

**ATKINSON PLANNING BOARD
REGULAR MEETING
MINUTES APRIL 17, 2013**

Members Present:

Sue Killam, Chairperson
Paul DiMaggio, Vice Chairman
John Wolters
Mike Turell
Scott Simons, Alternate
Tim Dziechowski
Ted Stewart

Other's Present

Julie LaBranche, Rockingham County Planning Commission
Lucien M. DiStefano, Bohler Engineering
Michael F. Grendal, PE - Sunoco

Review of Correspondence:

- Meeting 4/24/13 at Town Hall in Hudson
- Invitation for the Drinking Water Source Protection Conference on May 1st in Concord
- Code Enforcement Letters one to Mr. Gilles Gagnon regarding a trailer not shown on the site plan; one to 16 Industrial Way, Bob Allen regarding a big structure behind the main building
- 2 documents from Town Counsel – re: site at 10 Industrial Way site plan noncompliance

Call to order: Chairperson Sue Killam called the meeting of the Atkinson Planning Board, Wednesday, April 17, 2013 to order at 7:39 PM

Approval of Minutes: deferred to Workshop

Public Hearing:

Application for Amendment to Site Plan submitted by Bohler Engineering for Sunoco Inc., to allow minor site improvements, to include ADA compliant sidewalk, ramps, and parking and to erect fencing for dumpster enclosure, and new concrete pad for a generator, and minor fueling system upgrades and to re-stripe and sealcoat existing parking areas, located at 1 Hall Farm Road, Map 20 Lot 46 in the Commercial/Industrial Zone.

Abutters Present: Town of Atkinson, Sunoco, Inc.

Discussion:

Luke DiStefano of Bohler Engineering, representing Sunoco, Inc. began the discussion. A minor improvement project to the existing Sunoco Gasoline and Convenience store at One Hall Farm Road consisting of interior and exterior modifications; installation of ADA compliant ramps and sidewalks around the exterior of the building; seal coating and restriping parking lot including restriping an ADA compliant parking stall; minor improvements to fuel dispensing system, replacing of islands and dispensers to modernize equipment; new trash enclosure; esthetic improvements to the canopy.

One thing noted on the plan that did not make it into the notice is refacing the pylon sign by replacing the top panel of the sign and the price sign with LED pricing in order to change the pricing from the inside of the store, it is not a flashing or neon sign.

Improvements to the interior are upgrades to the convenience store aspect of the interior, there are no major changes. Most changes are esthetic in order to bring the site up to current Sunoco standards.

Members inquired about the size of the sign and the holding tanks. Representatives for Sunoco replied that the sign would be the same size. Also that the holding tanks were installed in the late 1980's; there are 3 tanks, premium, regular and diesel; the tanks and lines are tested regularly and constantly monitored for leakage and temperature. They are warranted for 35 years by the manufacturer.

Mr. DiStefano said that they were applying for a permit with DES. Mr. Grendal informed the Commission that the tanks and pipes are all double wall and are monitored electronically all the time. There is a sump underneath with a sensor and there are sensors in the tank and the lines.

Mr. Stewart asked why the bollards are being removed. Mr. DiStefano replied that generally the bollards are not required and Mr. Grendal said that they would check with the fire department. It was pointed out that someone took a gas meter off a building at one time and requested a note that the bollards would be kept at the fire chief's discretion.

Chairperson Killam asked about handicapped parking. Mr. DiStefano said only one was needed and there was only one entrance, the Subway store does not have a separate entrance. The Board also discussed the triangular sign on the front lawn. Mr. Grendal said they could take it out. Ms. Killam said that she did not want it a condition to remove the sign, just to have it look better.

Chairperson Killam asked if there were more questions. Ms. LaBranche asked about the LED sign. Ms. Killam responded that it was the commercial industrial zoning so there is more leeway. The LED sign on the building next to it is in Hampstead, New Hampshire. Page Z33, Section 470 covers signage. Sunoco pointed out that being able to change the sign from inside made it easier for the store employees.

The Board asked about a backup generator. Mr. DiStefano said there was none, but a transfer switch was being installed in all their sites. Mr. Wolters asked what kind and was informed that it would probably be a diesel, 80,000KW generator. Noise was discussed. It was remarked that a business plan where a generator could be brought in for emergencies would be a wonderful thing because during the last storm they could not get fuel. The Board continued to discuss a backup generator.

Ms. Killam asked if the Board would take the Application for Amendment to the Site Plan submitted by Bohler Engineering for Sunoco Inc., under Jurisdiction.

