

ATKINSON PLANNING BOARD  
Atkinson, New Hampshire  
**Workshop**  
Wednesday, December 7, 2011

**Present:** Sue Killam, Chairman; Paul DiMaggio, Vice-Chairman, Regular Members: Mike Turell, Ted Stewart, Alternate Members: Scott Simmons

Ms. Killam called the meeting to order at:7:42 p.m.

### **Approval of Minutes**

**Paul made a motion that a quorum was not necessary for minute approval and that the minutes were written and had a lot of detail and that he didn't see any issue voting on them. Mike seconded the motion and the Board voted unanimously in favor**

The minutes of July 20, 2011 were read  
Corrections:

Change Angle Wood to Amber Wood  
change font on fire pond (in RSA from website)

**Paul motioned to accept the minutes as corrected. Sue seconded the motion. The Planning Board voted unanimously to accept the minutes as amended without a quorum**

The minutes of November 16, 2011 were read  
Correction:  
change got to go out

**Mike Turell motioned to accept the minutes as corrected. Scott seconded the motion. The Planning Board voted unanimously to accept the minutes as amended without a quorum**

The minutes of November 2, 2011 were read

**Mike motioned to accept the minutes as written. Sue seconded the motion. The Planning Board voted unanimously to accept the minutes without a quorum**

The minutes of September 21, 2011 were read  
Correction:  
insert "Public" on page 1

**Mike motioned to accept the minutes as corrected. Sue seconded the motion. The Planning Board voted unanimously to accept the minutes as amended without a quorum**

### **Workshop**

Eastern Seaboard - Revocation of Site Plan

Sue went to OEP website and handed out "Notice of Public Hearing to Revoke Planning Board Approval" with Declaration of Revocation to Board members. . Sue gave an over view of the property, map 16 lot 51 #10 Industrial Way. Sue read the RSA 676:4-a. Discussion why it wasn't a code enforcement issue but a Planning Board issue.

Building is being used without a certificate of occupancy and there is "junk" all over the yard as well as three cars without plates and also a truck without a plate. Discussion on property owner not fixing anything that the code enforcement officer has sited him with. The Board has attempted to have the owner come in to discuss issues and the owner was non-responsive to that as well.

Discussion on the Revocation Process and how best to enforce it. Sue read the RSA 674:36-b A-E. The Board reviewed the site plans and the notes on them. Under one of the conditions, read - no outside storage in a C1 zone without prior Planning Board approval. Discussion on the building that was put on site and the site plan stated that there were to be two buildings, the main building and a secondary dry storage building. Question was asked about "knock" boxes - Sue was to check into that with the fire department. Mike read the letter of intent Eastern Seaboard had asked the Board of what use the land could be used for. Discussion on fencing and the condition of it and what was written on site plan notes. Discussion on the approval of a site plan was in May of 1998. The building was erected in 2003 and the fencing was to be removed and replaced after phase one. Discussion that the Site Plan has no second building, no landscaping. Paul asked what the definition of "junk" was and they looked it up and that the property could not have more than two unregistered vehicles on a lot.

Discussion on the hearing by the Board of Selectman on May 16, 2001 and June 20, 2001. Discussion on that the code enforcer has placed a \$10 a day fine from 2003, which was never paid nor violations fixed. The Board asked if Jim Kirsch, the building Code Officer would provide a copy of the file to the Planning Board and whether the Town's Legal counsel agrees that there is enough infractions for the Planning Board to revoke the Site Plan. Paul read the minutes from 1998, in which the owner hadn't done the things he stated that he would do. Discussion on the timing for re-applying for a site plan amendment. (1998 applied for 30'x105' building; re-applied in 2001 for the 30'x105' building) According to site plans the back building was the 30'x105' and the front building, which would be the office building was 90'x100'. Screen fencing was to be placed down the south side per the minutes of 1998.

Sue to get file from Jim Kirsh and to inquire from the Town Counsel to see about the revocation. Discussion on the taxes he is paying and if they were up to date.

## **Warrant Articles**

Wednesday, December 14th, 2011, is the last day to accept any citizen zoning petitions at the Board of Selectman's Office.. Discussion on that the 23rd of December is the date to publish to the public and post the proposed amendments

Sue asked if the Board could meet on Tuesday the 3rd of January, 2012 and cancel the Wednesday, January 4th workshop. Sue reviewed with the Board the dates.

January 6th, 2012 - last date to post

January 17th, 2012 - last day to hold a hearing to make any changes

The Planning Board was working on :

- Waiver on Regulation Site Plan Section 300

- Municipal lot mergers

- Perambulation - Board of Selectman appointed the Conservation Committee to handle

- Warrant to have Board of Selectman to form a CIP committee

Discussion on Post meeting for December 21st as 1st hearing as a Public Hearing to see if any corrections are made so a second hearing can be held before the Town Meeting. Julie was working on the Wireless Tele/Communication to be reflected in the Town Ordinance as well.

## **Brendan Road**

Sue reminded the Board of the issue with Brendan Road and the 5 foot strip of land. The issue is from July 1986. Discussion on what and why there is an issue. Paul read the minutes from the July 1986 meeting and that there was no indication of what the piece of land was designated for. The property owner at 5 Brendan Road would like to purchase the land. Discussion on adverse possession is 20 years. Sue is to send a copy of the minutes with a memo to the Selectman.

## **Old/New Business**

Incoming none

Outgoing none

Ted made a motion to adjourn the meeting. The motion was seconded by Paul and the Board voted unanimously to adjourn. The Planning Board meeting was adjourned at 10:00p.m.

minutes respectfully submitted by Patty Power