

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

Members:

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

Others Present

Ken Grant
Karen McFadden, Master Plan Committee

John Ottow (present)
(Master Plan Team)
Heidi Mahoney (present)
Bill Baldwin– Selectman Ex Officio (not present)
Hannah Rizzo, Alternate (present)
Sue Coppeta, Planning & Zoning Administrator, Alternate (present)

Call to Order:

Chair Killam called the workshop meeting to order at 6:00 PM.

Public Hearings: NONE

Minutes: December 6, 2023

Vice Chair Turell made a motion to approve the minutes for the December 6, 2023 meeting as corrected. Alternate Rizzo seconded the motion. All present voted in favor. Vote: 6/0/0.

Alternate Coppeta informed the Board that Ms. McFadden reached out to Resilience and they will be available for the February 21, 2024 meeting.

Workshop Topics:

1. Draft Zoning Amendment/Question for March 2024

- Amendment to ADU – Bill Baldwin (not present)

Alternate Coppeta stated that she believes an ADU of 1500 square feet and three bedrooms does not seem to be an accessory dwelling unit, it would seem to be a duplex or a two family. She is concerned about making the change without looking at current zoning. The permitted use chart says single families only. There are other places in the ordinances where specific conditions are needed for multifamily dwellings. She feels these two changes alone would create inconsistencies in the Zoning Ordinances. Alternate Coppeta reached out to Rockingham Planning to ask if, in addition to the way an RSA defines an ADU, can you offer anything else. She was informed that generally, when you talk about an accessory building, it is supposed to be incidental and subordinate to the primary. Those two words are not used

anywhere in the accessory dwelling ordinance but the terms subordinate and incidental are used in the zoning book under accessory buildings. If we make just the changes to increase the allowable size to 1500 square feet and three bedrooms without any qualifiers, a 1500 square foot house could have a 1500 square foot ADU. Alternate Rizzo asked if it would be a duplex at that point. Vice Chair Turell stated that he believes that the FHA and VA minimum size for a three bedroom home is 750 square feet. Alternate Rizzo stated that there is a chart with housing sizes in the planning board office and she was surprised at how many small houses there are in Atkinson. Alternate Coppeta informed the Board that there are over 2000 single family homes in Atkinson and 52% of them are less than 2000 square feet. Vice Chair Turell stated that there are some big homes and very large old farm houses.

Alternate Coppeta stated that 70% of the single family homes in Atkinson are less than 2500 square feet. Alternate Coppeta recommends that if the Board wants to increase the size of an ADU, then perhaps some language adding a percentage as compared to the primary dwelling is needed. Or, if it is determined by the housing needs assessment that more housing is needed at this size, it should not be determined as an ADU, maybe duplexes or something else could be allowed. The Board discussed whether anything should be changed. Member Mahoney agrees that a 1500 square feet and three bedroom ADU added to a 1200 square foot or 1600 square foot dwelling would be too much. She feels that the maximum size of an ADU should not be changed. Vice Chair Turell stated that the Planning Board had this discussion when the size of an ADU was increased to 1000 square feet. Finally, the Board settled on 1000 square feet because many homes have a basement area of around 1000 square feet. Member Mahoney stated that that is reasonable. The Board discussed how to do a percentage. Alternate Coppeta stated that people get around the 1000 square foot maximum. Alternate Coppeta stated that there are two issues with the master plan and the housing needs assessment and asked if the Board should wait until those results come back.

Mr. Grant stated that the Town started allowing ADUs in 1995, they were an exception to the Zoning Ordinance and 500 square feet was allowed. He asked what the motivation is to keep pushing up the size. Chair Killam stated there were probably different reasons. Chair Killam stated that she is more comfortable with waiting. Vice Chair Turell agreed. Member Mahoney believes that the size was increased to provide more affordable housing options. A home owner could allow family members an affordable place to stay. Alternate Coppeta stated that the Timberlane School impact fees have a fee schedule for different housing types in Atkinson and there is one for a duplex because it is assumed that a duplex can house a family and children could enter the school system. However, ADU's are not assessed impact fees. Vice Chair Turell stated that if the maximum allowed size of an ADU is increased to 1500 square feet, it should be charged as a house for impact fees. Member Mahoney and Alternate Rizzo agree that the Board should wait. Member Ottow also feels that the Board should wait because if it is going to be subordinate to the main house a percentage of the size of the primary dwelling should be used. Member Ottow would prefer to wait rather than coming up with a figure at this meeting. Alternate Coppeta stated that if a percentage is added, then if someone has a design, they can apply for a variance.

Chair Killam stated that the main reason for waiting is the master plan and also to give the Board more time to discuss the topic. The housing needs audit which is part of the two grants

that are on the way is designed to inform a Town if it should or might change its zoning and that would take a couple more years. She believes the audit will be very informative. Vice Chair Turell stated that the amendment to the ADU regulation will be tabled for 2024.

