

Planning Board, 02/06/2023 – Public Hearing – Proposed Zoning Amendments

Call to Order: 7:00 PM Meeting Opened

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

Members Absent: Kristina Madden

Listing of Residents/Others speaking during meeting: Anne and Jim Joyce, Mr. Darlington & Stacy Darlington, Doug & Ruth Millett, Stephanie & Robert Crawford, Robert Hester, Robert Ellis, Cynthia Carpenter, Tony Tavares, Sharon & Theodore Yeaton, Keith Fournier, Amy Hardy, John Beliveau, Shannon LaFreniere, Yvonne Yetman

Meeting Minutes

Deb makes a motion to waive the reading of January 25, 2023 minutes and set-aside review until a later date. Dave Madden seconded the motion with unanimous agreement by the PB.

Public Business- Hearing on Proposed Zoning Amendments

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

Deb reviews handouts with attendees and suggests that the attendees speak to each section change and then move on to the next so that all comments on each proposed amendment are grouped together.

She explains what prompted the PB to propose these amendments: failure by the PB to include seasonal camps in the March 2022 Ordinance, to preserve the tax base, in response to complaints by residents relating to the short-term-rentals by non-residents, and the request of property owners who wanted storage capacity for tools and lumber when building their dwelling.

The meeting is opened for attendee questions and comments.

- When was zoning voted in, Deb responds with sequence of passage of our current 2022 Zoning.

In 2021 work sessions and hearings were noticed on the town web and in the paper and dates posted. Finally, a letter sent to all property owners. Voting was by Ballot in March.

This same process of notice and posting has occurred for the amendments this year and a letter will also be sent. Several attending the Hearing said they were not aware of this process and do not look at the web, town bulletin boards or read the paper. It was suggested that the PB develop an email notification and the PB agrees to ask property owners for their email. The Town Clerk will also try to obtain emails from all property owners.

- The question was asked why the distinction, allowing tiny houses to have wheels in District C and not in Districts A and B? Dcb responds by explaining that District C provides for recreational use, which includes RV campsites and small RV parks. Districts A and B provides use for single-family residential dwellings. To meet the definition of dwelling and single-family use if you want a tiny house, the wheels must be disabled and it must be built on one of the required foundations. It cannot be towable/transitory in nature. Most property owners requesting use of a tiny house in District A and B want a single-family dwelling.
- What is the difference between tiny house, RV and mobile/manufactured homes? Deb and Dave Madden respond that mobile/manufactured homes are both federally and state regulated with tighter building, waste disposal, safety and use requirements. They are also certified for use as a year-round dwelling, whereas tiny homes lack regulation and certification.
- Camps have always been allowed in Groton, This amendment returns that use in all Districts.
- Why the difference between RV park vs RV storage? RV Park is a use allowed in District C as a recreational facility. RV storage is a use allowed for Districts A and B (these also allow the resident property owner to use the RV as a guesthouse for friends and family)
- An attendee asked if they could use an RV on their vacant lot to live in while building their single-family dwelling? Deb explains it is not allowed under these proposals and continues by indicating a camp can be built under this amendment proposal that may serve as a housing dwelling while constructing the primary dwelling, later to be used as a home business rental.
- One individual wants to sell their house and travel part-year in their RV. They would then return to Groton and live part year on another vacant lot they now own.

Several property owners want the RV proposal to change. Deb indicates that substantive changes cannot be made at the second Hearing according to the RSAs.

Rental issues were also discussed. Concerns included:

1. A resident cannot own multiple lots and build rentals on them.
2. Non-resident property owners should not be allowed to short-term rent.
3. Short-term rental complaints include –
 - speculators buying up land and building multiple houses to rent short-term when the market needs long-term rentals and the town need people living here that are vested in the town,
 - loud parties,
 - trash left out attracting animals and vermin,

- indiscriminate shooting creating safety problems,
- ATV use inconsistent with state law,
- failure of property owners to pay for road maintenance and plowing
- failure of renters to adhere to camp fire rules
- Renters cutting wood on adjacent property and coming onto adjacent property

Deb says she is concerned that several modifications may not be able to be made even though the PB may agree with the requests. Perhaps it would be better to wait until next year. She indicates she will motion not to bring the proposal forward. Many attendees don't want to lose out on the progress the offered amendments bring and suggest if the changes cannot be made, then next year they can be offered as amendments. John agrees and suggests we use this proposal as the building block and make other changes next year.

Deb promises to ask the attorneys if, given the language of NH RSA 675:3 III & IV can we make the following changes:

1. For Storage Structures, Art 5 G 2, a portion of the structure may be used for habitation while building a dwelling
2. For Art 5 H 3 Can we change this to allow a resident landowner the right to operate LT and ST rentals out of their primary house or a detached dwelling as well as other lots he may own to permit multiple rentals
3. Can we allow RV's in every District and allow the property owner the ability to live in the RV while he/she is building their primary single-family dwelling

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, John moves and Dave Madden seconds, with the PB members agreeing, 5 to 1, to advance the proposed Amendments to the legislative body (voters) by way of Ballot seeking approval.

There being no further business, the meeting is favorably voted closed at 9:00 PM following motion by Deb and second by John.

Submitted by
Deborah Johnson