

ATKINSON PLANNING BOARD

Atkinson, New Hampshire

Public Hearing Meeting

Wednesday December 16, 2009

Present: Sue Killam, Chairman, Paul DiMaggio, Vice Chairman

Regular Members: Joseph Guisnard; Tim Dziechowski, Ted Stewart

Alternate: John Wolters; Selectman Ex-Officio: William Bennett, Mike Turell

Ms. Killam called the meeting to order at: 7:45 p.m.

Correspondence:

Incoming

DES, dated 12/4/09 re: Country Club Pond Dam #011.17, Atkinson

Citizen Petition, dated 12/3/09, re: Master water meter for water companies

Citizen Petition, dated 12/4/09, re: Hours of operation for Industrial/Commercial properties

Citizen Petition, dated 12/4/09, re: Prohibition of trucking facilities in all zoning districts

Citizen Petition, dated 12/4/09, re: Prime Wetland designation

Citizen Petition, dated 12/4/09, re: Buffer zone to Prime Wetlands

Atty Sumner Kalman, dated 12/7/09, re: 09-E-0233 P.J. Murphy Transportation vs. Town of Atkinson; 09-E0125 Keith Wolters, et al v. Town of Atkinson

Town Administrator, dated 12/11/09, re: Release #2 – Irrevocable Standby Letter of Credit Tuck Woods Subdivision (Blackford Drive)

City of Haverhill, dated 12/11/09, re: Public hearing to accept Karen Way as a public way

Stantec, dated 12/16/09, re: 46 Main Street subdivision Map 4 Lots 16 & 14

Letter from Lavelle Associates requesting continuance of Public Hearing for MJK Realty, LLC to 1/20/2010

Outgoing

PB Legal Notice for Public Hearing dated 12-16-09

PB Legal Notice for Public Hearing dated 1/5/2010

Approval of Minutes:

Approval of minutes for the October 21, November 4, November 18, December 2 meetings of the Planning Board was continued to the next meeting.

Public Hearings – Continued from November 18, 2009

MJK Realty, LLC continued review of an application of a proposed site plan for an office building on property located at 121 Main Street, Map 13, Lot 15 TC Zone. Taken under jurisdiction 9/16/09.

Mr. M. Turell moved to continue the Public Hearing of MJK Realty, LLC continued review of an application of a proposed site plan for an office building on property located at 121 Main Street, Map 13, Lot 15 TC Zone. Taken under jurisdiction 9/16/09 to the January 21, 2009 meeting of the Planning Board. The Motion was seconded by Selectman William Bennett and the Board voting seven in favor, with Alternate John Wolters not voting, to continue the Public Hearing.

Public Hearing – New

Proposed Zoning warrant article to afford additional protection to wetlands by classifying West Sawmill Swamp, East Sawmill Swamp, and Hovey Meadow Wetland (as delineated in the 2003 Atkinson Prime Wetland Study) as prime wetlands.

Vice Chairman Paul DiMaggio requested information on the boundaries for Hovey Meadow Wetland and the Board discussed boundaries and water flow.

Ms. Carol Grant stepped before the Board with a Citizen's Petition that would designate Wright Farm Pond, East Sawmill and West Sawmill as prime wetlands. Ms. Grant pointed out that Wright Farm Pond had been on an earlier ballot to be included as a prime wetland and that the voters had voted to include it. Ms. Grant also informed the Board that she had researched the record of the Zoning Board of Adjustment and that of 162 variances requested, 92 were wetlands and the Zoning Board of Adjustment granted 74 of them. Ms. Grant also informed the Board that she had also spoken to the Department of Environmental Services regarding prime wetlands and that the State would be passing legislation regarding waivers for property bordering wetlands.

Chairman Killam recapped the current proposed warrant article, stating that the Planning Board proposed to include East Sawmill, West Sawmill and Hovey Meadow Wetlands as prime wetlands in the Town wetlands zoning by changing Section 410.10. The Citizens Petition proposed by Ms. Grant would include Wright Farm Pond but not Hovey Meadow. Mr. Stewart pointed out that there was also a Citizens Petition to increase the buffer zone for wetlands by fifty feet, which would be an additional land taking. The Board discussed whether to add Wright Farm Pond to the current proposed Warrant Article and members expressed concern that adding Wright Farm Pond wetlands would result in an encroachment on abutters, especially the 12 homes on Summit Drive. Member Tim Dziechowski also pointed out that wetlands could not be designated by a Citizens Petition, they could only be designated by the Planning Board, and the Planning Board could add Wright Farm Pond to the current petition. Ms. Killam pointed out that the original warrant article which included seven wetlands created a balance by reducing the boundary for small wetlands.

