

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, DECEMBER 16, 2015**

Members Present:

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

Other's Present:

Julie LaBranche, Rockingham Planning
Steven Keach, Keach Nordstrom Assoc.
Paul Carideo, The Dubay Group
Douglas MacGuire, The Dubay Group

Call to order: 7:30 PM

- Chair Killam called the meeting of the Atkinson Planning Board to order on Wednesday, December 16, 2015 at 7:30pm.
- City of Haverhill meeting 12/29/15 pursuant to remand from Mass Land Court re: Continental Wingate Development Company building on North Avenue
- Card from New Hampshire Municipal Technical Assistance Grant Program - provides funds for housing

Correspondence:

Inspection Reports from Keach Nordstrom on MYA Victoria Project on Industrial Way, Black Dog project on Industrial Way and project on 4 Commerce Drive

Minutes: December 2, 2015

Vice Chair Mike Turell made a motion to approve the minutes of the December 2, 2015 meeting of the Atkinson Planning Board as written. Member Ted Stewart seconded the motion. All members present at the December 2, 2015 meeting voted in favor. Vote: 4/0/0.

Other Business: Chair Killam, Mike Turell and Member Dziechowski spoke with prospective buyers of a parcel on the old Brown Farm. They will be at the workshop on January 6, 2015. They want to build about 80 units. The road will connect to Knightland.

The Planning Administrator got a phone call from a resident of Huckleberry Ridge about the condominiums on Sawmill Ridge stating that the building is disturbing his tranquility garden.

8:00 PM Public Hearings:

1) Application for Subdivision as submitted by The Dubay Group, for Ruby Land Holdings, LLC to create a 9 lot Commercial/Industrial subdivision, on property located at Hall Farm Road, Map 16 Lot 9. Continued from November 18, 2015. Jurisdiction pending.

Abutters: Daniel Stacy, Gary Bulpet, Richard Spates, Paul and Moreg Jappy, Julius Grodowsky Realty Trust, Ruby Holdings, LLC - present, Rick Shafer, 2 Industrial Way Realty Trust, William and Alisha Kimball, Durkin Realty Trust, 23 Hall Farm Road Realty LLC, Town of Atkinson, Charles and Jeanine Kinney Living Trust, Rockridge Development - present, 13 Hall Farm Road, LLC (Palmer Gas)

Doug MacGuire, The Dubai Group representing Ruby Holdings LLC here to discuss a property on Hall Farm Road. It is a 34 acre piece mostly upland with wetlands on the easterly side and wetlands pockets throughout. The applicant is proposing a nine lot subdivision, 8 buildable, and the 9th a conservation lot. There will be a proposed town road, a cul de sac. There is 650 linear feet to the cul de sac. It will be an open drainage system with roadside swales to collect runoff and direct to the bottom of the roadway. The applicant is proposing catch basins in the roadway ditch to collect water. There are two ponds proposed, one at across from Industrial Way and along Hall Farm Road. The other at the back of lots six, seven and eight to collect the water at the back of the site. The second lot in the middle will collect lots 4, 5, 6 and 8. As part of the drainage design, the applicant is not planning any specific usage but the drainage system was designed to accommodate various uses. Sheet 10 is the detailed sewage and drainage plans. The ponds are designed to handle runoff from lots that are 80% impermeable. The drainage system in the roadway is sized to handle that level of impermeable area and the lots are designed so that they can be individually permitted. The drainage system in each pad accommodates the added drainage flow. Both ponds are designed to meet alteration of terrain criteria and provide full treatment and pretreatment regulations.

The applicant is proposing a minor wetland impact easement associated with the project detailed on Sheet 8. There are four isolated wetland pockets at the bottom of the site. The applicant is proposing to fill those to allow room for the proposed detention pond. They are low value wetlands, Direct access is also needed to the existing 18 inch RCP. Tim Ferwerda, the wetland scientist for the project will be permitting the wetland easement.

