

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, APRIL 15, 2015**

Members Present:

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

Other's Present

Julie LaBranche, Rockingham Planning Commission
Tim Lavelle, Lavelle Associates
Steven Keach, Keach Nordstrom Associates
Sean Mahoney, MYA Victoria
Josh Manning, Lewis Builders
Harold Morse, Lewis Builders

Call to order:

Chairperson Killam called the regular meeting of the Atkinson Planning Board to order on Wednesday, April 15, 2015 at 7:45 pm.

Correspondence:

- Rockingham Planning Commission dated March 16, 2015 requesting Atkinson's continued support for regional planning and containing the invoice.
- City of Haverhill regarding meeting April 8, 2015 on the plan for Dell Haven Estates at 1264 Broadway, plan modification, 75 Kealey Street, Lake Street rezoning, special permit for unnumbered Auburn Street to construct a multifamily dwelling
- April 17, 2015 Haverhill council chambers re: petition to amend zoning at 95 Lake Street
- April 21, 2015 hearing held in Haverhill council chambers to grant permit approval for Chapter 40R downtown growth
- Dubai Group is requesting a continuance for Item 5 on the agenda via email of April 15 2015.
- Notice of DES that accepted an application for the permit program and subject property Sawmill Ridge alteration of terrain permit application. (It can take up to 75 days for DES to act on an alteration of terrain application.)

Approval of Minutes: - deferred

Other Business:

The Board discussed RSA 674:21A Development Restrictions and RSA 477:75 Conservation Restrictions.

8:00 PM Public Hearings: Chair Killam briefly reviewed the applications before the Board. For the third application, Chair Killam, Vice Chair Turell and Member Ted Stewart are stepping off the Board. A continuance has been requested for the fourth and fifth applications.

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. Jurisdiction was taken on February 18, 2015.

Chair Killam has received the approval for construction of the individual sewage disposal system. It is a 300 gallon system and it is approved for an office of ten employees and a garage of four employees without a cafeteria.

Abutters: AROD Realty Group, LLC; Brian and Sheryl Castle, Trustees; 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, Pat Bauer, Engineer; and MYA Victoria, LLC.

Mr. Lavelle came before the Board representing the applicant and gave the Board revised plans.

Mr. Lavelle explained that as discussed before, this is an application for an office and garage for a trucking company. The applicant received a letter from Keach Nordstrom with about 13 items that need to be addressed. Most of the items do not need to be addressed before the Board. The largest issue that needs to be addressed is the parking lot which was specified to be sloped and drained to the south. The lot is too steep to accommodate an ADA parking spot, so the area around the building will have to be regraded. Mr. Mahoney came before the Board at the March 18, 2015 hearing and explained what type of business it is. There will be no trash on site, the dumpsters are not washed.

Some things were added from the plan set since the last meeting. The last sheet on the plan set shows where the landscaping will be. There will be trees planted out front, areas in the front will be grassed. Most of the items in the letter from Keach Nordstrom can be addressed with Mr. Keach without any difficulty. One item to be mentioned is that the gates will have to be moved back to the parking lot line.

Chair Killam asked about Note #13 regarding the holding tank size and registration with DES and requested the note be put on the plan. Mr. Lavelle agreed and stated the approval from DES would have to go on the plan as well. Mr. Lavelle gave the Board a copy of the approved septic plan.

Mr. Lavelle further explained that the containers are roll off construction debris containers. There will be no long term container storage on this site. There will be containers on the site, so a space for them was designated on the plans. All containers will be stored on the other site. Mr. Wolters asked where the applicant will clean the trash containers and Mr. Lavelle replied that they do not clean them. They are dumped at the recycling facility, closed and brought to the next site. Another issue is trash on the site and Mr. Lavelle replied that all trash is dumped before the trucks return to the site. There are instances where a broken truck will come back with trash in it, but they are working on it. Mr. Dziechowski checked with solid waste at DES and there is a provision for temporary truck transportation. The regulation states that up to 300 yards can be kept on site temporarily. The Board questioned if the DES regulation states the length of time. Chair Killam informed the applicant that Atkinson Zoning specifically states that there will be no refuse. A note needs to be put on the plan for Code Enforcement. Mr. Lavelle read Note #4 on the plan which states that no refuse will be stored on site with the exception of that generated on site. Trucks and containers will be empty on site.

