

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, FEBRUARY 18, 2015**

Members Present:

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

Other's Present

Steven Keach, Keach Nordstrom Assoc.
Josh Manning, Lewis Builders
Harold Morse, Lewis Builders
Tim Lavelle, Lavelle Associates
Julie LaBranche, Rockingham Planning
Steve Cummings, Project Engineer

Call to order:

Chairperson Killam called the regular meeting of the Atkinson Planning Board to order on Wednesday, February 18, 2015 at 7:30 pm.

Minutes to be approved: December 17, 2014 and January 21, 2015

December 17, 2014:

Barbara Brown Motion to approve the December 17, 2014 minutes of the Atkinson Planning Board as presented. Member Tim Dziechowski seconded the motion. All members of the Atkinson Planning Board present voted in favor. Vote: 5/0/0.

January 21, 2015:

- 3rd paragraph should say Mr. Josh Manning, representing Lewis Builders
- 4th line down, Mr. Lewis should be Lewis Builders, the developer is proposing,
- 4th line down, it will be primarily 2 unit buildings, with some 4 unit buildings,
- further down, Hampstead Water should say Hampstead Area Water Company, last sentence, the property is 108 acres, delete 2 acres have 50 units.
- next page should say the design is a cluster and they have maintained all the setbacks to the wetlands. Next, strike from the street to the center.

Vice Chair Mike Turell made a motion to approve the minutes of the January 21, 2015 meeting of the Atkinson Planning Board as amended. The Motion was seconded by Member Barbara Brown. All members present voted in favor. Vote: 5/0/0.

Correspondence:

- Letter from the Atkinson Selectmen to Keach Nordstrom Associates enclosing an agreement for engineering services, dated January 21, 2015.
- Letter from Haverhill regarding a meeting on 3/10/15 at 7:00 pm to review an application for a permit to build 5 condominiums on Primrose Street.
- Legal Notice for the February 18, 2015 Atkinson Planning Board Hearings
- Rockingham Planning Commission Regional Transportation and Priorities - a list of transportation regional projects

- Regarding the first hearing is an acknowledgement from the Atkinson Planning Board to the Atkinson bookkeeper for payment of engineering review fees for site plans for 15 and 17 Industrial Way.
- Acknowledgement for engineering review fees for the Sawmill Ridge project.
- Letter from Department of Environmental Services, enclosing a notice of acceptance of a permit application land resources management, an application was accepted on January 30, 2015 requesting an impact for jurisdictional wetlands at 172 Main Street, Atkinson New Hampshire, the third public hearing for February 18, 2015
- Letter from Schauer Environmental Consultants to abutters regarding an application for wetlands, also associated with the third application.
- Request for project review by New Hampshire Historical Resources and a historical resources or archeological survey be required for the site at 172 Main Street, Atkinson New Hampshire
- Emails from Steve Cummings, Project Engineer for Lewis Builders regarding drainage.
- Updated lot sizing calculations by the applicant for the proposed cluster development at 172 Main Street.
- New Hampshire Department of Transportation Driveway Permit

Chair Killam introduced the Atkinson Planning Board and opened the public hearings at 8:00 PM.

Public Hearings:

1) Application for Site Plan submitted by Lavelle Associates and MYA Victoria, LLC, for AROD Realty Group, LLC to develop a 2,340 SF Office Building and 4,680 SF Garage on property located at 15 Industrial Way, Map 16 Lot 16 in the CI Zone.

Abutters: AROD Realty Group, LLC, Brian and Sheryl Castle, Gil Gagnon - Trustee of Gagnon Realty Trust, Black Dog Builder Investments Holdings, Ruby Holdings, Atkinson Properties Inc., Town of Atkinson - present, and consultants, James Lavelle Associates - present, Tim Ferwerda, Meridian Land Services, and Pat Bauer, Engineer