The applicant looked at Mr. Keach's comments, there were 30 comments most of them were minor, did not involve any design changes and he has no issue with any of the comments.

Chair Killam read a letter from 13 Hall Farm Road LLC signed by Jim Kriswickyof Palmer Gas dated December 16, 2015 certifying that he received notification of the application and had no objection.

Chair Killam requested comments from Mr. Keach. He stated that he reviewed the drawings and the drainage report. It is a well engineered plan. Following is a review of the major comments in the report given to the Board:

General Comments

Comments 1 and 2 outline the State and Local Permits required for the project includes an alteration of terrain permit, wetlands permit subdivision approval and local driveway approval.

Comment 3 is a reminder that any approval should be conditioned on a performance guarantee.

Comment 4 reminds the application of the responsibility to maintain the road until it has been accepted by the Board of Selectmen.

Comment 5 states that input from the Fire Department is also recommended. There are two dry hydrants on Hall Farm Road. There is a possibility that some of the lots might need sprinklers. There is public water on Commerce Way supplied by Pennechuck East. The plan calls for two wells, but the applicant may want to consider public water.

The last comment regards drainage. There is a master drainage plan and Mr. Keach recommends setting up a maintenance program because of the ponds. Maintenance responsibility should be borne by the future landowners and an entity needs to be set up. An outline of a maintenance program is in the plans.

Mr. Keach did not find any zoning deficiencies. A zoning boundary bisects the site and it should be properly located. The boundary is 500 feet east of the center of Conley Road and it should be labeled on the drawing. The 150 foot residential buffer is shown.

Planning and Design Comments

Page 3 - no major comments.

Comment 14 - looking at Sheets 9 and 10, the design of the roadway and the drainage system; there is substantial regrading to create the buildable pad areas. The project plan needs to be expanded with regard to sequencing the events of the work related to the construction of the roadway and the pad areas. It looks balanced, cutting on one side of the lots and filling on the other, however, there will be a lot of earth moved. Mr. Keach suggested the work should be done before building the road. Chair Killam stated that it needs to be done in conjunction with construction of the roadway.

Mr. MacGuire explained that the intent is to perform those earthwork maneuvers during the construction process of the roadway. The goal is to provide points of collection for each lot. There will be a catch basin at the front of most of the lots. Some of the drainage will go into swales and some will go into catch basins. Each pad elevation will be graded so that collection is started as it is constructed. A bond for the entire project will be required at the beginning of the project.

Chair Killam commented that there is a lot of rock and there are graded slope lines. She asked what the applicant would do with the rock. Mr. Keach stated that most of the extra soil removed by grading would be taken care of in the process of creating the pad area. Mr. Keach recommended that anything that was not used as fill on site could be crushed and used as material on site. Chair Killam asked about the wetland surveys and what Mr. Ferwerda refers to the soil as glacial till. Mr. Keach informed the Chair that there are about a dozen test pits that have been dug. Mr. Keach commented that there are two depths, one to seasonal water table and the other to bedrock. The bedrock table is about six feet and the seasonal water table is about 4 feet.

Mr. MacGuire has a copy of the study. Mr. MacGuire explained that the applicant did about 10 test pits. Most of the depth is 72 to 76 inches. Chair Killam asked about moving the dirt. Mr. MacGuire explained that there are a lot of hills and most of the hills on the property can be removed without a problem because most of the material is gravel or sand, not ledge.

Mr. Keach recommended a detailed note on the plan regarding the construction sequence for the road and the wholesale grading of the lots, preferably at the earliest date possible.

Sheets 8 and 9 show the grading for the pads. Mr. MacGuire explained that lots one, seven and eight will be filled. Most of the fill will be at the front edge. Mr. MacGuire explained that Lot 7, is at 254 feet in elevation and the applicant is reducing the elevation to 244 feet. In lot one, the pad elevation will be 242 feet, where one crevice is 236 feet an isolated pocket at 258 or 260 feet will be cut and the rest will be filled. There are a lot of peaks and valleys on the site and the applicant proposes to smooth everything out. Mr. MacGuire went through each lot and explained how the grading would be changed.

