

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, JANUARY 20, 2016**

Members Present:

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

Other's Present:

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

Call to order: 7:45: PM

Chair Killam called the meeting of the Atkinson Planning Board to order on Wednesday, January 20, 2016 at 7:41 pm.

Minutes: December 16, 2015, January 6, 2016

December 16, 2015:

- Catch basin – not cache basin
- Page 2 - Take out can
- To...
- Page 3 - Will not surcharge
- Page 3 should say volume coming into the pond
- Page 4 – 3rd paragraph discharges to
- Page 4 – Mr. Keach stated that the landowners association should be formed when the plans are approved and the association documents should be recorded with the plans

Vice Chair Mike Turell made a motion to approve the minutes of the December 16, 2015 meeting of the Atkinson Planning Board as corrected. Member Paul DiMaggio seconded the motion. The members of the Atkinson Planning Board present at the December 16, 2015 meeting voted six in favor and one abstention. Vote: 6/0/1.

January 6, 2016: deferred

Correspondence:

- Letter of report from Steve Keach dated January 19, 2016
- Emails regarding agendas
- Response from Chief Brackett after reviewing the plan stating he reviewed the plan and has no issues
- Fire Department response from Chief Murphy

Other Business: none

8:00 PM Public Hearings: Chair Killam opened the public hearing at 8:06 PM. The six regular members of the Atkinson Planning Board are voting.

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 and December 16, 2015 and taken into jurisdiction on December 16, 2015

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

Mr. Douglas MacGuire came before the Board to present the proposed plans for the applicant. Chair Killam summarized the letter from the Fire Chief. He has no objections to the name Ruby Way for the street name. Buildings should have sprinkler systems to NFPA 13 specifications. The lots should be noted with street address numbers. Mr. MacGuire informed the Board that the numbering changes have been made.

Mr. MacGuire explained that the plans he gave to the Board reflect the updates from the first review by Keach Nordstrom. The applicant has also received a supplemental review from Keach Nordstrom. The plans that Mr. MacGuire gave to the Board also have the updates from the supplemental review. Also, the recommendations from the Fire Department have been added. Every lot has been numbered except the frontage lot on Hall Farm Road. A note to Sheet 4 has been added regarding installing sprinkler systems in the buildings. A waiver request has been prepared in response to the Fire Department comments regarding the grade. Regarding the wetland restoration, the applicant has been communicating with DES and DES has issued an amended wetland restoration approval detailing that the applicant will be completing the restoration, preferably before June 2016. The applicant gave a copy to the Board.

Also, the request by the Road Agent to change the location of some of the catch basins has been addressed and the changes can be seen on Sheets 9 and 10. DMH 2 has been added in front of lot 9-4 to keep the pipes out of the road. At the cul de sac, DI 1-A has been added to ensure the pipes did not cross the middle of the cul de sac. The plans have also been changed to show the recommendations by Keach Nordstrom.

Chair Killam requested comments from the Board.

Member DiMaggio asked about the order of the catch basins at the cul de sac. Mr. MacGuire explained that DI 1-A goes to DI-2 and is at 263 feet and DI-2 is at 264.5 feet but there will still be drainage through the outlet at S-1. There is just more cover over the pipe. There is a 2% pitch from DI 1-A to DI-2.

Vice Chair Turell asked about a waiver for RSA 410:15 – a horizontal curve shall not have a grade greater than 6%.

Chair Killam read the waiver request into the minutes.

The applicant respectfully requests a waiver from Section 410:15 of the road specifications and regulations which limit the maximum grade of streets along a horizontal curve to 6%. Our application proposes approximately 150 feet of a horizontal curve with a proposed grade of 8%. The subject property is unique with numerous significant variations of grade. The 8% grade allows for adequate access to uplands in the rear of the property while minimizing excessive grade cuts and contributing to a

better balanced site from a cut and fill perspective. The roadway is a proposed cul de sac and will not see high traffic volumes. All other roadway design specifications are met including intersection platforms. The Fire Chief has reviewed the application and does not take exception to the proposal. We thank you for consideration of his request.

Vice Chair Turell made a motion to approve the waiver request to Section 410:15 of the road specifications and regulations by the Dubay Group under 674:44 III(e)(2) that the specific circumstances relative to the site plan or the conditions of the land in said site plan indicate that the waiver will properly carry out the spirit and intent of the regulation. Member Dziechowski seconded the motion.

Discussion: Mr MacGuire explained that much of the road is at an 8% grade, the portion that requires a waiver is about 150 feet on a horizontal curve.

All regular members of the Atkinson Planning Board voted in favor. Vote: 6/0/0.

Mr. Keach addressed the comments in his letter report of January 19, 2016.

General Comment 1 - State permits must be filed. The applicant responded that not all have been filed, but they are in the process. The AOT package has been prepared. Mr. Keach informed the applicant that all state permits must be received prior to approval.

General Comment 2 - driveway permits from the Road Agent for the intersection of the new road way and Hall Farm Road and also for the new lot that will be built. Ms. Killam informed the Board that the permits have been submitted.

General Comment 3 - posting of a surety and execution of a standard surety agreement with the planning office is a condition.

General Comment 4 - resolved. The Board has received written comment from the Fire Chief.

General Comment 5 - because the two drainage basins are receiving water from the lots within the subdivision and for land development purposes, there needs to be something in place stating that the landowners will be responsible for maintaining the catch basins. Mr. MacGuire spoke to the applicant and was informed that the applicant is working with his attorney to develop something.

