

**TOWN OF NEW HAMPTON
PLANNING BOARD
MEETING MINUTES
NEW HAMPTON TOWN OFFICE
NEW HAMPTON, NH 03256**

November 29, 2016

MEMBERS PRESENT

Regular members Mr. Kettenring, Mrs. Hiltz, Mr. MacDonald, Mr. Hays, Mr. Mertz, and Mr. Broadhurst were present.

OTHERS PRESENT

Town Administrator Mrs. Lucas and Permitting Assistant Mr. Pollock

CALL TO ORDER

Chairman Mr. Kettenring called the meeting to order at 7:00 p.m.

WORK SESSION

2017 Zoning Amendments

Mrs. Lucas suggested discussing the Accessory Dwelling Unit. She said the town's attorney was not able to be present but any board members with questions can email them to her and she would provide them to counsel for answers.

Accessory Dwelling Units

Mrs. Lucas provided draft language based on a sample ordinance that the Municipal Assoc. developed based on the new state statute regarding Accessory Dwelling Units (ADU). She pointed out that additions were based on board discussions. Presently the ordinance allows for an accessory apartment with restrictions based on percentages of square footage. The new law does not allow restriction of less than 750 sq. ft. for an accessory dwelling unit and for this reason the zoning ordinance needs the accessory apartment definition removed and any reference to it.

Proposed language to be inserted into Ordinance:

Section 1. Definition

She said the definition for ADU comes from the state statute: "*an attached accessory dwelling unit will be permitted by Special Exception in all zoning districts that permit single family dwellings subject to the following...*". Mrs. Lucas advised that ADU's would need to be inserted into each District's tables of Permitted Uses.

Section 2.

- a) *Only one ADU will be permitted for each single family dwelling.*
- b) *The ADU must provide independent living facilities for one or more persons containing 4 elements: sleeping, eating, cooking and sanitation.*
- c) *An ADU shall have an independent means of ingress and egress or shall have an ingress and egress through a common space such as a shared hallway to an exterior door.*

The law says that you can't require it to have a separate entrance.

- d) *The ADU shall be attached to the principal dwelling unit in order to be considered an attached ADU there must be a common wall*

between the principal dwelling unit and the ADU. Detached accessory dwelling units are prohibited.

Mrs. Lucas said this prohibition is allowed under this new law while allowing towns to decide whether they wish to permit it.

- e) *Either the ADU or the principal dwelling unit shall be the principal residence and legal domicile of the owner of the property.*
- f) *The ADU shall not exceed 750 sq. ft. inhabitable floor area.*

Mrs. Lucas said you must allow a minimum of 750 sq. ft. but if someone chose to make it less that would be acceptable. She pointed out that if someone wanted to exceed 750 sq. ft. as this is drafted, a variance would be required.

- g) *The ADU shall have no more than 2 bedrooms and occupancy consistent with the policy adopted by the US Dept. of Housing & Urban Development (HUD).*

Mrs. Lucas said she added this language based on a recommendation which prevents a 2-bedroom unit, for example, from having 10 people living there. Mr. Mertz asked was the HUD guidelines were per unit and Mrs. Lucas said she get that information.

- h) *This re-letters and adds the comment "An ADU shall provide a minimum of 2 parking spaces in addition to primary dwelling unit parking requirements."*
- i) *Re-lettering –An ADU shall provision for adequate water supply and sewage disposal service in compliance with the RSA and regulations adopted by NHDES.*

Section 3. Minimum lot dimension requirements

An attached ADU shall not be required to meet additional lot area requirement other than already provided for the principal dwelling unit. An ADU shall comply with all lot setback requirements.

Mrs. Lucas advised that there is the option to allow for detached ADU's and the ordinance could require, for example, an acre per unit which is what would be required for a duplex, frontage requirements could be increased, space limitations could be defined, etc. The other option to accomplish this is a subdivision or cluster development. Mr. Broadhurst asked if this would allow for someone to construct a separate garage, with space above for visitors to stay. Mrs. Lucas said that if this space does not provide all 4 facilities as noted in "b)" above, it was not be considered a dwelling unit and would be allowed. Mr. Pollock asked about substantial outdoor cooking areas which could create all 4 facilities for a space, while not providing cooking facilities inside. Mrs. Lucas this would be something for the Selectmen to consider in determining whether a violation has occurred. Mr. Broadhurst brought up the scenario of someone who has an existing garage with apartment above on a property and now they want to construct a home on the same lot. Mrs. Lucas said the Selectmen would have to determine if there had been an approval for a unit in an accessory structure such as a garage with the intention to construct a home at a later date, handling this case by case. She said many who have done this have gone through the Special Exception process in preparation of constructing a home later.