Vice Chair Turell made a motion to table the amendment to the ADU regulation for 2024. Alternate Rizzo seconded the motion. Vote: 6/0/0. All in favor.

Chair Killam requested the Board discuss long term care facilities.

- Long Term Care Facilities Zoning Question – John Ottow

Chair Killam stated that the Board should wait until three reports are done. Member Mahoney stated that she was unable to attend but she watched the December 6, 2024 Board meeting on TV. She stated that this is a very broad and confusing topic. Vice Chair Turell stated that the intent is to allow long term care facilities in the usage table. Member Mahoney that it was evident from the discussions in the community that residents are very concerned that a yes vote would allow nursing home in their neighborhood.

Member Ottow stated that there are two reasons for a survey, one to give information and one to get information. People can be informed of the issue by the way the question is phrased. He feels that the surveys conducted by the Master Plan Committee inform people that these are not permitted uses and people who need these facilities have to move out of town. There is some value but he feels the danger is a resounding no to allowing them in the usage table.

Member Mahoney feels that the Board should wait for the Master Plan and the information from the audit. Alternate Coppeta stated that if the Board puts forth a zoning amendment for any of these, a lot of education and public outreach is needed. Vice Chair Turell asked if the Board was ready for a vote to table. Chair Killam stated that more discussion is needed. Member Mahoney stated that more information is needed, the Board needs to show voters feedback from the master plan or the housing needs assessment. Vice Chair Turell believes the question needs to be rephrased to state “Do we want these uses to be permitted in the Town of Atkinson”. Not, “Do we need to develop zoning options”. Zoning options will come if the uses are permitted.

Vice Chair Turell stated everyone has a picture of what long term care is that translates into some type of building. Chair Killam stated that from comments from Alternate Rizzo and Member Mahoney, the Board does not have a clear picture of what long term care facilities are. Alternate Rizzo and Member Mahoney have professional experience in the field. Chair Killam feels that their opinion is that the definitions by this Board do not fit common practice. Vice Chair Turell stated that it is another exercise to put definitions to each one that can be added to the usage table. Alternate Rizzo stated that if the Board has decided how to define them, that should be written out and that can be used. Vice Chair Turell stated that a ballot question with all the definitions and types of long term care would be too long. There are a lot of words for an opinion question on the ballot. If the response on the ballot is yes, then the Board will have to develop definitions for each one to be added to the ballot next year. Member Ottow thinks that the average voter can get an idea of what the Board is presenting.

Alternate Coppeta stated that if the Board allowed assisted living, nursing homes and medical, if someone came in with a plan allowing all three on one property would the term continuing care be needed if all the pieces were allowed. Member Ottow stated that the reason for this question is not to define what these are, it is to get a rough idea from the voters if this is worth pursuing. Towards that end, there are two reasons for a survey, one, it informs people that seniors and other residents must move to other communities as their needs increase. Alternate Coppeta disagrees and is aware of what there is in Atkinson. Most of the people who have lived here for a long time are not surprised. Her parents went to Haverhill then to Methuen. This is a regional community, Atkinson is so small, people have to go to other communities to fill their needs. Member Ottow stated that if there has been a no vote twice, then lets keep it off the ballot.

Alternate Rizzo asked if a question "do we want a facility that provides medical care" can be put on the ballot. Vice Chair Turell stated that could lead to an emergency medical facility. The Board agreed to wait. Member Ottow stated that this is a tough question, but all Board members feel that some type of facility is needed. Member Ottow stated that the Town should allow free enterprise to develop these types of facilities. Alternate Coppeta stated that many of the surrounding communities have small assisted living or hospice houses. A large continuing care facility would be something else. Something like a hospice house could be done easily but it is not allowed. Hospice houses is where people with 6 days or less to live go. Member Ottow would like to amend the question to take off continuing care facilities, but he is still in favor of putting it on the ballot. One is to inform people, if they know and vote no, then the Board will know.

Alternate Rizzo stated that she would like to wait until after the master plan is done. She would not like to see a hospice house be disallowed if the voters vote against it. Member Ottow feels that the master plan does not address this issue. He stated that community needs are not always in the master plan. Chair Killam stated that when the Planning Board decides to enact a body of zoning, it should be based on the master plan. There is some wording in the master plan that states that one of the goals is to strive to provide housing types for all citizens and that implies cradle to grave housing. A previous iteration of a master plan states "all types of housing" so that gives the Planning Board basis to present this issue. Member Ottow stated if this non-threatening, non-binding opinion comes back as a no, then that will be the answer. Member Mahoney suggested breaking the uses out on the ballot so could the last line be changed to state "to accommodate any of these uses" or to list each as a separate item.

