

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, August 5, 2020**

Members Present:

Sue Killam, Chair
Mike Turell, Vice Chair
Barbara Brown
Ted Stewart (left the meeting)
Paul DiMaggio
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 94088636919 and the password is qe7VXB. The statement also noted that instructions for accessing the meeting on the Town website and on Facebook. 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, alone; Vice Chair Mike Turell, alone; Member DiMaggio, alone; Member Ted Stewart, had to leave; Alternate Paul Wainwright, alone; Alternate John Ottow, alone; and Member Barbara Brown, alone; were present as well as Karen Wemmelmann, Recording Clerk, alone.

Chair Killam requested to review minutes.

Minutes: July 15, 2020

July 15, 2020

Chair Killam, Vice Chair Turell and Members Stewart, Alternate Ottow, Alternate Wainwright and Member DiMaggio were present at the July 15, 2020 meeting.

Vice Chair Turell made a motion to approve the minutes of the July 15, 2020 meeting of the Atkinson Planning Board with corrections. Member DiMaggio seconded the motion. Roll Call: Chair Killam, yes, Vice Chair Turell, yes, Member DiMaggio, yes, Alternate Ottow, yes and Alternate Paul Wainwright, yes. Vote: 5/1/0. The vote was five in favor with Member Stewart abstaining.

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

Chair Killam stated that she feels more comfortable with the various definitions. She thinks of it as types of residential uses, not meaning residential in the purest sense because in many cases it is more of a business than a residence. But they provide different housing types for aging and elderly persons. She has attempted to categorize what the Board would allow with the associated services to go with it. One thing she believes the Board should be doing is a chapter of zoning which will fit many circumstances, from small residential facilities with two or three beds to a large commercial enterprise. She hopes that Atkinson Zoning can accommodate all of these various types of facilities and segments or as a group.

Member Brown stated that she reviewed zoning for other Towns and an overlay zone for assisted living facilities was done. Vice Chair Turell pointed out the list of zones where facilities could be placed. The Board discussed whether a facility or facilities could be placed in any zone in Atkinson, especially the Commercial Zone or the Sports Complex Zone.

The Board discussed whether the term “overlay” should be used or whether “permitted in all zones” should be used. There was concern about the term overlay and the Board agreed that the term “permitted in all zones” be used.

Chair Killam asked if a minimum lot size should be mandated and asked if the lot size should depend on the size of the facility. Vice Chair Turell stated that the septic design should be a determination of the size of the facility.

Member DiMaggio stated that there are four types of units highlighted on the first page: Assisted Living, Congregate Senior Living, Continuing Care and Nursing Home. He asked if the term Congregate Care would be all inclusive. Chair Killam stated that to her, Continuing Care is the all-inclusive term and/or facility. The Board discussed if Continuing Care should be the all-inclusive category and be used as the heading. The Board agreed the definition of Continuing Care should be expanded to include all uses. Medical Rehabilitation is another issue, it is a service, not a living type.

The Board discussed if the term “Congregate Care-Senior should be used. Chair Killam stated that the definition for Congregate Care in Wikipedia is aimed towards children. Chair Killam thinks of Congregate Care as meaning people who enter these facilities but do not require assistance. Member DiMaggio suggested Congregate Senior Care.

Member Brown suggested changing the word “elderly” to “senior”. The Board agreed. Chair Killam stated that as long as the wording is consistent, it would not be a problem.

Regarding the definition for nursing home, Chair Killam added the term “exclusively for seniors”. She is concerned that children be allowed in the facilities due to the cost of education.

Other concerns are appearance, parking, number of bedrooms per acre. Could the same language in the cluster development zoning be used. Vice Chair Turell stated it should be based on soils. Chair Killam stated that one big issue is on site disposal of waste, so soils have to be a determining issue.

The Board discussed parking. Vice Chair Turell pointed out that one parking space per employee is required. Residents probably will not be driving, so the only parking required would be for visitors. Chair Killam stated that as the ordinance is expanded, as far as parking the type of facility needs to be specified. Perhaps two parking spaces should be required for every congregate care unit, and other requirements for other types of facilities. Vice Chair Turell has driven around to several facilities in the area and there is not a lot of parking. Most units give up their cars.

Alternate Wainwright gave Riverwood as an example, stating there are 3 levels, that one is independent living, residents have their own apartments and usually have cars. The second level is assisted living and those residents usually do not have cars. The final level is skilled nursing care.

Member Brown asked about parking at the Country Club. Vice Chair Turell read from the book, regarding off street parking. Current Atkinson Zoning Regulations include hospitals, nursing homes, convalescent homes and extended care facilities. It states that there should be two spaces for each bed plus one space for each employee, it is on page SP-9, 670:8i.

Member DiMaggio agreed to checking the current Zoning Regulations for completeness. He also agreed to check zoning regulations for other towns.

