

ATKINSON PLANNING BOARD

Atkinson, New Hampshire

Public Hearing/ Workshop Meeting

Wednesday May 20, 2009

Present: Sue Killam, Chairman; Michael Fletcher; Ted Stewart; John Wolters, Loren Albright; Tim Dziechowski; Selectman Ex-Officio: William Bennett

Chairman Killam read the correspondence into the minutes then called the meeting to order at 7:55 p.m. once a quorum of members was present.

Correspondence

Incoming

Town & City magazine

Memo from Zoning Board of Adjustment dated 5/18/2009 regarding Motion for rehearing Haynes - Denied

Memo from Zoning Board of Adjustment dated 5/18/2009 regarding Motion for Rehearing – denied to PJ Murphy

City Notice from Haverhill dated 5/15/2009 regarding 6/2/2009 meeting

Invitation to Rockingham Planning Commission 36th Annual Meeting, Wednesday, June 10, 2009 at Sheraton Harborside, Portsmouth, NH

Outgoing

None

After calling the meeting to order, Chairman Killam requested that approval of minutes for the Planning Board Meeting of April 15, 2009 and May 6, 2009 be moved until the end of the meeting in order to allow the scheduled public hearing to commence.

Public Hearing

New Application

Lavelle Associates for Daniel Fusco submission of an Application for Consideration and Approval of proposed Lot Line Adjustment Plan between Tax Map 13, Lot 29-11 (Winslow Drive Realty Group & Lot 29-12 (Daniel & Elizabeth Fusco) property located at 36 & 34 Winslow Drive, TC Zone.

Chairman Killam read the abutters list into the minutes. Present were Winslow Drive Realty Group, BrianBoyle for Daniel & Elizabeth Fusco. Lavelle Associates was not present.

Mr. Brian Boyle, representing Mr. and Mrs. Daniel Fusco addressed the Board stating that the change in the property line represented 692 square feet. Mr. John Wolters asked what type of housing development the property was in. Chairman Killam explained that it was a cluster development with 50% open space making zoning regarding frontage less restrictive than a single lot property.

Chairman Killam asked Mr. Boyle to explain the discrepancy in square footage. Mr. Boyle replied that when the driveway was paved, the pavers went off the lines that were staked down because they thought they were property lines. One year later, the closing attorney noticed that a portion of the driveway of Mr. and Mrs. Fusco's was on the next property. Mr. Boyle further stated that the error could be corrected by:

- 1) increasing the size of the lot owned by the Fusco family to include the driveway, an increase of 950 square feet; or
- 2) granting an easement for the driveway.

Mr. Boyle requested that the Planning Board take the first solution under consideration. Mr. Boyle further stated that there is no minimum frontage in a cluster housing development, and that homes in the project have to be 50 feet apart or the dwellings can be sprinkled. He also stated that the action to approve the change would not affect other homes in a cluster subdivision.

Member John Wolters asked if the development had community water and sewer and Mr. Boyle replied that the development had community water and private septic.

Selectman William Bennett asked about a word on the plan. Mr. Boyle replied that the boundary stated edge of lawn and that the word was "edge". Winslow Properties gave the homeowner all the lot that they thought they had. The abutting lot is vacant. Chairman Killam stated that the squiggly line was grass. Mr. John Wolters asked if the change in the property line would affect the septic. Mr. Bailey replied no, it would not.

Chairman Killam stated that the vacant lot was a buildable lot. There is 100 feet to the wetlands.

Selectman William Bennett asked about the dashed line. Mr. Boyle stated that the dashed line is what is recorded at present and the surveyor picked up the mistake.

Member Ted Stewart asked for a motion. Chairman Killam agreed. Member Ted Stewart made a motion to take the application under jurisdiction. Member Loren Albright seconded the motion and the Board voted unanimously to take the application under jurisdiction.

