

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, MAY 21, 2014**

Members Present:

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

Other's Present

Tim Lavelle, Lavelle Associates
Mike Leach, Stantec Consulting Services, Inc.
Don Kirsch, Atkinson Code Enforcement
Julie LaBranche, Rockingham Planning
Daniel Stacey

Call to order:

Chairperson Killam called the regular meeting of the Atkinson Planning Board to order on Wednesday, May 21, 2014 at 7:30 PM.

Approval of Minutes: - deferred to the next meeting

Correspondence:

- A letter to Josh Manning requesting an extension of the Alteration of Terrain Permit at Atkinson Country Club
- A copy of the May 13, 2014 letter from the New Hampshire Department of Environmental Services based on recent request for a variance to New Hampshire RSA 485-A:17; allowing a 5 year time extension for the Alteration of Terrain Permit
- A letter from the Department of Transportation District 6, George Gubatos with an attached driveway permit application from Josh Manning for Rte 121 Main Street at a location 350 feet South of Island Pond Road, dated May 6, 2014
- A letter from the Federal Communications Commission regarding an informational notice on Section 106 Filings for historical resources stating that some Section 106 Filings had been submitted
- A note from Julie LaBranche dated May 15, 2014 requesting the official date of the cell tower application. It is May 5, 2014
- Letters from Mike Leach of Stantec Engineering regarding applications by Clinton Teague, AT&T and Daniel Stacey

The Board discussed the completeness review.

New/Old Business:

The Planning Board met with Town Counsel to discuss the Northern Realty Trust/Eastern Seaboard site and the Clinton Teague property.

Julie LaBranche informed the Board that the Rockingham Planning Commission is working with coastal watershed communities and holding a workshop next Tuesday on how to use green infrastructure for compliance with new watershed rules.

Julie LaBranche also informed the Board that the Rockingham Planning Commission annual meeting will be June 11, 2014 at the Hatch Shell in Hampton.

Public Hearings: Chairperson Killam opened the Public Hearings for the Atkinson Planning Board at 8:00 PM

1) Continued from March 19, 2014 and April 16, 2014: 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. Jurisdiction is from March 19, 2014 which is over 60 days. The Board can approve, the application, deny it or approve it with conditions. Also, the applicant can request an extension.

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

Mr. Tim Lavelle, James Lavelle Associates, appeared before the Board and reviewed a letter from Stantec dated March 13, 2014 listing items the Town Engineer has informed the Board and the applicant need to be resolved. Mr. Lavelle informed the Board that the items have not been resolved. The issues in comment number three under storm water management has not been resolved. The applicant has not been able to dig a test pit. Mr Lavelle is requesting a continuance, there is nothing in writing.

Chairperson Killam requested to recap the application. There is a consent agreement between the Town and the property owner. There is a notice to proceed and escrow for engineering review dates back to November or December.

Chairperson Killam requested the Board to discuss whether or not to grant the extension. The test pit and the associated revisions to the drainage report that may be needed after the test pit has been dug. Mr. Lavelle has been available to complete the test pit but the property owner has not. The initial reason for not digging the test pit was winter weather. If the Board grants an extension, the discussion will be continued until June. Mr. Dziechowski pointed out that it has not been that far since the ground has been frozen. The Board discussed whether or not to grant a continuance. Mr. Lavelle has a letter of authorization to act as representative from the applicant.

Vice Chairman DiMaggio made a motion to continue the Application for an Amendment to a Site Plan submitted by Lavelle Associates for Ruby Holdings, LLC (Robert Allen) on property located at 6 Industrial Way, Map 16 Lot 59 in the Commercial/Industrial Zone to June 18, 2014. Member Tim Dziechowski seconded the motion. The Atkinson Planning Board voted in favor with five members voting. Vote: 3/2/1. Chairperson Killam, Vice Chairman Dimaggio and Member Tim Dziechowski voted in favor, and Members Mike Turell and John Wolters opposed. Member Ted Stewart absent.

