

**Planning Board  
Nov. 10, 2016  
7:30 pm**

Members Present: Barry Hantman, Chip Current, David Cogswell, Chris Giordano, Jim Castine, Chris Smith, Janet Denison-clerk

Excused Members: Roger Whitehouse

Others Present:

Josh Manning, Charlie Lucas, Charlie Zilch, Joe Luna

Minutes:

Chip made and Chris G. seconded a **motion to accept the October 27, 2016 minutes as written**. Chris S. abstained. The motion **passed**.

Correspondence:

- An email regarding the fees charged for the Old Meetinghouse subdivision. Nothing more was presented to the Board regarding this email or the fees.
- From Dennis Quintal, dated November 8, 2016 regarding the buildings at Cotton Farm, MHP

Other Business:

The first public hearing for review of possible zoning amendments will be held December 8<sup>th</sup>. The board reviewed the 2017 proposed budget.

2017 Budget:

Department / Account Number	2014 Budget	2015 Budget	2016 Budget	2017 Proposed Budget
<b>4191.10 Planning Board</b>				
pb-110 Salaries P/T				
pb-320 Legal Notices	\$ 425	\$ 300	\$ 500	\$ 500
pb-331 Master Plan Update	\$ 500	\$ 500	\$ 500	\$ 500
pb-550 Printing	\$ 500	\$ 250	\$ 250	\$ 250
pb-560 Dues & Subscriptions	\$ 4,263	\$ 4,259	\$ 300	\$ 300
pb-625 Postage	\$ 250	\$ 250	\$ 250	\$ 750
pb-810 Seminars	\$ 200	\$ 200	\$ 200	\$ 200
pb-821 Mileage Reimbursement	\$ 200	\$ 250	\$ 200	\$ 200
pb-830 Recording Fees	\$ 100	\$ 100	\$ 100	\$ 100
Professional Services			\$ 4,000	\$ -
pb-840 Matching Grant Funds	\$ 500	\$ 500	\$ 500	\$ 500
<b>4191.10 Planning Board, total</b>	<b>\$ 6,938</b>	<b>\$ 6,609</b>	<b>\$ 6,800</b>	<b>\$ 3,300</b>
% increase vs. previous year	#DIV/0!	#DIV/0!	2.89%	-50.07%

The Board agreed to the above budget for 2017. Chip made and Chris G. seconded a **motion to submit the 2017 Planning Board budget as approved to the Selectmen and the Budget Committee**. The motion **passed** unanimously.

Caleb Corners II

Josh Manning introduced himself and the project off of Caleb Drive. This was given conditional approval in December 2015 and Mr. Manning, representing the new owner, presented a letter asking for a one year extension of that approval. He explained there has been no progress on this project due to the current economy. There are other projects in progress that the owner has been focusing on finishing. Chip made and Chris G. seconded a **motion to grant an extension until December 10, 2017**. Chip said he would not support another extension. Jim abstained. The motion **passed**.

#### Zoning Amendment Warrant Articles

Chip presented the following warrant article for discussion:

*To see if the Town of Danville will vote to amend the Danville Zoning Ordinance to exempt the houses that were razed and rebuilt within 1 year from being assessed a new Impact Fee. Specifically this would replace Article XIV B.6.e with the following:*

- e. New development shall not include the replacement of an existing manufactured housing unit or the reconstruction of a structure that has been destroyed and rebuilt within one year where there is no change in size or density or type of use that would increase the demand on capital facilities for which impact fees are assessed.

The Board discussed possible revisions. Barry said that if a structure is being replaced in kind, there is no real new impact but if the number of bedrooms or the overall size is being increased, there is probably a greater impact. Chip said we don't currently assess fees based on the number of bedrooms. A 10 bedroom house is assessed the same fee as a one bedroom. Joe Luna stated the intent should be clear; any increase in size will have an increase in services. After discussion, the article was revised to state the following:

*To see if the Town of Danville will vote to amend the Danville Zoning Ordinance to exempt the houses that were razed and rebuilt within two (2) years from being assessed a new Impact Fee. Specifically this would replace Article XIV B.6.e with the following:*

- e. New development shall not include the replacement of any existing manufactured housing unit or the reconstruction of a structure that has been destroyed and demolished within two years where there is no change in type of use that would increase the demand on capital facilities for which impact fees are assessed, or increase in square footage or density.

Chris G. made and David seconded a **motion to put the above zoning amendment to a public hearing on December 8**. The motion **passed** unanimously.

#### Cotton Farm-Beatrice Street revised plan discussion

Barry excused himself from the table. Chip took over as chair of this discussion.

Charlie Zilch presented as-built plans for the three four-unit buildings that have been constructed at 41, 43, and 47 Beatrice Street. He explained these were built slightly differently than what was approved during site plan review. He said the erosion control and infrastructure have been put in place per the plan. The buildings are 95% completed. When the building inspector reviewed the properties, he noted the discrepancies and would not issue certificates of occupancy until the changes were discussed with the Board. He said the changes actually are an improvement over what was proposed.

