

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

Members Present:

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

Other's Present:

Steven Keach, Keach Nordstrom Assoc.
Julie LaBranche, Rockingham Planning Commission
Joshua Manning, Lewis Builders

Call to order: 7:30 PM

Chair Killam called the meeting of the Atkinson Planning Board to order on Wednesday, April 20, 2016 at 7:46 pm.

Correspondence:

- Request for Project Review by New Hampshire Bureau of Historical Research
 - o Replenishment of beach sand with 100 cf of washed beach sand on Hemlock Shore Drive
 - o Replenishment of beach sand with 60 cubic feet of wash beach sand on Hemlock Shore Drive
- Letters from the City of Haverhill
- Rockingham Planning Commission Letter to the Selectmen for the Town's membership dues of \$6,576
- One day course in Boston for presenting data and information on Analytical Design
- Chair Killam and John Feuer are up for reappointment this year

Minutes: March 16, 2016, April 4, 2016

March 16, 2016

Vice Chair Turell made a motion to approve the minutes of the March 16, 2016 meeting of the Atkinson Planning Board as written. Member Paul DiMaggio seconded the motion. All members present voted in favor. Vote: 6/0/0.

April 6, 2016

Vice Chair Mike Turell made a motion to approve the minutes of the April 6, 2016 meeting of the Atkinson Planning Board as written. Member Barbara Brown seconded the motion. All members present voted in favor. Vote: 6/0/0.

Public Hearing: Chair Killam opened the public hearing for the Atkinson Planning Board at 8:02 pm.

New/Old Business:

- Centerview Hollow – Bond Recommendation

Memo from Steve Keach – On May 20, 2015 the Atkinson Planning Board granted conditional approval to the Saw Mil Ridge Project. There were several precedent conditions that have been satisfied. One

subsequent condition of approval was a sequence of bonding. The original project was comprised of three phases. The owner was required to post a surety of \$111,100, comprised of 4 parts. \$70,000 was for site restoration in case land was disturbed in Phase I and Phase II where the roadway and waterline was being laid. This has not happened and the \$70,000 is still being held by the Town. There is a \$10,000 surety for erosion control and \$20,000 for removal of the structure in the scenic vista. The last was \$1,000 for maintenance of the scenic vista.

The owner has started to construct homes. The second threshold of the approval process, is that prior to issuance of a certificate of occupancy, an inspection had to occur to determine what is left to be done. The inspection occurred in late March with Josh Manning and Jeff Quirk of Keach Nordstrom.

Mr. Keach requested the Board to look at the three page guaranty worksheet in their packets. As of the date of preparation, a number of items in the surety need to be done. This includes, gravel, rip rap, hard surface roadways; maintenance of erosion controls; and loam, seed, fertilizer, gravel and shoulders. Just over \$85,000 of work remains to be done.

Keach Nordstrom recommends that the Town receive a surety for the balance of the Phase I work in the amount of \$97,833.45. The surety must be posted before any certificates of occupancy in Phase I can be granted.

As to the initial surety, the house has not been removed. The \$1,000 surety for maintenance of the meadow will remain for a period of not less than two years. The other two components, site restoration and maintenance of erosion control is either no longer necessary or added to the larger Phase I surety. Keach Nordstrom recommends releasing the portion of the Phase I surety applied to restoration and erosion control, in the amount of \$88,000. This can be released upon delivery of another surety in an amount and form acceptable to the Town in the amount of \$97,833.45 of the second surety. Because of the intent under the terms and conditions of approval, another surety for restoration and erosion control for Phase 2 also has to be posted. This activity has two components, site restoration, grading, loaming and seeding at 3 acres, the cost is estimated at \$10,000 per acre or \$30,000. Also, silt fences and check dams. At the same time that the \$88,000 is released and the \$97,833.45 is posted, another surety for Phase II has to be posted. This surety amounts to \$43,510.50. The increase in surety amounts to more than \$50,000. This is within to the terms and conditions of the original approval.

