

ATKINSON PLANNING BOARD

Atkinson, New Hampshire

Public Hearing/ Workshop Meeting

Wednesday September 16, 2009

Present: Sue Killam, Chairman; Paul DiMaggio, Vice Chairman; Regular Members; Ted Stewart; Joseph Guischard, Tim Dziechowski

Alternate: Harold Morse; John Wolters; Mike Turell

Ms. Killam called the meeting to order at: 7:35 PM and announced that starting in October, Planning Board Meetings would once again be held on the 1st and 3rd Wednesday of every month.

Ms. Killam read the correspondence into the minutes.

Correspondence

Incoming

Stantec Consulting 8/20/09 re: Blackford Drive existing Lamp Post locations.

Selectmen memo dated 8/20/09 re: energy Efficiency Workshop.

Loren Albright re: notice of resignation.

Memo to John Krebs (Maple Heights Realty) from Cornerstone Survey dated 8/11/09.

PB Budget printout dated 8/31/09.

Memo from Bob Jones to Selectmen re: Osborn, 8 Valcat Lane, Map 22, Lot 47.

Stantec Consulting Meeting Notes dated 8/26/09 re: Dunkin Donuts Pre-Construction Meeting.

Sumner Kalman dated 8/31/09 re: Wolters v. Town of Atkinson.

Letter from Michael Daily dated 8/20/09 re: 9 Emery Drive activity.

Memo to Selectmen from Shirley Galvin dated 9/2/09 re: Notice of Retirement.

City of Haverhill Legal Notice for meeting dated 9/22/09.

Robert Jones letter to Mr. Thomas Pignatiello re: 23 Main Street, Map 5, Lot 9.

Courtesy Copy of Variance Plan for 2 Lisheen Drive, Map 15, Lot 5.

Stantec Consulting Services dated 9/14/09 re: 6 Main Street Plan review, Map 5, Lot 47.

Rockingham Planning Commission memo dated 8/15/09 re: Site Plan Review – Kevin Barden 6 Main Street, Map 5, Lot 47.

Outgoing

Letter to Thomas Pignatiello dated 8/26/09 re: Amended Site Plan conditional approval.

Letter to Rockingham Planning Commission dated 9/15/09 re: CTAP Application for Phase I Grant Funding.

Public Hearings – Continued from August 19, 2009

Gilles Gagnon continued review of a proposed Commercial Site Plan of a 3,500 sq.ft. addition to an

existing building at 12 Industrial Way, Map 16, Lot 50 CI Zone. Taken Under Jurisdiction – 7/15/09

Ms. Killam requested that Mr. Lavelle step forward for the first public hearing. Ms. Killam read the list of abutters. Present were Keith Wolters, 14 Christine Lane, Salem, NH 03079; and Consultants James M. Lavelle Associates, Stage Road Junction, Hampstead, NH, 03841

Mr. Tim Lavelle came to the table and informed the Planning Board that he had found a solution for the drainage problems discussed at the Planning Board meeting of 7/15/09. Mr. Lavelle stated that he planned to enlarge the pond in a North and South direction and would submit plans to Rockingham Planning Commission and Stantec Engineering. Mr. Lavelle asked for a continuance to revise the plans and to submit them for review. Ms. Killam asked if he had enough time before the next public hearing. Mr. Lavelle replied, yes that he should have them ready in two weeks.

Mr. Tim Dziechowski objected stating that there was a site plan issue due to the fact that the original site plan called for an evergreen screen. Ms. Killam stated that the issue had been discussed at the meeting of 7/19/09.

Mr. Lavelle went on to say that everything discussed at the last planning board meeting would be noted on the plan and that the plans would change with the redesign of the pond.

Vice Chairman Paul DiMaggio made a motion to extend jurisdiction for 62 days. Member Tim Dziechowski seconded the motion. At the request of the developer, the planning board voted unanimously to extend jurisdiction for 62 days with one abstention, alternate, Mike Turell. The Planning Board then voted to continue the public hearing to October 21, 2009.

