

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, AUGUST 20, 2014**

Members Present:

Sue Killam, Chair
Mike Turell, Vice Chair
John Wolters
Tim Dziechowski
John Feuer, Alternate
Barbara Brown, Alternate
Ted Stewart

Other's Present

Tim Lavelle, Lavelle Associates
Mike Leach, Stantec Consulting Services, Inc.
Julie LaBranche, Rockingham Planning
Daniel Stacey
Bernard Campbell, Esq.

Call to order:

Chairperson Killam called the regular meeting of the Atkinson Planning Board to order on Wednesday, August 20, 2014 at 7:35 PM.

Approval of Minutes: - minutes for June 18, 2014 and July 16, 2014 - deferred

Correspondence:

- Haverhill Planning Board Meeting for Harbor Place as Merrimack Street Gateway Wednesday, August 13, 2014
- Notice from Nashua of Public Hearing 8/12/14 re: Petition by Verizon Wireless requesting special exception to replace a telecommunications tower with a new tower at 10 Whipple Street
- Letter from Julie LaBranche regarding a New Application: Site Plan submitted by Lavelle Associates and Aragon Investments, for MJK Realty, LLC, to develop a 5500 square foot Office and Retail building on property located at 121 Main Street, Map 13 Lot 15 in the TC Zone.

Public Hearings: Chairperson Killam opened the Public Hearings for the Atkinson Planning Board at 7:50 PM.

1) Continued from July 16, 2014: Application for a Site Plan submitted by Daniel Stacey to allow a tree service / lumber harvesting facility on his property located at 26 Hall Farm Road, Map 16 Lot 8 in the Commercial/Industrial Zone. (Jurisdiction from May 21, 2014 extended twice. (Item 2 on the Agenda)

Attorney Bernard Campbell appeared before the Board. Issues identified at the site walk in May, were primarily a culvert that appeared to have been extended without a permit. TF Moran submitted a wetland plan but it has not been approved. Attorney Campbell gave copies of the plan to the Board and explained it to the Board. There are 2 additional impact areas, the first is extending down the culvert and the second is near the second exit and a temporary impact area which is being restored. The second sheet shows the expected restoration for the temporary wetland impact. The permit is still under review but the applicant is optimistic it will be granted. That is one issue that the applicant wants to share with the Board at this meeting. There are also some plan changes. Attorney Campbell passed out the new plan sheets. The top sheet shows the existing conditions. A noise test was conducted at the site walk. The nearest residential structure is on Conley's Grove Road. There are two other nearby residential structures. There are some sheds on the property, there are no utilities.

The second sheet shows the proposed changes. First is a drainage easement at the end of the culvert by Hall Farm Road. The second issue was the entrance. There is a proposal to provide closure to the

entrance area through landscaping, by planting arborvitae. This will provide visual closure and noise deadening. The proposed sign location is now shown. The applicant does not have details on the sign. Expected travel is marked on the plans. There is some traffic signage at the easterly driveway, which will be an exit only. Employee cars and parking are also shown on the plan. The sheds will be relocated to meet the 15 foot setback. There will be an on site temporary toilet for employees.

There are two waiver requests pending. One is for the buffer area because it is adjacent to an RR3 area, the 150 foot buffer runs through the property and a waiver request is needed. The second is for a full drainage study. There is no proposed new pavement nor any proposed new structures. There is little drainage impact off the site. Therefore, a drainage study is not needed.

Attorney Campbell asked if the Board had any questions and if the Board would prefer to wait until after receipt of the State Wetlands Permit. Member Tim Dziechowski asked if the applicant had been to the Zoning Board of Adjustment. Attorney Campbell replied that he does not believe that there is a need because the setback is for structures and is a yard requirement. There are no structures. The Board discussed if the applicant needed to go to the Zoning Board. Chairperson Killam asked if there were more questions and stated she would prefer to deal with waiver requests when the Planning Board is ready to finish the application.

Chairperson Killam read the abutters list:

ABUTTERS: Daniel Stacey, Brenda and Sheryl Malley, Trustees and Laurie Marcovitz, Trustee for the Malley Family Realty Trust; 2 Industrial Way Realty Trust, Gary and Carla Russell, Trustees; Ruby Holdings, LLC; Bernard Campbell, Esquire, Beaumont and Campbell Professional Association - present; Town of Atkinson - present, Consultants are Christopher Danforth, Soils Engineer Hans Morch, Surveyor and Robert Duval, Civil Engineer of TF Moran.

