

**ATKINSON PLANNING BOARD MEETING  
MINUTES  
WEDNESDAY, JANUARY 15, 2014**

**Members Present:**

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

**Other's Present**

John Feuer

**Correspondence:**

**Call to order:**

Chairman Killam called the regular meeting of the Atkinson Planning Board to order on Wednesday, January 15, 2014 at 7:45 PM.

**Approval of Minutes:**

November 20, 2013

Page 4, 1st sentence, 3rd paragraph, "is" should be "his"

Page 1, Abutters List and Discussion - Millennium should be "Millenium"

Page 5, 2nd paragraph from the bottom board should be Board and sustentative should be substantive board should be Board throughout the document

Member Mike Turell made a Motion to accept as amended. Vice Chairman Paul DiMaggio seconded the Motion. The Board voted all in favor. Vote: 6/0

**Public Hearing: -**

**1) Continued from December 18, 2013: Application for Amendment to the site plan submitted by Lavelle Associates for Clinton Teague on property located at 6 Industrial Way, Map 16 Lot 53 in the Commercial/Industrial Zone. .**

Abutters: North End Blvd. Corp., South Cove Realty Trust, Clinton Teague, William Hogue, Rent Due One LLC, John Calimaris, Lavelle Associates

Chairperson Killam read aloud a letter from Mr. Lavelle, Lavelle Associates, requesting continuance so that he may complete drainage calculations to be delivered to Aaron LaChance of Stantec Engineering. The escrow has been received.

Chairperson Killam requested a vote to continue the application to February 19, 2014.

**Member Mike Turell made a motion to continue the application for amendment to the site plan submitted by Lavelle Associates for Clinton Teague on property located at 6 Industrial Way, Map 16 Lot 53 in the Commercial/Industrial Zone. Member John Wolters seconded the motion. There was no discussion. All Members of the Board present voted in favor. Vote: 5/0. The application will be continued until the February 19, 2014 meeting of the Planning Board.**

**2) Application for Amendment to Site Plan submitted by Lavelle Associates for Ruby Holdings, LLC (Robert Allen) on property located at 16 Industrial Way, Map 16 Lot 59 in the Commercial/Industrial Zone.**

ABUTTERS: Keith and Michelle Wolters, Atkinson Properties, LLC - PRESENT, Positive Start Realty, Inc., Ruby Holdings, LLC, Telusyuno, LCC and Norris Lemay.

Chairperson Killam read aloud a letter from Mr. Lavelle requesting continuance for 30 days or the next available meeting day in order to complete drainage calculations to be delivered to Aaron La Chance, Stantec Engineering.

**Member Mike Turell made a motion to continue the Application for Amendment to Site Plan submitted by Lavelle Associates for Ruby Holdings, LLC (Robert Allen) on property located at 16 Industrial Way, Map 16 Lot 59 in the Commercial/Industrial Zone. Member Scott Simon seconded the motion. There was no discussion. All Members of the Board present voted in favor. Vote: 5/0.**

**The application will be continued until the February 19, 2014 meeting of the Planning Board.**

**Workshop:**

Final discussion of Easements, Deeds, and Homeowner's Association documents submitted by Browns for the following application.

Gordon P. Brown Family Revocable Trust, for Subdivision of 15.58 Acre parcel to create a lot of 2 acres with the existing house, and to create an 8 Lot Scenic Cluster Subdivision of the remaining 13.58 acres, located at 129 Main Street, Map 13 Lot 21 in the RR2 Zone, conditionally approved 12-18-13.

Chairperson Killam read aloud the letter to Millenium Engineering regarding conditional approval of the subdivision. Chairperson Killam has documents submitted by Millenium Engineering.

**Discussion:**

**1) Easement for widening of roadway and sight line:** Chairperson Killam passed out copies of the Easement for widening of roadway and sight line for the Board to review.

Mr. Turell pointed out that the Board still has not received the final set of the road easement and the homeowners association agreement. The engineer needs to look at a current set of plans.

Chairperson Killam pointed out that the easement for widening the roadway and sight line is for the benefit of the state and is not a concern for the Town.