Vice Chair Turell asked about lighting. Mr. Lavelle explained that the fixtures will be downcast, wall pack lighting with a shield so it does not go out into the street. A note will be added to the plan.

The garage doors will be in the front, facing Industrial Way. The garage is for trucks and the containers will be stored at the other site.

Julie LaBranche requested to go over the parking calculations. She counts 13 regular spaces, two handicapped around the office area and six for the garage. She asked if truck parking should be included in the parking calculations, there are another 8 spaces for truck parking. Mr. Lavelle counts 22 total, 14 regular plus 2 handicapped. Ms. LaBranche agreed. Ms. LaBranche asked about landscaping and buffering. There was a variance granted to Section 530 of the Zoning Regulations. The applicant will also have to ask for a waiver for the buffer under Site Plan Regulation 690:1A. Mr. Lavelle agreed to write a waiver request. Mr. DiMaggio asked how far the site was from the end of Deer Run Road. Mr. Lavelle explained that it is over 1000 feet. The waiver the applicant is requesting runs laterally with Deer Run Road.

Mr. Lavelle presented a request for waiver, signed by him, to the Board and Chair Killam read it. It states, "Please accept this as a formal waiver request to Zoning Regulation 690:1A to allow for a 50 foot buffer abutting the residential zoned property to the rear. The property is vacant land owned by the Town. No residential development will occur. The Zoning Board granted a variance to the zoning set back.

Vice Chair Mike Turell made a motion to grant a waiver to Zoning Regulation 690:1A on 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. The specific circumstances relative to the site plan and conditions of the land in that site plan indicate that the waiver will properly carry out the spirit and intent of the regulations. Member Ted Stewart seconded the motion. Atkinson Planning Board members Chair Sue Killam, Vice Chair Mike Turell, Member Ted Stewart, Member Paul DiMaggio, Member John Wolters and Member Tim Dziechowski voting. Vote: 3/3/0. There were three votes for the motion and three abstentions. The motion carries.

Discussion: Member Dziechowski asked about snow storage and asked if the parking spaces could be put somewhere else. Mr. Lavelle replied that the application has more spaces than are needed so there should be no interference with snow storage. Mr. Lavelle also remarked that the septic is overdone, too.

Chair Killam asked if Ms. LaBranche had any other questions or remarks. Ms. LaBranche and Mr. Keach did not have any more comments. Chair Killam asked the Atkinson Planning Board if it wished to grant approval.

Discussion: Member DiMaggio stated that he was located a few thousand feet from the site and he was concerned about noise. There is a 20 foot cliff that will cut down the sound, but the Board needs to give consideration to the residents of Deer Run Road who will be affected by the noise. Member DiMaggio stated that there should be no mechanical work outdoors and that 5:00 am would be too early to start operations. Other properties on Industrial Way have more stringent operating hours. Mr. Stewart stated that the trucks will be starting the trucks and leaving the site. It will be no different than someone leaving in their car. The trucks are inspected and covered by DOT regulations. Mr. Turell stated that the trucks are empty in the morning and go out to pick up. There may be an empty container on a truck to be dropped off. Chair Killam asked how many trucks will be on site at night. Mr. Mahoney responded that there would be ten; and that the mechanics start around 6:00 am. Mr. Mahoney responded that he has not had complaints at his present site. The Board continued to discuss noise. The Board agreed that noise would not be an issue. Chair Killam stated that the issue is spelled out in the memo from Mr. Keach dated April 13, 2015. Member Dziechowski asked about the noise regulation and noise studies and if there were any regulations the applicant would need a waiver for. Mr. Keach responded that the only issue would be the beeper alarm from the trucks backing up. The sound from the garage should not be an issue because it is inside. Mr. DiMaggio asked if the Board should do a due diligence inspection for noise at the site.

Ms. LaBranche pointed out that Note #10 talks about noise and sound levels and suggested that the note be expanded to include Zoning Regulation 6170:2 regarding noise. Mr. Lavelle responded that he has no objection. Mr. Mahoney informed the Board that one or two trucks leave at 5:00 am. The trucks are parked facing out so there will be no noise from the back up beepers and the trucks will already be loaded.