Ms. Killam then requested a motion to take public hearing number 3 out of order. Member Harold Morse made the motion to take Public Hearing Number 3 MJK Realty, LLC submission of an Application for Consideration and Approval of a proposed office building on property located at 121 Main Street, Map 13, Lot 15 TCZone. out of order. Vice Chairman Paul DiMaggio seconded the motion and the board voted unanimously with alternate Mike Turell abstaining to take public hearing number 3 out of order.

MJK Realty, LLC submission of an Application for Consideration and Approval of a proposed office building on property located at 121 Main Street, Map 13, Lot 15 TCZone.

Chairman Killam read the abutters list into the minutes.

Mr. Lavelle of Lavelle Associates, representing MJK Realty, stepped forward. Mr. Lavelle stated that after review by Rockingham Planning Commission there had been some changes in plans since the August 19, 2009 planning board meeting. Mr. Lavelle read Rockingham Planning Commission memorandum of August 15, 2009 into the minutes.

Mr. Lavelle then commented that the proposed driveway to Pages Lane would be abandoned. He met with the Fire Chief and the Fire Chief stated that two exits would not be necessary. Mr. Lavelle stated that the plans would be changed so that the driveway to Pages Lane would be dropped. This would allow a 100 foot buffer between the building and the residential areas.

Mr. Lavelle also stated that the rip rap drainage area would be moved to the north in agreement with comment one of the Rockingham Planning Commission letter. There would be 24 spaces of parking in the front and employee parking would be in the back. Handicap parking would be on the right side with a ramp going up the side of the building. Mr. Lavelle stated that the plan was not complete and had not been given to Rockingham Planning Commission or to Stantec Engineering.

Chairman Killam then asked Ms. Julie LaBranche if the application should be taken under jurisdiction. Ms. LaBranche asked if the applicant were asking for any waivers. Member Dziechowski requested that they add quarter scale dimensions to the plans, and asked if he had a picture of the building. Ms. LaBranche had a question as to the size of area of disturbance. Mr. Lavelle replied that it was less than 100,000 square feet. Mr. Dziechowski added that the entire lot was only 102,000 square feet.

Chairman Killam requested a motion for jurisdiction. Member Harold Morse made a motion for the planning board to take the application under jurisdiction. Vice Chairman DiMaggio seconded the motion. Chairman Killam asked if there were more discussion. There was no more discussion and the Board voted unanimously to take the application under jurisdiction.

Chairman Killam then requested a motion to continue until October 21, 2009. Member Ted Steward made a motion to continue the hearing until October 21, 2009. Member Harold Morse seconded the motion and the Board voted unanimously to continue the hearing until October 21, 2009.

Chairman Killam then requested the Board take the final application into consideration. Member Harold Morse stepped off the Board and Alternate Mike Turell stepped on.

TFMoran Inc. for Kevin Barden submission of an Application for Consideration and Approval of a proposed Change of Use Non-Residential Site Plan from an existing duplex to a 60 seat 'Tea Room/Coffee Shop' with associated utilities and parking. Property located at 6 Main Street, Map 5, Lot 47, C Zone, owned by Bank of New York.

Chairman Killam then read the abutters list into the minutes. Present were Kevin Barden and T. F. Moran, Inc., representing Mr. Barden. Mr. DiMaggio stated that there were new plans. Chairman Killam asked if the application had been taken under jurisdiction. Mr. DiMaggio responded that it had not.

Paul Carideo of TFMoran then reviewed the application stating that it was for a proposed tea room coffee shop and that plans were submitted at the July planning board meeting. TFM stated that new plans were being submitted in response to comments made by Stantec Engineering and Rockingham Planning commission and passed out the new plans. TFM then stated that he had prepared a memorandum dated September 16, 2009 in reply to the comments made by Stantec Engineering and Rockingham Planning Commission, incorporating their comments into his report and passed out copies of the memorandum to the Board. He then read the memorandum into the minutes.

TFM stated that the plans would convert the existing two family duplex into a tea room/coffee shop and that the new plans reflect the comments made by Stantec Engineering and Rockingham Planning Commission.

