

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, SEPTEMBER 20, 2023**

Members Present:

Vice Chair Turell
Ted Stewart
Paul Wainwright

John Ottow (Master Plan Team)
Hannah Rizzo, Alternate
Sue Coppeta, Alternate
Bill Baldwin, Selectman Ex-Officio

Others Present

Julie LaBranche, Planner

Steve Keach, Keach-Nordstrom Assoc., Inc.
Bill Hall, Civil Design Consultants

Dave Holigan, Deputy Fire Chief

Call to Order:

Vice Chair Turell called the regular meeting to order at 7:30 PM.

Minutes: September 6, 2023

Alternate Coppeta made a motion to approve the minutes of the September 6, 2023 meeting of the Atkinson Planning Board as amended. Alternate Rizzo seconded the motion. Vote: 6/0/0. All members present voted in favor. The motion passes.

New Zoning Changes:

Alternate Coppeta informed the Board that since the last discussions there have been House Bill changes and Senate Bill changes involving zoning and site plan regulations. Also, FEMA did a regulatory audit of Atkinson flood plain ordinances and made some recommendations. Selectman Ex-Officio Baldwin asked if the changes were part of the mitigation plan. Mr. Keach remarked that they are but they would have to be implemented in the ordinance. Selectman Ex-Officio Baldwin recommended checking to see how old the mitigation plan is to see if it needs to be updated. Mr. Keach offered to review it for the Board. Last, Alternate Coppeta reviewed the planning and zoning calendar with regard to public hearings and informed the Board that these issues would be reviewed at the October workshop.

Housing Needs Assessment Project

Ms. LaBranche informed the Board that she was hoping to get the first draft of the needs assessment grant, but there are still several changes. She would like to send the first draft out early next week. This will give the Board members time to review it and discuss it at the next workshop. Then, the Board can look at the second draft and she will have a final draft at the end of October.

She has been working on case studies to show what other communities have been doing. She has one from New Hampshire and two from other states. The two from other states have the same water and sewer limitations but not the same general requirements. They both would require a legislative change or at a minimum, a zoning amendment. She feels an example of legislative changes would be useful.

This case study would show what was needed to make changes required by legislative change. Alternate Coppeta stated that it would be better for the Board to discuss what it can control or implement. Member Stewart stated that in discussing workforce housing, he did not see any harm in reviewing how one community successfully implemented it. Alternate Rizzo would like to see examples from New Hampshire. Member Stewart pointed out that communities with workforce housing have a lot of infrastructure. Ms. LaBranche informed the Board that there are few communities with populations less than 10,000 that have been able to successfully initiate workforce housing. Member Ottow stated that the forum showed that Atkinson residents are ambiguous about affordable housing. Also, people in Atkinson may not know what affordable housing could be. Selectman Ex Officio Baldwin is concerned that affordable housing could bring many expenses to Town due to the cost of services. Member Ottow is concerned about Town employees being able to live in Town.

The Board discussed the definition. Alternate Coppeta stated that there is a definition for workforce housing and Atkinson, by definition, does not have workforce housing. Lewis Apartments do not qualify because they are only one bedroom and the subsidized apartments for over 55 residents also do not qualify. HB 1661 changed the definition.

Mr. Keach informed the Board that multi family rental workforce housing has to be affordable to a family of three with 60% of the median income. Atkinson is in the Greater Lawrence area. Alternate Coppeta stated that the joint median income for Lawrence is \$94,800 and 60% of that is \$64,000 so the maximum affordable rent would be \$1,600. Mr. Keach stated that RSA 679 cites the statutory definitions.

Ms. LaBranche stated that the needs assessment report may not give an answer, more public input and outreach will be needed. A lot of affordable/workforce housing could be built by adding density to existing lots. She will also give examples of different designs for workforce housing.

