

**ATKINSON PLANNING BOARD
MEETING
MINUTES JUNE 19, 2013**

Members Present:

Sue Killam, Chairperson
Paul DiMaggio, Vice Chairman
Tim Dziechowski
Mike Turell
Ted Stewart (after the public hearing)

Other's Present

Julie LaBranche, Rockingham County Planning Commission
Nicole Duquette, Dearborn Ridge Cluster property owner

Call to order: Chairperson Sue Killam called the regular meeting of the Atkinson Planning Board, Wednesday, June 19, 2013 to order at 8:10 PM.

Review of Correspondence: Deferred

Minutes: Deferred

PUBLIC HEARING:

Nicole Duquette for property owners of Dearborn Ridge Cluster, Application for Amendment to Site Plan to allow reduction of Buffer area, in conformance with current zoning Section 600:11b, surrounding the subdivision known as Dearborn Ridge, Map 19 Lots 18-110 through 18-120, inclusive, in the RR-2 Zone, by amending Note 14 on plan that is recorded as D-24190 at the Rockingham Registry of Deeds.

Abutters which is abutters and all residents of Dearborn Ridge: Anthony Ieule, Ronald Petratis, Susan Petratis, John and Winifred McGrath, Nicole and Bradley Duquette, Silvia Butler, Robert and Tammy Dudow, John and Phyllis Hanson, Dearborn Ridge Associates, Lloyd and Judith Swanberg, Neil Hamil and Christina Scarpa, Kathryn and Ryan O'Connor, Kevin and Sylvia Linahan, Adam Sothergill and Kathy Nickerson, Town of Atkinson, Charles and Maureen Mulcahy, Susan Lipins, Trustee of Fernwood Way Revocable Realty Trust, Edward and Michelle Murphy, Caroline Cohen, Susanne Ray. The only resident of Dearborn Ridge **present is Nicole Duquette.**

This is an application to amend a subdivision. Part of the application is a signature sheet signed by every resident of the subdivision. It is the subdivision plan set recorded on July 19, 1995. Chairman Killam gave a brief synopsis of the history of the zoning laws for that area. In 1995 the buffer around the cluster was 100 feet. The zone was plotted on the lots rather than around the development. In 2001 the regulation was changed so that the buffer was 50 feet around a cluster. Nicole Duquette is requesting to reduce the buffer from one hundred feet to fifty feet so that she can expand her dwelling.

Chairman Killam turned the discussion over to Member Tim Dziechowski. Mr. Dziechowski explained that the 2001 ordinance provided for a 100 foot buffer for condominiums and a 50 foot buffer for single family developments. The issue is that you can't just pick things out of the ordinance that you do not like. One of the requirements is that there cannot be roads in the buffer zone. The issue is a service road leading to a well that is in the buffer. He recommended going to Town Counsel and ask what to do and since this is a zoning issue, the Zoning Board can offer relief.

He recommended that Ms. Duquette go to the zoning board for relief. Vice Chairman DiMaggio asked which lots were primarily affected and Chairman Killam explained that the Duquette lot was the most affected by the 100 foot buffer. Ms. Duquette explained that they have a two bedroom cape on the lot at present. According to the notes on the subdivision plans all the houses in the subdivision are supposed to be three or four bedrooms with garages. Ms. Duquette explained that her septic is approved for a three bedroom home but there is no room on the lot to expand. Mr. Dziechowski showed the Duquette lot on the 2006 tax map. The buildable area is a small triangle at one end of the subdivision. Mrs. Duquette would like to build something that extends into the buffer zone.

The other issue with the development is the easement for a utility road to the well. Mr. Dziechowski also asked if the Board would like to discuss the utility roads in the subdivision which are also in the buffer zone. Ms. Duquette also explained that there is a 60 foot drainage easement in the 100 foot buffer on the lot as well.

The Planning Board discussed the issues and the background to why the Duquette lot is unique. It was explained that the setback for the house is only 20 feet. If the Duquettes wish to expand, it will require another Variance. Chairman Killam stated that is another reason to go to the Zoning Board of Adjustment and that Member Dziechowski's suggestion to take her request to the Zoning Board and continue the hearing is probably the best solution.