Member Mike Turell made a motion to take the Application for Amendment to the Site Plan submitted by Bohler Engineering for Sunoco Inc. under jurisdiction. Member Ted Stewart seconded the motion. The Board voted unanimously to take the Application for Amendment to the Site Plan submitted by Bohler Engineering for Sunoco Inc. under jurisdiction. Vote: 7/0 in favor with Mr. Scott Simon not voting.

Chairperson Killam asked if there was more discussion. The Board recommended that Mr. DiStefano call the fire chief about the bollards. Different types and brands of seal coating were discussed; Mr. Grendal replied that he did not know what type of seal coating was being used.

Vice Chairman Paul DiMaggio made a motion to approve the site plan with the condition that the fire chief gives permission to remove the bollards at the handicapped spot. Member Mike Turell seconded the motion and the Board voted unanimously to approve. Vote: 7/0 in favor with Mr. Scott Simon not voting.

It was brought up that because of the septic design, sit down eating is not allowed. Sunoco replied that there is no provision for sit down dining in the interior plan.

Workshop:

New/Old Business - Master Plan ongoing discussions - Discussion of Future Land Use Plan and Master Plan update

Julie LaBranche passed out copies of the survey summary and explained that 13 items were taken from the original survey and prioritized.

New development and drinking water supplies: Issues discussed were bringing water in, and well capacity. The Board also discussed brown fields and 1-4 Dioxane and if and when the water supply and wells should be tested. It was pointed out that the plans for new development all assume wells and that the developer has to assure a potable water supply. Julie LaBranche informed the Board that DES would have to approve the water supply for a subdivision of lots five acres or less.

Recommendations were that a provision be added to the Future Land Use Plan stating that areas with very low potential for water supply would not be suitable for subdivision; that WS Chapter 5 be revisited; and that language be added regarding water testing and 1-4 dioxane.

The Board discussed whether or not developers test the water supply or wells. Issues brought up in the discussion were the fact that all wells have to be approved. Also, the wells are drilled after subdivision approval. It was agreed that the Planning Board's language address the issue of water supply. The Board also discussed Town liability if the developer sold lots, houses were built houses and sold and there was not an adequate water supply.

Julie LaBranche pointed out that there are too many compounds to test and the tests mostly looked for bacterial content and minerals. DES is trying to get homeowners to test their water. She also pointed out that it was very difficult to tell what the water quality and supply would be until the well was drilled. Ms. LaBranche also pointed out that the testing specifications for municipal water are more stringent than for private well water. She went through the specifications that DES recommends for municipal water supplies. It was mentioned that if there were a common well that served more than 25 people it would be easier to require more stringent testing and would add an extra layer of protection. The Board continued to discuss common wells and if that would be a solution to testing.

Next Ms. LaBranche read through the high priority topics identified by the Planning Board from the Master Plan Community Survey.

Multifamily housing and issues with the number of bedrooms and septic and water supply problems were discussed. It was pointed out that the only place multifamily housing is allowed is in cluster subdivisions. The plan does not limit the number of bedrooms, the size of the septic limits the number of bedrooms. Most are two bedrooms with a bonus room.

Maintain rural character -the first priority in the survey. Types of housing included, single family, multifamily, setbacks for developments and open area were discussed.

Topics discussed were the possibility of smaller houses, rather than a square foot minimum. It was pointed out that the FHA minimum is 900 square feet. Ms. Killam read the ordinance which states that a dwelling should have a minimum ground floor area of 800 square feet and a floor area exclusive of the cellar of 600 square feet for each story. Mr. Turell pointed out that some of the subdivisions have much higher minimum square foot requirements built into the covenants. The Board continued to discuss

square footage. The Board also discussed accessory living units and if they should be contained within the existing structure or could be a structure separate from the main dwelling. The Board also discussed setbacks for subdivisions.

An agriculture commission to encourage farming was suggested; it was also suggested that it could be more like a grange. The Board continued to discuss encouraging agriculture and farming. The number of farms in Atkinson was also discussed and if livestock and poultry should be allowed. Julie LaBranche asked if the Town forest should be included.

The first bullet is acquisition and conservation of land, open space and scenic views. It was suggested that money from the general fund should be set aside for obtaining conservation land.

