

Planning Board  
January 9, 2020  
7:30 pm

Members present: Chip Current, Roger Whitehouse, Chris Smith, Jennifer Heywood, Scott Borucki, Richard Atkins, Janet Denison

Others present: Carol Baird, Walter Baird, Josh Manning, Holly Bright

Richard and Janet were designated voting members.

Roger made and Scott seconded a **motion to approve the December 12, 2019 minutes as written**. Chris abstained. The motion **passed** unanimously.

Chip explained that alternates need to be appointed for no more than a three-year period. Chip made and Roger seconded a **motion to appoint Richard Atkins as an alternate until December 12, 2022**. The motion **passed** unanimously. Chip made and Chris seconded a **motion to appoint Janet Denison as an alternate until December 12, 2022**. The motion **passed** unanimously.

Correspondence:

- Town and City magazine, Jan/Feb 2020 edition
- Draft warranty deed for Centerview Hollow
- Draft declaration of covenants, conditions, and restrictions for Centerview Hollow
- Email from town attorney, sent May 7, 2019 regarding legal documents for Centerview Hollow. All documents reviewed seem to be adequate.
- From NHDES, dated Dec. 19, 2019, application acceptance for alteration of terrain for Stage Coach Estates
- From James Lavelle, dated Jan. 8, 2020, request for continuance for Stage Coach Estates subdivision

Warrant Article public hearing:

Chip opened the public hearing for the following proposed warrant article:

1.) Accessory Dwelling Unit

*To see if the Town of Danville will vote to amend the Danville Zoning Ordinance to allow for approved Accessory Dwelling Units continued use after the property passes to a new owner. Specifically, this will replace Article IV.A.4.b.6 with the following:*

*In the event the property is sold, the purchaser may continue the use of an approved Accessory Dwelling Unit provided all previously granted conditions are adhered to, including any current building and life safety codes. Any change to the prior conditions will require granting a new Special Exception.*

Carol Baird asked about what will be on the ballot. Chip said that typically with smaller warrant articles the entire text is on the ballot. The entire text is available at the polling place and is sent in the mailer to the residents. She said she watched the December meeting when this article was proposed and said she had a concern over the health and welfare of the residents, specifically

regarding the septic size. It was explained that these are reviewed during the ZBA special exception process when a resident applies to have an accessory dwelling unit. If a new resident wishes to continue using the property's accessory dwelling unit, if any expansion of it is planned, this requires seeing the building inspector.

There were no other comments. Scott made and Roger seconded a **motion to close the public hearing**. The motion **passed** unanimously. It was asked that the entire wording for this article appear on the ballot. Scott made and Roger seconded a **motion to add this to the 2020 warrant**. The motion **passed** unanimously. Scott made and Roger seconded a **motion to add the words, "recommended by the Planning Board" with a tally of 7-0 to the ballot**. The motion **passed** unanimously.

## 2.) Danville Village District usage

*To see if the Town of Danville will vote to amend the Danville Zoning Ordinance to allow for additional uses within the Village District subject to Planning Board review and approval. Specifically, this will add Article IV.B.2.k to read:*

- k. Other uses not specifically noted in this Section may be permitted subject to Site Plan review and approval by the Planning Board*

Chris asked if this puts the Planning Board in the role of arbiter. Chip explained that an opinion from town council was obtained, before any other opinions were submitted to this Board. Chip read from an email received from a non-resident who expressed some concern over this proposal. The opinion from town council was that the Planning Board is charged with approving how a use is conducted on a property, but not actually approving the use itself. He suggested using the special exception or variance process for this.

Carol Baird said she was concerned about this suggested amendment. She said she understands the concept of the Village District and the effort to encourage small businesses but was concerned over the lack of criteria that this warrant article would have. It was suggested to contact Mark Fugiere who helped draft the Village District section of the zoning ordinance. Chip said the town had a grant through RPC. Carol said she'd like to see more work put into this before it's put to the voters. Chip said that expansion needs to be done via a special exception, as this is where the template is for property uses.

With no more comments, Scott made and Roger seconded a **motion to close the public hearing**. The motion **passed** unanimously. There was a short discussion about the time frame to amend this for the 2020 ballot. Jennifer asked what prompted this proposal. Chip explained that property owners in the Village District have been turned away due to constraints in the current ordinance. There are no criteria for special exceptions for a business within that district and the town is trying to encourage businesses.

It was agreed this proposal needs some work. There was no motion to move it forward to a public hearing.