The State wetlands permit is still outstanding. Julie LaBranche informed the Board that there is a new state statute which states that the Board cannot hold up the process while waiting for State permits unless the applicant agrees. The Board can conditionally approve the application. Attorney Campbell replied that he would take the Board's personal preference and asked if the State Wetlands Permit had not come in by the September meeting, if the applicant should wait until the October meeting. Member Mike Turell stated that since the engineers have looked over everything and approved the plans, there is no need to wait past the September meeting. Attorney Campbell agreed and said he would await review by the Town Consultants. Ms. LaBranche asked if there was a good sight distance for the sign from the road. Attorney Campbell replied that there is a fair distance from the sign to the edge of the pavement and it was clearly visible from the road.

Attorney Campbell requested that the Board extend the application to the September 17, 2014 meeting.

Member Mike Turell made a motion to extend the Application for a Site Plan submitted by Daniel Stacey to allow a tree service / lumber harvesting facility on his property located at 26 Hall Farm Road, Map 16 Lot 8 in the Commercial/Industrial Zone to September 17, 2014. Member Tim Dziechowski seconded the motion.

Discussion: Attorney Campbell cannot attend the meeting, but will ensure that Mr. Stacey has assistance at the meeting.

All members of the Planning Board present voted in favor. Vote: 7/0.

Chairperson Killam introduced the members of the Planning Board and the Town consultants to the audience and requested Mr. Tim Lavelle to come before the Board regarding the next four applications.

2) Continued from July 16, 2014: Application for an Amendment to a 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. (Jurisdiction from March 19, 2014 extended three times.)

Chairperson Killam read the abutters list.

ABUTTERS: Keith and Michelle Wolters, Atkinson Properties, LLC, AROD Realty Group, Ruby Holdings, LLC, Telly Asuna, LCC, Lavelle Associates, and Norris Lemay. None present.

Tim Lavelle came before the Board. The applicant has requested an amended site plan. There is a building in the back not shown on the original site plan and there were wetlands in the back that had been filled. The applicant submitted an after the fact request for a permit. He still has not heard. Mr. Dziechowski informed the applicant that the wetlands permit is under technical review, administratively complete. Mr. Lavelle gave the Board plans on how the Engineer would like to handle drainage for the site and the change in the site from the original site plan. The plans have not been submitted to Stantec Engineering for review. He has submitted the plans to Ruby Holdings. The applicants is waiting for the wetlands approval and is requesting an extension of jurisdiction and a continuance to the September 17, 2014 meeting.

Chairperson Killam asked if Mr. Lavelle had spoken to the abutting property owners. Mr. Lavelle will send the abutter a copy of the plan and work with him. He has been waiting for the Department of Environmental Services..

Ms. Killam explained that the property came before the Planning Board because of a Code Enforcement action for unapproved structures. The Board is attempting to work with the property owner to bring the plot into compliance. Vice Chairman Turell asked how long an extension would be needed. The Board agreed to extend jurisdiction to the next public hearing on September 17, 2014.

Vice Chairman Mike Turell made a motion to extend jurisdiction and continue hearing for the Application for an Amendment to a 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 and continue the hearing until September 17, 2014. Member Tim Dziechowski seconded the motion. All members of the Atkinson Planning Board present voted in favor with Member John Wolters abstaining. Vote: 6/0/1 with one member abstaining.

3) New Application: A Site Plan submitted by Lavelle Associates and Aragon Investments, for MJK Realty, LLC, to develop a 5500 square foot office and retail building on property located at 121 Main Street, Map 13 Lot 15 in the Town Center Zone.

ABUTTERS: MJK Realty, LLC, the property owner; Robert and Julie Weaver; John Mercier; Link Mark Realty Trust, Lincoln Jackson Trustee; Gordon Brown Revocable Trust - present; Winslow Drive Realty Group, LLC; Jameson Ridge Homeowners Association - present; Kathleen Ann Sedkowsky Trust, Kathleen Sedkowsky, Trustee; Culdip and Pinder Paul Barnes; James and Sharon Bork; Aragon Investments - present, Pat Bauer; Timothy Ferwerda; and James Lavelle Associates - present.

