

**ATKINSON PLANNING BOARD MEETING  
MINUTES  
WEDNESDAY, NOVEMBER 1, 2023**

**Members:**

Sue Killam, Chair (present)  
Vice Chair Turell (present)  
Paul Wainwright, (present)  
Bill Baldwin– Selectman Ex Officio  
(present)  
John Ottow (present)  
Hannah Rizzo, Alternate (present)  
Sue Coppeta, Alternate (present)

**Others Present**

Ken Grant

**Call to Order:**

Chair Killam called the November 1, 2023 workshop meeting to order at 7:30 PM.

Seven Members and alternates of the Atkinson Planning Board are present: Chair Killam, Vice Chair Turell, Selectman Ex-Officio Baldwin, Member Ottow, Member Wainwright, Alternate Rizzo and Alternate Coppeta

**Minutes: October 18, 2023 Public and Non-Public**

October 18, 2023 Public

**Vice Chair Turell made a motion to approve the minutes for the October 18, 2023 workshop meeting as amended. Selectman Ex-Officio Baldwin seconded the motion. All members of the Atkinson Planning Board present voted in favor. Vote: 7/0/0.**

October 18, 2023 Non-Public Session

**Member Wainwright made a motion to approve the minutes for the October 18, 2023 Non-Public Session as amended. Vice Chair Turell seconded the motion. All members of the Atkinson Planning Board present voted in favor. Vote: 7/0/0.**

October 23, 2023 Non-Public Session

**Selectman Ex-Officio Baldwin made a motion to approve the minutes for the October 23, 2023 Non-Public Session as corrected. Vice Chair Turell seconded the motion. All members of the Atkinson Planning Board present voted in favor. Vote: 7/0/0.**

**Workshop Topics:**

Chair Killam informed the public that since the October 18, 2023 meeting, the Planning Board has ended its contract with the consultant who has been working on the Housing Needs

Assessment. The project will still be completed, but how and with whom is unknown at this time. It has been temporarily suspended.

### **Zoning Topics – Potential March 2024 Amendments**

#### **a. Potential Changes to Atkinson Zoning for ADUs – Selectman Ex-Officio Baldwin**

Selectman Ex-Officio Baldwin stated that looking at what has been discussed regarding workforce housing and affordable housing, the amount of square footage allowed for an ADU can be increased up to 1500 square feet. Based on the information the Board has received, workforce housing is usually thought of as something that a minimum of a family of three can live in comfortably. Based on pricing for materials, it is less expensive than buying a new home. Chair Killam stated that converting some space would be the most economical way to create an ADU. Adding on to an existing building may not be that much less expensive. It could cost around \$200,000. Selectman Ex-Officio Baldwin stated that adding language such as “up to” and the square footage would be workable.

Member Wainwright suggested language stating “not to exceed some percent”.

Member Wainwright stated that right now, Atkinson ADUs require an interior connection, a holdover from in-law apartments. This no longer makes sense and can be eliminated.

Alternate Coppeta stated that she suspects some ADUs that have been approved might be bigger than 1000 square feet, but some of the space was claimed as shared. For example, one ADU in a basement had to go smaller with some space claimed as shared because the basement was so big.

Member Wainwright thinks that adding language to zoning to increase the size of the ADU and to eliminate the interior connection would probably pass. The Board agreed that 1500 square feet was a good maximum size for an ADU. It is twice the FHA requirement for a family of four. There are houses in Atkinson less than 1500 square feet.

Vice Chair Turell read the RSA, it requires an interior door between the ADU and the primary dwelling unit but the municipality may not require it remain unlocked. The other entrance is still required.

Unattached ADUs are not being discussed at this time, they are separate buildings.

Selectman Ex-Officio Baldwin stated that most importantly, the square footage is so that a family of three or four has room to comfortably live.

Vice Chair Turell asked if an impact fee could be charged. Member Wainwright believes they could be appropriate. Chair Killam stated that impact fees would not be easy to amend. The Town has not been doing school impact fees on ADUs. Alternate Coppeta stated she would make some inquiries as to whether neighboring towns charge impact fees for ADUs and

whether they have changed. Chair Killam stated that impact fees were coordinated 25-30 years ago when the school district was formed.