Vice Chair Turell asked if the 18 inch drain would be large enough. Mr. MacGuire stated that it is large enough for a 25 year storm. Mr. MacGuire further explained that the pond is very large and less than a quarter of the pond would be needed to collect run off for the road. Also, the alteration of terrain would affect drainage. The new drainage regulations increase storm water events significantly. The system is designed to the 18 inch drain. The pipe is getting bigger as it goes down the hill. Runoff will not surcharge even at a 25 year storm. Mr. Keach pointed out that there are actually two pipes. The volume coming in to the pond is several times larger than the volume out. The way the pond is designed satisfies storm water treatment requirements by the DES. The applicant has brought runoff to two points on the site, one on the west and one on the east.

Vice Chair Turell asked if all the pipes would create more monitoring events. Ms. LaBranche explained that it depends on where the water goes. Member Stewart explained that it goes to another pond that discharges to another 40 acre swamp which ends as a stream. The top five acres is a maple swamp. Ms. LaBranche stated that the runoff would have to be monitored, but Mr. Keach stated he was not sure.

Member Ted Stewart remarked that having the drainage pipe go through the road way makes it difficult to maintain and recommends adding a second catch basin at the end of lot two to get the pipe out of the roadway. This would make it much more economical for the Town. Also, adding another catch basin at the start of the cul de sac and connected the pipe there, it would eliminate the pipe going under the cul de sac. Mr. Keach agreed. Mr. MacGuire did not object.

Chair Killam asked if the eighteen inch pipe would be installed by the developer. Mr. MacGuire explained that it is an existing culvert and the water in the pond discharges to it. There is a structure to accommodate emergency overflow. Mr. MacGuire explained that he has analyzed the pipe and the outflow from the pond will not exceed the capacity of the pipe. Chair Killam pointed out that the lot on the corner of Industrial Way is a hazardous waste site that has been monitored by DES for 20 years.

Mr. Keach continued to read the comments in his letter of December 16, 2015.

Comment 22 addresses the easterly boundary which is coincident with a wetlands buffer and Mr. Keach recommends placards be placed along the edge of the wetland.

Comment 23 covers the driveway locations for each lot. Sheets 9 and 10 show driveway locations. For the driveways on Ruby Way, when the road is built the driveway aprons should be built to, at or beyond the right of way so once Ruby Way is in, it will not be disturbed.

Comment 27 addresses the grade on the road and may require a waiver request for subsection 410:15 which limits the grade to 6%. Through one area, there are a couple of hundred feet to 8%, there is a negative slope going in to the site, then the grade goes to 3%, then 8% for about 250 feet before it goes back to a 2.5% grade. Mr. Keach recommends a waiver for the 6% grade requirement. The road has a southern exposure. By the time the property is developed, it will not be in a hollow, so the extra grading would require lowering the hill and increase terrain alteration.

Chair Killam requested comments from the Board.

Ms. LaBranche supports placards on the buffer to the wetland. She also recommends setting up an entity for maintaining the road before the lots are built and sold and the current property owner should take responsibility until then. As the lots are built and sold maintenance of the road can be turned over to a landowners association.

Mr. Keach stated that road maintenance is the landowners responsibility until the public assumes maintenance after acceptance of the road. It would not be equitable for the municipality perform maintenance on the retention ponds and catch basins. Mr. Keach recommends that a landowners association be responsible for the maintenance of the storm water management areas. Ms. LaBranche further explained that the current landowner should have maintenance responsibility until the lots are sold. Mr. Stewart pointed out that all the runoff including salt will go into the basins. If the landowners are responsible, they will be much more careful of the type of snow and ice control they use. Mr. Keach stated that a landowners association should be formed when the plans are approved and the association documents should be recorded with the plans. Member Stewart stated that some type of mechanism to enforce maintenance if one of the lot owners does not want to take responsibility.