Chairperson Killam pointed out that there is a consent agreement and penalties involved if the applicant has to go back to court. Mr. Don Kirsch, Atkinson Code Enforcement, pointed out that the applicant was supposed to have all brush removed within 90 days as well as have the site plan review completed in 120 days, neither have been accomplished.

2) Continued from March 19, 2014 and April 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.

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

Member John Wolters recused himself from the public hearing regarding the above application and stepped off the Board.

Mr. Tim Lavelle, Lavelle Associates appeared before the Board. Lavelle Associates dug the test pits. There were some wetlands that had been filled, the test pits were dug for infiltration and also to determine what might have been wet. Additional field work for Tim Ferwerda, a soils scientist, has been completed and he is completing a plan for the wetlands. Mr. Lavelle and Even Lewis are working on a plan. Mr. Ferwerda does not have the plan complete to show the Board, but he will be submitting it to the wetlands bureau. Once it is complete, Lavelle Associates will work on a new drainage plan. Mr. Ferwerda informed Mr. Lavelle that his plan will be complete by the end of this week and Mr. Lavelle will forward all necessary documents to Stantec Engineering. At that point, Stantec may need to forward Mr. Lavelle another agreement. Mr. Lavelle said all that is left to do is review by the engineers.

Mr. Lavelle is requesting a 30 day extension and believes that everything will be submitted within that timeframe. It takes 60-90 days for a permit from the Wetlands Bureau, so he will not have a permit in 30 days but the review will be substantially completed. Ms. Killam informed the Board and the audience that this issue began with a code enforcement problem with a structure on the property, and in the process of resolving that issue, the issues with the wetlands and pipes were discovered.

Member Mike Turell made a motion to continue 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 to June 18, 2014. Vice Chairman Paul DiMaggio seconded the motion. All members of the Atkinson Planning Board present voted in favor. Vote: 5/0/1 with one member absent.

3) 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.

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

Member Tim Dziechowski, Atkinson Conservation Commission Chairman, represented the Town of Atkinson. Mr. Dziechowski asked if the word harvesting should be changed to the word processing.

For the record, Attorney Bernard Campbell, Office of Beaumont and Campbell Professional Association is appearing for Mr. Stacey on this matter. Attorney Campbell informed the Board that the applicant will not be cutting any trees on that site. Chairperson Killam asked Attorney Bernard if he had any concerns with the word harvesting. Attorney Bernard replied that he has no objection to reclassifying and changing the wording for the stated use of the site. Attorney Campbell stated that the letter from Stantec had been received about a week ago and requested to discuss the issues in the letter with the Board. Mr. Turell pointed out that the application has not been taken under jurisdiction by the Planning Board.

Mr. Stacey appeared to explain to the Board his plans for the site. He explained that he parks and store equipment and trucks at the site. He has a tree removal service and he works off site. He also stores wood and woodchips on the lots. He processes lumber for firewood and junk wood goes to Brentwood to a pulp plant. It is not a year round operation. He cannot work in the wintertime unless it is an emergency. All the work is done off site, the only work done on the lot is processing firewood. All the wood is gone by winter. He has assisted the Town with wood chipping and removed trees in emergencies during the winter. Woodchips are dumped on the lot. It has been busier this past year because of all the trimming in Atkinson. Mr. Stacey loads the chips on a truck, brings it to Brentwood and sells it. It was pointed out that the Town of Atkinson allows tree services to dump brush at the recycling center. Mr. Stacey responded that not all Towns, such as Salem and Derry, allow it. His lot provides a place to dump wood. Mr. Stacey cuts the firewood on site and spends a few hours a day year round cutting firewood, usually during the week between 8:00 AM and 3:00 PM. He does not work on Sunday. The firewood comes from trees cut on his jobs. He uses chain saws, wood splitters and chippers at the site. Any dimensional logs are stacked, sold and taken off site. No one comes on the site. Mr. Stacey brings the product to his customers. There are some sheds on the property, mostly rakes and shovels are stored in them. He fixes his own equipment. Mr. Stacey has thought about storage at a later date, but the lot has many limitations. He is not requesting more storage in the application. Attorney Campbell pointed out that the applicant filed a statement of intent, which explains what equipment will be used, the general hours of operation and that there will be no customers coming on site; and that Mr. Stacey will be processing wood and storing equipment there.