Ms. Killam explained that it is a site plan for a proposed retail building. The statement of intent expands on it. The plans include a project description and storm water management report, a wetlands permit, a

letter authorizing Mr. Lavelle to speak on behalf of MJK Realty Trust, a letter from Peter Mullet of Aragon Investments authorizing Mr. Lavelle to speak on his behalf, and the letter of intent.

The Board has preliminary review letters from Stantec Engineering and Rockingham Planning. The property is on Main Street on the corner of Pages Lane in the Town Center Zone. Mr. Lavelle explained that he is proposing a building of approximately 5500 square feet. It will be for offices and possible retail. Aragon Investments is the developer. There are no tenants yet. The entrance would be up hill from the existing driveway from a home that was there. There would be one entrance, traffic would be two way around the building. Mr. Lavelle stated that there was a driveway permit from the previous office building for the site. Chairperson Killam informed him that she could not find the driveway permit in the Atkinson Planning Board files. Drainage would be to the back of the building. There is a storm water management system to hold water and treat it before letting it drain into the wetland. The septic system will be in front of the property. The property will tie into existing water. Sheet 4 shows a proposed well along the right edge of the property. Mr. Lavelle informed the Planning Board that the applicant is not proposing a well and will take it off the plans.

The zone line between the Town Center zone and the residential zone is the center line of Pages Lane. They are holding the buffer at 100 feet which is required for the Town Center zone. There will be no parking, no dumpsters or infrastructure within 100 feet of Pages Lane. 31 parking spaces are required and the applicant is proposing 47. Elevations are on page 2 of the plans. Mr. Lavelle showed the Board a rendering of the proposed structure. Mr. Mullett of Aragon Investments explained the concept. The applicant looked at the other buildings in the Town Center and tried to keep the proposed building in the same color scheme. There will be five units, they are smaller in size with a possible coffee shop. It is one story. There is a possible drive through for a retail business such as a coffee shop or a bank. The intent is to keep the building small, with between 800 to 1000 square feet units and provide a start up for local business.

Mr. Lavelle has seen the letter from Rockingham Planning, but has not seen the letter from Stantec Engineering. Ms. LaBranche reviewed her letter to the Board.

- 1) There is not a complete statement of intent. Elements such as the drive through windows, hours of operation and exits and entrances should be included.
- 2) The septic needs to be designed for maximum use if the applicant is considering a food service business as a tenant. Mr. Lavelle informed the Board that he is planning to max out what can be installed for a septic. Ms. LaBranche suggested a table of proposed uses and necessary capacity from Mr. Lavelle to track the capacity for the septic against the tenants. The Town could also track the tenants in the building. It has been done in other Towns. Chairperson Killam explained that there is no provision in Atkinson zoning, but the Building Department issues certificates of occupancy for all tenants and those issues can be settled then.
- 3) A sediment and erosion control plan is needed to show where the water will be diverted to during construction.
- 4) Traffic safety and the perimeter of the driveway. The perimeter will be opened up, so erosion prevention is needed. Also traffic safety due to proximity of the driveway to Pages Lane. Mr. Lavelle explained that he has applied for an updated driveway permit.
- 5) Calculations and green space - the areas are shown but Ms. LaBranche explained that the actual area and requirement needs to be shown on one of the sheets, probably Sheet 3.
- 6) Design details for lighting and the fixture for the sign are needed. The locations of the lighting are noted but there is nothing about the design or the lumens.
- 8) The total area of disturbance should be added to the notes section of the plan.

9) Building elevations and style were provided in the rendering. Ms. LaBranche asked if the drive in window was shown in the rendering. Mr. Lavelle explained that a drive through window would be in the back. Traffic circulation is in Note 7. Arrows and signs will be put on the plans and are in Note 7.

