

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, MAY 18, 2016**

Members Present:

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

Other's Present:

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

Call to order: 7:30 PM

Chair Killam called the meeting of the Atkinson Planning Board to order on Wednesday, May 18, 2016 at 7:46 pm.

Correspondence:

- RPC Annual Meeting 6/8/16 at the Atkinson Resort and Country Club. Cost - \$35.00. Annual Business Meeting and Awards
- Letter from Karen Wemmelmann regarding CIP
- Correspondence from Josh Manning, Lewis Builders with attached documents regarding amended site plan to Sawmill Ridge
- Letter from the Fire Department dated 5/17/18 regarding additional units and numbering and donating the house at 176 Main Street for Fire Department training
- Letter dated 5/16/16 from Lewis Builders to Keach Nordstrom answering comments letter of 4/20/16
- Letter regarding Hampton Area Water Inc.
- Approval regarding reallocating bedrooms from the original application to the amended application
- Letter from the traffic consultant for the applicant
- Letter from Lewis Builders requesting release of the bond for removing the house at 172 Main Street which has already been torn down.
- Letter regarding site restoration

Minutes: April 20, 2016, May 4, 2016

April 20, 2016 - Vice Chair Mike Paul DiMaggio, Barbara Brown, Ted Stewart and John Wolters

- Page 8, paragraphing starting Chair Killam asked if there were anything else, 2nd impact fees for free standing condominiums should be \$2,061.
- Page 5, Lot 52 should be 2.49 acres not 2.94

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

May 4, 2016 – Barbara, Mike Paul

- middle of paragraph set some figures should be get

Vice Chair Mike Turell made a motion to approve the minutes of the May 4, 2016 meeting of the Atkinson Planning Board as amended. Member Paul DiMaggio seconded the motion. All members present voted in favor. Vote: 5/0/0.

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

1) Application for Amendment to previously approved Subdivision and Site Plan (multi-family dwellings) 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. Jurisdiction taken 4/20/2016.

Abutters: Arthur Anderson, Trustee Saco Realty Trust, Christopher and Elizabeth Thomas (present), 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 Ann and Richard B. Wood (present), Charles and Janine Kinney, Trustees of the Charles and Janine Kinney Living Trust, Martin and Marie Keene, 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

A conditional approval for a lot line adjustment with a property on Knightland Road to the subject property has been granted. At the meeting of May 18, 2016, the Atkinson Planning Board will discuss the addition of 22 units and the merger of Lot 52 at 176 Main Street to the parcel.

Josh Manning, Lewis Builders appeared before the Board and requested to review the letter of April 20, 2016 from Keach Nordstrom

General:

Comment 1 – The State subdivision approvals have been received. There are 2 separate approvals, the first approval has been amended to show all 2 bedroom units and the second approval for 23 units that has been granted

Josh Manning explained that all 3 bedroom units were eliminated, The 3 bedroom units have a waste water flow of 454 gallons per day compared to 300 gallons per day for 2 bedroom units, so the elimination of the 3 bedroom units and addition of 23 more 2 bedroom units does not affect the sewage capacity. The septic design is not changed.

The alteration of terrain permit is still pending.

Comment 2 – A letter from the Fire Chief has been received stating he has no issues with the new layout. The letter also mentions that the Fire Department will train on the house on Lot 52.

Comment 3 – The planned development is to be serviced by public water supply. The Hampstead Area Water Company has submitted a letter stating that it will provide water for all the units.

Comment 4 – The voluntary lot merger with Lot 52 needs approval from the Board. The lot line adjustment was approved.

Zoning

Comment 1 –The Board moved that the development meets scenic vista requirements.

Comment 2 – The density calculations are on Sheet 6 – there are 123 units rather than 122.

Comment 3 – A draft copy of the Condominium Documents has been submitted, all wording regarding 3 bedroom units has been removed, and there is a table in the back with all street addresses. There is wording that states there are 100 units which needs to be corrected. Article II, Page 3, 2-2 has the error. The table in the back lists 123 units.

Planning and Design

Comment 1 – The numbering has been updated to show a total of 19 sheets in the plan set.