Chair Sue Killam submitted the review letters from Keach Nordstrom for the project plans. Chair Killam explained that AROD Realty Group, LLC owns 3 lots on Industrial Way. The first public hearing is for an application for a garage and office building. The second public hearing is for a storage site. Mr. Tim Lavelle came before the Board representing the applicant and submitted a revised, full size plan. Mr. Lavelle explained that the proposal is for a four bay garage to maintain trash trucks. MYA Victoria is an entity of Bay State Disposal. The plan is to maintain the applicant's office at the site. There will be no more than 6 employees for the office and 5 employees for the four bay garage. Container storage will be to the right of the garage on the other site. The containers will be empty. There will be parking associated with the office building and for the 4 bay garage. Also, a place to park the trucks overnight. The applicant has a variance from the Zoning Board to reduce the buffer zone from 100 feet to 50 feet. The abutting property zoned residential and is owned by the Town of Atkinson. It is an empty lot. Drainage, if you look at the plan, runs from left to right towards the street. Sheet 3 of the plan set shows where a drainage pond or detention basin will be. The water will be released through cache basins and spill ways. The drainage calculations have been reviewed by Mr. Keach. The property would have a well just off the corner of the building and a septic under the parking lot. The only state permit the applicant will need is a septic permit.

Chair Killam asked Mr. Keach if the Board could take jurisdiction. Mr. Keach responded that the application is complete and jurisdiction could be taken.

Vice Chair Mike Turell made a motion to accept jurisdiction of the application for a Site Plan submitted by Lavelle Associates and MYA Victoria, LLC, for AROD Realty Group, LLC to develop a 2,340 SF Office Building and 4,680 SF Garage on property located at 15 Industrial Way, Map 16 Lot 16 in the CI Zone. Member John Wolters seconded the motion. All members of the Atkinson Planning Board present voted in favor. Vote: 5/0/0.

Chair Killam explained that the Board now has 65 days to review the plan and make a decision. Mr. Lavelle responded that he would review the comments submitted by Mr. Keach and resubmit the application with corrections. Chair Killam asked if the applicant would be attending any of the meetings and Mr. Lavelle responded that he is not sure.

Chair Killam informed Mr. Lavelle that there are many issues in the neighborhood, for one, the permitted use does not allow garbage, and the Board is currently fighting another property owner over trash containers at another site. Chair Killam would like the applicant to understand that trash on the site will not be tolerated. Mr. Lavelle responded that he is aware of the Industrial Drive issues, also the applicant is currently in a residential area in Methuen and is very neighborhood friendly. Ms. Killam informed the Board and the audience that MYA Victoria, LLC is a real estate holding company, Shawn M. Mahoney is the owner of the property, and his main business is Bay State Disposal, Inc.

Ms. Brown asked about site views and if there would be a fence. Mr. Lavelle responded that because of the drainage design, there will be a berm along the front and gates. He is not planning to use a fence to hide anything. He wants to display his trucks for advertisements.

Mr. Wolters asked if it was their intention to have numerous trucks, about 8 trucks on the site. He is concerned about odor, insects and animals; and asked if the trucks would be empty at the site. Mr. Lavelle responded that as far as he knows, they will be empty, the applicant will be working on the trucks at the site and does not want anything disgusting in his garage. Vice Chair Turell asked if the applicant is planning to wash the trucks on site and Mr. Lavelle responded in the affirmative and is looking at floor drainage. Mr. Keach informed the applicant that a tank is the only drainage that would be allowed in the garage.

Chair Killam asked if Ms. LaBranche or Mr. Keach had comments. Ms. LaBranche informed the applicant that the wetlands have not been delineated on the plan. Mr. Lavelle responded that the wetlands have been shown on the plan. Mr. Ferwerda marked the property. The area Ms. LaBranche is looking at is not wetland. Mr. Lavelle asked about wetlands on Town property. Mr. Lavelle pointed out the wetlands to Ms. LaBranche. The wetlands are behind the lots for the container storage. Ms. LaBranche asked about the right of way and the property lines and Mr. Lavelle pointed them out on the map. Ms. LaBranche asked about the tree line on the eastern side of the property. Mr. Lavelle responded that the depiction is not accurate and that it is brush. Ms. LaBranche pointed out that landscaping would be needed.

Mr. Lavelle also informed the Board that AROD bought the property from Positive Start with the stipulation that the containers would be moved and is slowly disposing of them. Ms. Killam informed the audience that there are three lots in a row, the Planning Board is discussing an application for two of the lots. Most of the containers have been moved to the third lot owned by AROD and code enforcement will deal with him if they are not.