The Committee discussed how to set up a landowners association. It was suggested that it should be set up like a condominium association and each member be charged \$300 per month and have the ability to lien. Chair Killam pointed out that this is not a condominium development so that body of law is not available.

Ms. LaBranche asked where the catch basins would be placed. Mr. MacGuire explained that they are in the right of way at the corner of the lot and in the swale area.

Phil Busby of Rockridge Development is present. He commented on the prebuilt pad sites. It is an eight lot subdivision and the predesigned pads are a good idea. He questioned if septic plans have been designed for each lot. The Board will have to implement something to oversee what goes on to the pads. Each lot owner will need a site plan but already know his elevation and drainage.

The applicant explained that he will build all or nearly all of the lots and will have control of everything that is built from start to finish. He will probably keep four of the lots. He explained that he can have a landowners association agreement very quickly. Mr. MacGuire stated the Town will have more control because every lot owner will have to go before the Board with a site plan. There are pad elevations, but each site owner will have to have approval for what is built. However, drainage and sewer issues will already be resolved.

Another issue is water. The community water system is very limited and should be expanded. The applicant is trying to do something. The Board discussed where the septic systems will be located. The applicant explained that individual septic areas and wells will be located in each pad. There will also be test pits for each pad. If the buyer wants a different use, then a new plan will have to be submitted. Mr. Keach requested that the test pits be moved from Sheet 7. Most of the test pits are on the portion that is filled, well above the bedrock.

Chair Killam asked about the wetland restoration project on the site. Mr. MacGuire showed the Board where it is located on Sheet 8. The applicant is not proposing to impact that with any lot development. There was some inadvertent filling. The applicant is working with the State and the wetlands engineer to restore the wetland. The material that had been dumped in there has been removed and replaced with loam. There have also been wetland plantings. The wetlands engineer will do an update to DES and the applicant will do the plantings as soon as possible in the spring.

Chair Killam asked if there were more questions. Vice Chair Turell asked if there were a complete plan and if it could be taken under jurisdiction.

Vice Chair Mike Turell made a motion to take the application for Subdivision as submitted by The Dubai Group, for Ruby Land Holdings, LLC to create a 9 lot Commercial/Industrial subdivision, on property located at Hall Farm Road, Map 16 Lot 9 under jurisdiction. Member Paul DiMaggio seconded the motion. All members of the Atkinson planning Board voted in favor with Alternate Barbara Brown not voting. Vote: 6/0/0.

The Board discussed continuing the application and suggested that the applicant bring any waiver requests to the next hearing. Mr. Keach recommended discussing the plan with the Fire Chief. The applicant agreed to change the plans to remove the pipes from the road.

Vice Chair Turell made a motion to send the plans for the application Subdivision as submitted by The Dubai Group, for Ruby Land Holdings, LLC to create a 9 lot Commercial/Industrial subdivision, on property located at Hall Farm Road, Map 16 Lot 9 to the Department Heads and continue the application to the next Planning Board meeting, January 20, 2016. All members and Alternate John Feuer voted in favor. Vote: 6/0/0 with Alternate Barbara Brown not voting.

2)New Application for Amended Site Plan as submitted by The Dubai Group for MYA Victoria, LLC to develop a 540 SF Addition to the Garage on property located at 15 Industrial Way, Map 16 Lot 16 in the CI Zone.

Work on the site is progressing quickly. The garage is up and the office building is well under way. There are 3 tanks for fire suppression. The applicant would like them enclosed for insulation rather than using antifreeze.

Abutters: Town of Atkinson, Black Dog Builders Investment Holdings, Atkinson Properties, LLC, MYA Victoria, LLC, Gagnon Realty Trust, Ruby Holdings, LLC, Brian and Sheryl Castle, Trustees, ARod Realty Group, LLC, Doug Maguire and Joe Connolly of the Dubai Group

Paul Carideo of the Dubai Group came before the Atkinson Planning Board to present the proposed addition for the applicant.

