

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, DECEMBER 6, 2023**

Members:

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

Others Present

Ken Grant
Karen McFadden, Master Plan Committee

John Ottow (present)
(Master Plan Team)
Heidi Mahoney (not present)
Bill Baldwin– Selectman Ex Officio
(present)
Hannah Rizzo, Alternate (not 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: November 15, 2023

Vice Chair Turell made a motion to approve the minutes for the November 15, 2023 meeting as written. Selectman Ex Officio Baldwin seconded the motion. All present voted in favor. Vote: 6/0/0.

Workshop Topics:

1. CIP Committee – Alternate Sue Coppeta

Alternate Coppeta informed the Board that there have been a couple of meetings. There are new faces on the committee who have previously not been involved with Town boards but have corporate experience with this type of effort. There will be committee liaisons for each department, possibly teams of two. The teams will interview the departments and collect information. The committee hopes to have a timeline and have something for the Selectmen in the fall when the budget season starts. The committee has picked a threshold of \$10,000 or three years of useful life as a definition for a capital expenditure. Alternate Coppeta is interested to see how each department tracks the vehicles. Chair Killam remarked that the vehicles are used very differently by the departments. At the next meeting the committee will talk about how to accomplish its goal.

2. Master Plan Update – Ms. Karen McFadden and Member John Ottow

Ms. McFadden explained that there have been multiple meetings during the month. Since July-August, there has been a housing focus group and a recreation focus group. The Master Plan Committee met with the water committee at their September meeting. They got feedback on the survey results, the outreach engagement and any recommendations. After the meeting, the water committee put together a thorough recommendation and plan as to what they would like to see going forward.

The outreach and engagement report has been updated and can be found on the Master Plan web page on the Town website.

The committee has spent the time from September to November going through their goals and objectives to come up with some recommended action items. The vision was presented to the Board in July, there were some slight changes. The Committee started with the 2014 Master Plan vision goals and brought forward three major goals from the 2014 Master Plan. These goals may appear different in the draft plan but they were the foundation. Resilience played a large role in facilitating and drafting the goals. The Committee then looked at the data compiled from surveys, the feedback, the existing conditions report and focus groups to decide if anything new should be added. Resilience took the information, compiled it and then added some objectives and recommended action items. From there, the Master Plan Committee met several times without Resilience to review their recommendations. They started with 10 goals and reduced that number to six. The goals and objectives are posted on the Master Plan web page. The Committee then met with Resilience, went over the final edits and asked for their feedback at their November meeting. The team has given the final edits to Resilience to start writing the narrative of the plan.

The Master Plan Committee expects to receive the first draft narrative of the Master Plan from Resilience at their January 18, 2024 meeting. Between that time and the January 25, 2024 meeting, members will independently go through the first draft to see if any changes or edits are needed. By then, the team should have their final recommendations and they will give those to Resilience. Between January 26, 2024 and January 31, 2024 Resilience will review the edits and meet with the Master Plan Committee on February 1, 2024. Mr. Steve Whitman will be at that meeting. Hopefully, a decision on final edits will be made at that meeting. The Master Plan Committee hopes to have a final draft for the Planning Board meeting at their meeting in mid-February.

Ms. McFadden stated that from there, looking at the current timeline, the public hearing should be in March and a second public hearing can be held in April, if required. Ms. McFadden requested input from the Planning Board and invited Planning Board members to attend the Master Plan Committee meeting February 1, 2023.

Chair Killam stated that she has not been close to the process this year. She does not know what the Master Plan Committee will present. It is the job of the Planning Board to review the plan and decide if it should be presented at a public hearing. She cannot decide at this time if the proposed master plan can be presented at a public hearing in March.

Ms. McFadden stated that it has always been the expectation that the first public hearing would be one month from the presentation to the Planning Board. She asked if the Planning Board would like Resilience to attend the public hearing. She also stated that the Planning Board should coordinate the date for Resilience to appear with them.

Alternate Coppeta stated that if Resilience is not doing anything between the final edits and the public hearing, it should not make a difference when the Planning Board turns it around, a month or five months.

