

ATKINSON PLANNING BOARD
Atkinson, New Hampshire
Public Hearing Meeting
Wednesday November 4, 2009

Present: Sue Killam, Chairman; Paul DiMaggio, Vice Chairman; Regular Members: Ted Stewart; Tim Dziechowski

Alternate: John Wolters; Harold Morse

Also Present: The Honorable James Garrity, Representative to the New Hampshire House of Representatives, Ms. Michelle Veasey, Energy Committee, Ms. Judy Wainwright, Energy Committee, and Mr. John Recesso, concerned citizen

Ms. Killam called the meeting to order at: 7:35 PM

Correspondence

Incoming

1. Frank Polito, ZBA, dated 10/21/09 re: change in meeting date
2. Rockingham Planning Commission dated 10/21/09 re: budget for 2010
3. Monthly Exp – Dept Heads dated 10/31/09
4. Monthly Exp – Engineering Projects dated 10/31/09

Outgoing

1. Board of Selectmen dated 10/23/09 re: East Road and Linebrook Visibility
2. Gary Whitley / Robert Evans, dated 10/30/09 re: Subdivision and Lot Line Adjustment 46 & 50 Main Street, Map 4, Lots 14 & 16
3. Estate of Johan DeBesche dated 10/30/09 re: Subdivision, 9 East Road, Map 10, Lot 1

Chairman Killam read the correspondence into the minutes. The Board discussed the letter to the Board of Selectmen dated 10/23/09 regarding East Road and Linebrook Visibility. Vice Chairman DiMaggio asked Ted Stewart, the road agent if there were many accidents at the intersection. Mr. Stewart replied that it was the highest volume intersection in Atkinson. Member Harold Morse stated that the owner of one of the houses does not want the trees cut because the house was close to the road. Member Ted Stewart stated that if the property is developed the house will be moved and the trees are in a town right of way. The Board requested Mr. Stewart to advise the Board of Selectmen regarding requesting the State to cut the trees because it is a town intersection and the trees block visibility and Mr. Stewart agreed.

Approval of minutes- October 7, 2009

Discussion: Review of Energy Plan Section prepared by RPC for the Master Plan.

Michelle Veasey and Judy Wainwright, representing the Energy Committee presented a draft chapter to the Town of Atkinson master plan entitled “Energy Efficiency and Sustainable Development”, prepared by the Atkinson Energy Committee with assistance from the Rockingham Planning Commission.

The Planning Board reviewed the draft chapter to the master plan and proposed changes.

- The Board recommended that the Committee omit references to global warming as it was too controversial. The Energy Committee agreed to remove references to global warming and insert climate change.
- Next, the Board recommended changing sewer to waste management in the last sentence of the first paragraph as waste management is more all encompassing.
- Chairman Killam expressed concern about reference to nuclear power. Ms. Veasey explained that the majority of the electricity in Atkinson is generated by nuclear power. The Honorable Mr. Garrity pointed out that the graph on page 4 of the report showed an increase in use of nuclear power to generate electricity.
- Chairman Killam advised changing the word recreate to play.

The Board went on to discuss implementation strategies in Table 1 of the draft chapter and the topic of accessory rental units. Mr. Dziechowski remarked that accessory rental units in single family homes could be allowed to better utilize space and provide low cost housing. Mr. Morse stated that currently only in-law apartments are allowed. Mr. Dziechowski suggested allowing 2 unit multi-family housing in certain areas. Mr. Garrity asked if there were a quota. Mr. Dziechowski responded that the Town has affordable housing in order to comply with current New Hampshire law. Mr. Garrity asked if there were a difference between affordable housing and workforce housing and Mr. Dziechowski replied that there were a few differences. Mr. Dziechowski then stated that there was precedent in the town for accessory rental units, in the past families had rented rooms to Academy students. Ms. Veasey asked about the parking issue. Mr. Dziechowski stated that the biggest impediment was the septic system; more people in a residence required a larger septic system.

Chairman Killam stated that a mix of uses as a goal conflicts with the master plan. Ms. Veasey stated that mixed use reduces the need to drive. Chairman Killam responded that there was a zoning conflict with the master plan. Mr. Stewart mentioned the country club golf course. Chairman Killam stated that commercial uses in residential areas were not allowed. Mr. Stewart agreed that Atkinson zoning regulations are unfriendly to families and small businesses and friendly to wealthy homeowners.

