

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, May 20, 2020**

Members Present:

Sue Killam, Chair
Mike Turell, Vice Chair
Paul DiMaggio
Ted Stewart
Barbara Brown
John Ottow
Jason B. Grosky, Selectman Ex Officio
Paul Wainwright, Alternate

Others Present

Julie LaBranche, Rockingham Planning
Sue Coppeta, Planning Administrator
William & Ana Sine, Applicants

Call to Order:

Chair Killam called the meeting to order Wednesday, May 20, 2020 at 7:30 PM. The hearing time is 8:00 PM.

Chair Killam read a letter authorizing electronic meetings into the minutes. The public has access to listen or participate. Persons who wish to participate can call 929-205-6099 or by going to Zoom and entering the meeting room ID #96546704507. Password is 3E7USD.

Instructions for accessing the public meeting have also been provided on the Town website or on the Town Facebook page. If there are issues, the Station Manager may be contacted at the Channel 20 station by telephone or email. If the public is unable to access the meeting the Board will adjourn and reschedule.

All votes taken during this meeting shall be done by roll call vote.

Chair Killam conducted a roll call attendance:

Mike Turell, Vice Chair no one else is in the room, Member Ted Stewart, no one else is in the room, Member Barbara Brown, no one else is in the room; Ana and Bill Sine, Applicant, no one else is in the room; Karen Wemmelmann, Recorder, present not by video, no one else is in the room; Alternate Paul Wainwright, no one else is in the room, not voting; Sue Coppeta, Planning Administrator, not voting, no one else is in the room; Selectman Ex Officio Jason Grosky, no one else is in the room; Julie LaBranche, Rockingham Planning Commission, no one else is in the room; Member John Ottow, no one else is in the room; Member John Feuer not attending; Chair Sue Killam, no one else is in the room; Member Paul DiMaggio, no one else is in the room

Chair Killam stated that there are five regular members, one alternate, the Selectman Ex Officio and the Conservation Chair, who is also a member of the Planning Board, attending. She also stated that with the Selectman Ex Officio attending, seven members could vote and asked who would abstain. Member Paul Wainwright requested to abstain from voting. Therefore, Member John Ottow will vote.

Chair Killam informed the Board that the last regular meeting was a workshop in February. There were two hearings scheduled for the March public meeting but the day before the March meeting, she was informed that the Board could not meet at the Town Hall. In order to proceed with the applications, the Board did a discussion by email, she spoke with every member and recorded the votes by email.

Chair Killam requested to review the meeting and to affirm the votes of the March 18, 2020 meeting. The first affirmation was to allow Robert and Aaron George an Accessory Dwelling Unit. The second hearing was a request by Midlands Investments to extend their conditional approval. The Planning Board also agreed to allow Midland Investment to extend their conditional approval.

Chair Killam read the agenda items and the decision letters for the March 18, 2020 meeting into the record.

The first agenda item:

Application to request an extension of the conditional approval issued on April 17, 2019 for Amended Subdivision and Site Plan for a previously approved Rural Residential Cluster Subdivision with Scenic Vista preservation in the RR2 Zone. This conditional approval was to add 7 additional units located in the previously created convertible land area of the Page Farm Subdivision. Map 13 Lot 87 in the RR2 Zone.

The decision letter dated March 25, 2020 sent to Midlands Investments reads in sum:

Due to the unprecedented circumstances of the coronavirus, the March 18, 2020 public hearing of the Atkinson Planning Board for this application was not held. As an alternative to a public hearing an email survey of the motion was conducted and the Atkinson Planning Board voted to approve the application for a one-year extension to April 17, 2021 of the original extension. The vote will be affirmed at the next public hearing. The original conditional approval was to add 7 additional units to the previously created converted convertible land area.

Additional reminders of that situation. Midlands Investment was denied the alteration of terrain permit by the State of New Hampshire subsequent to Planning Board approval of the site. Midlands investment is still involved with the process of obtaining an alteration of terrain permit with the state.

Chair Killam requested to take an affirming vote at this meeting with the participants who voted on March 18, 2020 by email. Members Ted Stewart, Paul DiMaggio, Barbara Brown, Jason Grosky and Chair Killam and Vice Chair Turell were all present. All votes were affirmative with the exception of Jason Grosky who voted negative.

Chair Killam requested a motion.

Vice Chair Turell made a motion to affirm the votes taken on the extension of the conditional approval to Page Farm by affirmative vote by those who did participate. Member Ted Stewart seconded the motion. Roll Call Vote: Mike Turell, yes; Ted Stewart, yes; Barbara Brown, yes; Jason Grosky, Selectman Ex Officio, no; Paul DiMaggio, not present; and Chair Killam – yes. Vote: 5/0/1.

