

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, MARCH 22, 2023**

Members:

Sue Killam, Chair (present)
Vice Chair Turell (present)
Ted Stewart (present)
Paul Wainwright (present)

John Ottow (present) (Master Plan Team)
Heidi Mahoney (present)

William Baldwin, Selectman Ex Officio (not present)

Others Present

Julie LaBranche, Planner (present)
Karen Wemmelmann, Recorder (present)

Sue Coppeta, Planning & Zoning Administrator (not present)
Gina Spero, Redefined Roofing

Matthew Routhier, TF Moran
Ken Grant, Master Plan Committee

Call to Order:

Chair Killam called the Atkinson Planning Board meeting to order Wednesday, March 22, 2023, at 7:30 PM. She introduced the members of the Planning Board to the audience and explained that all were elected for the first time. She informed the audience that the organization of the Planning Board would be decided.

Election of Officers and Appointment of Alternates:

Member Turell nominated Member Killam to be Chair. Member Stewart seconded the motion.

Discussion: Member Killam stated that there was no prior discussion, she is willing to accept the nomination but would step back if another member came forward. Member Turell stated that he is willing to be Vice Chair, but he does not have time to be Chair.

Member Wainwright made a revised motion to elect Member Turell to be Vice Chair of the Planning Board and Member Killam to be Chair. Member Stewart seconded the motion. All members of the Atkinson Planning Board voted in favor. Vote: 6/0/0. The motion passes.

Chair Killam explained that the Planning Board is a seven-person board, with six elected members and one ex-officio. When the ex-officio is present, they become the seventh voting member. Other than that, there are only six members. At present, there are no alternates. The task of appointing alternates falls to the Board. Member Stewart asked if anyone has expressed an interest. The Board discussed the number of alternates to appoint and believe that three alternates allowed.

Member Wainwright is the Chair of the Conservation Commission. He explained that NH 36A allows one member of the Conservation Commission to be a member of the Planning Board. Another member of the Conservation Commission had expressed an interest but the Town Attorney has advised that State law does not make a distinction between alternate and regular members, and therefore she would not be allowed to be a member of both.

Consultants:

Chair Killam explained that Ms. LaBranche is a circuit rider planner and Atkinson is one town that she provides services to. She explained that Member Ottow and Mr. Grant are members of the Master Plan Committee.

Chair Killam explained that Mr. Keach is the Town Engineer but will not be present. He reviews all plans that come in as an application to the Planning Board. He also reviews and assists the Town with engineering and road plans. He is under contract with the Town to provide engineering contracting services. The builders and developers pay for his services such as his review fees and inspections.

Another service provided by Ms. LaBranche is assistance with stormwater management and discharge which is overseen by the regional EPA in Boston. It is referred to as MS4. Member Stewart explained that most of the runoff from Atkinson goes to the Merrimack and that is why it is controlled by EPA in Boston.

Spring 2023 Planning and Zoning Conference:

Ms. LaBranche explained that the spring 2023 Planning and Zoning Conference will be April 29, 2023. Typically, the Planning Board will pay for anyone on the planning board who wishes to attend. She believes it will be in person this year as well as on Zoom. It is an excellent conference and covers the basics of planning and zoning including State statutes that apply to the Board. New case law is also reviewed. She is not sure where the conference will be held.

Ms. Coppeta texted Chair Killam informing her that registration is now open for the conference. It will be a free full day online conference. There are five tracks in the conferences. All conferences and sessions will be available on OPD's You Tube channel. The registration form should be completed by April 26, 2023. It is not necessary to register for tracks and sessions.

Master Plan Committee Report:

Member Ottow spoke to the Board members about his interviews with Atkinson Academy students regarding the future of Atkinson.

Member Ottow gave a report on the Master Plan Committee. The forum will be April 11, 2023, in conjunction with the housing needs assessment. The Master Plan Committee has been working on publicity. A postcard will be going out in a week or so. Press releases are going to the Carriage Town News. There is a Town Master Plan page which will be updated and will include a link to the housing needs page. Ms. LaBranche informed the Board that the housing needs page is set up but has not been launched. Member Ottow reiterated that it has to be made clear that housing needs and master plan housing are different issues. There will be information on all Atkinson Facebook pages.

