

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, OCTOBER 21, 2015**

Members Present:

Sue Killam, Chair
Mike Turell, Vice Chair
Tim Dziechowski
John Wolters
Ted Stewart
Paul DiMaggio

Other's Present:

Steven Keach, Keach Nordstrom Assoc.
Julie LaBranche, Rockingham Planning
Paul Carideo, Dubai Engineering
Dave Bryan, Black Dog Builders

Call to order:

Chair Killam called the meeting of the Atkinson Planning Board to order on Wednesday, October 21, 2015 at 7:35 pm.

Approval of Minutes: September 16, 2015, October 7, 2015

September 16, 2015:

Vice Chair Mike Turell made a motion to accept the minutes of September 16, 2015 meeting of the Atkinson Planning Board as presented. Member John Wolters seconded the motion. All members of the Atkinson Planning Board present at the September 16, 2014 meeting voted in favor. Vote: 4/0.

October 7, 2015:

Member Tim Dziechowski made a motion to approve the minutes of the October 7, 2015 meeting of the Atkinson Planning Board as presented. Member Paul DiMaggio seconded the motion. All members present at the October 7, 2015 meeting voted in favor. Vote: 3/0.

Correspondence:

- Email from Steve Keach regarding the hearing about 14 Industrial Way
- Legal Notice to Eagle Tribune for the hearing - all certified return receipts
- Application from Black Dog Builders Investment Holdings, LLC.
- Haverhill 11/10/15 application from John Pettis for acceptance Mayflower Way, Ruth Circle, Crystal Court and several other streets as public ways
- Haverhill 11/10/15 hearing
- Advertisement
- Unitil gas emergency response public breakfast 11/13 at Marriott Portsmouth
- American Planning Association letter
- Email from Principal NH Office of Planning - NH Council on Resources and Development - fill out Municipal Smart Growth Survey.

Discussion: The Planning Board discussed responses.

Public Hearings: 8:00 PM

1)Application for amended Site Plan submitted by The Dubai Group for Black Dog Builders Investment Holdings, LLC to add a Loading Zone, additional parking, dumpster storage and install underground propane tanks on property located at 14 Industrial Way, Map 16 Lot 49 in the CI Zone.

Abutters: Keith and Michelle Wolters, Black Dog Builders Investment Holdings, MYA Victoria, LLC, Gagnon Realty Trust, Bryan and Cheryl Castle Trustees of the Bryan Castle Trust, Ruby Holdings, LLC, Douglas McGuire, Professional Engineer, the Dubai Group Tim Ferwerda, Soil Scientist, Meridian Land Services

Paul Carideo came before the Board to present the application. The site is currently used as office space with warehouse space. The applicant is proposing to stripe the parking lot, similar to the original approval plan. The original site plan was also approved for one story and this is a two story building with a one story warehouse. Some additional parking needs to be added. The plan shows the existing loading doors with zones in the back of the building. The dumpsters have been relocated to the middle of the building. The applicant is proposing to put the above ground propane tanks below ground because it helps with the volume of gas. The site plan originated because Black Dog Investment wants tractor trailer storage for the product they use. It will be a registered trailer that is on the road every month. It will stay until it is empty, then it is taken to be refilled. The applicant is proposing a gravel driveway on the property line in order to get the proposed tractor trailer used for storage on and off site. The applicant is requesting a waiver for parking requirements. The Town requires one space for every 300 square feet of office and one space for every 2000 square feet of warehouse. The square footage parking requirements can be satisfied, but not for the employees. The type of offices do not generate a lot of public use. There will be 42 spaces based on the square footage. There will be 35-40 employees, so the existing parking should be ample. The lights will remain. The existing shed will be removed. There will be one dumpster which will not be moved at the request of the tenant. The other three will be put in the back. The septic will not be changed.

The applicant requested to go over the letter from Keach Nordstrom.

Chair Killam asked about the gravel on the south side of the building. It is grass now. The applicant informed her that the gravel is just to drive the trailer across once a month. It will not go around the building. The rest of the trailers will remain on the pavement. There is enough room for them to turn. There will be other trucks that need to access the doors, but use will not be constant.

Member Dziechowski asked if the fire chief had reviewed the plans. Mr. Dziechowski is concerned about access to the south side of the building. Chair Killam informed the Board that it is grass now. It will be possible to get from the gravel driveway to the front parking lot. The applicant informed the Board that the gravel will give the Chief access to the back of the building.

The grade will not change.

The applicant went through the letter and responded to each comment.

Response to General Comment 1: there are no state permits required.

Response to General Comment 2: The applicant will file the paperwork for local driveway permits.

Response to General Comment 3: The applicant has no issues with a performance guarantee.

Response to Zoning Matters Comment 1: The applicant satisfies the requirements.

