

ATKINSON PLANNING BOARD
Atkinson, New Hampshire
Public Hearing Meeting
Wednesday March 17, 2010

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

Alternate: John Wolters; Mike Turell

Stantec Engineer: Aaron LaChance

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

Correspondence

Incoming

- 1) Information from PSNH on Transmission Line Easement Encroachment Review Requirements.
- 2) Notice from Windham Board of Adjustment re: Public Hearing March 23, 2010
- 3) Stantec Memo re: 109 Maple Avenue Subdivision Application

Outgoing none

Minutes to be read at next meeting.

Chairman Killam asked Mr. Stewart on the standing of Island Pond Road in regards to the hydrology study done and work to be done.

Mr. Stewart stated that the CTAP monies for the Planning Board was \$7,800 that is to be used for the Natural Resource Inventory and that the remainder of the monies to be used to take the Hydrology Study and to turn it into a set of plans for stage two, which requires \$10,000. The Engineering budget has the monies but due to the damage of the past two storms that money is needed for other areas. If the remainder of the CTAP monies was available it could be used toward getting an engineering bid for next year. Mr. Stewart needs to contact the Rockingham Planning Commission and see about the guidelines and timeliness. If the timeline is late then the monies would have to come out of the budgetary monies to move forward.

Chairman Killam asked about the work timeline, which is a couple of years away and that the amount of money need to be raised to complete the project. According to Mr. Stewart it is approximately \$150,000 but he is hoping to come in under that amount. The DOT is waiting on Atkinson to complete their project before they will move forward with rebuilding Route 111 upstream.

Chairman Killam asked Mr. Stewart for an overview of what has been going on in the past few weeks, due to the extreme weather we've had this year.

Mr. Stewart stated the we had two major wind and rain storms in the past fifteen days and that approximately one hundred ton of material was used to make repairs from the first storm. Results of the first storm knocked down debris and the second storm which was rain caused the debris to clog culverts and eventually causing flooding. The second storm caused much less damage than the first but at this time Mr. Stewart was waiting for the waters to recede to make an accurate assessment. Mr. Stewart is still waiting on the DOT to clear the cross culverts on Washington Road. This causes Washington Road to still be covered with water. Chairman Killam asked about Route 121 losing pavement. Mr. Stewart stated that the State was responsible for that portion of roadway and stated that the difference of reclamation and over-lays is what is causing the pavement loss. Mr. Stewart stated that the over lays on the road surface is loosened and then lost because of the water getting into the pavement layers. Atkinson faired fairly well during the storms and used five ton to patch the roads where as the State will far exceed that amount just repairing Route 121. Board member Fletcher asked if the Governor declared a State of Emergency and if the Town will receive any monies. Mr. Stewart stated that all necessary paperwork has been filled out but has not heard from FEMA to set up a meeting to discuss repairs that were made. Board member Fletcher asked if money was received from the first storm and was told it had not been received. Chairman Killam asked how long it took before a meeting was set up and Mr. Stewart stated approximately ten days. Mr. Stewart is remaining optimistic that monies will be received from the State for the storms.

Public Hearing

New Applicant

Cornerstone Survey for Timothy Dziechowski submission of an Application for Consideration and Approval of a proposed 2 Lot Subdivision of a 7.79 Acre lot, one with 2.28A and 5.51A to remain with existing dwelling on property located at 109 Maple Ave, Map 18, Lot 71, RR2 Zone.

Chairman Killam read the abutters list. Present were Tim Dziechowski and Kevin Hatch of Cornerstone Survey.

Kevin Hatch of Cornerstone Survey representing Mr. Dziechowski addressed 109 Maple Avenue considered upper Maple Avenue. The plan was taken to the Zoning Board which required special exception for the frontage that will remain with the house on a 5 1/2 acre lot. The new lot that is to be subdivided is approximately 2.28 acres. This giving the new lot sufficient frontage as well as soil area to meet the Boards zoning requirements. Both lots will be served with on site well and both lots will be served by onsite septic system. Testing done on site was witnessed by the Town. Soil was found to be good, without ledge. The existing driveway will remain with the main lot going to the house. A new driveway will be required for the new lot. This will require a State subdivision approval for the 2.28, this was applied for but at meeting time has not received an answer. The subdivision is contingent upon State approval. The shape of the lot is unusual as it is not a rectangle shape and the reason for this is that rear of the property abuts the Winslow Drive open space area and it also has a walking trail. Which the owner feels will attract potential buyers and increase property values.