In addition, there are certain things that have to be take place before a certificate of occupancy can be issued. One is water. Another is street name signs and any necessary traffic control signs. They are all in place. Lastly, the house in the scenic vista is supposed to be down. This should occur shortly.

Mr. Keach stated that he believes the project is in compliance and that Board should recommend to the Selectmen to receive the two supplemental sureties and release the original surety for restoration and erosion control.

Member Brown asked about the deceleration lane and Mr. Keach informed her that it is not bondable.

Member DiMaggio made a motion for the Board to recommend to the Board of Selectmen to release \$88,000 from the \$111,100 bond for Phase I and retaining the balance of \$23,100. In addition, to receive two supplemental sureties in the amount of \$97,833.45 for the remainder of Phase I and a new surety for Phase II of \$43,510.50 as summarized in the Keach Nordstrom Memo of April 14, 2016. Member Ted Stewart seconded the motion. All members present voted in favor. Vote: 6/0/0.

1) Application for Lot Line Adjustment for Centerview Hollow Land Co, LLC Map 17 Lot 53 and William & Elsie Bauld Map 18 Lot 81.

Abutters: Arthur Anderson, Trustee Saco Realty Trust, Christopher and Elizabeth Thomas, Centerview Hollow Land Co. (present), Barry and Diane Mackin, Nicor Properties, Inc., David and Stacey Kiley, William and Elsie Bauld, Richard and Gail Trabuco, Karen and Richard Wood, Charles and Janine Kinney, Trustees of the Charles and Janine Kinney Living Trust, Martin and Marie Keene (present), Victoria McKinney Voreshky, Deborah Lang Revocable Trust, Robin and Sara Tory, Brian and Michelle Collins, Diane Kinney, Steven and Deborah Scribner, Janey Veadey, Town of Atkinson, Town of Hampstead, Schaure Environmental, Robert Clark of Hampstead, Malin Wey, Hampstead, Joseph Pilla, Hampstead, William Klimp, Hampstead, Steven Cummings, Professional Engineer, Josh Manning, Lewis Builders (present), Joan Ryan, Hampstead, Kenneth Richards, Hampstead (present), Michael Segrue, Hampstead, Tim Ferwerda, Meridian Land Services, 268 Stage Road Realty, LLC, Antonio and Shirley Toscano, Hampstead, Steven Cassel, Hampstead, Sweet Baby Vineyard, LLC, Hampstead

Joshua Manning, Lewis Builders came before the Board to present the proposed lot line adjustment. There will be a lot line adjustment with the original 108 acre subdivision. There will be an equal exchange of land between the two properties. Map 17, Lot 53 will remain the same size but will gain 42 feet of frontage. This gives the applicant area for four more units and the abutters more frontage on the roadway. Mr. Manning showed where the markers will go.

Member Paul DiMaggio made a motion to approve the Application for Lot Line Adjustment for Centerview Hollow Land Co, LLC Map 17 Lot 53 and William & Elsie Bauld Map 18 Lot 81 on the condition that the new monuments be set and shown on the plan be set prior to recording of the plan.

Discussion: Marie Keene asked if this motion is just regarding the land swap and Ms. Killam responded in the affirmative.

Vice Chair Turell seconded the motion. All members of the Atkinson Planning Board present voted in favor. Vote: 6/0/0.

2) Application for Amendment to previously approved Subdivision and Site Plan (multi-family dwellings) will be submitted by Lewis Builders, for Centerview Hollow Land Company, LLC to add 22 additional units to Rural Residential Cluster Subdivision with scenic vista preservation, on property located at 172 Main Street, Map 17 previously Lots 53 and 52 and combined to Lot 53.

Chair Killam explained that the original application was for 100 units, 47 three bedroom units and the remainder two bedrooms. The amended application is for 122 two bedroom units. The application includes a merger of another lot. This lot will become part of the scenic vista.

