

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, JUNE 17, 2015**

Members Present:

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

Other's Present:

Paul Carideo for Ruby Holdings
Steve Keach, Keach and Nordstrom
Julie LaBranche, Rockingham Planning

Call to order:

Chairperson Killam called the workshop meeting of the Atkinson Planning Board to order on Wednesday, June 17, 2015 at 7:30 pm.

Correspondence:

- Letter from City of Haverhill re: permit for condos at 2 Cross Road
- Letter from Sawmill Ridge for Paul DiMaggio to sign
- Email to Town Counsel from Bob Levine requesting review by the Planning Board of Conservation changes and given to Member Dziechowski
- Letter from Steve Keach dated June 15, 2015 stating he had received a copy of the Four Commerce Drive site plan and drawings; his services will not exceed \$1,200
- Email dated June 16, 2015 from Julie LaBranche stating all master plan chapters old and new are on disk and public hearing will be scheduled
- Letter dated June 9, 2015 from Member Dziechowski to Steve Keach, Julie LaBranche, Paul DiMaggio and Tim Dziechowski stating the same edits in the Condominium Documents for the Sawmill Ridge Project need to be incorporated in the deed. An easement for the trail to the Hampton town line is also needed.

Discussion: Member Dziechowski informed the Board that the Town Attorney likes to see a deed, fee simple, warranty or quit claim, stating that the public and the Town can use the trail and either the Town or the Homeowner's Association will maintain. Steve Keach stated that the Condominium Association should want to provide a deed. The deed would only convey an easement and the words quitclaim or warranty may not be needed. Member Paul DiMaggio and Member Tim Dziechowski will talk it over with the Town Attorney. The Board discussed how much time is needed. Ms. Julie LaBranche remarked it is still up in the air on who will maintain the trail and there is also liability for public access. It was pointed out that the landowner defense is if the use is for recreational, the landowner has no duty or care. It was discussed at the workshop meeting of the Conservation Commission today. The trail is clear except one tree by Town Line Marker Six. Ms. LaBranche pointed out that the deed will help to clarify the location of the trail. Chair Killam requested that Member DiMaggio and Member Dziechowski talk to the Town Attorney. Chair Killam also pointed out that easement deed records must have an acknowledgement that a successor owner know about the easement. There is no plan to show the easement route yet. Ms. LaBranche recommended the Board find an example of another easement deed. It is a condition of final approval that the plan show the new route for the easement.

Chair Killam spoke to Josh Manning and he did not want to come tonight. Mr. Keach got an email but has not read it. Chair Killam would like to find out about logging. Alternate Brown asked about the hours of operation for logging. Mr. Keach that in the subset of the phase one area the approximate area of disturbance needs to be shown. Logging is starting at 7:30 am in the morning. Ms. LaBranche asked if the open space boundaries are staked out. Mr. Keach informed her that the applicant is not clearing for development, they are cutting a road. Chair Killam informed the Board that the applicant is not doing stumping and grubbing. Mr. Keach informed the Board that he will respond to the email from Mr. Manning and copy Ms. Killam.

- Letter to Steve Keach regarding AROD site plans. A motion to approve AROD projects provision for restoration surety and erosion control. The applicant needs to have sureties in place and is anxious to move forward.

John Wolters was sworn in as a member of the Atkinson Planning Board

Public Hearings: None

Chair Sue Killam opened the public meeting of the Atkinson Planning Board at 8:54 PM

Workshop Discussion: A preliminary discussion regarding a subdivision of a 32 acre parcel on Hall Farm Rd, Map 16, Lot 9

Mr. Carideo came before the Board and passed out plans of the proposed subdivision. It is proposed to be a 9 lot subdivision on Hall Farm Road in the Commercial Industrial Zone and in the Rural Residential 3 zone. Mr. Carideo is concerned about road offsets. There is a 200 foot offset from Industrial Way. It is about 650 feet to the end of the cul de sac. There is a fairly steep climb. The applicant can meet the design criteria regarding entrance grades and more level grade around the cul de sac.

Some lots are minimal size , consistent with the transitional zone. 2 lots can be combined. The Hall Farm Road Prime Wetland is on Lot 9 of the subdivision. The lot is about 12.5 acres, they hydrants are on it and it is across the street from Palmer Gas. Chair Killam remarked that lot numbers on the map will not be the lot numbers on the final plan. The Town Assessor will assign lot numbers.

There is an issue with interpretation of zoning regarding the residential and industrial line. The plan has the best representation of the line that the applicant can give. There is 500 feet from Carling Road. One interpretation is a split zone where there is a 150 foot buffer. The applicant can provide the buffer in the residential zone against the property line. Chair Killam informed Mr. Carideo that the 150 foot buffer has always been enforced on the commercial/industrial side. Chair Killam read Article 690:1 of the Atkinson site plan regulations into the record. Member Tim Dziechowski asked if a waiver were possible. Ms. LaBranche informed the applicant that the regulation states that the buffer is in the Commercial/Industrial zone. Mr. Carideo questioned why they applicant can't use its property for the buffer. There is 210 feet from the Zone line to the property line on Lot 4. The buffer falls 360 feet from the lot line. Mr. Keach stated that the applicant has a point, there is a buffer. Chair Killam informed Mr. Carideo that he will have to go to the Zoning Board. Mr. Keach suggested making zone lines that match the lot lines and get rid of the split zone parcels. Ms. LaBranche agreed. Chair Killam agreed that the Board should consider it. Mr. Carideo read Section 240:1 on page Z2 of the Zoning Regulations.

