

Planning Board  
October 28, 2021  
7:30pm

Members present: Barry Hantman, Chip Current, Chris Smith, Charles Underhill, Steve Woitkun

Others present: Carsten Springer, Gail Turilli

The minutes from 10/14/21 were reviewed. Chip has some minor changes. Line 78, delete “and serves as main access to lot 152. Line 84 where it states “17 ft added onto the trail”, change trail to ROW. A suggestion was also made to include page numbers on the minutes. Chip **made** and Charles 2<sup>nd</sup> a **motion to accept the minutes as amended**. All in favor with Chris and Steve abstaining. **Motion passes, minutes accepted as amended.**

**Correspondence:**

Barry stated he had one comment regarding the last meeting. The minutes are correct, additional land that is being added to lot 1-52 does not change the borders of the town forest nor the conservation easement on that land. He neglected to mention that it also does not change the boundaries of the historic district and believes there is an error on the current zoning map. When lot 1-52 was extended last time for the piece along the river, that piece should not have been added to the historic district but, the map shows differently. This needs to be corrected on the zoning map.

An engineering report was received in regards to the cistern that was being put in at Life Storage which addressed no issues.

DOT driveway permit was also received for 582 Main Street along with an email from Charlie Zilch. A subdivision is being contemplated for that lot and a driveway permit has been secured first. The email that was received stated that no new driveway shall be constructed without Planning Board approval first. DOT has granted permission to construct driveways at 1.12 North of Happy Hollow Road and .047 North of Happy Hollow Road.

**Discussion of Proposed Warrant Article Changes:**

Chip explained that the discussion is for expanding the Village District down Kingston Road and Pleasant Street, also Beach Plain Road, Customary Home Occupations, and Accessory Dwelling Units.

**1. Boundaries of the Danville Village District – Kingston Road & Pleasant Street**

To see if the Town of Danville will vote to amend the Danville Zoning Ordinance to include properties along Kingston Road and Pleasant Street in the Danville Village District by amending the official zoning map, Town of Danville, to reflect the following parcels as being included in the Danville Village District:

**Parcels to be included in the Danville Village District**

Map	Lot	Sub	Map	Lot	Sub	Map	Lot	Sub	Map	Lot	Sub
4	114	0	4	119	0	4	127	0	4	94	11
4	115	0	4	120	0	4	128	0	4	131	1
4	116	0	4	122	0	4	129	0	4	131	2
4	117	0	4	123	0	4	94	0	4	131	3
4	117	6	4	126	0	4	94	10	4	131	4
4	118	0	4	126	1	4	94	12	4	131	5
etc											

Barry had a slight recommendation on changing the wording to give people a better understanding of what this actually does. It states: adding properties to the Danville Village District. The change would state: added to the Danville Village District thereby allowing additional types of businesses in these areas. This would amend the official zoning map. Chip is in agreement and stated that this is not a complete list of lot numbers. Charles asked if this would add any Historic connotations. Both Barry and Chip stated it would not. Chris **made** and Chip 2<sup>nd</sup> **a motion to put this forward with a completed table of lot numbers to our first hearing in December.** All in favor, **motion passes.**

**2. Boundaries of the Danville Village District – Beach Plain Road**

To see if the Town of Danville will vote to amend the Danville Zoning Ordinance to include properties along Beach Plain Road in the Danville Village District by amending the official zoning map, Town of Danville, to reflect the following parcels as being included in the Danville Village District:

**Parcels to be included in the Danville Village District**

Map	Lot	Sub	Map	Lot	Sub	Map	Lot	Sub	Map	Lot	Sub
2	24	1									
2	26	0									
2	29	0									
2	31	0									
2	34	1									
2	34	2??									
etc											

Barry recommended the same wording change for this and the board is in agreement. Chip explained that lot 2-34-2 is back land on Beach Plain Road. There may be a ROW coming off Beach Plain Road and there is no frontage on any town street. This is the land behind the repair garage and there is a question as to if this should be part of the Village District. Charles questioned if it could be an easement instead of a ROW. If it is land locked, and put into the Village District, nothing can be done with it. Chip stated that it depends on what language of the

