

**ATKINSON PLANNING BOARD MEETING  
MINUTES  
WEDNESDAY, JULY 19, 2023**

**Members Present:**

Vice Chair Turell  
Ted Stewart  
Paul Wainwright,  
  
John Ottow (Master Plan Team)  
  
Heidi Mahoney  
  
Bill Baldwin– Selectman Ex-Officio  
Hannah Rizzo, Alternate

**Others Present**

Julie LaBranche, Planner  
Karen Wemmelmann, Recorder  
Steve Keach, Keach-Nordstrom Assoc., Inc.  
Joshua Manning, Lewis Builders  
  
John Peters, Northeastern Property and  
Development  
Mark Joya, Northeastern Property and  
Development  
Bill Hall, S.E.C. & Associates  
Dave Holigan, Deputy Fire Chief

**Call to Order:**

Vice Chair Turell called the regular meeting to order at 7:30 PM. Vice Chair Turell, Member Ottow, Member Wainwright, Member Mahoney, Member Stewart, Selectman Ex-Officio Baldwin and Alternate Rizzo are present and voting. Vice Chair Turell informed the audience that Chair Killam is not available.

**Minutes: June 21, 2023**

**Selectman Ex-Officio Baldwin made a motion to approve the minutes of the June 21, 2023 meeting of the Atkinson Planning Board as corrected and amended. Member Wainwright seconded the motion. Vote: 7/0/0. All in favor. The motion passes.**

The Board decided not to hold a workshop meeting August 3, 2023.

**Master Plan Update** – Team Report

Member Ottow gave an update on the master plan committee. They will be meeting tomorrow night. Focus groups will be held at the Library on the following dates at 6:30 PM:

- August 1, 2023 – Recreation
- August 10, 2023 – Natural Resources
- August 14, 2023 - Housing

Member Ottow and the Noriko Yoshida-Travers, Recreation Director will be hosting them. Members of the Recreation Commission are invited as well as residents who attended the forum and indicated that they wanted more information.

Several responses to the survey indicated that more activities for youth are needed. This will be discussed at the forum. Many people want a new community center. Many

people also want sidewalks. The purpose of the focus group is to get information from residents to better form the master plan.

A draft of the master plan should be ready in November. The results from the survey have been posted on line. Most residents do not want change.

Selectman Ex-Officio Baldwin recommended caution on the survey. It was filled out by a minority of residents who do not want change. However, population has increased and more services are needed although Atkinson has good services.

Member Ottow stated that Selectman Ex-Officio Baldwin makes a good point. The survey indicated that people want to keep the small town feel. Member Ottow feels that Atkinson can progress and maintain the small town feel.

Selectman Ex-Officio Baldwin also remarked that the Community Center has always been a topic of discussion.

Member Stewart stated that in the past gifts have been turned down by the Board of Selectmen to expand the park. There are 10 acres at the park. Six have been developed. He is hoping that going through the process, future Boards of Selectmen accept these gifts to expand the use of the park.

Selectman Ex-Officio Baldwin stated that if there are 4 acres where the park can be expanded, someone should come up with a plan and it should be done. Member Stewart informed him that it is the area behind Field 2 to Old Coach.

Member Ottow informed the Board that he interviewed students at Atkinson Academy earlier in the process and there was a surprising similarity between what the students thought and what the survey showed.

Member Stewart stated that bathrooms for the ladies could be added at Collins Park. It is odd that soccer parents have to pay for their own urinals in one of the most affluent towns in the State. Selectman Ex-Officio Baldwin pointed out that there is a cost to maintaining the parks as well.

**Conservation Commission Update:** Member Wainwright

The purchase of the Lang property at the end of Knightland Road will be completed at the end of August. Member Wainwright will be appearing to the Board of Selectmen on August 7, 2023 to request that they accept the land as Town property. There will be \$6,000 coming back to the Town which should go back to the Conservation Fund.

There is a Statewide photo contest sponsored by the New Hampshire Association of Conservation Commissions. Photographs of water, wildlife or wetlands can be submitted. The deadline to submit by New Hampshire residents is September 8, 2023.

