

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, DECEMBER 16, 2020**

Members Present:

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

Others Present

Steven Keach, Town Engineer
Julie LaBranche, Rockingham Planning
Tim Lavelle, Lavelle Associates
Sue Coppeta
Charlie Zilch, SEC Associates
Bill Willis
Steve Geary
Mark Fougere, Lewis Builders

Call to Order:

Chair Killam called the meeting to order Wednesday, December 16, 2020 at 7:30 PM. The hearing time is 8:00 PM.

Chair Killam read a statement regarding video hearings pursuant to State Executive Order 2020-04. In summary, the Board is authorized to meet electronically. There is public access by telephone or by Zoom. Instructions for accessing the meeting are on the Town website and on the Town Facebook account. The station manager can be contacted if there are problems accessing the meeting. The phone number for the station manager is 362-4545 and the email is stationmgr@atkinson-nh.gov. If the public is unable to access the meeting, it will be rescheduled.

Chair Killam requested a roll call attendance: Chair Killam, Dean Killam is in the room; Vice Chair Turell, alone; Member DiMaggio, alone; Alternate Paul Wainwright, alone; Alternate John Ottow, alone; Member Brown, alone; and Member Stewart, alone. The

Correspondence: not reviewed

Chair Killam called the meeting to order at 7:38 PM and requested the Board continue the public hearing regarding proposed Zoning Ordinances for 2021 Warrant to December 30, 2020 or to January 6, 2021 for the regularly scheduled workshop. Member Brown will not be available on December 30, 2020. Chair Killam informed the Board that January 14, 2021 is the last day to publish notice for the last hearing. Monday, January 11, 2021 is the last day that the Planning Board is able to hold a public hearing.

Public Hearing on proposed Zoning Ordinances for 2021 Warrant – Cont'd from 12/2/20:

Article IV: General Provisions, Section 4200 Long Term Care Communities

The purpose of the proposed amendment will be to provide Zoning for Long Term Care dwelling units and associated services.

This new zoning will also require amendments to the following existing sections:

Article III: Definitions

Article V: Section 510, Permitted Uses

A full copy of the text of the proposed amendment is available for review at the Town Hall, Code Enforcement Office.

Vice Chair Turell made a motion to continue the public hearing on the proposed zoning amendment regarding long term care communities until December 30, 2020 at 7:30 PM. Member DiMaggio seconded the motion.

Discussion: Chair Killam, Vice Chair Turell, Member DiMaggio, Alternate Ottow, Member Stewart and Alternate Wainwright can attend. Member Brown will not be available. There will be a quorum.

Roll Call Vote: Chair Killam, yes; Vice Chair Turell, yes; Alternate Wainwright, yes; John Ottow, abstain; Member Brown, yes; Member Stewart, yes; Member DiMaggio, yes. Vote: 6/0/1. The motion passes.

Chair Killam informed the audience that the motion was to continue the public hearing on the proposed zoning amendment regarding long term care communities until December 30, 2020 at 7:30 PM.

Mr. Mark Fougere informed the Board that he believes that the last meeting was the first public hearing on the zoning change. According to the language of the criteria, the first public hearing had to be held by the January date. The final version must be submitted to the clerk February 1st or 2nd. Therefore, the Planning Board is in compliance.

MINUTES: November 18, 2020, December 2, 2020

November 18, 2020

Member DiMaggio made a motion to accept the Wednesday, November 18, 2020 minutes as presented. The motion was seconded by Vice Chair Turell.

Roll Call: Chair Sue Killam, yes; Vice Chair Turell, yes; Member DiMaggio, yes; Alternate Wainwright, yes; Member Stewart yes; and Alternate Ottow, yes. Vote: 6/0/0. The motion passes.

December 2, 2020 -

Vice Chair Turell made a motion to approve the December 2, 2020 minutes as corrected. The motion was seconded by Member DiMaggio.