Alternate Coppeta stated that Atkinson Zoning Regulations allow two bedrooms for an alternate dwelling unit, but they can only be 1000 square feet, which is a small space. She pointed out that there are a lot of small houses, but they cost around \$500,000. The condos at Atkinson Heights are small.

Ms. LaBranche stated that her home is less than 1000 square feet and feels that 1000 square feet for a single family should be enough.

Public Hearings:

- 1. An Application for Site Plan submitted by S.E.C. & Assoc. for Palmer Gas & Oil, Charles W. Ermer, 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. (Jurisdiction taken 7/19/23) (continued from 7/19/23 and 8/16/23)**

Abutters:

Ruby Holdings, LLC, Schafer, Rick A. Irrev Trust, Schafer, Rebecca Lynde, TTE, Atkinson, Town of (Conservation Commission) (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. (present), S.E.C. & Associates, Inc., Ferwerda Mapping, LLC

Discussion:

Mr. Bill Hall, Civil Design Consultants, appeared before the Board to represent the applicant. He passed out new plans. The site walk was done. He has satisfactorily addressed the comments from NHDES Alteration of Terrain, has received the letter and should receive the permit shortly. Requests from Fish and Game will be incorporated into the alteration of terrain permit.

He has gone through the fire suppression review. Deputy Chief Holigan stated that he has sent an email to the Board members. He has been working with SFC to finalize the plans but it got delayed. He has outlined fire protection in the email he sent today.

Mr. Keach informed the Board that a lot involves implementation rather than site plan issues.

Mr. Keach reviewed his latest report. He had issued a memo report dated July 19, 2023 with some revisions. He has some general comments. There are two State agency permits pending. The first is alteration of terrain and the second is construction approval for a small on site sewage disposal system.

Second, a local driveway permit is needed from the Department of Public Works. He does not see a problem with the geometry of the driveway, the design meets Atkinson road standards and expectations.

The third remark adds a condition for a surety in an amount to be determined as a performance guarantee for successful installation and maintenance of erosion and sedimentation controls during construction and site restoration in the event of abandonment.

Regarding planning and design, a copy of the approved septic design must be appended to the site plan so it is an integral part of the site plan set as signed by the Chair.

Regarding detail, Sheet 9 shows water service installation and the wet tap for Pennechuck water. The detail shown is for a 4-6 inch service. The detail required would be slightly smaller for domestic service. However, if a yard hydrant is planned as discussed by Deputy Chief Holigan, that detail would be appropriate.

Alternate Coppeta stated that the application from Pennechuck was for domestic water. Deputy Chief Holigan informed the Board that he did not believe Pennechuck has a flow capacity for fire. Mr. Keach recommended the detail be changed to match the plan.

Mr. Keach stated that regarding the site walk, the Chairman of the Conservation Commission issued a summary letter with two recommendations. One is for the installation of placards at the limit of the wetland setback at 75 foot intervals. These now appear on the drawings. For the other, there is an area where a prior owner did some land clearing within the 150 foot buffer. The Conservation Commission has made a recommendation, supported by materials from Fish and Game, that the area be re-naturalized. These have been monumented on the drawing.

Member Wainwright has one other suggestion. He would like to see stakes at the edge of the grading. Mr. Hall stated that he believes the limit of work has been set out and staked. Mr. Keach stated that this would be verified pre construction.

Last, regarding the memo issued by Deputy Chief Holigan, the receipt of which was acknowledged, Mr. Keach recommends any approval granted be subject to a condition that the owner-applicant implement each specified fire protection requirement to the satisfaction of the fire department prior to the use and occupancy of the completed facility. It is a set of construction protocols, procedures and equipment necessary for the fire department to conduct fire control operations.

This application was accepted as complete on July 19, 2023, a site walk was conducted on August 1, 2023. At the request of the applicant, it was continued at the August 16, 2023 meeting to this meeting. This is day 63 of the 65 day period.

Vice Chair Turell asked for questions from the Board.