Chairperson Killam requested Mike Leach of Stantec Engineering and Julie LaBranche of Rockingham Planning Commission to comment on the application.

The Board reviewed the letter. The sheds are located to the left of an on-site utility pole. The plan is move the sheds to bring them into compliance with the required 15 foot setback.

Mr. Mike Leach, Stantec Engineering appeared before the Board to review his letter of May 7, 2014 regarding the application.

First, there are some items missing from the application. The drainage report is missing and the applicant is requesting a variance. There are some issues with the wetlands permitting. There is a question as to sufficient area for onsite parking for employee parking during the day and equipment parking at night. Mr. Leach would like to see something more specific than the general note for parking. He would like to see the type of vehicles to be parked shown on the plan. Attorney Campbell agreed to add a note to the plan as to the type of vehicles to be parked at the site and where they will be parked. Another issue is screening and buffering from the site activity according to site plan regulations. Attorney Campbell stated that given the lack of abutters, and what is already on the site, he had not included screening and buffering in the plan. He will request that the abutters inform him what they would like for screening.

Chairperson Killam reviewed the application for waivers.

The waiver requests are an addendum to the application. The first request for a waiver to Section 550:2 under the site plan regulations for the buffer requirement under Section 690 of Atkinson Zoning Regulations. Chairperson Killam read the request for waiver.

The second request is for a waiver is for requirements of 810:1A and 900:3 of the site plan regulations, soil survey and drainage study; due to the specific circumstances to the site. Chairperson Killam read the requests for waiver to Sections 810:1A and 900:3. The application is requesting a waiver from submitting a soil study and a drainage study.

Attorney Campbell requested to add that with regard to the buffer, he pointed out the property line to the Town parcel. Due to the angle of the lot line, the most feasible site for a structure if there was ever to be one, it would be far enough north from residential property not to be a problem. Also, due to the size of the lot, there is no feasible way to implement a 150 foot buffer and no need to enforce it. With regard to the soil study, the Town Engineer feels there still needs to be a drainage evaluation done. . At present, there is gravel over most of the site and there is no intent to excavate anything, so it is not clear what would be gained from an onsite soils study. The wetlands have been mapped, retaining areas exist and protections have been granted. There is no proposal to pave any of the area, there is some reclaimed stone in the roadways, to avoid erosion and prevent silting on to Hall Farm Road. There will be no digging or excavation.

The engineer is requesting drainage evaluation but the applicant does not feel there is any need for a study of storm runoff. There never has been any flooding on the site. If the Town file does not indicate documented issues with flooding or drainage; there is no need to investigate it.

The Board discussed how to classify the operation. Attorney Campbell stated the proposed site use by the applicant is more of a manufacturing process than an agricultural process. It is either a light manufacturing or small scale wholesale operation. It is in the Commercial/Industrial Zone and outdoor activity is allowed.

Mr. Dziechowski had some comments on the waiver and asked if the Board should take the plan under jurisdiction.

Member Mike Turell made a motion to take 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 May 21, 2014 under jurisdiction. Vice Chairman Paul DiMaggio seconded the motion. The Town of Atkinson Planning Board voted all present in favor. Vote: 5/0/1 with one member absent.