There was discussion on whether to allow for a dwelling unit in a separate

building, such as an accessory structure. The board expressed concerns with allowing this given the new changes proposed as not maintaining the rural nature of the town as desired by the residents and noted in the Master Plan. The board agreed that the need for dwelling units in accessory structures can be addressed at a later date if there seems to be a need.

Under “Table of Uses” for all Districts where single family are allowed, except BI (Business Industrial) where they are not allowed:
Add Accessory Dwelling Unit – one per lot, by Special Exception. This will replace where it now says Accessory Apartments.

Under “Definitions”:
The new definition for an ADU will replace the definition for Accessory Apartment.

Relative to items a) through i), Mrs. Lucas said these will be listed under “General Provisions” in the ordinance.

Mrs. Lucas advised that the Special Exception criteria is listed throughout the ordinance and reviewed each criteria and how it might be applied through an application to the ZBA for an ADU. She said one of the criteria listed in each zoning district references lot coverage percentages. This will be corrected to accurately reflect the lot coverage requirements for each district, as they vary.

There was discussion that if someone constructed a garage with an apartment above, then asked to build a separate home, the Selectmen could approve the permit contingent upon making the space above the garage a non-dwelling unit by removing a portion of the facilities.

It was the consensus of the board to use the language as proposed, sending it to town counsel for review.

Signage

Mrs. Lucas provided members with proposed revisions based on the town attorney’s changed based on the law.

Under “General Provisions”, #7 makes reference to property and changes the general business commercial district. Mrs. Lucas said she added the Business Industrial and Mixed Use districts. There were also other minor changes made by the attorney.

9. Temporary signs: Mrs. Lucas said the attorney suggested adding that notification be provided to the Selectmen prior to locating a temporary sign, showing its compliance with the time limit requirements. It was noted this required landowners permission, could not be in the right-of-way, and would be on a first-come, first-serve basis as only 2 temporary signs are allowed. Mrs. Lucas said that what the signs say cannot be limited. There was discussion that political signs can now be restricted to 2 per property as previously they were exempted.

Article VIII – Administration and Enforcement, Section D needs #1 and #2

(Planning Board, November 29, 2016, cont.)

removed as they were previously exempted. New laws now exempt signs under 2 sq. ft. and signs erected by local, state and federal government, so this change will be made. It was noted that even signs under 2 sq. ft. are limited to 2 temporary sign unless where required otherwise by law, which will be stated in the ordinance. After discussion the board agreed to allow 2 signs per property.

Relative to the current definition of sign and the last sentence which reflects what is not considered a sign and exempt (flags with insignia of any nation, state or town or open for business signs) and the fact they cannot be exempted Mrs. Lucas suggested removing “flag” from the definition and create a separate reference to flags. The proposed definition for flag read “*a piece of cloth or similar material typically oblong or square attachable by one edge to a pole or a rope. Up to 2 flags are permitted on a lot in all zoning districts*”.

Mrs. Lucas advised that the following was added based on previous discussion:

The total area of the flags on a lot in the Mixed Use District, Commercial Districts and Business Industrial Districts shall not exceed 40 sq. ft. Mrs. Lucas pointed out that in limiting flag size in these districts you can limit the size of flags if being used as an additional advertisement for a business.

Relative to wording that mentions “line of sight” Mrs. Hiltz asked what is meant by that and Mrs. Lucas gave the example of pulling out onto the road but having your line of sight blocked by a sign, creating a hazard, and the need for some regulations to prevent that. Mr. Kettenring suggested adding the words “for traffic” after “line of sight”.

Mrs. Lucas confirmed that “flag” will come out of the definition of “Sign”. There was discussion and a determination that there was no limitation of the height of a flagpole above mean ground level.

Mr. Kettenring advised that the board will have an opportunity in December to discuss any further changes after counsel’s review, prior to the proposed changes in the regulations going to public hearing.

The board agreed the proposed wording for Agritourism could go to town counsel as there were no further changes by the board.

On 12/20/16 the notice for the Public Hearing will need to go to the newspaper the following day so if the board felt any more changes should be made, it be done at the hearing with the scheduling of a 2nd hearing.

ADJOURNMENT

Mr. Mertz made a motion, seconded by Mrs. Hiltz, to adjourn at 8:37 pm. Vote was unanimous.

Respectfully submitted,

Pamela Vose