

Planning Board Nov. 13, 2014

Members Present: Barry Hantman-Chairman, Chip Current, Haeyoon Jacobus, George Manos, Janet Denison-clerk

Excused Members: Chris Giordano-Selectmen's Representative, Josh Horns

Others Present: John Cronin, Jimmy Ginero

Minutes

The October 23rd minutes were discussed. Two corrections were made. Chip made and George seconded a **motion to approve the October 23rd minutes as amended.** The motion **passed** unanimously.

Correspondence

- From Peter Loughlin: the drainage easement revision for the Sweet Street subdivision. This has been forwarded to the applicant's engineer.
- A reminder of the meeting on Nov. 19th of the Merrimack Conservation Partnership.
- The zoning amendment calendar. The following dates were noted:
 - Dec. 10, 2014 – last day to accept citizen's petitions to amend the ZO
 - Jan. 12, 2015 – last day to hold the 1st public hearing
 - Jan. 26, 2015 – last day to hold the 2nd public hearing
 - Feb. 7, 2015 – deliberative session or town meeting, 10 am
 - Mar. 10, 2015 – voting day

Building Height

The Board briefly discussed building height with John Cronin and Jimmy Ginero who are currently building new homes along Back and Brentwood roads. Mr. Cronin said he has finished the home on lot 1 and is now building the same home on lot 3. It is a colonial with fire suppression throughout, which has been reviewed by the fire chief. The fire suppression is roughed to the 3rd floor if the owner wants to finish the space. The third floor also has egress. Mr. Cronin said the finished height of this home will be 32'. It was explained that the zoning ordinance states 30' is the maximum height for the residential/agricultural zone. They may go to the Zoning Board to request a variance. If they do so, a letter from the fire chief explaining his review of the property may be helpful.

Mr. Cronin said there are other homes in town that exceed the 30' height restriction. There was a short discussion of how the height is measured from where the foundation meets the ground. The town voted to amend this portion of the Zoning Ordinance and defined how to measure from the ground to the highest point of the structure, excluding the chimney. It was pointed out the Planning Board cannot change the zoning but can put something together for a town vote.

2015 proposed Warrant Articles

The Board discussed possible warrant articles. The first dealt with telecommunications towers on public land. This had already been voted to be put to a town vote.

There was a short discussion about storage units being used as permanent structures. The proposed warrant article stated:

To see if the Town will vote to amend Article II.AA of the Danville Zoning Ordinance to clarify that storage units in place for greater than 3 months shall be considered Permanent Structures. Specifically, this would add the following sentence to the definition of Permanent Structures which says *"Exterior Storage Units shall be considered Permanent Structures if the unit, or a similar unit, has been in place for a period exceeding 3 months in duration or exceeding 3 months in a calendar year, even if not consecutive."*

Chip asked what the impetus was behind this article: whether it was for tax purposes or controlling the placement of the units. It was agreed the placement of the storage units can adversely affect the wetlands if stored chemicals leak too close to wetlands. Tractor trailers are being used as storage units and if this article were to pass, it may be necessary to have a demolition permit to remove them. They also become de facto signs for businesses. It was agreed to not put this to a town vote due to too many extraneous issues that do not present practical solutions at this time. Research will be done to see if other communities have ordinances regarding storage units.

The third Warrant Article discussed reads as follows:

To see if the Town will vote to add a new article IV.B.3.i and a new article IV.C.2.f of the Town of Danville Zoning Ordinance to permit the construction of commercial parking lots within the normal setback when abutting and connected to adjoining commercial property. Specifically, this would add the following two paragraphs:

IV.B.3.i Within this zone, commercial parking areas shall be permitted in the area adjacent to the abutting property line provided that said commercial parking area abuts commercial property, whether or not developed, and access to the abutting commercial property is provided from the parking area.

IV.C.2.f Within this zone, commercial parking areas shall be permitted in the area adjacent to the abutting property line provided that said commercial parking area abuts commercial property, whether or not developed, and access to the abutting commercial property is provided from the parking area.

This article came about due to the adjoining parking lots of two commercial lots along Main Street and the need to seek relief from the Zoning Board for distance to the property line. Chip said there may be an issue of treading on the property rights of those in the Village District and HCLI zone with residential properties. After discussion, the following sentence was added after each article: *"For this purpose, abutting residential properties, even if within an area zoned for commercial development, shall be considered residential properties, not commercial properties."*

George made and Chip seconded a **motion to put the proposed amendments to articles IV.B.3.i and IV.C.2.f forward to a public hearing**. The motion **passed** unanimously.

The next proposed Warrant Article reads as follows:

To see of the Town of Danville will vote to correct clerical errors, commission names, and inaccurate RSA references within the Danville Zoning Ordinance without changing the intent of the ordinance. This would modify Articles III.E, V.B.3, VII.B, VIII.A.2, XIII.B.4, XIII.B.16.b and XIII.B.16.e. Specifically, this would make the following changes to the Ordinance:

III.E Change "*Lot 1-49*" to "*Lot 1-49A and 1-49B*" to reflect the correct Lot numbers

V.B.3 Replace with "*Plans and specifications are submitted to and approved by the Board of Selectmen and the New Hampshire Department of Environmental Services in accordance with the provisions of Revised Statutes Annotated (RSA) 485-A:38.*" To reflect the change in the name of the State commission and the revised RSA number.

VII.B To add a comma between the words "*noise*" and "*vibration*" thereby changing the first sentence to read "*Any use that may be obnoxious or injurious by reason of production, emission or odor, dust, smoke, refuse matter, fumes, noise, vibration or similar conditions, or that is dangerous to the comfort, peace, enjoyment, health, or safety of the community or lending to its disturbance or annoyance is prohibited.*"

VIII.A.2 Change "*RSA 483-A:1-b*" to "*RSA 483*" to reflect recent changes to the State RSA.

XIII.B.4 Change "*RSA 95-A and other applicable statutory requirements.*" to "*RSA 91-A, 675:7 and other applicable statutory requirements.*" to reflect the correct RSAs.

XIII.B.16.b Change "*RSA 679:9*" to "*RSA 676:9*" to reflect the correct RSA

XIII.B.16.e Change "*RSA 95-A:2,II*" to "*RSA 91-A:2,II*" to reflect the correct RSA

The Board briefly reviewed each suggested amendment. Chip made and George seconded a **motion to put the aforementioned proposed amendments to a public hearing**. The motion **passed** unanimously.

The public hearing will be held on December 11th at 7:40pm.

At 8:10pm Chip made and George seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted
Janet S. Denison

Agendas:

- December 11, 2014
- 7:30pm correspondence and minutes
- 7:40 pm 1st public hearing for proposed 2015 Zoning Ordinance Warrant Article amendments