ROW or easement is. Without knowing the disposition of its access, there is hesitation to put this in the Village District. Barry stated even if there is a ROW, it's probably a 50ft ROW max. Allowing businesses may not be appropriate. He suggests to leave this lot off the Village District for now. The land owner may petition to have it added at a later time. Carsten stated that there are some roads in town that are equally as old. Beach Plain used to be the old Chester Highway and asked why not include Sandown or Back Road. Chip explained the reason for not including those is that they don't have businesses on them today other than agricultural in nature. Barry stated that this board discussed major arteries in Danville. 2 of those today that have more businesses than others, Kingston and Beach Plain Road. This is why the board is looking at these 2 first and at some point in the future may look at other roads. Carsten stated he can see pluses and minuses for both and feels it is a good idea for doing this a step at a time. Up until zoning came in, there were lots of businesses on those roads. Because of the nature of the Village District, has nothing to do with the Historic District. If it did, would be talking about Beach Plain Road and some others in a different context. It is vastly more Historic in nature. Barry stated that Beach Plain Road has several Historic buildings. There are businesses on those roads that are not agriculturally bases, granted by the Selectmen and would be in keeping with anything we're doing in the Village District. Carsten suggested the need to look at what's allowed. Chip stated that the intent isn't to bring Post Woodworking into compliance with the Village District. It is a major manufacturing facility in a residential area. Carsten stated this wouldn't be allowed today but, was back then. Chip stated the reason for not including Back Road and Sandown Road is that they are not major arteries. Carsten stated that is sounds as though the board is trying to make those roads allow things that are already existing. Chip stated that the thought is to make some of these things more compliant. Barry explained that it is to allow additional businesses in area's where there are already existing businesses. Carsten stated that businesses allowed in the Village District are very low impact. He asked if someone came before the board wanting to do a bed and breakfast or a small apartment building they wouldn't be allowed to do it but, this change would allow it. At what point would we not allow businesses anywhere in town and feels we are restricting people's properties. Chip stated that is what zoning does. Carsten asked if this would affect the Fire Department in terms of service. Steve stated that they come in to apply, would have to conform with certain standards.

Last Thursday night there was a fire in an apartment building. Carsten stated that the building would be impacted by one of the things Chip is discussing. That particular building has been around long before zoning. If we did expand the Village District types of operation to other parts of town, it would promote safer buildings, building to the new standards. Charles questioned if putting something into the Village District would not waive any of the rest of the requirements in town and would it still have to comply with ROW widths, etc. Chip stated all of that is the same for all districts. Specifically, the Village District in general allows everything that the Residential Zone does plus mixed use. Charles noted that mixed use seems to be a thorny issue from time to time. One of the possible corrections over time would be where there are uses that were grandfathered or are non-compliant, put a sunset provision in. If a property ceases operation or changes hands, the use ceases and goes back to the general conditions of the zone that it's in. Over time, conformance improves. Chip stated that there is some of that already built into NH State Law and our zoning. If something ceases a specific use for a year, it's no longer grandfathered for that use. There have been some issues in town where a particular car parts/sales area that is behind Danville Auto, had to come in and prove that they were non-stop

operating since the 50's. Barry stated that we had one several years ago down near where Charter Brothers is. The building that was there was a multi-family residence that fell into disrepair and wasn't used for many years. There was a developer who was thinking of tearing it down and building a new multi-family structure there. The Planning Board said no as the use disappeared. The developer went in a different direction because of that. There is something based on state RSA's and words in our zoning that do sunset things if they fall out of use. Steve mentioned a building that is 2 or 3 past Sheila's house that was an old machine shop that has been vacant for years. He questioned how that would be handled according to today. Chip stated that lot is already in the Village District. If that lot was to be used for a commercial use, that is allowed in the Village District and not a problem. A site plan would be needed but, not for a machine shop, that would need to go before the ZBA for permission. Chip **made** and Charles 2<sup>nd</sup> **a motion to put forward to public hearing with completed table of lots with lot 2-34 not included.** All in favor, **motion passes.**

### 3. Kingston Road Business Allowances

To see if the town of Danville will vote to amend the Danville Zoning Ordinance to allow for larger commercial motor vehicles to be garaged on Kingston Rd in association with a customary home occupation business as allowed by the Board of Selectmen or Zoning Board of Adjustment. Specifically, this will replace Article IV.A.2.d.8 with the following:

There is not more than one (1) commercial motor vehicle (see definition) associated with the business and said vehicle has no more than two (2) axles and a gross vehicle weight of not more than fifteen thousand (15,000) pounds, except along Kingston Road where it will be allowed for three (3) axles and gross vehicle weight up to 30,000 pounds.

