ex Officio, appeared and asked if the Board had a quorum. Since there is a quorum, he requested to leave the meeting and was allowed by the Vice Chair.

Public Hearing: Vice Chair Turell opened the public hearing Wednesday, October 21, 2020 at 7:58 PM. Voting will be: Vice Chair Turell, Members Paul DiMaggio, Barbara Brown, and John Feuer.

1) Application submitted by Promised Land Survey, LLC for Dean & Susan Killam for a Lot Line Adjustment and Subdivision to create one additional parcel, of 3.39 acres off Oakridge Drive on parcels Map 11 Lot 20 and Map 11 Lot 20-1, at 48 & 50 Westside Drive, in the TR2 and RR3 Zone.

Alternate Wainwright requested to be recused due to numerous prior discussions with the applicants not visible to the Planning Board or to the public. Vice Chair Turell accepted his recusal. Chair Killam stepped off the Board and is present solely as applicant.

Abutters:

Andrew J. Murphy, Katie Murphy, Jameson Hill, Christopher Leblanc, Lauren Leblanc, Sean P. Finneran, Melissa Finneran, Abol Tehrani, Anne Tehrani, Edward A. Tomasi Rev Trust, Sandra G. Tomasi Revocable Trust: Edward & Sandra G Tomasi TT, Michael Brassard, Meghan Brassard, Patricia Walker, Robert Lloyd, Michelle Santorelli, Shawn LaTulippe, Tara LaTulippe, Paul Donovan, Pamela Donovan, William Ryder, Nicole Pinet, Kenneth Dibells, Elizabeth Kiley, John Mangini, Patricia Mangini, Norris Lemay, Dean Killam, Susan Killam (present), Paul L. Pelletier, Amy Pelletier, Nevert Berube, Michael Berube, Paul Genest, Susan Genest, Kevin & Jolene 2007 Rev. Trust, Kevin & Jolene Gillins TT, Town of Atkinson, Promised Land Survey, LLC, TES Environmental Consultants

Tim Peloquin, Licensed Land Surveyor, appeared before the Board by ZOOM to represent the applicants, Dean and Sue Killam.

There is a nine sheet plan set with a lot of detail. As part of this subdivision, a boundary survey of both lots was performed as well as a wetlands survey within the vicinity and locale of the lots. A high intensity soil survey for the two smaller lots being adjusted was also performed. Mr. Peloquin showed the proposed subdivision plans to the Board. A lot line is being adjusted to create a smaller, 3 plus acre lot. The lot on Oakridge is being subdivided from the Killams' homestead to a small lot. It will be a 3.389 acre lot. A frontage variance for the lot has already been granted. It meets all other lot qualifications including area. The lot line adjusted lot has ample frontage and area. The applicants plan to create one large lot for their homestead. The other lot meets all lot qualifications. The two smaller lots meet the lot sizing requirements.

A memorandum has also been received from Steve Keach, Keach and Nordstrom with general comments and zoning comments.

There are 8 comments in the letter regarding planning and design matters. All eight items have been achieved. Mr. Keach has not been provided an updated plan set yet.

Mr. Peloquin presented the plan: There are two lots that will be subdivided into 3. The third lot is on Oakridge, the three acre lot. Lot Number 20 which is across the brook and is the original lot is currently 23.97 acres. There is a dwelling on it but it is not inhabited. The proposal is to make Lot Number 20 3.8 acres. 3.3 acres will be subdivided on Oakridge. The remaining lot of the Killam homestead will become 40 acres. The desire is to have the Killam homestead have the maximum land associated with it. He explained that it is a housekeeping item for subdividing the lot on Oakridge Drive.

Mr. Peloquin asked if there were questions from the Board, Mr. Keach or abutters.

Vice Chair Turell opened the discussion to the Board.

Member Feuer asked if one lot was being changed to 3. Mr. Peloquin explained that two lots will be made into three.

Mr. Keach appeared before the Board to review his comments. He explained that it is a simple proposal. Mr. Peloquin has done a magnificent job.

For his first comment, he explained that the two lots to be created or become less than five acres in area, Lots 20 and 20-2, and he recommends that as a condition of approval, that NHDES subdivision approval be obtained.

The planning and design matter comments are minor. He asked if the Board would like to go through the remainder of his comments.

In his comment on page 2, the approximate flood zone line, that actual zone line is defined by elevation on the flood hazard maps and he would like to see it corrected to correspond to the elevations. There is topography over the entire area. The graphics that were placed on the site plan were taken exactly from the graphics of the FEMA flood hazard area map and greatly overstate the extent of flood hazard area involved. For the benefit of future ownerships, he would not like to see a plan that overstates flood hazard. Mr. Peloquin agreed.

Mr. Keach informed the Board that the rest of the comments are minor details. He stated that if the Board wished, the plan could be given conditional approval with the following recommendations:

- 1) Receipt of NHDES subdivision approval for future lots 20 and 20-2;

- 2) Receipt of correspondence from Mr. Keach confirming comments and recommendations offered in his letter report of October 13, 2020 have been satisfactorily resolved;
- 3) Receipt of certification by Promised Land Survey that boundary monuments specified to be set on the final plat have in fact been installed.

Mr. Keach stated it is a good clean plan and Mr. Peloquin has done a good job.

Member DiMaggio asked about setbacks. Mr. Keach explained that there is a split zone lot which shows best on Sheet One of the Cover Sheet. There are two sets of controls described in the note in the left hand margin of sheet one of nine. For Lot 20 and Lot 20-2, the lots intended for building purposes, the setbacks including wetback setbacks are shown by graphics on the appropriate drawings. The seventeen foot variance for the frontage has already been approved. Mr. Keach explained that the lot in the RR3 zone was granted a 17 foot variance from the 250 foot setback required.