Mr. Dziechowski asked if anything would be processed on the site. Mr. Lavelle responded that the dumpsters and the trucks would be empty while at the site. Bay State does not process anything.

Chair Killam requested a motion.

Vice Chair Mike Turell made a motion to continue the hearing for the Application for Site Plan submitted by Lavelle Associates and MYA Victoria, LLC, for AROD Realty Group, LLC to develop a 2,340 SF Office Building and 4,680 SF Garage on property located at 15 Industrial Way, Map 16 Lot 16 in the CI Zone to March 18, 2015. Member Barbara Brown seconded the motion. All members of the Atkinson Planning Board present voted in favor. Vote: 5/0/0.

2) Application for Site Plan submitted by Lavelle Associates and MYA Victoria, LLC, for AROD Realty Group, LLC to develop a Graveled Storage Area (no buildings) on property located at 17 Industrial Way, Map 16 Lot 55 in the CI Zone.

Abutters: AROD Realty Group, LLC, Brian and Sheryl Castle, Gil Gagnon - Trustee of Gagnon Realty Trust, Black Dog Builder Investments Holdings, Ruby Holdings LLC, Atkinson Properties LLC., Town of Atkinson - present, and consultants, James Lavelle Associates - present, Timothy Ferwerda, Meridian Land Services, and Pat Bauer, Engineer

Chair Killam distributed the letter from Keach Nordstrom to the Board. Mr. Tim Lavelle came before the Board for the applicant. The applicant is proposing a gravel parking area. The applicant needs space to store containers. The applications were submitted separately in case he does not need the extra storage. The drainage on this lot is directed from front to back on the plans, there is a storm water management basin in the front, 75 to 100 feet away from the other storm water management basin. This parking lot will be somewhat hidden because of the storm water management basin and associated berms. There will be a fence, a guardrail and a gate in the front.

Member Wolters asked if the containers were dumpsters and Mr. Lavelle informed him that some of the containers would be dumpsters.

Chair Killam asked if there was an issue regarding an easement to the town for culverts. Mr. Lavelle pointed out the area for the culvert easement on the map. It is directly above the property on Industrial Way. The easement was omitted from the plan. Chair Killam requested that the applicant show the easement and provide a copy of the easement documents to the Planning Board.

Ms. Killam asked Mr. Keach if he had anything to say about the application. Mr. Keach responded that the comments he made are relatively easy to address and that the application is complete.

No State permits are required. Vice Chair Turell asked about use and pointed out that the Town of Atkinson does not allow exterior storage. Chair Killam pointed out footnote 3 does not say that the commercial/industrial area requires interior storage only. Mr. Lavelle stated that he could rephrase the application from gravel storage area to gravel parking.

Vice Chairman Mike Turell made a motion to take jurisdiction of the Application for Site Plan submitted by Lavelle Associates and MYA Victoria, LLC, for AROD Realty Group, LLC to develop a Graveled Storage Area (no buildings) on property located at 17 Industrial Way, Map 16 Lot 55 in the CI Zone. Member Barbara Brown seconded the motion.

Discussion: Mr. Wolters is still concerned about cleanliness and odors. The abutting property is conservation property and is 32 acres. Mr. Lavelle again reassured the Board that there would be no odors. Mr. Lavelle explained that the containers are not usually used for garbage, it is mostly construction debris. The containers will be cleaned before being brought to the site. Ms. Killam requested that the applicant expand the statement of intent. No one will ever live on the abutting property because it is conservation land.

Ms. LaBranche again requested that the applicant pay attention to the landscaping. Because it is such a large parking area, it will need internal green space because the site approaches 5000 square feet. The gravel parking area, because it is so compacted, should have landscaping around it. There are grassland swales and berms around the property but no landscaping.

The Atkinson Board voted all in favor to take jurisdiction of the Application for Site Plan submitted by Lavelle Associates and MYA Victoria, LLC, for AROD Realty Group, LLC to develop a Graveled Storage Area (no buildings) on property located at 17 Industrial Way, Map 16 Lot 55 in the CI Zone.. Vote: 5/0/0.

Mr. Dziechowski looked at the Town access road. There is a bulldozer parked in front. It looks like there is a big hill. Mr. Lavelle responded that he believes the easement can go around the hill, there is an old woods road at the site. There is an area on the easement where it is possible to drive right through. It is staked.