Chip stated he is not in favor of this going through but it needs discussion as it has been brought up and he was asked by the Selectmen to draft something. There is a trucking business running out of Kingston Road that went to ZBA for a Customary Home Occupation Special Exception which got denied. It then went before the Board of Selectmen and was told he was denied and nothing can be done. The concern is that he is being punished for asking permission. There are a lot of trucking businesses on Kingston Road. Carsten stated this violates one of the warrant articles passed years ago. Barry stated we are allowed to pass a new warrant article. Chip explained the wording is the same until you get to "except along Kingston Road." Charles stated we are aware of one situation where this would be corrected. He questioned how many other people would slide in under this. This is not a single instance correction and asked if this truly means the full length of Kingston Road or limited to an area we can define between two side streets. Chip stated if we do it less there could be court problems. The idea is to include all the way from Main Street into Kingston. Carsten noted that Kingston Road used to be 111. Steve mentioned that the tri-axles from the gentleman that came in and was denied are up to 80,000 pounds. Anything up to 26,000 pounds changes the class of the truck. Anything above 26,000 pounds needs a class B license and a tractor trailer needs a class A license. This needs discussion in regards to the numbers. Steve was aware when this gentlemen tried for a home business and came before the Board of Selectmen. He is also aware of fuel trucks parked on Blake Road off of Kingston Road. The house before Blake Road has two roll off trucks, one has 3 axles, one has 4 axles and one of those also has a lift axle. He is not sure if this came before the board but, Zoning was in place when the house was bought.

Chris mentioned a truck being parked overnight off to the side of the road, probably on town property. Barry stated that this does not allow parking trucks on town property. It would need to be on private property. The goal is to bring some of the trucks there into compliance. Steve noted that if neighbors aren't complaining, he would hate to deny a person making a living but, the gentleman who came in that was denied, has 3 tri-axle trucks, equipment trailers and an excavator. Barry stated that the goal is to begin moving in a direction that would allow some of those to fall into compliance. Carsten mentioned a warrant article from 2007 or 2008 that passed regarding an issue on Pine Street. People are not educated to the Chief's point in regards to truck weight. He suggested to stay away from using just the words "commercial vehicle." When the warrant passed, the number was around 10,000 pounds. Most pick up trucks weigh that or more and are not allowed to park in certain areas. When applying definitions, look at truck size and how many parked on the property. Barry stated that the words "commercial motor vehicle" are in today's ordinance along with the definition. Chip noted that the gross weight to be a commercial vehicle in town is 10,001 pounds. Exemptions are: farm vehicles, recreational vehicles, and Fire Department vehicles. He then asked to step back from the specifics so that the board can discuss if this is something they would want to address.

Chris stated that even though including all of Kingston Road, it seems like spot zoning. Chip agrees but, is trying to solve a problem. He doesn't feel businesses should be moved out of town due to trucking issues. Zoning is not a great place to fix this problem. Steve noted how do you go after someone like the fuel trucks that have been doing this for 30 years and say they can't park trucks here anymore. This will cause a big impact on some of these people. Chip stated that the other side of this is the possibility of a new neighbor suing them and the town to say that they can't operate a business and they would win. This is a hard problem and was written at the Selectmen's request, but Chip is not in favor of this. Charles stated that he has been in planning for a very long time. He explains that planning and zoning is to optimize livability. Over time to define how we want things to transpire and overall this is how we want to see things develop and grow and for the community to be livable. His preference in resolving conflicts from trying to develop is to take an existing situation and grandfather it until it changes. This would mitigate impacts on those people caught in a situation and then correct it when the impact is reduced. Rather than spot zoning, say mixed use is Light Commercial and Residential, or Residential, or have an Industrial zone someplace. If there are problems, then grandfather those with the understanding that they are being grandfathered a certain way. When the use changes, grandfathering kicks in and corrects itself over time.