Chairman Killam asked if the change in the property line needed to be recorded and Julie LaBranche responded yes. Chairman Killam asked how many sheets were recorded showing the two lots in question when the plan for the subdivision was drawn up. Mr. Boyle replied that one sheet was recorded. Chairman Killam then asked if there was a master sheet. Mr. Boyle replied that over the years a cover sheet was made for this subdivision but only sheets one through four were recorded.

Julie LaBranche, Rockingham Planning Commission stated that the changes in the old lot versus the new lot had to be recorded. Chairman Killam stated that if the Board wished to have the issue resolved tonight, she could pull the file. Member Ted Stewart asked if the application could be approved conditionally. Chairman Killam requested a motion to approve conditionally upon verification of any additional Mylar or subdivision planning sheets that need to be amended. Member Mike Fletcher stated that approval should be subject to review of the sheets. Member John Wolters stated that it would be better to review the plans during the meeting before making a motion and Chairman Killam agreed.

The meeting was then adjourned for 10 minutes while Chairman Killam went to get the planning sheets for the original subdivision.

Chairman Killam called the meeting back to order. Ms. LaBranche advised the Board to review the original decision. Chairman Killam asked about Note 4 and Mr. Boyle asked if it was correct. Chairman Killam asked which sheets were recorded and Member Ted Stewart replied that sheets 1, 2, 3 and 4 were recorded. Chairman Killam asked again about the notes and Member Tim Dziechowski stated that the notes were all recorded on sheet 3 and that no notes needed to be changed. He then stated that sheet 2 showed the lot lines.

Chairman Killam requested a Motion and stated that sheet 2 was the only sheet that needed to be amended. She also

stated that approval for the application had to be given subject to approval by the Department of Environmental Services regarding the septic.

Chairman Killam requested Member Ted Stewart to make a Motion to approve the application. Member Ted Stewart moved to approve the application for a lot line change on Map 13, 29-11, 29-12 with the following conditions:

- 1) Sheet 2 to be amended to show the change in the lot line and the change to be recorded with the Registry of Deeds
- 2) Applicant to verify State subdivision approval from the Department of Environmental Services regarding the septic system.

The motion was seconded by Member Mike Fletcher. Chairman Killam asked if there were other discussion, there was none, and the Board voted unanimously to allow the application subject to the conditions in the motion.

Chairman Killam then asked Brian Boyle if a Homeowners Association had been established for the subdivision. Mr. Boyle replied that one had not. Chairman Killam asked how many homeowners were in the subdivision at present. Mr. Boyle replied that there were 6-8. Member Tim Dziechowski asked if the open space was deeded to the Town. Mr. Boyle responded that the open space would be owned by the association and controlled by the conservation commission. Mr. Boyle also stated that By-Laws had been drawn up and it was referenced in the deed to the property. Ted Stewart informed Mr. Boyle that the Homeowners Association was not formed through the deed. Mr. Boyle responded that the covenants were recorded and that the association was also mentioned. Ms. LaBranche informed Mr. Boyle that structure was needed to pay taxes. Mr. Boyle responded that the tax on the conservation land was about \$50.00 per year. Chairman Killam stated that the tax assessor labels conservation land as enhancement. Mr. Boyle stated that he received a separate bill for the conservation land. Chairman Killam remarked that the conservation land could be deeded to each homeowner as 1/27th. Mr. Boyle then stated that the tax bill would amount to approximately \$7.00 per year for each homeowner. Member John Wolters asked if there was a nature trail and Member Tim Dziechowski stated that the Boy Scouts had already established one.

Chairman Killam then adjourned the public hearing.

Workshop

Member Ted Stewart then brought up the possibility of obtaining CTAP grants. Chairman Killam asked if Selectman Bennett was interested. Selectman Bennett asked Chairman Killam to explain CTAP grants. Chairman Killam explained that the grants are to study the impact of widening Interstate 93 in the 27 communities affected by it, in order to measure growth and environmental impact.