Chairman Killam stated that the New Hampshire Planning and Land Use Regulations and Atkinson zoning regulations do not always agree. Mr. Stewart stated that the draft sustainable energy chapter to the master plan might be a good place to start rethinking Atkinson zoning and land use. Chairman Killam stated that if the language in the draft chapter regarding mixed use is put in the master plan, then it is stating that the Planning Board wants to change zoning. Harold Morse mentioned the new restaurant by the post office. Chairman Killam responded that the restaurant was in a commercial zone. Mr. Stewart stated that large parcels of land were needed in order to build in Atkinson. The Board agreed that the draft chapter was pointing development in the right direction, towards more mixed use. Ms. Veasey stated that the Town should have something so people did not have to drive everywhere. Chairman Killam stated that the town

wanted to preserve and encourage open space. Mr. Dziechowski mentioned the Town Forest and Ms. Veasey suggested that the Town have an open space budget and agricultural easements. The board discussed agricultural trusts as an alternative.

Ms. Killam then mentioned that there were two vacant seats for volunteers on the Rockingham Planning Commission that were open for everyone.

The next issue discussed by the Board was alternative transportation. Ms. Veasey brought up regional ride share and Mr. Dziechowski stated that it could be subsidized by Town membership and could supplant or reinforce the police department efforts with elderly affairs. Mr. Dziechowski then stated that there was also an effort to bring the Bradford train to the Atkinson Depot. The Honorable Mr. Garrity and Chairman Killam agreed that bringing the Bradford train to the Atkinson Depot would be good. Mr. Dziechowski stated that there was room for parking spaces on 88 acres in Haverhill and a train siding was already located there. Chairman Killam asked how far Atkinson Depot was from the Bradford station and Mr. Dziechowski replied that it was less than 5 miles.

Next the Board discussed Table 3 and the inventory of municipal buildings and facilities and noted that the library was omitted. Ms. Veasey stated that she did not have the data for the first draft. Ms. Veasey also asked when the highway department garage was built and Mr. Stewart replied that it was 12 years old. Ms. Veasey stated that she would check.

The Board then discussed Section 2.6, Energy Related Issues in the Community, issue 4 regarding recycling and composting. Member Stewart stated that 17% of waste stream is recycled. Chairman Killam asked what percent of households recycled and Member Stewart replied that there was no way of knowing. Mr. Stewart stated that about 12% of Atkinson households recycled. Ms. Veasey asked for suggestions on how to make recycling easier. Mr. Stewart responded that the Town would save \$83.00 for every ton of waste recycled. Mr. DiMaggio asked about the red bins and Mr. Stewart responded that the red bins cost the Town \$33.00 per ton. The Honorable Mr. Garrity remarked that taxes would go down if everyone recycled. Mr. Dziechowski stated that the most cost effective method for the town was the recycling center. Mr. Stewart responded that 60-65 gallon bins and single stream recycling would make recycling easier for households because they could have one bin for trash and one bin for recycling. At present, households have to separate paper, tin and glass. Mr. Stewart stated that the next waste management contract would include single stream recycling and that the Selectmen were against it due to the size of the container, but in his opinion, the 65 gallon bins are no larger than regular trash barrels and just as easy to take to the curb.

Vice Chairman DiMaggio went on to discuss voluntary incentives on page 9 of the draft chapter and suggested that incentives could be given for density bonuses, cluster housing, solar and geothermal power such as an extra unit for developers or tax incentives. Chairman Killam stated that tax credits are authorized by the State. Chairman Killam stated that the Town can adopt incentives, but only those authorized by the State. Mr. DiMaggio stated that Massachusetts is offering a 50% credit. The Honorable Mr. Garrity stated that New Hampshire can offer up to 50% and up to \$6,000.00 in tax incentives for solar and wind power at \$3.00 per

watt up to 50% of the cost and he will have more information for Town residents at the Energy Fair. Ms. Veasey stated that the Federal government also offers money as well as tax incentives and rebates.

Mr. Dziechowski stated that the Planning Board doesn't review residential site plans except for properties with four families or greater. Mr. Dziechowski stated that the planning board could encourage review, but currently it is not required.