Ms. LaBranche requested that the wetland development be delineated in the notes and stamped on both plans.

Member Mike Turell made a motion to continue the Application for Site Plan submitted by Lavelle Associates and MYA Victoria, LLC, for AROD Realty Group, LLC to develop a Graveled Storage Area (no buildings) on property located at 17 Industrial Way, Map 16 Lot 55 in the CI Zone to March 18, 2015. Member Barbara Brown seconded the motion. The Atkinson Planning Board voted all in favor. Vote: 5/0/0.

The Planning Board adjourned for 10 minutes.

3) Application for Subdivision and Site Plan (multifamily dwellings) submitted by Lewis Builders, for Centerview Hollow Land Company, LLC to create a 100 unit Rural Residential Cluster subdivision with scenic vista preservation, on property located at 172 Main Street, Map 17 Lots 53 and 54.

Chair Killam explained that Centerview Hollow Land Company is a land holding company that took title to the original 2 lots, one small lot with an older ranch and another approximately 107 acre plot. The application has to do with cluster ordinations and the preservation of scenic vistas and pronounced landscapes in the 1985 master plan. Ms. Killam explained the background of scenic vista developments. The concept originated in the 1985 master plan and the scenic vista areas were delineated. Mr. Manning, representing the applicant, pointed out the scenic vista area on the plan. Ms. Killam requested that the Board take a formal vote on what the scenic vista on the property is. Soil based lot sizing can be used by the applicant.

Ms. LaBranche informed the Board that the scenic vistas were listed in the new Master Plan and this particular scenic vista is listed in the new Master Plan.

Abutters: ME Wood Realty Trust - present; Charles and Jeannine Kinney, Trustees, Victoria Mckinney Voreshky, Town of Atkinson - present, Bruce Cole, et al, Diane Kinney, James and Mary Yemma, William and Elsie Bob, Centerview Hollow Land Company, Beverly and Diane Atkin, Deborah Lane, Town of Hampstead, Joseph Pilla, Michael Segrew, Antonio and Shirley Toscano, Marlin Willey, Kenneth Richards, Steven Castle, Jill Ryan, Scott Morrison, 268 State Road Realty, LLC, Ellen Mulligan Trustee, Robert A. Clarke, Josh Manning - present, Martin and Marie Keene, 4 Huckleberry - present

Joshua Manning, representing Lewis Builders, came before the Board. The subdivision will have 100 units. It is a rural residential cluster, open space subdivision. The main road comes in off Route 121 and runs to the top of the hill. Mr. Manning has met with the fire chief and he is requesting secondary access out to Knightland Road for emergency vehicles. It is shown on the plan. There will be 5 community leach fields. Several test pits were done. Water supply will be provided by Hampstead Area Water Company from their existing infrastructure on Main Street. There will be a community center in the middle of the property with an RV and boat storage area and some proposed walking trails. There will be 100 foot landscape buffer around the entire perimeter of the property. The field in front of the property will be part of the open space. The present home on the smaller parcel would be moved and the parcels would be merged.

Chair Killam requested that Mr. Keach go through the comments and recommendations in his letter of February 18, 2015.

General Comments:

The first regards required state permits. A copy of the traffic study should be submitted to the Planning Office. Mr. Manning informed the Board that the traffic study is included with the driveway permit should be in the Planning file. Mr. Keach suggested to the applicant that the project sequence should be included.

Chair Killam commented that when reading through the notes on the detail sheets of the plan, it appears that all the infrastructure will be built at once. Mr. Manning responded that it would not be, it will be market driven. Mr. Keach explained that DOT permitting starts all over every time there is a phase.

Comment number 4 regarding review of the plan by the Atkinson Fire Department, it has already been addressed by the applicant. There should be something on file from Hampstead Area Water Company that they can and will provide water.

Zoning Matters:

The first point, has already been spoken too, if it is eligible for a scenic landscape review.

Regarding comment 2, the unit density calculations may be off. According to the calculations, there is room for 119 units. Also, the size of unit should be part of the calculations. The applicant assured him that the development would stay at 100 units.

