

**ATKINSON PLANNING BOARD
Atkinson, New Hampshire
Public Hearing Meeting
Wednesday January 5, 2010**

Present: Sue Killam, Chairman, Paul DiMaggio, Vice Chairman
Regular Members: Joseph Guischard; Tim Dziechowski, Ted Stewart
Alternate Members: Harold Morse, Mike Turell, John Wolters, Selectman Ex Officio, William Bennett

Ms. Killam called the meeting to order at: 7:40 p.m.

Correspondence:

Incoming

1. Notice from the City of Haverhill re: 1/12/10 Meeting to Accept Payton Way
2. Letter to Selectmen/Planning Board from Stantec Engr. Re: Letter of Credit for Blackford Dr.
3. Email from Harold Morse re: out of office 12/16/09 and 12/17/09
4. Inventory
5. Ltr from Rockingham County Registry of Deeds re: recording fees for DeBeche Plan
6. Notice from the City of Haverhill re: Lyons Farm Road 12-15-09
7. Letter from Stantec re: 46 Main St Subdivision
8. Memo dated 12/16/09 from T. Barbera, IT Committee
9. Copy of Memo dtd. 11/20/09 from ZBA to Allen Emory Drive re: Request for Continuance Approved to 2nd Wednesday of January

Outgoing

Approval of Minutes:

Approval of minutes for the October 21, November 4, November 18, December 2 and December 16 meetings of the Planning Board was continued to the next meeting.

Public Hearings

Citizens Petitions

1) Amend the Atkinson Wetlands Ordinance, Section 410, by inserting a new section requiring water companies to install water flow meters on all existing and future water lines at the point where they cross the town line between Atkinson and any abutting town.

Vice Chairman DiMaggio read the Petition for the record. Chairman Killam requested comments from the public. Ms. Carol Grant asked to speak before the Board.

It was pointed out that water flow is already metered at the well site, that imposition of fines is limited by State Law to a maximum of \$275.00 the first day and \$550.00 for each succeeding day.

Vice Chairman DiMaggio made a Motion to Close the Public Input Portion of the Public Hearing. Member Ted Stewart seconded the Motion. Alternates Harold Morse and Mike Turell stepped off and the Board voted Chairman Killam - yes, Vice Chairman DiMaggio - yes, Member Ted Stewart - yes, Member Joe Guischard – yes, Member Tim Dziechowski - yes, Alternate John Wolters –yes, and Selectman Ex Officio William Bennett – yes to close the Public Input Portion of the Public Hearing.

There was no discussion from the Board.

Vice Chairman DiMaggio made a Motion not to recommend the petition. Member

Ted Stewart seconded the Motion.

Alternate John Wolters requested discussion. It was pointed out that DES regulates measurement of water flow and that the Planning Board does not have the authority. Mr. Morse pointed out that the wells are monitored at the well house and at each home, and, further most of the loss was due to leaky pipes.

Vice Chairman DiMaggio made a motion to move the question. Member Tim Dziechowski seconded the Motion, Alternates Harold Morse and Mike Turell stepped off and the Board voted unanimously to move the question.

Chairman Killam stated that the question not to recommend would be put to the vote.

Vice Chairman DiMaggio made a Motion not to recommend the Petition. Alternates Harold Morse and Mike Turell stepped off. Member Tim Dziechowski seconded the Motion. The Board voted Chairman Killam - yes, Vice Chairman DiMaggio - yes, Member Ted Stewart - yes, Member Joe Guischar - yes, Member Tim Dziechowski - yes, Alternate John Wolters - yes, and Selectman Ex Officio William Bennett - yes to not to recommend the Petition.

2) Amend the Atkinson Wetlands Ordinance, Prime Wetlands, section 410.10, to increase the Prime Wetlands Buffer from 100 feet to 150 feet.

Member Mike Turell read the petition for the record. Chairman Killam asked for input from the Petitioner, Carol Grant. Ms. Grant discussed the background for the Petition. Mr. Frank Polito requested to speak. Mr. Polito pointed out that the State has given Towns the right to regulate setbacks. Also, the areas in the Petition have been built up for years, and a 150 foot setback would draw a line through properties, requiring property owners to get waivers, a process which is not inexpensive or quick. Mr. Polito stated that building past 100 feet requires approval from the Zoning Board of Adjustment for a waiver according to RSA 677:33 and that there are five requirements to get a variance. Mr. Polito also pointed out that lawns and driveways pollute more than structures.

The Board then discussed past articles requesting 150 foot variances. It was pointed out that those requests were included with other proposed amendments and that the Planning Board had to look at the need to protect as well as the taking of property. Also, a 100 foot setback was adequate protection, while a 150 foot setback would cause a huge problem with non-compliance and that 80% of wetlands variances are granted by DES.

Vice Chairman DiMaggio made a Motion to Close the Public Input Portion of the Public Hearing. Alternate Mike Turell seconded the Motion. Alternates Harold Morse and John Wolters stepped off and the Board voted Chairman Killam - yes, Vice Chairman DiMaggio - yes, Member Ted Stewart - yes, Member Joe Guischar - yes, Member Tim Dziechowski - yes, Alternate Mike Turell - yes, and Selectman Ex Officio William Bennett - yes to close the Public Input Portion of the Public Hearing.

