

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, August 19, 2020**

Members Present:

Sue Killam, Chair
Ted Stewart
Paul DiMaggio
Paul Wainwright, Alternate
Barbara Brown
Vice Chair Turell

Others Present

William Keane
Sue Coppeta, Planning Administrator
Julie LaBranche

Call to Order:

Chair Killam called the meeting to order Wednesday, August 19, 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. This is a ZOOM Meeting.

Instructions for accessing the public meeting have also been provided on the Town website or can be found 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:

Chair Killam, no one else is in the room; Alternate Paul Wainwright, no one else is in the room; Member DiMaggio, no one else is in the room; Member Stewart, no one else is in the room; Member Brown, no one else is in the room; Sue Coppeta, Planning Administrator, not voting, no one else is in the room;

Chair Killam informed the Board that two public hearings were posted.

The second is one submitted by Lavelle Associates: Chair Killam read the application:

**An Application for Site Plan submitted by James Lavelle Assoc for Gilley's Realty LLC for the construction of a 12,000 square foot building including 6 rental units and associated parking, loading and landscaping to be located on property at 19 Industrial Way, Map 16 Lot 56 in the CI Zone.
(Request for continuance to September 16, 2020 meeting)**

Chair Killam informed the Board that after the plan was submitted a buyer was found with a different concept for the site. A letter has been received from Gillies Realty LLC requesting continuance to September 16, 2020 due to upgrading the site plan. Ms. Coppeta has forwarded a request to Lavelle Associates asking why a continuance has been requested when it is a completely different plan and different people. Chair Killam

stated that the application has not been taken under jurisdiction and she did not think a vote was needed and allowed the hearing to be continued.

Chair Killam requested to review the minutes for the August 5 2020 meeting.

MINUTES: August 5, 2020

Discussion: Member DiMaggio stated he had one question on the first page. Member Stewart was marked as away in the roll call attendance. Chair Killam explained that he left. Member DiMaggio suggested he be marked as “had to leave”.

Member DiMaggio made a motion to approve the August 5, 2020 minutes as amended. The motion was seconded by Member Brown. Roll Call: Member Brown, Chair Sue Killam, Member DiMaggio, and Alternate Wainwright voted in favor. Vote: 4/0/0. The motion passes.

Correspondence: not reviewed.

New/Old Business: Chair Killam asked if there was any business the Board wished to discuss. Alternate Wainwright requested to discuss the land conservation plan. He has been working on some areas. He is concerned about having accurate maps. The tax map is out of date and inaccurate. The GRANIT database also seems to be out of date and inaccurate. One of his goals is to update these databases. Alternate Wainwright showed a map of Atkinson on his screen. He has gone back to original records of land that the Town owns. Mr. Dziechowski did a spread sheet of Town land about five years ago.

Alternate Wainwright has gone back to the tax cards for the more than 80 parcels that the Town owns and looked up every deed. He has a prototype of something that can be implemented in GIS technology by Ms. LaBranche and others in Rockingham Planning Commission. He has used photoshop to make up his map. He has broken Town land in to Town Forest and other conservation land. There are a couple of parcels with conservation deed restrictions or easements. There is also municipal land and other Town-owned land. The different types of land are color-coded on his map. There is a link to the map on the Conservation web page. One thing not yet on the map are cluster development dedicated open space. Examples of Town land with conservation deed restrictions are the Community Center and the Caroline Orr Town Forest. There is one sliver of land next to the Sawyer Town Forest which was taken by the Town for taxes. Alternate Wainwright would like it to be included in the Town Forest.

Alternate Wainwright requested to work with Ms. Coppetta to look at the records for development dedicated open space. Some of the dedicated open space parcels are separated from the development and others are not. Chair Killam agreed. Alternate Wainwright would like to get the information into GIS format so the tax maps and the GRANIT database to contain the same information. He may have some sections of the land conservation plan completed and would like some feedback.