Chris mentioned a similar example: In the existing ADU ordinance, updated in 2016 or 2017, it was written to address existing non-conforming ADU's. There is a 6 month period during which existing non-conforming can come in and seek a special permit. During that time, all those could get that temporary conformance or grandfathered status. Written to the ordinance, there is a window of time to come in, get on the right side of the ordinance, and as owners phased out, transferred ownership, the status would change back. We could do something like this, recognize a conflict in town, a number of existing situations and open a window for those businesses to come in and seek special permits. At the end of that time period, the window is closed and enforcement action could be taken. Chip only see's one problem, survivorship of the business. At what point does it sunset. An example would be the gentleman who came in with

the tri-axes, gets a special permit, and it's valid until when. If it's until it ceases to be a business, what if it's made a family business, owned by a corporation, and it's handed down to family, shareholders in perpetuity. This is never going to roll. This is similar to Post Woodworking who is not going anywhere. Charles stated if that the only non-conforming use with planning and zoning after 50 years, this is livable and would be the same issue as a family farm. Carsten stated farming, and agriculture are protected in NH law, zoning will not step on that. It has to have the capability for people to make a living and to pass it on to future generations. Barry stated he is not in favor of large vehicles being in Residential zones but, Kingston Road, given it's current use, is a slightly different case. There is a large number of residents who live on that road that seem to believe large trucks are appropriate in that area. He is willing to put this forward to public hearing solely to hear from the residents on Kingston Road and get their opinions. Chris asked if we are trying to do too much with Kingston Road. If we invite a lot of commercial trucks, we are not going to get a lot of Village District businesses. Charles noted that in a number of adjacent towns, he has been seeing long haul truckers parking in their lot. The issue is large #2 fuel oil trucks parked for emergency fills at night. This could be problematic if one of those trucks leaks. Chip mentioned a very specific provision in Customary Home Occupations that does not allow commercial motor vehicles to transport hazardous materials as defined in 2.E.4 which includes #2 fuel oil trucks. Steve is in favor of Chris's idea of giving a 6 month window, review applications, maybe give a limit of 2 trucks and apply for the permit. If hauling hazardous materials, the permit would be denied if there's a safety concern. Barry stated he would want to speak with town counsel. The town could vote at town meeting to do anything.

Carsten believes there are a lot of mixed messages. If the Kingston Road Village District proposal is put forward, other things aren't going to blend well. The Village District is completely different, very benign and low key. Examples would include: a dentist office, ice cream shop, or a bed and breakfast with 3 rooms. These are things that don't change the residential neighborhood. Chip stated he thought of another way to go about this, using the sunset idea but for residences and instead make Kingston Road part of the Highway Commercial Light Industrial Zone. As residents remove, they won't be allowed anymore. This would make Kingston Road into old 111 again. He did not go this route as he feels it is not appropriate, even though it would solve the trucking problem. Carsten stated that there are commercial industrial properties on Kingston Road that front on 111. Barry noted that the consensus is not to put this forward but we need to address this as a town. He questions if the Planning Board plays a role in this or if it should be pushed back to the Board of Selectmen to speak with town counsel. Chip feels that Steve should take the sunset idea to the Board of Selectmen and talk with town counsel. Charles asked if there was enough time to put this into a structured proposal. Chip stated we have until our first meeting in December. At that point, there are no re-starts if editing is needed but, we can still get something on the warrant. If it's not a zoning issue, the town has plenty of time as we have until January to put warrant articles on. Charles mentioned to ask town counsel if this has to be done under zoning or as an independent process under the Board of Selectmen which would limit the appeals process, etc. Chip advised Steve to let Planning Board know ASAP if this needs to be done through zoning. This will not be put forward as written at this time. Carsten stated that we have existing rules already and feels that we shouldn't have to add more to take care of this problem, just gumption. Steve pointed out that a small owner operator who may have a tri-axle dump truck, is just trying to make a living. There are certain

neighborhoods in town, that if he parked the tri-axle truck there, neighbors would complain and other areas where there would be no issue. Barry stated that all it would take is someone new moving in. Carsten stated for someone trying to make a living, there needs to be good reasons for preventing that other than endangering someone. Charles stated that he feels the #2 fuel oil trucks are endangerment and how to enforce that. Steve stated that he may refer to the state to acquire something from the fire marshal's office to address the safety issue. He will contact them on how to address this. Barry noted that Steve will take this to the Board of Selectmen and talk to town counsel. Barry and Chip will assist with drafting something. Barry agreed to contact town counsel on behalf of the Selectmen for a recommendation.