Vice Chair Turell asked if the Board should vote to conditionally approve the application. Mr. Keach recommended that in addition to any conditions the Board might want to add: first, add a note to the plan acknowledging the waiver to Zoning Regulation 690:1A granted by the Board; second, that receipt

of a letter from Steve Keach acknowledging all comments in the letter report from Keach Nordstrom dated April 13, 2015 have been satisfactorily addressed; third, receipt of a performance guarantee; and fourth, edit Note #12 to reference the Atkinson Zoning Regulation 6170:2 regarding noise.

Vice Chair Turell made a motion to conditionally approve 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, with the conditions that: 1) a note is added to the plan acknowledging the waiver to Zoning Regulation 690:1A regarding buffering granted by the Board on April 15, 2015; 2) receipt of a letter from Keach Nordstrom stating that all outstanding items in the letter report of April 13, 2015 have been fulfilled; 3) receipt of a performance guarantee bond as described in the letter from Keach Nordstrom dated April 13, 2015; and 4) a note on the plan acknowledging that all conditions stated in Zoning Regulation 6170:2 regarding noise be adhered to. Member Ted Stewart seconded the motion.

Discussion: Chair Killam mentioned that the Board expects the applicant to develop what the bond should consist of. It will have to be recommended for approval by the Town Engineer, posted and signed before the final Mylar is submitted.

Chair Killam, Vice Chair Turell, Members Tim Dziechowski, Paul DiMaggio, John Wolters and Ted Stewart voted on the motion. Vote: 5/1/0. The motion carries.

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. Jurisdiction was taken February 18, 2015.

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, MYA Victoria, LLC - present.

Mr. Lavelle came before the Board to review the amended plans and the letter from Keach Nordstrom. It is proposed gravel storage area. Most of the items in the letter from Keach Nordstrom are housekeeping items. The last sheet of the plan has a schematic showing how the containers could be stored. If the containers are stored 2 feet apart, 96 containers can be stored on the site.

Mr. Lavelle stated that a buffer waiver for this application is needed and asked to discuss a waiver for interior green space in the parking area. In this case, the green space would inhibit the use of the lot, which is a contractor's yard.

The area has a pitch from 188 feet in the back to 182 feet in the front. There is a swale and a berm in the front. Mr. Mahoney is putting a berm along the road for planting to screen the parking area from the road. The regulation calls for one bush per 50 feet of frontage. The plan indicates on Sheet Three that spruce trees will be planted about 6 to 8 feet apart. Mr. Keach stated 12 feet of distance between the trees on center is ideal. The trees will be about six feet when planted. The applicant chose spruce because they provide a four season screen and they are more salt tolerant than arborvitae.

Mr. DiMaggio is concerned about debris from the containers leaching into the soil. Mr. Dziechowski is also concerned and responded that the Board cannot not know, and the only way to find out is to test the soil periodically. DES has no regulations. If there were hazardous materials in the containers a concrete pad with a berm would be required. Mr. DiMaggio asked if an impermeable barrier should be put under the gravel since all drainage would go to the swale. Mr. Mahoney explained that once a load is dumped, the transfer station picks through it and if there are any toxic substances, such as asbestos,

the transfer station makes them pick it up and bring it back to the site. His company does not take hazardous waste and 95% of the loads are recycled. The Board continued to discuss possible contamination. Chair Killam asked if as many as 96 containers would be stored on the site at a time. Mr. Mahoney informed the Board that the most containers stored there were 65.

Chair Killam informed the Board that two waiver requests are needed. The first is a request for waiver for Map 16 Lot 55 to Site Plan Regulation 690:1A to the Board. Chair Killam read the request.

"Addressed to the members of the Board please accept this as a formal waiver request to Site Plan Regulation 690:1A to allow for a fifty foot buffer to residential property to the east. The property is vacant and owned by the Town. No residential development will occur on that property. The Zoning Board granted a waiver to the Zoning setback." Signed by Tim Lavelle.

Vice Chair Turell made a motion to grant a waiver to 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 Site Plan Regulation 690:1A. Granting the waiver, due to the specific circumstances relative to the site plan and conditions of the land in that site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations. Member Paul DiMaggio seconded the motion. Discussion: The land abuts Conservation land, there is a cliff there.

Atkinson Planning Board members Chair Sue Killam, Vice Chair Mike Turell, Member Ted Stewart, Member Paul DiMaggio, Member John Wolters and Member Tim Dziechowski voting. Vote: 5/1/0. The motion carries.

