

**ATKINSON PLANNING BOARD MEETING  
MINUTES  
WEDNESDAY, MAY 17, 2023**

**Members:**

Sue Killam, Chair (present)  
Vice Chair Turell (present)  
Ted Stewart (not present)

Paul Wainwright, (present)

John Ottow (present)  
(Master Plan Team)  
Heidi Mahoney (present)  
Bill Baldwin– Selectman Ex Officio  
(present)  
Hannah Rizzo, Alternate (present)

**Others Present**

Julie LaBranche, Planner (present)  
Karen Wemmelmann, Recorder (present)  
Sue Coppeta, Planning & Zoning Administrator  
(not present)

**Call to Order:**

Chair Killam called the regular meeting to order at 7:30 PM. Chair Killam, Vice Chair Turell, Member Ottow, Member Wainwright, Member Mahoney, Selectman Ex Officio Baldwin and Alternate Rizzo are present and voting.

**Master Plan Update** – Team Report

Member Ottow informed the Board that they have received 400 responses to their survey. There will be a televised meeting tomorrow at Atkinson Town Hall and a presentation on June 7, 2023. He added that the Master Plan Committee has received nearly 400 responses and the responses will be compiled at some level tomorrow.

**Minutes: May 3, 2023**

**Vice Chair Turell made a motion to approve the minutes of the May 3, 2023 meeting of the Atkinson Planning Board as corrected and amended. Member Mahoney seconded the motion. Vote: 5/0/2. Two abstain. The motion passes.**

**Housing Needs Assessment Project Update:** - Ms. LaBranche

She is waiting for the results of the survey and posting on the Community Facebook page. Ms. Coppeta has collected the paper surveys from Town Hall but not from the Community Center or the Library. They have over 100 surveys including paper and on line. She will have a final count at the workshop as well as a summary of the results. She is continuing to review the housing needs assessments from Southern New Hampshire Planning Commission and Rockingham Planning Commission. Her next step after compiling the survey is compiling a list of people to take part in the discussion groups. She would like to convene those groups in June. Chair Killam would like to take part. There should be draft reports summarizing everything by July. In the meantime, she has been reviewing the regulatory audit component of this and looking at the zoning ordinance. She should have a recommendation on moving

forward with that at the June meeting. . She should also have a more in depth analysis at the June meeting.

Chair Killam asked if Ms. LaBranche could find out what the State has been doing. Ms. LaBranche stated she would look on the State website. She would guess that the State would want to know the results of the surveys especially since the State has given the towns so much money for surveying workforce housing needs.

Chair Killam remarked that she is amazed at how much land for developing is available in neighboring towns. This makes Atkinson distinctly different from other towns in the region.

Chair Killam asked on behalf of the Master Plan Committee at what point Ms. LaBranche would have something on the housing needs assessment. Ms. LaBranche responded that she should have a strong draft by July.

Ms. LaBranche said she would like some time for discussion groups and outreach. She would like to discuss the information gained from them at the August meeting. The Board can discuss the regulatory audit component at the same time they finish up the needs assessment. Ms. LaBranche feels the input from the needs assessment will contribute to the regulatory audit. Ms. LaBranche remarked that the Board has discussed the fact that Atkinson does not have much open land and this will be an issue in the needs assessment and the regulatory audit.

Vice Chair Turell informed the audience that there have been seven occupancy permits in the past year. They have all been for detached, single family homes. Chair Killam stated that over the last 10 to 20 years, on average there has been no more than 20 occupancy permits a year. There has been much more development to the north and west of Atkinson.

Ms. LaBranche stated that information on building permits and occupancy permits will be part of the community profile. There are peaks and spikes. She added that there is a delay in the time between granting the building permit and granting the occupancy permit.

Chair Killam informed Ms. LaBranche that there are no developments planned in Atkinson in the near future.

### **Public Hearings:**

Chair Killam opened the public hearing at 8:00 PM.

**An Application for Conditional Use Permit submitted by Robert Phillips to establish an Accessory Dwelling Unit as defined in the Zoning Ordinance, Article IV, Section 460 at property located at 14 Brushwood Dr, Atkinson NH, Map 2 Lot 47, RR2 Zone.**

### **Abutters:**

Robert Phillips (present), Arthur Shields, Ryan Hergan, Timothy Courossi, Templeton Family Trust, David Buscena, Robert Perrault, City of Haverhill

### Discussion:

Chair Killam read the abutters list. There are no abutters in the room. Mr. Phillips, the applicant, appeared before the Board to present the application. Mr. Phillips explained that the Haverhill town line is on the back side of his property.