Member Ottow passed out a copy of the forum questions that will be on the master plan survey. He stated that they are very open ended. They will be online, and paper copies will be at Town Hall and at the library.

Public Hearings: Chair Killam opened the public hearing at 8:00 PM. Chair Killam changed the order of the hearing schedule due to the number of people present for the below hearing.

- 1. Application to request a waiver from Site Plan regulation 730:3 (d) in order to extend Planning Board's conditional approval originally issued on April 17, 2019 and extended until April 17, 2023 for Amended Subdivision and Site Plan for a previously approved Rural Residential Cluster Subdivision with Scenic Vista preservation in the RR2 Zone. This conditional approval was to add 7 additional units located in the previously created convertible land area of the Page Farm Subdivision. Map 13 Lot 87 in the RR2 Zone.**

Abutters:

Paul J. and Jean M. Banville, 138 Realty Trust, John Feuer, TTE, Winslow Drive, Realty Group, LLC, Jameson Ridge Homeowners Assoc. c/o Sharon Boyle, Midland Investments LLC, Paul Matthew and Danielle Trent Zeyher, Russell J. and Linda E. Badessa, Charles A. and Maureen J. Piazza, Jeffrey S. and Kelly M. Bouvier, James H. and Louise F. Barwell, Mark DelGreco, Lucaya Circle 2005 Realty Trust, Nicolai and Diane Orlando TTEE, Lewis K. and Sharon P. Christensen, Ronald F. Creeley, Larry Elston, Zachary R. Mootz and Alexa J. Palmisano, Florence Family Trust, Sandra F. Wright, John C. and Adrienne A. Junod, Jerrett, Penny L. Rev. Living Trust, Penny L. Jerrett, TTE, Anne E. and Andrea C. Neville, Eugene A. and Hannah Lillian Rizzo Larue Brown Trust Larue Brown TTE Joseph and Nany Biagioni Michael and Susan Panniello, David and Joan Sweeney, Karen S. and Stephen J. Haley, Russell G. Kinnear Realty Trust, Mary E. Kinnear Rev Trust, Mary E. and Russell G. TTEEs, Andrea Zanetti-Polzi and Janelle Roghair, Debra A. Stack, Jessica Lynn Sayers-Mouser and Scott Adam Mouser, Christopher S. and MacKenzie F. Smerdon, Vincent T. and Donna Sullivan, Denise M. Benner, Scavo, A & E Family Rev Trust, Anthony M. and Elizabet Scavo, Micheal W. and Diana M. Mancinelli, George L. and Corrinne M. Terrien, David and Jennifer A. Levy, Arthur Frank and Sandra Lucille Lucia, Simmons Family 2021 Rev Trust, Robert & Maria Simmons TTEE, Stewart, Marilyn J. Trust, Marilyn J. and Brenda J. Stewart, Palmisano, Lisa Rev Trust, Lisa Palmisano TTE, Susan M. Riach, Michael P. and Ethel M. Contos, 58 Wild Pasture Realty Trust, Melinda A. and Linda McCarthy, Gerard F. and Ellen M. Gobbi, Kendall H. Mcainnis, Jr. and Maureen White, Mary Reese, Brian J. and Laurie Newman, Brian D. and Shannon L. McCoy, Stephen N. Keller and Jessica F. Bolster, Mark A. McCracken and Rhonda H. Grady, Mosto Family Trust, John M. and Maria H. TTEE, Michael R. and Jessica A. LaBrie, Arthur M. and Michella Durkin, Jr., Paul J. and Marie C. Guy, Nock, Stanley and Emma Family Tr., Stanley Nock, Sr. and Emma Mae Nock, Stephen J. and Diane M. Pessinis, John A. and Susan H. Mangano, John B. and Nancy A. DeBraun, Stephanie L. Senia, Senia Paula M. Rev Trust Paula M. Senia TTE, Jill Elizabeth Olson, Richard J. and Julie Schena, Thomas A. and Jane C. Harrington, Elaine Bureau(1/2 int), Atwood, Donald G. 2016 Rev Tr, Donald G. and Carolyn C. Atwood, Lincoln Jackson, Nathan W. and Stephanie C. Walker, Keating, Shane Rev Trust, Keating, Michelle Rev Trust, Shane and Michelle Keating, TTEE, Town of