Next Chair Killam requested the Board to consider the second waiver request.

"Dear Board Members, please accept this letter as a formal request to waive Section 6180:7, the Minimum Landscaping Requirements of the Site Plan Regulations. The required interior green space would interfere with the proposed flow of the industrial parking area due to large trucks, etc. This site is not intended for public use, and therefore we believe the spirit and intent of this ordinance does not apply to this use. The green space to the side and rear of the property should be sufficient for esthetics of the property and the drainage calculation account for the uninterrupted impervious surfaces. Thank you, Tim Lavelle."

Discussion: The Board looked at Section 6180:7 and agreed that interior green space would not be necessary for this use. |

Vice Chair Turell made a motion to approve granting a waiver to 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 Section 6180:7 requiring interior green space, that in this case the specific requirements of the site plan indicate that the motion will properly carry out the spirit and intent of the regulation. Member Paul DiMaggio seconded the motion. Chair Sue Killam, Vice Chair Mike Turell, Member Ted Stewart, Member Tim Dziechowski, Member John Wolters and Member Paul DiMaggio voting. Vote: 6/0/0. There was no discussion.

Mr. Dziechowski stated that Note 8 on this plan should also include Ordinance 6170:2. Chair Killam asked if the applicant has any easement documents and Mr. Lavelle responded that the easement documents still need to be finished. Chair Killam asked if the drainage easement was an existing easement or if it were new. Mr. Lavelle responded that it needs to be done. The lot line has not been recorded.

Mr. Keach recommended the same conditions for approval for this application as for the other application by AROD if the Board advances a motion.

Vice Chair Mike Turell made a motion to conditionally approve the Application for a 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 subject to the conditions that: 1) acknowledgement of the waivers granted by the Planning Board at this meeting; 2) receipt of a letter from the Town Engineer acknowledging that all items in the letter of April 13, 2015 received by the Board have been conformed to; 3) receipt of a performance bond appropriate to the amount of work to be done, and 4) editing note 8 to reflect the restrictions of Section 6170:2 of site plan regulations. Member Ted Stewart seconded the motion. Atkinson Planning Board members Chair Sue Killam, Vice Chair Mike Turell, Member Ted Stewart, Member Paul DiMaggio, Member John Wolters and Member Tim Dziechowski voting. Vote: 5/0/1.

Chair Killam adjourned the Board for a 5 minute recess.

Mr. Lavelle requested that the following application be taken out of order. Member Paul DiMaggio stepped off the Board. There are two issues, first, one abutter was omitted and the other issue is the plans arrived yesterday and the Town Engineer has not had a chance to look at it.

4) Application for Site Plan amendment submitted by Lavelle Associates for Milone Living Trust to show the addition of exterior stairs to the building and to add an additional use, specifically Car Sales, on property located at 56 Island Pond Road, Map 20 Lot 2 in the CI and CP Zones. Jurisdiction taken March 18, 2015.

There are two issues; the notification to the abutters was incomplete by one abutter and second the escrow to cover review fees arrived yesterday and the engineer has not had time to review the report.

Abutters: Milone Living Trust; Christine Cornelius - present; DHT Sports Management Trust; James Dedius, et al; Rockingham Realty LLC, 58 Island Pond Road, Southern New Hampshire Commons LLC, Waterwheel Estates- Frank Leary President, Q&D Realty Trust, Antonio Quadros, Trustee (Dunkin Donuts) , and James Lavelle Associates – present.

Mr. Lavelle came before the Board and requested a continuance to May 20, 2015. This will allow Mr. Keach time to review the report and for notification of all abutters including the one that was missed.

Vice Chair Turell made a motion to continue the Application for Site Plan amendment submitted by Lavelle Associates for Milone Living Trust to show the addition of exterior stairs to the building and to add an additional use, specifically Car Sales, on property located at 56 Island Pond Road, Map 20 Lot 2 in the CI and CP Zones to May 20, 2015. Member John Wolters seconded the motion. Atkinson Planning Board members Chair Sue Killam, Vice Chair Mike Turell, Member Ted Stewart, Member Paul DiMaggio, Member John Wolters and Member Tim Dziechowski voting. Vote: 6/0/0.

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. The lots have been merged and the site is now Lot 53. Jurisdiction was taken on February 18, 2015.