Ms. McFadden stated that it is the decision of the Planning Board. Concerning the contract, the timeline has slipped several times. Chair Killam asked what caused the timeline to slip. Ms. McFadden stated that the latest slip is the responsibility of the Committee. Chair Killam stated that she was under the impression that Resilience would be at the public hearing if the Planning Board wanted it to, no matter when the public hearings would be held.

Member Ottow stated that the Committee did not hurry through the process. It took time to get through goals and objectives. After that, the Committee went through action items. There are six goals and several action items for each goal. It will be the responsibility of the Planning Board to assign time frames, level of priority, responsible parties and resources. This is a ten year plan.

Alternate Coppeta asked if the Planning Board should assign priorities in between reading the draft presentation and the public hearing. Chair Killam stated that she does not want a public hearing to be held until the Planning Board is happy with the entire document, not just the goals and objectives. Ms. McFadden agreed and stated that there is another option, to consider a master plan implementation team to go through this.

Chair Killam asked Ms. McFadden the earliest date Board members can look at the documents. Ms. McFadden stated that Board members can have the first draft on January 18, 2023 when the Master Plan Committee gets it. Vice Chair Turell stated that there should not be any changes at that point. He also stated he expects Resilience to be present when the Master Plan is taken to the Board.

Member Stewart stated that he would like a vote to say the Board definitely wants Resilience at the presentation. Chair Killam stated she would like to review the document before it is brought to the Board. Member Stewart requested all Planning Board members get a draft on January 18, 2023 and then the Board can make a decision about an implementation team. The Board decided a vote that Resilience be present is not needed, they are supposed to be at the meeting.

Alternate Coppeta stated that the Planning Board workshop is February 7, 2024 and the regular meeting is February 21, 2024. Vice Chair Turell prefers February 7, 2024. Ms. McFadden stated that she did not want to commit. Chair Killam feels February 7, 2024 might be too soon and prefers the February 21, 2024 meeting. Alternate Coppeta stated that she would target February 21, 2024. She will know how many hearings will be scheduled for February 21, 2024 by February 1, 2024. If there are a lot of applications, she recommends the

March 6, 2024 Planning Board Meeting. She recommended Ms. McFadden give Resilience the February 21, 2024 and March 6, 2024 dates and have Resilience schedule to present the draft master plan to the Planning Board. Alternate McFadden agreed. Chair Killam stated that the Board could have a special meeting if it is overloaded with applications.

Alternate Coppeta requested Ms. McFadden give a cost estimate for Resilience to appear at the Planning Board meeting and at the public hearing.

Member Stewart stated that Resilience should be present at the public hearing to assist in answering questions. Member Ottow and Ms. McFadden informed the Board that the Master Plan Committee is very familiar with the plan and the Board should be comfortable with them being at the public hearing without the consultant.

Ms. McFadden informed the Board that all of the documents except the actions are on the Master Plan Committee web page. The Vision, the Goal, the Objectives and the Outreach and Engagement Report can also be found on the web page. She recommended the Board look at the comments. The Existing Conditions report has been on the web page since April.

Alternate Coppeta informed the Board that the Master Plan Committee members' terms expire at the end of December. She requested members confirm that they want to be reappointed at the next Master Plan Committee meeting December 14, 2023, then the Planning Board can do the reappointments at their meeting on December 20, 2023. Alternate Coppeta, Member Ottow, Ms. McFadden and Mr. Grant confirmed that they want to be reappointed. Chair Killam recommended that the terms be for one year, from December 31, 2023 to December 31, 2024 or until the Master Plan Committee decides to stop meeting.

After discussion, the Board decided to make the decision on whether Resilience be expected to attend the public hearing after it has seen the first draft of the proposed Master Plan.

Member Stewart asked if there were other legal steps after the Planning Board decides. Vice Chair Turell stated that it was the responsibility of the Planning Board to adopt it. Planning Board members agreed that the Board of Selectmen and other committees and boards can endorse it.