Chair Killam informed Mr. Carideo that the lots in question are also impacted by the wetlands. Mr. Dziechowski pointed out the wetlands setback on Lot 8. There is a little finger coming down on the map that is also part of the prime wetland. The 150 foot buffer for prime wetland would need a waiver, too. The Board continued to discuss the buffer for prime wetland. Only the southern tip of lot 8 is impacted. Chair Killam pointed out that the wetland on Lot 5 is not prime and only requires a 100 foot buffer. Mr. Dziechowski stated that it is not unreasonable to ask for relief on wetland set back. He is surprised there are not more lots, the minimum lot size in the Commercial/Industrial zone is one acre. Mr. Carideo explained that the applicant tried to get a good mix of lots, between one and three acres. Chair Killam reminded Mr. Carideo that there are existing conditions on Lot 5, the wetland needs to be restored. Mr. Carideo responded that the applicant is all set to plant, but it rained. The applicant excavated to muck level, the material was stabilized but the applicant could not plant because it filled with water. Tim Ferwerda is doing the inspection.

Chair Killam asked Mr. Carideo if he had more questions. Chair Killam informed him that the Fire Chief decides on road names. Mr. Carideo also asked about naming the development. There was a question about the last drawing, Sheet 6 and the relationship to the road in the buildable area on lots. The applicant should also look at impervious area, ponds and other drainage issues. If not the applicant will have lots that are not cost effective to build on. Mr. Keach suggested that the applicant look at drainage from a comprehensive standpoint. Mr. Carideo informed him that the applicant is looking at the lots as to how they grade out. Each lot on Industrial Way has its own retention basin and treatment system, and it uses a large portion of otherwise buildable area. Mr. Carideo identified a problem, there is a puddle around Lot 7, and doesn't know if there is an old stone culvert. He is also having problems finding the outlets of the culverts that exit the lot. Mr. Carideo searched, but couldn't find anything. Recorded plans show a culvert in 3 existing locations. Julie LaBranche asked about conceptual designs for road drainage. Mr. Carideo explained drainage for the proposed road would be in swales alongside the roads. Curbing is a possibility in the areas around Lot 8 and Lot One. Mr. Carideo explained that Pentucket Water is on Commerce Drive. It is one small well and services Palmer Gas and Sunoco. There is a possibility of extending. The only problem is it is a long way for lines. Mr. DiMaggio asked if the lot frontage along the road is 200 feet. Mr. Carideo stated it should be on Sheet 2. Lot one has over 200 feet. Mr. DiMaggio is wondering about lots 2, 3 and 6. Frontage should be 200 feet. Lot 3 is shy by one foot. Lot 9 is 179 feet plus 25 feet. Lots 2 and 3 are short. There is enough frontage on Lot 27.

The applicant does not have topography and soil on the plans and is requesting a waiver.

The Board discussed the land use change tax. Mr. Keach explained that in most towns the assessment is paid at the time of the change of use, either by building permit or change of ownership. The Board of Land Use Appeals prefers that the land use change tax be levied at the time of change of ownership. The Board agreed once the lots are conveyed, they can't be under current use because they will be under ten acres.

The Board discussed moving the road. Mr. Carideo agreed the road could be moved but they may have to eliminate a lot. Another alternative would be making the two lots on top smaller. Mr. Keach remarked that looking at topography and knowing they are non residential lots, the applicant may want to do some bulk grading to create pad areas within building envelopes. Mr. Carideo agreed that would be part of the grading plan to be presented to the Board. Mr. Carideo explained that the applicant is proposing pad area lots.

Chair Killam asked if Mr. Carideo is engaged on 16 Industrial Way and if the applicant was coming back. Mr. Carideo replied that the applicant would be back, but is having difficulties with the plan. They will try to submit an application by June 30, 2015 for the July meeting.

Mr. Carideo informed the Board that he would probably be ready to present the plans at a Public Hearing at the August 19, 2015 meeting. The cut off for submitting the application for Map 16, Lot 9 would be August 4th for that meeting.

Chair Killam adjourned the public hearing.

Approval of Minutes: - May 20, 2015

- Bottom of Page on the last line "April of 2018" needs to be inserted after until
- On Page 2 second line down, it should say 4 spaces not 400

Member John Wolters made a motion to approve the minutes of the May 20, 2015 meeting of the Atkinson Planning Board as corrected. Member Paul DiMaggio seconded the motion. Members Paul DiMaggio, John Wolters, Tim Dziechowski and Alternate Barbara Brown voting in favor. Vice Chair Mike Turell and Chair Killam abstaining. Vote: 4/0/2.

Other: none

Chair Killam requested a motion to adjourn.

Member Mike Turell made a motion to adjourn the June 17, 2015 meeting of the Atkinson Planning Board at 8:46 PM. Member Paul DiMaggio seconded the motion. All regular members of the Atkinson Planning Board present voted in favor. Vote: 5/0/0.

The next Planning Board meeting is Wednesday, July 15, 2015.