

**ATKINSON PLANNING BOARD
Atkinson, New Hampshire
Public Hearing Meeting
Wednesday January 20, 2010**

Present: Sue Killam, Chairman; Paul DiMaggio, Vice Chairman; Alternate: John Wolters;
Mike Turell

Chairman Killam called the meeting to order at: 7:35 PM.

Correspondence

Incoming

- 1 Memo from Stantec to Dunkin donuts GC and owner re open items 12-30-09
- 2 Letter from DOT regarding planned improvements to intersection Rte 111 and Island Pond Rd 01-05-10
- 3 Notice from City of Haverhill hearing to accept Lyons Farm Rd as Public Way 01-08-10
- 4 Memo to Dpt Heads from Accounting Dpt re upcoming audit 01-08-10
- 5 Fax letter from Keach Nordstrom Associates re 16 Industrial Way bonding 01-11-10
- 6 Copy of letter from ZBA to Ashworths granting variance 01-19-10
- 7 Copy of letter from ZBA to Zedalis granting variance 01-19-10
- 8 Letter with attachments from Senator Downing re: OEP DRED programs 1-12-10

Outgoing

- 1 Memo to Town Administrator regarding Dunkin donuts site stabilization 1-14-10

Chairman Killam informed the Planning Board that the Board of Selectmen gave a temporary occupancy permit to Dunkin Donuts at the January 18, 2010 public hearing as long as the site was monitored. The site was only partially landscaped and erosion control will be necessary when the snow melts. Mr. LaChance remarked that the Board may want to look at plantings.

Next, the Board discussed the fax letter from Keach Nordstrom Associates regarding 16 Industrial Way bonding. Chairman Killam explained that the new owner of the building, Ruby Holdings, LLC is putting up a bond so that the old owner can get their bond back. Keach Nordstrom went through the work sheet.

Vice Chairman DiMaggio made a Motion to accept the bond. Mr. M. Turell seconded the Motion and the Board voted all in favor.

Public Hearings – Continued from December 16, 2009

1. MJK Realty LLC continued review of an Application for a proposed Site Plan for an office building on property located at 123 Main Street, Map 13, Lot 15 TC Zone. Taken under jurisdiction 9/16/09. Extended jurisdiction to 1/31/2010.

Chairman Killam read the abutters list. Present was Mr. Tim Lavelle, Lavelle Associates for MJK Realty. Mr. Lavelle gave the Board the following documents:

- 1) Letter from Lavelle Associates dated 1/19/10 requesting a waiver
- 2) Letter from the Town of Atkinson Fire Chief dated 1/20/10
- 3) Letter from Stantec dated 1/15/10
- 4) Letter from the Town of Atkinson Police Chief dated 12/22/09 and resubmitted by Lavelle Associates

Mr. Lavelle informed the Board that the four remaining items requested by the Board had been accomplished including the drainage issues.

Item 7 – A stamp from Mr. Tim Ferwerda, wetlands scientist of record had been added

Item 9 – A waiver had been requested

Item 17 – A letter from the fire chief stating that he would defer final placement of the hydrant to the water company. The hydrant would be placed further down toward Pages Lane giving protection to other properties on that street as well.

Item 21 - Chairman Killam remarked that the Building Inspector issues a separate sign permit.

Item 29/30. As discussed at the site, the applicant planned on using existing vegetation and adding arbor vitae on the berm to be built. The landscaping architect intended to clean out the existing vegetation along Pages Lane. The Board requested that 5 or 6 foot Arbor Vitae be planted on top of the berm rather than 3 foot. Mr. LaChance informed the applicant that it was needed to specify which trees are staying. Mr. Lavelle informed him that all the tall trees would be staying.

The Board next discussed the letter from the fire chief. Mr. Lavelle stated that he would send something in to show that the turning radius was adequate.

The next item discussed was the height of the building, which is greater than 35 feet at its highest point. Chairman Killam read the letter from Mr. Lavelle requesting a waiver, based on the fact that the IBC Code allows the average of height building measured from the ground to be used for height requirements. Chairman Killam read Site Plan Regulation #611:12 stating no building could be higher than thirty-five feet at its highest point and the section in the International Business Code stating that average height could be used.