#### 4. Customary Home Occupations

To see if the town of Danville will vote to amend the Danville Zoning Ordinance to allow for some additional employees and customers associated with a customary home occupation. Specifically, this will replace Article IV.A.2.d and IV.A.2.e with the following:

Application to the Town for approval of a customary home occupation activity may not require a Special Exception Hearing if all of the criteria specified below are met. Applicants who do not meet these criteria should apply directly to the Zoning Board of Appeals for the Special Exception. Those who meet the criteria (or are unsure whether they meet the criteria) should contact the Planning Board Clerk (or another individual designated by the Board of Selectmen) to review the criteria, and complete the Home Business Registration Form which will be forwarded to the Board of Selectmen for review at a regularly scheduled Board of Selectmen's meeting (the Selectmen may require the applicant to be present).

Amended 3/12/2019

- 1) No more than one (1) employees will be used other than the homeowner (or permitted resident).
- 2) No more than one (1) customers, vendors or distributors will come to the premises at a time.
- 3) No hazardous chemicals/materials will be used or stored on the premises.
- 4) No outside storage of equipment or materials associated with the home occupation will take place.
- 5) The home occupation will not generate unsightliness, noise, smells, fumes or other substances that would adversely affect the character or safety of the neighborhood.
- 6) Business signage shall be allowed in accordance with Article VII.D. Amended 3/10/2020
- 7) Home occupation is conducted solely in the dwelling unit or is conducted primarily off-site such as a service tradesman that provides his/her service away from the primary residence.
- 8) There is not more than one (1) commercial motor vehicle (see definition) associated with the business and said vehicle has no more than two (2) axles and a gross vehicle weight of not more than fifteen thousand (15,000) pounds.

All applicants not meeting the above criteria must apply for a Special Exception to the Board of Adjustment.

To grant the Special Exception, the Board of Adjustment must find that:

- 1) The accessory use shall require no more than one-two (21) on-site employees in addition to the owner(s) of the property.
- 2) Adequate off-street parking will be provided for the employees and potential customers.
- 3) Any changes made to the residential lot as a result of this accessory use that affect the external appearance of the property, the dwelling or any accessory building, shall be in keeping with

generally accepted good residential architectural practices and styles and shall conform, in general, to the surrounding neighborhood's architecture. Amended 3/13/2001

4) There will be no outside storage of equipment or materials associated with the home occupation nor will there be any hazardous chemicals used or stored on the premises.

5) There shall be no commercial motor vehicles (see definition) nor shall there be more than two non-commercial vehicles used in conjunction with the home occupation except that, where the business takes place primarily away from the primary residence, such as a service tradesman, the business owner may park no more than one commercial motor vehicle related to the business at his/her residence provided that:

- a) There is adequate space for full off-street parking of the commercial motor vehicle;
- b) The commercial motor vehicle is not parked on Town property, including street, parks, and rights-of-way;
- c) The commercial motor vehicle is parked at least fifty feet (50') from any abutting property line and at least seventy-five (75') from any abutting residential structure;
- d) The commercial motor vehicle is not repaired or maintained on the premises (unless required in order to move the vehicle from the premises);
- e) The commercial motor vehicle is not left idling for more than ten (10) minutes nor is any equipment associated with the commercial motor vehicle (e.g., refrigeration units) left on for more than ten (10) minutes while on the premises;
- f) Horns and/or sirens on the commercial motor vehicle are use only in emergency situations;
- g) Advertising on the commercial motor vehicle is not used to violate the intent to the Town's signage restrictions;
- h) Generators or other outdoor equipment are not utilized in conjunction with the commercial motor vehicle;
- i) The commercial motor vehicle will enter and exit the roadway via an approved driveway;
- j) The commercial motor vehicle is properly registered and inspected; and
- k) Commercial motor vehicles used for the transport of hazardous materials, as defined by ARTICLE II.E.4, are prohibited.