Member Stewart asked if extra capacity for fire prevention would happen off site. The hydrants on site are dry hydrants. He asked if the automated fire suppression system would have its own pumps and source and also where it would be.

Mr. Hall replied that a cistern or pond would be required on site. Alternate Coppeta stated that there is none on the plan. Mr. Keach stated that Deputy Chief Holigan would make that decision. Ms. LaBranche stated that the Planning Board recognizes that this is a requirement, it is not on the plan and it needs to go on the final version.

Mr. Hall stated he does not know the exact calculations, but 25 Hall Farm Road has a 30,000 gallon domestic protection system. Mr. Stewart replied that that system is just for sprinklers. He believes that the flow to control a tank of this size would be substantial. Six fire lines are over 600 gallons a minute. Moving 500 gallons a minute for two hours is very difficult. It would be very difficult to fulfill the water requirements.

Mr. Sean Thrash, Crown Energy, commented that the design is based on NFPA 58. Requirements under NFPA 58 for any facility of five tanks or less are hosted remotely. Anything being done would be above and beyond code. Within the fire safety analysis system provided to the fire department, there is a gallon number that has to be maintained on these tanks for 10 minutes. By code, it is host stream only. It can be done through tanker shuttles, collapsible ponds or dry hydrants, whatever the supply may be.

Member Stewart clarified that the owners would provide fire prevention for 10 minutes only and anything after that would have to be provided by others. Mr. Thrash stated it would be mutual aid. Under NFPA 58 there is standard gallon water flow. He believes for a 30,000 gallon tank, it is 600 gallons per minute per tank for 10 minutes. They are providing 800 gallons per minute for 10 minutes. He is working with the fire department to provide static dry monitors to decrease response time. It is not and has not been a fully automated system.

Vice Chair Turell asked if there was more discussion. There was none.

Vice Chair Turell closed the public hearing.

Vice Chair Turell requested a motion for conditional approval and asked if there were statements of fact.

Statements of Fact

The applicant has made all the appropriate applications for approval from the State.

Member Stewart asked about the flow, 800 gallons a minute for 10 minutes is 8000 gallons. Mr. Thrash stated the actual number would be determined by the designers and reviewed by FSC. Member Stewart asked where the cistern would fit in the plan. It seems that this cistern is one of the most important items in the plan, and feels that he cannot vote until it is on the plan. It is a structure that will be placed in a very tight area and no one is specifying the location. Vice Chair Turell agreed that the Board needs to wait for the plan. Ms. LaBranche recommended that it be added as a condition of approval. It will be condition number six on the motion.

Alternate Coppeta stated that Ms. Killam asked if it would qualify for regional impact. Mr. Keach replied that as far as an item that sits beside the road and regarding traffic and schools, it is not. As far as fire, it would not reach the road.

Deputy Chief Holigan stated that there is a condition called a bleby which says that if the fire burns long enough, the steel loses strength to hold the propane in. At that point, the propane escapes, it heats the facility even higher and there is a massive explosion. In the 1970's and 1980's there were a few. The industry and NFPA incorporated a lot of prevention mechanisms inside the propane tanks and facilities. For example, in the case of excessive flow, there is a valve inside the tank to shut it off. For example, if a pipe nearby shears off, propane coming out of the pipe catches on fire, the propane impinges on the tank, the propane will boil and cool the tank because the relief valves go off. So that is the 10 minute, 200 gallon per minute flow. These are the emergencies that they are looking at. The most recent bleby was a farmers field without any controls and it was a rural fire department. The focus is early notification of the fire department and quick setup so when the fire department arrives, they can get water on the tank and the fire can be put out before the propane stops protecting itself.

Mr. Thrash explained that every valve in the tank has multiple features and positive closure. There is a pneumatic system that opens up every valve at the point of transfer. Every opening in the tank has to be positively operated. That system has thermal knockouts on every operator so even without flame impingement, if there is flame nearby, there is a 212 degree knockout which depressurizes the system and closes it. There are excess flows at the stanchions, it has a plan shear point, if something happens and gets past all the crash protection, the valve is broken and leaves the closing mechanism within the tank itself. The last event at a bulk facility in the US was in the 1990's, at an illegally installed facility without the safety features being put into this facility.