Chairman Killam asked what kind of woodland is out there Mr. Hatch stated that there is big oak trees with a large canopy over it..

Mr. Hatch stated that there is a small area in the rear of lot that is wetland but that it is walk able most times of the year and a small area that ponds up some but not significant enough to be a problem.

Mr. Hatch stated that he did receive a letter from Stantec and opened to the Board any questions.

Mr. Stewart asked if the size of the grades impacted the lot. Mr. Hatch explained that the zoning board has regulations that calculate for lot size for soil type which did take in to consideration the steepness of the land. The soil is decent and the lot size makes it well over the minimum requirements. Mr. Hatch looked up the specifications and confirmed that the grade and soil type did fall in the requirements set by the board.

Mr. DiMaggio asked if there is a right of way across the 20 foot strip of the front lot to Maple Ave. The two acre lot will have ownership of the strip and this was preferred over an easement. Mr. Hatch was asked if that meant that it would open up so others could access the land and he stated that it would not. Mr. Dziechowski stated that the reason it was done this way was that two options were given to be able to access the walking trail. One is the new lot (2.28) and the second option is that existing (5 acre) lot. There has been talk among the other residents as to putting land together for conservation purposes.

Chairman Killam asked Mr. Dziechowski if he was offering a conservation easement. Mr. Dziechowski stated that he was not. Chairman stated that that was a civil matter, not the Board's jurisdiction, as this is not a Cluster.

Chairman Killam asked Mr. Hatch that if he had a chance to look at Stantec's letter to address the items. Mr. Hatch stated that the changes were made to the plans and that Mr. LaChance had not at this time had the opportunity to review them.

1) Mr. Hatch started with item #1 on the review letter states "The building setbacks (for the proposed lot lines) should be dimensioned on the Subdivision Plan (sheet 1 of 2). The Board may wish to request the applicant include a note explaining that the side setbacks are variable (minimum 30' with a total of 100' required), as has been required for previous applications."

Mr. Hatch labeled the 70' front setback. On the plan is labeled the 70' front setback in an envelope shown, he labeled the dimensions what they are on the plan view and it was already noted - note #6 explained the side rear and wetland setbacks.

Chairman Killam stated that the only item that she would have noted on item #6 is "side 30' foot and 100' total should state "30' minimum with 100' total". The Board agreed.

2) The right-of-way width should be dimensioned for all streets shown on the plans, per 700:3(b) of the subdivision.

Mr. Hatch explained that he hasn't found a layout for Maple Avenue with an exact width and therefore it has been labeled with a "variable width"

3) The plan shall include any references to recorded subdivision plats of adjoining platted land by record name, date, and number(if applicable), per 700:3 (h) of the subdivision regulations (if applicable).

Mr. Hatch had inadvertently left off the plan references and it is now on sheet 1.

4) The line type used to denote the proposed parcel boundaries should be added to the legend on both sheets of the plan set. The applicant may wish to reconsider the line type used for the proposed boundaries on the Subdivision Plan as the selected line type suggested that iron pins are to be set along the property boundary at intervals of approximately 100 feet.

Mr. Hatch stated the proposed lot line on the plan is a solid line and that every 100 feet there is a circle that delineates is a 5/8" iron pin to be set. The client, Mr. Dziechowski asked that in addition to the lot corner pins that pins be set every 100 feet. There are going to be monuments actually set. Mr. Hatch states that on the plans in the legend of a 5/8" iron pin to be set as a symbol with a yellow id cap. This is being done so that there are no questions further on down the road.

5) Proposed monuments should be clearly identifiable as "monumentation to be set" (see comment #5). The Board may wish to consider requiring the installation on all proposed monumentation as a condition of approval.

Mr. Hatch stated that this comment may have arisen as on the original plan the symbols overlapped, so that the corner pin and 100' foot markers overlapped. This has been taken care of and that they are clearly marked. Chairman Killam asked if they have been set in the ground yet. Mr. Hatch stated no.

6) The Topography Plan (sheet 2 of 2) should bear the stamp and signature of the certified wetland scientist that performed the HISS mapping and wetland delineation.

Mr. Hatch stated that the plan was reprinted and needs a stamp from Peter Schaure, the soil scientist. Mr. Hatch wants to wait on the State's approval of the subdivision and have both stamped at the same time.

Chairman Killam stated that this plan fits the definition of expedited review.

Motion to take it under jurisdiction by Mr. Stewart and seconded by John Wolters. Board votes unanimously in favor.

