

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, June 3, 2020**

Members Present:

Sue Killam, Chair
Mike Turell, Vice Chair
Barbara Brown
Ted Stewart
John Feuer
John Ottow, Alternate
Paul Wainwright, Alternate

Other's Present

Call to Order:

Chair Killam called the meeting to order at 7:30 PM.

Chair Killam read a statement regarding video hearings pursuant to State Executive Order 2020-04. In summary, there is public access by telephone or by Zoom and gave a phone number: 929-205-6099. The Zoom meeting room Id is 96246722290 and the password is 709721. The online password is plan6work3. The statement also noted that instructions for accessing the meeting on the Town website. The Station Manager can be contacted if there are problems accessing the meeting. All votes will be taken by roll call vote.

Chair Killam requested a roll call for attendance. Chair Sue Killam with Dean Killam in and out; Vice Chair Mike Turell, alone; Alternate Paul Wainwright, alone; Members Ted Stewart, alone; Alternate John Ottow, alone; Member John Feuer, alone; and Member Barbara Brown, alone; were present as well as Karen Wemmelmann, Recording Clerk, alone.

Chair Killam requested to review minutes.

Minutes: March 4, 2020, May 5, 2020, May 20, 2020

March 4, 2020

Chair Killam, Vice Chair Turell and Members Brown and DiMaggio were present at the March 4, 2020 meeting.

Member Brown made a motion to approve the minutes of the March 4, 2020 meeting of the Atkinson Planning Board as presented. Vice Chair Turell seconded the motion. Roll Call: Member Brown, Member Stewart, Vice Chair Turell and Chair Killam voted in favor. Member DiMaggio not present. Vote: 4/0/0.

May 5, 2020: Not Reviewed

May 20, 2020: Not Reviewed

Correspondence: not discussed

Ongoing Discussions: Definitions, Permitted Uses, and other required zoning updates regarding Assisted Living Facilities, Congregate Care Facilities and Nursing/Skilled Nursing Care Facilities

The Members of the Board present discussed a field trip and whether the discussion should continue without a field trip.

Chair Killam stated that the Board could discuss definitions and the permitted use chart and where they would be allowed. Vice Chair Turell stated that the Board did not agree on where they would be allowed. Chair Killam stated that the Permitted Use Chart has all the different zones in Atkinson and all the possible uses.

Chair Killam requested that the permitted use section of the Zoning Regulation be discussed. She had suggested using the cluster zoning ordinance as a framework to define how these uses can be situated. The cluster zoning spells out size, age, parking, sewer and water. One reason is that there are several types of nursing care. One type different communities allow for example is a facility with six or under residents which are allowed in single, family, residential areas. The larger the facility requested, the more restrictive the zoning would be. She requested that the Board discuss size of the facility and zoning based on size.

Vice Chair Turell stated that many communities allow all types in all zones and regulate the size of the building. Chair Killam stated a conditional use permit could be used. Also, a section of zoning would be needed defining the specifics to be evaluated for the permit.

Vice Chair Turell pointed out that the size of the septic would control the size of the facility and Chair Killam agreed.

Member Stewart interjected and stated that allowing facilities in all zones would not be feasible but to allow them by the golf course or in the industrial or commercial zones would be more agreeable to abutters. He stated that these facilities are commercial enterprises and the voters may not allow a change in zoning to allow these types of facilities in all zones. Vice Chair Turell agreed.

Alternate Ottow stated that if the Board does a good job of defining the limitations of the land, then putting these facilities in all zones could be allowed.

Chair Killam agreed with Member Stewart that these are commercial enterprises and if the Board would allow a home in a residential zone to be resized to allow residents who may need a little help with their laundry or cooking. Also, most literature advises that these facilities be placed in the town center.

Member Stewart pointed out that Atkinson does not have public sewer and there is not a parcel of land in the town center large enough for a septic to accommodate an assisted care facility. Vice Chair Turell agreed, stating that it is the land that would dictate the type, size and location of a nursing care facility in Atkinson and there are possibly four sites that could accommodate one.

Chair Killam stated that the proposed regulations are written for the future and there may be town sewer 50 years from now. Also, as a rule, these types of facilities are small. The average size of a nursing home in the United States is 25 beds.

Vice Chair Turell stated that in the short term, if it does not work, the Board could make the regulation more restrictive and now there would be only one applicant. Member Stewart agreed and added that residents would be concerned about having an assisted living residence in their neighborhood and he is concerned about writing something that would pass. Chair Killam agreed.

Chair Killam asked if it should be Commercial-Industrial Zone.

Member Brown asked if the regulations should be site specific, like an overlay that could possibly allow a facility anywhere in Town as long as criteria such as septic, water, buffers and parking are met.

Member Stewart stated that Sue did a lot of work on the definitions, especially size and would like to get back to the parts that the Board already agreed on.

Member Feuer pointed out that there was a broad discussion regarding definitions at the December 18, 2019 meeting.

Vice Chair Turell again pointed out that the biggest limitation in Atkinson is septic. The average size of a facility across the country is between 37 and 53 beds. The lowest size for profitability is 16 beds. The average septic requirement is 283 square feet per bed as discussed at the March 4, 2020 meeting.

The Board discussed State regulations regarding assisted care facilities and septic size. Vice Chair Turell stated he wanted the applicant to come to the Board with a Septic Permit from the State. Member Stewart stated that Atkinson regulations need to reference the State regulations. Chair Killam stated pointed out that the cluster zone references State septic regulations.