**2) Warranty Deed:** This is a deed for the roadway to be granted to the Town. Chairperson Killam explained that the procedure is for the applicant to build the road, then once it is built to the specifications of the Town engineer, the Town takes the deed.

There is still one sewer line that will go under the road.

**3) Quitclaim Deed conveying the open space and the portion of land that is a septic field in the plan:** It will be conveyed to the Hamlet at Page Farm Homeowners Association. This will not happen until a set quantity of units are sold and there are a group of homeowners. The date is wrong. Chairperson Killam pointed out that the second page references the Easement for widening the roadway and sight line.

**4) Easement for Drainage:** Dated June 7, 2013, the date of the original drawing. This easement carries the water to the back corner of the subdivision. It includes the right of the Town of Atkinson to enter upon the drainage area and repair and maintain the drainage area and structures. Ms. Killam would like the Road Agent to look at the Easement for Drainage.

**5) Easement to Preserve the View and Restrict Building:** This easement covers the original building and the lot. Chairperson Killam read portions of the easement allowed. Mr. Turell pointed out that the easement must state what remedies are available if the easement is violated.

**6) Declaration of Scenic Vista Conservation Easement:** Mr. Turell pointed out that paragraph C, page 2 should stop after open space. Everything that has to do with cisterns and wells and water power lines underground must be taken out because they are not allowed in open space. Mr. Turell also suggested that everything after (i) should be taken out, giving them no permission to put up a fence or change the stone wall.

Chairperson Killam read aloud Section D of the Easement. Mr. Dziechowski asked about the grantor and grantee on page one of the document. Mr. Dziechowski questioned how enforces that section of the easement.

5a) breach of easement must be notified by owner and.. this section is the remedy.

**7) Easement to Preserve View and Restrict Building:** Section c - needs to talk about not building a new structure in the open space. No... structure...should be built in the open space. Nothing should follow. The Board agreed.

The Board discussed an entrance sign to the subdivision. There is nothing on the plan. They can have a temporary sign, but they must request permission from the Planning Board for an entrance sign.

Chairperson Killam read aloud the ordinance. Mr. Wolters questioned the time frame for a temporary sign.

**8) Declaration of Protective Covenants for the Hamlet at Page Farm Residential Subdivision Atkinson, NH:** This is the homeowners association agreement.

Number 13 states that a sales office can be placed on one of the lots.

Livestock and clotheslines are not allowed.

The Town Attorney will review the easements before the next meeting.

John Feuer appeared before the Board at 8:00 PM to request permission to replace an old building on the site with a newer building that is up to code. Mr. Feuer drew up some minor sketches showing the old building and gave copies to the Planning Board. His Deed number is 24192. It is an old pole building that sits to the left of the main building. Mr. Feuer has sketched on to the map the outline of the new, proposed building.

**Discussion:** The new building will be 41 feet from the right of way. The property is zoned RR2. There are trees between the structure and the road. The issues are the distance from the right of way and extension of a nonconforming use. The minimum setback is 30 feet so that is not an issue. The Board looked up Zoning Regulation Z67 - nonconforming use, special exception and Chairperson Killam read it aloud. Chairperson Killam explained to Mr. Feuer that he would have to go back to the ZBA because the size of the new building is larger, the regulation states that there shall be no expansion or enlargement of a nonconforming use. Mr. Turell explained that the Planning Board is responsible for any amendments to the site plan and the ZBA is responsible for the special exception. Therefore, Mr. Feuer must go to the ZBA first. Chairperson Killam also informed Mr. Feuer that she has application packages.

The Planning Board returned to review of the subdivision easement documents for the Gordon P. Brown Trust application for subdivision.

**New/Old Business** none

**Other:** none

**Next Planning Board meeting Wednesday February 5, 2014**

**Member Mike Turell made a motion to adjourn. Vice Chairman Paul DiMaggio seconded the motion. Vote: 5/0.**

The January 15, 2014 meeting of the Atkinson Planning Board was adjourned at 9:20 PM.