Roll Call: Chair Killam, yes; Vice Chair Turell, yes; Member Brown, yes; Member DiMaggio, yes; Alternate Wainwright, yes; and Member Stewart yes. Vote: 6/0/0. The motion passes.

8:00 PM Public Hearings: Chair Killam informed the Board that the paperwork for the first public hearing was distributed at the November hearing and asked if Board members had it. She reviewed the application for the Board.

Chair Killam opened the first public hearing at 7:55 PM.

Chair Killam informed the Board that the hearing was continued from November 18, 2020 but jurisdiction was not taken. The focus should be allowing jurisdiction. Since the hearing on November 18, 2020, the applicant went to the Zoning Board for a variance allowing a site without a building, just parking.

Mr. Keach informed the Board that the variance was from Section 510 of the Ordinance because it does not have this particular use codified, parking is customarily an accessory use to a building. In this particular case, the activity proposed on this site is accessory to a principal use in a building on an adjacent lot across the street. The variance to Section 510 was granted at the Zoning Board meeting December 9, 2020.

- 1. An Application for Site Plan submitted by James Lavelle Assoc. for Gilley's Realty LLC for the construction of a parking lot (with reclaimed asphalt) for the purpose of storage and occasional sales of heavy equipment on property at 19 Industrial Way, Map 16 Lot 56 in the CI Zone. (continued from 11/18/2020)**

Abutters:

Town of Atkinson (present); Gagnon Realty Trust, Gagnon, Giles, TTE; Mya Victoria, LLC; Gilley's Realty, LLC; James Lavelle, Assoc. (present); Timothy Ferwerda, Soil Scientist; Amoskeag Engineering Consultants, PLLC; Kenneth L. Bucu

Chair Killam read a letter of intent from the applicant into the record.

In summary: The proposal is to construct a parking lot with reclaimed asphalt. The proposed use is for the storage and occasional sales of heavy equipment.

The sales office is located at 24 Industrial Way. Additionally, there will be occasional storage of construction materials: sand gravel and loam. Hours of operation will be 7:00 AM to 9:00 PM. The developer is Kenneth Bucu of Methuen. The soil scientist is Tim Ferwerda. When the applicant met in front of the ZBA, there was much discussion over the applicant's plans for the site.

Chair Killam requested Mr. Lavelle describe the plan for the Board. Mr. Lavelle informed the Board that there was a prior application for a gravel parking lot to store boats and equipment that was approved. It was never constructed. The property has since sold. Mr. Lavelle stated that since then, Mr. Bucu would like to use the property as a parking lot for the storage of equipment.

At the December 9, 2020 meeting, the Zoning Board was concerned that the use would be for a contractor's yard. That is not the intent. This will not be a contractor's lot. The area for material storage can be omitted. The applicant has a contractor's yard in Methuen which they do not plan on abandoning.

On the site, water would drain into a drainage ditch on the front and into a storm water management basin on the front right where it would be treated and released into the existing storm drainage system on the roadway. There is one entrance with a gate and the surface of the parking lot will be repurposed or crushed asphalt. There will be no structure, no well and no septic system, just a parking lot. There will be landscaping and trees in front of the lot.

Chair Killam informed the Board that the Chair of the ZBA is concerned that the site will become a contractor's lot. He is familiar with the applicant's contractor's yard in Methuen.

Mr. Lavelle informed the Board that the applicant would not be storing, pipe, catch basins, Jersey barriers or other material. It would be used to store excess equipment and equipment that is not being utilized in the field. Equipment would not be coming in and out every day. When the equipment gets too old, he sells it off. Note 3, Page 2 on the plan explains the proposed use.

Mr. Keach informed the Board that he received the revised plans on Monday and emailed his comments to the Board this afternoon. He feels that Mr. Lavelle answered his remarks regarding storage of material when he informed the Board that the applicant had decided not to store any material at the site, the proposed use will just be storage of equipment.

Mr. Keach informed the Board that on Sheet 1 of the revised plans, the proposed use is for a parking lot for the storage and sale of heavy equipment. Sheet 2 talks about storage, but Mr. Lavelle has informed him that it is no longer the intent.

