

ATKINSON PLANNING BOARD  
Atkinson, New Hampshire  
Regular Meeting  
Wednesday November 21, 2012

**Present:** Sue Killam, Chairman; Regular Members: Tim Dziechowski, Mike Turell, John Wolters, Harold Morse, Ex-Officio, Todd Barbera,  
Ms. Killam called the meeting to order at: 7:40 p.m.

**Minutes**

**Minutes of November 7, 2012**

**Deferred until quorum is present**

**Correspondence**

- Incoming      - From Julie of RPC to Sue/Scott on another way to look at the data that was collected from the survey  
                    - Town & City - Town of Atkinson is listed under the LGC section - Town vs. Osborne RE: Occupancy (674:41 Building on Private roads)  
                    - ZBA - Town vs. Saviano and Saviano vs. Town Mr. Saviano is taking his case to the Supreme
- Court  
                    - City of Haverhill - Zoning Hearing - 12/11 Zoning Renaissance Gateway  
                    - Planner's Web - Plannersweb.com
- Outgoing      - none

**Discussion**

Julie explained to the Board that she took the survey and gave it rankings by low and high priorities. On page 1, Julie took all the high priorities and grouped them together. On page 2 Julie grouped all the low priorities where the responses were by 50% or greater. Julie explained the spread sheet and why she broke the sheets down the way she did was to show any types of patterns that were emerging. Julie explained that the third page had not clear pattern. Julie stated that she and Scott met and talked about breaking the survey into 4 major categories. Julie will group the results again differently and bring to the workshop.

The Board discussed posting the results of the survey on the Town Website. The Board discussed posting results and whether to have the results broken down or posted as un populated results. Julie explained how the survey will help benefit the Vision Chapter. Also, that the results of the Vision Session and survey should be added in this chapter. Julie feels that the Planning Board should evaluate the results and list it's priorities as well. Julie explained that the session and survey will be very helpful for the Future Land Use Chapter and that the results will help guide what recommendations should be made.

The Board discussed how the survey should be added as a link or subpage. Todd suggested a subpage as it is less work for the webmaster.

**Public Hearing 8:07 PM**

Application for a Lot Line Adjustment between properties owned by William Roberts, at 28 Chase Island Road, Map 22 Lot 24 and Henry Stukuls at 26 Chase Island Road, Map 22 Lot 25. Specifically, the Applicant seeks to create an equal area exchange of 160.5 square feet between parcel Map 22 Lot 24 and Map 22 Lot 25.

Sue read list of abutters:  
Lavelle & Associates present

Tim Lavelle explained to the Board that it's an exchange of +160.5 sq.ft. to realign the lot line to make it more the way the land is being used. Mr. Lavelle explained to the Board that the "dark" line was the new lot line and this would increase the setback for the structures on both lots. A question was asked as to the scale is equal to 20 feet

for 1 inch. Mr. Lavelle related to the Board that the property is on a private road and that each property owner has an easement to each other's property. On tax map there is not a road

Mike made a motion to take the lot line adjustment between properties owned by William Roberts, at 28 Chase Island Road, Map 22 Lot 24 and Henry Stukuls at 26 Chase Island Road, Map 22 Lot 25 under jurisdiction. Todd seconded the motion. The Board unanimously voted in favor.

Sue asked Julie if she had any questions. Julie about the age of the lot of record and it was stated that the lot of record was 1938 and that there was no road frontage for the properties. It was mentioned that the road is called Chase Island Road for emergency and 911 purposes. Julie asked about road frontage to which Mr. Lavelle stated there was none and that they use each other's land.

Mike made a motion to approve the lot line adjustment between properties owned by William Roberts, at 28 Chase Island Road, Map 22 Lot 24 and Henry Stukuls at 26 Chase Island Road, Map 22 Lot 25. Todd seconded the motion. The Board voted unanimously in favor.

### **Public Hearing 8:23 PM**

Application for a Lot Line Adjustment between properties owned by Settler's Ridge, Inc., known as Map 17 Lot 3-1 off Main Street, and Town of Atkinson off Pope Rd, Map 12 Lot 8-1. Specifically, the Applicant seeks to transfer approximately 7.2 Acres from Map 17 Lot 3-1 to Map 12 Lot 8-1

Tim recused himself and then gave a brief overview as Conservation Commission. Tim stated that it's a nice habitat and that the property is located next to wetlands. The Conservation Commission has wanted the property for 15 years. The Conservation is buying the property and purchase is based on the lot line adjustment. The land could have been developed

Sue read list of abutters:

Settler's Ridge Condo Association - present

Town of Atkinson - Tim Dziechowski - Conservation

Tim stated that the property was owned by Settler's Ridge Inc. The property has some of the best habitat in Atkinson. There was a request to cut the timber, so the Conservation made an offer to purchase the land. Since the land abuts the Town Forest and that allows for a lot line adjustment to merge it into the Town Forest.