Response to Planning/Design Matters Comment 1: Sheet 2 will be stamped by a certified wetlands scientist.

Response to Planning/Design Matters Comment 2: This is a drafting error, also add the word proposed to the location of the underground tanks.

Response to Planning/Design Matters Comment 3: The applicant agreed to change the number. The spelling of the word service will be corrected.

Response to Planning/Design Matters Comment 4: Note 8 waiver to 670:8a to calculate parking spaces for office component on the basis of square feet rather than square feet plus anticipated number of employees. Chair Killam requested a waiver in writing

Response to Planning/Design Matters Comment 5: The applicant explained that he did not put guard rail in because trailer was going to be parked there and it would not be used a lot. The applicant agreed to extend the guardrail to the apron.

Response to Planning/Design Matters Comment 6: The applicant agreed to use 12 inches of gravel..

Mr. Keach has a copy of the 2000 site plan as originally approved.

Mr. Turell asked about employees. There are 30 to 40 employees. In response to the question on tenants, there are three plus Black Dog. One tenant does semiconductor manufacturing. One tenant makes beard oil. Black Dog will use their space as warehouse. One tenant is renting office space until the building across the street is done in 9 months.

Ms LaBranche noticed that some clearing is going on and asked if concrete would be put down and also asked about drainage. In further response, the applicant explained that the riprap is not used for drainage, it is just a pile. The applicant explained that the area he is adding will drain to the low spot and stay on the property. Not much pavement is going to be added. Mr. Keach explained that there was some pavement that was approved on the 2000 plan and not installed. The wetland on the property is a manmade pocket. Mr. Carideo explained that at one point it was excavated. Drainage comes off the pavement and goes into the wetland.

The Board asked about the drainage pipe. Chair Killam clarified that the water that enters the pipe comes from the roof of #14 and goes through the neighboring lot. The manmade wetland does not drain into the pipe. There is another wetland in the back corner, too. The manmade wetland may overflow and drain into the pipe in the spring. Mr. Wolters informed the applicant that the abutting lot is flooded at times. Mr. Carideo explained that it is a natural wetland that runs off of Christine.

Ms. LaBranche stated that it meets Atkinson regulations. There is no increase in drainage to other properties but she would like to see something done about the problem of drainage on Industrial Way and possibly some changes in the regulations. The Board continued to discuss drainage. Ms. LaBranche also stated that if the applicant is using that manmade wetland as a retention pond or area, it should be maintained. Otherwise it could get filled up with debris and

could not hold all the water. Mr. Keach stated that that is the way the plan was approved in 2000.

The Board looked at the wetland on the 2000 plans and it was much larger, extending all along the back of the property. Mr. Dubay informed the Board that Tim Ferwerda flagged the original wetland. Mr. Dziechowski stated that he walked the property around 2000 or 2002 and it is hard to tell what was there before construction.

Mr. Carideo stated that a berm was installed at one time, but no one knows when. Mr. Keach explained that the depression storage has a maximum capacity of 62,160 cubic feet and the approved construction occupied 52,063 for 25 year storm, which leaves about 20%. Mr. Keach does not believe the small addition of pavement will be an issue. The water ultimately flows to 16 Industrial Way.

Ms. LaBranche asked to clarify that it was a very small pocket and the depression was cleared to make it bigger. The applicant agreed that at some point it was disturbed.

Mr. DiMaggio asked about calculation of pavement, and the Board arrived at a figure of 6000 square feet or 15 percent of the lot. The Board discussed the number of gallons of water.

At present the area behind the building drains to the rear and sits there. Mr. Wolters stated that it is flooded and there are mosquitoes from the standing water.

Mr. Keach showed the Board how the water flows from the site. Ms. LaBranche pointed out that the depression is partially on abutting property. Mr. Keach stated that the small amount of pavement added should not create much more drainage. Again, there is a drainage problem on the lot directly below the site.

Ms. LaBranche pointed out that the amount of rainfall has increased since many of these old systems have been built. Mr. Keach questions the data.

Mr. Stewart asked about the roof drain on page 5. Mr. Carideo stated that the applicant thinks that pipe flows into a manhole. Mr. Stewart thinks that this is an opportunity to make some changes to outdated drainage. The original design did not include the roof drain. One solution would be to cut the pipe.

Mr. Keach responded that the present drainage works, so there is no need to change it. The applicant can look at it during construction. Chair Killam responded that she is concerned about how water from this lot drains to abutting lots.

Mr. Stewart and Mr. DiMaggio agreed that the pipe should be cut to find out where the water goes. Mr. Keach stated that the applicant may have to recalculate the drainage. Mr. Stewart stated that it would be relatively simple to find the bottom of the wetland and make the water drain there. Mr. Keach stated that it is unknown where the pipe drains. It is known where it begins and where the manhole cover is. He does not think it would be possible for runoff to drain to the wetland due to the grade and stated that before anything is changed, Mr. Carideo needs to do some engineering. Mr. Keach did not bring up drainage in this letter.