Chair Killam would like this chapter of zoning to be as short as possible and to point to other zoning regulations. The Board discussed landscaping as it pertains to the size of the facility. Also, density and septic loading. Septic design is in the administrative rules for DES. Member Brown stated that DES has rules for commercial uses for septic design. Vice Chair Turell stated that the rules can depend on whether there is a kitchen or washing facilities. Chair Killam states that what dictates the lot size is the soils capacity to take effluent.

One issue is what has been approved in the Sports Complex facility. It is a different type of septic system which has, to date, been big enough to accommodate all different types of uses in the complex. There will be 288 condominiums at the facility which will eventually tie into that system. Chair Killam feels that the Board and the residents should know what the eventual capacity of that system will be. The Board needs to discuss the issue further. Member Brown asked if the Board could look at the plans as they were originally approved. Chair Killam stated that she does not remember the

approval process and does not remember a discussion about hotel rooms. The plan for the Country Club was approved in the late '90's. Chair Killam stated that the Town needs to be very specific in the ordinance as to what is allowed so that the Town has the right to ask for and get that particular documentation. The Board agreed that the plan should be reviewed. Member DiMaggio stated that there are two different sets of guidelines, one for individual systems and one for engineered systems. This is how the sports complex can have higher density. Atkinson Zoning Regulations already cover soil type and septic size very well. Chair Killam agreed with respect to residential units, but not for hospital style facilities. It was agreed that the Town Engineer and Julie LaBranche could assist.

Chair Killam stated that density, parking, landscaping and septic capacities have been discussed in the Chapter and asked if anything else should be discussed.

The Board discussed if Conditional Use Permits should be allowed and what to do about variances. The Board agreed that Conditional Use Permits should not be allowed and if the facility did not meet zoning regulations, they should be required to ask for a variance. There was no vote.

Member DiMaggio read from SR-2 which states that in the RRCD, 4 bedrooms per acre should be allowed. The Board discussed the definition for "Alternative Design Residential Units". Member DiMaggio read from the Zoning Regulations. The Board agreed that deciding on definitions is the most important thing and it appears that that issue has been addressed.

Chair Killam asked if besides density, there should be a maximum number of units per building allowed for Congregate Care or use the alternative design definition which is only in the SCR. Also, all the cluster zoning which could also be used, it is no more than four units per building. There was a mistake made in the planning of the elder housing at the end of Pope Road at the end of Settlers Ridge. It was never specifically authorized.

Vice Chair Turell stated that one issue is the number of residents in each facility. The Board discussed whether the number of people per facility should be counted or the number of bedrooms. Vice Chair Turell stated the number of residents and employees in the facility should be the Town's business. The regulations assume one person per bed and one person per employee. Chair Killam asked if parking spaces should be determined by the number of employees on the largest shift.

Chair Killam asked what the next step should be. Vice Chair Turell suggested asking the Town Engineer and Rockingham Planning. Chair Killam will put some notes together.

Member DiMaggio read from the regulations regarding soils based lot sizing and it is less stringent. Chair Killam stated that the study he read from was for scenic vista and conservation subdivisions because they give up land for scenic vistas and conservation.

The other type, which has not been utilized, is for work force housing. Member DiMaggio stated that the SCR district was approved before the study, and basically the Town ended up with a quarter acre for each bedroom.

The Board agreed to consult with the Town Engineer and Rockingham Planning. Also to look at the regulations from other Towns.

The Board discussed postings on the Atkinson Friends Facebook page. Many of these postings are regarding growth and stopping growth.

The Board discussed growth. Chair Killam informed the Board that State Law states that towns cannot stop growth except as a temporary measure to allow Town facilities to catch up.

Alternate Wainwright pointed out one comment that made sense, which is anyone who lives in a house that was built after 1800, lives in a subdivision.

Chair Killam also stated that cluster zoning permanently conserves open space, and although there is housing in these clusters, some open space is permanently preserved.

There are 7000 acres in Atkinson, 200 acres are in open space and 500 - 600 acres are conservation land.

New/Old Business:

The next meeting of the Atkinson Planning Board will be on Wednesday, August 19, 2020. There will be one hearing for an accessory dwelling unit.

Town Hall is open to the extent that people can attend the meeting at Town Hall in a hybrid format, they should let someone know so that arrangements can be made.

The Board discussed the Town Engineer position. The Board of Selectmen has been discussing hiring a new Town Engineer. The members agreed that they are happy with the current engineer. He not only understands engineering, he also understands State law and local regulations.

The Board agreed to adjourn the August 5, 2020 meeting of the Atkinson Planning Board at 8:55 PM. There was no vote.

Chair Killam adjourned the August 5, 2020 meeting of the Atkinson Planning Board at 8:55 PM.