Member Ted Stewart made a Motion not to recommend the Petition. Vice Chairman Paul DiMaggio seconded the Motion. Alternates John Wolters and Mike Turell stepped off. The Board voted Chairman Killam - yes, Vice Chairman DiMaggio - yes, Member Ted Stewart - yes, Member Joe Guischar - yes, Member Tim Dziechowski - yes, Alternate Harold Morse - yes, and Selectman Ex Officio William Bennett - yes to not to recommend the Petition.

3) Amend the Atkinson Wetlands Ordinance, Section 410.10 Prime Wetlands to add West Sawmill Swamp, East Sawmill Swamp, and Wright Farm Pond as designated prime wetlands.

Chairman Killam read the Petition for the record. Chairman Killam asked Ms. Grant if she

wished to speak. Ms. Grant stated that she did not think the houses currently around Wright Farm Pond would be affected. Chairman Killam pointed out that the Planning Board also has an Article designating West Sawmill Road, East Sawmill Road and Hovey Meadows as prime wetlands. The only difference between the Petition proposed by Ms. Grant and the Article proposed by the Planning Board is Wright Farm Pond was in the Petition by Ms. Grant and not Hovey Meadows, while the Planning Board Article included Hovey Meadows and not Wright Farm Pond. Ms. Killam also pointed out that the Planning Board was concerned about Wright Farm Pond because of the number of properties that would be affected if it were designated a Prime Wetland, and further, that Ms. Grant was incorrect in stating that the properties already around Wright Farm Pond would not be affected, that the existing homes and properties would have to conform to the regulations regarding Prime Wetlands. It was also pointed out that only the Planning Board could designate Prime Wetlands.

Vice Chairman DiMaggio made a Motion not to recommend the Petition. Alternates Harold Morse and John Wolters stepped off. Selectman Bill Bennett seconded the Motion. and the Board voted Chairman Killam - yes, Vice Chairman DiMaggio - yes, Member Ted Stewart - yes, Member Joe Guischar - yes, Member Tim Dziechowski - yes, Selectman Bill Bennett – yes, and Alternate Mike Turell – yes to not to recommend the Petition.

5) Amend the Atkinson Zoning Ordinance, Section 510, to prohibit as a permitted use a trucking transportation facility in all zoning districts.

Chairman Killam read the Petition into the record. The Board agreed that the petition did not clearly define a truck transportation facility, for example how many trucks constitute a truck transportation facility, and it would make existing truck transportation facilities noncompliant. The Board agreed that the intent was good, but the petition was flawed.

Vice Chairman DiMaggio made a Motion not to recommend the Petition. Alternates Mike Turell and John Wolters stepped off. Member Tim Dziechowski seconded the Motion. and the Board voted Chairman Killam - yes, Vice Chairman DiMaggio - yes, Member Ted Stewart - yes, Member Joe Guischar - yes, Member Tim Dziechowski - yes, Selectman Bill Bennett – yes, and Alternate Harold Morse – yes to not to recommend the Petition.

4) Amend the Atkinson Zoning Ordinance, Section 510 to require hours of operation of businesses in the Commercial/Industrial zone be evaluated for undesirable offsite impacts to nearby residential uses and adjoining communities.

Chairman Killam read the petition into the record. Chairman Killam stated that the petition would amend the permitted use plan and that it had the same flaws as the previous proposed petition discussed. The Board agreed that the petition was a good one but it needed work, and not to recommend as written.

Member Ted Stewart made a Motion not to recommend the Petition. Member Harold Morse seconded the Motion.

Vice Chairman DiMaggio suggested that the Board recommend the Petition for the voters. The other members still felt it was too flawed.

Alternates John Wolters and Mike Turell stepped off. The Board voted Chairman Killam - yes, Vice Chairman DiMaggio - opposed, Member Ted Stewart - yes, Member Joe Guischar – yes, Member Tim Dziechowski - yes, Alternate Harold Morse – yes, and Selectman Ex Officio William Bennett – yes to not to recommend the Petition. 5 – yes, 1 opposed, 2 stepped off.

Chairman Killam addressed the audience stating that all five petitions were rejected by the Planning Board and requested that if Town residents would like to make changes, that they work with the Planning Board so that the petitions and articles are correctly written.

Alternate Mike Turell made a Motion to Close the Public Hearing. Vice Chairman Paul DiMaggio seconded the Motion. Mr. Harold Morse and Mr. John Wolters stepped off. The Board voted unanimously to Close the Public Hearing.

Other

Next Planning Board meeting Tuesday, January 5, 2010

Chairman Killam announced that the next meeting of the Planning Board would be January 20, 2010.

Alternate Harold Morse made a Motion to Adjourn at 9:51 p.m. Member Ted Stewart seconded the Motion. Mr. Mike Turell and Mr. John Wolters stepped off. The Board voted all in favor to adjourn at 9:51 p.m.