Comment 2 – An updated Storm Water Management report has been submitted this week with drainage calculations together with the Alteration of Terrain request.

Mr. Keach commented that the drainage system does not change; the final storm water report will be very similar to the current one. DES should have a permit within 60 to 90 days from submission date.

Comment 3 – The typo on the note on Sheet PL1 has been corrected. The total acreage of open space is 60.06.

Comment 4 – The walking trail easement has been added to a new section that lists all easements

Comment 5 – The site plan reference has been added to Sheet PL1

Comment 6 – The number of visitor parking spaces, 1-32, has been shown

Comment 7 – The correct drawing numbers and titles has been annotated on the cover page and also on the deed

Comment 8 – The lot line adjustment has been approved

Comment 9 – Item 9, Note 3 on Sheet OS 1, has been added to indicate that the Fire Department will raze the building on Lot 52

Comment 10 – The grading and drainage plan set will start with GD and the sheet numbering. The garage slab elevations have been added. The limits of clearing have been added and indicated by a line labeled LLC.

Sheet GD3 has been revised to show the updated lot line adjustment.

Sheet GD5 has been expanded to specify the drive by width of Holstein Drive and is shown on the utility plans

Comment 11 – A sheet has been added to the last page of the plan set. Sheet 19 has an overview of community leach fields, which units go to which leach fields and the number of bedrooms

Chair Killam asked if the number of bedrooms being approved is the limit of density. Mr. Manning responded that the applicant is using all the density. Therefore, future owners could not get a permit to add bedrooms. Chair Killam asked how that could be controlled and Mr. Manning explained that it is in the condominium documents and will be explained at time of sale. The State does not control the number of bedrooms; it is a factor of wastewater management.

The Board discussed adding bedrooms to condominiums. If a condominium owner applies for a permit, then the building inspector would have to deny because of the sewage capacity. Bedrooms could be added illegally and basements could be refinished.

Mr. Manning pointed out that as built floor plans are recorded in the deed for each unit. Also, the number of people per bedroom is recorded. Only two people per bedroom are allowed.

Comment 12 – Note number 20 has been added to Sheet PL1 indicating that all terms, conditions and specifications contained in the previously approved site plan be included unless specifically amended by the current site plan.

Letter from Steve Keach dated May 18, 2016:

Mr. Keach reviewed his letter.

It is an acknowledgement and addition of the remarks addressed in the April 20, 2016 and some additional comments, including the two approvals from the State, the alteration of terrain permit and approval of amended plans.

General

Comment 1 – Has already been covered including the required amended State permits; subdivision approval which has been given and the alteration of terrain permit which was commented on earlier by Mr. Manning

Comment 2 – The notice of voluntary merger was submitted to the Board and approved. It will be executed and recording of even date of the final plan

Zoning Matters

The amended documents have been submitted in draft form. Mr. Keach has reviewed them. There are no material changes to the document, except the changes in ownership from 1/100 to 1/123.

Planning and Design Matters

Storm water management report – Mr. Keach spoke with Steve Cummings. The criteria of DES for storm water management is more rigorous than local requirements. Mr. Keach recommended that the Planning Board request a copy of the AOT permit and the corresponding drainage report and Mr. Keach will review.

Comment 2 – Note 20, Sheet PL1. Mr. Keach requested that it be expanded to reference Plan 1 and the date of the minutes when the first plan was approved, May 20, 2015.

Comment 3 – Regarding the letter from Mr. Pernow regarding traffic impact analysis. At that time, the concept was different. Now, Jersey Drive has connected with Knightland. The original report only analyzed the intersection with Cowbell Drive and Rte 121.

Mr. Stewart suggested at the May 4, 2016 meeting that a traffic analysis be done including the connection with Jersey Drive to Knightland. Mr. Pernow did traffic counts on Knightland Road on May 12, 2016, in the peak afternoon hours. A trip generation summary with the number of dwelling units for weekday, am, pm and Saturday was conducted. The numbers are in tables attached to the back of the plan set and in a table on Pages 2 and 3 of Mr. Pernow's report. Table 1 presents a summary. There will be 53 trips at the intersection of Cowbell Crossing and Main Street at peak hours. 12 vehicles will enter the site via Knightland Road and 6 vehicles will leave the site during peak hours for a total of 18 trips during the PM peak hour from 4:30 PM to 5:30 PM.

