Planning Board

January 13, 2022

7:30pm

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

Others present: Gail Turilli, Walter Baird, Josh Manning, Steve Pascoe, Carsten Springer, Kim Farah

The Minutes from 12/9/2021 were reviewed. Chip mentioned some typographical errors on lines 69 & 70. No other changes noted. Chip **made** and Steve 2nd **a motion to accept the minutes as amended.**  All in favor with Roger abstaining, **motion carries.**

The 2021 Town Report was reviewed. Chip mentioned a typographical error, “thee” should be changed to “the.” Roger **made** and Chip 2nd **a motion to forward** the Planning Board Town Report as amended to the Board of Selectmen. All in favor, **motion carries.**

Barry mentioned there are 3 positions for Planning Board on the upcoming ballot. Barry and Charles are up for re-election and there is one open position. There are also alternate positions open and Barry asked that any interested parties send in a letter of interest.

Barry noted that the Master Plan needs an update. Chip stated a letter will be sent out to the boards.

**Correspondence:**

Barry mentioned an email that was received regarding the Town Engineer’s rates increased due to all costs to operate a business have risen significantly. Roger **made** and Chip 2nd a **motion to accept the rate increase.** All in favor, **motion carries.** There is also mention of the retainer fee being increased from $3000 to $5000. Charles suggested a graded deposit based on project size. Chip noted that for smaller projects the fee could be waived for a lesser value. Barry stated that this board can institute a sliding scale and to have Gail reach out to the town of Kingston in regards to that. Chip noted that if a project is proposing a new road, the $5000 retainer fee is reasonable.

**Site Plan for 87 Sandown Road, Map and Lot 1-32:**

Josh Manning addresses the Board stating he was in a year ago for an extension due to having no progress on the project. There is an updated engineer review with a bond. He is here to request another extension. State permits, already obtained, are valid until 2024. The original application was accepted in January of 2019 and conditional approval extensions were granted in 2020 and 2021. Barry noted that per the subdivision ordinance, section 3-K, there is no mention of a third extension and he is not convinced that the Board has the ability to grant that. Carsten noted that the work that has been done on this project so far has been very efficient and clean but, in dealing with Covid, has prevented purchasing materials to build. Josh asked if a waiver could be requested for the extension. Barry and Chip agreed it could be requested but questioned what is still missing. Bonding is still outstanding but, a bond estimate was submitted with the engineer’s review. Josh explained he would like to start the build to bond at a lower number and is seeking a year extension in order to do so. Barry reviewed the conditions. All have been met and added to the plans with the exception of the bonding which is still outstanding. Barry retracted his earlier statement regarding granting a third extension as this is a site plan not a subdivision. Site Plan extensions are granted on a year to year basis per discretion. A suggestion was made to get the bond, and start building to reduce the bond amount. Charles suggested that since the state approvals were obtained with the 2nd year and met the conditions, a shorter extension be granted to put the bond in place. Barry noted a waiver can be requested to section 17.B.5 of the Site Plan Regulations. Chip **made** and Roger 2nd a **motion to grant an extension** until July 14, 2022. All in favor, **motion carries. Conditional approval extension granted.** Chip **made** and Roger 2nd a **motion that conditions 1, 3, 4 & 5 have been met with #2 outstanding.** All in favor, **motion carries.** Carsten asked if the Board has had a chance to look at the additional access that the builder had provided to the town forest and 2 additional points of access to the trail systems in that development. There is Fire Department access as well. Barry stated he has not had the chance but, Chip mentioned he has looked at it and they did a great job. Carsten thought this was worth mentioning.