Ms. Brown asked about Jersey barriers as a fence. Mr. Keach stated that he asked the applicant for a fence. He asked it to be there as a security issue and to define the limits as to where the equipment could be parked. He feels that using jersey barriers as a fence is a good solution for showing the boundary of the parking lot. Chair Killam agreed. Mr. Lavelle also explained that the other reason for jersey barriers was to prevent gravel being plowed into the treatment swale in front.

Chair Killam informed the Board that the shape of the lot has a boundary that is a radius. To the far right of the lot, a few years ago, it was turned into a strip of land which is actually part of the lot behind it, Lot 16-12-1. It is residentially zoned, conserved by the Conservation Commission to allow people to walk in to Town owned land. Alternate Wainwright has asked the buyer if he could move some rubble that has been piled up there probably by former owners, so the strip to the right could be a walkable path.

Alternate Wainwright informed the Board, in his role as Chair of the Conservation Commission, that the Conservation land is impassable and he had requested the applicant to assist in making it walkable. There is no way it could be drivable or a driveway put in because of the steep slope on Town land, but it could be made walkable. It would be nice if the application could be approved on the condition that the rubble be removed, and the lot be leveled and graded.

Chair Killam suggested Alternate Wainwright check with Town Counsel regarding people working on Town land. Alternate Wainwright asked Member Stewart if he had ever looked at the site or been authorized to do work on the site. Member Stewart replied that he had been out there and he thinks the material could be rearranged to make it walkable. As far as tying it to the plan, it is not natural debris. A lot of the debris was placed there, probably by the previous owners without permission, so it would be righting an earlier wrong. Member DiMaggio agreed. Member Stewart stated that if the applicant were willing, and got permission from the Conservation Commission and the Selectmen, then it would be possible.

Mr. Lavelle informed the Board that he had spoken to the applicant about moving the debris and they are willing as an "offsite" improvement.

Mr. Keach suggested that the Conservation Commission get permission from the Selectmen for the applicant to remove the debris during construction. Also, it should only be a couple hours work for them.

The parcel behind the proposed site is the Judge Marshall Town Forest and is a significant parcel of conservation land.

Chair Killam made an announcement that the public hearing regarding proposed zoning was continued to Wednesday, December 30, 2020.

Alternate Wainwright informed the Board that he would get a vote from the Conservation Commission requesting the applicant be allowed permission to work on Town land and then would take the request to the Board of Selectmen for approval. Mr. Keach suggested that he come to the preconstruction meeting regarding the request.

Chair Killam requested to continue to discuss the letter from Steve Keach.

Mr. Keach informed the Board that the letter of December 16, 2020 was in response to plans submitted by Mr. Lavelle on Monday. The variance request was approved December 9, 2020. Mr. Lavelle was able to respond to the majority of the comments in his letter of last month. There are a few remaining comments to discuss as follows:

Comment Number 1 was made in part because there is no building permit and is to remind the applicant to obtain a local driveway permit from the Road Agent for the new driveway prior to construction.

In the second comment, Mr. Keach recommends that approval of the application be conditional upon a performance guarantee and an assurance guarantee, similar to those on other sites.

On Page 2 – Zoning Matters, regarding Note 8, Sheet 1, Mr. Lavelle cites two variances. The first is a variance granted in 2014 from Section 530, Footnote 7 of the ordinance regarding a buffer on the easterly property line, which is the RR3 zoning district boundary. Under that provision of the zoning ordinance, a 150 foot buffer is required, but there is no building. Therefore, the variance obtained some time ago, is irrelevant to this proposal. There is a waiver request in the application because there is duplicity between site plan regulations and the zoning ordinance.

As has been acknowledged a week ago, the other variance has been granted. Other than by direct compliance or by variance, this proposal satisfies zoning.