RFPs are out for the accessible trail in the Slade Town Forest and are due back Thursday, August 3, 2023.

### **Public Hearings:**

Vice Chair Turell informed the audience that there will be four public hearings. He opened the first public hearing at 8:00 PM and read the abutters list.

- 1. An Application for Conditional Use Permit submitted by Zachary Gilberti to establish an Accessory Dwelling Unit as defined in the Zoning Ordinance, Article IV, Section 460 at property located at 25 Walker Rd, Atkinson NH, Map 7 Lot 121, TR2 Zone.**

### **Abutters:**

Caron 2017 Trust, Caron, Paul A. and Justine A., TTEE, Megan E. Wisecarver, Jean Blackadar, Zachary D. and Valerie A. Gilberti, Masci, Robert J. Rev Trust, Masci, Robert J. TT, Atkinson, Town of (present), Jeffrey A. and Jennifer L. Mooney, Mark R. and Tianna J. Bisson, Szymanski Rev. Grantor Trust, Szymanski, Joan

### **Discussion:**

Member Wainwright is representing the Town of Atkinson as Chair of the Conservation Commission. John Peters and Mark Joya, Northeastern Property and Development appeared before the Board to represent the applicant. Robert Masci, an abutter asked for a packet and asked if it was going to be a rental since there was an outside door on two sides. Vice Chair Turell informed him that this would be discussed. He read the conditions and informed the abutter that people residing in an ADU no longer have to be a family member. The units can be rented.

### **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. No comment.

- 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. No comment.

- 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. No comment.

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

Yes. No comment.

- 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. No comment.

- 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. No comment.

- 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. No comment.

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

Yes. No comment.

- 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. No comment.

- 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. Vice Chair Turell stated that an approved septic plan was received today.

Vice Chair Turell informed Mr. Masci that there is no longer a requirement that residents of the ADU be a family member under State law. The RSA passed four years ago took the family requirement out.

**Findings of Fact:** A complete and correct application was submitted.

Vice Chair Turell asked the Board members for comment.

Member Wainwright and Member Ottow asked about the septic design. It is Enviro Septic. Vice Chair Turell informed him that it is a newer system and a specific manufactured pipe. It does a better job of diffusing the effluent.

Vice Chair Turell stated that there were no conditions that do not appear to be met, except a building permit is needed.

Member Stewart stated that it is a nice plan and it will complement the neighborhood.

Ms. LaBranche asked about parking, it is not shown on the plan. Mr. Peters stated that parking for the ADU will be in the same place as current parking. It is a long driveway. There is a two car garage.

Ms. LaBranche remarked that parking will be stacked. Mr. Peters informed her that one of the garage bays will be for the in laws and the other for the primary residents.

**Member Wainwright made a motion to take the Application for Conditional Use Permit submitted by Zachary Gilberti to establish an Accessory Dwelling Unit as defined in the Zoning Ordinance, Article IV, Section 460 at property located at 25 Walker Rd, Atkinson NH, Map 7 Lot 121, TR2 Zone under jurisdiction. Selectman Ex-Officio Baldwin seconded the motion. Vote: 7/0/0. The motion passes.**

**Selectman Ex-Officio Baldwin made a motion to close the public hearing at 8:10 PM. Member Wainwright seconded the motion. Vote: 7/0/0. The motion passes.**

**Member Stewart made a motion to approve the Application for Conditional Use Permit submitted by Zachary Gilberti to establish an Accessory Dwelling Unit as defined in the Zoning Ordinance, Article IV, Section 460 at property located at 25 Walker Rd, Atkinson NH, Map 7 Lot 121, TR2 Zone. Alternate Rizzo seconded the motion. Vote: 7/0/0. All in favor.**

Member Stewart asked if the Board should require specific parking spaces for the units be shown on the plan in the future. There is a requirement that spaces are needed for parking. This plan stacks the spaces in front of the garage, which is legal. Vice Chair Turell stated that the Board has approved plans with stacked parking in the past as long as there is enough physical space to park the cars.