Mr. Leach of Stantec reviewed the comments in his letter:

First, the type of utilities and location need to be added, if they are underground or overhead - Mr. Lavelle will add utilities to the plan. 2) water services need to be added. 3) the rendering addresses exit and entrance issues, the handicap ramp size has to be put on the plan. 4) Site grading - Mr. Leach suggested curving the site and installing cache basins. This would allow the slope to be landscaped. 5) The proposed retaining wall on the southeasterly side of the site - The pavement is at the edge of the retaining wall, a design is needed for that location with the guard rail. 6) A steel beam rather than a wood guardrail should be installed. A two and a half foot platform for the guardrail is needed. The drop in the back is about 10 feet. Mr. Lavelle agreed. 7) The proposed leach field - Ms. LaBranche pointed out those issues. 8) the size and height of the structure. 9) traffic pattern and additional dimensions for the drive through were also addressed by Ms. LaBranche.

10) Proposed loading areas - possibly designate size of vehicle and location of loading area. Mr. Lavelle explained that he has applied the template, a tractor trailer, the straight truck and a ladder truck will fit with all parking spaces filled. He will provide the templates.

Comment 11 addresses snow storage locations. 12) traffic signs and a stop sign at the driveway entrance, comment 13, the traffic pattern and traffic situation throughout the site and 14) the statement of intent were all discussed by Ms. LaBranche. 15) the size and height of proposed sign were also discussed by Ms. LaBranche.

16) Subdivision Regulations- existing easements. They are on the existing conditions plan. Mr. Leach stated that the applicant needs to label width of existing streets, water lines, and the bench mark. Mr. Leach has not had a chance to review the drainage report.

Mr. Lavelle asked about the Statement of Intent and if it should be on the cover sheet of the plan. Ms. Killam replied that it should.

Chairperson Killam asked if the Board has any questions.

Barbara Brown asked about the entrance and exit. She explained that Pages Lane is an older existing street, it is very narrow and it is a tight in and out. Mr. Lavelle explained that the entrance is 24 feet wide and Pages Lane is about 21 or 22 feet wide. Ms. Brown asked if there were a way to soften the curve. Mr. Lavelle will look at it and possibly eliminate a parking space.

Tim Dziechowski commented that the Conservation Commission has no issues with the wetlands on the site. He commented on the well, he does not want to see it taken out. He is concerned about separation. Mr. Lavelle is concerned about loading. A well requires about 30,000 square feet. The calculations were done without the well, and he has not done calculations with the well. The applicant will know if the well can stay once the calculations are done and they know what type of tenants will be in the building.

Mr. Stewart asked if Mr. Lavelle could complete the project in a timely fashion if the Board takes it under jurisdiction. Chairperson Killam explained that the board has 65 days to approve or deny after the plan has been taken under jurisdiction. Vice Chairman Turell commented that most of the items are housekeeping. Ms LaBranche made a suggestion that the area of disturbance and silt fence were at least ten feet from the wetland and possibly fifteen or twenty. At present it is right at the edge of the wetland.

Vice Chairman Mike Turell made a motion to take the Site Plan submitted by Lavelle Associates and Aragon Investments, for MJK Realty, LLC, to develop a 5500 square foot office and retail building on property located at 121 Main Street, Map 13 Lot 15 in the TC Zone under jurisdiction. Member Ted Stewart seconded the motion. All members of the Town of Atkinson Planning Board present voted in favor. Vote: 7/0.

Chairperson Sue Killam opened the hearing to the public.

Mr. Brian Boyle, 24 Winslow Drive, asked when the Town of Atkinson changed the zoning in the Town Center to allow retail in the Town Center. Vice Chairman Turell informed him that the zoning was changed last March. Mr. Boyle also stated that the old zoning implied that any property developed in the Town Center should be made to fit in. He feels the developer is right about the color but asked if the Board has architectural control. - Ms. Killam replied no. Brian Boyle feels the proposed building does not fit in architecturally. Vice Chairman Turell agreed that a colonial style with dormers and pitched roof would be more fitting. Julie LaBranche commented that the description of the Town Center in the Zoning Regulations states that any development has to meet existing historical qualities. She suggested that the developer look at existing styles. Vice Chairman Turell agreed.

