

**ATKINSON PLANNING BOARD MEETING  
MINUTES  
WEDNESDAY, September 2, 2020**

**Members Present:**

Sue Killam, Chair  
Mike Turell, Vice Chair  
Barbara Brown  
Ted Stewart  
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. She informed the audience that it was a work shop meeting and the Board would be working on some zoning.

Chair Killam read a statement regarding video hearings pursuant to State Executive Order 2020-04. In summary, the Board is authorized to meet remotely. There is public access by telephone or by Zoom and gave a phone number: 929-205-6099. The Zoom meeting room Id is 92563517340 and the password is mtVpQ7. 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. If the public is unable to access the meeting, it will be rescheduled. All votes will be taken by roll call vote.

Chair Killam requested a roll call for attendance. Member DiMaggio, alone; Vice Chair Mike Turell, alone; Alternate Paul Wainwright, alone; Alternate John Ottow, alone; Chair Sue Killam, alone; and Member Barbara Brown, alone; were present. Member Stewart arrived after roll call.

Chair Killam requested to review minutes. There are outstanding minutes from the June 17, 2020 meeting.

**Minutes:** June 17, 2020, August 19, 2020

**June 17, 2020**

Chair Killam, Vice Chair Turell and Member Stewart, Member Brown, Alternate Wainwright and Member DiMaggio were present at the June 17, 2020 meeting. Selectman Grosky and Member Feuer were also present at that meeting, but are not in attendance for this meeting.

Alternate Wainwright stated that on page 10 he forgot to say present and if it mattered. Vice Chair Turell stated that it does not matter because there were other Town officials present. He was unaware that there are 20 feet of Conservation Land that abutted the project. He also asked where notice was sent when Conservation Lands are an abutter. Chair Killam informed him that notices are sent to the Town of Atkinson. They are

printed out from the website and are probably opened by the Town Administrator's office.

**Vice Chair Turell made a motion to approve the minutes of the June 17, 2020 meeting of the Atkinson Planning Board as written. Member Brown seconded the motion.**

Discussion: Member Stewart appeared and was counted as present and alone.

**Roll Call: Chair Killam, yes, Vice Chair Turell, yes, Member DiMaggio, yes, Alternate Ottow, not present, Member Brown, yes, Member Stewart, yes, and Alternate Paul Wainwright, yes.**

**Vote: 6/0/0. The vote was six in favor with Alternate Ottow not voting.**

### **August 19, 2020**

Alternate Wainwright asked the Chair if the August 19, 2020 minutes could be discussed. He stated that he had a couple of comments. The Board agreed to wait until the next meeting.

**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 since these types of facilities will be treated as commercial use, site plan regulations need to agree. The Board discussed whether the number of parking spaces required in the present site plan regulations were needed for these types of facilities. The Board agreed that they probably would not need as much parking as required in current Atkinson site plan regulations.

The Board reviewed information submitted by Member DiMaggio regarding parking at these types of facilities which he obtained from the Town of Tewksbury, Massachusetts.

Alternate Ottow stated that the examples given by Member DiMaggio regarding parking were much better than those currently in Atkinson ordinances.

Alternate Ottow read portions of the Tewksbury ordinance into the record. Specifically, the number of parking spaces required for employees. The Tewksbury ordinance allows for offsite parking. Chair Killam stated that Atkinson ordinance does not allow offsite parking and if the Board wished to consider it, it would have to be a separate discussion.

Alternate Ottow then read that the Tewksbury ordinance requires one parking space for each employee on the largest shift plus one parking space for the number of clients the facility is licensed to serve, divided by five and rounded to the next highest whole number. He stated he liked that it calls for the number of employees on the largest shift and one parking space for each client in assisted living probably would not be required. This would allow for enough parking for visitors.

The Board discussed whether the number of spaces for nursing homes compared to assisted living and long-term care should be the same. The most inclusive definition was continuing care. Chair Killam asked the Board if parking should be broken down by the type of facility. Alternate Ottow agreed. The Board agreed that one for each employee in the largest shift. However, the number of parking spaces for each client the facility is licensed to serve divided by five might work for a nursing home but not for assisted living.

Alternate Ottow read the definitions for assisted living and long-term care from the Tewksbury regulations regarding parking into the record. They require enough parking for the number of clients divided by two. Alternate Wainwright asked if the regulation accounted for visitors. The Board discussed visitors.

Member DiMaggio stated that he thought that some of the information was interesting but it is a bit complicated. Member DiMaggio stated he could speak to Tewksbury Town officials regarding parking for Congregate Care Facilities and how their parking regulations have worked out.

Vice Chair Turell stated he has observed other facilities with large parking lots that are almost empty all summer. Chair Killam pointed out that this summer is not a good test and agreed that Member DiMaggio should check further.

Member DiMaggio pointed out that Tewksbury and Atkinson both have ordinances allowing the Town to give a variance for up to 30% of the required parking spaces as long as the land can be converted back to parking and stated again that he could check further. Alternate Ottow agreed and stated that he liked the flexibility of different uses.

Chair Killam pointed out that the Board should have a statement that all Site Plan considerations should apply except where specifically amended within Zoning. Parking is one subject that should be specifically amended within zoning so that it is very clear. It should also be divided by use.

Vice Chair Turell asked what parking plans would apply to facilities with multiple uses and Chair Killam responded that all parking ordinances would apply. Member DiMaggio stated that the Tewksbury ordinance addresses the number of units.