Ms. LaBranche recommended asking for a parking plan or a parking sketch as part of the application in the future. Member Stewart agreed that in the future, if someone submits an application for an ADU, parking should be shown on the plan.

Vice Chair Turell agreed that the driveway is not on the plan and that is where all the vehicles will be parked.

Member Wainwright stated that the Board owes the community some concern and parking on the lawn may not be in the best interest of the community. Selectman Ex-Officio Baldwin remarked that they can park on the lawn as well.

Vice Chair Turell reminded the applicant that once the application is approved, there is a 30 day appeal period and any development during that period will be done at the applicant's risk.

**2. Application for a Lot Line Adjustment submitted by S.E.C. & Associates, Inc between Michael & Shannon Allen, 25 Amberwood Dr (Map 19 Lot 6-18) and Eric & Christina Soucy, 21 Amberwood Dr (Map 19 Lot 6-17) to exchange an area of 7,045 sq ft. Both properties are in the RR2 Zone.**

**Abutters:**

Kathryn M. Bate, Steven M. and Ashley L. Raymond, Bernard and Constance Godbout, Kurt E. Greenizen, Kevin M. and Marie Therese Barry, MacDougall Family Rev. Trust, MacDougall, Thomas W. and Carol, Kellan Family Trust, Kellan, Christopher K. and Kerri, Brian J. and Lenitza Kelley, Eric and Christina Soucy, Michael D. and Shannon E. Allen, Christopher S. and Eileen O. Lynch, S.E.C. & Associates, Inc. (present)

**Discussion:**

**Member Ottow made a motion to open the public hearing. Vice Chair Turell seconded the motion. Vote: 7/0/0. The motion passes.**

Mr. Bill Hall, S.E.C. & Associates appeared before the Board to present the application for lot line adjustment. There are two parcels, 19-6-18, 25 Amberwood Drive and 19-6-17, 21 Amberwood Drive. It is an equal area lot line adjustment between the two tax parcels. Both of these lots were created in a subdivision approved in October of 1977. In anticipation of constructing an addition to the southern side of their dwelling, the Allens contacted S.E.C. & Associates to do a survey of their parcel. It was discovered that there were a number of encroachments on the abutting parcel including a portion of the septic system, driveway and lawn area. The applicant is intending to adjust the lot lines so that there are no more encroachments on the parcel. Parcel A will be conveyed from 19-6-17 to 19-6-18 and Parcel B will go from 19-6-18 to 19-6-17. This change is an equal area exchange, there will be no changes to lot area, there are no changes to frontages on the plan. Upon approval, monuments will be set as shown on the plan as submitted. No known waivers or variances needed for this application and no State approvals are needed for this application.

Vice Chair Turell stated that the application appears to be complete and requested a motion to take it under jurisdiction.

**Member Wainwright made a motion to take the application for a Lot Line Adjustment submitted by S.E.C. & Associates, Inc between Michael & Shannon Allen, 25 Amberwood Dr (Map 19 Lot 6-18) and Eric & Christina Soucy, 21 Amberwood Dr (Map 19 Lot 6-17) to exchange an area of 7,045 sq ft. Both properties are in the RR2 Zone under jurisdiction. Member Stewart seconded the motion. Vote: 7/0/0. The motion passes.**

Mr. Keach stated that there is only one noteworthy item to speak about other than setting the bounds. He pointed out that there is an adjustment of the lot line and the existing shed is too close to the 15 foot lot line setback. He recommends that as a condition of approval, the shed be relocated so that it does not encroach on the abutting property. Also there is no graphic scale. When it goes to the registry of Deeds, there will be no scale. And last, application of approval be conditioned upon receipt of deed or deeds executed by both participating parties and such deeds be recorded at the Rockingham County Registry of Deeds.

This has been a practice of the Atkinson Planning Board because in the past, many people have requested lot line adjustments but never perfected the conveyance. When the mylar is ready to be signed by the Chair and forwarded to the registry, the representatives for the parties must sign the deeds.