Mr. Lavelle informed the Board that the applicant's building is thirty-eight feet, ten inches at the highest point. Mr. Lavelle pointed out that the IBC Code allows an average height across the length of the roof and while the building is 38 feet 10 inches from the ground at the lower level in the back to the highest point on the roof line, it is only 30 feet from the ground to the roof line in the front, and 36 feet from ground at other areas in the back, making the average height 33 feet eight inches.

Vice Chairman DiMaggio made a Motion to Approve the Waiver as requested. Mr. John Wolters seconded the Motion and the Board voted all in favor of granting the waiver.

Next, the Board discussed the parking area and if the number of paved parking spaces was adequate. According to the plan, there were 16 paved parking spaces for employees and customers plus two handicapped parking spaces. The rest of the parking spaces are gravel and are shown on the plan, with a note stating the number of paved spaces and the number of gravel spaces. The requirement is 34 parking spaces, and the applicant is providing 37, 18 of which are paved, including the two handicapped parking spaces. The Board discussed if 16 paved parking spaces was enough.

Vice Chairman DiMaggio made a Motion to waive the requirement for 34 paved parking spaces and allow 20 paved parking spaces. Mr. John Wolters seconded the Motion.

Mr. Turell questioned why the applicant needed to add more parking spaces since it was not a growth business. Mr. Lavelle agreed to add 4 additional paved parking spaces in the front, for a total of 20 paved parking spaces plus two handicapped spaces stating it could be done as a revision to the plan.

The Motion was retracted.

Chairman Killam argued that the applicant was willing to pave four more spaces plus two

handicapped spaces and asked if there were more issues.

The Board decided that the following issues needed to be addressed:

- 1) Stantec to confirm the turning radius for fire equipment;
- 2) A note to change the height of the Arbor Vitae from 3 feet to 6 feet;
- 3) A note to change the number of parking spaces and graphics, adding 4 paved parking spaces plus 2 handicapped; for a total of 20 regular and 2 handicapped spaces paved; and
- 4) A note added to the plan stating the waiver allowing the height of the building to be greater than 35 feet at its highest point was granted because the building conformed with the IBC Code, which allows an average height to be computed.

Mr. Mike Turell made a motion to approve the Plan from MJK Realty LLC as amended. Vice Chairman DiMaggio seconded the Motion and the Board voted all in favor to approve the Plan.

Chairman Killam asked if there was anything else. Mr. LaChance recommended that the Board look under regulations for off street parking for paving requirements. Chairman Killam stated that it was necessary to look at the zoning and the site plan.

Approval of Minutes

December 2, 2009 – The Board reviewed the minutes and requested the following changes:

- Middle of page 5, 2nd paragraph from the bottom, Chairman DiMaggio should be Vice Chairman DiMaggio
- Next page, 4th paragraph – strike the first sentence

Vice Chairman Paul DiMaggio made a Motion to Approve the Minutes for the December 2, 2009 meeting of the Planning Board with the above amendments. Mr. John Wolters seconded the Motion and all members of the Planning Board present voted in favor.

October 21, 2009 – The Board reviewed the minutes and requested the following changes:

- Page 6, strike the 2nd paragraph from the bottom
- Page 13, line 13 strike the sentence starting “Vice Chairman DiMaggio stated....”

Vice Chairman Paul DiMaggio made a Motion to accept the October 21, 2009 minutes of the Planning Board as amended. Mr. John Wolters seconded the Motion and all members of the Board present voted in favor.

December 16, 2009 The Board reviewed the minutes and requested the following changes:

- Page 2, first paragraph “Zoning Board of Authority” should be “Zoning Board of Adjustment”
- Page 2, second paragraph should be “Summit Drive”
- Page 4, last sentence should be “keeps getting put aside”

Mr. Mike Turell made a Motion to accept the December 16, 2009 minutes of the

Planning Board as amended. Vice Chairman Paul DiMaggio seconded the motion and all members of the Planning Board present voted in favor.

January 5, 2010 - The Board reviewed the minutes and there were no changes.

Mr. Mike Turell made a Motion to accept the January 5, 2010 minutes of the Planning Board as written. Mr. John Wolters seconded the motion and all members of the Planning Board present voted in favor.

Vice Chairman DiMaggio made a Motion to adjourn the January 20, 2010 meeting of the Planning Board at 9:55 p.m. Mr. Mike Turell seconded the Motion and all members of the Planning Board present voted in favor.