Chairman Killam asked if the Board would take the matter under jurisdiction and if the hearing should be continued until after the Zoning Board meeting.

Motion by Mike Turell to take under jurisdiction. Vice Chairman Paul DiMaggio seconded the motion. All present voted in favor. Vote: 4/0/2.

Chairman Killam asked if Mrs. Duquette would like to add anything for the record. Ms. Duquette stated that she thought they went over everything and would state her case to the Zoning Board of Adjustment. Mrs. Duquette requested to continue the hearing until July.

Ms. LaBranche asked about zoning for the other houses in the development, especially the houses on the other side of the street. Mrs. Duquette explained that other houses were 3 bedrooms with garage under and they are not affected. The Board briefly discussed the other lots in the subdivision.

Member Mike Turell made a motion to continue the hearing for Nicole Duquette et al until July 17, 2013. Vice Chairman Paul DiMaggio seconded the motion. All present voted in favor. Vote: 4/0/2.

Chairman Killam requested that Mrs. Duquette pick up an application for the Zoning Board.

WORKSHOP

1) Amendments to Subdivision and Site Plan Review Regulations:

The effect of the proposed amendments will be to:

Modify all SD (Subdivision) and SP (Site Plan) references to soils based lot sizing to refer to the latest site specific standards of the Society of Soils Scientists of Northern New England (see: www.sssnne.org) as recommended by NH DES and the Town engineering firm. These changes have already been incorporated in the Zoning Ordinance by passage of Warrant Article 2013-2.

Member Tim Dziechowski explained that he surveyed what other towns in New Hampshire do and gave a brief synopsis. The question is what you do for soil based lot sizing for commercial property. There are several algorithms being used for commercial property, as one example, the minimum lot size is Q (number of gallons of waste water per day) x the lot size/60019572000. Mr. Dziechowski has no idea where the denominators come from and they are all very different. Mr. Dziechowski suggested looking at other Towns' ordinances to tweak the wording of the Atkinson town ordinance. The other question is to include Hydric A and Hydric B soils, Hydric A being very poorly drained, where the water table is at the surface of the land for 9 months and Hydric B soils are soils where the water table is within 6 inches of the surface for 6 to 9 months of the year. Some towns allow a setback of 50 feet for wetlands and 100 feet for hydric soils. Chairman Killam asked if the Board should continue the discussion or wait a month.

Ms. LaBranche asked if other Towns include hydric soils in the methodology in their analysis. Mr. Dziechowski said that they do and the soil specific analysis recommends including hydric soils because they do have some ability to recharge but not as much, so they do not count as much in the equation. A very well drained soil would give you 100%, while a hydric soil would give you around 5% and a wetland would give you nothing. Ms. Killam asked how the difference from type A and Type B hydric soils are determined. Mr. Dziechowski replied that a good soil scientist can tell by the colors.

Member Mike Turell moved to continue the discussion at the next meeting, July 17, 2013. Member Ted Stewart seconded. All present voted in favor. Vote: 5/0/1.

2) New/Old Business: Master Plan ongoing discussions

The Board discussed the draft for the Future Land Use Chapter of the Master plan prepared by Julie LaBranche. The Board has finished discussion through paragraph number D on the draft. The discussion continued at Section F. Ms. LaBranche added information on the Robert Frost Scenic Byway. She also is adding more information on the difference between buffers and setbacks.

Ms. LaBranche asked how long Mr. Dziechowski has been working with the Town Forester to add to the draft. Mr. Dziechowski replied that he had been working with him since 1985, but for the Master plan, she could include 2009 as the date.

The Board discussed the changes Ms. LaBranche made to the Master Plan. Changes included addition of paragraph numbers F8: Evaluate development standards with respect to the lack of diversity in architecture and styles of the existing housing stock; and F.7: Accessory Buildings and Uses in Commercial Zones.

Ms. Killam asked about cemetery space and if expansion should be considered in the Master Plan. She asked if the Cemetery Trustees had given any thought to the issue. Mr. Dziechowski informed the Board that there is an RSA that requires towns to provide cemetery space. Ms. LaBranche said she would add some language on cemetery space in the section on future land use.