Ms. LaBranche asked if there would be a note on the plan that the shed be moved. Mr., Keach stated that it be noted but also it should be moved before the plan is recorded. Mr. Keach spoke to Mr. Zilch and the owners are aware.

Member Stewart is impressed with an equitable conclusion to a messy situation. Mr. Keach informed Member Ottow that iron pins will be set.

**Findings of Fact:** Not presented.

Member Wainwright made a motion for conditional approval of an Application for a Lot Line Adjustment submitted by S.E.C. & Associates, Inc between Michael & Shannon Allen, 25 Amberwood Dr (Map 19 Lot 6-18) and Eric & Christina Soucy, 21 Amberwood Dr (Map 19 Lot 6-17) to exchange an area of 7,045 sq ft. Both properties are in the RR2 Zone conditioned upon the four conditions in the letter of Keach Nordstrom dated July 19, 2023 as follows:

1. Amend the final plan to specify the existing shed on Lot 19-6-17 is to be repositioned not closer than 15 feet to the adjusted side lot line.
2. Addition of a graphic (bar) scale to the final plan.
3. Receipt of acknowledgement from a Licensed Land Surveyor certifying that all boundary monuments, specified as “to be set” on the final plat were in fact installed as shown.
4. Receipt of recording of deed or deeds executed by both participating parties for the purpose of conveying land to one another as shown on the final plat; and such deeds(s) be recorded at the Rockingham County Registry of Deeds.

Selectman Ex-Officio Baldwin seconded the motion Vote: 7/0/0. The motion passes.

Selectman Ex-Officio Baldwin made a motion to close the public hearing. Member Wainwright seconded the motion. Vote: 7/0/0. The motion passes.

3. An Application for Site Plan submitted by S.E.C. & Assoc for Palmer Gas & Oil, Charles W. Palmer, owner, to establish a propane bulk storage facility including 4 45,000 gallon propane storage tanks, loading and offloading stanchions, 900 sq ft office building and associated parking, loading and landscaping to be located on property at 6 Hall Farm Rd, Map 20 Lot 16 in the CI Zone.

**Abutters:**

Ruby Holdings, LLC, Schafer, Rick A. Irrev Trust, Schafer, Rebecca Lynde, TTE, Atkinson, Town of (Conservation Committee) (present), Charles W. Ermer, Yildiz Grodowski Realty Trust c/o the MEG Companies, Durkin 2019 Trust, Durkin Arthur E. and Judith A., Civil Design Consultants, Inc., S.E.C. & Associates, Inc., Ferwerda Mapping, LLC

**Discussion:**



Vice Chair Turell opened the public hearing. Selectman Ex-Officio Baldwin is recused. Member Wainwright stated that he is representing the Town of Atkinson in his capacity as Chairman of the Atkinson Conservation Commission, he has no personal interest in the land and therefore will not recuse himself.

Bill Hall, S.E.C & Associates came before the Board to represent the applicant. Mr. Hall read from the letter of intent dated June 14, 2023 as follows. In summary, this property is approximately 5 acres in size with approximately 386 feet of frontage on the northern side of Hall Farm Road and 454 feet of frontage on the south side of Route 111. The site is undeveloped and a portion of the lot has been subject to a tree cut by previous owners. The entire site is located within the commercial industrial zone. Soils on the site are mostly well drained glacial tills with moderate slopes throughout. The wetlands have been mapped by Timothy Ferwerda, Wetlands Scientist. There is an area of prime wetlands on the northwestern side of the lot subject to a 150 foot prime wetlands buffer and two wetlands on the southwest side of the lot. All of these have been marked with numbered flags, located in the survey and shown on the plan. The property is not in a flood hazard zone or an aquifer protection district.