## 3.) Boundaries of the Danville Village District

*To see if the Town of Danville will vote to amend the Danville Zoning Ordinance to include in the Danville Village District additional properties along Main Street (from Pine Street to the Fremont town line excluding lots in the Historic District or Mobile Home/Manufactured Home Zone) as well as on the State maintained portion of Colby Road by amending the official zoning map, Town of Danville, to reflect the following parcels, as they exist at the time of passage of this ordinance, 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
1	6	0	2	5	0	3	27	0
1	6	1	2	6	0	3	29	0
1	6	2	2	6	1	3	35	0
1	6	3	2	18	0	3	36	0
1	6	4	2	24	0	3	37	0
1	19	1	2	24	1-1	3	38	1
1	19	2	2	25	0	3	38	2
1	19	3	2	27	0	3	79	0
1	19	4	2	28	0	3	81	0
1	19	5	2	30	0	3	81	1
1	19	6	2	54	1	3	83	1
1	19	A	2	54	11	3	83	2
1	19	B	2	54	2	3	83	3
1	37	2	2	72	0	3	83	4
1	38	0	2	72	1	3	84	0
1	43	0	2	75	1	3	90	11
1	44	0	2	75	2	3	96	0
1	48	1	2	75	3	3	96	1
1	48	2	2	75	4	3	97	0
1	50	0	2	75	5	3	97	1
1	55	0	2	75	6	3	99	0
1	62	1	2	76	0	3	100	0
1	64	0	2	85	0	4	1	0
1	64	1	2	86	0	4	12	0
1	70	0	2	87	0	4	12	1
1	71	0	3	8	1A	4	12	2
1	72	0	3	8	1B	4	13	0
1	73	0	3	8	2-1	4	27	0
1	74	0	3	8	2-2	4	30	0
2	1	2	3	11	0	4	31	0
2	3	1	3	12	0	4	32	0
2	4	1	3	13	0	4	33	0
2	4	2	3	21	0	4	34	0
2	4	3	3	24	1	4	35	0

2	4	4	3	24	2	4	36	0
2	4	5	3	26	0	4	37	0
						4	38	0

The public hearing was opened. Walter Baird asked why this is being proposed. It was explained that it will expand the number of properties in the Village District. For example, if someone would like to have a dentist office in their home, that can increase the value, thus increasing the taxes without increasing the burden on the school. There are many homes already in the proposed expansion that have home businesses. When this district was first proposed, the idea was initially to include the properties to the Fremont border. At the time, it was decided to take this one step at a time, and this is the next step.

There was a short discussion about some of the lots on the list, including the elementary school, the stagecoach stop parcel, and lots on the corner of Back Road and Route 111A that belong to the town. Chip explained that those properties will most likely continue to be used as they presently are and therefore adding them to the Village District won't hurt those uses.

Carol pointed out that the Stafford properties are also included. Those parcels have very strict easements. Chip said those easements would take precedence over any zoning.

There were no more comments. Scott made and Roger seconded a **motion to close the public hearing**. The motion **passed** unanimously. Roger made and Scott seconded a **motion to add this to the 2020 ballot**. The motion **passed** unanimously. Scott made and Roger seconded a **motion to add the words, "Recommended by the Planning Board" with a 7-0 tally**. The motion **passed** unanimously.

1.) Designation of the Danville Village District

*If article 2020-XX fails, to see if the town of Danville will vote to amend the Danville Zoning Ordinance to allow owners of property along Main Street to apply to the Planning Board to designate their parcels to be included in the Danville Village District, conditional upon approval through town vote.*

*To add Article IV.B.5, to read:*

2. *Village District parcels designation by town vote*
  - a. *Landowners may apply to the Planning Board to designate their property with frontage on main Street, in accordance with Danville Village District objectives and Planning Board review requirements, to be included in the Danville Village District.*
  - b. *Following approval by the Planning Board, a noticed public hearing in accordance with RSA 675:3; the following shall appear on the next Danville Town Warrant:*

*Article <YEAR-NUMBER> Boundaries of the Danville Village District*

*To see if the Town of Danville will vote to amend the Danville Zoning Ordinance to include in the Danville Village District the following additional properties by amending the official zoning map, Town of Danville, to reflect the following parcels, as they exist at the time of passage of this ordinance, as being included in the Danville Village District:*

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

<i>Map</i>	<i>Lot</i>	<i>Sub</i>
X	X	X

Chip explained the opinion from the attorney and that it appeared there were spot zoning implications with this. Based on that and comments from the previous meeting, he expressed his opinion of scrapping this proposal. Jennifer said she is still concerned about having this and the prior warrant on the ballot. Roger said this may cause contention between homeowners. The public hearing was opened.