Atkinson, O'Keefe Rev. Trust, Patrick D. and Judith A. Ruth, Scott A. Ouellette, Martin Feuer, David A. and Judith A. Kerem, Gove Environmental Services, Jones & Beach Engineer, Inc.
Attn: Joseph Coronati

Discussion:

Chair Killam introduced herself and the Planning Board members to the audience. The abutters list was not read. She stated that the topic that brought everyone to the Planning Board meeting was the development at Page Farm. She informed the audience that the Board gave conditional approval to the application three years ago. Chair Killam explained that the Planning Board administers Atkinson ordinances, to some degree State law, and to a smaller degree Federal law. If an applicant fulfills all legal requirements, conditional approval must be granted. As far as the Planning Board is concerned, the applicant has met all the conditions to get final approval. The developer had requested an extension and the Town Engineer contacted the developer to ask why the developer is requesting an extension and not an application for final approval.

Chair Killam did not formally open the hearing and read an email addressed to the Planning Administrator from Mr. Michael Green informing her that he was withdrawing the request for extension. The email arrived the afternoon of March 22, 2023.

"Hi Sue, we are going to withdraw our request for the extension of approval for the seven additional lots at Page Farm. Please remove us from the agenda for the Planning Board meeting tonight. Thank you for all your help. It has always been a pleasure to work with you over the years. Best regards, Michael Green"

A member of the audience asked what would happen to the land. Chair Killam explained that there is a body of law covering condominium law and what happened to the proposed seven lots is between the condominium association, their attorney and the developer.

Someone asked if Mr. Green intends not to develop since he let the time for an extension request pass. Chair Killam explained that it means to the Planning Board that the approval granted by the Planning Board ends on April 17, 2023. He did not ask for a continuance therefore the conditional approval granted by the Planning Board three or four years ago will end on April 17, 2023. If anyone would like to develop the lots at a later date, they would have to start from the beginning. Chair Killam stated that on the plan that is approved, the developer can build one more house in the space that was left open on the roadway.

A member of the audience asked about the status of that parcel as of April 17, 2023 if the expiration goes through. Chair Killam explained that depends on condominium law. That is for the homeowners' association and their counsel to find out. The next question was whether Mr. Green still owns the land. Chair Killam stated it is a legal question and she does not have the answer.

Chair Killam closed the discussion and informed the audience that there was nothing left for the Planning Board. Any further discussion should be continued amongst themselves.

2. Application for Change of Use Site Plan submitted by TF Moran Inc. for 660 Route 111, LLC for the Amended Site Plan on property at 6 Main St , Map 5 Lot 47 in the Commercial Zone.

Abutters:

7 Main Street Realty Trust, 9 Main Street Realty Trust, Donald A. and Martina A. White Realty Trust (present), Craig Savoie, 660 Route 111 LLC, Town of Atkinson Conservation Commission (present), Town of Atkinson Community Center, TF Moran Inc. (present)

Discussion:

Member Wainwright explained that he is not recusing because he represents the Conservation Commission and the Town of Atkinson, not as an abutter.

Chair Killam requested Mr. Routhier review the plan for the Board.

Mr. Routhier explained that the applicant is proposing to convert a 60 seat restaurant to a commercial office for Refined Roofing. A plan for the site was approved in 2009, the applicant is requesting a change of use for that site plan. TF Moran has gone through everything, looked at the site and verified some things that need to be adjusted. One issue is the sign. Another issue is an end of pavement that needs to be adjusted. All parking requirements are exceeded. Based on the letter from Mr. Keach, the waivers do not need to be renewed because they are vested.

Mr. Routhier stated that there are some new architectural renderings of the building. The building will remain untouched. The center doorway with the stairs will be maintained. The existing sign appears to be in the right of way. The applicant is proposing to move it out of the right of way to another location. The proposed sign will meet all zoning requirements regarding colors.

Mr. Routhier asked if the Board would like him to go through the letter from Keach Nordstrom and address his comments. Chair Killam agreed.

Mr. Routhier stated he received the letter from Keach Nordstrom the morning of March 22, 2023. He stated that the main issue discussed in the letter was the driveway permit. Mr. Routhier reached out to District Six. They require that the permit be updated because there is a new owner and use. The proposed use of an office is less intense than the restaurant. The application for the driveway permit was submitted this afternoon. He gave a copy to the Planning Board. Again, the waivers are vested and do not need to be renewed.