Mr. Keach stated that he did not see anything in the statute at this point to trigger a need for a determination of regional impact.

Member Wainwright stated that the Board must determine if another hearing was needed to look at the plan again.

Member Wainwright made a motion to conditionally approve an Application for Site Plan submitted by S.E.C. & Assoc for Palmer Gas & Oil, Charles W. Ermer, 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. (Jurisdiction taken 7/19/23) (continued from 7/19/23 and 8/16/23). Approval to be conditioned upon:

- 1. Receipt of NHDES Alteration of Terrain Permit.**
- 2. Receipt of NHDES Construction Approval for Septic System Installation.**
- 3. Receipt of a local (Atkinson Department of Public Works) Driveway Permit.**
- 4. Receipt of a limited performance guarantee, in an amount to be recommended by the Town Engineer and in a form acceptable to the Atkinson Planning Board for installation and maintenance of erosion and**

sedimentation controls through the construction period, site restoration in the event of abandonment, and full and final completion of work, if any, performed within the Class V right of way at Hall Farm Road.

5. Receipt of correspondence from Town Engineer confirming all remaining comments and recommendations offered in his correspondence of September 20, 2023 have been resolved to his satisfaction.
6. Owner/Applicant implement each fire protection requirement specified and described in a Fire Department email dated September 20, 2023 to the satisfaction of the Fire Department prior to commencement of use and occupancy of the completed facility.
7. Receipt of confirmation from Planning and Zoning Administrator that all application and third-party consultant fees are paid in full.
8. The Planning Board shall hold a duly noticed compliance hearing to confirm fulfillment of all precedent conditions of approval by the Planning Board, prior to signature and recording of the final site plan.

Discussion: Alternate Coppeta commented on Number 6, regarding fire suppression systems, the Board wants to review them at the compliance hearing. Mr. Keach replied that this would be a precedent condition. The implementation and satisfaction of the Fire Department is a subsequent condition. For a compliance hearing, compliance and precedent would be validated. The location of a cistern or other equipment should be put on the plan for the Planning Board to see before that time. He stated that this condition would be written as a subsequent condition so that the site, once complete, cannot be used or occupied for its intended purpose until the fire department or its consultant has inspected the site and before fuel is delivered there. He stated that the fire department and the consultant will endorse what needs to be on the plan now and what is in the ground before the site is used.

Ms. LaBranche suggested adding another partial sentence between department and prior stating "and shall be shown in a revised plan for review and approval by the Planning Board." Mr. Keach stated that changing Number 6 is not necessary.

Member Stewart seconded the motion.

Discussion: Deputy Chief Holigan stated that he has already engaged SFC, there is a lot of detail work to do and at some point they will understand how big the cistern must be, because they will know the flow. This will affect the site plan in a way that the Board should approve. The cistern or the pond is the main thing.

Mr. Keach recommended expansion of Condition 6 as follows: Owner/Applicant implement each fire protection requirement specified and described in a fire department email dated September 20, 2023 to the satisfaction of the fire department prior to commencement of use and occupancy of the completed facility. Infrastructure necessary to achieve that outcome shall be shown on the final site plan prior to signature and recording. Ms. LaBranche asked about further correspondence between the fire department and their consultant and asked if that should be included in the amendment to Condition Six. Member Wainwright agreed.

Member Stewart wants to make sure that the final site plan will be at the compliance hearing. Selectman Ex Officio Baldwin stated that he wants to make sure that what is asked is within the standard. Member Stewart wants to make sure that the fire prevention systems and the cistern/pond are shown on the site plan.