The walkway in front of building 47 has been moved to the front, lessening the encroachment on the wetlands. The letter dated November 8, 2016 from the town engineer was reviewed. There were five points that were discussed. The buildings and parking space pavings have been built according to plan.

The subsurface utilities are located as previously approved on the as-built plan. Dennis noted the changes reduce the impervious surface within the wetland buffer. The rain garden for #41 was not built as shown on the plan. It was split so that it would not interfere with the water line. The overall surface of the rain garden is equal to what was planned. The cutting into the side slopes of the leach field does not impact the function of the systems.

Barry noted that the revised plan will require a minor review and formal notification to the abutters and he suggested that the Board recommend any other conditions or notes from the prior approval remain in effect. Mr. Zilch was told he will need to comply with sections 8-19 of the Site Plan Review Regulations. The Board has no influence on whether or not the minor review will hold up issuance of occupancy certificates. That should be discussed with the building inspector.

It was agreed to have the minor review on December 8<sup>th</sup>.

Continued Zoning Amendment Warrant Articles

Chris G. suggested the following amendment:

*To see if the Town will vote to amend the Danville Zoning Ordinance to correct the boundaries of the Mobile Home/Manufactured Homes zone by replacing Article III.D. to read:*

Mobile Homes/Manufactures Homes

The location of said Districts are delineated and named on the map entitled "Official Zoning Map, Town of Danville."

The Board discussed redrawing the map. It was agreed to lots to this district that are mostly in the sections that are colored as that district currently. There were some lots that appear to have a small portion of land in the zone; however, not all of those lots are included in this zone.

Chris G. made and David seconded a **motion to put the above to a public hearing**. The motion **passed** unanimously.

At 7:50pm Chris made and Roger seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,

Janet Denison  
Land Use/Assessing

December 8, 2016 Upcoming agenda:

7:30pm minutes and correspondence

7:35pm Cotton Farm minor site plan review

8:00pm Sapphire Wood, stage 3 subdivision application for LER Realty, for the property known as Tax Map and Lot 4-46, located off of Long Pond Road. The proposal is for 26 units, built as 13 duplex structures.

8:30pm Zoning Amendment Warrant Article, first public hearing

9:00pm preliminary discussion with Henry Corey, 15 Main St

Proposed 2017 Zoning Ordinance Warrant Articles, to be discussed December 8, 2016:

*1. To see if the Town of Danville will vote to amend the Danville Zoning Ordinance to provide consistency in the number of parking spaces required for multiple unit dwellings between the Site Plan Regulations and the Zoning Ordinance. Specifically this would replace Article IV.A.1.d.1).d) with the following:*

d) Off-street parking shall be provided for each dwelling unit at the minimum rate of two (2) parking spaces per unit. The area shall be paved and provide adequate back-up radius (22 feet wide for 90 degree angle parking; 18 feet wide for 60 degree angle parking and 12 feet wide for 45 degree angle parking).

*2. To see if the Town of Danville will vote to amend the Danville Zoning Ordinance to modify the setback requirements for signs within the roadway setback. Specifically this would amend Article II.AA to add the following sentence:*

For the purposes of determining what is allowed within the roadway and lot line setbacks, signs under ten (10) square feet shall not be considered permanent structures.

*3. To see if the Town of Danville will vote to amend the Danville Zoning Ordinance to change the board that issues conditional use permits from the Board of Selectmen to the Planning Board. Specifically this would amend Article IV.F (and the subordinate articles) to change all occurrences of the word "Selectmen" with "Planning Board" and to eliminate Article IV.F.4.*

*4. To see if the Town of Danville will vote to amend the Danville Zoning Ordinance to correct the boundaries of the highway commercial and light industrial zone by replacing Article III C. to read:*

**HIGHWAY COMMERCIAL AND LIGHT INDUSTRIAL**

The location of said District is delineated and named on the map entitled "Official Zoning Map, Town of Danville."

*5. To see if the Town will vote to amend the Town of Danville Zoning Ordinance to update the section related to Extended Family Accessory Living Units to bring it into conformance with recent changes to New Hampshire State Law. Specifically, this would make the following changes to the ordinance:*

*Add a new Article II.C as follows and renumber existing paragraphs II.C through II.II:*

II.C Accessory Dwelling Unit - A residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

*Replace Article IV.A.4 with the following:*

4. Accessory Uses: Accessory Dwelling Unit (also known as Extended Family Accessory Living Unit)

a. The objectives of this ordinance are to:

1) Empower families with a tool to provide housing opportunities to extended family members, caregivers, and others while affording all parties the necessary privacy and living arrangement conducive to harmonious habitation in a single residential structure.

2) Preserve the aesthetics of single-family housing. This ordinance places strict physical limitations on size and access to the accessory living unit.