He further stated that he had not yet received DOT driveway approval. Regarding No. 4 of his response to the Stantec memorandum, the plans were modified to reflect the comments made by Mr. Aaron LaChance. He stated that there would be a total of 35 spaces; 1 space for every two seats and 1 for each employee.

The hours of operation would be modified and that the business would be open Monday and Tuesday from 6:00 a.m. to 2:00 p.m. and Wednesday, Thursday, Friday and Saturday from 6:00 a.m. to 8:00 p.m. That the business would offer food-related items and that service would be inside. Activities outside would be limited to customer arrival and departure and deliveries.

There would be two vehicle types for deliveries, a box truck and a van. The 40 foot box truck would deliver on Wednesdays, Thursdays and Fridays between 8:00 a.m. and 10:00 a.m. and the van would deliver on Friday from 8:00 a.m. to 10:00 a.m. During business hours vehicles would mostly be passenger cars. No activities planned during non-business hours.

TFM then addressed the septic system stating that the plans had been reviewed by the Town and DES and no changes were made. TFM is not resubmitting the septic design.

Next, TFM addressed the drainage stating that the site consists of 3 drainage areas, that there was grass where the septic is. The neighboring drainage areas drain into a swale and then a stub out to a swale to a level area where it is dispersed into drainage and then into wetland.

Chairman Killam asked about the stairs and TFM replied that they were left over from Difeo Oil and that they led up

to a loading platform and that the platform no longer exists.

TFM then reviewed the parking and pavement area. He stated that the pavement area drains into two catch basins then into a subsurface detention system to an isolation row that takes out all sand, salt, leaves and sticks and could be vacuumed and cleaned. There is stone all around, a 3 foot weir and then drains out to rip rap, over land into wetland. Mr. DiMaggio asked about grease and oil. TFM replied that grease and oil was not addressed since it was a small parking area. Mr. DiMaggio suggested that vortex be used. TFM replied that he would if it was a bigger parking lot, but it was not really necessary and that total flow was .7, not much increase.

The applicant agreed to install grease hoods.

TFM stated that the applicant would be using Hampstead Area Water Company water. Mr. Tim Dziechowski asked if there were a well on the property. TFM replied that there was an existing well and sewer on the property but they were both too small to handle the proposed use and that they were shown on note 3. Mr. DiMaggio asked where the entry for Hampstead water was on the plan. Chairman Killam replied that it was shown on Sheet 6. TFM pointed out that it came into the property from across the street, that it would be bore, not excavation. TFM stated that power would come in from the existing power pole at the Northwest corner of the property underground to the box.

Chairman Killam then asked the Board if the application should be taken under jurisdiction. Julie LaBranche stated that the application was substantially complete, that the waiver requirements need to be amended and the Town needed to grant waivers. Chairman Killam asked Mr. Mike Turell to vote in place of Mr. Harold Morse and Mr. Turell agreed and made a motion to take the plan under jurisdiction. Mr. Ted Stewart seconded the motion. Chairman Killam asked if there were more discussion and the Board voted unanimously to take the application under jurisdiction.

TFM then discussed the waivers in the design regarding landscaping and buffering which were included in the Stantec and Rockingham Planning Commission reviews. The first waiver discussed was the offsite loading requirement based on the loading zone size and stated that he is resubmitting new plans regarding screening, buffering, interior green and minimum landscape requirements and asked if there were any questions. Mr. Carideo then read the comments by Stantec and Rockingham Planning Commission into the minutes.

The Board then discussed item 2 of the Stantec review, that the waste disposal system be designed by a licensed sanitary engineer and the Board discussed the Town regulation. TFM pointed out that, whoever designed the septic system had to be licensed, PE or not. Mr. DiMaggio asked if the flow would be over 2,500 gallons and TFM responded in the affirmative. Mr. Harold Morse asked what the flow rate was and TFM responded that it was 1,536 gallons per day. Mr. LaChance stated that what was on the plan was conceptual. Mr. Morse asked what the regulation was and Mr. LaChance stated that it was Section 630 of the Site Plan regulations. Mr. Morse stated that it should state septic design.