Mr. Keach next addressed Planning and Designing Comment 2 in his letter. Under Section 690:1(a) of site plan regulations, there is companion language to Section 530 of the zoning ordinance which requires a screen buffer of 150 feet from the RR3 zone. The proposal is for a screened buffer width of 50 feet. Part of it is Mr. Lavelle's waiver request, acknowledging that the property to the east is conservation land, so there is nothing to be screened.

Next, Mr. Keach discussed Planning/Zoning Matter 3, Section 680 of site plan regulation which has a requirement for loading and unloading. The proposed use is for storage and potential sales of equipment. There is no building associated with it, but an area for loading and unloading has to be defined just as if there

were a building. Perhaps, an area for loading and unloading of equipment could be striped on the ground. Mr. Keach is concerned about scarring of pavement on Industrial Way and equipment being dropped on the town road.

Regarding Comments 4 and 5, concerning wetlands designation and spot grading, he is sure that Mr. Lavelle will take care of them.

Item 6 deals with stormwater, they are mostly minor comments. They deal with validation of the drainage design. He would like to see more detail or backup computations. That comment together with some other details do not have to be discussed. They could be a condition of approval at a later time.

As far as Board actions, a written waiver request is now included. It was intended to be part of the initial application. The request is to diminish the green belt between the proposed site and the RR3 Zone from 150 to 50 feet.

Alternate Wainwright requested to make a comment regarding the buffers. The rear buffer and the side buffer to the right have both been cleared.

Vice Chair Turell asked to take the plan under jurisdiction. Chair Killam agreed and Mr. Keach informed the Board that it was a complete application.

Vice Chair Turell made a motion to take under jurisdiction the Application for Site Plan submitted by James Lavelle Assoc. for Gilley's Realty LLC for the construction of a parking lot (with reclaimed asphalt) for the purpose of storage and occasional sales of heavy equipment on property at 19 Industrial Way, Map 16 Lot 56 in the CI Zone to December 16, 2020. Member DiMaggio seconded the motion.

Discussion: none

Roll Call Vote: Chair Killam, yes, Vice Chair Turell, yes; Member DiMaggio, yes; Member Stewart, yes; Member Brown, yes; Alternate Ottow, abstain; and Alternate Wainwright, yes. Vote: 6/0/1. The motion passes.

Mr. Keach read a letter from Mr. Lavelle to the Atkinson Planning Board dated August 21, 2020 referencing Industrial Way, Lot 16, Map 56. It requests to waive site plan regulation Section 690:1(a) which requires a landscape buffer of 150 feet between an industrial use and a residential zone.

The Zoning Board granted a variance to the zoning requirement because the residential property is owned by the Town and will not be developed. We feel for the same reason, the Planning Board should grant the requested waiver. Signed by Timothy P. Lavelle.

Member DiMaggio made a motion to accept the waiver request based on recent history, because the Planning Board has granted similar waiver requests. Member Brown seconded the motion.

Discussion: Ms. LaBranche read the waiver criteria because the waiver request does not specifically cite RSA 674:44 Site Plan Regulations Section III E – waiver criteria. The waiver request as written does not address the waiver specifically.

Ms. LaBranche informed the Board that it may only grant a waiver if it finds by majority vote that either one or two of the criteria apply.

- 1) Strict conformity would impose unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or
- 2) Specific circumstances relative to the site plan or conditions of the land in such site plan indicate that the waiver will properly carry out the spirit and intent of the regulations.

Member DiMaggio stated that the waiver request should be accepted because not granting it would cause unnecessary restriction. It is a small lot without much area for storage and under item 2, due to the topography of the land and use of the land behind it, it will meet the spirit and intent of the screening requirements.

Alternate Wainwright informed the Board that the buffer is already gone, so he has no objection as Chair of the Conservation Commission.

Ms. LaBranche stated that the RSA states that the Board can pick one, or it's ok to use both.

Chair Killam stated that due to the size of the lot, it would create a hardship. Regarding the entire subdivision that created Industrial Way, the lots can get narrower and narrower at that end of Industrial Way, so it does cause a hardship. Mr. Lavelle stated that it is not inconsistent with other Planning Board decisions on Industrial Way.