The applicant proposes to install a propane bulk storage facility for Palmer Gas and Oil. It is intended for local distribution in support of the main office located across the street at 13 Hall Farm Road. The facility will consist of four 45,000 gallon propane tanks with four bobtail loading stanchions, two propane offloading stanchions, an office building for controls, including bathrooms for drivers, and an emergency standby generator. There will be parking for employees, bobtails and transports. There is no retail to be offered at the site, it is intended for bulk storage only. The proposed building will be served by its own onsite septic system and water is to be provided by Pennichuck Water. Access from the facility is proposed from Hall Farm Road and offers adequate access for both commercial and emergency vehicles. The layout of the site is designed for easy access for every type of vehicle. The site was designed to meet all applicable setbacks and it maintains the required buffer from the prime wetland as previously noted.

The stormwater management system for the site includes two extended detention basins and an infiltration bed. This is to capture stormwater flows, maintain them on the site and treat the runoff. Erosion control is shown on the plan to be in place prior to construction and maintained until the site is fully stabilized. The facility will be secured by fencing with gates placed at the entrance as well as gates to allow for maintenance of the stormwater structures. Security cameras, lighting and an alarm system will be provided by the same company that serves the main office at 13 Hall Farm Road. There are two existing dry hydrants located in close proximity to the site. Additional fire protection, if necessary will be provided upon Fire Department review. There are no known variances or waivers required. Two State approvals are required, NHDES Alteration of Terrain and Sewage System Design. Both have been applied for and are currently under review. A review of the application by Keach-Nordstrom Associates has been received and Mr. Hall did not see anything of concern.

Vice Chair Turell stated that the Board has a complete application and requested a motion to take it under jurisdiction.

**Member Wainwright made a motion to take the application for Site Plan submitted by S.E.C. & Assoc for Palmer Gas & Oil, Charles W. Palmer, owner, to establish a propane bulk storage facility including 4 45,000 gallon propane storage tanks, loading and offloading stanchions, 900 sq ft office building and associated parking, loading and landscaping to be located on property at 6 Hall Farm Rd, Map 20 Lot 16 in the CI Zone under jurisdiction. Member Stewart seconded the motion. Vote: 6/0/1 with Selectman Ex-Officio Baldwin abstaining. The motion passes.**

Vice Chair Turell informed the applicant that the application has been taken under jurisdiction and the applicant has sixty-five days to obtain the necessary permits and obtain approval.

Member Stewart asked if the applicant had requested approval from the Fire Department. Mr. Hall stated that there have been discussions with the Fire Department. The applicant has shown them the location of the dry hydrants near the site. Member Stewart stated that the Board requires a letter from the Fire Department. Mr. Hall stated that he is still waiting for alteration of terrain review from the State as well.

Mr. Dave Holigan, Deputy Fire Chief spoke. He informed the Board that the Fire Department has had several meetings with Palmer Gas. Review of this site is beyond the capabilities of the personnel of the Atkinson Fire Department. They are in the process of sending out an RFP for engineering review of the site. One issue to be addressed is the two dry hydrants in the area which are currently out of service. Also, response time is quite delayed for that area so an automated fire prevention system may be required. Vice Chair Turell informed him that the Board needs something from the Fire Department stating any issues. The Board has 65 days to receive everything from the applicant and some of the permits may be delayed.

Deputy Chief Holigan stated that even with the Fire Department going full time response time would be delayed. The hydrants for that area are not sufficient for a catastrophic event. The NFPA leaves a lot to the jurisdiction of the local departments because there are so many differences and this is a specialized facility. The Industry Consortium has written a fire safety analysis and it has been reviewed. Some special expertise is required. For one example, if there is a leaky pipe and it causes a fire, response time within five minutes is required.

Member Stewart is concerned about security and asked if anyone would review security issues. This site abuts Rte. 111. Mr. Hall informed the Board that there is significant slope and the proposed site will cut into on Hall Farm. Route 111 is on the other side of the slope. Deputy Chief Holigan stated that there will be a FEMA and an EPA review as well but since the applicant is not reselling the propane, the rules are not as strict.