**Warrant Articles:**

Barry stated that the article titles need to changed to 2022 as they currently state 2021. Charles **made** and Chip 2nd a **motion to dispense the reading of each article as they are discussed.** All in favor, **motion carries.**

**Article 2022-XX -Connections to Community Water Systems:**

Barry explained this would add a requirement that any connection to a water system that goes outside the subdivision or site, would need to come before the Planning Board. There are no questions from the Board and Barry opens the public hearing for questions or comments. Carsten asked for a definition of a community water system in this situation. Barry stated those that serve more than one dwelling unit, structure or lot. Carsten noted that state law is 10 or more. An example is Iron Wheel Park, which is monitored by the state. There could be 3 buildings and not technically considered a community water system. This fits the external part of the definition but suggests a definition that aligns with state law. Chris noted an ADU provision under current Zoning would need to go before ZBA for a permit but, would now need to come before Planning Board as well. Barry stated only if connecting externally to existing subdivision or development. Steve Pascoe noted that systems serving about 25 people or 15 connections is defined by the state. Those are the minimum requirements for a community water system. Chip stated if there is an existing community water system serving Rock Rimmon or Colby Pond and built Ward Way, for example, that’s going to be served by HAWC which is already serving Colby Pond, we want the Danville Planning Board to understand that they’re connecting those 2 systems together with some kind of approval. The state doesn’t allow municipalities to regulate water. Barry explained this will allow the Planning Board to examine and review it at the applicant’s cost and make comments to the state. Steve Pascoe mentioned that the stated does track water systems. Walter Baird stated legally we can’t say no, for example, Colby Pond when built, Lewis Builder’s ran a pipe down Main Street and Hersey Road, and could hook up there and connect to Woodland Pond. Barry explained if crossing town property, unless there is an existing easement on the property, this Board has a say. If running a pipe between properties, it will probably go through a setback where permanent structures today are not permitted and would need approval from this Board to go through the setback. Chip mentioned the point isn’t whether to deny. Water and Septic are regulated at the state level. Today, another 50 homes can be hooked up, taken off their wells and never consult with the town. Walter stated if Hersey Road and Main Street connected to Woodland Pond or HAWC it would suck the water dry. Chip noted that’s what this Board wants to know about. Barry explained that without a Hydrologist looking at it, question can’t be answered. This gives the Board the ability, at their expense, to bring in a Hydrologist to look at it. Chip stated if nothing else, it makes them have to tell the Board they’re doing it. Chris noted if it’s questionable whether the Board approves or denies, should it state “until reviewed by the Planning Board” rather than “unless approved.” Roger questioned if this is all under RSA. Barry and Chip stated no. Roger noted if it’s RSA that sets regulations on this, the Board can make any RSA more difficult, can’t lessen it but could add to it within reason. Barry explained that this came out of issues in a neighboring town. A water system was planning to connect to a neighboring town. The town felt this would put too much of a draw on it and deplete wells in town. The water company do their studies and pay for them. The town wanted to do additional studies in order to comment to DES. The cost of these additional studies were done on the town’s expense. Comments were made to DES and the application was modified. This states the need to come to the Planning Board as part of a subdivision, site plan review, etc, which gives the ability to ask questions. If the questions can’t be answered satisfactorily, the Board can hire an engineer to answer them. Walter stated that verbiage to that effect is needed. Barry and Chip noted that it is already in there. Chip **made** and Roger 2nd a **motion to close the public hearing.** All in favor, **motion carries.** Barry asked the Board if there are any more questions. Chris mentioned that if there is a standing definition for community water systems there may be a contradiction with the state definition and an amendment may be needed. Barry suggested to change the word “community: to “multi-unit” so as not to use the state definition. Roger **made** and Chip 2nd **a motion to amend and put forward.** All in favor, **motion carries.** Chris **made** and Chip 2nd a **motion to add Recommended by the Planning Board.** All in favor, **motion carries with a vote of 6-0.**