Member DiMaggio asked about a large parcel which he believes is Town Land behind Knightland and across the street from the Stewart farm. Alternate Wainwright explained that the property is owned by Deborah Lang. The Conservation land next to it is Sawmill Swamp and the Saw Mill Town Forest. Chair Killam stated that she would look at it. Ms. Coppeta stated that she could help him and explained that there are newer tax maps that are not on the web site. Alternate Wainwright would also like to add the prime wetlands to the map.

Public Hearing: Chair Killam opened the public hearing Wednesday, August 19, 2020 at 7:55 PM. Vice Chair Turell joined the meeting. The Planning Administrator will put documents on the screen.

- 1. An Application for Conditional Use Permit submitted by Bill & Beth Keane to establish an Accessory Dwelling Unit as defined in the Zoning Ordinance, Article IV, Section 460 at property located at 1 Stewart Farm Rd, Map 17 Lot 96, TR2 Zone.**

Abutters:

Settlers Ridge Condo Association, Matthew Mullen, Meaghan Grinnell, William Keane (present), Town of Atkinson (represented by Paul Wainwright), Patricia Caton, Carol Rivard, Matthew A. Abel, Justine Abel, Our Lady of Mount Carmel Mission, James and Katherine Stewart

Chair Killam asked if the parcel labeled Settlers Ridge is owned by Ted Stewart. Member Stewart replied in the affirmative and requested to recuse from voting. Ms. LaBranche joined the meeting.

Chair Killam read the application for the public. The applicants are asking the Planning Board to accept a current ADU at 1 Stewart Farm Road. The current ADU will conform to the current guidelines set forth by the Town and therefore bring this ADU into compliance. It is something that has been in existence which the Planning Board is documenting.

a) The accessory dwelling unit shall be subject to the standards and conditions set forth in the Town of Atkinson Zoning Ordinance

Discussion: Acknowledged in the application and initialed by applicant.

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

Discussion: Acknowledged in the application. It is within the existing single -family residence.

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.

Discussion: Acknowledged in the application.

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

Discussion: Acknowledged in the application.

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

Discussion: Acknowledged in the application.

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.

Discussion: Acknowledged in the application. Photographs have been submitted but they are very dark. If anyone would like to see them, they are available at the Planning Office.

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.

Discussion: Chair Killam said she understood that the Accessory Dwelling Unit is in the basement of the home and there are stairs to the upper level and asked the applicant who replied in the affirmative.

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 2 bedrooms.

Discussion: Acknowledged in the application. The application states square footage of the ADU is approximately 650. There is another document showing the square footage as 669 and it has one bedroom.

i) Two parking spaces shall be provided for the accessory dwelling unit. Attention should be paid to provide for adequate snow storage.

Discussion: Chair Killam requested the applicant speak to Letter i.

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. A building permit and certificate of use and occupancy signed by the Building Inspector shall be obtained for all ADUs. Acknowledged in the application.

Discussion: Acknowledged in the application.

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 the NH DES and a signed statement by a NH licensed septic designer verifying the adequacy of

the existing system; or a new septic plan and installation with an “Approval for Operation” from NH DES.

Discussion: Acknowledged in the application. See enclosed septic design done by Lavelle Associates. Chair Killam believes it has been approved by DES.

Everything on the checklist has been submitted and signed by the applicants.

A copy of the tax card was also submitted showing the layout of the first floor. There are also pictures. The first picture shows a garage and Chair Killam asked if it were the front of the house. The applicant explained that it was the back of the house. There is a two-story garage for two cars in the front.

The garage in the back has room for one car. There is a driveway on the left that goes around to the back of the house. There is also a guardrail. Member DiMaggio asked about the pictures and Ms. Coppeta showed the pictures submitted with the application for the Board to review with the applicant. The driveway is paved to the bottom and the rest is rap. The garage in the back is for one car and the doors on the right are oversized. Access to the ADU is through a slider door to the right.