Mr. Campbell requested to discuss the Department of Environmental Services ("DES") file permitting activity regarding the drainage pipe on the property. DES permit number 2000-01388. Mr. Stacey bought the property about a year and a half ago. There is a question about an address. Because of that, the applicant started having issues with code enforcement. Attorney Campbell explained that he would like to go to Concord to look at the DES file to verify what is in it. Mr. Leach has not reviewed the State files. The applicant was under the impression that the drainage pipe was reviewed and approved in 2000 when it was installed. It is Mr. Stacey's understanding that there was a culvert and an open swale where the pipe is now, it was a safety issue and it was permitted that the pipe be put in for safety reasons.

Mr. Leach has the Town file which is consistent with the application and shows a 675 foot pipe. He explained that the pipe has become longer, there is a question about the soil information and drainage reports because there has been a change to the site. The site was wooded previously and now it is gravel. Attorney Campbell replied that he does not disagree but would prefer that the Board consider what is on the site now and does not understand why the Board wants to go back to what was there prior to 2000. Chairperson Killam replied that there are some structures in place that may not have been permitted and there were drainage swales on the site that are no longer there. Mr. Leach would like to check for the permit application for the wetlands and does not wish further discussion at this time. The Board asked if a soils study was completed in 2000. Mr. Leach replied that he did not look in the file. Ms. Killam pointed out that the Board started to look at a plan 14 years ago that did not go forward. Now the Board has an as being used site plan with a drainage pipe that may have only been partially approved by DES; and wetlands that were filled in. The Board agreed that it needed more information, particularly the permits from DES. The first step is to document what has been done and then move forward. Mr. Leach has some of the information and gave a copy to the Board. Mr. Dziechowski suggested a site walk. Mr. Stacey informed the Board that the wetlands by the culvert have been flagged and there is a buffer zone around the wetlands. Mr. Dziechowski pointed out that the Board needed to find out if there are jurisdictional wetlands and where they are on the site. Attorney Campbell informed the Board that the applicant would do his best to accommodate the Board. The Board agreed to meet May 28, 2014 at 6:00 PM for a site walk.

Mr. Tim Dziechowski asked if the applicant needed to move any buildings on the site. They are not subject to building permit requirements because they are under 200 square feet in size, but they are subject to 15 foot setback requirements. Mr. Stacey requested advice from the Board regarding the sheds. They are abutting Town property. Mr. Dziechowski as

Chairman of the Conservation Commission would address setback for the sheds. The plan indicates the applicant will relocate the sheds to a 15 foot setback.

Mr. Stacey asked about Item 7 on the letter from Stantec regarding the drainage easement and requested a suggestion regarding the size and location from the Town Engineer. Also, the Town needs an easement to go into the area to maintain the head wall. Mr. Stacey pointed out that he keeps the drain clean and requested Mr. Leach make a photo copy and let him know what he wants for an easement. Attorney Campbell requested clarification on Item 6, the size of the lot. It is his opinion that the minimum size lot is one acre. No structures are planned for the lot. Julie LaBranche explained that under Section 410:7 page Z18 of the Atkinson Zoning Regulations, poorly drained soils may not be used to satisfy minimum lot size, but it is a lot of record. In Section 530 in Zoning, it states the lot area minimum in the Commercial Industrial Zone. Mr. Leach explained that if the wetlands on the site are excluded, it is less than an acre, making it a substandard lot. Mr. Campbell stated that it is a grandfathered lot, so the size would not be an issue.

Attorney Campbell addressed the issue of the saws under Item 5, the decibel level. 61 -70 decibels are the maximum permissible sound levels. They were taken at the property line. Attorney Campbell has information about that and the distance the sound would travel from where the applicant would be operating equipment and asked what information the Board needed. Mr. Leach responded that the site walk would answer questions about the sound level. The decibel level 30 feet away is 85, but may be less at the property line. A 70 decibel level at the property line is required. Vice Chairman DiMaggio responded that fencing and plantings can reduce decibel levels. Mr. Dziechowski remarked that only two abutters are concerned about noise. Chairperson Killam pointed out that there is a lot of vegetative buffer between the site and the abutters. She also stated that the Town has never had an inquiry about Mr. Stacey's operation.