Comment 3 , according to Article 6 Section 600:6c, of the Zoning Ordinance there is language that provides protection for scenic vistas and prominent landscapes. The plans show the meadow area where the house will be razed as being unaffected by the development and is defined as open space on the plan. There should be something in the Homeowners Association Agreement to leave it as open space. Also, Section 600:17 of the Zoning Ordinances, the Homeowners Association should received draft copies of documents and should be set up.

Comment Number 4, regarding parking, there should be 2 parking spaces per dwelling unit.

Wetlands: There are 4 areas of impact, all to do with the construction of Littles Lane.

Comment 6, concerning wetlands, Littles Lane, the applicant has paid attention to wetlands impact.

Comment Number 7 also regarding wetlands, if you look at the over view plan, it appears that the community building is within the buffer. On sheet GD 2, the community center appears to have moved.

Planning and Design Matters:

Comment 3, plan details should increase as the plan develops.

Comment Number 4, there are a series of intersections. Mr. Keach recommends that all four way intersections be four way stops. Also, there should be room for emergency vehicles.

Comment Number 5, regarding storm water and alteration of terrain requirements, the plans need to be further developed. Runoff will be handled by bio retention areas. Because it is a staged plan, an O&M chapter needs to be added to the storm water management plans. Also, the plan needs to be added to the Homeowners Association documents.

Ms. LaBranche pointed out that since it is a phased project, a phased plan would need to be created and approved and needs to be something the Homeowners Association can take over, especially since the roads will be private.

Mr. Keach discussed comments on page 5 and pointed out that the roads should be the same quality as a Town Road, and about 20% needs to be under-drained.

Comment 15 regarding the roadway, the typical road wave has 24 feet, and this roadway will have 20 feet of paved surface, 10 foot lanes, and 4 foot gravel ; it needs a waiver request. Mr. Manning will submit.

Mr. Leach stated that there are still many details to be worked out, but the project is doable.

Ms. LaBranche asked about maintaining the scenic vista and more details on the homes. Designated snow storage should also be shown on the map. Another issue is traffic. Signs indicating traffic should also be shown.

The applicant has the merger application.

Chair Killam requested that the Board take the application under jurisdiction.

Mr. Wolters asked about a fire pond. Mr. Manning responded that there would be hydrants and all units would be sprinklered.

Vice Chair Mike Turell made a motion to take the Application for Subdivision and Site Plan (multifamily dwellings) submitted by Lewis Builders, for Centerview Hollow Land Company, LLC to create a 100 unit Rural Residential Cluster subdivision with scenic vista preservation, on property located at 172 Main Street, Map 17 Lots 53 and 54 under jurisdiction. Member Barbara Brown seconded the motion. All members of the Atkinson Planning Board present voted in favor of taking the plan under jurisdiction. Vote: 5/0/0.

Discussion: Mr. Wolters asked about a guest parking area. Mr. Manning responded that the applicant is meeting the requirement of 2 parking spaces, there will be room for two cars in the garage and 2 cars in the driveway. Mr. Keach agreed with Mr. Wolters that parking would be an issue. Mr. Wolters is also concerned about traffic. The development will have at least 220 cars coming in and out when it is completed. Mr. Manning responded that the State should be improving the intersection of Rte 121.

Mr. Wolters also suggested an approach road. Mr. Manning responded that one is on the latest set of plans.

Chair Killam opened the hearing to public discussion.

Mrs. Keane asked about the conceptual plans and the septic systems. There are 100 units and the community center. There are 5 septic systems presently. Mr. Manning responded that it is a different technology that treats the water before it enters the septic system, so that the septic systems are cleaner.

Mrs. Keane also asked about walk outs for some of the units and if there is an option of finishing the basements and asked how that would affect the septic systems. Mr. Manning responded that there will be no additional bedrooms. The exit to Knightbridge Road will not be gated. Chair Killam informed her that the fire chief does not like gates. Mr. Manning responded that it is not a through road, there are about 4 stops and turns. She also asked if the applicant has approval for the site to draw from the wells belonging to Hampstead Water Company. There are 50 wells all over Hampstead and Atkinson that flow into one network. Mrs. Keane is concerned about the impact on her well. Mr. Manning responded that if the applicant wanted to drill new wells, they would have to go through the New Hampshire Water Supply Board for approval for well siting and the process takes more than a year. Member Dziechowski explained that Sawmill Swamp is a potential water source.

There is one additional abutter.