Abutters: Arthur Anderson, Trustee Saco Realty Trust, Christopher and Elizabeth Thomas, Centerview Hollow Land Co. (present), Barry and Diane Mackin, Nicor Properties, Inc., David and Stacey Kiley, William and Elsie Bauld, Richard and Gail Trabuco, Karen and Richard Wood, Charles and Janine Kinney, Trustees of the Charles and Janine Kinney Living Trust, Martin and Marie Keene (present), Victoria McKinney Voreshky, Deborah Lang Revocable Trust, Robin and Sara Tory, Brian and Michelle Collins, Diane Kinney, Steven and Deborah Scribner, Janey Veadey, Town of Atkinson, Town of Hampstead, Schaure Environmental, Robert Clark of Hampstead, Malin Wey, Hampstead, Joseph Pilla, Hampstead, William Klimp, Hampstead, Steven Cummings, Professional Engineer, Josh Manning, Lewis Builders (present), Joan Ryan, Hampstead, Kenneth Richards, Hampstead (present), Michael

Segrue, Hampstead, Tim Ferwerda, Meridian Land Services, 268 Stage Road Realty, LLC, Antonio and Shirley Toscano, Hampstead, Steven Cassel, Hampstead, Sweet Baby Vineyard, LLC, Hampstead

Chair Killam explained that the applicant has decided to market only two bedroom condominiums. The original plan had two and three bedroom condominiums. This will allow more units, but the number of bedrooms will not increase.

Josh Manning, Lewis Builders came before the Board to explain the proposed amendment to the application. Four more units will be added to Ayreshire Drive. Another lot, Map 18, Lot 35 will be merged into the development and the house will be coming down. This will make the subdivision 110 acres. The additional parcel is in the area designated as scenic vista. Some of the trees will be removed to allow a view of the stone wall. The Board agreed that removing some of the trees so the stone wall can be seen will improve the vista.

The current amended proposal is for 122 units, but the applicant is considering 123 units. Tim Ferwerda, Soil Scientist has analyzed the soils.

All the additional proposed units are indicated with a dash on page 2. There are two existing units that are on a new road. There is a single unit going in on Northfield Road, a single unit on Guernsey Drive and one on Ayreshire Road. A four unit building will be added off of Stevens Court. Several units will be added on the side of Cowbell Crossing. A new, proposed road, Holstein Drive will be added at the top of hill with several single units. One more single unit in another location will be added. Three hundred feet of roadway will be added. The septic areas will not have to be changed because there will be a reduction of three bedrooms.

The Board discussed a traffic count into Knightland Road. Traffic count is by units. Mr. Manning explained that only 4 more units will be added in the vicinity of Knightland Road and Mr. Manning stated that most additional units will use the main road. Member Stewart asked if another traffic study would be needed due to the additional units. Member Stewart also stated that Knightland Road would be impacted again and would like to open a dialogue regarding off site or on site improvement to Knightland Road. For example, Knightland Road needs another shim and overlay.

Mr. Keach stated the applicant has approval for 100 units and that about 90% of the residents of the proposed projects would use Main Street. Mr. Keach suggested that Mr. Manning do another trip generation distribution study as a comparative analysis of what has been approved in the first application and what the applicant is proposing. At the time the original application was made, there were only 100 units and Knightland Road was not proposed to be an open road.

Chair Killam asked if there were comments. Ms. Keene, stated that she agrees with Member Stewart that another traffic study should be done now that there is a two way entrance onto Knightland. Knightland Road was proposed as gated in the original application. This is a 20% increase in density. Knightland Road infrastructure needs repair. The sight lines are terrible. Also, they are underestimating the traffic into and out of the project onto Knightland Road. The only access to the proposed condominium development is from Knightland Road and Main Street.

The Board discussed parking and Mr. Manning pointed out where the applicant has added additional parking spaces. There are several on Holstein Drive, a couple on Ayreshire and some on the cul de sac. The applicant is proposing wide and graveled shoulders for parking. There are also 15 parking spaces at the Community Center. Mr. Manning pointed out that each unit has two parking spaces in the garage and two in the driveway in addition to parking spaces added on the streets.

Mr. Manning agreed to expand and update the traffic study.

Ms. Keene asked about open space. Chair Killam explained that there is scenic vista and open space totaling approximately 54%. In a cluster development, open space is permanently conserved and not available for development.