Attorney Campbell requested comment on an address for lots 16-5 and 16-4 and agreed to fix the problem. It is not on the existing conditions plan. Mr. Campbell agreed to fix it.

Member Tim Dziechowski remarked that the issue of zone buffers for setbacks would be addressed at the Conservation Commission meeting in two weeks.

Ms. LaBranche asked if the site was cleared all the way to the property line and suggested showing the tree line and vegetation on the plan. Also, the plan does not comply with minimum landscaping requirements. Also regarding requests for a waiver from screening and buffering requirements from Section 690, is the applicant asking for a complete waiver or a reduction. Ms. LaBranche also suggested the applicant request only the amount of relief needed, not a complete waiver. The waiver can be modified to show what existing buffer is on the site now. The buffer can be measured from the area of operation, not just to the property line.

Ms. LaBranche asked if Hall Farm Road is a town road and a driveway permit will be required.

Ms. LaBranche also asked about drainage. Construction of a pond in front may be worthwhile understanding the drainage because it does flow into the culvert and the lot is accepting drainage from a large area, and for the comfort of the property owner, they would want to understand what would cause an over flow. There is standing water in the retention area. Mr. Stacey explained that it is standard to a 100 years storm and it has been noted. Ms. Killam stated that Ms. LaBranche is suggesting an engineer from TF Moran calculate the drainage based on 100 year storms. Ms. LaBranche also requested drainage calculations previously given to DES. Mr. Dziechowski pointed out that the difference in elevation between Town land and the site is only 6 feet.

Mr. DiMaggio asked if Mr. Leach had looked at minimum landscape requirements. It is a relatively new requirement. Attorney Campbell stated that first the applicant would look at existing landscaping and buffering. The Board discussed screening and buffering. The Board suggested specifying current traffic circulation in a note. Also, places for fences, gates and landscaping.

Chairperson Killam requested a motion to continue the hearing.

Member Mike Turell made a motion to continue 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 May 21, 2014 to May 28, 2014 for a site walk and to the June 18, 2014 public hearing of the Atkinson Planning Board for a continued hearing. Vice Chairman Paul DiMaggio seconded the motion. There was no discussion. All members of the Atkinson Planning Board present voted in favor to continue 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 May 21,

2014 to May 28, 2014 at 6:00 PM for a site walk and to continue the hearing to the June 18, 2014 meeting of the Atkinson Planning Board. Vote: 5/0/1 with one member absent.

A new application for a site plan submitted by AT&T Mobility, by Nanepashemet Project Management, Inc. for a proposed 150 foot tall AGL (Above Ground Level) Monopole with twelve panel antennas and associated equipment and equipment shelter, and diesel generator and fencing to be located on property owned by Atkinson Farm, Inc. at 85 Country Club Lane, Map 1 Lot 12 in the RR2/SCR Zone.

Abutters: none present. The list is on file in the Town Planning Office, and anyone can come and read it.

Vice Chairman Paul DiMaggio made a motion seconded by member Mike Turell, not to read the abutters list, with Member Tim Dziechowski opposed because it is legal pitfall for applicant.

Discussion: Attorney Adam Kurth of Anderson and Kreiger for the applicant, responded that notice was sent to the abutters so the applicant has no issue with not reading the entire abutters list. Chairperson Killam remarked that there was one error in the names and addresses, two abutters have two lots, they only got one notice. Mr. Kurth responded that that was sufficient notice.

Vote: 4/1/1, with Member Tim Dziechowski opposed and one member absent.

The Board is looking for a draft version of a completeness review. Next week Chairperson Killam will be sending out an abutter notification for the Zoning Board of Adjustment hearing on June 11, 2014.