Ms. LaBranche offered a further explanation. She stated that the program targeted land use and that Year 1, Phase 1 had already concluded but she was confident that the State would extend a grant of \$15,000 for year one through December 15, 2009. Phase 2, Year 2 was a new round of grants starting in May of 2009 through May of 2010. She also stated that Atkinson had not applied for any of the grant funds, that \$15,000 for phase one and \$10,000 for phase two was available.

Member John Wolters inquired if there were any restrictions. Ms. LaBranche replied that year two has stipulations: 1) land use guide; and 2) recommendation for community assessment report. The last page of the application summarizes 15 recommendations and any can be used for a grant or to implement CTAP.

Member John Wolters then asked if there were expiration dates. Ms. LaBranche replied that the Rockingham Planning Commission was waiting to hear if an extension had been granted for phase one. She stated that the funds would need to be spent by mid-December 2009.

Member John Wolters asked when the grant needed to be turned in. Ms. LaBranche replied that if the deadline to apply for the grant were extended then the Town would need to hire a consultant and that it would be a tight schedule to develop an ordinance. Member Wolters stated that any ordinance could not be approved until March.

Chairman Killam stated that the work would be done by a paid consultant, that it would have to be finished by December for approval in March and also that it would need to be ready for public hearings in December.

Member Ted Stewart stated that he thought that part of the grant could be to do a study of the hydrology of Hog Hill Brook. He had obtained a first bid for just under \$15,000 and that he wanted to work with Ms. LaBranche for a better bid.

Selectman Bennett asked if he had contacted Bill Friel. Member Stewart replied that he brought a request for the study to the Selectman but was turned down. Member Stewart sent the information to Stantec Engineering to get a better bid and now that the Rockingham Planning Commission has money available, he wants to resubmit his proposal.

Selectman Bennett requested that Member Stewart remind Bill Friel. Chairman Killam asked if the proposal by Member Stewart could fall under Phase 1. Ms. LaBranch replied that it could, but Member Stewart needed to wait for an extension and that he could use a combination of Phase 1 and Phase 2 money.

Chairman Killam then asked if Member Dziechowski had any proposals. Member Dziechowski replied that the Town needed to update the natural resource inventory for the Town Master Plan. All natural resources needed to be inventoried and mapped, that the Forestry Plan needed to be included in the Master Plan. He stated that Charlie Merino, a consulting forester was working on the inventory, particularly a 140 acre parcel on Sawyer Road. He had spoken to Phil Auger. He also stated that the work would be too much for Phase 1 and that he would prefer to use Phase 2. Ms. LaBranche stated that the cost of the forestry inventory and mapping project would be around \$8,000 to \$10,000 and would take around one year to complete, including a complete map set.

Chairman Killam stated that the two programs would cost more than the two grants. Member Dziechowski stated that it would depend on other factors such as the bids. Chairman Killam asked why a hydrology study was needed. Member Stewart responded that the study was needed due to the amount of flooding on Island Pond Road. The Town did well until Rte 111 was overtopped. The study was needed for work downstream so that Atkinson would not flood in the future.

Chairman Killam remarked that Island Pond Road goes over the brook three times. Member Ted Stewart stated that the West Side Drive crossing was one half mile before the Salem town line. Chairman Killam stated that West Side Drive crossed over an old steel culvert and with 100 year storms it had become damaged. Member Ted Stewart stated that there were many sink holes around the culvert and that the structure was nine feet six inches; If the hydrology study shows that 10 foot culvert is needed then Federal funds could be used to do the upgrades.