Chair Sue Killam and Member Ted Stewart recused themselves as employees of the Town of Atkinson and Vice Chair Turell recused himself as an elected official of the Town and an employee of East Coast Lumber Company. Member Paul DiMaggio opened the hearing at 9:25 PM.

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

Mr. DiMaggio also stated that he was not present for the prior hearing. Josh Manning, Lewis Builders came before the Board for the applicant and passed out an updated set of plans. At the last meeting, they received the scenic vista designation and a waiver request was granted for pavement width. The condominium documents were passed on to Town Counsel on March 31, 2015, including the draft warranty deed which includes the restrictions for protection of open space.

The revised plan set addresses most of the comments in the letter of March 11, 2015 from Steve Keach, Keach Nordstrom. There are still a few technical items that need to be addressed, including State permits which are still pending. Mr. Keach stated that the drawings he received pertaining to the April 15, 2015 letter were last revised on April 1, 2015 and received on April 10, 2015 along with the storm water management report, the alteration of terrain permit and a copy of legal counsel's letter to Chair Killam dated March 31, 2015 covering the draft copy of the condominium documents and the warranty deed. Mr. Keach stated that the plans are essentially complete. The State permits have been applied for. The driveway permit has been received. The draft documents have been submitted to counsel.

Mr. Manning explained that all the road profiles are in the plans. Draining and drainage has been added to Sheets GD 1 through 5. The applicant has provided all the septic system design, a lighting plan, and a landscaping plan. Regarding the Board comments from the last meeting, on the fourth sheet, PL1, the scenic vista has been crosshatched and labeled with metes and bounds, some overflow graveled parking spaces with a wider shoulder have been added on sheet PL1. Mr. Manning pointed out the overflow parking spaces on the plan. They are labeled as 10 foot wide gravel parking for additional parking and marked as dashed lines. There is also additional parking at the Community Center which is centrally located on the plan.

All the final drainage calculations have been provided with the Alteration of Terrain package. Tax Map 15, Lot 52 and the Kinney property, Map 17 Lot 55 are not part of the subdivision. Mr. DiMaggio asked about the warranty deed. The deed restriction is in perpetuity. It is paragraph 11 in the warranty deed. Mr. Dziechowski pointed out that Chair Killam has looked at the new plans, but no one else on the Board has, and Town Counsel has not had an opportunity to review the documents. Mr. Manning read paragraph 11, page 4 of the warranty deed for the Board. Mr. Manning informed the Board that the open space could be seen on Sheet PL1. It is on the back half of the property and is 58.07 acres. The scenic vista area is part of the open space. The description is in the condominium declaration. Mr. DiMaggio asked Mr. Manning if he had reviewed other open space applications for language. Mr. Manning explained that he had and used the language in the deed restriction regarding mowing. 600:6c is the section on clusters and preservation of vistas.

Mr. DiMaggio requested comments from the Board, then Julie LaBranche and the Town Engineer. Mr. Dziechowski asked about the uses for open space and asked if infrastructure for such things as utilities and water lines and possibly a tower were added as possible uses. Chair Killam explained that she had a two hour meeting with Town Counsel regarding the wording in the condominium documents and

the deed. Now that she has recused herself, the other Board members need to have time to review the documents. She informed the Board that Town Counsel stated that the kinds of documents the Board has received from other cluster and scenic vista developments have been more developed and the applicant needs to be more specific. Member DiMaggio asked who on the Board would like to review the documents. Chair Killam mentioned that Article Section 4-7 which discussed what can be in the scenic vista, did not mention infrastructure. Infrastructure is discussed in a separate part of the documents.

Mr. Dziechowski pointed out that the open space is for the benefit of the homeowners and questioned how the open space covenants would be enforced. Also, that in the past, someone has a conservation easement to oversee the open space. Mr. Manning explained that the Homeowners Association and the Town of Atkinson would enforce the open space requirements. The applicant is proposing a protective easement in the deed restrictions. Chair Killam explained that RSA 674:21a states that under innovative land use controls, the Town has a conservation easement. RSA 477:45 should also be looked at to make sure that what the applicant has given the Board meets the requirements of the regulations. The applicant needs to make sure that this is clearly stated in the documents. The open space would not be open to Town residents, only to the residents of the Sawmill Ridge development. Mr. Dziechowski explained that there is a trail easement only for Town residents.