The Board was informed that the trees in back were put on the side in the 2009 plan so they would not be on the highway. There are also trees on the property line that need to be left. Chair Killam requested they be maintained.

Mr. Routhier reviewed the waivers. 690:1(b) regarding pavement within 100-foot buffer area of where commercial use abuts residential. 695 to allow parking and traffic circulation within the 100-foot buffer.

Chair Killam explained that a lot of the requirements are because it is a pre-existing structure.

Other waivers are regarding location of landscape and strip trees to be placed along the side and rear lot lines, and allowing reduction in the number of trees required and location of the trees. The final waiver was to allow the loading zone to be in the front, 12x48 where 12x65 is required.

Ms. LaBranche asked if there were a waiver to allow parking in front of the building. Mr. Routhier explained that there was a variance to allow parking within 75 feet of the property line in front of the building was granted.

Mr. Routhier explained that other than architectural changes, minor pavement adjustments and the signage, the 2009 plan remains unchanged. The applicant anticipates parking for 2 office personnel, and three vehicles; a van, a box truck and a dumpster truck that will be parked in the back. There will be no materials delivery on site.

Member Wainwright asked about the dumpster truck. Ms. Spero explained that 95% of the time the dumpster truck is emptied at night and if not, then the next morning so it can be reused.

Chair Killam requested that vehicles with signs on them be parked in back so they will not act as de facto signs for the building. Ms. Spero agreed.

Ms. Spero explained that the sprinklers broke in the cold weather, and they lost everything inside. She explained that the roof will be replaced as well, and all materials have been delivered so there has been a lot of activity.

Ms. LaBranche explained that the former owners got waivers for parking and buffer requirements for a restaurant and asked what happens now that there is a change of use that does not require all that parking and what needs to be done.

Vice Chair Turell explained that vehicles still need to circulate so the waivers should be maintained.

Ms. LaBranche explained that the Planning Board is discussing a request to extend the waivers and a change in use. There was no request to amend or to provide a rationale as to why the waivers are still needed and asked if they are still applicable under the proposed use.

Member Stewart stated that the waivers should still be considered applicable, because they were allowed to protect the residential homes around the commercial site. It will still be a commercial site.

Chair Killam explained that once the use is converted from an old, allowed use to a new allowed use, you don't go back.

Ms. LaBranche is talking about the number of parking spaces and the amount of approved area in the buffer. She suggested the applicant request a continuance of waivers and explain why, so that there is a paper trail and a decision trail.

Mr. Routhier informed the Board that a rationale to extend the waivers was provided in the application.

Chair Killam reviewed a letter dated February 17, 2023, addressed to the Planning Board from TF Moran. The letter states that; "in association with the change of use, the applicant is seeking to renew and/or amend the waivers that were previously approved waivers in 2009." The letter contains a rationale for granting the waivers with each request for waiver. The waivers and rationale are listed in the letter.

Chair Killam explained that Mr. Keach addresses the waivers in paragraph 3 of his letter:

"The site plan drawing identifies a series of waivers from various provisions of the nonresidential site development plan regulations that were granted by the Board at the time of the 2009 site plan approval. Since the now existing site improvements were constructed both subsequent and in reliance on this series of waivers, in our review, no further action relative to the same is warranted at this time. That said, as noted in the consultants cover letter of February 17th, the applicant is seeking to renew and/or amend the waivers that were previously approved in 2009. In the event that the Planning Board agrees with the consultant that the requested renewal of these waivers is preferred at this time, we would recommend the Planning Board approve that request as presented."

Chair Killam stated that the Planning Board must decide what to do with the waiver request and it should be a separate motion.

Chair Killam agreed that Member Stewart was correct, the reason for the tree placement, quantities of trees and location of the dumpster was to protect the abutters. The proposed use is much less intense, but she believes the building may change owners and the use may change again.

Vice Chair Turell explained that all though this use is less intense, there will still be vehicles pulling in and out. There will still be circulation. He does not believe ripping up all the pavement to accommodate less use would be beneficial to the abutters.

Chair Killam stated that the applicant wants to take out one of the loading areas. The loading area is not marked on the site, it is just shown on the plan. There is a door there.