Chairman Killam then asked where the wastewater design plans were and TFM responded that they were with the State.

Regarding Item 4, Mr. DiMaggio asked if the flow would be on the driveway and TFM responded that flows into catch basins and was curbed.

The Board then discussed Item 5, snow storage. TFM pointed out existing snow storage areas on the plan and stated that the guardrail and the bank would make snow storage there difficult and in addition was too close to a wetland. TFM stated that he moved that snow storage area to the north end of the lot into a grassy area. TFM then pointed out other snow storage areas on the plan. Mr. DiMaggio asked where the melting snow would drain and TFM responded that it would drain down the driveway into catch basins.

The Board then stated that item 6 would be discussed with the other items that needed a waiver.

Next, item 7 was discussed. Ms. Killam asked if the ramp could be angled. TFM responded that there would be loading up and down.

There was no discussion on Items 8. On Item 9, TFM pointed out that hand rails were added to both retaining walls. Item 10, Mr. DiMaggio asked where the rip rap was and TFM pointed out that it was at the corner of the building. There was no discussion on item 11. Items 12, 13, and 14 were waiver items and were put aside.

TFM pointed out the revisions to the Detail sheets in Items 16 through 19. There were no objections to the revisions. On Item 16, Chairman Killam inquired about an end cap to the guard rail. TFM pointed out that it was not necessary and Mr. LaChance stated that an end cap was for esthetic reasons and was not necessary for safety. On item 18 regarding drainage, Mr. LaChance pointed out that while there were drainage water increases at certain points, there was no overall increase for the site and he had no objection.

The Board then discussed the items that needed a waiver. Mr. DiMaggio suggested that the Board discuss the easy one, reduction of 17 feet in offstreet loading area stating that since that only one truck and a van made deliveries and only on Tuesday, Wednesday and Friday. Ted Stewart made the motion to approve the waiver, Mike Turrell seconded the motion. Chairman Killam asked for discussion. There was none and the Board voted unanimously to approve the waiver to Section 680:1.

The next waiver discussed was the waiver to Section 690 of the planning code, screening and buffering. Ms. Killam read the waiver into the minutes. TFM stated that the applicant needed both waivers. Mr. DiMaggio stated that it was existing use and that the Board did the same thing for Difeo oil, and that the applicant could use landscaping. TFM pointed out that there was a house in the back and that the Community Center was on the south side. Mr. Paul DiMaggio made a motion to grant a waiver to Sections 690:1b and 690:5 of the Site Plan regulations. The Motion was seconded by Mr. Stewart. Ms. Killam stated that that was not what the waiver request said. TFM stated that he would amend the waiver request to include Section 690:1b. Ms. Killam stated that she would make a note and have Mr. Carideo sign it. Mr. DiMaggio restated his motion to approve the waiver request for Sections 690:1b and 690:5 of the Site Plan regulations, Mr Stewart seconded the motion and the Board voted unanimously to grant the waiver.

The Board then discussed the waiver for the street tree strip. Ms. Killam read the waiver request into the minutes. Ms. Killam pointed out that the applicant could not put trees along the front of the property, since that strip of land was owned by the State of New Hampshire. Mr. Turell agreed. Mr. DiMaggio suggested that landscaping in the area next to the street be kept low for visibility purposes. Mr. DiMaggio made a motion to approve a waiver to section 6180:4 of the Site Plan regulations requiring landscaping along the street. The motion was seconded by Mr. Mike Turell. Ms. Killam asked for discussion. There was no discussion and the Board voted unanimously to approve the waiver to section 6180:4.

The next waiver request to section 6180:5, a front landscape strip section. Ms. Killam read the waiver into the minutes and TFM requested that the Board look at sheet 7. Mr. DiMaggio moved that a waiver to section 6180:5 of the Site Plan regulations be granted. Mr. Mike Turell seconded the motion. Ms. Killam asked for discussion, there was none and the Board voted unanimously to grant a waiver to section 6180:5.