**Article 2022-XX Adding Properties to 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 added to the Danville Village District, thereby allowing additional types of businesses in these areas. This would amend 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 | 94 | 0 |   | 4 | 129 | 0 |   | 4 | 148 | 0 |   | 4 | 178 | 0 |
| 4 | 94 | 10 |   | 4 | 131 | 1 |   | 4 | 149 | 0 |   | 4 | 220 | 0 |
| 4 | 94 | 11 |   | 4 | 131 | 2 |   | 4 | 150 | 0 |   | 4 | 221 | 0 |
| 4 | 94 | 12 |   | 4 | 131 | 3 |   | 4 | 151 | 0 |   | 4 | 222 | 0 |
| 4 | 114 | 0 |   | 4 | 131 | 4 |   | 4 | 152 | 0 |   | 4 | 223 | 0 |
| 4 | 115 | 0 |   | 4 | 131 | 5 |   | 4 | 155 | 0 |   | 4 | 224 | 0 |
| 4 | 116 | 0 |   | 4 | 131 | 14-1 |   | 4 | 156 | 0 |   | 4 | 225 | 0 |
| 4 | 117 | 0 |   | 4 | 131 | 14-2 |   | 4 | 157 | 0 |   | 4 | 235 | 1 |
| 4 | 117 | 6 |   | 4 | 136 | 0 |   | 4 | 158 | 0 |   | 4 | 235 | 2 |
| 4 | 119 | 0 |   | 4 | 138 | 0 |   | 4 | 159 | 0 |   | 4 | 235 | 3 |
| 4 | 120 | 0 |   | 4 | 139 | 0 |   | 4 | 160 | 0 |   | 4 | 235 | 4 |
| 4 | 122 | 0 |   | 4 | 139 | 2 |   | 4 | 173 | 0 |   | 4 | 235 | 5 |
| 4 | 123 | 0 |   | 4 | 140 | 0 |   | 4 | 174 | 0 |   | 4 | 235 | 6 |
| 4 | 126 | 0 |   | 4 | 141 | 0 |   | 4 | 175 | 0 |   | 4 | 239 | 1 |
| 4 | 126 | 1 |   | 4 | 142 | 0 |   | 4 | 176 | 0 |   | 4 | 239 | 2 |
| 4 | 127 | 0 |   | 4 | 144 | 0 |   | 4 | 177 | 0 |   | 4 | 239 | 7 |
| 4 | 128 | 0 |   | 4 | 147 | 0 |   |  |  |  |   |  |  |  |

Chris asked if there are any lots not listed in this chart. Barry stated that only Main Street is not listed as that is already in the Danville Village District. The Summary will be on the ballot. Barry opened the public hearing for questions/concerns. Walter Baird mentioned a resident who has a construction company with multiple trucks and equipment on Kingston Road that came before the ZBA for a Special Exception which was denied. He then came back in for a Variance which was also denied but, he is still operating his business and feels there is no oversight to stop people from doing this. The Planning Board cannot enforce, a code enforcement officer is needed. Chip stated that this will not solve all the problems on Kingston Road. Carsten stated that the Village District does not allow this type of business. Barry stated that the Village District is meant to be less obtrusive businesses, light use blending with residential. He did mention that there are people in town that are doing things that they are not zoned for. Walter Baird asked what the intent is. Barry explained that it is to allow more small businesses in parts of town where the roads already have existing businesses. Roger **made** and Chip 2nd a **motion to close the public hearing.** All in favor, **motion carries.** There are no more questions from the Board. Roger **made** and Chris 2nd a **motion to put this Warrant Article forward.** All in favor, **motion carries.** Roger **made** and Chip 2nd a **motion to add Recommended by the Planning Board.** All in favor, **motion carries by a vote of 6-0.**

**Article 2022-XX- Adding properties to 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 added to the Danville Village District, thereby allowing additional types of businesses in these areas. This would amend 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 | 40 | 4 |   | 2 | 52 | 1 |   | 2 | 62 |   |
| 2 | 26 | 0 |   | 2 | 41 |   |   | 2 | 52 | 2-1 |   | 2 | 63 |   |
| 2 | 29 | 0 |   | 2 | 42 | 1 |   | 2 | 52 | 2-2 |   | 2 | 64 |   |
| 2 | 31 | 0 |   | 2 | 42 | 2 |   | 2 | 53 |   |   | 2 | 65 | 1 |
| 2 | 33 |   |   | 2 | 45 |   |   | 2 | 58 | 1 |   | 2 | 65 | A |
| 2 | 34 | 1 |   | 2 | 46 |   |   | 2 | 58 | 2 |   | 2 | 65 | B |
| 2 | 35 |   |   | 2 | 47 | 6 |   | 2 | 58 | 3 |   | 2 | 66 |   |
| 2 | 36 |   |   | 2 | 47 |   |   | 2 | 58 |   |   | 2 | 67 |   |
| 2 | 37 |   |   | 2 | 48 | 2 |   | 2 | 59 |   |   | 2 | 68 |   |
| 2 | 38 |   |   | 2 | 48 | 3 |   | 2 | 60 |   |   | 2 | 69 | 1 |
| 2 | 39 |   |   | 2 | 48 |   |   | 2 | 61 | 1 |   | 2 | 70 | 1 |
| 2 | 40 | 1 |   | 2 | 51 |   |   | 2 | 61 | 1B |   | 2 | 70 |   |