Chair Killam stated that rather than risk anything with this question, she would like forum style workshops and entice residents to come and talk about this issue. Member Mahoney stated that a big challenge is that residents do not think that assisted living and other types of housing options are affordable. Member Mahoney agrees. Alternate Coppeta stated that forums would allow a conversation rather than presenting it as a yes/no question on the ballot. Chair Killam stated that none of this will happen quickly largely because Atkinson has very little undeveloped land to accommodate the services that go into this kind of care.

Mr. Grant stated that the law has changed. The Board needs to be careful, even with a survey question. Chair Killam stated that there was a lawsuit in Atkinson that mandated that certain types of housing be allowed. There was a body of zoning that went into Atkinson ordinances that was mandated by the State. Member Ottow stated he would like to keep the conversation going and change the wording to “any of these uses”. Then, the Board can conduct surveys and focus groups. Chair Killam suggested that the original, one sentence paragraph be taken out. State, “the Planning Board is seeking the non-binding opinion of voters, this question is advisory only and does not mandate action” and ask “do you want to accommodate any of these uses and list the uses.” Alternate Coppeta suggested adding that currently the Town of Atkinson zoning does not allow and then list the types of long term care. Member Ottow agreed. Alternate Rizzo understands that the ballot question should not be too long and would like a check off. Alternate Coppeta stated that it is not a survey. Alternate Coppeta stated that the phrase “long term care” should be taken off and read the proposed question “Currently the Town of Atkinson zoning does not allow assisted living communities, nursing homes, hospice care and medical rehabilitation facilities. Do you want the Planning Board to develop zoning options to accommodate any of these uses?” Member Ottow and Chair Killam agreed.

Alternate Coppeta stated that she believes that this does not need a public hearing because it is a zoning amendment. If a public hearing was needed, the notice would need to be sent tomorrow.

Chair Killam requested a motion.

Vice Chair Turell made a motion that the phrase “long term care” should be taken out of the ballot question and read the proposed question “Currently, the Town of Atkinson zoning does not allow assisted living communities, nursing homes, hospice care and medical rehabilitation facilities. Do you want the Planning Board to develop zoning options to accommodate any of these uses?” Alternate Coppeta seconded the motion. Vote: 6/0/0. All in favor.

Chair Killam requested to move to the next topic.

2. Housing Needs Assessment and Regulatory Audit

Chair Killam informed the Board that the discussion was initiated with Rockingham Planning and the planner returned with an email that states that she has seen what the Planning Board has and how much money is left. The former consultant was working on the project and creating invoices for various tasks within the task list, and billing the State for each task. There were tasks that were billed and paid on the Regulatory Audit, the second of the two grants. Even though the town has nothing, the full amount that was allocated at the beginning under the regulatory audit is no longer available. The question is whether the State will allow the Town to use some of the money remaining in the Housing Needs Assessment Grant for the Regulatory Audit. The people managing the grant stated that they could accommodate the Town needs.

Alternate Coppeta stated that there were two grants and both grants have money left. Given the new assessment by RPC about what needs to be done, \$2300 would need to be shifted from the first grant to the regulatory audit. One of the first things that RPC proposes is that they meet with the new consultants and the grant people and confirm everything that the Board is planning to do going forward. Chair Killam asked if they could come to the workshop. The Board agreed that Rockingham Planning might be able to come, but probably not the grant people from the State. RPC's task list is the same as the former consultants for the most part. In the new contract, the Board will put in deadlines. Chair Killam suggested a day meeting. Alternate Coppeta stated that there is a deadline of July 31, 2024. RPC feels that the audit could be done in April, but the Board would have to sign a contract in early January. The only issue is how to gather input in a forum because it is time consuming and costly.

Alternate Coppeta does not understand how community engagement relates to a regulatory audit. Chair Killam requested Alternate Coppeta get in touch with RPC tomorrow to set up a meeting. Alternate Coppeta stated that she would ask if RPC would be available for the workshop on January 3, 2024. There is a public hearing on zoning at 7:00 PM regarding Palmer Gas at that meeting. Alternate Coppeta stated that she will send an email to RPC.

Chair Killam requested the Board turn to the next item.

3. Reappoint Master Plan Committee

Chair Turell made a motion to appoint Anne Brenton, Sue Coppeta, Ken Grant, Karen McFadden, John Ottow, Kate Rochford and Noriko Yoshida-Travers to the Master Plan Committee for a one year to expire December 31, 2024. Member Mahoney seconded the motion. Vote: 6/0/0. All in favor.

Chair Killam gave the master plan committee members present their oaths of office to sign.

There will be a public hearing at the January 3, 2024 for Marquis Management Hall Farm Road, their conditional approval expires at the end of the year. They will send in their application before it expires to request an extension. They will also bring in an amended site plan to the January 17, 2024 meeting. They put up a temporary building on the site that was not approved.

Adjournment:

Vice Chair Turell made a motion to adjourn. Member Mahoney seconded the motion. Vote: 5/0/0. All in favor.

Meeting adjourned at 7:45 PM.

The next Planning Board meeting will be on January 3, 2024 at Atkinson Town Hall.