Mr. Paul Wainwright asked to address the Board and stated that he was involved in the original study of Town wetlands and remembered seven prime wetlands.

Vice Chairman Paul DiMaggio made a motion to terminate the public input discussion, Mr. Mike Turell seconded the Motion and the Board voted seven in favor, with Alternate John Wolters not voting.

Member Ted Stewart stated that he was more comfortable waiting to designate prime wetlands until the State has finished enacting legislation. Mr. Dziechowski stated that Hovey Meadow, East Sawmill and West Sawmill wetlands were included in the proposed warrant article because not many homes would be impacted. The Board agreed that it would be better to wait and also that if Wright Farm Pond were included, the abutters should be notified. Mr. John Wolters stated that he would like to see an impact study made before it went to the ballot. The Planning Board determined that adding Wright Farm Pond to the petition would result in an automatic taking and that it preferred to wait until the Legislature passed laws regarding waivers for properties bordering wetlands.

Vice Chairman Paul DiMaggio made a Motion to move the proposed warrant article to the ballot as it stands. Mr. Mike Turell seconded the Motion.

Ms. Killam asked for questions and Ms. Julie LaBranche asked about the date of the study, and Mr. Dziechowski said that it was published in February 2, 2003.

Ms. Killam called for a vote and the Board voted Chairman Killam, Vice Chairman Paul DiMaggio, Members Tim Dziechowski, Alternate Mike Turell and Selectman Bennett in favor and T. Stewart and J. Guisnard opposed. Alternate John Wolters did not vote.

Amendment to the Zoning Ordinance to add a new section in accordance with RSA 674:62-66, and outlined in RSA 672:1-III-a to accommodate small wind energy systems in appropriate locations and provide a permitting process to ensure compliance with the provisions of the requirements and standards established herein.

Vice Chairman Paul DiMaggio made a Motion to waive reading the proposed article. Alternate Mike Turell seconded the Motion and the Board voted all in favor with Alternate John Wolters not voting, to waive reading the entire article.

Ms. Killam explained that the Board had gone through the Article at two previous meetings. Mr. Paul DiMaggio asked about people who wanted a met tower as a hobby. It was pointed out that the proposed article defined a met tower for the purpose of monitoring wind in order to install a wind turbine. Other uses for met towers would be covered in the building codes and ham radio towers are covered in the RSA's.

Ms. LaBranche asked when the Article number would be added and Ms. Killam responded that it would be handled by the Selectmen's office.

Member Paul DiMaggio moved to move the proposed article to the ballot with one correction, last page, section 6, the remove the extra "r" from the word or. Selectman Bennett seconded the motion. Mr. Dziechowski pointed out that the word "model" needed to be removed.

Mr. DiMaggio revised the motion and again moved to bring the proposed article to the ballot as corrected: remove the extra "r" from the word or on the last page, Section H and remove the word "model" from the title page. Selectman Bennett seconded the Motion and the Board voted seven in favor with Alternate Mike Turell not voting.

Mr. Guischarde had a question on the flicker effect. Selectman Bennett informed Mr. Guischarde that he believed there was a program on the shelf at present.

New Master Plan Chapter 'Energy Efficiency and Sustainable Development' to provide guidance and tools, identify strategies and actions, and provide a vision for achieving energy efficiency and conservation, and sustainable growth and development.

Ms. Killam requested that the Energy Committee come before the Board to present the New Master Plan Chapter "Energy Efficiency and Sustainable Development". She informed the audience that this was the third public hearing regarding adding the proposed chapter to the master plan. Ms. Killam asked if the Energy Committee or the Board would like to have the entire document read. The Board discussed whether it had been read entirely at previous public hearings or if it were on the web.

Mr. Paul DiMaggio made a motion to allow Ms. Veasey to summarize the document and to forego reading the entire proposed chapter at the present meeting. Mr. Mike Turell seconded the Motion and the Board voted all in favor with Alternate J. Wolters not voting.

