

Planning Board Meeting of: 01/25/2023

Call to Order: 7:00 PM Meeting Opened

Roll Call - Members Present: Ray Blake, Deb Johnson, David Madden, Dave LaBar, and John Rescigno

Members Absent: Kristina Madden, Russ Carruth

Applicants Present: Kristina Salvail

Applicant's supporting Professionals: Kevin French, surveyor

Listing of Residents/Others speaking during meeting: Anne and Peter Joyce, Mr. Darington, Dawn & Mike Lemieux, Doug & Ruth Millett, Stephanie Crawford, Robert Hester, Pam Hamel, Jason Farina, Mr. Arina, Robert Ellis

Meeting Minutes

Deb makes a motion to waive the reading of December's minutes and set-aside review until a later date. Dave Madden seconded the motion with unanimous agreement by the PB.

Public Business-Applications/Informational inquiry, Building Permits, Hearings

The Chair motions to open the Hearing for the subdivision Application of Kristina Salvail Map 1 lot 1, 864 Route 118. John seconds the motion with the PB members unanimously agreeing.

Deliberations included:

1. Reviewing the Application, following which Dave Madden motions and John seconds to accept the Application as complete, PB members vote approval unanimously.
2. Reviewing the Application – The PB verified that the requested application meets lot size and ratio, zoning requirements and other mandates of the town's Subdivision Regulations. In addition, the applicant submitted first to the state DES for approval thereby meeting the standard designed for subdividing creating lots under five acres.
3. No member of the public spoke against the application.

John motions to approve the Application for subdivision, Dave seconds followed by the favorable vote of the PB.

Ray motions to close this Public Hearing, Dave LaBar seconds. Vote recorded, all members of the Board agree.

Deb moves and Dave Madden seconds to open the Public Hearing on the proposed Zoning Amendments. Approved favorably by the PB.

Deb explains to the public why the PB is proposing these amendments:

1. The Planning Board realized that they had not included seasonal camps in the March 2022 Ordinance.
2. The responsibility by the Board to maximize the tax base while maintaining the rural atmosphere
3. Concern over increased public expenditures for increasing rentals

4. Concern over the recognition of seasonal conversions and houses without proper septic systems
5. The accessory structure language in the zoning creates a burden for people who wanted storage capacity for tools and lumber when building

Deb than explained that the towns zoning is considered permissive versus prohibitory.

(Side note - "Permissive" v. "Prohibitory" Zoning Ordinances - Most zoning ordinances in New Hampshire are of the so-called 'permissive' variety. That is, in the absence of a variance or special exception, such an ordinance functions generally to prohibit uses of land unless they are expressly permitted as primary uses or can be found to be accessory to a permitted use. § 9.02 Purpose of Doctrine, New Hampshire Practice, Land Use Planning and Zoning,

The public is than encouraged to speak

Of the concerns expressed, these are the most prominent:

- Liability/responsibility of town to provide policing, fire protection and trash disposal to rental property
- the need for the town to regulate residents and non-residents the same relating to rentals and building storage on vacant/unoccupied lot – PB members and public split on this
- What keeps property owner from living in storage structure-Building permit, enforcement by selectman and added permitted use of seasonal Camps
- size restriction of storage on vacant/unoccupied lot should be expanded
- foundation attachment requirement – add strap system
- RV rental and use in District C – if residents can store in District A & B they should be able to allow use as guest house
- Federal law prohibits living in RV year-round
- Camp use

After thanking everyone for their comments, Deb moves and Dave Madden seconds to close the Public Hearing on the proposed Zoning Amendments. Approved favorably by the PB.

The PB continues the regular session by discussing the comments received during the Public Hearing. Following deliberation, Deb moves and Ray seconds, with the PB members unanimously agreeing to adopt many of the suggestions received. The following will be forwarded to the PB attorneys for redrafting as the proposed Amendments:

Recreational Vehicles – RVs

Resident property owners in Districts A and B, may store one (1) Recreational Vehicle as defined in the Ordinance, on each buildable lot on which there is a pre-existing principal dwelling. The Recreational Vehicle shall not be occupied as a rental while on the property, including use as a seasonal or year-round dwelling, home occupation, or home business. However, it may be occupied rent-free as a guest house, by family members and guests during visits not to exceed 180 days.

Tiny House

Property owners may be issued a building permit for placement of one Tiny House in any District. A Tiny House will be recognized as a single-family residential dwelling if it meets the definition of a single-family residential dwelling and is attached to a permanent foundation with wheels disable or removed. It must be intended as a dwelling rather than a portable recreational vehicle. The structure and site must be in compliance with all state, federal and town regulations, as well as to *Life-Safety Responsibilities.

Foundation types include:

- Basement Foundation
- Crawlspace Stem Walls on cement footings
- Concrete Slab Foundations with anchors driven into the ground or concrete slab
- Pier and Beam Foundations with anchors driven into the ground or concrete slab followed by steel straps connecting the anchors to a main beam of the home's steel frame. The beams are connected using cross-members
- Engineered Structural Tie Down System

Seasonal Camps

Property owners may be issued a building permit for construction of one seasonal camp in any District for use as a part-year seasonal structure. It must be attached to a permanent foundation and built from wood, masonry, steel/metal or stone. The structure must comply with town and state regulated water and sewage disposal systems and *Life-Safety Responsibilities and neighborhood quality concerns. To convert the seasonal camp to year-round living a new building permit must issue with the applicant certifying all definitional requirements of a single-family residential dwelling have been met.

Accessory Structures - where no pre-existing principal dwelling exists

Property owners may construct one storage structure – standard Garage, shed or barn - on their vacant/unoccupied lot (where no pre-existing principal dwelling exists) subject to issuance of a building permit. This structure is for personal storage not habitation and shall also not be used as a storage rental, seasonal or year-round dwelling rental, or home occupation, or home business until the owners build and reside in their single-family dwelling,

Rentals

Property owners may rent their single-family dwelling or seasonal camp, either short-term or long-term subject to full compliance with all state, federal and town regulations, as well as to *Life-Safety Responsibilities and neighborhood quality concerns.

Resident property owners may build one separate/detached structure as a home business to rent to one single family either as a short-term or long-term rental, subject to full compliance with all state, federal and town regulations, as well as to *Life-Safety Responsibilities and neighborhood quality concerns.

*Life-Safety Responsibilities and neighborhood quality concerns

These include compliance with the NH State Fire Code and Building Code, as well as all Town Ordinances and Regulations and operational requirements designed to provide sanitation, safety and insurances for fire, rescue and police access. House Rules relating to noise and obtaining campfire permits, use of firearms, ATVs and snowmobiles must be posted.

There being no further business, the meeting is favorably voted closed at 9:45 PM following motion by Deb and second by John.

Submitted by
Deborah Johnson