Ms. LaBranche explained that she reviewed the waivers and is attempting to categorize them. One is for pavement within the 100-foot buffer and another is to allow traffic circulation. Numbers 3, 4, 5 and 6 are about landscaping. The applicant is not proposing to change anything. They want to keep the same site plan that was previously approved. If the Planning Board agrees with the applicant's rationale for the waivers to be continued, she feels the

Planning Board needs to do a determination for the record. Mr. Keach recommended in his letter that the Planning Board make a motion to renew the waivers.

Member Stewart made a motion to renew the waivers in the original site plan, as proposed in the February 17, 2023 letter from TF Moran. Member Wainwright seconded the motion.

Discussion: None.

Vote: 6/0/0. All in favor. Unanimous.

Chair Killam opened the hearing to the public.

Mr. Don White, 4 Robie Lane spoke. He stated that he feels it is a great plan and going back to when it was going to be Eggies Diner, trees were never planted between Eggies Diner and his abutting residential parcel. He stated that he picked up trash from Eggies every spring, summer and fall. He came forward and pointed out the area on the plan.

Chair Killam asked Mr. Routhier about the trees. Mr. Routhier explained that someone went on site and took pictures. He believed the trees are there. Mr. White stated that trees were planted on both sides, but not along his property line.

Member Wainwright stated that it appears that the pavement goes right to the property line. Mr. White stated that he agreed that the previous owners could extend the parking lot to his property line as long as they planted trees, but they never did.

Chair Killam informed Ms. Spero that the lot should be planted according to what was on the original plan. The Board needs to look at perpetuity. Ms. Spero explained that she couldn't say what was there because she didn't pay attention to the vegetation and asked what she should do.

The Board discussed what vegetation is located on the lot line with the consultant. Mr. Routhier stated that white pines and dogwoods were proposed and that there appears to be white pine planted there. Mr. White stated that it is overgrown with something.

Chair Killam stated she is concerned that what is planted there conform to what is on the plan.

Vice Chair Turell looked at the pictures and stated that it appears that a tree line was planted, but the trees died and now it is a sporadic tree row.

The Board explained that what is put on the plan needs to be maintained on site as long as it is occupied. It is a visual buffer between dissimilar uses, residential and commercial. It needs to be maintained to satisfy its purpose.

Mr. Routhier suggested that the Board conditionally approve, with the stipulation that the trees be planted. It appears that white pines six to seven feet tall were on the 2009 plans. He

recommends fir trees, six to seven feet tall. He believes the dogwoods are buried in there somewhere. He would be willing to check to see what is there as a conditional approval. Mr. Routhier is a landscape architect by training and project manager for this application.

Ms. LaBranche suggested the trees be maintained and the invasives be mowed. Mr. Routhier stated that they can be dug out.

Chair Killam stated that Mr. Routhier is referring to the original 2009 plan, which showed white pine and dogwoods. Vice Chair Turell stated that from the picture, it appears that some white pines were planted but the rest is just scrub.

Chair Killam requested a recess. Mr. and Mrs. White left the meeting. Member Stewart left the meeting. Chair Killam reopened the hearing 9:47 PM.

Ms. LaBranche suggested a site visit and a time frame if it needs to be amended. Also, whether a managed buffer is needed. She informed the Board that if things like white pines and dogwoods are planted, then the buffer needs to be maintained. Vice Chair Turell remarked that it would be very difficult to maintain because of the terrain. The only place it could be effectively maintained is on the edge of the parking lot. Ms. LaBranche suggested a revised solution to the planting plan and possibly a maintenance plan.

Chair Killam requested Ms. Spero allow the Board members to make a site visit. Ms. Spero explained that at present the site is a construction zone and requested a telephone call from Board members before visiting. She also requested that the Board be careful when making a site visit.

Mr. Routhier stated he could go to the site tomorrow, check to see what is there and not there, and what can or needs to be done since the Planning Board recommends that the buffer be maintained.

Chair Killam asked the Board if they would like to continue or make conditional approval of the application.

Ms. Spero stated that it has been a problem because they can't have a sign. It would be a hardship not to have approval tonight. The business moved from 660 Route 111 and there is no sign showing their new location.

Ms. LaBranche suggested that Mr. Routhier document what is there, and present the Board with a plan for planting and maintenance. Then the Planning Board can make a conditional decision that it needs to be completed within the decided time frame.