Chair Killam explained that the only impact fees that the Town collects are school impact fees at the time of occupancy. The land was not in current use, so there is no current use tax for the parcel.

Mr. Keach reviewed the recommendations in his letter of April 14, 2016 regarding the revised plans. Most of the parts of the proposal have been presented by the application. With the addition of Map 18, Lot 35, the scenic vista will be expanded and the applicant can add 23 more units to the proposed development. Mr. Manning's statements with regards to the infrastructure are correct. The following recommendations were discussed.

General

Comment One – various state agency permits were granted. Two of those need to be amended, one is the alteration of terrain permit and DES approval also needs to be granted for the additional 22 units.

Comment Two - the fire department should review the new proposal and write a memo for the Board regarding any recommendations.

Comment Three - a letter from Hampstead Water Company is needed as confirmation that they have the ability to supply water to the additional 22 units

Comment Four –a notice of voluntary merger be executed, approved and recorded prior to approval of the site plan

Zoning

Comment One – the original plan was proposed under the scenic vista provisions of the zoning regulations. The amended plan proposes adding a 2.49 acres and increasing density. The Board must reach a determination that the 2.49 acres is in fact part of the designated scenic vista area.

Comment Two – correct the number of units from 122 to 123 on the final plan

Comment Three – there were several documents pertaining to open space and the homeowners association. The Board should review those documents and amend them as needed.

Planning and Design

Because of the need to modify the alteration of terrain permit, the storm water management plan will need to be updated. Mr. Keach would like a copy of the updated plan to review so that it will comply with local requirements.

Comment Nine – Note 3, Sheet OS 1 regarding intent to raze the building on Lot 52; Mr. Keach recommends a note on the plan regarding the timing of demolition of the building.

Technical Comments – information on sheets GD1 through GD5 needs to be brought up to the same level of design information as on the original plans.

Comment Twelve – add a note to Sheet PL1 of the final amended plan acknowledging that all terms, conditions and specifications contained in previously approved project plans shall prevail and be implemented accordingly unless specifically amended by this plan.

Mr. Keach had nothing else for the Board.

Ms. LaBranche commented that the Homeowners' Association Documents need to be amended as well. Mr. Manning informed the Board that those documents will be revised.

Chair Killam asked if the applicant could return May 18, 2016. She informed the applicant that the Board will be sending copies of the new application to all Town departments for review.

Chair Killam asked if there were further questions.

Ken Richards, Hampstead abutter, requested to speak regarding water from Hampstead water and asked if water for the proposed project will come from existing water sources. Mr. Manning replied in the affirmative and stated that there should be enough water on the property for the use of the development. Mr. Richards is concerned about the two wells behind the property. Mr. Richards works for DES and is a hydrogeologist. He is concerned that the wells will impact Sawmill Swamp. One of the wells is very close to the swamp. Another issue is the wells will be drawing on the water table which could cause it to go down.

Mr. Manning explained that there is another project on Pope Road near a large wetland. The wells and the water table are constantly monitored. He also explained that the wells that are being drilled now are test wells. Mr. Manning also explained that the applicant has drilled two wells for the Sawmill Ridge project and neither can produce a significant amount of water.

Chair Killam pointed out that the Atkinson Planning Board is not the permitting authority for the wells, the state is. Mr. Manning added that there will be three less bedrooms.

Ms. Keene still has questions, especially if the blasting was finished. Mr. Manning replied that blasting was over until Phase III. She asked about work hours and stated that they have been working 7 days a week, as long as there is daylight. Mr. Manning explained that the site work is from 7-4, Monday through Friday. Any work done outside those hours is by the trades. Also, there has been a lot of traffic from real estate sales. Mr. DiMaggio stated she could complain to the police department about the noise.

Ms. LaBranche commented about expansion of the scenic vista and suggested that the Board reconfirm that the 2.49 acres be added to the scenic vista. The Board agreed that the 2.49 acres is part of the original scenic vista designated by the Town. It is in the 1985 master plan as pronounced landscape.

