

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, JUNE 15, 2016**

Members Present:

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

Other's Present:

Steven Keach, Keach Nordstrom Assoc.
Julie LaBranche, Rockingham Planning Commission
Paul Carideo, The Dubay Group, Inc.
Robert Allen, Ruby Holdings

Call to order: 7:30 PM

Chair Killam called the meeting of the Atkinson Planning Board to order on Wednesday, June 15, 2016 at 7:46 pm.

Correspondence:

- Document from the Department of Environmental Services dated May 31, 2016 to Bob Allen regarding property on Map 16, Lot 9 – Hall Farm Road parcel stating items to be addressed.
- Email from Julie LaBranche requesting room on agenda from summer intern, Madeline DeLono, who is doing a needs assessment for Planning Boards.
- Email from Town Administrator to the Planning Board – Robert Clark has been appointed to the Rockingham Planning Commission; Glenn Saba and Shane Keating were reappointed to the Zoning Board of Adjustment; Sue Killam and Tim Dziechowski were reappointed to the Planning Board
- May 27, 2016 letter from the Rockingham Planning Commission to remind the Town that Robert Clark is up for reappointment
- Email from Steve Keach to the attorney for Lewis Builders and Paul DiMaggio
- Strafford County Conservation District – Erosion Control Field Day
- Conservation Commission emails regarding a property owner on Maple that abuts East Sawmill Swamp clearing trees all the way down to the line – Mr. Wainwright has drafted a letter to the homeowners giving contact information to Eben Lewis at the Department of Environmental Services.

Minutes: May 18, 2016, June 1, 2016

May 18, 2016 – Mike Turell, John Wolters, Barbara Brown, Paul DiMaggio

- Page 7 - 2nd paragraph up, 3rd line
- Page 6 – motion changed

Vice Chair Turell made a motion to approve the minutes of the May 18, 2016 meeting of the Atkinson Planning Board as amended. Member John Wolters seconded the motion. Mike Turell, John Wolters, Barbara Brown and Paul DiMaggio voted in favor. Vote: 5/0/0.

June 1, 2016 – not discussed

Public Hearing: Chair Killam opened the public hearing for the Atkinson Planning Board at 8:09 pm.

1) Application for Amended Site Plan submitted by The Dubai Group, Inc. for Ruby Land Holdings, LLC to show the existing canvas building and existing Fire Suppression Storage Tank and slab being relocated, updated building space breakdown and drainage improvements on property located at 16 Industrial Way, Map 16 Lot 59 in the CI Zone.

Abutters: Keith and Michelle Wolters (present); Atkinson Properties, LLC; MYA Victoria, LLC; Ruby Holdings, LLC (present); Black Dog Builders Investment Holdings; Norris LeMay (Salem abutter); Doug Maguire, The Dubai Group; Phil Connolly, surveyor; Paul Carideo, The Dubai Group, Inc., Tim Ferwerda, Soil Scientist

Paul Carideo, The Dubai Group, Inc., appeared before the Atkinson Planning Board to represent the applicant.

Chair Killam reviewed the application packet. She requested an updated site plan from Mr. Carideo. Mr. Carideo has updated the site plan but the updated plan has not been printed. There is a drainage memorandum dated March 2, 2015. There is a later one that is not in the packet. Mr. Carideo will give a copy to Chair Killam. She informed the Board that the parcel has been the subject of other applications to the Atkinson Planning Board and there are still unresolved issues. One issue is setback violations of a water tank and a canvas building.

Mr. Carideo first presented the plan for the amendments to the site to the Atkinson Planning Board on March 15, 2015. There was an issue with a drainage pipe and the removal of a pipe from Black Dog Builders. The pipe was removed which eliminated a lot of the drainage issues. The applicant would also like to remove the canvas building to be in conformance with current zoning. Another issue is the water tank and the slab. It is a large structure and is hard piped so it would be difficult to move. The applicant decided to move the tank and slab because it would be difficult to request a variance.

The applicant has returned to the Board to bring the parcel into conformance by moving the water tank, the slab and the canvas building as well as addressing drainage issues. At the March 2015 meeting parking spaces were discussed. Since then, four additional parking spaces have been added to bring the total to eighteen, making the parking in conformance with zoning. The drainage design was in conformance at the March 2015 meeting and has not been changed. The only change has been moving the structures that were not in conformance with setback regulations.