There has been concern regarding traffic on Knightland Road. The primary concern is vehicles headed north or south on Main Street at 45 MPH. This requires stopping distance in excess of 400 feet by DOT. The sight distance on Main Street may be affected by brush on private property. Mr. Stewart informed the Board that the Police or Selectmen will contact DOT.

Mr. Keach further commented that calculating the traffic volume from one exit compared to another is difficult. According to his calculations, 25% of the traffic will use Knightland Road. Mr. Keach believes that will be the worst case scenario and peak volume traffic on Knightland Road will be much less than 18 cars per hour. Mr. Pernow recommended that advance warning signs be erected to the north and south on the intersection of Knightland Road. Mr. Keach pointed out that the number of bedrooms does not matter for traffic analysis but the number of units does. Mr. Pernow projects a 20% increase in overall traffic in his report.

The Board discussed a contribution by the developer for shim and overlay to Knightland Road. Mr. Keach pointed out that the Town of Atkinson does not have impact fees for increases in traffic. The Supreme Court decided on a five prong test for assessing increases in traffic. This applicant, under three of the tests, could be expected to pay about 45% of the cost for shim and overlay on Knightland Road. Mr. Keach gave the calculations for a fair contribution. If there is another development, the equation changes. Also, the 123 units will be built over a period of years. If the Board approves a contribution for shim and overlay, it is an assessment, but the amount cannot be calculated at present because of the possibility of a future development. Member Stewart estimates the total cost of shim and overlay for Knightland Road would be about \$12,000.

Mr. Manning pointed out that the original plan did not have access from Knightland Road; it was requested by the Fire Department.

Member Stewart spoke with the applicant and pointed out that the development would impact the Town in many areas other than traffic. One would be recreation. Member Stewart recommended that the applicant should do something for the community in 2016 in lieu of contributing to road maintenance on Knightland Road. He has discussed a contribution with the Town Administrator and with the Recreation Department in lieu of shim and overlay. Member Stewart feels a new ball field would be a valuable contribution by the developer to the Town.

Mr. Keach explained that requiring off site roadway improvements is legal; however a negotiated exaction of a ball field is not lawful and could not be imposed by the Board.

Chair Killam asked the Board for an opinion on a contribution for shim and overlay for Knightland Road. Mr. Keach pointed out that the total cost would be \$12,000 and the developers' portion would be about \$4,000. The Board discussed possible contributions.

The Board asked the applicant what he felt a fair contribution would be. Mr. Manning responded that the applicant has committed to constructing a ball field. Vice Chair Turell stated that a contribution in kind such as a ball field could not be construed as a condition of approval. Mr. Stewart stated that the Selectmen have not heard about a contribution and could waive using the value in lieu or contribution for shim and overlay.

Christine Lewis stated that if the Board receives \$4,000 for shim and overlay that is all it can be used for. The Board agreed. Ms. Lewis also stated that more practice areas are needed and the Board agreed. Ms. Lewis stated that if the Board wished to assess the applicant for a practice field, she is willing to contribute.

Member DiMaggio made a motion that the Sawmill Ridge subdivision does not have significant enough impact on Knightland Road to warrant repair to Knightland Road and contribution to repair of Knightland Road or any other contribution in kind by the applicant should not be made a condition of approval. Vice Chair Turell seconded the motion.

Discussion: Member DiMaggio also remarked that a future subdivision could impact Knightland Road and a future assessment could still be made. Steve Keach remarked that another provisional development would rely on Knightland Road as primary access. Also, he does not recall the Atkinson Planning Board requiring an applicant to make off-site improvements as a condition of approval. Member Stewart asked if contribution to improvement of Knightland Road by the applicant could be work in kind.