This affirms the vote.

The second application voted on that night; March 18, 2020 was as follows:

Application for Conditional Use Permit submitted by Steve Okun of Dube-Plus for Robert and Erin George to establish an Accessory Dwelling Unit as defined in the Zoning Ordinance, Article IV, Section 460 at property located at 5 Hitchcock Lane, Map 11 Lot 9-2, TR2 Zone.

The decision letter sent to the applicants reads in sum:

Due to the unprecedented circumstances of the coronavirus, the March 18, 2020 public hearing by the Town of Atkinson Planning Board was not held. As an alternative to this public hearing, the Board did an email survey of the application and voted on this application which will be formally affirmed at the next public hearing. By this alternative method, the Atkinson Planning Board voted to affirm the application as shown above.

Vice Chair Turell made a motion to affirm the vote by roll call. Member Brown seconded the motion. Roll Call Vote: Vice Chair Turell, yes; Member Barbara Brown, yes; Member Ted Stewart, yes; Jason Grosky, Selectman Ex Officio, yes; Member Paul DiMaggio who voted in the affirmative at the March 18, 2020 email survey abstained from the affirmative vote due to technical difficulties; and Chair Killam, yes. Vote: 6/1/0 with Member DiMaggio abstaining.

Chair Killam asked the Board if it would like to conduct a virtual workshop on June 3, 2020. Vice Chair Turell asked what the Board would have to discuss and suggested continuing the discussion regarding zoning amendments for long term care facilities. All members of the Atkinson Planning Board agreed to conduct a virtual workshop. Member Ottow asked if there would be an agenda. Chair Killam informed him that she and Sue Coppeta would put something together.

Correspondence:

- Inspection Report from Keach Nordstrom Field Engineer, Jeff Quirk, regarding the erosion control methods in place on the industrial subdivision under construction on Hall Farm Road. He informed her that not much has changed since his last inspection, there was an excavator and two workers at the site. Vice Chair Turell reported that he had received a letter of credit from the applicant. The erosion control consisting of silt fence, stump grindings and so on, needs attention. He met with the foreman and he will request that the surveyor make an estimate as to the

progress of the project. The foreman informed him that he would repair the silt fence and silt socks.

- Memo from the Rockingham Planning Commission to the Board of Selectmen thanking them for their continued support and requesting membership dues for 2020. Dues for Atkinson are \$6,971.00.
- A March 20, 2020 notice from the City of Haverhill informing of meeting to be held April 7 regarding a petition for a four-family dwelling on Hilldale Avenue.
- A notice for an April 14, 2020 meeting from the City of Haverhill, regarding a petition from the applicant U-Haul requesting a special permit for storage containers
- A notice from the City of Haverhill regarding a June 2, 2020 meeting with instructions on how to call in.
- Information from Julie LaBranche dated March 16, 2020 regarding NHMA about procedures for cancelling Board meetings.

Minutes: none

Public Hearing: Chair Killam opened the public hearing Wednesday, May 20, 2020 at 8:01 PM. The Planning Administrator will put documents on the screen. Voting will be Chair Killam, Vice Chair Turell, Paul DiMaggio, Ted Stewart, Barbara Brown and Jason Grosky. John Ottow and Paul Wainwright, not voting.

1. An Application for Conditional Use Permit submitted by William & Ana Sine to establish an Accessory Dwelling Unit as defined in the Zoning Ordinance, Article IV, Section 460 at property located at 14 North Broadway, Map 3 Lot 13, TR2 Zone.

Abutters:

William A Sine and Ana C. Almeida (present); Mark & Lynnann Patuto; Larry & Elaine Kennedy Trust, Keith L Kennedy and Michael Kennedy , ETAL; Dawn M. Finley and Ida F. Kessler and Elizabeth Belinsky; Town of Atkinson(present); Kenneth H. Gammons Living Trust, Kenneth H. Gammons TTEE; Paquette 2018 Trust, David & Elizabeth Paquette TTEE; James M. Lavelle Associates (not present)

Lavelle Associates will not be presenting, the applicants appeared before the Board to present the application.

Chair Killam read the application into the record. It states that the application identifies William and Ana Sine, address 14 North Broadway, Atkinson New Hampshire; it is signed by both applicants and is dated April 15, 2020. It states that they wish to apply for a conditional use permit to allow an addition of a one bedroom, in-law apartment to

the existing house and converting the existing three bedrooms into two bedrooms. Chair Killam explained that the applicant must respond to each of the criteria listed below.