Mr. Carideo requested to go through the Keach Nordstrom letter of June 14, 2016.

The applicant explained that the underground detention system. There is a detail on the back of the plan. The applicant plans to runoff and store it in 3 large perforated pipes surrounded with fabric and stone to retain water. It is a type of system that can be used below a parking lot or yard. There is also a detention system in case of a large rain event. The design is shown on page 5 of the proposed site plan.

The Board discussed previous water outflow issues with the site. Chair Killam informed the Board that the lot above this one was dumping water onto this site. This was discovered when the owner of the lot above it requested to amend his site plan. Mr. Carideo explained that there is a detention plan with a storage pond and emergency outlet for the site above this one. Mr. Keach explained that the drainage improvements for the site above are substantially complete. Mr. Keach explained that Drawing 4 shows

an existing 12 inch ADS pipe that was capped. There is a new pipe on the plan that will run along the property line to Black Dog Builders and picks up the drainage. The larger part of the detention is what is being proposed on this application. There are three 36 inch, 150 foot long pipes to hold water. There is an exfiltration component that will handle most storms. It is designed to be in conformance with current regulations to handle flow up to a 25 year storm. The outlet structure on the south end meters the outflow to match what would theoretically be the outflow of the wetland before it was filled in. Mr. Keach directed the Board to look at the detail of the outlet structure on page five of the site plan and explained the drainage retention scheme. The slope will also be stabilized when the drainage retention is installed.

Mr. Carideo reviewed the letter from Keach Nordstrom Associates, Inc.

General Comments:

- 1) The after the fact wetlands permit was received.
- 2) Mr. Keach will make a recommendation as to the amount of a performance bond which will cover drainage improvements and erosion control.

Zoning Matters:

- 1) Information on Sheet 3 - the water tank, slab and canvas building are being moved. Mr. Keach is recommending certification from a licensed land surveyor indicating that the structures are in compliance if conditional approval is granted.

Planning/Design Matters:

- 1) a) The corrections to the word "through" has been done; b) Mr. Carideo will provide the dimensions and gross floor area of the canvas building; c) the inconsistencies in reported lot area and frontage have been corrected and the corrections are shown on Sheet One and Sheet Three; and d) a note showing when, by whom and under what criteria the extent of jurisdictional wetlands was delineated has been placed on the plan.
- 2) Screening - The applicant discussed the issue with Mr. Keach. Since the Black Dog lot is higher it does not have to be screened. The applicant will screen the rear of the property and the area along the gravel road with vegetation corresponding to the regulation. The portion of the lot behind the proposed site is in Atkinson and is zoned Commercial/Industrial. Mr. Keach explained that the amount of vegetation along the stone wall and the gravel area will be screened in accordance with the regulation. The area to be planted is approximately 200 feet in length. The area will be planted with trees that are at least 3 feet in height and will be year round dense screening at least 5 feet high within 3 years.
- 3) The drainage is in compliance with the designer's analysis and storm water management accommodations.

Chair Killam explained that what is different about this plan is that the site is in use and there is a lot of work to do. Chair Killam asked the applicant how he planned to proceed. Mr. Carideo explained that the water tank and the canvas building are empty and ready to be moved. Mr. Allen stated that once he has approval, he will give the Board a schedule as to when the drainage will be installed. Mr. Carideo stated that the drainage should be completed before the winter months and asked for approval with installing the drainage as a condition.

Mr. Keach stated that given the nature of materials needed to install the drainage, it would take 2 to 3 weeks to get the pipe and the concrete outlet structure. A reasonable time frame to complete the installation of the proposed drainage system would be a minimum of 60 days.

Chair Killam explained that the property is currently under a notice of violation. The Selectmen, the Code enforcement Officer and the Courts will expect a time line. A time line would have to be a condition. Considering the bond structure, another issue is going into winter with open ground. Mr. Keach recommended a time line of 30 days to get a site plan approval, and another 45 to 60 days to complete the work. The applicant cannot work with a conditional site plan approval. Mr. Keach stated that the work should be done by the end of the summer. Once the material arrives, installing the drainage system should take 2 to 3 days.