Chair Killam explained that this is a hearing for a conditional use permit for an accessory dwelling unit ("ADU"). The home is located at 14 Brushwood Drive, Map 2 Lot 47 Atkinson, NH. It will be for an 800 square foot in-law apartment located in the basement to be used by parents in the summer only. Chair Killam informed the applicant that they will go through the requirements and look at the square footage.

Ms. LaBranche informed the applicant that the present use does not have to be an in-law apartment, people other than family members can live in the unit.

Chair Killam explained that this is the process to have an ADU approved for your home. Previously, the occupier of the unit had to be a family member. About four years ago, the State changed the law and anyone can occupy the ADU. There are a few areas where the State left decisions regarding ADUs up to towns. Atkinson still requires ADUs be attached to the main dwelling unit although some towns allow detached ADUs. 4 years ago the Planning Board changed the ordinance for square footage from 750 square feet to 1000 square feet. An ADU can be rental housing but the building must be owner occupied.

Chair Killam informed the applicant that the Board will go through the list of criteria for an ADU in Atkinson.

### Conditions:

The applicant must respond below to each of the following Conditional Use Permit criteria.

- a. The accessory dwelling unit shall be subject to the standards and conditions as set forth in the Town of Atkinson Zoning Ordinance (e.g. lot/dimensional requirements, environmental/other setbacks).

Yes. No comment.

- b. No more than one accessory dwelling unit shall be allowed per single-family dwelling. The accessory living unit shall be within or attached to the single-family dwelling and shall not be permitted within detached accessory structures located on the same lot as the single-family dwelling.

Yes. The ADU is within the existing single-family residence.

- c. The combination of a single-family dwelling and accessory dwelling unit shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single family dwelling.

Yes.

- d. The single-family dwelling unit or the accessory dwelling unit shall be owner-occupied, and both dwelling units shall remain in common ownership by the primary resident.

Yes.

- e. Accessory dwelling units will not be allowed as part of duplex housing or multi-family housing.

Yes. Chair Killam remarked that ADUs are not allowed in new buildings unless they are part of a cluster. Chair Killam also remarked that there are a handful of multifamily or duplex units in Town that have been grandfathered.

- f. The accessory dwelling unit, and any related changes to the property, shall be designed so that the appearance remains that of a single-family residence and is consistent with the single-family character of other residences in the neighborhood.

Yes. Photographs of the existing residence and surrounding property have been provided. The ADU is within the basement footprint of the existing dwelling. Pictures of parking have also been provided. The applicant explained that there is plenty of parking and it is a walk out basement. There is a door that provides access from the ADU to the rest of the house through the basement. There is a stair in the other section of the basement to the rest of the house, but none in the apartment.

- g. The accessory dwelling unit shall have convenient and direct access to the principal dwelling unit through an interior door between the principal dwelling and accessory dwelling unit. The accessory dwelling unit shall have independent means of ingress and egress.

Yes. This would be the slider to the yard.

- h. The accessory dwelling unit shall be no more than 1,000 square feet in size, and shall be clearly accessory to the principal dwelling unit. The accessory dwelling unit shall have no more than 2 bedrooms.

Yes. Chair Killam sees a studio apartment, with one large area including the bedroom and the sitting area. Mr. Phillips stated that the original intention was for the bedroom to be in the back room, but there are no windows.

The square footage is 896 feet. That includes the square footage of the bedroom, 34x15, the kitchen, 15x14, it's like a bump out, an office or den with a walk in closet and a bath. The stairs go to the upstairs of the house.

- i. Two parking spaces shall be provided for the accessory dwelling unit.

Yes. There is parking at the front and side of the garage. Photographs of the parking will be added to the packet.

- j. Any and all construction shall be in accordance with the building standards of the Town of Atkinson in effect at the time of construction. A Building Permit and Certificate of Use & Occupancy signed by the Building Inspector shall be obtained for all ADUs. I

Yes. Chair Killam informed the applicant that there is a lot of building code not contained in the zoning code. Once the applicant gets a conditional use permit from the Planning Board, the applicant will be working with the building department. They go by national building code. There is also an assessment of school needs at the completion.