Mr. Ermer, Palmer Gas asked about mutual aid from Salem. Deputy Chief Holigan stated that there is, it was factored into the safety analysis, but again there is not sufficient water pressure and Atkinson Fire Department would be alerted first. Mr. Ermer informed the Board that he has two other plants, one in Raynham and one in Somerville.

Vice Chair Turell requested to go through the letter from Keach-Nordstrom.

Ms. LaBranche stated regarding the review, if there is more than an acre of service the applicant would require a general construction permit from EPA. Mr. Keach remarked that the applicant would also need a site specific permit and an alteration of terrain permit.

Mr. Keach stated that he had a chance to talk to Mr. Hall and based on his remarks, everything is straightforward. Mr. Hall informed Mr. Keach that he has no problems with his review.

Vice Chair Turell stated that it is a nice plan. The Board is very familiar with Palmer Gas. He informed the applicant that the plan has been taken under jurisdiction, which gives the applicant 65 days to complete the application.

Member Wainwright asked about a site visit. Vice Chair Turell agreed. Mr. Keach reminded the Board that if there is a site walk, it would be a continuation of this hearing and would have to be posted.

Ms. LaBranche asked about the prime wetland buffer and Mr. Hall pointed it out to her.

Member Ottow asked about a requirement for a containment structure. A representative from Prime Energy informed him that propane is not considered a contaminant, if it releases, it is released as a gas. Mr. Paul Perry, Facilities Manager for Palmer Gas stated that Homeland Security visits his site annually and required electric gates and eight foot fences with barbed wire.

**Member Wainwright made a motion to continue the hearing to Tuesday, August 1, 2023 at 9:00 AM for a site walk. The motion was seconded by Vice Chair Turell. All in favor with Selectman Ex-Officio Baldwin abstaining. Vote: 6/0/1.**

Discussion:

Mr. Keach stated that the permits required are identified in his letter.

**Vice Chair Turell made a motion to close the public hearing. Member Mahoney seconded the motion. Vote: 6/0/1 with Selectman Ex-Officio Baldwin abstaining. The motion passes.**

**Findings of Fact:** not listed

**4. An Application for Amended Site Plan by Lewis Builders for Christine Morse Revocable Trust to add additional offices on one side of the building and expand storage on property located at 54 Sawyer Ave, Map 8 Lot 3-1, in the TR2 Zone.**

**Abutters:**

C. L. Morse Revocable Family Trust (present), Robert J. Jackson, Dennis H. Hacker, Donna M. Campbell, Leo G. Prokopovich, Larry R. and Karen A. Wood, Town of Atkinson (present), Michael P. and Beth A. Huberdeau, Lewis B. Louise 2015 Trust, Lewis, Betty Louise TTE, Morse (Lewis) Christine Rev. Trust, Lewis-Morse, Christine TTE (present), David P. and Melissa J. Bowman, Hammond, Ellen E. Rev Trust, Ellen E. Hammond TTE, Priscilla A. Carver, Michael A. Mailette and Debra L. Steed, William and Patricia Bennett, Woodworth, D & N Realty Trust, Woodworth, Donald and Nancy, Bruce and Jean Desmarais, Gregory and Marcia Roy, Moore, Stephen and Meredith Trust, Stephen and Meredith Tebbetts, William Galinsky, Mark L. LaGasse, Sunset Kreidermacher Rev. Trust, Carol Kreidermacher TTEE, John J. Halchak and Marian P. Chaffe, Flaherty Claire W. 2017 Rev. Trust, Claire Flaherty TTEE

**Selectman Ex-Officio Baldwin made a motion to open the public hearing. The motion was seconded by Alternate Rizzo. Vote: 6/0/1 with Member Mahoney recusing.**

**Discussion:**

Anthony Algeiri and Joshua Manning appeared before the Board to represent the applicant.

Mr. Manning explained that a minor site plan amendment is being presented. The parcel is Map 8, Lot 3-1, 54 Sawyer Avenue. It is a 30x30, 900 square foot addition. The applicant has been before the ZBA and received a special exception for a nonconforming use. It is in a residential zone. The facility will be serviced by the existing water and septic. The addition is outlined on the plan, a dashed line at the southerly side of the building that meets all the other setbacks.