Chair Killam stated that the Board should take up the waiver and continue discussion on drainage to the next meeting.

Mr. Bryan stated that he believes that the previous owner changed the grading bringing it up to the retaining wall without permitting and approval. He believes that the pipe originally drained into riprap. The changes were done without permitting and approval.

Mr. Stewart replied that this lot is the top of the illegal system and now is the time to fix it.

Mr. Bryan stated that he wants to do the right thing, but he is concerned that it will be too difficult to fix. The pipe going into the drain is a 12 inch pipe. The pipe draining the roof is inside the building, it is not 12 inches. Ms. Killam suggested talking to Mr. Gagnon. Ms. Killam stated that he may have built the building and put in the retaining wall.

Mr. Stewart is concerned that the retaining wall was not built to standard. It was not approved by the Board or inspected when it was built. Mr. Keach responded that he is not concerned. Mr. DiMaggio stated that another detention pond might be needed. Mr. Keach stated that a berm around the perimeter may be needed. The roof is drained by six or seven pipes that run inside the building to the slab.

Chair Killam pointed out that an abutting neighbor may end up having to deal with the drainage from the roof.

The Board agreed that this is the cheapest time to get the drainage right. Mr. DiMaggio stated that there is no concrete where the pipe is draining, so it should be simple to dig it out with a backhoe.

Mr. Dziechowski asked about street drainage. Mr. Stewart responded that the street was designed for curbing, but there is none, however the cache basins are all working.

Mr. Keach reiterated that if the drainage changes, Mr. Carideo needs to recalculate everything.

The Board discussed how long it would take. Mr. Carideo responded that he would have to take spot shots of the wetland to get the correct capacity. He stated he could get the calculations done in less than a week.

The Board discussed conditional approval. Mr. Keach responded that he would not be comfortable for the Board to approve until the drainage issues were resolved. The Board discussed drainage onto abutting properties.

Ms. Killam asked if the applicant could resolve the drainage issue in two weeks and if the Board is willing to continue the hearing to the workshop meeting on November 4, 2015.

Following is the waiver request:

On behalf of Black Dog Builders Investment Holdings, LLC we would like the Board to consider a request to waive the parking requirements for Site Plan Section 670:8a of the Town of Atkinson site plan regulations in specific parking required for this existing property is one space for 300 square feet of office plus one space per employee, in addition to one space for 2000 square feet of warehouse. Based on the existing square footage of the existing building which consists of 11,224 square feet of office and 8,744 square feet of ware house, the property would require 42 spaces. We are proposing 43. We, however, do not meet the specific requirement for any employee spaces. The type of office space that is associated with the existing uses do

not generate significant off street visitors nor does the site have 42 employees. At this time we would like the Board to consider waiving the requirement of one space per employee.

Member John Wolters recused himself from the vote.

Vice Chair Mike Turell made a motion to approve the waiver request as read because the specific circumstances relative to the site plan indicate that will properly carry out the spirit and intent of the regulations, RSA 674:44 iii(e2). Member Paul DiMaggio seconded the motion. Discussion: If the number of parking spaces were calculated according to regulations, another 35 spaces would be required. 70 spaces around a building like this is too much. All members of the Atkinson Planning Board present voted in favor with Member John Wolters recused. Vote: 5/0/1.

Discussion: Mr. Turell asked about the direction of the drainage pipe. Mr. Keach stated that his company concluded their work in 2004 and there was no retaining wall.

Vice Chair Mike Turell made a motion to continue the hearing for an Application for amended Site Plan submitted by The Dubai Group for Black Dog Builders Investment Holdings, LLC to add a Loading Zone, additional parking, dumpster storage and install underground propane tanks on property located at 14 Industrial Way, Map 16 Lot 49 in the CI Zone to November 4, 2015. Member Paul DiMaggio seconded the motion. All members of the Atkinson Planning Board present voted in favor with Member John Wolters recused. Vote: 5/0/1.

Old Business: None.

Other Business: None

Other: Ms. LaBranche and Mr. Keach both recommended that the Board review storm drainage regulations.

There was no other business.

Chair Killam requested a motion to adjourn.

Vice Chair Mike Turell made a motion to adjourn the October 21, 2015 meeting of the Atkinson Planning Board. Member Ted Stewart seconded the motion. All members of the Atkinson Planning Board present voted in favor. Vote: 6/0/0.

Chair Killam adjourned the October 21, 2015 meeting of the Atkinson Planning Board at 9:30pm.

The next Planning Board meeting is on Wednesday, November 4, 2015.