The Recorder read the amended motion for the Planning Board.

Member DiMaggio made a motion to accept the waiver request due to unnecessary restriction, first because it would cause undue hardship due to the depth of the lot and item 2, due to the topography of the land, the elevation change and its adjacency to Conservation Land, the spirit and intent of the screening requirements are satisfied. Member Brown seconded the motion.

Roll Call Vote: Chair Killam, yes, Vice Chair Turell, yes; Member Stewart, yes; Member Brown, yes; Member DiMaggio, yes; Alternate Ottow, abstain; and Alternate Wainwright, yes. Vote: 6/0/1. The motion passes.

Mr. Keach informed the Board that Ms. Coppetta should have a copy of the waiver request. Ms. LaBranche stated that she did not receive copies of the received plan and the waiver request and recommended that it be assured the Town did.

Member DiMaggio made a motion to approve the site with the following conditions:

- 1) It is in compliance with all the conditions in the letter of Keach Nordstrom dated December 16, 2020 and approved by the Chair of the Planning Board and Keach Nordstrom;**
- 2) The Conservation Land abutting the property be cleaned up at least 100 feet and six feet wide from the edge of pavement to the Conservation Land, and;**
- 3) Bonding requirements are met.**

Vice Chair Turell seconded the motion.

Discussion: Alternate Wainwright suggested that the motion be amended to stated that condition 2 be changed to state that debris be removed from the property line to the stone wall, The Board discussed the width of a footpath. Alternate Ottow stated that if it was stated to allow at least 6 feet, then it would allow them to bring in a wider machine to clear the debris.

Member DiMaggio amended his motion to approve the site plan with the following conditions, changing Condition 2 as follows:

- 1) It is in compliance with all the conditions in the letter of Keach Nordstrom dated December 16, 2020;**
- 2) The Conservation Land abutting the property be cleaned up from the pavement to the property line and the stone wall boundary to the Conservation Land, and be at least 6 feet in width;**
- 3) Bonding requirements are met.**

Vice Chair Turell seconded the motion.

Roll Call Vote: Chair Killam, yes, Vice Chair Turell, yes; Member DiMaggio, yes; Member Stewart, yes; Member Brown, yes; Alternate Ottow, abstain; and Alternate Wainwright, yes. Vote: 6/0/1. The motion passes.

Chair Killam congratulated the applicant and Mr. Lavelle left the meeting.

2. Application for a Lot Line Adjustment submitted by S.E.C.& Associates, Inc. between John Bowe 13 Willow Vale Rd, Map 14 Lot 7 and Tayla & Kevin Swanson 67 Maple Ave, Map 14 Lot 8 to transfer an area of 1047 sq. ft. from Map 14 Lot 8 to Map 14 Lot 7. Both properties are in the TR2 Zone.

Abutters:

Chad E. Barrows and Stacey Barrows, Richard A. Morel, Jr, Devon M. Cormier, Gary A. & Judy J. Daigle, John Bowe, Tayla A. & Kevin M. Swansen, Andrew J. Borisko, Deanna R. Bissonnette, Ryan Kelleher, Tatum Mortimer, Thea Valvanis, TTEE Valvanis Family 2007 Rev Trust, Steven J. Chabot, SEC Associates

Mr. Zilch appeared before the Board to represent the applicants. The applicants did not appear. Chair Killam read the variance received by the applicants from the Zoning Board at the December 9, 2020 meeting.

Chair Killam stated that usually a lot line adjustment involves equal area exchanges. There are two undersized lots and one is being made more undersized. She read the letter from the ZBA into the record.

In summary, the application for variance from Article V, 530(a) was approved at the Zoning Board of Adjustment meeting of December 9, 2020. The application, submitted by SEC and Associates, requests a variance to reduce the total lot area of an existing nonconforming lot on property located at 67 Maple Ave., Map 14, Lot A in the TR2 zone. This property is currently 1.2 acres and the variance would make it 1.88 acres. A reduction of .02 acres or 1047 square feet.