Carol said she shares Barry's concern that he expressed during the December meeting regarding spot zoning. There was a short discussion of the Master Plan and that a survey was sent to all the residents at the time, about 30 years ago, which was then considered when writing the plan. It was agreed that expanding the ability to have businesses is good, Chip said it could be handy to a broad rewrite of the Master Plan, even though this Board reviews different chapters. Carol suggested sending another survey to see if the town has similar goals or if people are open to new things.

Roger made and Scott seconded a **motion to close the public hearing**. The motion **passed** unanimously. There was no motion to put this on the ballot.

Newly proposed zoning amendment warrant articles were discussed. Chip introduced the first:

**1. Mobile Home/Manufactured Housing**

*To see if the Town of Danville will vote to amend the Danville Zoning Ordinance to clarify the use of the term "Mobile Home" and "Manufactured Home" and "Manufactured Housing".*

*Specifically, this will remove the term(s) "Manufactured Home" and "Manufactured Housing" from the following sections of the Zoning Ordinance:*

*Table of Contents, Article II.U*

*Article IV.D*

*Table of Contents, Article II.V*

*Article IV.D.1.b*

*Table of Contents, Article III.D*

*Article IV.D.2.a, b, c, and d*

*Table of Contents, Article IV.D*

*Article V.H.2.f. 2) c)*

*Article II.V*

*Article VI.A*

*Article III.D*

*Article VII.D.7*

*This will remove the words "mobile homes" from the following sections of the Zoning Ordinance:*

*Article II.U*

*Article II.CC*

*This will also revise the last sentence in Article II.V to read, "Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes."*

Chip explained the ordinance is incorrect. The intention is to have certain areas designated as mobile home parks and certain parcels. Scott made and Roger seconded a **motion to put this to a public hearing on January 23<sup>rd</sup>**. Chris abstained. The motion **passed** unanimously.

Chip introduced the second proposed warrant article:

2. Signs for home business

*To see if the Town of Danville will vote to amend the Danville Zoning Ordinance to allow a sign in conjunction with a customary home occupation. Specifically, this will amend Article IV.A.2.d.6. to the following: "Business signage shall be allowed in accordance with Article VII.D."*

Chip explained that it doesn't make any sense that one part of the zoning ordinance allows small signs in the residential/agricultural zone, except when you have a home occupation. A criterion for this is that you do not have a sign. Chris made and Roger seconded a **motion to put this to a public hearing on January 23<sup>rd</sup>**. The motion **passed** unanimously.

Lot Line Adjustment, lots 51-9, 45-15-20, 45-15:

Josh Manning introduced himself and explained the lot line adjustment is for existing lots on Caleb Drive. He said to get a house and septic, a portion from lot 20 and lot 15 will be added to lot 9, increasing lot 9 by .94 acres. The upland soil and other considerations still make the other lots meet requirements.

Roger confirmed all of the abutters have been notified. Roger made and Scott seconded a **motion to accept the application**. The motion **passed** unanimously.

Chip explained we will need a new signature from the owner that Josh can be the representative for this application. Josh explained this is all part of the cluster subdivision.

It was pointed out that Caleb Corners II has never been given final approval, thus Lot 45-15-20 does not exist at this time. The application for the subdivision was reviewed. Conditional approval was granted on April 11, 2019. The conditional use permit was not issued because it was determined this couldn't be done without a bond in place. It was confirmed the bond is in place now. The criteria were reviewed for the conditional use permit. Chris made and Roger seconded a motion to grant the conditional use permit for the extension of Ward Way in conjunction with the Caleb Corners II subdivision. The motion **passed** unanimously.

Josh said that all state permits are in place and the numbers are on the plans. The town attorney has reviewed the covenants and restrictions, but the homeowner association documents have yet to be reviewed. The subdivision will be reviewed at the next meeting.

Returning to the lot line adjustment, Chip said he's concerned about the frontage noted on the plans. Josh said he will revise this. The labeling of the lots should be consistent. This will be reviewed at the next meeting.

87 Sandown Road site plan:

Josh presented the Board with a request for extension of conditional approval. Chris made and Roger seconded a **motion to grant an extension until January 24, 2021**. The motion **passed** unanimously. Josh said all state permits are in place and they are waiting to post a bond.

At 9:30pm, Scott made and Chip seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,

Janet Denison

January 23, 2020 agenda:

7:30pm	public hearing for zoning ordinance warrant articles
8:00pm	Caleb Corners II subdivision
	Lot Line Adjustment, lots 51-9, 45-15-20, 45-15