The last waiver to be discussed was a waiver to section 6180:6 of the Site Plan regulations, which requires a minimum 15 foot landscape area. Ms. Killam read the waiver request into the minutes. TFM requested the Board look at the driveway on the plan, and pointed out that a 15 foot area could not be maintained on either the lower or the upper area. Ms. Killam asked if there were 40 feet on each side. TFM replied in the affirmative. Ms. Killam asked if there were extra trees and TFM replied that they were existing, pine trees, spruce trees shown on sheet 2. Mr. DiMaggio asked if he could highlight the existing and the new. Mr. Wolters pointed out that it was indicated in the ledger. TFM stated that additional trees picked up from the road were included. TFM went through the notes on the plan showing frontage and number of trees. Mr. DiMaggio asked if anything could be planted in the front. TFM replied that there were shrubs there, juniper and rose of Sharon. Mr. DiMaggio asked if there was room to plant anything. Mr. Carideo stated that it would look like the post office. Ms. Killam asked what was on the property line and TFM responded that there was some scrub and bull pine and that some was coming out as shown on sheet 5. Mr. DiMaggio asked if maples were a screen. Ms. Killam asked if one was needed. Mr. Turell stated that the Community Center was there and TFM responded that the Community Center was considered commercial. Mr. Turell stated that ornamental was acceptable because you could see past it. TFM agreed that the trees would cheer the area up.

Chairman Killam requested a motion to approve a waiver to Section 6180:6 of the Site Plan regulations. Mike Turell made the motion to approve a waiver to Section 6180:6. Mr. Paul DiMaggio seconded the motion. There was no further discussion and the Board voted unanimously to grant the waiver.

TFM stated that there was one outstanding item and that was the internal green space to the 20 space parking area as required by section 6180:7 of the Site Plan regulations. Ms. LaBranche stated that there were problems with the wording. The square footage on page 7 of the plan showed 20,620 square feet, there were 20 or more parking spaces and more than 5,000 square feet. The green area was less than 5%. She asked if 6180:7 could be interpreted to mean the island between the drive and the parking spaces or did it refer solely to the 20 space parking area. Mr. DiMaggio moved that section 6180:7 of the planning code was met and could be interpreted to include the island in the driveway as internal green space. Mr. Mike Turell seconded the motion. Ms. Killam asked the Board if they were happy with the design. Mr. DiMaggio and Mr. Turell replied in the affirmative. The Board voted unanimously to grant the waiver to 6180:7 allowing the applicant to include the island in the drive way leading to the parking lot as internal green space.

Chairman Killam then requested to recapitulate the decisions of the Board regarding the TF Moran responses to Stantec and RPC reviews.

From Stantec review:

OK, 2) resolved in discussion; 3) needs to be done; 4) DOT permit condition of approval; 5) resolved; 6) resolved; 7) pending DOT approval; 8) ok; 9) ok; 10) pending issue to be reviewed by the Stantec; 11 through 17) ok; 18) condition needs to be met and reviewed by the Stantec; 19) ok.

From RPC review: 1) done; 2) done; 3) ok; 4) condition to add grease hoods to catch basins #1, #2, #4.

TFM stated that Ms. LaBranche requested that on sheets 2 and 15 note 4 be added to change the set back from 50 feet to 75 feet. Also note 3 on sheets 4 and 5 needed to be changed.

Chairman Killam then asked the Board for their decision.

Mr. Dziechowski moved to grant conditional approval and Ted Stewart seconded the motion. Ms. Killam stated that there was a motion and a second to grant conditional approval that needed to be subject to the before recapitulation. The Board worked to draw up the motion.

The first items were DES approval and DOT approval. Mr. Turell suggested that the applicant change the title page because Atkinson regulations do not specify a restaurant as a type of business for the town. Mr. Bardin replied that a change might not meet bank approval. The applicant agreed to change the name on the title page to eating establishment, satisfying both the bank and Atkinson regulations. TFM asked if he would have to change every sheet and Ms. Killam replied that changing the title would be sufficient.