Mr. Glen Hall, 14 Winslow Drive, asked if there was protection in place for it to remain rental and not become a condominium development. Chairperson Killam informed him that the Town has no jurisdiction over forms of ownership. Condominium plans are approved under the Town cluster ordinance. Mr. Lavelle remarked that there would be another hearing process to make it a condominium project. Mr. Hall then asked if zoning controls the kinds of business allowed. Ms. Killam informed him that there is a permitted use chart in the zoning regulations. There is also a clause in the beginning of the zoning regulations that states that anything not specifically allowed in the permitted use chart is prohibited. The permitted use chart was amended to allow retail for the Town Center Zone. A copy of the permitted use chart can be obtained from the Town web page.

Mr. Hall's last question was how to design a septic system without knowing what is going into a building. Mr. Lavelle is planning to overdesign the septic. Planning to include types of business such as a restaurant or hairdresser is in the design. Mr. Lavelle explained that the State licensing board reviews septic permits before licensing restaurants and hairdressers. Mr. Hall is also concerned about the design of the building.

Peter Mullet explained that he appreciates the concern and that this is about the 10th rendering of the building and would be happy to meet with Mr. Boyle to discuss the building design. Ms. Killam remarked that the building was very plain and needed some dressing up. Julie LaBranche suggested a resource, the Northern New England Chapter of the American Planning Association. The applicant can also look at what is already in the village.

Mr. Eric Yarmin, 38 Winslow Drive asked about signage. Chairperson Killam replied that Section 460, Z33 tells about signage. Vice Chairman Mike Turell read the regulation. The Board discussed how to design the sign. Julie LaBranche suggested a free standing sign with all the business names on it. Zoning regulations allow only one sign per business, either on the building or a free standing sign. Barbara Brown suggested down lighting. Mr. Lavelle said he would look at it.

David Montanis, 13 Winslow Drive, requested to speak. He remarked that everyone has asked about zoning and esthetics. He does not understand why the Town would want something this commercial. He left Massachusetts to get away from this type of business. Mr. Stewart explained that the Town has done all kinds of surveys and questionnaires for the Master Plan. The Town Center is part of the Master Plan, which encourages business in the Town Center. The Town Center used to have more

businesses, but they failed. There have been gas stations and garages. It is a very limited zone which starts at Willowvale up to Pages Lane and down Academy to Maple Avenue. Chairperson Killam explained that if the application fits into the zoning description, the Board has to allow it. The alternative is to have a ballot article and make the Town Center residential.

Mr. Boyle asked about other lots near that property. There are three other lots, they are surrounded by wetlands and would be difficult to develop. Ms. Brown asked if anyone remembers the old Grange Hall and remarked that there is no longer a casual place for people in Town to meet. Julie LaBranche asked if a drive through is included in the zoning regulations. Vice Chairman Turell replied that it is not specified. There are 2 drive-throughs in Town, Dunkin Donuts and the Sunoco station.

Vice Chairman Mike Turell made a motion to continue the public hearing for the Site Plan submitted by Lavelle Associates and Aragon Investments, for MJK Realty, LLC, to develop a 5500 square foot office and retail building on property located at 121 Main Street, Map 13 Lot 15 in the TC Zone under jurisdiction to September 17, 2014. Alternate Member Barbara Brown seconded the motion. All members of the Town of Atkinson Planning Board voted in favor. Vote: 7/0.

There will be no further abutter notification. The Board recessed. Chairperson Killam opened the next public hearing.

4) New application: Subdivision plan submitted by Lavelle Associates for Roxanne Feuer, to subdivide 6.46 acre lot with 841 feet of frontage into 2 lots of 3.72 acres (with existing house and barn) and 2.74 acres, on property located at 68 East Road, Map 19 Lot 47, in the RR 2 Zone. (was no five on the agenda)

ABUTTERS: Renee Murphy; Maureen and Garrett Van Genip; Susan Gagney; LJ Steer 2000 Revocable Trust, Linda Steer Trustee, Lavelle Associates - present, Timothy Ferwerda; US Bank National Mortgage LLC, John and Barbara Fiorella; Roxanne Feuer - present; Ronald David; Michael and Louise Higgins; and Louise Conway