Alternate Coppeta asked to discuss the percentage size of the ADU compared to the primary. Chair Killam recommended language stating “no greater than 1500 square feet and not to exceed 50% of the size of the primary dwelling unit”. Alternate Coppeta stated that if that number is established, a variance could be requested. The Board discussed size.

Alternate Coppeta stated that there are no restrictions on additions. For example, a 2000 square foot addition could be added to a 1200 square foot house with the right lot.

Member Ottow stated that the Master Plan Committee is putting together a list of actions that the Planning Board may accept or reject. One is to evaluate the establishment of design standards to ensure they protect the small town character of Atkinson. Any change should be grounded in the notion that Atkinson prefers to stay a primarily residential community. A) Design standards could include placement and type of buildings and residential zones to keep the residential nature intact. B) Design of the Accessory Dwelling Units to blend in with the primary residence. C) Buildings in commercial/industrial zones reflect the character of the town.

Member Ottow authored these points after discussions with the Board. Chair Killam pointed out that most of these points are already in place. The Town is approaching change. Vice Chair Turell stated that as the Board approaches discussing detached ADUs, these points will be more important.

Alternate Coppeta stated that for an ADU approved by a conditional use permit the Planning Board would get to evaluate the design, without a conditional use permit, the Building Inspector would decide because he issues the building permits. Selectman Ex-Officio Baldwin asked if he had a house that was less than 3000 square feet, and it says an ADU up to 1500 square feet or 50% could be added, which would it be. The Board agreed that a permit for an addition could be obtained and all or part of the addition could be converted to an ADU. Selectman Ex-Officio Baldwin feels a 50% limit is not needed if there is a maximum size. Alternate Coppeta pointed out that the majority of houses in Atkinson are less than 2000 square feet.

Chair Killam stated that the main goal of the zoning is retaining the residential character. Selectman Ex-Officio stated that the trend lately has been to build additions or an ADU that goes with the design of the house.

Chair Killam stated that this ordinance does not do anything to prevent a steel building being built in the back of the house but she is not against them.

Alternate Coppeta read the zoning:

“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”.

That is part of the review process of the Board. Chair Killam stated that the Zoning Board used to decide on ADUs as a special exception but now the Planning Board does.

Member Wainwright recommended proposing a 1500 square foot upper limit, that is just a number change. Alternate Coppeta stated it would just change “h”. He does not recommend moving forward with detached ADU’s or allowing non-owner occupancy of the primary unit this year. Chair Killam agreed and stated that non-owner occupancy of the primary unit would be like a condo.

Alternate Rizzo pointed out that “h” says no more than 2 bedrooms and asked if it should be three if they could go up to 1500 square feet. Alternate Coppeta pointed out that there would be issues with the septic design if it were more than a 2 bedroom ADU. The septic is the total bedrooms plus the house. Chair Killam pointed out that the reason for some of this discussion is to make the ADU ordinance more user friendly and some is to encourage other ways to provide housing.

The Board agreed that three bedrooms could make sense. Member Ottow stated that if three bedroom units are allowed, the real number of bedrooms on the application may be more accurate, instead of two bedrooms and an office or extra storage, therefore not being reflected in the septic plan. The number of people living in the dwelling is not limited, just the number of bedrooms. Member Ottow asked if he could write this, submit it and add that septic design must match. Vice Chair Turell stated that it is already in the RSA. It states that a design septic plan must be included in the application.

The Board agreed that there should be standards as to whether exterior measurements or interior measurements are used and it should be included in the ordinance. Selectman Ex-Officio Baldwin stated that he would work on it this weekend and email it to the Board to review by Monday.

#### b. 2021 Long Term Care Zoning (Revisions) – Member John Ottow

Chair Killam stated that this was presented to the voters by the Planning Board three years ago without the changes recommended by Member Ottow and it failed dramatically.

Alternate Rizzo asked to speak regarding the definition for a long term care facility. Member Ottow agreed. His changes are very limited. Alternate Rizzo stated that the definition given by Member Ottow is not the same as the Federal definition. When Member Ottow refers to long term care facilities he is not talking about independent care and assisted living care. Chair Killam explained that this is the Planning Board definition for what Atkinson zoning should cover.

Alternate Rizzo stated that maybe this may fit the definition for a continuing care facility. Chair Killam stated that this is aimed at an array of possible facilities. Alternate Coppeta stated that this is an attempt to be the very top level definition. Long term care facilities are the big

umbrella. Alternate Rizzo stated that long term care should be a subset of a continuing care facility.