Chair Killam asked about paper copies and Ms. McFadden informed her that 10 copies are in the contract. Chair Killam stated that the Planning Office, the Town Clerk, the Library and the Historical Society should all have copies. Alternate Coppeta stated that there will be an electronic copy available on the website. Copies of all prior master plans are also available in one location on the web site. Ms. McFadden suggested UNH have a hard copy.

Ms. McFadden asked what the Board wanted to do with the backup electronic files. Alternate Coppeta requested Ms. McFadden make a note to discuss this with her later so the files could be transferred either to the Town server or to the silo. Ms. McFadden stated that there is a list of sources in the existing conditions report but some of it was not replicated. Member Stewart remarked that all department heads should get a copy of the master plan, at least

electronically. Chair Killam agreed. Ms. McFadden stated that the plan document is about 80 pages and other supporting documents are in the appendix to the master plan.

3. Draft Zoning Amendment Questions for March 2024 Ballot

a. Amendment to ADU – Selectman Ex Officio Bill Baldwin

Selectman Ex Officio Baldwin stated he did not understand why the ADU must have its own egress. Vice Chair Turell stated that it is part of the RSA. Chair Killam stated that it has been in the ordinance from the beginning.

The proposed amendment is to remove Sections 463(g) and 463(h) and replace it with Section 463(g) stating *“the Accessory Dwelling Unit shall have an independent means of ingress and egress.”* The part stating that “the Accessory Dwelling Unit shall have convenient and direct access to the principal dwelling unit through an interior door between the principal dwelling unit and the accessory dwelling unit...” would be removed.

Vice Chair Turell read from the RSA which states that “an interior door shall be provided between the principal dwelling unit and the accessory dwelling unit but the municipality shall not require that it remain unlocked.” Selectman Ex Officio Baldwin asked if there were amendments or changes at the end of the statute. Vice Chair Turell stated that changes were made to Number 1 and Roman Numeral V. Chair Killam informed the Board that the wording has to work for the law and zoning, so just having “g” state that it shall have independent means of ingress and egress is not sufficient. The State RSA requires that there be access.

Alternate Coppeta stated that it is statute 674-72 III. Number “g” can be left the way it is. Independent ingress and egress are also required by Statute. During the review of an application it can be explained that access to the primary dwelling is necessary but the door does not have to be unlocked. Independent egress and ingress are also required by Atkinson ordinance and State RSA.

Member Stewart remarked that “shall be clearly accessory to the principal dwelling unit” means that the ADU should not appear to be the principal dwelling unit. Chair Killam is concerned that an ADU and principal dwelling unit look like a duplex. Duplexes are not allowed in Atkinson unless they have been grandfathered or if they are in a cluster. Duplexes can be sold separately if it is a condominium but an ADU cannot be sold separately. Alternate Coppeta pointed out that if the maximum ADU size is changed to 1500 square feet in the ordinance, it means that a 1500 square foot house or even a 1000 square foot house could have a 1500 square foot ADU.

Alternate Coppeta stated that she does not understand how the Building Inspector or the Zoning Board can interpret the language in the ordinance stating “...shall be clearly accessory to the principal dwelling unit” if the Planning Board cannot decide on the meaning. Chair Killam agreed that there are small houses in Town which could add 1500 square feet under the ordinance. Alternate Coppeta stated that this was discussed at the last meeting and it was

decided then that there is nothing that would prevent adding an ADU that would be larger than a small house as long as it can be fitted on the lot.

Member Ottow asked about making the size a percentage of the principal dwelling unit. Selectman Ex Officio Baldwin stated that it was discussed at the last meeting and it was decided that it really limited the potential size of the ADU, and would not be reasonable, especially going back to affordable housing or workforce housing. Families with adult children who cannot afford a house. 1500 square feet with 2-3 bedrooms is more than enough for a family of three or four. Vice Chair Turell read from the RSA, "for the purpose of maintaining the aesthetic continuity of the ADU with the principal dwelling unit as a single family dwelling." One of the units has to obviously be the primary dwelling unit and the ADU has to be incorporated into it.