Chip stated this was another one that the Board of Selectmen asked for with Covid and many people working from home. They would like to see Customary Home Occupations expanded a little bit. This proposal would allow for adding an employee and one customer/vendor at a time and also to add 2 employees to the special exception. All other wording will remain the same. Barry stated he had a couple of changes: have the title be "Customary Home Occupation Modification" and in the first sentence where it states "some additional", change to "a small number of." Charles noted under the list of complying requirements, he would like to add provisions for off street parking. Chip noted he would add that in. This will give the Board of Selectmen and the ZBA more leeway when reviewing applications. Carsten asked why not use a number for associated parking. Chip stated that adequate parking depends on the business. Charles asked if this would affect someone with a consulting business to which Chip responded, no. Chris **made** and Chip 2<sup>nd</sup> a **motion to put this forward to public hearing**. All in favor, **motion passes**.



Chris stated that he has a proposal for ADU's that he would like to discuss as the current ordinance is restrictive. This approach is to try to help ease the housing situation and not be as concerned about the impact on the character of the town. There are 2 main points to the proposal:

1. Allow for detached ADU's. Current objective is to afford parties the necessary privacy and living arrangement conducive to harmonious habitation. Detached ADU's can advance that a little more. Chris grew up with a single parent and lived in several ADU's. What this does to the character of the town is favorable, minds the current other zoning requirements for setbacks and not hugely impactful.
2. Remove from requiring a special permit. In the spirit of the RSA in which this a right, it would be as simple as getting a building permit rather than having to ask special permission. This would also mean it is not grandfathered until the sale of the property. Other changes are just cleaning up some of the odd language.

Changes don't have to be in the main structure, potentially on the lot. Special exception language removed or adapted to reflect a standard building permit. Point 7 under section b adapted to state: must conform to all other requirements of the zoning ordinance including setbacks for dwelling units. The next section transfers out of ZBA and to the building inspector and the normal permitting process. #6: Add "if attached" to the beginning of the sentence. Point 7 under section c where it states 750 sq ft limitation, add "not including the thickness of exterior walls and non-habitable spaces such as mechanical rooms." He explains that he has worked in housing for many years and has designed many ADU's, always trying to find someone an affordable way to live. Section d. Failure to Comply: remove as it is already established if treated like a building permit. It wouldn't expire when ownership transfers, therefore it is not necessary. Chip noted C6 can be eliminated because it's covered in B4. Barry stated when this was originally designed, the thought was a mother in law's apartment. The initial ordinance required that it be a family member. Based on stated laws that have changed, it was extended so that it does not need to be a relative. The idea was that it not be a 2<sup>nd</sup> full structure on the property. He questioned how this differs from building 2 houses on one lot. Carsten mentioned that you could have 2 houses on one lot and call one a guest house or an ADU. The intent of the RSA is the right of affordable housing. Carsten's concern is with the septic systems. Chris stated that those are already in the ordinance and will remain.

Barry questioned if this is more cleanly solved by taking away the sentence in the zoning ordinance that states "can't have 2 dwelling units on the same property." Chris noted reducing the zoning requirements to one acre lots. This is a more moderate approach with a modest dwelling unit at 750 sq ft which is not creating high density zoning. Steve commented that as a taxpayer, living in town for many years, and seeing what the school has done to taxes, he couldn't vote positive on this unless there is an age limit restriction. He feels that all this is doing is putting an apartment on a 2 acre lot where a single mother could move in with 2 children which puts those children in our school system. Chris explained that is already allowed in the ordinance, the only change is detached. Barry feels that by making it detached, we would expect to see more ADU's. Chris doesn't agree as everything is more expensive today but, this would give people more options. Carsten stated this would increase the tax base because of valuation laws. When talking about 2 acre zoning or bigger, this would work. With one acre lots this may work but would still have to