Vice Chair Turell informed the applicant the school needs assessment has always been for the house only and not for ADUs within the house. If it is a detached unit or a condominium, then there will be a school needs assessment. Atkinson has never done a school needs assessment for an attached ADU.

Chair Killam informed the applicant that the school needs assessment money goes directly from the Treasurer's account to the school.

- k. In accordance with the standards of the Town and regulations adopted by the New Hampshire Department of Environmental Services (NH DES) in compliance with RSA 485-A:38, the water and septic facilities whether separate or shared shall be adequate to service both the existing single family dwelling and the accessory dwelling unit. Proof of adequacy of these facilities shall include: an existing septic plan approved by the NH DES and a site inspection by a NH licensed septic designer verifying the proper function of the existing system; or a new replacement septic plan approved by the NH DES.

Yes. The applicant has given the Board a new septic design sized for his four bedroom home with an ADU. The design states that when the new septic is installed, the applicant will have to decommission his present well and drill another further away. Chair Killam asked the applicant if he planned to install the septic unit anytime soon. The applicant responded that he planned to install a new septic when the present one fails. Chair Killam informed him that the septic design he submitted is good for four years. Ms. LaBranche informed the applicant he has until 2027 under Section 6(d).

Chair Killam asked the Board if there should be a condition that if the old system fails. There is only one place the new septic can go and it is special technology. The Board must know that the well has been decommissioned. The party who inspects septic installation by a licensed installer is the State. She would assume that the State inspector would review the design and approval before another is installed.

Mr. Phillips informed her that this is the only septic design that would fit on the property due to the location of the wetlands and distance of the well. It would be a costly installation.

Member Wainwright asked about current zoning for setback from a wetland to a septic system. Mr. Phillips informed him that it is 35 feet. Chair Killam informed Member Wainwright that the current radius is shown on the plan. Mr. Wainwright stated it is 71.4 feet.

Mr. Phillips informed the Board that he believes that this area was deemed wetlands by the State two years ago. Chair Killam explained that the wetlands may not have been recognized and whoever designed the septic system for the applicant recognized it and reported it to the State. Typically, when a subdivision plan goes before this Board, they do not look at every square foot, they may take site walks to get a feel for what will be changed. Plans are stamped and signed by professionals licensed by the State. There are licensed surveyors, licensed wetlands scientists and professional engineers who have the expertise and review the plans and the site.

The Board agreed that the new septic design is sufficient and was approved by the State. Chair Killam informed the applicant that once the plan is signed by the health officer, the designer sends it by email to the State and an approval can be obtained the same day.

Chair Killam asked for further discussion.

Mr. Phillips explained that the basement was partially finished when he bought the house and sold to him as a possible in-law apartment. A lot of things were hidden from him. There have been a lot of things to deal with.

Member Ottow asked about the orientation of the ADU. Mr. Phillips explained that the area Member Ottow is looking at is finished off as a kids playroom. A wall was put in to separate the playroom from the ADU.

Selectman Ex Officio had no further comment. Vice Chair Turell informed the Chair that he did not see anything in the application that required a special condition.

Ms. LaBranche asked how the new owner would know about the DES approval. Chair Killam explained that it is not the responsibility of the Planning Board. It would have to be due diligence by the person purchasing the property. Files on every property are located in the Planning Office.

Ms. LaBranche recommended that because the condition on the DES approval is unusual, the Board could require that the new septic design be recorded with the State. That would alert future buyers. Chair Killam answered that the way the process is designed, a septic system cannot be installed until it has been inspected by the State. She suggested that Mr. Phillips disclose the information on the septic and well to a new buyer.

**Vice Chair Turell made a motion to approve an Application for Conditional Use Permit submitted by Robert Phillips to establish an Accessory Dwelling Unit as defined in the Zoning Ordinance, Article IV, Section 460 at property located at 14 Brushwood Dr,**

**Atkinson NH, Map 2 Lot 47, RR2 Zone. Selectman Ex Officio Baldwin seconded the motion.**

**Vote: 7/0/0. All in favor.**

**Update of Planning Rules & Procedures** – Role of Alternates discussion was cont'd

Member Ottow remarked that he read through the minutes regarding appointing an alternate. He suggested some language regarding how the Board should deal with an alternate:

- The Board may appoint an alternate to sit at the table if a Board member is missing.
- If there is another alternate present we don't treat them much different than a member of the public.
- The Chair may appoint an alternate to take the place of a missing Board member.
- The Chair may invite others to sit at the Board table for all or portions of a meeting.
- During public sessions members of the public wishing to speak will be given the opportunity to do so.
- The Chair may grant members of the public additional opportunities to speak.