Diane Mackey had some questions. She is concerned with quality of life while the construction is going on. The cul de sac abuts their garden and is concerned that all she will be looking at is construction vehicles. Mr. Manning informed her that the road will be done and foundations going in within 6 months to a year. One phase of the project will be done at a time and the work will be five days a week. Also, during the construction phase can the buffer zone be touched. Mr. Manning replied that there will be some construction around the fringe of the landscape buffer. Chair Killam pointed out that the applicant will be doing some lumber operations and some of that will be in the buffer zone.

The price for the condos was brought up at the first meeting and will be in low 300's.

Chair Killam asked about the style and number of bedrooms. Mr. Manning responded that the applicant will keep a similar style. It is part of the density calculations. Mr. Manning gave a handout to the Board. There will be 2 and 3 bedroom units. There will be occupancy maximums which will go in the condominium documents.

Chair Killam informed the audience that due to the available additional density, instead of adding more units, the applicant decided to make some of the units three bedrooms. Mr. Manning is planning on 47 three bedroom units and 53 two bedroom units. Mr. Morse remarked to the Board that the school impact fees for a 3 bedroom unit will be more. The money is collected prior to occupancy and becomes available to the school district. The fee is approximately \$1,750 for a condo. It is paid by the builder.

The density maps are calculated according to soil types using High Intensity Soils Survey (HISS) maps. Pete Schauer is the soils scientist. Chair Killam explained the soil type designations on the plan.

The vision of Historical Resources came about due to the request for a wetlands permit. The report has been completed. The archeologist is Victoria Bunker, she has summarized her findings and given a short report to Historical Resources.

Member Dziechowski explained that the Conservation Commission recommended to the Selectmen that the Town sell the abutting Town land.

Chair Killam asked if the Board wanted to discuss the landscape question. Vice Chair Turell remarked that the field should be returned to being a field. Chair Killam agreed that the field should be preserved, and also nothing should be built in the line of sight coming over the hill. There was a question about scenic vista areas. They were designated in the 1985 Master Plan and incorporated into the new master plan. The homeowner's association is responsible for maintaining the scenic vista and the meadow. The Town is responsible for oversight.

Chair Killam requested a motion allowing the applicant to proceed based on soil based lot sizing with scenic vista preservation.

Vice Chair Turell made a motion that the Planning Board agrees that the applicant can go forward based on soil based lot sizing and the preservation of the pronounced landscape and scenic vista as outlined. Member Barbara Brown seconded the motion. All members of the Atkinson Planning Board present voted in favor. Vote: 5/0/0.

Vice Chair Turell remarked that the issue of traffic will come up again. The report on traffic is from Steve Pernel showing studies of traffic patterns. He is a licensed engineer and nationally certified. The traffic study used the Institution of Transportation Engineers (ITE) trip generation manual for trip generation rates for 100 condominiums.

Mr. Keach reviewed the traffic analysis which can be found in his report. Mr. Keach encouraged the Board to read the report. Ms. Killam commented that it is a dangerous stretch of the road and asked what can be done about treating it in the winter. Mr. Keach responded that the Town could treat the road in winter.

Chair Killam suggested a workshop to talk about roadway and the width of the pavement. Chair Killam is sending out copies of the application and plans to Atkinson department heads.

Vice Chair Mike Turell made a Motion to continue the Application for Subdivision and Site Plan (multifamily dwellings) submitted by Lewis Builders, for Centerview Hollow Land Company, LLC to create a 100 unit Rural Residential Cluster subdivision with scenic vista preservation, on property located at 172 Main Street, Map 17 Lots 53 and 54 to Wednesday, March 18, 2015. Member Barbara Brown seconded the Motion. All members of the Atkinson Planning Board present voted in favor. Vote: 5/0/0.

Julie LaBranche requested to speak. She gave copies of the master plan to the Board. She will discuss the Vision chapter of the Atkinson Master Plan at the workshop on March 4, 2015.

Vice Chair Mike Turell made a motion to adjourn the February 18, 2015 meeting of the Atkinson Planning Board at 10:30 PM. Member Barbara Brown seconded the motion. All members of the Atkinson Planning Board present voted in favor. Vote: 5/0/0.

The next Planning Board meeting is Wednesday, March 4, 2015.