Mr. Morse asked Ms. Veasey to define LEEDS which is mentioned on page 10 of the draft master plan chapter. Ms. Veasey stated that meeting LEEDS standards is difficult to achieve but the energy committee wants to encourage buildings that meet minimum energy efficiency standards. Mr. Morse stated that the Home Builders Association has a system which is easier to implement. The Honorable Mr. Garrity stated that LEEDS is good for large corporations but it is too difficult for small businesses to implement. Ms. Veasey stated that LEEDS standards are too expensive for small businesses and residents to meet. Mr. DiMaggio remarked that there is no subsidy for implementing LEEDS standards. Mr. Garrity responded that Hannaford's built a LEEDS store in Maine with a garden on the roof. Mr. Morse again recommended that the Committee look at the standards recommended by the National Home Builders Association on their internet site. Mr. Recesso recommended that the Board incorporate national standards.

The Board then discussed recycled building materials and the Honorable Mr. Garrity asked if it was permissible to use recycled boards. Mr. Morse responded that it was okay if they were stamped by an engineer.

The Honorable Mr. Garrity suggested that one option for mixed use would be to encourage home businesses. Chairman Killam stated that residents need a permit for a home business and that currently there are 220 in the Town.

Ms. Veasey stated that the Committee did not get a grant to review the proposed energy plan against current Town ordinances. Mr. Dziechowski suggested that she apply for a grant through SEACAP.

Ms. Veasey then requested that the Board discuss Section 3.2 of the proposed master plan chapter regarding community energy needs for the future. The Board discussed alternative sources of power such as hydro-electrical and solar. It was agreed that road blocks in existing zoning had to be removed to permit renewable energy installations.

The Board then discussed the issue of grey water in Table 6 in Section 4.4, Sustainable Development Principles and Practices and it was pointed out that using grey water for outdoor irrigation is against the law, but it can be used indoors. Ms. Veasey stated that grey water was used out West for irrigation. Ms. Killam suggested that mention of grey water irrigation be removed. Vice Chairman DiMaggio stated that it should be left in as a possible direction. Chairman Killam then stated that Xeriscape was the use of plants to filter water. Mr.

Dziechowski stated that it was a rain garden and Ms. Veasey stated that it is used to capture rain water runoff.

Chairman Killam then asked about the second to last bullet on page 14, tax credits. Mr. Morse suggested that the LEEDS language be inserted there.

Mr. Dziechowski asked about brown fields and Ms. Killam stated that information on brown fields in the Town could be found on the DES web site.

Vice Chairman Paul DiMaggio made a motion to move the Master Plan Draft Chapter – Energy Efficiency and Sustainable Development as amended to Public Hearing. Member Tim Dziechowski seconded the motion and the Planning Board voted unanimously to bring the Master Plan Draft Chapter – Energy Efficiency and Sustainable Development as amended to Public Hearing.

It was agreed that the draft chapter to the master plan be brought to public hearing at the Planning Board Meeting on Wednesday, December 16, 2009.

Continued Discussion

- Proposed Small Wind Turbine Ordinance

Chairman Killam requested that the Board wait until Selectman Ex-Oficio William Bennett were present to discuss the proposed ordinance. The Honorable Mr. Garrity stated that the Home Depot sells wind turbines. Mr. John Recesso stated that there are small turbines and that Northern Tool offers turbines that can generate from 600 to 5000 kilowatts of electricity on a pole that is not much higher than a telephone pole and stated that he would like to be part of the discussion.

Chairman Killam stated that the Board wanted to hold a public hearing on the wind turbine ordinance by January of 2009.

Mr. Stewart asked Mr. Recesso if he had seen the New Hampshire model ordinance and if he had an opinion. Mr. Recesso responded that he had not seen the ordinance but that it was based on the RSA's. Chairman Killam informed Mr. Recesso that the model ordinance was designed to assist Towns meet the RSA intent.

Mr. Recesso stated that a 150 foot setback from the property line for a wind turbine was reasonable and that minimum lot sizes were needed. Mr. Dziechowski asked if there was a minimum distance required for the property owner's house and Mr. Recesso replied no, that the minimum distance was just to the property line. Mr. Stewart stated that he saw no reason to make the Town ordinance stricter than the model ordinance. Chairman Killam asked what zones wind turbines should be allowed in. Mr. Dziechowski mentioned safety issues and Mr. DiMaggio stated that the lot size should be two acres or more. Mr. Recesso asked why smaller lots should be excluded and Mr. Dziechowski replied for esthetics. Mr. Stewart stated that he feared that if the ordinance was not strict enough, then it would be voted down.