Mr. DiMaggio asked about conditions. Ms. Killam stated that they should be for the following items: 1) DES approval; 2) DOT approvals for the driveway; 3) DOT approval; 18) drainage change area – Mr. LaChance stated that this was not significant; 10) to meet revised approval; 11) grease hoods for catch basins.

Ms. Killam asked if there were comments regarding the plan and Ms. LaBranche and Mr. LaChance both stated that it was a good plan.

Mr. Dziechowski again moved to grant conditional approval subject to the conditions 1) DES approval of waste disposal system, approval # to be added to plan; 2) DOT approvals for the driveway access, approval # to be added to the plan; 3) DOT approval of slip lane modification to driveway by loading area; 4) engineered design for 9 foot drop and steep slope at southern corner of parking area, and satisfactory review by Stantec; 5) grease hoods for catch basins. Ted Stewart seconded the motion. The Board voted unanimously to grant conditional approval for the application.

Continued Discussion

Ms. Killam then asked the Board if there was anything else they would like to discuss. Mr. Dziechowski stated that section 410:b of the planning regulations needed to be reworded. Ms. Killam asked Ms. LaBranche for her suggestions. Ms. LaBranche replied that Mr. Stewart submitted a CTAP application for highway assessment.

Ms. LaBranche stated that that there was \$5,500.00 of grant money that needed to be spent and asked if the Board had any suggestions.

Chairman Killam suggested that the board hire a consultant to revise chapters in the Master Plan. Mr. Morse suggested Mr. Stewart's project. Mr. Stewart stated that he would like to start Phase II for repairing Island Pond Road and that it would require \$9,500.00 for the design and that tax dollars would be needed to supplement that amount if he takes the entire grant. Ms. LaBranche stated that she was working on it. Ms. Killam suggested Mr. Dziechowski's project to fix the forestry maps. Mr. Dziechowski stated that the maps were in bad shape. Mr. Stewart stated that he was hopeful for \$5,500.00 so that he can get done by December 15th, and asked if he could pay first and get reimbursed.

Ms. LaBranche replied that the Town needed to decide. \$10,000 is two thirds of the cost of the Island Pond Road project and could be divided into two applications. Ms. LaBranche recommended that the board look at landscaping requirements in the planning regulations, since there have been no applications that meet them. Mr. Stewart agreed. Mr. Morse stated that the regulations were written around 1998. Mr. DiMaggio stated that the commercial area was a mess. Ted Stewart stated that no one could build in the Town Center. Julie LaBranche asked what the standards for new development and redevelopment were. Mr. DiMaggio stated that they did not have to look at all the regulations. Mr. DiMaggio asked if that were all. Ms. Killam replied no. Mr. DiMaggio suggested that some of the money be used to look at the master plan. Ms. Killam stated that a chapter of the master plan could be revised. Ms. LaBranche stated that the application needs to be signed by the Board of Selectmen. Mr. Morse suggested the traffic change at the new 111 ramp. Mr. Dziechowski mentioned changes at Line Brook Road and East Road and that a traffic study was needed for that. Julie LaBranche suggested the MPO project. Mr. Dziechowski stated that the school district was impacted by that intersection and it was a regional problem.

Mr. DiMaggio made a motion to have the Planning Board write to the Board of Selectmen to have trees cut to improve the line of site on the East side of Line Brook and East Road. Mr. Morse seconded the motion and the Board voted unanimously to write to the Selectmen.

Ms. LaBranche then asked about the zoning ordinance revisions for Work Force Housing.. Ms. Killam replied that they were done. Mr. Dziechowski asked about the accessory use ordinance. Mr. Turell had a question about the number of bedrooms in a residence exceeding septic system capacity.

Ms. Killam stated that all other business could be discussed at the workshop.

Mr. Mike Turell made the motion to adjourn, it was seconded by Mr. Morse and the Board voted unanimously to adjourn the meeting. Adjourned at 11:15 PM

Next Planning Board Workshop Meeting – October 7, 2009

Respectfully submitted

Karen Wemmelmann

APPROVED _____ 10/7/09 _____