Mr. Routhier stated the best time to plant is in May. Vice Chair Turell suggested conditional approval and the hearing be continued 90 days until June. Mr. Routhier suggested that the motion state it "meet the spirit and intent" of the original plan.

Vice Chair Turell made a motion for conditional approval for an Application for Change of Use Site Plan submitted by TF Moran Inc. for 660 Route 111, LLC for the Amended Site Plan on property at 6 Main St , Map 5 Lot 47 in the Commercial Zone, conditioned upon a vegetation plan in the spirit and intent of the original plan as verified by Member Wainwright, to satisfy the buffer behind the parking lot between this property and the residential property behind it and to maintain the landscape buffer. This condition to be satisfied within 90 days from this meeting, March 22, 2023. Member Wainwright seconded the motion. Vote: 5/0/0. Unanimous.

Chair Killam informed the applicant that the plan will not be signed by the Board until the conditions are met. She also suggested that the applicant should speak to the Code Enforcement Officer regarding the sign. There is a 30-day appeal period.

Discussion: Chair Killam suggested continuing the application to the workshop meeting April 5, 2023. Ms. LaBranche suggested that someone having knowledge of vegetation look at the changes TF Moran proposes and sign off on it.

Old Business: Housing Needs Survey

Ms. LaBranche appeared to discuss the housing needs issue. The project starts with a survey. The survey will be available to the public on or after April 11, 2023, either online or on paper for a period of 30 days.

Ms. LaBranche explained that the housing needs project is a grant-funded project for the State of New Hampshire. The Town was awarded money for a two-phase project. The first phase is a community survey about housing needs. A profile of the community will come out of the needs assessment and will point to some areas about housing that need to be addressed.

The second phase is a regulatory audit. What is found during the needs assessment will determine if zoning needs to be changed. There will also be a community engagement session as part of the regulatory audit.

Ms. LaBranche is requesting approval from the Planning Board for the Housing Needs Survey and the questions that will be asked. She reviewed the changes she made. The first paragraph is brand new and explains why the survey is being done. There were some changes to the second paragraph.

Ms. LaBranche reviewed the changes to the survey questions for the Board. 55 plus development was added as question one. Non-relative was added to question two. Question three is regarding working from home. Member Mahoney suggested asking whether they worked from home exclusively, part time or rarely. Question 4 was refined regarding whether people would be seeking a more affordable residence or downsize and, if so, where. Question 6 asks about increasing residential development density to accommodate affordable housing and workforce housing. The last question asks if the increased cost of housing is a concern.

Ms. LaBranche explained that she hopes the survey will answer questions regarding housing problems and needs. She wants to focus on housing only, and whether residents are having difficulty staying in their homes. The discussion groups will go into more detail. It could point to some suggestions for the regulatory assessment.

Chair Killam stated that the question is whether residents want things to stay the same or change. Member Mahoney stated that as a realtor people are concerned about the value of their homes. People like their home value but also, many residents are concerned that their children cannot afford homes in Atkinson. They are also concerned that workforce housing will lower the value of their own homes. Everyone sees the need.

Ms. LaBranche stated that Governor Sununu has made housing a priority. He brought a large sum of money to the State to work on housing issues. Most of the grants have been awarded in the southern part of the State. Communities with water and sewer can accommodate lower cost housing more easily. Many towns have limited ability to accommodate more housing unless they consider changes to allow more density.

The results of the surveys will show the legislature what has to be done long term.

Ms. LaBranche stated that Question 9 is open and may include thoughts people have about housing and what are the concerns for people who would want to live in Atkinson but cannot afford it. Vice Chair Turell stated that he wishes the survey would pick up more on the people who need help. The Town spent \$1500 for people in need. Vice Chair Turell is concerned that the Town is not looking for people in need. Atkinson residents in need are referred to the Derry Community Center.

Ms. LaBranche asked the Board to approve the survey. The Board agreed. There was no vote. She will send a beta version to the Board before it is released.

Member Ottow made a motion to adjourn. All members voted in favor. Vote: 5/0/0.

Adjournment:

Chair Killam adjourned the March 22, 2023, meeting of the Atkinson Planning Board at 10:12 pm. The next meeting will be April 3, 2023, at Atkinson Town Hall.