Mr. Recesso stated that the main objections to wind turbines were sound and flicker. Chairman Killam stated that the model ordinance states that in order to install a wind turbine, the applicant had to prove that flicker on buildings was less than 30 hours per year and asked how it was possible to tell. Mr. Recesso stated that you would have to use video tape. Mr. DiMaggio stated that flicker less than 30 hours per year was next to nothing and it would be difficult to prove that it would show. Mr. Dziechowski stated that the sound level had to be less than 55 decibels. Mr. Stewart stated that 55 decibels was the sound level at the library when no one was using it. Mr. Recesso agreed that 55 decibels was a very low sound level.

Mr. Stewart asked how many kilowatt hours a wind turbine in Atkinson would generate. Mr. Recesso responded that the average wind speed in Atkinson was 10 mph and that winds closer to the coast were more consistent. Mr. DiMaggio asked if they could break at high speeds. Mr. Recesso responded that the maximum speed is 44 mph and the minimum speed is 6.5 mph.

Mr. Morse made a motion to put the small wind turbine ordinance at the next public hearing. Mr. Paul DiMaggio seconded the motion.

Chairman Killam requested that the Board wait until everyone has had a chance to look at the model ordinance and discuss the issue further at a later meeting. She stated that the next public hearing would be December 30, 2009. Mr. Morse responded that the Board could hold a special meeting. Chairman Killam stated that the last day for public hearings was January 5, 2010, a Tuesday and that the Board could hold a meeting the Wednesday before. Mr. Morse suggested that the Board discuss the ordinance further at the Planning Board Meeting on November 18, 2009. Chairman Killam stated that she wanted everyone to have a chance to read the model ordinance and for Mr. Recesso to explain flicker. Mr. Dziechowski asked about tower certification. Mr. Morse asked if it would be a zoning or building code. Mr. Dziechowski responded that it would be the same as a cell tower. Chairman Killam recommended that the Board hold the discussion at the Planning Board Meeting on November 18, 2009. Mr. Wolters asked if the Board would have enough time since there were two other hearings. Mr. DiMaggio suggested that the Board set a time limit for the other hearings.

Mr. Morse withdrew his motion.

- Zoning Items under consideration for 2010 Ballot

- Change the definition of Buffer Zones in 410:8(b) on page Z-18.

Chairman Killam read the proposed change into the minutes. Mr. Dziechowski stated that 410:8(b) be changed to stated that garages had to be a minimum 100 feet from wetlands. Chairman Killam stated that many of the new subdivisions near wetlands and houses just fit into the lot size required by zoning. Mr. Morse stated that the setback was too big and that the definition of a wetland was too restrictive. Chairman Killam asked about pools and sheds. Mr. Dziechowski stated that it was in the regulation. Chairman Killam asked what was wrong about a garage in wetlands. Mr. Dziechowski stated that the ordinance should state a building with chemicals should not be allowed within the setback and that the conservation committee usually recommends a variance for a garage. Mr. Morse remarked that the definition for setbacks in the Atkinson code was very restrictive. Mr. Dziechowski replied that the Salem ordinance was used as a model when the ordinance was drawn up. Chairman Killam stated that a 100 foot setback for all wetlands might be too restrictive and stated that some towns varied the setback according

to the type and size of the wetland abutting the property. For example, prime wet lands would have a 100 foot setback while smaller wetlands would have a 30 foot setback. Chairman Killam also stated that there is no regulation for parking and asked what was wrong with a slab. Mr. Stewart stated that a slab protects the environment, rather than having oil and gas drip directly into the ground. Mr. Dziechowski stated that the Town would be better off with a small buffer rather than a restrictive one that always gets a variance. Mr. Stewart stated that if there are a lot of variances then the setback should be changed. Mr. Dziechowski disagreed. Mr. Wolters asked what other groups were doing. Mr. Dziechowski stated that they will allow up to 40 feet of setback for an existing structure but will require that the applicant give up something else.

New/Old Business

Nothing more was discussed.

Mr. Ted Stewart made a motion to adjourn. Mr. Harold Morse seconded the Motion and the Board voted all in favor of adjourning the meeting at 10:26 p.m.

Next scheduled Planning Board Public Hearing – November 18, 2009