Attorney Kurth, Ernesto Chua and John Nestor appeared for the applicant in the above site plan approval. Chairperson Killam informed the Board and the audience that the application includes a radio frequency coverage report, a letter from Attorney Kurth introducing the purpose of the application, the application package, and a similar set of application materials for the zoning board.

Mr. Kurth said he would be happy to put up any large plans. He assumes everyone knows where the property is. AT&T is proposing a 150 foot high multicarrier monopole tower with 12 multiband channel panels at the top. It will be located in a 50 foot by 50 foot fenced compound. The top of the all twelve antennas will align with the top of the tower. There is a 11.5 by 16 foot equipment shelter at the base of the tower and an emergency back up generator on a concrete pad. There will be an 8 foot chain link fence with three strands of barbed wire for a total height of 9 feet surrounding the property. There is an access road that will be used by AT&T. The closest property line is 359 feet and the nearest neighbor is a gravel yard. It is across the street from the Salem dump. Mr. Kurth asked if there were any questions.

Mr. Kurth discussed the need for the facility. As detailed in the RF report and the coverage maps, AT&T has a significant gap in coverage in Atkinson along Providence Road and in Salem. Mr. Kurth showed the Board the existing coverage map. AT&T has one existing site in Atkinson. There are two cell towers in Atkinson. The coverage on the map are from the tower on Route 111. The area shown in green is existing AT&T coverage. The area shown in blue is coverage for the proposed tower. Chairperson Killam pointed out that the site will largely benefit Salem with some backflow into Atkinson. Mr. Kurth pointed out that the country club, business and residents of Atkinson will also benefit from the coverage.

Mr. Kurth asked if the Board has any questions. Chairperson Killam requested that Mr. Leach give his comments.

The first comment is the zoning issue. It is Mr. Leach's understanding that Section 800 of the Atkinson Zoning Regulations states that cell towers are only allowed in the industrial zone. The applicant is pursuing a variance from the Zoning Board of Adjustment and it will be heard on June 11, 2014.

The second comment was that access off Shannon Road and questioned if access to the tower is through a separate property not included in the plan. Mr. Leach pointed out that access is through Parcel 4, Map 1 Lot 6. Mr. Kurth pointed out that the name of the property owner is on the abutters list and on plan sheet C2, the name of the property owner is there. The lot is owned by the same property owner. Mr. Leach pointed out that if that is the access, it is part of the project, and any easements should be conveyed. The plan needs to be corrected to refer to both parcels. There also needs to be a granting of easement. Although the two parcels are owned by the same property owner, an easement needs to be granted because they are separate parcels. The abutters that abut the easement should also be identified. Mr. Kurth agreed to make those changes to the plan.

The Board questioned if there will be lights. It is under 200 feet so no lights are required. Mr. Leach explained that lights are an issue for the FAA. Power comes from Public Service of New Hampshire. Mr. Leach asked about the utilities

easement, it is identified as coming from Salem, New Hampshire. Mr. Kurth explained that there is an existing easement for utilities through George Merrill and Sons, the abutting gravel yard and will note them on the plans. Chairperson Killam commented that there was an article in the paper quoting a Mr Kaiser stating that there were issues with the utilities easements. They will be overhead lines. Ms. LaBranche requested that the easement be included in the plans and Mr. Kurth agreed.

Mr. Leach asked about the sewage treatment facility and asked if there were agreements for using the driveway and for utility lines across it. Mr. Kurth explained that it is the same entity that owns the utility and the applicant has not noted it. Atkinson Area Wastewater Recycling owns the utility and operates a system on the land owned by the same owner. Mr. Leach stated that there should be an agreement where everyone knows where the utilities are. Mr. DiMaggio remarked that such a document should be necessary for the protection of the applicant. Ms. LaBranche agreed with Mr. Leach that there should be a joint use agreement between all property owners regarding the utilities and the road. Mr. Kurth responded that there is a lease in place with the property owner, there is a letter of authorization from the property owner stating that the applicant is entitled to apply for the use and asked what the Board needed regarding agreements. Ms. LaBranche responded that there needs to be some documentation that the tower is allowed to be on the property and authorization from the owner to use the land for that purpose as well as the utilities and road easements. A memorandum from the entities would be sufficient. Documentation on who is responsible for maintenance of the road is also needed.