Chair Killam requested a vote. The Atkinson Planning Board voted five in favor and one opposed that the Sawmill Ridge subdivision does not have enough impact on Knightland Road to warrant repair to Knightland Road. Further, contribution to repair of Knightland Road or any contribution in kind could not be made a condition of approval. Six members voting and Mr. Feuer as alternate. Vote: 5/0/1. The motion carries.

Chair Killam asked about the timing for removal of the second house. The Board needs to make removal of the second house a condition. Ms. LaBranche explained that it is an action by right of the property owner to combine the lots. The fire department has stated that it will be destroyed by July. Member Stewart stated that December 31, 2016 would be a good target date. Chair Killam explained that the interior of the building is currently being used for training by the Fire Department and the Fire Chief has stated that the Fire Department plans to burn it for practice by July 1, 2016.

Chair Killam asked if there were more questions from the Board. There were none.

Chair Killam requested input from the public.

Mr. Thomas asked if the applicant would remove some of the trees before the house is burned. Mr. Thomas is also concerned about traffic on Knightland Road from the subdivision, especially in winter.

Ms. LaBranche asked if the scenic vista easement document has been modified to show that the additional lot will be mowed. Mr. Manning stated that it is in the condominium documents but it does not specifically mention the additional lot. It will become part of the scenic vista. Once the house is gone, the area will grow up into field.

Member DiMaggio asked how the Board could be assured that the foundation is filled. Mr. Manning explained that the information is in the documents submitted.

Vice Chair Turell made a motion for conditional approval of an Application for Amendment to previously approved Subdivision and Site Plan (multi- family dwellings) submitted by Lewis Builders, for Centerview Hollow Land Company, LLC to add 23 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. Jurisdiction taken April 20, 2016. Approval to be conditioned upon:

1) Receipt of Department of Environmental Services New Hampshire Alteration of Terrain Permit;

2) Recording of notice of voluntary lot merger of even date with the final plat;

3) Recording of the lot line adjustment plan of even date with the final plat;

4) Receipt and review of the final draft of the Declaration of Condominium;

5) Receipt of correspondence from the Town of Engineer acknowledging comments and recommendations of the Keach Nordstrom letter of May 18, 2016;

6) Removal and cleanup of related debris for removal of the existing house and outbuildings and related improvement on Map 17, Lot 52 by July 30, 2016;

Discussion: The Board discussed if removal and cleanup of related debris for removal of the existing house and outbuildings on Map 17, Lot 52 should be a condition to approval of issuance of any occupancy permits for anything over 100 units. Units contained in the prior approval of 100 units may continue to have building and occupancy permits.

7) Receipt of the revised storm water management plan.

Member Ted Stewart seconded the motion. The Atkinson Planning Board voted unanimously in favor with Alternate John Feuer not voting. Vote: 6/0/0.

New/Old Business:

- Centerview Hollow – Bond Recommendation

Chair Killam read the May 18, 2016 letter from the Town Engineer regarding release of surety into the minutes.

The Board discussed who takes action with performance bonds. The Planning Board accepts the performance bonds. The Atkinson Planning Board does an extra step. Acceptance is up to the Planning Board. The Selectmen sign the project improvement guarantee.

The Board asked Ms. LaBranche her opinion. She read the subdivision regulation regarding surety bonds. The Town Attorney approves surety bonds. Chair Killam asked if the applicant has forwarded an electronic copy.

Vice Chair Turell made a motion for the Atkinson Planning Board accept the recommendation for surety by Keach Nordstrom. \$22,000 is to be released for Phase I and \$46,750 is to be accepted for Phase III. The net amount is to be \$24,750.

Discussion: Should the house being burned down be part of the surety and the Board decided it is a condition of approval.

Member Brown seconded the motion. Vote: 5/1/0 with Member DiMaggio abstaining and Alternate John Feuer not voting.

- Impact Fees – not discussed

Chair Killam requested a motion to adjourn.

Vice Chair Mike Turell made a motion to adjourn the May 18, 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 May 18, 2016 meeting of the Atkinson Planning Board at 10:10 pm.

The next Planning Board meeting is a workshop on Wednesday, June 1, 2016.