Mr. Keith Wolters, Salem NH asked to speak. He is concerned about the screening being proposed. The screening in the area currently is very thin and Mr. Wolters does not think 3 foot trees growing into 5 feet within 3 years will be enough. Also, the site generates noise at very early hours. Something more is needed to mitigate the noise. There is equipment storage on the residential side of the lot line. He would prefer an earth berm. There is a proposed use and hours of operation note in the plan. The proposed hours of operation are 7:00 am to 5:30 PM Monday through Friday, Saturday from 7:00 am to 12 noon and as needed on Saturday afternoon through Sunday evening. There is a statement of intent in the plan. Chair Killam read the statement of intent on the plan into the minutes.

Mr. Wolters informed the Board that there has been activity at the site as early as 5:00 am over the course of time. There are banging noises. Mr. Allen informed the Board that what Mr. Wolters has been hearing is from the sites next door and across the street. There are no dump trucks on site and his front end loader is in the shop and will be junked. Chair Killam stated that the hours of operation in the statement of intent should be adhered to.

Mr. DiMaggio suggested using the soil from the trench to make a berm. It should be 150 feet high, 6 feet wide and three feet high. Mr. Keach remarked that it would be convenient for the applicant because he will have to move the dirt from the trip. Mr. Allen stated he would think about it.

Mr. DiMaggio stated that he is not concerned about the canvas building, the drainage is important but he is concerned about the homeowner. Mr. Carideo pointed out that the part of the homeowners land in Atkinson is zoned Commercial/Industrial. The part of the lot in Salem is zoned residential.

Mr. Keach pointed out that the regulation is 690:2. 15 feet of screening is required.

Chair Killam read Zoning Regulation 690: 2 regarding screening into the minutes. If vegetation cannot be planted because of soil conditions, then a board or mason fence can be installed. This would give two other options.

The Board further discussed screening with the applicant. Mr. Carideo explained that there are 4 other neighbors who also make noise, there is wetlands in back where a berm cannot be installed, and there are other issues as well. The existing ground in the back is already six feet higher than the proposed site.

Mr. Wolters reiterated his concerns about the adjoining lot. He is concerned about future use as well. He is interested in mitigating present and future use.

Ms. LaBranche asked about the property on the side. Chair Killam explained that there is no structure and it is heavily vegetated wetland.

Mr. Keach recommended that the applicant satisfy the conditions of approval of the plan in 30 days and the work in 90 days.

Vice Chair Turell made a motion for conditional approval conditioned upon:

- 1) Posting of a performance bond in an amount recommended by the Town Engineer and in a form acceptable to the Atkinson Planning Board Chair to cover the anticipated cost of full and final completion of all planned drainage improvement as well as erosion and sedimentation controls during construction;**
- 2) Receipt of certification from a licensed and certified land surveyor acknowledging that the water tank and canvas building have been relocated to conform to applicable setback dimensions prior to release of surety;**
- 3) Receipt of confirmation from the Town Engineer acknowledging that all comments and recommendations outlined in his letter report dated June 14, 2016 have been satisfactorily addressed;**
- 4) The first three, precedent conditions of approval to be satisfied within 30 days of conditional approval;**
- 5) All work to be substantially complete within 60 days of site plan approval; and**
- 6) Submission of a screening plan and approval of the screening plan by the Planning Board.**

Member Brown seconded the motion. The Planning Board voted five in favor with Member John Wolters abstaining. Vote: 5/0/1.

Discussion: The Board discussed how to approve the landscaping plan. There is a workshop in two weeks. Mr. Keach suggested it be done administratively. Mr. Carideo stated he could have the screening plan ready in time for the workshop. The Planning Board agreed that the applicant could submit a screening plan at the Planning Board Workshop meeting July 6, 2016.

New/Old Business:

- Impact Fees – not discussed

Chair Killam requested a motion to adjourn.

Member DiMaggio made a motion to adjourn the June 15, 2016 meeting of the Atkinson Planning Board. Vice Chair Turell seconded the motion. All members of the Atkinson Planning Board present voted in favor. Vote: 6/0/0.

Chair Killam adjourned the June 15, 2016 meeting of the Atkinson Planning Board at pm.

The next Planning Board meeting is a workshop on Wednesday, July 6, 2016.