Member DiMaggio made a motion to accept the lot line adjustment. Vice Chair Turell seconded the motion.

Discussion: Member Brown stated that the zoning was one acre when the lots were subdivided. Chair Killam stated that a variance is needed because the size of an undersized lot cannot be changed without permission. Mr. Zilch informed the Board that the lot line was close to the Bowe house, by moving it over 8 feet, it makes the house fifteen feet from the lot line.

Mr. Zilch stated that he did a lot loading calculation on the corner lot, it supports a three bedroom now and will continue to do so after the lot line adjustment, it does not adversely affect the Swansen lot. Ms. Brown informed Mr. Zilch that he needs to tell the applicants to inform their mortgagors.

The applicant did not want to move the fence, because he uses all the yard space. Also, the applicant did not want to do an equal area exchange because the fence runs all along the lot line, so the fence would have to be moved. Even

though the lot area of a nonconforming lot is reduced, Mr. Zilch feels it makes good sense.

Ms. LaBranche asked if the lots were platted when the zoning lots were one acre. Mr. Zilch replied that they were and Ms. LaBranche stated that the lots are not nonconforming, as long as they are one acre. She does not want it to be in the record that they are nonconforming lots. Member Brown agreed.

Member Brown recommended that the mortgagors be notified. Chair Killam reminded Mr. Zilch that the lot line adjustment has to be recorded on the deed.

Member DiMaggio amended his motion to approve the Application for a Lot Line Adjustment submitted by S.E.C. & Associates, Inc. between John Bowe 13 Willow Vale Rd, Map 14 Lot 7 and Tayla & Kevin Swanson 67 Maple Ave, Map 14 Lot 8 to transfer an area of 1047 sq. ft. from Map 14 Lot 8 to Map 14 Lot 7. Both properties are in the TR2 Zone under the condition that based on the condition that there is no complaint of the zoning variance in the 30 day period from December 9 2020; and that the deed accompany the mylar. Vice Chair Turell seconded the motion.

Roll Call Vote: Chair Killam, yes, Vice Chair Turell, yes; Member DiMaggio, yes; Alternate Ottow, yes; Member Stewart, yes; Member Brown, yes; and Alternate Wainwright, abstain. Vote: 6/0/1. The motion passes.

Member Stewart left the meeting. Mr. Keach left the meeting.

3. An Application for Conditional Use Permit submitted by William Willis to establish an Accessory Dwelling Unit as defined in the Zoning Ordinance, Article IV, and Section 460 at property located at 9 Coventry, Map 14 Lot 84-16, in the TR2 Zone.

Abutters:

Jeffrey M. & Mary Beth Murphy, Estate of Geraldine Novotny, c/o Peter Novotny, Richard P. & Regina C. Gulezian, Aleksander Porici, William J. & Pamela R. Willis, David & Claudia Spero, Lena Bristany-Nye, Steven & Susan Geary

Chair Killam asked the Board if everyone had the package and explained to the applicant that the Board would need to go through the application item by item to ensure that all requirements are met.

Mr. Willis explained that the room over the three car garage has been there since 1989. It does not have direct access to the main house. Mr. Willis plans on creating direct access through a dormer in the main house.

The purpose is approval of an addition over a 3 car garage that was built in 1989.

Conditions:

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

Discussion: yes

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: yes

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: yes

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: yes

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

Discussion: yes

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: yes.

Ms. LaBranche pointed out that this ADU is already constructed, and stated that there should be a floor plan. Mr. Willis informed the Board that the 1989 building permit was to erect a 36 x 24 room over the garage. It was subsequently granted an occupancy permit. Ms. LaBranche stated that the floor plan be added to the record. The Board needs to know how the interior space will work, including all

entrances and exits. Mr. Willis agreed. Ms. Brown stated that the information is on the tax card.