Vice Chairman Paul DiMaggio asked about FLU2 and if the language should be changed. Chairman Killam read the section aloud. Ms. LaBranche explained her changes.

Ms. LaBranche informed that paragraph number F3, Workforce Housing was added to the draft.

Mr. DiMaggio asked to clarify a change on page 5 at the end of paragraph 1, the second sentence. Ms. LaBranche read the paragraph aloud.

Mr. Turell asked about section D. D1 is about considering the cost of road maintenance. In paragraph number D-2, Mr. Turell asked about the expansion fund. Chairman Sue Killam remarked that the board had talked about an expansion fund. Member Mike Turell informed the Board that the Town usually funds expansion through a bond or through the capital reserve and suggested taking another look at that line item. He felt that it was something the town should be doing. Ms. LaBranche stated that it was an issue that came out of the survey.

The Board discussed public roads and open drainage. Ms. LaBranche added that the region has gone thru a big expansion in the past 20 years. This will result in more road maintenance and it will all come due at one time resulting in a big expense down the road. Ms. Killam explained that a lot of the development in that time frame was privately owned. Ms. LaBranche suggested that the language in Paragraph D1 should be changed to say the town should consider planning for long term costs.

Member Ted Stewart asked about No. F2, undeveloped land, and suggested candidates for redevelopment be included, specifically in the town center. The committee discussed zoning in the Town Center and how the town ended up with a town center with nothing in it. Ms. Killam suggested that it was because Atkinson went immediately from 100% agricultural to 100% residential with no transition. Ms. LaBranche stated that she would add language in the Master Plan to that effect. Ms. Killam added that Plaistow, Salem or Haverhill serve as commercial centers for Atkinson. Mr. Stewart pointed out that since Atkinson is 99% residential, there is not enough traffic for a commercial center and it might be something the town does not want.

Ms. LaBranche asked if the Board would like to evaluate the level of commercial services. Ms. Killam explained that the Town allows offices and professionals; the issue is why the opportunity is not being utilized. The Board continued to discuss commercial development in Atkinson.

Mr. Dziechowski asked about zone lines and if they should run through lots or run along lot lines. Ms. LaBranche explained that Seabrook had already changed zoning lines to run along lot lines. Ms. Killam asked if the Board should add something about zone lines that match lot lines.

Ms. Killam suggested adding something to Number 7 about taking a look at zone lines that match lot lines. Ms. LaBranche stated that she had added it to Number 10. Ms. Killam stated that the last time Atkinson had adopted a zoning map as an official map was 1990. The map produced in the book is not the official map. She asked if the Board should conduct a project of updating the zoning map.

The Board discussed the zoning map. Chairperson Killam explained that the map she has is different than the one they use. Ms. LaBranche explained that the inconsistencies are because the old map was digitized and that the changes occurred then. It is still the same map. If Ms. Killam has the old map, the differences can be cleared up. It should explain that the map was digitized in 1998.

Chairperson Killam asked if the Board would like additional discussion on F1. Ms. LaBranche said it was up to the Board. F1 is discussing development in undesirable land. Ms. Killam responded that Atkinson has a lot of undesirable land and the solution in the past has been to develop clusters with the housing on the buildable land and the undesirable land as open space.

Sue Killam asked if there were anything else.

Ted Stewart remarked that according to the survey, Atkinson residents are not interested in smaller houses and workforce housing. Other members of the Board agreed that 90% of residents do not want workforce housing. He suggested making it clear on the master plan that workforce housing is a new requirement of the state. Ms. Killam asked if the Board was aware of the lawsuit regarding workforce housing. Ms. LaBranche stated that she would put in language stating that Atkinson is required by court order to zone for workforce housing in Soares v. Atkinson.

Chairperson Killam asked if Ms. LaBranche had set up a joint training meeting to be held either in August or September.

Next Planning Board meeting Wednesday July 17, 2013. The agenda will probably include the Brown lot, 56 Island Pond Road and the workshop on the master plan. There will be no Workshop on July 3, 2013.

Vice Chairman Paul DiMaggio made a motion to adjourn; Member Ted Stewart seconded the motion. All members present voted in favor. Vote: 5/0/1. The June 19, 2013 meeting of the Atkinson Planning Board was adjourned at 9:15 PM.