3) Protect the residential character of a neighborhood.

4) Provide for Accessory Dwelling Units in accordance with RSA 674:72.

b. The following restrictions shall apply to all Accessory Dwelling Units (formerly known as Extended Family Accessory Living Units).

1) An Accessory Dwelling Unit shall be allowed in residential zones only by Special Exception from the Zoning Board of Adjustment as permitted by RSA 674:72. The specific Special Exception criteria that must be met are listed below in section c.

2) Only one Accessory Dwelling Unit shall be permitted per lot.

3) The accessory living unit shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling.

4) Any and all construction shall be in accordance with the current building standards of the Town of Danville in effect at the time of construction and a permanent internal access between the two units shall be maintained per RSA 674:72-III.

5) In accordance with the standards of the Town and the standards of the New Hampshire Water Supply and Pollution Control Division, the septic facilities shall be adequate to service both the main dwelling unit and the accessory dwelling unit. If the existing septic design is inadequate, a new or upgraded septic system conforming to the most recent state and local standards shall be required.

6) In the event the property is sold, the Special Exception shall expire.

7) Detached Accessory Dwelling Units are not permitted.

c. To grant the Special Exception, the Zoning Board of Adjustment (ZBA) must find that:

1) The proposal meets the objectives outlined in ARTICLE IV.A.4.a, the restrictions as specified in ARTICLE IV.A.4.b, and is in conformance with RSA 674:72.

2) The applicant shall have presented to the ZBA a construction plan approved by the Building Inspector of the proposed accessory use with sufficient detail to enable the ZBA to determine adherence to the Special Exception criteria.

3) No more than one (1) accessory dwelling unit shall be allowed per main dwelling. The accessory living unit shall be included in said main dwelling and shall not be permitted within detached accessory structures located on the same lot as the single-family dwelling.

4) The main/principal dwelling or the attached accessory dwelling unit shall be owner-occupied. The owner shall demonstrate that one of the units is his or her

principal place of residence and the special exception shall expire if the property is no longer the principal residence of the owner.

5) The accessory dwelling unit and any related changes to the property shall be designed so that the appearance remains that of a single family residence and is consistent with the single family character of other residences in the neighborhood. Any new entrances shall be located on the side or in the rear of the building.

6) The accessory living unit shall have a convenient and direct permanent, internal access to the principal dwelling unit without the necessity of going outside of the principal structure or through a garage in accordance with RSA 674:72-III.

7) The accessory living unit shall be no more than seven hundred fifty square feet (750 ft<sup>2</sup>) in size and shall be clearly an accessory living unit to the principal dwelling while maintaining a single family home in appearance.

8) Appropriate off-street parking is provided for the Accessory Dwelling Unit in conformance with article IV.A.1.d.1).d).

9) No more than two (2) persons unrelated to the owner may occupy the Accessory Dwelling Unit.

d. Failure To Comply

If an owner fails to comply with the requirements of this section, the use of the accessory dwelling unit shall be terminated within 6 months of the date of notice from the Town of Danville. The owner shall be subject to penalty under RSA 676:17 for each day the accessory dwelling unit fails to comply with the requirements of this section after March 31, 2017

e. Existing Non-Conforming Accessory Dwelling Units

Accessory dwelling units (formerly known as Extended Family Accessory Living Units) previously constructed which do not have either a building permit, certificate of occupancy, or special exception previously granted by the Zoning Board of Adjustment (ZBA) shall apply to the ZBA for a special exception within 60 days of passage of this ordinance.

- 1) The ZBA shall have the authority to grant a temporary exception, not to exceed 180 days, during the period in which the special exception is under review.
- 2) In granting a special exception for a previously existing non-approved accessory dwelling unit, the ZBA may require that the existing primary and accessory dwelling units be brought into compliance with this ordinance within specific timeframes established by the ZBA.
- 3) In granting a special exception for a previously existing non-approved accessory dwelling unit, the ZBA may consider the requirements that were in place when the accessory dwelling unit (formerly known as Extended Family Accessory Living Units) was established when determining conditions of approval. The ZBA, however, is under no obligation to grant the special exception based on prior requirements.

*6. To see if the Town of Danville will vote to amend the Danville Zoning Ordinance to exempt the houses that were razed and rebuilt within two (2) years from being assessed a new Impact Fee. Specifically this would replace Article XIV.B.6.e with the following:*

e. New development shall not include the replacement of any existing manufactured housing unit or the reconstruction of a structure that has been destroyed and demolished within two years where there is no change in type of use that would increase the demand on capital facilities for which impact fees are assessed, or increase in square footage or density.

*7. To see if the Town of Danville will vote to amend the Danville Zoning Ordinance to correct the boundaries of the Mobile Home/Manufactured Homes zone by replacing Article III.D. to read:*

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The location of said Districts are delineated and named on the map entitled "Official Zoning Map, Town of Danville."