Member Stewart feels that "aesthetics" and "taste" should not be imposed on residents. The Board discussed aesthetics and building styles in Atkinson. Member Stewart stated that someone can go from a 1000 square foot home to a 3000 square foot home and the visual change is obvious. Alternate Coppeta stated that many people are buying houses, tearing them down and putting up new houses that do not look the same. Chair Killam hates the thought of cookie cutter aesthetics. Alternate Coppeta stated that the Planning Board writes the zoning and it is interpreted by the Building Inspector and the Zoning Board.

Chair Killam stated that the Board is discussing language stating, "the accessory dwelling unit shall be clearly accessible to the principal dwelling unit" and if the Board proposed the phrase should be taken out. She asked the Board and all members agreed. There was no motion or vote. Chair Killam is concerned about enforcement.

Alternate Coppeta stated the Board has to pick an option. One option states *"remove existing condition "h" and replace it with "h", "the accessory dwelling unit shall be no more than 1500 square feet in size and shall have no more than three bedrooms."* The other option does not go word for word into the ordinance but it tells people what they are voting on. It says that the maximum size of the ADU will be increased from 1000 square feet to 1500 square feet and the maximum number of bedrooms will be increased from two to three. In this option, voters do not have to know the current ordinance, it just tells them what will be changed. It is RSA 674-72.

Selectman Ex Officio Baldwin asked if "shall be clearly accessible to the principal dwelling unit" can be removed and add that to the proposed change. The Board discussed whether the maximum size of an ADU to be 1500 square feet and if voters would agree. Chair Killam remarked that this could be a method to add housing stock. Selectman Ex Officio Baldwin remarked that houses in Atkinson are very expensive and hard for a young family to afford.

Alternate Coppeta recommended that the ballot could state "remove the existing article "h" and replace it with the one on the top. Chair Killam stated that only the intent needs to be posted. Member Stewart stated that realistically, increasing the maximum number of bedrooms from two to three can only happen if the lot is big enough, the septic system has the capacity and setbacks are met. Alternate Coppeta stated that it can be explained at the public hearing that

this is a means to add housing to Atkinson and there are still ways to control the size of the ADU. Chair Killam remarked that in many cases people get a variance. Chair Killam stated that 1500 square foot ADU's are geared towards housing stock, a way to provide additional housing at the option of the homeowner. Alternate Coppeta stated that regarding detached ADU's, the Board would have to discuss the size of the ADU, number of accessory buildings, the type of building and the size of the lot. There was no vote. Alternate Coppeta stated that she can do a notice with the topics and have the final wording for the next meeting.

b. Long Term Care Facilities Zoning Question – Member Ottow

Member Ottow informed the Board that he incorporated recommendations by Member Mahoney. Alternate Coppeta stated that she spoke to Mr. Garrity and he informed her that the question should be advisory and nonbinding. He suggested that since it is advisory only, not to get too detailed because the Board would not be held to it regardless of the vote.

Member Stewart suggested that to have it state where long term care facilities can go be broken down could help make it pass. This question excludes all residential areas. The primary question is whether the Town is interested in long term care facilities at all. Then ask where would they be allowed. Chair Killam stated that Member Mahoney emailed her that people would not want to live in a commercial/industrial zone. Alternate Coppeta recommended asking the voters about every potential zone independently. Member Stewart is afraid that would make the question too long. As far as the comfort level of placing a commercial type building in a commercial zone, the country club zone has commercial uses in it. With that addition, it would give the Board the option to go forward with something new. It would be simpler to list the commercial zones where it might fit rather than to ask them zone by zone.

Alternate Coppeta stated she would do the generic question first. If voters say yes, the Board can meet in April and poll residents. The Board discussed why these uses are not on the permitted use chart. The Board would like them to be allowed somewhere. The Board discussed changing the wording to state, *"Atkinson zoning does not allow these uses and the Planning Board is seeking the nonbinding opinion of voters as to whether these uses be allowed anywhere in Town"*. If the vote is positive, then a zoning article can be written.