Member DiMaggio asked where the flood zone line on page 2 should have been drawn. Mr. Keach explained that there is a dashed line labeled approximate edge of pond. The elevation of the water in the farm pond is controlled by a dam. The elevation prescribed by FEMA is 154 feet. If the 154 contour is traced on sheet 3, you will notice that the graphics used were overlay from the FEMA map which rely on ten to twenty foot contour interval topographies. There are two-foot topographic contours over the building areas on the map provided by Promised Land. The FEMA map overstates the flood area.

Member Brown asked if the Board were looking at three lots. Vice Chair Turell explained that two lots were being made into three. Mr. Keach explained that there are two 20 plus acre lots. One will be reduced in area by approximately 16 acres and the 16 acres will be transferred to the parcel occupied by the applicants. It is a lot line adjustment with a subsequent subdivision. The larger lot will have a 3.89 acre lot taken out because it adjoins Oakridge Drive.

Member DiMaggio asked if more than one hearing was needed. Mr. Keach explained that it is considered a minor subdivision because it is creating less than 3 new lots for building purposes. The Board can approve in one meeting. The first step would be to take the application under jurisdiction.

Member DiMaggio made a motion to take the application under jurisdiction. Member Brown seconded the motion. Roll Call Vote: Member DiMaggio, yes; Member Brown, yes; Vice Chair Turell, yes; and Member Feuer, yes. Vote: 4/0/0. The motion passes.

Discussion: Member DiMaggio asked Ms. LaBranche if a lot line adjustment and a subdivision could be done at the same time. Ms. LaBranche stated that it is a lot line adjustment of the lot to the south and a subdivision of the other lot. It could be

approved in two motions, one for the adjustment and one for approval of the subdivision.

Vice Chair Turell asked about conditions. Ms. LaBranche stated that she believed that the lot line adjustment does not need to be held to any of the conditions. Mr. Keach recommended the Board make a motion to consider both applications simultaneously and then proceed to make a motion for disposition together. That way there is one notice of decision.

Mr. Peloquin requested to speak regarding the FEMA lines. They have been addressed with elevations. There are two ways to do a flood zone. Generally, the FEMA lines can be overlaid on the plans, and the flood zone can be determined. However, on this plan there are elevations along the corner of the brook which were not seen by his office. Mr. Keach agreed that Mr. Peloquin went to the trouble of providing topography lines and he would like to see the topography lines used.

Vice Chair Turell asked if there were comments from the public. Ms. Killam stated that the intent is that, this is the land that Mr. Killam grew up on and the Killams have been working with the Southeast Land Trust to preserve as much as possible which explains why the lines are where they are. They are attempting to maintain as long a wildlife corridor along the brook as possible.

Vice Chair Turell asked for a motion to consider the application for lot line adjustment and the application for subdivision together.

Member DiMaggio made a motion to consider the Application submitted by Promised Land Survey, LLC for Dean & Susan Killam for a Lot Line Adjustment and for the Subdivision to create one additional parcel, of 3.39 acres off Oakridge Drive on parcels Map 11 Lot 20 and Map 11 Lot 20-1, at 48 & 50 Westside Drive, in the TR2 and RR3 Zone together. Member Brown seconded the motion. Roll Call Vote: Member DiMaggio, yes; Member Brown, yes; Vice Chair Turell, yes; and Member Feuer, yes. Vote: 4/0/0. The motion passes.

Discussion: Vice Chair Turell informed the Board that both applications would be considered as one and requested a motion. There was no further discussion.

Member DiMaggio made a motion to approve the Application submitted by Promised Land Survey, LLC for Dean & Susan Killam for a Lot Line Adjustment and for the Subdivision to create one additional parcel, of 3.39 acres off Oakridge Drive on parcels Map 11 Lot 20 and Map 11 Lot 20-1, at 48 & 50 Westside Drive, in the TR2 and RR3 Zone together; pursuant to: 1) receipt of NHDES subdivision approval for future lots 20 and 20-2; 2) receipt of correspondence from Mr. Keach confirming comments and recommendations offered in his letter report of October 13, 2020 have been satisfactorily resolved; 3) receipt of certification by Promised Land Survey that boundary monuments specified to be set on the final

plat have in fact been installed; and 4) upon receipt of a final set of drawings with all notes and directions.

Discussion: The recorder read the draft motion for the Board and requested review at the next meeting. The Board agreed.

Member Brown seconded the motion. Roll Call Vote: Member Brown, yes; Member DiMaggio, yes; Member Feuer, yes; Vice Chair Turell, yes. Vote: 4/0/0. The motion passes.

Mr. Peloquin thanked the Board on behalf of the Killams.

Vice Chair Turell asked if there were more comments. There were none. Vice Chair Turell closed the public hearing.

Member Wainwright returned to the Board and commented that one of the boundary markers is a fifteen inch oak tree and recommended a more permanent marker.

Chair Killam returned to the Board.

New/Old Business:

Ms. LaBranche asked about congregate care facilities. Chair Killam stated that she is ready to send her something and the draft regulation should be ready for public hearing in December or January.

Ms. LaBranche also informed the Board that the storm water management regulations need to be adopted by June 30, 2020. They can be adopted at public hearing by the Planning Board.

Member Brown made a motion to adjourn. Member DiMaggio seconded the motion. All members present voted in favor. Vote: 6/0/0.

Chair Killam closed the public hearing at 8:38 PM.

The next meeting of the Atkinson Planning Board will be a workshop on Wednesday, November 4, 2020.