Member Wainwright suggested changing "appoint" to "designate" because that is what is used in the law. Chair Killam agreed.

Member Ottow stated that way, the Board is not addressing the other person as being an alternate, but they are allowed to sit at the table and speak multiple times.

Chair Killam informed him that traditionally, that courtesy is awarded to the Boards consultants and applicants. Chair Killam stated that she likes as much information as possible. Her goal is to ensure that everyone present at the meeting, even if they are attendees, feels like they have been heard.

Member Ottow stated that this would acknowledge that the person is an alternate, but not the designated alternate, and still allow them to sit at the table.

Chair Killam stated that the law changed and the RSA now states that an alternate can sit at the table and give input even though they may not be voting. Member Ottow agreed that is very important. It is a learning opportunity for an alternate. Member Wainwright agreed that the alternate may not be designated at one meeting but may be designated at another and have to deal with the same subject.

**New/Old Business:**

Selectman Ex Officio stated it is his intent to attend Planning Board meetings and looks forward to working with the Board on the codes. He remarked that family members living with family is becoming more and more common. Vice Chair Turell stated it had been traditional in New Hampshire. Member Mahoney stated the cost of housing is another factor. Vice Chair Turell stated that on the other hand, Portsmouth is concerned about ADUs being used as

summer rentals. Selectman Ex Officio Baldwin stated that he has seen a lot of young people moving back in with their parents due to the high cost of housing. He would like to accommodate that as well.

Chair Killam remarked that someone wrote on one of the master plan surveys that the process to build or add an ADU to a dwelling is too arduous. She believes the conditions are arduous but they are necessary. Some of it is esthetics. The septic condition may be arduous but it is for the environment. Alternate Rizzo pointed out that Atkinson does not have Town sewer or Town water so the Town needs to look out for its resources.

Chair Killam stated that all the questions they go through are there for a reason and she does not think the Board is too difficult to deal with. The process to apply for an ADU takes about sixty days from coming up with a plan, filling out the application, applying for a septic and coming before this Board. She does not think that is unreasonable. It used to be done by special exception by the ZBA.

Alternate Rizzo stated that her parents lived in triple deckers, grandparents, parents and kids and that is what we are going back to.

Chair Killam stated we are faced with the same reasons today. Since Atkinson does not have community resources for water and sewer, the Board has to assure itself that the lot is sufficient for septic. Some of the technology in new septic designs is costly but they make the environment safer on smaller parcels, especially around the lake. The purpose is to take care of the land and provide more housing.

Selectman Ex Officio Baldwin would like to see the square footage for an ADU expand to 1200 square feet.

Member Ottow stated that the reason for the master plan process is to get public input and that expansion of housing opportunities would come out of the plan and give it grass roots support.

Chair Killam added that she would like to hear what the consensus is. The input needs to be considered and the Board will put forth what it believes is the right thing.

Alternate Rizzo stated that people are concerned that there will be apartment buildings all over Town. She thinks the Board will hear a lot of "not in my backyard". The question is what the Board can do to provide affordable housing.

Member Wainwright stated that detached ADUs may be the answer. Alternate Rizzo said they are called casitas on the west coast. Member Wainwright said it could be a carriage house garage.

Chair Killam remarked that there are many, unapproved, undocumented and unpermitted apartments in the Town. The Town knows they exist but does not seek them out unless there is an issue or a complaint. It is a concern because of life safety issues.



Selectman Ex Officio Baldwin remarked that detached and attached ADUs may be the only way Atkinson can provide affordable housing.

Chair Killam stated that ADUs need to be tied to soils surveys. There are many half acre lots in Town and septic systems may be a concern. Each application would have to stand on its own.

Selectman Ex Officio Baldwin pointed out that septic design is changing and becoming more efficient, so that may be a possibility.

There was no more discussion.

**Adjournment:**

**Vice Chair Turell made a motion to adjourn. Member Ottow seconded the motion. Vote: 7/0/0. All in favor.**

Meeting adjourned at 8:57 PM.

The next Planning Board meeting will be a workshop on June 5, 2023 at Atkinson Town Hall.