With this proposal, 12 office spaces are being added and 4 will be lost for a net gain of 8 office spaces. There is sufficient parking to accommodate the additional 8 office spaces. Waiver requests have been submitted with the application. One is for the requirement of the drainage study. Given the small nature of the proposal, there will not be a lot of additional run off and it will be contained in the stone drip edges around the building. There will be no additional parking, so there will be no additional stormwater runoff, just roof drainage. The other variance request is for topography and proposed grades.

Vice Chair Turell asked for questions.

Ms. LaBranche agrees that a complete erosion control plan may not be necessary but recommended that one be required during construction. Mr. Manning agreed.

Mr. Keach stated that he recommended the request for waivers. The total area being disturbed is about the size of his vegetable garden and he thought that erosion control would not be necessary. Mr. Keach speaks to the issue in his letter and he supports the waiver.

Mr. Keach remarked that there are 29.1 acres of land. There will be a 900 square foot addition to the building. Parking, septic and water already exist.

Members of the Board commented that the site is flat and grassed over.

**Findings of Fact:** not presented

**Selectman Ex-Officio Baldwin made a motion to take the Application for Amended Site Plan by Lewis Builders for Christine Morse Revocable Trust to add additional offices on one side of the building and expand storage on property located at 54 Sawyer Ave, Map 8 Lot 3-1, in the TR2 Zone under jurisdiction. Alternate Rizzo seconded the motion. Vote: 6/0/1 with Member Mahoney recusing.**

**Member Wainwright made a motion pursuant to Site Plan Development Regulation Section 550:2 (a) to grant the applicant request for a waiver from STPR Section 640:3(2) to not show contours and elevations because conformity would impose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations. Alternate Rizzo seconded the motion. Vote: 6/0/1 with Member Mahoney recusing.**

Vice Chair Turell requested a motion.

**Member Wainwright made a motion pursuant to Site Plan Regulations Section 550:2(a) to grant the applicants request for waiver from Section 640:1(b), Section 640:2(a) and Section 640:3(3) because strict conformity would impose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations. Selectman Ex-Officio Baldwin seconded the motion. Vote: 6/0/1 with Member Mahoney recusing.**

There was no discussion.

**Selectman Ex-Officio Baldwin made a motion to close the public hearing. Member Wainwright seconded the motion. Vote: 6/0/1 with Member Mahoney recusing.**

**Selectman Ex-Officio Baldwin made a motion to approve the application for Amended Site Plan by Lewis Builders for Christine Morse Revocable Trust to add additional offices on one side of the building and expand storage on property located at 54 Sawyer Ave, Map 8 Lot 3-1, in the TR2 Zone upon the following conditions: 1. erosion control be installed during construction; 2. ensure all fees have been paid; 3. addition of a note to the final site plan acknowledging waivers granted by the Planning Board on July 19, 2023; 4. that owner/applicant received a Special Exception granted by the Zoning Board of Adjustment on June 14, 2023; and, 5. improvements planned under the proposed site plan amendment otherwise conform with applicable land use ordinances and regulations of the Town of Atkinson. Member Stewart seconded the motion. Vote: 6/0/1 with Member Mahoney abstaining.**

Alternate Rizzo informed the Board that she has findings of fact for the hearings but she is not prepared to present them. Vice Chair Turell stated that he is aware, but since these are not controversial applications, it is not an issue.

#### **New/Old Business:**

Ms. LaBranche remarked that she will be sending out information on the housing needs assessment.

#### **Adjournment:**

**Member Wainwright made a motion to adjourn. Vice Chair Turell seconded the motion. Vote: 7/0/0. The motion passes.**

Vice Chair Turell adjourned the July 19, 2023 meeting of the Atkinson Planning Board at 9:09 PM.

There will be no Planning Board workshop on August 2, 2023 at Atkinson Town Hall. There will be a site walk on August 1, 2023 at 6:00 PM.