Sue asked the Board if there were any questions.

Mike made the motion to take under jurisdiction the application for a Lot Line Adjustment between properties owned by Settler's Ridge, Inc., known as Map 17 Lot 3-1 off Main Street, and Town of Atkinson off Pope Rd, Map 12 Lot 8-1. The motion was seconded by Todd. The Board voted unanimously in favor (note- Tim did not vote on this motion)

Discussion that the area is not actually a separate lot, but part of Map 12 Lot 1 with multiple owners; it has some frontage on Main Street.

Tim stated that the Conservation Commission was thinking that in the future that they would like to see if the abutters would swap the road frontage for property in the rear of the properties. Julie asked about the stone wall that abuts the Jandreau's property. She suggests that if the stonewall was part of the lot line to make it clearer on the map and identified that way.

Sue opened the meeting up to the abutters and residents that have come to the meeting. Karen Dimeglio from the Settler's Ridge Condo Association made a motion to postpone until the next meeting to give the Condo Association a chance to review it better. They referenced a letter from 2009 about purchasing the land. Tim stated that the 2009 offer was off the table. Ms. Dimeglio asked that the Board postpone the decision until after the Association consults legal advice. Sue asked Ms. Dimeglio if after receiving the notification if the Association sought legal advice. Ms. Dimeglio stated that she was not on the Board at that time and wasn't sure of that. Ms. Elizabeth Rose, Attorney for Settler's Ridge Inc., (for Steven Lewis,) who objects to postponing the application and to go forward with the hearing. She stated that there was ample time to seek counsel and that it makes sense to go forward. Sue stated that the Board is not privy to the sales transaction. For the Planning Board it is just a matter of moving the lot line. Harold asked if there was a hearing on the land purchase. Tim stated that Conservation held a hearing and no one showed for it and that the Board of Selectmen voted on it and it was unanimous for Conservation to purchase

it. The Town would not buy the property without title insurance. The Commission checked with a title company and the Commission is getting insurance that will cover the Town in the case of any future disputes. Harold asked if the property has been closed on. Tim stated that it wasn't because you cannot create a non-conforming lot of record. The only ones who could is an abutter. The only option is to sell to a developer or abutter which in this case is the Town. Harold asked if this is approved can the Condo Association still pursue the issue. Sue stated to Ms. Demiglio that the Planning Board has all the information to fulfill its requirements to merge the lot line. That if the Association wants to pursue it in a civil case that that would be the way to handle it. Harold has stepped off the Board. Fred Thompson is the title company that is handling the sale and purchase of title insurance. He explained to the Board and abutters that the Settler's Ridge, Inc. has held this property and never deeded it to the Condo Association. This occurred from another lot line adjustment years ago. He stated that if the land had ever been deeded to the Association it would have created more open space and that the Conservation Committee is trying to create that and that there will be no developing of the lot. John asked why the Association was so opposed to this. Was it money? Ms. Lillian Toohey representing the Condo Association feels that the land belonged to them and they want the money from the sale. They want to delay it and to further pursue it. John asked when the offer was made. Tim stated that the offer was made over the summer. The Public Hearing for the Conservation was approximately 2 weeks ago. It was posted in the Eagle Tribune, posted in two places in Town, Town Hall and the Post Office and mentioned at the Board of Selectmen meeting.

Mike made the motion to approve the application for a Lot Line Adjustment between properties owned by Settler's Ridge, Inc., known as Map 17 Lot 3-1 off Main Street, and Town of Atkinson off Pope Rd, Map 12 Lot 8-1. Todd seconded the motion. 4 voting members and the Board voted unanimously in favor

Julie asked about the lot numbering and Sue explained that the it was given a lot number to keep track of the land and that this resolves a long standing issue.

Mr. Thompson stated to Sue that he would be by on Monday to drop off the deed and mylar.

Tim wanted to talk about giving incentives to developers using point system for conservation easements. Tim would also like to see changes to the zoning Permitted Use Table. In the Conservation Residential Cluster and the Commercial Professional Clusters. Tim is to work up the wording to present it to the Board at the Workshop meeting. The Board discussed the Density Incentives in the Scenic Vista and Work Force Housing.

The Board discussed the Senate Bill 2 calendar and when the Board would have to meet.

Mike made a motion to adjourn the meeting for Thanksgiving. Todd seconded the motion and the Board voted in favor to adjourn.

The Planning Board meeting was adjourned at 8:49 p.m.

Respectfully submitted by Patty Power