abide by side setbacks, etc. There are lots in town that are much smaller than one acre and he feels this is a bad direction to go to take away that single dwelling lot. Barry stated that this can be done on a lot less than one acre today. There are existing lots of record that are ¼ acre and now would be able to put in a 2<sup>nd</sup> dwelling. Chris stated the setbacks of 50ft and 30ft in the front would still have to be met. Chip stated in the residential zone, the setbacks are 30ft in the front and 15ft on the sides and in the back. 50ft is a business to a residence. Carsten noted that it would be difficult to do something detached on a small lot, would have to be a rare lot. The intent of the state law was to increase stock of affordable housing. The affect of what was done with zoning over the past 20 years was to make Danville a veteran community. The discussion tonight is to make this more balanced, tax base and livable. Now, its nearly impossible for people to get started in life with housing. There is a need to do something that is reasonably balanced and this seems to work, and it's more likely to increase the tax base of the town. The original ADU ordinance did not, and he feels it is more damaging to the school system. There is no compensating tax benefit vs one that's a higher value property that has a separate unit. This would be an improvement to supporting the tax base. Barry believes this would get a fair number of Air B&B's in town. He suggested one minor word change in section C7 where it states 750ft size and in parenthesis has ft<sup>2</sup>, use 750sq ft instead. Chip **made** and Charles 2<sup>nd</sup> a **motion to put this forward to public hearing**. All in favor with the exception of Steve who opposed. **Motion passes**. Barry stated the public hearing on December 9, 2021 will need to be noticed in the newspaper and advertised here at Town Hall, the library and the post office.

Carsten questioned page 2, item 6 and in looking at the RSA, questioned what happens if someone does this, owns a property but doesn't live there. Chris stated in section C4 the words "shall be owner occupied" will be taken out. Enforcement will only happen if there is a special permit going before the ZBA. If this is treated like a building permit, what's permitted carries on unless coming to the Planning Board and treat like a site review for a business. Barry stated this would not be workable if the requirement is put back in though, would be nice if the main unit is owner occupied for upkeep and control of the property. Chris stated it's completely legal, and somewhat prevalent that people who own their homes don't live in them but rent them out. Steve asked if this would allow for a modular or mobile structure. Carsten explained that mobile homes, no called manufactured homes, are only allowed in certain areas and not for an ADU. Modular homes are allowed anywhere in town. This would also allow for tiny homes. Steve noted that if he were thinking about putting one on his old house on Far View Drive, he would not have done so if small children were living there. If it were detached, he may consider it because he won't be hearing them. Carsten explained that the town would be gaining more tax revenue based on a detached unit. Steve stated that this is an old argument and what you get in taxes even from the most expensive houses in town, it doesn't even cover 2 children's education. Charles stated that in order to relieve the tax burden from the students in school, build commercial non-occupied properties. Barry noted that zoning should not be the tool for the tax rate. Charles stated if it's the community's decision to be residential without commercial centers and industrial zones, you're looking at a higher tax rate to afford the per capita student population. Steve stated that the sprinkler ordinance was lost from a town vote and the states wisdom. He asks if condos or apartments, like the ones proposed on Sandown Road, anything larger than a duplex, for instance 4 units attached, would it fall within the fire protection ordinance. Chip stated yes. Anything more than 2 dwelling units together have to have sprinklers.

Barry noted that the ordinance as written does not require sprinklers. It requires a fire suppression system which could be a cistern, fire hydrants or something else approved by the fire wards. Sprinklers were specifically removed because of the state RSA. Steve stated we were grandfathered under that, someone brought it to a town vote and the town repealed it. Chip stated that section VII,S,3,a states sprinkler systems are required for residential structures with 3 or more dwelling units and commercial buildings. Section b states cisterns are required for any new development and or subdivision of 4 or more dwelling units. Section C states alternate fire protection systems that the Fire Department would have to approve. 3 or more units has to be sprinklers, no alternative.

Charles asked if Danville is ready to require at least one EV parking space where multi family projects of 5 units or more are developed. Barry stated that there are not a lot of those in town and we are not ready to require that yet.

Chris **made** and Charles 2<sup>nd</sup> a **motion to adjourn**. All in favor, **meeting adjourned at 9:30pm**.

#### **Agenda for next meeting:**

1. Continuance of Stage Coach Estates, Map and Lot 1-19-B
2. Preliminary discussion for 49 Back Road (potential buyer looking to make improvements for access)
3. Warrant Article discussions
4. Preliminary discussion for Doug's Tree Service, Map and Lot 4-207
5. Signing of mylars for 599 Main Street

Respectfully

Gail Turilli