- 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).

The applicants affirmed on the application that this condition has been met.

- b. No more than one accessory dwelling unit shall be allowed per single-family dwelling. The accessory dwelling 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.

The applicants initialed on the application affirming that the accessory unit is attached.

Discussion: Vice Chair Turell informed the Board that it is new construction attached to an existing building.

- 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.

The applicants initialed on the application affirming that the accessory unit will not be a condominium.

- d. The single-family dwelling unit and the accessory dwelling unit shall be owner-occupied, and both dwelling units shall remain in common ownership by the primary resident.

The applicants initialed on the application affirming that the primary residents are owners.

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

The applicants initialed on the application affirming that this is a single family residence.

- 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.

The applicants initialed on the application affirming that the appearance will remain a single-family residence.

- 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.

The applicants initialed on the application affirming that the accessory unit has access to the main dwelling and independent access as well.

- 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 two bedrooms.

The applicants initialed on the application affirming the above, also that the square footage of the ADU will be 732 square feet, and there will be one bedroom.

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

The applicants initialed on the application affirming that there is adequate parking.

- 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. The building permit and the certificate of use and occupancy shall be signed by the building inspector and be shall be obtained for all ADUs.

The applicants initialed the application in the affirmative for this criteria.

- 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 NH DES; 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.

The applicants initialed the application in the affirmative for the above. Approved septic plans and a site inspection have been submitted with the application.

Chair Killam informed the Board that the application fee has been paid and certified notifications have been sent to 8 abutters. The applicants have also signed and attested that the information provided for this application is accurate to the best of their knowledge.

Chair Killam has an approval from the Department of Environmental Services dated April 14, 2020 for septic services at 14 North Broadway, Tax Map 3, Lot 13, Owner, William Sine, Designer, Lavelle Associates, Timothy Lavelle. It is a stone and pipe system with an approved flow of 525 gallons per day. This approval is valid for four years from date of approval and is approval for a two-bedroom house and a one-bedroom studio, no waivers.

DES has terms and conditions applicable to all approvals and it is valid until April 7, 2024.

Sue Coppeta showed the sanitary disposal system for the application on the screen.

Chair Killam asked if there were questions from the Board.

Member Brown asked why the applicant did not apply for a permit for a 3 bedroom plus a one-bedroom ADU and if a replacement system is needed, upsize it to four bedrooms. The applicant responded that the inspector informed him that it would not be legal for a four-bedroom due to the size of the lot and the leach field. The applicant informed her that they took down a wall, made a bigger room and left the additional closet.

Chair Killam requested the applicant give an overview of the application.

Mr. Sine informed her that they planned to take down a wall to make two rooms into one to make it into a two-bedroom ranch instead of three in the existing structure and adding an ADU with one bedroom. The ADU is for Mrs. Sine's parents.

Member DiMaggio asked about a sketch plan for the interior of the house and Vice Chair Turell pointed out that there is no floor plan for the interior of the house, the current plans just show a door connecting the existing dwelling to the new construction.

Member DiMaggio wanted to see a floor plan for the existing construction because it is part of the septic approval. The Town has conditions for bedrooms and conversions. Member Brown asked if that could be part of the approval by the Building Inspector and Member DiMaggio suggested that the Planning Board give the Building Inspector some direction.

Vice Chair Turell informed the applicant that a room is considered a bedroom if it has a closet. Two closets in one bedroom are allowed.

The Board discussed parking. The applicant explained that the existing driveway, is very large with room for seven or eight cars. Vice Chair Turell informed the Board that he studied the drawing and the driveway is a significant area. Mrs. Sine explained that her mother never drove and her father is 81 and no longer drives. Ms. LaBranche informed the Board that the driveway is shown on the septic plan. Member DiMaggio agreed, but it was not shown on the ADU plan.

Member DiMaggio asked about abutters. The applicant informed him that the Kennedys are quite far away and the Paquettes are right behind him and would not object.

Chair Killam asked if there was more discussion.

Ms. LaBranche asked if the applicant was going to replace the existing septic system and if the proposed septic plan was only for later need and the applicant replied yes.

Ms. LaBranche informed the applicant that they could keep the third room if they eliminated the closet. The applicant replied that the bigger room was for his daughter.

Chair Killam asked for a motion.