Chairman Killam asks for any comments. Mr. LaChance stated that the comments were answered straight forwardly and all revised issues have been addressed. Mr. DiMaggio directed to Mr. LaChance regarding question #2 on the right-of-way in regards to the delineation of all streets shown in the plan, which is not easily done from map on record. Mr. LaChance stated that it is more applicable to new subdivisions when creating a new infrastructure.

Mr. DiMaggio wants to address Chairman Killam's first note item #6 should say "30' minimum with a total of a 100' required", so adjustment to note six to read as follows, "30' minimum with 100' total".

Mr. DiMaggio asked Mr. LaChance about a "pork chop" lot and that as a planner you are not to make lot as such and that this is an example of a "pork chop" lot and wants to know why.

Mr. LaChance stated that is more of a Rockingham Planning Commission question and typically they look at it from an engineering view and sometimes they overlap. Chairman Killam asked to address the question, as opinion, a pork chop lot is a lot that has utilization of back land to create a lot via the smallest part to create the frontage. The lot in question is not the case as the applicant chose to do this so that the subdivision would have ownership access to back land. It is not to be used for building but for nature reasons. The frontage wasn't sufficient to have 2

lots with 200' frontage each but there are provisions that the zoning board can allow one of the frontages to be reduced by one-third and that is what the applicant did.

Mr. Dziechowski stated it was done so that the house would be the furthest apart that they could be to the new building. Mr. Stewart asked if there was anything in the zoning laws to stop this from happening with regards to the lot having a 200' driveway and if the 2 acre lot was different with the strip of frontage in front, would that brake our zoning laws.

Mr. Dziechowski stated that it wouldn't be zoning but the State Fire Codes The State Fire Codes state that you can't build a driveway that long. Chairman Killam stated that there is a zoning law that requires you have a full 200' at the building line so that that never happens. This makes it extremely hard to make a "pork chop" because somewhere on the lot there needs 200' buildable area.

Mr. Hatch stated that some Towns have regulations that states the lots be a certain way and that Atkinson doesn't have those requirements in their zoning. Mr. Turrell asked how much of the 2.2 acres is in the smallest portion. Approximately one-quarter acre according to Mr. Hatch. Turrell stated that the leaching bed and the well radii all have the room for adequate area. Chairman Killam asked what is growing on the lots. Mr. Dziechowski stated "big pines" approximately 3 feet in diameter with hardwood under growth.

Mr. DiMaggio is concerned about a rite of way for the Town use but states that there is nothing in the laws that states that this should be done. There is a 70' of elevation.

Chairman Killam made a motion to recess to see about Ms. Julie LaBranche's attendance. The meeting recessed for 10 minutes., then was recalled to order.

Mr. Turell stated that the plans need to be stamped, State approval is needed, adjustment to note 6, monument to be set and to make it a conditional vote and conditional upon review the Rockingham Planning Commission.

Mr. Hatch said that the applicant wants to do whatever requirements are necessary to have the review board

Mr. Turell makes a motion to a conditional approval to Mr. Dziechowski's subdivision plan conditioned on the receiving the soil scientist stamp, the adjustment to note 6, the monuments to be set(certification, letter form), and the satisfactory letter of review from the Rockingham Planning Commission and the State Subdivision approval.

Motioned seconded by Mr. Fletcher. The Board makes a unanimous decision

Chairman Killam stated that Ms. LaBranche was to go over the notes from the workshop.

Mr. Dziechowski asked the Board about the House Bill 14-86. Chairman Killam asked Mr. Dziechowski to join the meeting at the table to discuss it. Mr. Dziechowski stated that it was just passed by the House . The State Building Code Review Board adopted the version of 2009 building codes which entailed that fire code required a sprinkle residential buildings. The legislators file the bill 14-86 that exempts single family and two-family residential building, this includes rental properties, from the code. This is now going on to the Senate and there maybe

changes from them. This does not mean a Town can't require sprinkling, under some circumstances where it is a public safety issue.

Mr. Stewart stated that the Town of Atkinson accepted all the new regulations and how this affects the Town. Chairman Killam read the Building code", this means that when the State adopts a new law the Town automatically adopts that law. So this means that the Town is always current. This took place in 2008. If the State Building Code adopts NFPA1 the law reads that you either have to have a fire lane or a sprinkling for safety, this is if the driveway is over 150'. You need to have a short driveway, a fire lane or sprinkling and this is for safety. Mr. Dziechowski stated that the Fire Marshal or his designee, which is our Fire Chief (AHJ- Authority Having Jurisdiction), has the authority to waive certain circumstances. This would encompass any new or remodeled dwelling. You can look into this under the Department of Safety.

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