Mr. DiMaggio stated that he would like to open the hearing to the public and asked if the Board had other questions. Mr. Wolters asked if Jersey Drive would be two way and Mr. Manning responded that it would be two way. Mr. Wolters asked about the additional parking and if the extra parking would be plowed. Mr. Manning responded that the parking areas would be plowed. About a dozen additional parking spaces have been added throughout the development and another 20 spaces at the Community Center. The parking spaces will be replicated on the additional plans. Mr. Wolters is also concerned about the width of the roads and access by emergency vehicles. Mr. Manning explained that the parking spaces were made by widening the shoulder of the road. Mr. DiMaggio requested that the additional parking spaces be colored in. Mr. DiMaggio also suggested that more parking spaces be added. Alternate Barbara Brown suggested head on parking. The Board continued to discuss parking.

Harold Morse, Lewis Builders, came before the Board. He informed the Board that his company has built several condominium complexes in Atkinson and there has not been a problem with parking. He does not feel that any additional parking is necessary. Mr. DiMaggio stated that the Board gave the applicant a favorable vote on the scenic vista. Mr. Morse disagreed and reiterated that he would not add more parking spaces. Mr. Manning pointed out although the roads are 20 feet wide, there is a 3 foot shoulder. And that issues of snow removal and parking were addressed.

Mr. DiMaggio asked if there were any questions from the public. There were none. Mr. Steve Keach reviewed his report with the Board.

In the second comment of his April 15, 2015 , he discusses Article 6, Section 600:21 of the Zoning Ordinance which requires a performance guarantee. The applicant submitted the framework for a performance guarantee in its submission of March 9, 2015 He stated that it is a phased project. One issue now that the plans are 100% complete, from an infrastructure standpoint, the phase lines work.

Regarding the performance guarantee, when phase one is started, a surety bond should be given for erosion control and restoration in the event of abandonment. There should be no surety for phase one construction that pertains to phases two and three. Once the area is going to be disturbed, Mr. Keach recommends a surety of about \$10,000 per acre of disturbed land. A surety is needed because extensive delays can occur and unstabilized land can become a threat. Also, for erosion control and certain portions of the drainage to the extent that it could affect people downstream. At the point the applicant starts selling units, an additional surety should be posted or that portion of the surety

remaining for the top coat of pavement and 10% of remaining work can be converted. This has been used successfully in Sandown.

Regarding visitor parking, Mr. Keach had suggested that a few spaces be scattered throughout the complex. For those spaces to be utilized, a visitor needs to know where they are. First the Board needs a count, then they need to be highlighted on the plan and identified as visitor parking only. Otherwise you don't know how many spaces are there. Mr. Keach suggested visitor parking signs. There is also a range of recommended values. He has found a quarter space per unit with units having garage parking is sufficient. The distribution matters more than the number. Mr. Keach suggested limiting the number of registered vehicles allowed per unit.

The other items in his letter do not need to be addressed. Mr. Keach informed the Board that an excellent job has been done with the drainage. Water is being collected, treated and dispersed at six or seven separate locations, rather than flowing through the project to one collection site, which is always preferred. There is mitigation regarding putting water back into the aquifer rather than having it run off. There is also no point discharge. The applicant is using clean solution system for the septic design. Instead of a septic tank and a leach field, there are treatment tanks and septic tanks. There is a table showing the street addresses going to each septic system. The complex has off site water, so there is no relationship between well head protection and waste water.

Mr. Keach also explained that Sheet GD5 shows the top of the hill and the grading. The applicant has worked with the land to avoid massive regrading. There are no major differences between existing grading and finished grading. The Board looked at the storm water management basins on Sheet GD1. Mr. Keach stated that it is good design and suggested that the Board focus on the condominium documents. The Board discussed handicapped parking spaces.