Chair Killam stated that an overlay had been discussed. Vice Chair Turell stated that an overlay district could be designed relatively simply, with all the rules and which would cover the entire town. Member Stewart agreed, stating the overlay would mirror the cluster development regulations and be specific for these uses if the Board can agree on definitions.

Chair Killam asked if Vice Chair Turell was thinking of adding a column in the permitted use chart for a congregate care overlay district. Vice Chair Turell agreed.

The Board discussed types of assisted living. Chair Killam stated that the definitions specify the type of care provided. Once skilled nursing is required, then the facility is a nursing home. Facilities that provide different levels of care are defined as continuing care.

Alternate Ottow stated that it would be possible to have assisted living without going on to continuing care.

Vice Chair Turell stated that the Board would be discussing elderly housing or housing that is restricted by age. Member Brown stated that she looked at definitions for congregate care and they refer to care for children.

Alternate Ottow stated that the Board needed to be clear as to definitions. The Board agreed to use the term: "assisted forms of living".

Chair Killam stated language could include: May Consist of any or all of these types of care - Long Term Care Facilities (LTC) are a continuum of housing ranging from Independent Living to Skilled Nursing facilities. LTC and may include Assisted Living, Respite Care, Rehabilitation Services, and Hospice Care.

Alternate Ottow stated that the nine definitions that the Board decided on could be broken down with levels of restriction, including septic load, buffer size and so on. Then find the least restrictive type of assisted living and start from there, adding restrictions.

Member Brown stated that some definitions discussed were Nursing Home, Hospice, Congregate Care, Assisted Living, Communal Living, Senior Living, Memory Care and Age Restricted.

Chair Killam stated that that list was not complete.

The Board agreed that it would not be feasible to pick one district to allow assisted living facilities and agreed that an overlay would work best.

The Board discussed an application that was submitted.

Member Stewart requested a roll call on whether the number of bedrooms should be considered, but there is also a commercial aspect.

Chair Killam stated that she would be requesting consensus that any bedrooms created under these types of assisted living concepts would enter into a bedroom tally for the overall site. Any sites would not be treated as no bedrooms or less bedrooms, and whatever DES says they are valued at has to be applied to the overall site.

Member Stewart, Member John Feuer, Alternate Wainwright, Vice Chair Turell, Alternate Ottow, and Chair Killam all agreed

Chair Killam stated that the Board has consensus that bedrooms are counted per DES regulations.

Discussion: Vice Chair Turell stated that occupancy should also be included in relation to the number of bedrooms. Chair Killam disagreed stating that the Town does not count people. Vice Chair Turell stated that there could be 25 bedrooms and each bedroom housed six people. Chair Killam stated that DES regulates that the number of gallons per day of septic flow should be accounted for the size of the septic. DES does not necessarily count bedrooms, but gallons per day needs to be included for the overall loading of the site. Vice Chair Turell asked how a hotel would be regulated, by occupancy or by number of bedrooms. Chair Killam stated that DES regulates hotel size.

Member Brown, stated that condo units can put occupancy numbers per unit in their by-laws.

Alternate Ottow requested to return to the term “long term care facility” as an umbrella term, as it is a continuum from independent living to nursing facilities and skilled nursing. Member Feuer stated that it could also be respite care and hospice care. He suggested that should be the name of the additional column.

The Board agreed that long term care facilities could be used as a continuum that starts with independent care and ends with skilled nursing facilities that may include assisted living, independent care, respite care, rehab and nursing home as well as hospice care. The column heading would be: “long term care facilities”.

Chair Killam stated that Atkinson is not a commercial town and she does not believe the Board would see a large variety of applications. Applicants would have to decide what plan would work.

Alternate Ottow stated that he would write up the list discussed at the December 18, 2019 meeting, put it in an email and send it back around.

Chair Killam stated that Definitions are in Article I, Permitted Uses are in Article V, and cluster zoning is in Article VI so the regulations cannot be put in one place as one document.

Member Stewart stated that at the beginning the Board was concerned about how to regulate, that the Board could agree on terms and definitions and that applicants should be able to go from assisted living to nursing home. However, as to the technical aspects, for example parking, lighting, how a cafeteria would affect loading, if there were a hospital with medications and oxygen and so on; he would like input from the

Town Engineer on what needs to be tweaked to guide the developer and to protect the Town.

Chair Killam stated that Zoning defines where a facility could be placed and Subdivision decides how it would be placed.

Member Stewart agreed that there is a consensus.

Chair Killam asked if there were more discussion. Member Brown stated that the Board had made some ground.

New/Old Business:

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

Chair Killam informed the Board that 11 Industrial Way has changed hands and she requested that the new owners need a site plan, amended or updated. This will be on the Agenda for the June 17, 2020 meeting. 25 Hall Farm Road, George Kenney would also be on the agenda. The third application would be a lot line adjustment.

Chair Killam informed the Board that Palmer Gas would be going to the ZBA for a new site at 4 Industrial Way. Alternate Wainwright explained that the applicant was requesting a front setback variance.

The Board discussed how long it would be doing Zoom meetings and agreed that it would be for a long time. Chair Killam also requested to discuss the annual reorganization at the next meeting. She also informed the Board that a hybrid meeting could be considered.

Member Stewart left the meeting.

Member Brown made a motion to adjourn the June 3, 2020 meeting of the Atkinson Planning Board at 8:50 PM. Vice Chair Turell seconded the motion. There was no vote.

Chair Killam adjourned the June 3, 2020 meeting of the Atkinson Planning Board at 8:50 pm.