Mr. Kurth explained that after construction of the site the only access would be by small trucks for maintenance of the site. Mr. Wolters asked about snow removal. Mr. Leach asked about storm drainage. Mr. Kurth explained that the applicant did not submit a storm drainage report. Mr. Kurth also explained that other than a small pad for the generator and the equipment shelter which is less than 200 square feet. The tower has a circular foundation and the applicant can show the displacement. Mr. Kurth asked if a note on the plan would be sufficient. Mr. Leach explained that it could be documented in a letter as to what existing conditions are and what the proposed changes would be. It can be documented in a letter.

Chairperson Killam asked if there needed to be an erosion control bond since they would be working on a slope. Mr. Kurth explained that proposed erosion control is shown on Sheet G1 and on Sheet C3. Ms. LaBranche asked about disturbance and stated that it might be helpful to quantified as to how much is being cleared, if gravel or pavement was being laid, and how much would be reestablished as grass. Mr. Kurth explained that Sheet C3 shows the disturbance of 4,920 square feet or 1.1 acres. Mr. Leach requested further documentation.

The overall length of the access road is over 2500 feet. It is an existing road.

Mr. Leach asked if the applicant had submitted an application for improvements in the Town of Salem. Mr. Kurth explained that the only improvement in Salem is a guard rail and AT&T would request all approvals. Ms. Killam informed the applicant that the Town of Salem had not been notified. The applicant agreed to talk to the building inspector in Salem and will obtain a permit if one is required.

The ground elevation at the base of the tower is on Sheet C3 and is around 204 feet. Chairperson Killam pointed out that the tower is The Salem Dump is across the street. Ms. Killam pointed out also that the top of the tower is all that can be seen from the country club. Even though the tower is 150 feet, it starts down slope.

Chairperson Killam requested that Mr. Leach do a completeness review and asked if the application was ready to be taken under review. The Zoning Board hearing on the application will be June 11, 2014 and then another hearing with the Planning Board on June 18, 2014.

Mr. Leach informed the Board that there are some items outstanding.

Ms. LaBranche explained that a complete review is required within 30 days of submission of the application. The 150 day clock does not start until after the completeness review has been received. If the Board takes the application under jurisdiction, they are ending the thirty days completeness review requirement early and starting the 150 day clock. Even if the Board does not take the application under jurisdiction now, the applicant is still moving forward.

Chairperson Killam explained that if the Board does not take the application under jurisdiction, there is not a lot that the applicant needs to accomplish. The biggest hurdle is the Zoning question.

Vice Chairman Paul DiMaggio made a motion to take the application for a site plan submitted by AT&T Mobility, c/o Nanepashemet Project Management, Inc. for a proposed 150 foot tall AGL Monopole with twelve panel antennas and associated equipment and equipment shelter, and diesel generator and fencing to be located on

property owned by Atkinson Farm, Inc. at 85 Country Club Lane, Map 1 Lot 12 in the RR2/SCR Zone under jurisdiction.

Discussion: Julie LaBranche, Rockingham Planning Commission reminded that according to Federal Law, Board not to delay review or hold up the process. The applicant can state that it is necessary for zoning.

Member Mike Turell seconded the motion.

Discussion: The application for a variance should go through the Zoning Board of Adjustment without a problem. Ms. LaBranche again cautioned the Board that if the applicant did not secure variance, then the process could drag on. It cannot be denied or changed and the applicant only has 150 days. It can be conditionally approved but it cannot be extended or denied. Member John Wolters stated that he would prefer to wait 30 days and approve all at one meeting not extend further.

Vote: 4/1/1 with Member John Wolters opposed and one member absent.