Julie LaBranche asked about the scenic vista and Mr. Manning showed where the area the Board had agreed upon was crosshatched on the plan. Ms. LaBranche recommended that the dashed line on the Sheet PL1 of the plan showing what the Town has for a scenic vista from the 1980 Master Plan be removed. Also, that a note be added to the plan stating the size of the scenic vista and a description of what the scenic vista is, for example, that it is a hay field, an open field and area where structures would be removed. Ms. LaBranche also stated that the open space is also not clearly defined. It states that it is 58.07 acres, but it is scattered throughout the plan. Mr. Manning explained that the border around the property is part of the open space and that the open space is defined by metes and bounds. Ms. LaBranche suggested wording describing the open space and that it be more clearly shown on the plan. Mr. DiMaggio suggested an inset showing the open space and the scenic vista. Ms. LaBranche also suggested that maintenance of the scenic vista needs to be more clearly described. The open space declaration in the condominium documents does not set out the open space and scenic vista is not clearly set out as it is in the warranty deed. More detail also needs to be added as to how the open space and scenic vista will be maintained and where they are in the plans. The sections of the Master Plan and the Zoning Regulations referencing open space and scenic vista should be added to language. It can go as a note on the plan or in the documents themselves.

Mr. DiMaggio requested that Chair Killam make sure that all members of the Board get the documents. Mr. DiMaggio asked for comments. Mr. Dziechowski asked about the trail easement. He would like an easement between the wetland and the hill. There is an old farm road there. If the easement cannot be modified, the Conservation Commission will have to go over the hill. The applicant agreed to meet with Mr. Dziechowski for a site walk. Mr. DiMaggio asked if the issues with Atkinson Fire Department were addressed. Mr. Keach replied that they were.

Mr. Manning asked if the Board was considering conditional approval based on the condominium documents. Mr. DiMaggio polled the Board. Mr. Feuer would allow conditional approval. Mr. Dziechowski and Mr. Wolters stated that there were still issues that needed to be addressed. Ms.

Brown is on the fence, the plans are in good shape but the Board has not looked at the documents, Mr. DiMaggio stated that he does not agree with conditional approval.

Mr. Manning requested a motion for extension of jurisdiction and continuance of the Hearing to May 20, 2015.

Alternate Barbara Brown made a motion for extension of jurisdiction and continuance of the hearing on 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 the May 20, 2015 meeting of the Atkinson Planning Board. The motion was seconded by Member John Wolters. Member Paul DiMaggio, Member Tim Dziechowski, Alternate John Feuer and Alternate Barbara Brown of the Atkinson Planning Board voted in favor. Vote 5/0/0.

Mr. Manning asked about a workshop. Ms. Killam responded that she would prefer not to continue the hearing to the workshop. Mr. DiMaggio polled the Board. Mr. Wolters agreed. Mr. Dziechowski wants to make sure he has all the documents. Chair Killam will email the documents which are the Declaration of Condominium, the draft warranty deed and a cover letter from the applicant's attorney. Mr. DiMaggio informed Mr. Manning that the Board would not hold a hearing at the workshop. Chair Killam informed the Board that the application could be discussed at the workshop on May 6, 2015 and the applicant could attend.

Chair Killam, Vice Chair Mike Turell and Member Ted Stewart returned to the Board.

5) Application for Site Plan amendment submitted by Paul Carideo of DuBay Group, Inc. to show current existing features and an existing canvas building, on property located at 16 Industrial Way, Map 16 Lot 59, in the CI Zone. Jurisdiction was taken on March 18, 2015.

Abutters: Keith and Michelle Wolters, Atkinson Properties, LLC, Positive Start now owned by AROD Corporation, Ruby Holdings, LLC; Telusyuno, LLC, Lavelle Associates, present; and Norris Lemay. No abutters present, Timothy Ferwerda and Douglas Maguire of the Dubay Group, PE

The applicant requested in an email dated April 15, 2015 to continue the application to the May 20, 2015 public meeting of the Atkinson Planning Board.

Vice Chair Mike Turell made a motion to continue the Application for Site Plan amendment submitted by Paul Carideo of Dubay Group, Inc. to show current existing features and an existing canvas building, on property located at 16 Industrial Way, Map 16 Lot 59, in the CI Zone to May 20, 2015. Member Paul DiMaggio seconded the motion. All regular members of the Atkinson Planning Board voted in favor. Vote: 6/0/0.

Chair Killam requested a motion to adjourn.

Vice Chair Mike Turell made a motion to adjourn the April 15, 2015 meeting of the Atkinson Planning Board at 11:02 PM. Member Paul DiMaggio seconded the motion. All regular members of the Atkinson Planning Board present voted in favor. Vote: 6/0/0.

The next Planning Board meeting is a workshop on Wednesday, May 6, 2015.