Under planning and design matters, comments one and two have been satisfied, comment three has not been reviewed. Comments 4, 5, and 6 have been satisfied and a waiver has been granted. Mr. Keach stated that except for items that involve conditions of approval, he has no more comments.

Mr. LaBranche commented on Lot 9. The note should spell out that Lot 9 is the nonbuildable lot.

The applicant agreed. Mr. Dziechowski explained that Ruby Holdings had wanted to exchange Lot 9 with a lot owned by the Town which has frontage on Rte 111. First, the Town has to go to DOT to get a deed restriction altered. Ms. LaBranche commented that the lot does not correspond with the note on the plan. Ms. LaBranche suggested labeling the wetlands as remaining lands. It is note 2 on Sheet 4. It should specify that the lands are Map 16 lot 9. The lot is nonbuildable.

Chair Killam asked what happens if the exchange does not take place. Member Dziechowski explained that it will remain an unbuildable lot and prime wetland subject to zoning setbacks of 100 feet for the State and 150 feet for the Town. The only access is for the Fire Department access to pipes under the road and to the dry wells. Ms. LaBranche asked if the lot could be used for forestry. Mr. Dziechowski responded land that is used for forestry is immune to a lot of wetland restrictions. Forestry is allowed in wetlands buffer, however it would not be economically viable due to the growth on the wetlands.

The Board discussed if the lot should be labeled nonbuildable as well as put in the note and agreed that it should be marked nonbuildable in the note and on the plan.

Sheets 4 and 5 will be recorded. Sheet 4 has all the important notes. Note 13 on Sheet 4 shows that the plan consists of 24 sheets and sheets 4 and 5 are recorded.

Member DiMaggio asked about the comments. Mr. Keach explained that Comment 3 states that the 4 k area needs to be moved to the West. Mr. Keach stated that the other comments have been answered with the granting of the waiver and recommended that the waiver be cited on the final plan and put in a note on sheet 4 of the plan.

Comment 4 regards the layout for power lines. A note has been added to the plan stating that the layout of the power lines will be submitted to the Road Agent and to Keach Nordstrom. It is Note 16 on Sheet 4.

Comment 5 requests a note on the plan stating that the driveway aprons and stubs be done at the same time as the road is started so that there will be no work in the public roadway while the project is being built. The culverts in the public roadway have been added. Issues with labeling have been resolved. On Sheet 22 there is an apron detail. All pipes have adequate cover. A note regarding the material for the culverts and the coverage has been added. On Sheet 14, there is a cross section of the road. Mr. Keach requested that the under drain trench be equal or horizontal to the shoulder of the road. The way it was originally drawn, a small portion was under the pavement so if it had to be serviced, some of the pavement could be compromised.

Chair Killam requested to talk about surety. Mr. MacGuire informed the Board that he spoke to the applicant about surety and informed him that surety for the entire project is required. A construction sequence has been added to Sheet 9. The applicant has a clear idea of how it will happen. The surety is for restoration for the entire disturbed area. The applicant is comfortable with posting a larger bond. Mr. Keach explained that he told the applicant that the surety is for restoration, erosion control and the road. The sequencing notes on Sheet 9 explain how the project will proceed.

Chair Killam explained that posting a bond and posting of an escrow to pay for inspection fees is a condition and must be done before the plan is signed. There are two issues, the posting of the bond and posting of an escrow to pay the inspection fees.

Member DiMaggio remarked that it was a well designed project.

Vice Chair Turell made a motion to approve 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; continued from November 18, 2015 and December 16, 2015 and taken into jurisdiction on December 16, 2015. Contingent upon receipt of all operation terrain permits, wetlands permit, and NH DES subdivision approval; contingent upon receipt of local driveway permits necessary; receipt of performance guarantees in suitable form for the Town of Atkinson; contingent upon receipt of an Owners Association Agreement to maintain the storm water management system with review by Town Counsel and approval of the Atkinson Planning Board; adding a note on Sheet 4 for waiver of Section 410:15 zoning regulations; amending Note 2 on Sheet 4 to add Map 16 Lot 9 as being unbuildable and label it as such on the plan; and a final letter from the Town Engineer.

Discussion: The Board discussed Town Counsel's approval of owners' association documents. Chair Killam remarked that the Board should look at it first and requested that the Road Agent explain the issues to Town Counsel. The Board discussed if it could be a covenant in the deed but the Board agreed that a landowners association comes with a management framework.

Member Tim Dziechowski seconded the motion.

Member Ted Stewart left the meeting and Chair Killam asked if an alternate should take his place. Alternate Barbara Brown voted.

All regular members and alternate Barbara Brown voted in favor. Vote: 6/0/0.

The applicant does not expect any issues with DES.

New/Old Business

Discussion: follow-up to site walk on the Brown property

Alternate Brown stated that she explained to the applicant that they should go to DOT and the applicant is reworking the plan. Member Dziechowski explained that it is possible to put a roadway through the wetlands by the boundary. The Board continued to discuss the best location for the road. The Board discussed issues with the site. The applicant also needs a soil specific site map.

Chair Killam requested a motion to adjourn.

Member Mike Turell made a motion to adjourn the January 20, 2016 meeting of the Atkinson Planning Board. Member Paul DiMaggio seconded the motion. All regular members of the Atkinson Planning Board present and alternate Barbara Brown voted in favor. Vote: 6/0/0.

Chair Killam adjourned the January 20, 2016 meeting of the Atkinson Planning Board at 9:06 PM.

The next Planning Board meeting is a workshop on Wednesday, February 2, 2016.