The applicant is proposing to put up a 15 x 36 foot pad with a roof and siding so that it can be insulated to put around the tanks. It will be the same roof and siding material as the garage. A garage door will face the parking lot and there will be some stone in front of the addition. The pad was on the original site plan, the location has changed on this plan. There are a couple of minor changes to the original plan. The concrete pad is extended in front of the garage doors. Also, the propane tank has been removed, the applicant will be heating with oil. The dumpster enclosure is where the propane tank was and the transformer has been moved to where the dumpster was.

The well is installed where it was proposed. The septic system has not been installed. The septic approval has been submitted. A copy of the holding tank registration for the floor drain has also been submitted. There is a 1500 gallon tank with an alarm. It will be pumped out when it is full.

The Board discussed the revision. Chair Killam asked the Board if it should be taken under jurisdiction.

Vice Chair Turell made a motion to take the Application for Amended Site Plan as submitted by The Dubai Group for MYA Victoria, LLC to develop a 540 SF Addition to the Garage on property located at 15 Industrial Way, Map 16 Lot 16 in the CI Zone under jurisdiction. Member Ted Stewart seconded the motion. All in favor. Vote: 6/0/0 with Alternate Barbara Brown not voting.

Member Paul DiMaggio made a motion to approve the Application for Amended Site Plan as submitted by The Dubai Group for MYA Victoria, LLC to develop a 540 SF Addition to the Garage on property located at 15 Industrial Way, Map 16 Lot 16 in the CI Zone as presented. Vice Chair Turell seconded the motion. All members of the Atkinson Planning Board voted in favor with Alternate Barbara Brown not voting. Vote: 6/0/0.

Discussion: Chair Killam asked the applicant if they were paving this year. Mr. Carideo explained that the applicant is trying to, the gravel is in place, but the septic still has to go in. The current issues with the other two lots have not been discussed. The last lot does not have a site plan. The applicant has taken it over without benefit of a site plan. Member Stewart commented that the applicant is running a business out of a lot that has no site plan and no parking which will be a problem during the winter parking ban. Mr. Carideo has sent the applicant a copy of the ordinance and informed him that he is in violation. The applicant is trying to pave the first lot. The applicant is trying to prepare the second lot, and make a site plan. There is a catch basin that has a 15 foot cut and there is ledge at 6 feet.

Chair Killam explained that no site plan for the last lot has been approved and that in order to get the first lot before the Board at this meeting, massive violations have taken place on the other two lots. The Board discussed what to do about the violations. Member Stewart recommended having the code enforcement officer look at the sites. Chair Killam requested Mr. Carideo speak to the applicant and

have him go before the Board. Member Stewart stated that the applicant knows the law and knows he is breaking them, so he needs to talk to Code Enforcement. Mr. Turell stated that he needs to come to the Board with a time frame and also go to Code Enforcement. Chair Killam stated that all the dumpsters on the third lot and the oil tank are sitting out in the open. The third lot is owned by ARod Realty Group, LLC but being used by the applicant. Chair Killam is not sure of what the arrangement is.

Mr. Keach informed the Board that Continental is staying open at least through December 24th and is playing it day by day after that.

Mr. Carideo stated that he would talk to the applicant about a schedule for the other lots and what the plans are. He explained that the applicant has an interim plan for the gravel lot. He has done some grading and graveling on the third lot due to a mud issue, which makes the lot more stable. There is an issue with excess material and fill and the applicant is trying to find a place to put it. It is loam with a lot of rock.

Chair Killam requested a motion to adjourn.

Member Mike Turell made a motion to adjourn the December 16, 2015 meeting of the Atkinson Planning Board. Member Paul DiMaggio seconded the motion. All members of the Atkinson Planning Board present voted in favor. Vote: 6/0/0.

Chair Killam adjourned the December 16, 2015 meeting of the Atkinson Planning Board at 9:30pm.

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