Chair Killam has the approval for construction of the septic which was issued on May 21, 2020. It is approved for a four-bedroom house and a one-bedroom ADU. The approval is valid for four years from the date of the approval and no waivers have been approved. There is a copy of the plan stamped by DES submitted with the application.

Chair Killam requested to take the application under jurisdiction.

Vice Chair Turell made a motion to take the Application for Conditional Use Permit submitted by Bill & Beth Keane to establish an Accessory Dwelling Unit as defined in the Zoning Ordinance, Article IV, Section 460 at property located at 1 Stewart Farm Rd, Map 17 Lot 96, TR2 Zone. Member Brown seconded the motion. Roll Call Vote: Alternate Wainwright, Member DiMaggio, Member Brown, Vice Chair Turell, and Chair Killam. Member Stewart recused. Vote: 5/1/0.

Chair Killam asked the Board if there were more questions for the applicant. Member DiMaggio asked about the septic. The applicant explained that it is the existing septic and it was approved for four bedrooms and a one-bedroom ADU. Member Brown questioned the bedrooms. Chair Killam explained that DES did the approval as four bedrooms and an ADU because the ADU has a kitchen in addition to a bedroom.

Chair Killam reviewed the layout of the basement showing the overall dimensions of the basement space and the location of the stairway up. The pantry includes room for the radiant heating system. There are 669 square feet. There is a bathroom to the far right, an area with a utility closet, a sleeping area, and a kitchen area. The door exiting the ADU goes to the walkway. The garage does not go with the ADU.

Ms. LaBranche stated that the application states the square footage as 650 but the diagram shows 669 square feet. Ms. Keene stated that 669 square feet is correct. Ms. LaBranche asked about the exit door to the back yard. Ms. Keene explained that it is next to the utility closet. Ms. LaBranche asked if the Building Inspector had looked at the unit and asked if there was a window that could be used as an exit. Ms. Keene stated that there are windows in the basement space on one side. There are three windows next to the door, all on one side. Two sides of the living space are earthen and the third side is next to the garage. The Building Inspector has looked at the unit a number of times. Member DiMaggio asked about the septic design. Chair Killam stated that approval was issued 3 months ago.

Member DiMaggio made a motion to approve the Application for Conditional Use Permit submitted by Bill & Beth Keane to establish an Accessory Dwelling Unit as defined in the Zoning Ordinance, Article IV, Section 460 at property located at 1 Stewart Farm Rd, Map 17 Lot 96, TR2 Zone. Vice Chair Turell seconded the motion.

Discussion: None

Roll Call Vote: Alternate Wainwright, yes; Member DiMaggio, yes; Member Brown, yes; Vice Chair Turell, yes; and Chair Killam, yes. Member Stewart, recused. Vote: 5/1/0. The motion passes.

Chair Killam closed the public hearing.

Chair Killam asked the Board if there was other business to discuss. Alternate Wainwright asked Ms. LaBranche if there was any billing for the LSHIP grant. She replied that she will submit it. He also requested to discuss the conservation land map with her at another time.

The next meeting of the Atkinson Planning Board will be a workshop on Wednesday, September 2, 2020.

Ms. LaBranche requested to discuss the stormwater management regulations that need to be adopted this year. It can be delayed until the end of the year. She would like to go through the model regulation and streamline it. They need to be adopted by June 30, 2021. The site plan regulations and the subdivision regulations would be affected. A public hearing needs to be held.

Another issue she would like to discuss is impact fees. ADUs are considered residences, especially if there is more than one bedroom. It is possible that a child could be living in larger ADUs. She feels that the Board needs to discuss whether impact fees need to be assessed for larger ADUs that have more than one bedroom. She would like to have it put on the agenda. Ms. Coppeta informed the Board that she had researched whether impact fees were assessed for ADU's in other towns and she believes one other town is assessing fees.

Member Brown made a motion to adjourn. Chair Killam seconded the motion. All members of the Atkinson Planning Board voted in favor. Vote: 6/0/0.

Chair Killam adjourned the August 19, 2020 meeting of the Atkinson Planning Board at 8:30 pm.