Member Ottow stated that his proposal isolates a long term care to only two zones, lower Main Street and the Industrial Zone. This takes it out of residential zones. One reason it failed may be because they were allowed in residential zones. If these facilities were put into these two zones, the residents may allow them to be built. This is a proof of concept. Alternate Rizzo stated that there is no guarantee that an Atkinson resident would be in one of these facilities. Member Ottow stated that there are Atkinson residents that need care. It increases the pool of care in the region.

Chair Killam had two concerns, one is that when the voters rejected the one that came in last year as a citizens petition the Board decided that they would not put it to the voters until there was a master plan. The other concern is that we have such limited commercial and commercial/industrial land of which very little is available for development, and even if it went on the ballot and passed, it would not be used and it would just sit on the books. Regarding available, suitable land, there is some undeveloped land in the Industrial Zone but these facilities contain enough beds that they require large quantities of water and septic. There is no available water in the Industrial Zone. The office building that was approved by the Planning Board did not have enough water flow to be approved by DES. Those are her concerns. The Industrial/Commercial zone by the Post Office is next to the railroad tracks. Vice Chair Turell stated that the area near the railroad tracks is also a watershed.

Alternate Rizzo stated that a large percent of these beds are empty, not because there are not people to fill them but because there is no staff and they are closing. She will find the numbers. No one wants to see something built in order for it to be closed or half filled. The Board discussed occupancy. Alternate Rizzo stated that independent living or assisted living units could work for Atkinson. These people not in a Federal funded assisted living facility would still have all the care needed. Alternate Coppeta suggested a nonbinding question in order to get more feedback as opposed to nothing. Member Wainwright agrees a referendum asking if long term care facilities are something the Town should pursue is a good idea. Chair Killam feels it should be a short question. Member Ottow stated he would come up with a narrative to discuss it.

Member Ottow stated that in his draft, he reduced the number of units from 100 to 40 because the idea of 100 units might be intimidating to voters. Vice Chair Turell said there are a number of facilities in Haverhill with around 40 units. Alternate Coppeta asked if the facilities should be quantified as units or beds. Alternate Rizzo stated that a hospice house could be successful with 8 beds because of the way reimbursement works. A long term care facility would need 99 beds. Member Ottow agreed that you could have 99 beds, but not all in one structure. Chair Killam stated that the Town of Atkinson might have municipal water and sewer 30 years from now and some of these facilities might be feasible. The voters have chosen not to have these services. Chair Killam stated that the original zoning change was written for any zone. Anyone who had a home that they wanted to convert to 8 hospice beds could do so and the article failed. She feels voters do not want these facilities or large buildings in their neighborhoods.

c. Other Potential Zoning Amendments

Alternate Coppeta had a zoning amendment regarding temporary structures. She is proposing defining a temporary structure as something that exists for less than a week. In that period, a permit is not required. After that, a permit from the Building Inspector will be needed. Chair Killam asked what the Building Code says. The Board reviewed the Building Code. Alternate Coppeta stated she would talk to the Building Inspector. Chair Killam agreed there should be something in the book and/or an application. Nothing has been amended in Building Code in years. Alternate Coppeta has had conversations with the Fire Department regarding changes in the Building Code as well. Chair Killam stated that anything in the zoning ordinances has to go through the Planning Board, some of the changes including changes to the Building Code have to go to warrant.

Alternate Coppeta asked about the wetlands 100 foot setback language. Member Wainwright informed her that most of the present lots have to be grandfathered if a change is made so it is possible to build something within the 100 foot wetland setback. If it is changed, people will want to build even closer. Alternate Coppeta stated that at present the ordinance is very specific about buildings containing human or animal waste and that people receive variances regularly. The ordinance only applies to a house, a garage or a barn. You can build other kinds of building in the setback without a variance. The rationale for a garage is that it is better for oil to leak on the garage floor than on the ground. She is asking if the ordinance should be less strict. Member Wainwright stated it is better to look at the places and decide if a variance should be granted.

**Adjournment:**

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

Meeting adjourned at 9:00 PM.

The next Planning Board meeting will be a workshop meeting on November 1, 2023 at Atkinson Town Hall.