Acquisition can be supported by maintaining 100% land use change tax and support with other funds where possible. The board discussed the best way to acquire land and establishing a set aside. It was pointed out that there is already a conservation fund. Ms. LaBranche pointed out that it is easier to get matching funds and issue a bond if there are already funds. It was pointed out that the Selectmen had discussed adding a line item for a capital reserve fund. The line has to be approved by the voters. The line item can also be included through a warrant vote. The Board discussed whether a line in the budget be established in case money became available. It was recommended that a commission be established and that each commission have a fund, and a fund for Town growth would be useful. Julie LaBranche suggested that an expansion fund should go under number 6, municipal services as a line item.

Environmental Protection: Storm water pollution and water quality were discussed. It was suggested that water overlay districts be established and that they be mapped in order to protect water resources. It was pointed out that deep ground water wells cannot be mapped. Julie LaBranche suggested they include MS4 testing.

Mr. Stewart informed the Board that Mr. Innes is developing a committee on storm water management. The Board continued to discuss storm water runoff. At present each subdivision is responsible for runoff. The Town has no way to police run off. Ms. LaBranche offered to review the section on water quality and storm water. Ms. LaBranche informed the Board that new ways of measuring storm water runoff have been adopted by DES based on the Cornell study on changes in rainfall. For example, the average run off for a 100 year storm has increased from 6 inches to 8.5 inches. The increased volume of runoff affects road design and culvert size. Most of the issues are regulated by the state, but the Board decided that the Planning Board review emerging issues and evaluate current standards and regulations.

The Board discussed the next bullet, drinking water supply and what language to use. Ms. LaBranche suggested general language and including issues brought up by Board members during the previous discussion.

Buffers and setbacks to streams and wetlands was the next bullet in the survey discussed. There are wetlands setbacks but no setbacks for streams. Presently there are no buffer requirements for wetlands. The Board discussed the difference between surface waters and wetlands. Ms. Killam read 410: 8 which states that a structure cannot be built closer than 100 feet from a designated wetland boundary or from an intermittent stream. It was pointed out that the regulation forbids permanent buildings. Ms. Killam stated that the Board has enforced it as any water body and that the regulation be modified to include surface waters. Ms. LaBranche pointed out that a setback is defined as a discrete distance while a buffer implies that there shall be no disturbance in the area between the wetland and the structure. The Board discussed whether a buffer or a setback was more protective and the possibility of whether an either/or solution would work, for example a 50 foot buffer or a 100 foot setback. The Board discussed if a pond is a

wetland and Ms. Killam pointed out that technically no. Mr. Dziechowski suggested bringing zoning into compliance with enforcement.

Alternative energy sources: Chairperson Killam suggested that all alternate energy sources be encouraged through tax incentives. Mr. Dziechowski pointed out that the Town has an energy committee and asked about selling electricity back to the grid.

Preservation of historical sites and buildings including scenic byway designation: The Town already has a committee for scenic byway designation. Main Street is considered a scenic byway and is connected to the Robert Frost scenic byway. Scenic views were also discussed.

The Board discussed item number six, and questioned how salaries of employees was included in the master plan. The Board agreed to include No. 6 – Municipal Services as part of No. 4 Control Property Taxes. Ms. LaBranche agreed to list all municipal services.

Enhance the Town Center: Member Ted Stewart asked to discuss No. 7, enhance the town center. The Board continued to discuss the Town Center and what should be there. Atkinson has the rudiments of a Town Center, with the fire department and the library. The Board discussed what municipal uses to encourage, looking at zoning which only allows office services to more commercial services. One goal is to acquire land for future use of municipal buildings.

Julie LaBranche read the ordinance stating what is allowed in the Town Center including agriculture and forestry, single family conventional housing, private and public outdoor and indoor recreation, guesthouse, rural cluster for housing, public school, office, religious institution, professional and personal services, community center, storage, funeral home, tea room or coffee shop and convenience store. One idea was to expand municipal services and another was to allow more commercial services. At one time there was a skating rink, a dance studio and a nursery school in Town Center. One issue discussed is that population was not sufficient to support stores and other businesses. There are also issues with water and septic. Mr. Stewart compared Atkinson with Hampstead which has a few stores and businesses in the Town Center. It was suggested that someone make some drawings of a future Town Center. Plan New Hampshire does that type of thing.

Other - Ms. Killam asked if there were anything else.

Next Planning Board meeting Wednesday May 1, 2013 (Workshop)

Chairperson Killam requested a motion to adjourn.

Member Tim Dziechowski made a motion to adjourn. Member Scott Simons seconded the motion. The Board voted unanimously to adjourn the April 17, 2013 meeting. Vote: 7/0 in favor with Mr. John Wolters not voting. The meeting was adjourned at 9:30 p.m.