Vice Chair Turell made a motion to approve the Application for Conditional Use Permit submitted by William & Ana Sine to establish an Accessory Dwelling Unit as defined in the Zoning Ordinance, Article IV, Section 460 at property located at 14 North Broadway, Map 3 Lot 13, TR2 Zone; conditional upon the items listed in the application, a-k. Member Ted Stewart seconded the motion. Roll Call: Mike Turell, yes; Member Stewart, yes; Member Paul DiMaggio, yes, Selectman Ex Officio Jason Grosky, yes; Member Barbara Brown, yes; Member John Ottow, yes; Chair Killam, yes. The vote is unanimous to grant the permit. Vote: 7/0/0.

Ms. LaBranche made a comment that in the future the applicants can rent the ADU to anyone if their parents leave. Mr. Sine informed the Board that they intended to rent it to their daughter.

Jason Grosky requested to ask a question. Chair Killam allowed. He asked how it could be ensured that an ADU was truly the use for the property. Chair Killam replied that it was not the business of the Board.

Ms. LaBranche informed the Board that some ADU's in urban areas such as Portsmouth are being used essentially as Air BnB's and the Board may want to consider some language preventing short term rentals.

Another issue is zoning and septic requirements. Chair Killam stated that ADUs are limited to single family, setbacks, setbacks and size.

Chair Killam stated that Air BnB's have not been a problem in Atkinson. Ms. LaBranche informed the Board that it has been a problem in other areas. The check and balance has been for the Building Inspector of Planning Administrator do an online check monthly for Air BnB's in their town.

New/Old Business:

Chair Killam informed the Board that she and her husband are the applicants for the June 18, 2020 public hearing and requested that Vice Chair Turell chair the meeting.

Member Stewart asked about tonight's meeting and the affidavit signed by the homeowners which states that they will meet all regulations and asked if the Building Inspector could read it and give the ok. Vice Chair Turell stated that he did not think so. Ms. LaBranche explained that the Planning Board is the authority. The reason is, this is a land use issue and the Planning Board made the decision to be the approving authority.

Member Stewart explained that when it comes to the process and what the homeowners have to endure, it is roughly \$3,500 for the septic design and then, once the septic design has been submitted, the applicant has to wait another month. He thinks the Board needs to discuss detached and bigger units, but he does not think that the approval process needs to be in front of the Board. In most cases, the ADU has truly been for in-laws although it can be converted later, it is an unnecessary burden for the home owner.

Vice Chair Turell stated that it gives the neighbors a chance to express their views. If it were just the Building Inspector, that would never happen. Member Brown stated that issues such as architectural continuity and design could not be decided by the Building Inspector.

Chair Killam stated that the applications are submitted to the Board in a simplified format and the difficult part, completing the design and the application has already been done.

Ms. Coppeta commented that no abutters participated at the meeting, but there were abutters who reached out to the Planning Office and came in to look at the plan. Vice Chair Turell agreed that that is an important step.

Member Ottow stated that he had minor concerns about the setback because the lot was substantially smaller than two acres, but no abutters objected. Vice Chair Turell stated that the plan showed that the application met minimum setback requirements.

Chair Killam stated that she felt that the Board has not done enough applications to pass the responsibility for approval or disapproval to someone else.

Ms. LaBranche commented regarding public notice, that because ADU's are no longer restricted to family members, the neighbors would still like to be informed, participate and ask questions.

Member DiMaggio asked if there were concerns about the reconfiguration of the existing house.

Member Brown responded that she questioned them about the septic size. Ms. LaBranche stated that the septic approval is for a two-bedroom house with a one-bedroom ADU.

Vice Chair Turell stated that the door to the ADU from the existing dwelling was in the other room.

Chair Killam asked if there were more business.

Ms. LaBranche requested to discuss the MS4 permit and the biggest change was about stormwater management regulations. Due to lengthy litigation, the change in the permit allows communities to adopt stormwater regulations in year three. Starting July 1st year, through June 30, 2022, the Planning Board has 13 months to adopt the new stormwater regulations and should be put on the workshop agenda. It does not have to go to Town Meeting because it is a regulation, all that is needed is a public hearing. Ms. LaBranche stated that she would assist the Board.

Ms. Brown requested a summary of discussion regarding assisted living regulations for the workshop meeting June 2, 2020.

Chair Killam requested to thank Sue Coppeta and Dave Williams to ensure that the Board knew how to connect.

Member Brown made a motion to adjourn the May 20, 2020 meeting of the Atkinson Planning Board at 9:10 PM. Vice Chair Turell seconded the motion. All members present voted in favor. Vote: 7/0/0.

Chair Killam adjourned the May 20, 2020 meeting of the Atkinson Planning Board at 8:45 pm.

The next meeting of the Atkinson Planning Board will be a workshop on Wednesday, June 17, 2020.