Ms. Veasey introduced the members of the Energy Committee to the audience: Ms. Michelle Veasey, Chair, Mr. Michael Mascola, Vice Chair, Mr. Jim Garrity, Secretary and Judy Wainwright, Public Relations. Ms. Veasey proceeded to summarize the proposed chapter for the audience and listed the goals and recommendations of the Energy Committee. One of the recommendations was bike paths.

The Board discussed how bike paths could be implemented. It was pointed out that the Town has 125 cul de sacs and bike paths would make it easier to get around. Mr. Turell pointed out that the Board designed it that way. Chairman Killam stated that the last subdivision application has options for bike paths. Ms. Veasey informed the Board that some residents of the Town wanted to have bike paths like Stowe, Vermont and approached land owners to get easements for bike paths but did not have success. Chairman Killam said she believed that the Planning Board has approved plans with easements to allow access to nearby open space and the easements were noted on the plan. Mr. Dziechowski stated that easements should be recorded rather than noted on the plan and that only one easement to open space was successful, Woodlawn/Jameson Bridge. It was suggested that the Town widen the roads for bike paths and pedestrian ways as the easiest way. Mr. Stewart stated that the State has a plan to widen Meditation Lane from Main Street to Sawmill Road but it keeps getting put aside.

Chairman Killam had a question regarding the table on Chapter 7 and the correct square foot total for the library. Mr. DiMaggio stated that the omission was not a substantive change, so the Board agreed that the square footage could be added later.

Chairman Killam then asked about Section 6.0 on the last page, which did not have any content. Julie LaBranche suggested that the wording could be changed or that the Section could be removed. Mr. DiMaggio asked if the previous amendments requested by the Board were included and Ms. Killam responded that they were.

Ms. LaBranche suggested that the word "draft" had to be removed from the footer and the title on page 1, and the date had to be changed.

Vice Chairman DiMaggio made a motion to adopt the proposed chapter to the Master Plan – Energy Efficiency and Sustainable Development with the following changes:

Adding the square foot total for Kimball Library to the table on page 7;

Removing Section 6.0;

Removing the word "draft" from the footer and the title on page 1 and changing the date to December; and

Removing the title page and table of contents.

Alternate Mike Turell seconded the motion and the Board voted seven in favor, with Alternate John Wolters not voting.

Old Business

There was no old business.

New Business

Deficient Road Bonds

Mr. Guisnard stated that a resident had received a letter regarding deficiencies on Brushwood Drive. Mr. Stewart stated that when the Town accepted the Bond for Brushwood Drive, the policy was as soon as the first occupancy permit is issued, the Town plowed the road.

The Board determined that there are a total of 12 streets that have not been accepted by the Town because of bond deficiencies. Next Monday at 7:00 p.m., there will be a Selectmen's meeting to declare emergency lanes. Mr. Stewart informed the Board that if one person on the street objects to the Town declaring an emergency lane, then the Town cannot plow the road. The exception is Blackford, which is plowed by the residents. Condominium roads are not dedicated for public use and the Association is responsible for plowing. Chairman Killam asked if there were questions about trash. There were none.

Mr. Joe Guisnard made a motion to adjourn and Vice Chairman Paul DiMaggio seconded the motion.

Other

Next Planning Board meeting Tuesday, January 5, 2010

Chairman Killam announced that the next meeting of the Planning Board would be January 5, 2009 and five proposed amendments to the Atkinson Zoning Ordinance submitted as Citizen Petitions would be discussed. Ms. Killam read the legal notice for the Public Hearing. The Board discussed the process for Citizen Petitions.

Vice Chairman Paul DiMaggio made a Motion to Adjourn; Alternate Mike Turell seconded the Motion.

Ms. LaBranche requested to address the Board and informed the members that there were grants available for alternative transportation and also mapping grants through CTAP for an open space analysis and easement analysis.

Ms. Killam asked about the last CTAP project and Mr. Stewart informed her that the report would be passed out Friday, the bill was submitted. The report would be discussed at the Board of Selectmen meeting on Monday.

Ms. LaBranche announced that she would be at Kimball Public Library on Monday, December 21, 2009 from 6:00 p.m. to 8:00 p.m. to talk about alternative transportation.

Ms. Killam announced that the Planning Board Meetings would be held on January 5, 2010 and January 20, 2010.

Ms. Killam called for a vote and the Board voted seven in favor, with Alternate John Wolters not voting, to adjourn the Meeting.