Chair Killam stated that a big difference between Atkinson and other towns is that Atkinson does not have Town sewer. Vice Chair Turell stated that Atkinson allows no more than 4 bedrooms per acre.

Chair Killam stated that she will look at different uses, put them in and the Board can discuss them at a later meeting.

Chair Killam asked the Board if there would be more discussion regarding parking.

Chair Killam stated another statement which needs to be included is that these uses should be classified as commercial-nonresidential. This would prevent having to reword everything in the site plan regulations.

Member Brown stated that 640:2 – Erosion Control needs to be amended and read it for the Board. She stated “State and Federal” needs to be added. Vice Chair Turell stated that it is up to the Board to make up the MS-2 regulations. Chair Killam stated that she would take a look. Chair Killam stated that once the Board has a document, it should be sent to Ms. LaBranche at Rockingham Planning.

Chair Killam requested to discuss Page 61-20 in SP 16 titled Open Space and read it for the audience. It talks about green space and open space. She suspects that it is old wording. She is unaware of NH regulations. The Town has no language regarding indoor open space and green strips.

Member Stewart stated that apartment units for seniors not requiring assistance should have the same green space and open space requirements as other residential developments.

The Board discussed how much open space should be required. The Town cluster ordinance requires 50% open space. Chair Killam stated that a separate paragraph for open space may be needed because of the size of potential assisted living developments. Member Stewart stated that all types of senior housing should not be included in one discussion. Member Brown agreed and stated that there are senior housing developments that include open space indoors. Chair Killam agreed and stated that the parcels for these types of developments would be between five and twenty acres.

Vice Chair Turell also agreed and a big concern would be effluent and stated that as an example, a development with 80 units on 25 acres, the units would be included in one or two buildings and the rest of the area would be green space. The Board discussed whether 20% walkable space would be a good amount.

Alternate Ottow asked if the Board was discussing 20% walkable space and if it would be for all types of senior housing and Chair Killam and Vice Chair Turell informed him yes.

Member Brown suggested 10% walkable open space. Member Stewart asked if these facilities would be allowed Town wide and stated that buffers are important between commercial uses and residential uses and the percentage of land would be substantial

for buffers. Chair Killam suggested “20% walkable green space including buffer areas, such as pathways..”. The Board discussed whether walking paths could be included in the buffer areas. Chair Killam stated that 15 feet of the 100-foot buffer is required to be screening. Member DiMaggio stated that still gives 85 feet which would allow trees and a walking path. Chair Killam asked if walkable paths could be counted as commercial use. Chair Killam is concerned that abutters would not like a commercial use in the buffer zone and if it should be allowed.

Member Stewart stated that walking paths should not be considered a commercial use.

Member DiMaggio asked if horseshoes or other games could be considered a commercial use. Chair Killam pointed out that a buffer zone should not be objectionable to the residential neighbors. It was the consensus that green space should not be considered commercial use.

Chair Killam requested to discuss Section 61-10. Vice Chair Turell stated that it allows 35 feet of building height and no more than 25% of structural coverage of buildable land area. Also, with no more than 4 bedrooms per acre, this would not allow large facilities. The Board agreed to leave it as written in the site plan regulations.

Chair Killam requested to discuss 61-40:1 and 2. 61:40-2 covers outdoor lighting. The regulation does not state much. The Board has handled it by requiring notes regarding lighting referring to downcast lighting, shielded lighting and so on, included in the site plan. Chair Killam pointed out that these facilities might require lighting 24/7. The Board discussed regulations requiring poles no more than 15-20 feet high so that the light would not bother the abutters. Sidewalk lamps would also be a solution. Member Stewart would like to have the Town Engineer’s comments regarding lighting. Chair Killam does not want anything that would intrude on residential abutters.

Member DiMaggio suggested visiting senior housing facilities. Vice Chair Turell stated that there is one facility in Salem, next to the library, with absolutely no buffer zones. There is also no signage just a parking lot and it looks like an apartment building. Member Brown knows of another development as well.

Alternate Wainwright gave the website address for Riverwoods in Exeter. The website is RiverwoodsRC.org. He visits there frequently and stated that it has a lot of independent living units and offers all different types of care from Assisted Living to Nursing Home.

Chair Killam stated that Sue Coppetta requested the Board discuss whether they should be allowed as home businesses. The Board agreed that the regulations should be worded to exclude home businesses.

Member Brown requested to discuss impact fees for ADU’s. Vice Chair Turell stated that there is no basis for adding more impact fees. The reason for impact fees was for bonds for school buildings. Most of the ADU’s in Town are occupied by aging relatives

of the primary owner although they can be rented out. Member Brown stated that she is not in favor, either. Chair Killam pointed out that impact fees have to be legislated by the citizens and they have to be very specific to a particular development to be assessed. This is why the school impact fee is the only one in Atkinson, it was done by all four towns in the school district and proportionate to the number of school age children in each town. Vice Chair Turell stated there is no direct gain to the Town, the money goes to the school district. The Board agreed that impact fees for ADUs would not be needed.

Member Brown stated that the name of the development she had discussed with her client was Taylor Community and could be googled. It is in Laconia.

**New/Old Business:**

Chair Killam asked if there was more business. There was none.

The next meeting of the Atkinson Planning Board will be on Wednesday, September 16, 2020.

**Member Brown made a motion to adjourn. Vice Chair Turell seconded the motion. The Board agreed to adjourn the September 2, 2020 meeting of the Atkinson Planning Board at 8:38 PM. There was no vote.**

**Chair Killam adjourned the September, 2020 meeting of the Atkinson Planning Board at 8:38 PM.**