Mr. Keach suggested that Number 8 should read: The Planning Board shall conduct a duly noticed compliance hearing to confirm fulfillment of all precedent conditions of approval prior to signature and recording of the final site plan.

Selectman Ex Officio Baldwin asked about the water supply. The memo talks about a secure water supply which meets the total fire flow requirements to be provided for at the site. There are two water sources on the site. Deputy Chief Holigan stated that the history of fire pond maintenance has been very poor. NFPA states that if the fire flow cannot be met by infrastructure and water maintenance, the fire department can decide. According to the water study last year, when the ponds were put in, it was never decided who maintains them. It is a critical problem throughout the country. The pond is owned by a third party. There is no written deed giving the fire department right to use it. The fire department uses the hydrants if they work.

Mr. Keach remarked that an issue with dry hydrants is their lack of dependability in the winter. Ms. LaBranche stated that drought also affects reliability. Mr. Keach stated that the water needs to be immediately available.

Member Stewart remarked that the water from open fire ponds is filled with animals that plague firefighters when they use a dry hydrant. He would not guarantee the condition of the water. Ms. LaBranche stated that it is not the responsibility of the Town to provide a water supply for a development.

Vice Chair Turell requested a vote.

Vote: 6/0/1. Six in favor with Selectman Ex-Officio Baldwin abstaining. Conditional approval is passed.

Alternate Rizzo asked if the conditions of approval could be put under the findings of fact. Mr. Keach informed her that everything necessary for the findings of fact can be found on page 2 of his memo. Ms. LaBranche stated that the findings of fact are all through the minutes.

New/Old Business:

Master Plan Update – Team Report

Member Ottow informed the Board that the Master Plan is moving along well. He met with the water resources people at the Library today. There are a lot of water resources issues and fire suppression is one of them. He suggested that they have a focus group so people know what the issues are. They are working on a volunteer basis only, for an

important issue for the Town. He also suggested they hire a consultant. Ms. LaBranche suggested a fact sheet that can go on the website.

Alternate Coppeta stated that there will likely be a goal related to water resources in the draft master plan. She is wondering how general or specific the goal will be. Some of the things discussed were MS4 and contaminants in the water. Quantity and quality of water are a concern for residents. Ms. LaBranche stated that it should be in the masterplan as a goal especially if the Town asks for funding. Ms. Coppeta learned at the meeting that there are a lot of grants available. Ms. LaBranche stated that a broad statement is fine, it just needs to show that it is a goal in the master plan. Member Stewart remarked that when it comes to water, it is not as simple as extending the pipe lines. It would be good to have something pointing out the difficulties. Ms. Coppeta stated that most people do not think about fire prevention, they just think about their drinking water. Member Stewart stated people do not know how hard it is to create a fire pond. 25 years ago, there was no NFPA standard, which is a 50 year drought. None of the existing fire ponds available meet the NFPA standard. Vice Chair Turell stated that in order not to go dry, a fire pond would need to be built over a spring, Ms. LaBranche stated that Atkinson relies on Hampstead Area Water Company with wells all over Town. Anything that affects their water supply affects private wells as well.

Member Ottow informed the Board that there will be a Master Plan Committee meeting, tomorrow, September 21, 2023. The housing discussion group will hold a focus group on September 26, 2023 from 6 pm to 8 pm at the Community Center led by their consultant. 28 people are signed up. They will be discussing the housing focus group at the meeting tomorrow. They are going through draft goals and objectives. They will also be looking at their implementation activities. Ms. LaBranche remarked that objectives should be measurable.

There was no more discussion. Vice Chair Turell requested a motion to adjourn.

Adjournment:

Member Wainwright made a motion to adjourn. Alternate Coppeta seconded the motion. Vote: 7/0/0. The motion passes.

Vice Chair Turell adjourned the September 20, 2023 meeting of the Atkinson Planning Board at 9:15 PM.

The next Planning Board meeting will be a workshop on October 4, 2023 at Atkinson Town Hall.