Member Stewart stated that the Board knows where these uses can go and what is needed to develop them, water, septic and land. The Board discussed the availability of water in the Atkinson Industrial Zone.

Member Ottow stated that two years ago, the Board was not talking about nursing homes, they were discussing continuing care and that could be relatively small units. There are places on lower Main Street that could accommodate continuing care. The question is if they could work financially. His purpose in bringing it up is to get those uses into the ordinance. Chair Killam agrees but does not like encapsulating it into commercial and industrial zones. She also stated that the country club is currently the only place that has the infrastructure. Member Ottow feels lower Main Street would be a good place to start. Trying to allow them all over town would probably not be successful putting them at the Country Club was not successful last

year. Member Stewart recommended not mentioning zones, just ask if residents want to have this use and refer them to the permitted use chart.

Are you in favor of permitting these types of communities” was the wording recommended by Member Mahoney. The word “communities” would infer residential use while the word “facility” would infer a hospice or residential home. Chair Killam stated that “communities” are where people live. Other such uses can be called facilities because they are businesses. Chair Killam stated that if an individual buys or rents a unit, then it is residential. If that individual moves into a facility that provides services of care, then it is a business as assisted living, nursing home or hospice and rehab. Alternate Coppeta stated that there are grey areas. Chair Killam agreed, especially if it is in one community. Alternate Coppeta stated that if you are a resident, it depends on what the facility is allowed to do, such as giving medication. If someone is living in a facility that provides those services, it is still considered a business and a facility.

The Board discussed the language that should be on the ballot and agreed that if the residents agree that the Planning Board can develop zoning regarding these uses, then discussion on zoning as to what types and where they can be allowed can be discussed. The Board discussed the option of zoning for smaller facilities.

The Board discussed the wording for the warrant. Member Ottow put the recommended language on the TV screen. The Board reviewed it. Alternate Coppeta will send it to Town Counsel.

4. Housing Needs Assessment and Regulatory Audit

Chair Killam stated that the Board has until July 31, 2024 to complete the project and the Town is under grant funding for it. The Board terminated the contract with a consultant. It is now in a position to decide how much money is left, but not how much will be available going forward because the budget still has not been voted on.

Chair Killam and Alternate Coppeta spoke with a representative from Rockingham Planning Commission and asked how much money they needed to finish the audit. Alternate Coppeta stated that she should have the numbers by the end of next week. Chair Killam was very impressed with the consultant from Rockingham Planning. The people at the State recommended the Town talk to them. The second question is capacity and cost.

The Board discussed searching for other consultants and agreed that would not be the best approach.

An amended contract similar to the contract with the previous consultant is needed. Alternate Coppeta suggested it be more specific on time lines and deliverable dates. Chair Killam agreed. They should have more information in a couple of weeks.

5. Public Hearing Schedule - Zoning Amendments (proposed date January 3, 2024)

Chair Killam asked Alternate Coppeta if she would have time to post the public hearing for January 3, 2024. Alternate Coppeta stated that she can write it now because the legal notice does not have to state the language for the zoning amendment. The language can be finalized at the next meeting. Chair Killam stated that this will allow enough time for a second hearing as required.

Alternate Coppeta stated that starting December 20, 2023, Planning Board meetings will start at 6:30 PM. The regular meetings on the third Wednesday of the month will start at 6:30 PM and the public hearings will start at 7:00 PM. On January 3, 2024, there will also be a compliance hearing for Palmer Gas at 6 Hall Farm Road. Abutters have to be notified for 21 days so the earliest date for the public hearing would be January 3rd. Chair Killam stated that she would prefer to have the compliance hearing first. The site plan will be the same. The compliance hearing will be held at 6:30 PM and the zoning public hearing will be at 7:15 PM.

Adjournment:

Selectman Ex Officio Baldwin made a motion to adjourn. Vice Chair Turell seconded the motion. Vote: 5/0/0. All in favor.

Meeting adjourned at 9:15 PM.

The next Planning Board meeting will be on October 18, 2023 at Atkinson Town Hall.