Mr. Kurth requested to run through a to do list needed to grant the application: Chairperson Killam agreed but pointed out that not all items may be there. The Board accepted jurisdiction but has not determined the application as complete.

Ms. LaBranche pointed out that federal law does not speak to the issue of jurisdiction. Member Mike Turell pointed out that the law uses the term "accept the application". Ms. LaBranche reviewed the paragraph and explained that the Board still has legal grounds to ask for information after the clock for the completeness review ends. The clock started May 1, 2014, the date the application was received by the Planning Board. The completeness review should be completed in time.

Mr. Kurth asked the Board to run through the items it currently requires of the applicant:

1. The zoning issue. The applicant has applied to the Zoning Board of Adjustment
2. Access - the plans will be amended to list the parcel on the plans
3. Other abutters will be included in the plan and noticed
4. Gravel lot property - additional notice will be given
5. The applicant will provide a copy of the existing easement for the utility easement owned by George Merrill and Sons
6. Some type of submission regarding the impervious surface on the property
7. Improvements in Salem - the applicant will report back regarding discussion with the Town of Salem regarding the proposed guard rail
8. Sewer utility, an agreement for road maintenance and an agreement with the utilities crossing the easement
9. Construction details for utilities, wetlands crossings, other details, clearing, and gradings
10. The Board requested full sized plan sets and Mr. Dziechowski requested a PDF of the plan sets to be put up on the screen.

Julie LaBranche suggested the Board consider this as project of regional impact. This Planning Board procedure is needed to determine as a Board if the application has potential regional impact under RSA 36:54 and 55, Planning Commission. Chairperson Killam read the RSA and explained that 14 additional municipalities in New Hampshire were notified under the notification requirements. Ms. LaBranche stated she just wanted to bring it up and Rockingham Planning Commission does not need to be notified.

Vice Chairman Paul DiMaggio made a motion that the application for a site plan submitted by AT&T Mobility, c/o Nanepashemet Project Management, Inc. for a proposed 150 foot tall AGL Monopole with twelve panel antennas and associated equipment and equipment shelter, and diesel generator and fencing to be located on property owned by Atkinson Farm, Inc. at 85 Country Club Lane, Map 1 Lot 12 in the RR2/SCR Zone does not have regional impact. Member Mike Turell seconded the motion. Vote: 4/1/1, with Member Tim Dziechowski opposed.

Member Mike Turell made a motion to continue the application for a site plan submitted by AT&T Mobility, c/o Nanepashemet Project Management, Inc. for a proposed 150 foot tall AGL Monopole with twelve panel antennas and associated equipment and equipment shelter, and diesel generator and fencing to be located on property

owned by Atkinson Farm, Inc. at 85 Country Club Lane, Map 1 Lot 12 in the RR2/SCR Zone to the June 18, 2014 public hearing of the Atkinson Planning Board. Member John Wolters seconded the motion.

Discussion: Chairperson Killam asked if the Board wanted a site walk. The Board did not.

All members of the Atkinson Planning Board present voted in favor to continue the application for a site plan submitted by AT&T Mobility, c/o Nanepashemet Project Management, Inc. for a proposed 150 foot tall AGL Monopole with twelve panel antennas and associated equipment and equipment shelter, and diesel generator and fencing to be located on property owned by Atkinson Farm, Inc. at 85 Country Club Lane, Map 1 Lot 12 in the RR2/SCR Zone. Vote: 5/0/1 with one member absent.

Other: None

Chairperson Killam requested a motion to adjourn.

Member Mike Turell made a motion to adjourn the May 21, 2014 meeting of the Atkinson Planning Board at 10:52 PM. Vice Chairman Paul DiMaggio seconded the motion. The Atkinson Planning Board voted all present in favor. Vote: 5/0/1 with one member absent.

The next Planning Board meeting will be Wednesday June 4, 2014 (workshop).