Tim Lavelle informed the Board that recently Ms. Feuer obtained some property in the back of the present lot which brought the property to 6.46 acres. Map 19, Lot 48 is an abutting lot. The applicant wants to create one new lot with 2.74 acres. There is an existing driveway. They have submitted a driveway permit with DOT. It is a change in use, the driveway was a farm entrance. There is plenty of sight distance in both directions. There are proposed wells, there is no off site water. The receiving area for the house and barn are well away from the house. They did not want to dig up the lawn. The Board discussed the front setback. It needs to be 70 feet in the RR2 zone and the sides should be 30 feet minimum with 100 feet total according to Atkinson Zoning Regulation Z47, Section 530. Member Tim Dziechowski suggested a note on the plan. Mr. Lavelle agreed. The rear setback is increased because of the wetland. It is almost 100 feet from the wetland. There will be a single family home on the property. The existing septic will not be moved. State subdivision approval is still pending. Member Ted Stewart remarked that the only outstanding conditions are the subdivision approval and the driveway permit. Mr. Lavelle asked if there should be a note that the house and barn predate zoning. The existing house was built in 1762.

Vice Chairman Mike Turell made a motion to take the Subdivision Plan submitted by Lavelle Associates for Roxanne Feuer, to subdivide 6.46 acre lot with 841 feet of frontage into 2 lots of 3.72 acres (with existing house and barn) and 2.74 acres, on property located at 68 East Road, Map 19 Lot 47, in the RR 2 Zone under jurisdiction. Member Ted Stewart seconded the motion. All members of the Town of Atkinson Planning Board present voted in favor. Vote: 7/0.

Mr. Mike Leach of Stantec suggested regarding the subdivision to label the house and barn as existing. Regarding Map 19, Lot 48, the well radius extends on to the property. Mr. Leach asked if there were provisions for the well. Mr. Lavelle has shown that another well can be put in. The well is pre 1989, so the well radius for Map 19, Lot 48 is protected. No septic can be put in near it. Chairperson Killam summed up that the applicant will label existing, the state subdivision pending and the driveway permit pending. Mr. Lavelle added that a note regarding setbacks on plan, the existing house and barn predate zoning.

Chairperson Killam asked if there were other questions. Mr. Lavelle informed the Board that he will label front side and rear setbacks.

Vice Chairman Mike Turell made a motion to approve subdivision plans submitted by Lavelle Associates for Roxanne Feuer, to subdivide 6.46 acre lot with 841 feet of frontage into 2 lots of 3.72 acres (with existing house and barn) and 2.74 acres, on property located at 68 East Road, Map 19 Lot 47, in the RR 2 Zone conditioned upon labeling setbacks on the plan, labeling existing properties as such, receipt of a driveway permit from DOT, receipt of a subdivision permit from the State.

Discussion: Ms. Killam asked about a note regarding the existing house and barn predating current zoning regulations. Vice Chairman Turell responded that he stipulated labeling existing properties.

Member Ted Stewart seconded the motion. All members of the Town of Atkinson Planning Board present voted in favor. Vote: 7/0.

5) New Application: Lot Line Adjustments, submitted by Lavelle Associates for AROD Realty Group, LLC, (Fred Leccese) and Town of Atkinson, to change lot lines between parcels on 15, 17, and 19 Industrial Way and backland (with the intent to reconfigure the 3 AROD lots to accommodate relocation of the Town's access to the conserved property to the rear) on properties located at Map 16 Lots 16, 55, 56 in the CI Zone, and Lot 12-1 in the RR3 Zone.

ABUTTERS: Shawn and Melissa Finneran; NEM Realty, LLC; Gagnon Realty Trust, Bill Gagnon, Trustee; Atkinson Properties, LLC; Karen and Richard Incollingo; Rick Shaefer; Brian and Sheryl Castle; Trustees of Brian and Sheryl Castle Trust; AROD Realty Group, LLC; Ruby Holdings, LLC; Edward and Sandra Tomasi Revocable Trust, Edward and Sandra Tomasi, Trustees; Town of Atkinson - present; Telly Asuna, LLC; Bill Gagnon, Gagnon Realty Trust; Daniel Messuri; James Lavelle Associates - present; and Timothy Ferwerda