Ms. LaBranche stated that the State of New Hampshire was doing a study on the upper part of the watershed. Member Ted Stewart stated that they study the upper part but have not done much to study hydrology south of Route 111. Member Dziechowski inquired if the State of New Hampshire was planning to do a study south of Route 111. Ted Stewart replied, yes a study had been done with both ends of the culvert perpetually under water and that there were dams downstream from the culvert. Member Tim Dziechowski remarked that the dam on Island Pond Road had not been rebuilt. Member Stewart replied that it was the prerogative of the land owner. Member Dziechowski then asked about the stone bridge. Member Stewart stated that ownership of the bridge was in limbo, the bridge was supposed to be conveyed to the owner of the property and that he wants to do a study before the road is torn up. Ms. LaBranche stated that Member Stewart could ask for Phase 1 money for the hydrology study if he could show what part of the study would be completed by the December 2009 deadline. Ted Stewart stated that the project could be started in July and finished by September.

Chairman Killam asked Ms. LaBranche how to proceed. Ms. LaBranche stated that the projects would need approval by the governing body and other bodies. The Planning Board would have to write a proposal.

Chairman Killam stated that member Stewart's proposal was important and that Member Dziechowski's proposal was part of the master plan and should be done by the Planning Board. Ms. LaBranche stated that she could help fill out the application, it was pretty basic, the Planning Board needs to decide.

Member Stewart asked how the Rockingham Planning Commission would proceed if it received three applications and

they added up to more money than was allowed in the grants.

Ms. LaBranch stated that the Rockingham Planning Commission was the gatekeeper, if the Commission received more applications than money, it would contact the Town and if the Town had some money for the hydraulic study, then it would be good.

Selectman Bennett stated that the project proposed by Ted Stewart only needed to be taken to Bill Friel. Member Stewart replied that he could have it out by Friday. Ms. LaBranche stated that the phase one grant was for \$15,000.

Member Wolters stated that the money had to be spent by mid-December and Ms. LaBranche stated that he was correct. Chairman Killam stated that the deadline for completion should be November 1, 2009. Ms. LaBranche stated that if the bid was under the total amount for the grant, then the Town would have money for more projects.

Member Dziechowski inquired if the hydrology project proposed by Member Stewart could use phase one and two money and the proposal for the Natural Resources inventory and Forestry Plan could use phase two and phase one dollars. Ms. LaBranche stated that the projects can be multi-phase as long as a detailed scope of work was submitted. Chairman Killam asked if Member Stewart would have his proposal prepared by Friday and Member Stewart responded that he would.

Member Dziechowski stated that money might be available including a grant from the Municipal Association to develop infrastructure for commissions. Chairman Killam asked if it were someone at the meeting and Member Dziechowski stated that it was. Chairman Killam asked if Mr. Dziechowski could provide more details and Member Dziechowski replied that he could.

Selectman Bennett stated that the Selectmen were meeting every other Monday throughout the summer months. Chairman Killam requested that Ms. LaBranche and member Stewart could coordinate for the Selectman meeting.

Ms. LaBranche stated that she would let the Planning Board know when the extension for phase one money would be approved. Selectman Bennett stated that she could inform the secretary at the Selectman's office.

Member Tim Dziechowski informed the Planning Board that he had copies of Wind Generation Zoning Ordinances for various towns and that he would print them and bring them to the next workshop.

Chairman Killam stated that the next meeting would be June 17, 2009.

The Board then discussed the minutes of the May 6, 2009 Planning Board meeting. Selectman Bennett stated that there were typographical errors on the last page. Member Fletcher asked why the discussion on alternate energy sources was included and Chairman Killam replied that the topic was brought up in the correspondence. Member Albright requested that the last line of the last page be reworded to state "to operate at a sound level of 34 decibels, 4 kilowatt output.

Member Ted Stewart made a motion to approve the minutes of May 6, 2009 Planning Board Meeting as corrected. The Motion was seconded by Mr. John Wolters and the Planning Board voted unanimously to approve the minutes.

Member Ted Stewart made a motion to adjourn the meeting. The motion was seconded by Member Mike Fletcher and the Board voted unanimously to adjourn. The Planning Board meeting was adjourned at 9:25 p.m.

APPROVED - 6/17/2009 Respectfully submitted,

Karen Wemmelmann