Mr. Manning requested that the Board take the plan under jurisdiction. Chair Killam asked for a motion to take the plan under jurisdiction and explained jurisdiction to the audience.

Vice Chair Turell made a motion to take the Application for Amendment to previously approved Subdivision and Site Plan (multi- family dwellings) will be submitted by Lewis Builders, for Centerview Hollow Land Company, LLC to add 22 additional units to Rural Residential Cluster Subdivision with scenic vista preservation, on property located at 172 Main Street, Map 17 Lots 53 and 52 under jurisdiction.

Discussion: The applicant is comfortable with the 65 day clock. The Board discussed wording of the motion.

Member Ted Stewart seconded the motion. All members of the Atkinson Planning Board present voted in favor. Vote: 6/0/0.

Member Paul DiMaggio made a motion that the 2.49 acre parcel located on Map 18, Lot 35 should be considered part of the scenic vista, conditioned upon approval of the amended application.

Discussion: The Board needs to clarify how the additional 2.49 acre parcel will impact the scenic vista.

Member DiMaggio retracted his motion.

The Board continued to discuss the scenic vista. It was agreed that the additional 2.49 acres are needed to allow the additional 22 units. The maximum amount of two bedroom units allowable when the plan was originally submitted was 119. Mr. Keach recommended that the Board make a determination as to whether the 2.49 acre parcel be part of the scenic vista and wait to determine the appearance of the scenic vista with the addition of the parcel.

Chair Killam made a motion to allow the applicant to move forward in planning to incorporate the 2.49 acre parcel into the open space and scenic vista utilization, making it eligible for the purposes of calculating density under the open space cluster subdivision regulations.

Discussion: Wording of the zoning regulations

Vice Chair Turell seconded the motion. All members of the Atkinson Planning Board voted in favor. Vote: 6/0/0.

Mr. Manning explained that there have been a couple of issues with removing the house on the scenic vista. There were issues with getting the prior tenants out and there was asbestos in the house. The applicant has the demolition permit and it is bonded. The tenants have moved, but there are still issues with demolition. Mr. Manning requested the Board allow the applicant to move forward with occupancy permits.

Mr. Manning informed the Board that he is requesting six occupancy permits and the building should be down in two weeks.

Member DiMaggio polled the Board. The Board discussed the original agreements regarding removal of the building. Mr. Stewart remarked that the Board has a bond and it is not fair for the people moving in. Also, it is not in the applicant's best interest to leave the building. Ms. Brown is against it. Member DiMaggio agreed with Member Stewart.

Member DiMaggio made a motion to allow the applicant to move forward with six occupancy permits as long as the building on Map 17, Lot 53 is demolished by May 4, 2016. Vice Chair Turell seconded the motion. All members of the Atkinson Planning Board present voted in favor. Vote: 6/0/0.

Vice Chair Turell made a motion to continue the application to May 18, 2016. Member Paul DiMaggio seconded the motion. All members of the Atkinson Planning Board present voted in favor. Vote: 6/0/0.

There will be no additional abutter notification.

Ms. Keene requested to address the Board. She stated that she is not in favor of the high density cluster development. It will have a big impact on natural resources, and Town services. It is changing forever the character of the Town. She is strongly urging the Board to consider not approving the amendment for the 22 units.

Member DiMaggio responded that he is a proponent of the cluster development. Chair Killam explained that all cluster developments are required dedicate at least 50% of the proposed development to open space. This development will help to preserve Sawmill Swamp. With a setback of 200 feet, it will not be seen from the road.

Chair Killam asked if there was anything else the Board wished to discuss. Vice Chair Turell asked about impact fees. Chair Killam informed the Board that a two bedroom, attached condominium is assessed \$575.00 in impact fees. The Board agreed that the impact fees for the free standing, two bedroom condominiums will be assessed at \$2,061. There was no vote.

Chair Killam requested a motion to adjourn.

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

Chair Killam adjourned the April 20, 2016 meeting of the Atkinson Planning Board at 8:45 pm.

The next Planning Board meeting is a workshop on Wednesday, May 4, 2016.