Chairperson Killam explained that Member Tim Dziechowski went to the Board of Selectmen regarding the application. The application involves a previously dedicated right of way. The Town will give up the existing right of way in return for direct access to the road through the lot line adjustment. The lot lines will change for all the lots, shifting them about 50 feet. The right of way to the south is a bit larger area than the one previous to the proposed one. Lot 56 stays the same. The middle lot is increased and lot 16 decreased about 1/10 of an acre. They are still two acre lots. The one lot under two acres increased in size. The plan shows a 50 foot buffer in the back. The applicant has already received a variance for the 150 foot buffer in the back. The buffer to the south will be maintained at 150 feet. Member Tim Dziechowski explained he looked through the deeds to figure out who owns the right of way. The Town never got a deed for the right of way. Member Tim Dziechowski explained the history of the lots and the right of way. The right of way has been monumented. The Town can give AROD Realty a quitclaim deed.

Vice Chairman Mike Turell made a motion to take the Application for Lot Line Adjustments, submitted by Lavelle Associates for AROD Realty Group, LLC, (Fred Leccese) and Town of

Atkinson, to change lot lines between parcels on 15, 17, 19 Industrial Way and backland (with the intent to reconfigure the 3 AROD lots to accommodate relocation of the Town's access to the conserved property to the rear) on properties located at Map 16 Lots 16, 55, 56 in the CI Zone and Lot 12-1 in the RR3 Zone under jurisdiction. Member Ted Stewart seconded the motion. All members of the Town of Atkinson Planning Board present voted in favor. Vote: 7/0.

Chairperson Killam asked the Board for any comments.

Mr. Mike Leach of Stantec commented that the culvert on the plan looks like it is on Lot 55. The Town should get an easement to maintain it. Member Ted Stewart, the Town Road Agent, informed him that he always assumed it is in the right of way. Mr. Tim Lavelle explained that it enters on to the lot about a foot, so an easement would be needed. Tim Lavelle would get an easement for the culvert in front of lot 55. A drainage maintenance easement would be required. Member Ted Stewart recommended a 15 by 15 foot easement.

Mr. Mike Leach commented that the lots are less than 5 acres. It would come under state jurisdiction Do they require subdivision or septic approval because it has never been developed. Mr. Lavelle will check the old plans. There is only one recorded plan. It will not show test pits.

Julie LaBranche asked if Parcel B was a new parcel. Mr. Lavelle explained that Parcel B will become part of Parcel 12-1 on the site plan.

Chairperson Killam explained that the Conservation Commission is requesting the lot line adjustment because it will allow easier access to the conservation land in the rear of the parcels.

The Board requested a drainage easement condition for the culvert in front of Lot 55, roughly 15 x 15 feet and another condition of a satisfactory review of the septic siting in lieu of State subdivision permitting. The Board expressed concern about the dumpsters on the lots. Mr. Lavelle explained that Lavelle Associates marked the line between Lot 55 and Lot 56. AROD Realty owns the dumpsters. They are all on Lot 56 and will be removed. The bounds and radii of all new lot lines need to be described and monuments need to be added on those edges.

Member Tim Dziechowski made a motion to approve the Application for Lot Line Adjustments, submitted by Lavelle Associates for AROD Realty Group, LLC, (Fred Leccese) and Town of Atkinson, to change lot lines between parcels on 15, 17, 19 Industrial Way and backland (with the intent to reconfigure the 3 AROD lots to accommodate relocation of the Town's access to the conserved property to the rear) on properties located at Map 16 Lots 16, 55, 56 in the CI Zone and Lot 12-1 in the RR3 Zone with the conditions that: 1) a 15x15 foot maintenance drainage easement for a culvert in front of lot 55 is obtained; 2) satisfactory review of septic siting in lieu of new state subdivision permit; 3) removal of all dumpsters; and 4) bounds and radii of all new lot lines are described and monumented. Vice Chairman Mike Turell seconded the motion. All Members of the Town of Atkinson Planning Board voted in favor. Vote: 7/0.

Chairperson Killam requested a motion to adjourn.

Member Tim Dziechowski. made a motion to adjourn the August 20, 2014 meeting of the Atkinson Planning Board at 10:20 PM. Vice Chairman Mike Turell seconded the motion. All Members of The Town of Atkinson Planning Board voted in favor. Vote: 7/0.

The next Planning Board meeting is Wednesday September 17, 2014 (no workshops July, August, September.)