

Minutes for the Planning Board (PB) Meeting of 05/29/2024

Call To Order 7:00 P.M.

Roll Call: Present: Deb Johnson, Ray Blake, David Madden, Dave LaBar, Russ Carruth, Jon Beliveau

Absent: John Rescigno

Alternate: Eric Jones was absent

Listing of Residents & others speaking during meeting: Michael Amaral & Armand Amaral

Quorum

If a quorum is lacking the Chair will appoint an Alternate if present to sit as a voting member.

A quorum consists of four (4) members

Minutes

Deb delays the reading of the minutes and set-aside review following public business.

Public Business – Hearings, Applications/Building Permits, Inquiries, Informational Session and Communications (Interested residents or others should request to see the [meeting file](#) to read all materials reviewed by the PB)

Communications

1. Tim McCarty, M 6 L 40 – purpose of the inquiry was to clarify status of the land as a buildable lot
Re-cap of last month meeting discussion:
PB reviewed the Plot /Subdivision Plan, 1988 minutes of PB, Declaration of Restrictions, Deed, Legal advice of NHMA, Town Attorney letter dated Sept. 30 2008 and RSA 477 & 674

Following deliberations, Deb motioned and Dave Madden seconded to request advice from the PB Attorneys. The PB voted Unanimous approval to seek a legal opinion.

The opinion of the PB Attorneys is:

The Attorney advised that the designation of the McCarty Lot as a “conservation area” created a development restriction based on RSA 674:21-a. According to RSA 674:21-a, this is true even if no deed or other instrument conveying the restriction is executed or recorded.

Relating to the use of the property, the PB land attorney stated: yes to logging, & forestry, agriculture & farming, camping, hunting, recreational trails etc, to the extent that it does not interfere with keeping the lot in its “predominantly natural, scenic, or open condition.

Building Permit

2. Jeremy Haney for his property on Snoburk Lane, Map 6 Lot 76, for a 30x45 garage with attached 30x30 barn.

The PB reviewed Sara's note, Building Permit, Deed, Subdivision Plan, and Plot Map. The PB also reviewed the Groton Zoning Ordinance.. Deb also reminded the PB that Groton's Masterplan encourages Forestry and Agriculture within the Town.

Noted is the Building Permit did mention the Garage Accessory Structure was for Farm Equipment. Accordingly,

Following examination of documents presented and discussion, Deb J motions and Dave M seconds to recommend that the local governing body (Select Board) vote to authorize the issuance of the building permit, subject to Deed Covenants, the Restrictive Covenants, Road Maintenance obligations and a signed and filed Release of Municipal Liability. All members present voted unanimous approval.

3. Armand Amara, Map 2 Lot 9, 1296 North Groton Road re questions on subdividing & Accessory Dwelling Unit (ADU)
 - a. An "accessory dwelling unit" (or "ADU"), as defined in Article 9, may be physically within or attached to the primary structure, or may be constructed as a standalone detached unit.
 - b. An accessory dwelling unit shall be permitted by right in all districts that permit single-family dwellings, requiring only a building permit.
 - c. A building permit shall be issued if all of the following criteria is met:
 - i. Only one (1) ADU shall be permitted for each single-family dwelling.
 - ii. The ADU shall have an independent means of ingress and egress, or shall have ingress and egress through a common space such as a shared hallway to an exterior door.
 - iii. Either the ADU or the principal dwelling unit shall be the principal residence and legal domicile of the owner of the property.
 - iv. The ADU shall not be restricted to a specific habitable floor area, but cannot be larger than the single-family residential dwelling.
 - v. The ADU shall be provided adequate off-street parking spaces.
 - vi. The ADU shall have provision for adequate water supply and sewage disposal service in compliance with RSA 485-A:38, as amended, regulations adopted by the New Hampshire Department of Environmental Services and any other state or local legal requirement.
 - vii. All ADUs must meet lot area requirements required for the principal dwelling unit. This includes frontage.
 - viii. ADU's must be constructed to the "look and feel" of a single-family dwelling and maintain the aesthetic continuity of the surrounding neighborhood.
 - ix. Title to the ADU must be in the property owner/resident name and cannot be sold as a condominium or separate housing unit.

- x. An ADU may be rented as a Long-Term Rental but shall not be rented as a Short-Term Rental.

Additional issue was placement of septic and leach field, which the PB sent to the select board to answer.

- 4. Letter from Select Board restating their Minute Policy of 4-16-2024
Deb indicates she can appreciate the Select Boards need to remind the PB of the April 16, 2024 Minute Policy. However, she also pointed out inaccuracies within the Letter.

Minutes

Following deliberations, Deb J. moves to :

- Approve the minutes of 3-27-2024, 4-24-2024 as presented. Motion seconded by Dave LaBar
PB Vote was approval of all Minutes as presented.

Announcements and Communications:

none

Planning Board Work session - Planning Board Procedures- APPLICATION, SUBMISSION & REVIEW PROCEDURES

There being no other business on the Agenda, Deb motions and Dave M seconds to adjourn.
Adjournment 8:59 P.M.

Minutes submitted by Planning Board