Mr. Willis explained that it has been used as an apartment for the past 30 years and that is what is stated on the tax card, but the apartment does not have access to the house. Mr. Willis is adding access to the house. He informed the Board that he could provide a floor plan.

Member DiMaggio asked if the application could be continued to January 6, 2020. Alternate Ottow agreed, since the ADU is already being used as an apartment, this is a formality. Member DiMaggio is wondering what is over the detached garage.

The three car garage is part of the house and that is where the apartment is. Mr. Willis explained that there is a workshop on the second floor of the detached garage. The picture is to show parking.

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 asked if the applicant had applied for a building permit. The applicant stated he was waiting after the Planning Board meeting.

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: Chair Killam asked the applicant to provide a layout showing that the ADU is 864 square feet, and that it will be a one bedroom unit. The applicant agreed.

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

Discussion: yes. The applicant provided a picture showing adequate parking was provided.

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 a certificate of use and occupancy signed by the Building Inspector must be obtained for all ADUs.

Discussion: yes

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: Chair Killam asked if the applicant had an approved septic system with an accessory dwelling unit. Mr. Willis informed her that he had a plan approved by Mr. LaVallee. Ms. LaBranche informed the Board that the DES approval is from 2009.

Ms. LaBranche stated that the holding tank sizes have increased and she is concerned that the holding tank size for a four bedroom dwelling and accessory dwelling is ok. Chair Killam read that it is a 625 gallon per day system from 2009. Member Brown stated that the applicant has approval for 5.5 bedrooms, so it should be adequate.

The Board continued to discuss tank size. Chair Killam read the Town form which states that proof of adequacy shall include an existing septic plan, and a site inspection by a licensed septic designer verifying the proper function of the existing system or a new replacement septic plan approved by DES.

Member DiMaggio read the regulations for tank requirements. The Board discussed the size of the septic system.

Vice Chair Turell stated that there is no current septic inspection showing that the current system is working properly and is adequate. Chair Killam informed him that he would need a statement by a licensed designer that verifies the function of the existing system, which would become part of the application. Mr. Willis agreed.

Chair Killam stated that the application needs to be continued. The Board continued to discuss septic design.

Alternate Ottow asked if the request for a floor plan be extended to include the house so the number of bedrooms could be verified. Member Brown stated that it would be in the building permit and the tax file.

Chair Killam requested that the hearing be continued to January 20, 2020. The Board discussed how the applicant get approval for his current septic system, and or a design for a new septic system.

Vice Chair Turell made a motion to continue the hearing for an Application for Conditional Use Permit submitted by William Willis to establish an Accessory Dwelling Unit as defined in the Zoning Ordinance, Article IV, and Section 460 at property located at 9 Coventry, Map 14 Lot 84-16, in the TR2 Zone to January 20, 2021 with the request that applicant 1) submit a floor plan; and 2) obtain DES approval of the septic system and inspection by a septic designer.

Discussion: Ms. LaBranche suggested that the applicant ask DES if the septic system still meet requirements.

Chair Killam responded that the Board still needed a signed statement by a NH licensed septic designer verifying the adequacy of the existing system.

Mr. Willis clarified that the Board needs two things, one a design and two, proof that the septic is working. Mr. Willis also informed the Board that the Town approved the septic system in 2009.

Member Killam stated that the Board is seeking to approve an already existing ADU. Alternate Ottow agreed that the application needs to comply with 2020 rules.

Member Brown seconded the motion.

Roll Call Vote: Chair Killam, yes; Vice Chair Turell, yes; Member DiMaggio, yes; Member Brown, yes; Alternate Ottow, yes; and Alternate Wainwright, yes. Vote: 6/0/0. The motion passes.

Alternate Wainwright was elevated to a voting member.

New/Old Business:

Member Brown requested to discuss her email regarding an approved plan with a shared driveway and the plan now has two driveways. Chair Killam informed her that it was approved with two driveways.

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

Chair Killam adjourned the December 16, 2020 meeting of the Atkinson Planning Board at 9:50 pm.