Chip mentioned that there is one lot which is all backland that is not on the list. There are no comments from the Board. Barry stated a letter was received by Margaret and Pat Gillespie, who live on Happy Hollow. They have some concerns and are as follows: 1. Tax impact with change in zoning based upon what residents could do with their property instead of what they actually do. 2. Traffic considerations – the Y intersection between Beach Plain and Happy Hollow Road, narrow road with a difficult stop sign. Increased traffic on Happy Hollow and a zoning change would likely result in more. Barry’s response to these concerns are as follows: Property owners are taxed on actual use not potential use. If this is passed, and causes property value to increase or decrease in the next re-evaluation, there could be a reflection in taxes. Regarding the Y intersection – the town has a responsibility to maintain all roads and intersections. The culvert at the bottom of Happy Hollow Road will also be maintained by the town. Chip noted that the road agent will be doing some maintenance on the culvert. The town recently acquired a piece of property that encompasses the shoulder of that culvert. The road agent will do some repairs as this is an active project. Barry then opened the public hearing for questions/concerns. Kim Farah, who lives on Beach Plain Road, is not in favor of this change and expresses her concerns. Beach Plain Road is already a well traveled road. People use it as a cut off to 111 and 125. Happy Hollow Road is frequently used to enter onto Beach Plain Road. It is a narrow 2-way road with no road lines. There is a dangerous drop off on either side of the road and a dangerous intersection where Happy Hollow and Beach Plain meet. The stop sign intersects with a steep incline and the ability to see oncoming traffic is inhibited. Beach Plain Road is one of the most important areas in town. It houses the North Danville Village Improvement Society which maintains 2 original school houses in town, the 1851 Union Church and Sargent Cooperage Shop. There are plans to move the red school house on Main Street onto the property on Beach Plain Road. The property is not currently owned by the town. Should the VIS dissolve, the town would most likely become the owner of the property and it’s assets. Several original farmhouses on Beach Plain Road include the old Burnaby properties and Griffin properties. The latter has a large acreage easement to ensure the inherent historical value is maintained. Review of town records indicate that the Heritage Commission at one time wanted to include this area in the Historic District and asked if the Heritage Commission had been consulted. If not, requests that the Planning Board ask their opinion. To the north of Beach Plain Road, there is a large tract of land called the Tucker and French Family Forest. It has 563 acres of forest land and wetlands in Kingston, Danville, and Brentwood. It represents the highest co-occurance of natural resource values within the area with significant wetland resources. It serves as an important habitat for many species and is critical for it to pursue that habitat. Additional businesses on the road could adversely impact the wetlands habitat in the event of a chemical spill. This may be unlikely but, there has been contamination due to a gas leak and oil on Spruce Road, which abuts Beach Plain Road, and residents were unable to use their drinking water for many months, maybe a year. Also on Saw Mill Road, which also feeds into Beach Plain Road. Both events occurred within the last 10 -15 years. Beach Plain Road is a much narrower road, a lot of historic property, huge tracks of wetlands an forested areas, and would like a rationale as she doesn’t think this is a road to add businesses to and why Heritage was not consulted about this change.

Chip noted that Heritage was not consulted. The rationale is that Beach Plain Road is considered the heart of North Danville and sort of exactly what the Village District would have been in 1820. This is sort of exactly what we want to re-build with the Village District going forward with a mixed use community where you can have a doctor’s office, dentist office as well as an Inn perhaps in one of the old farmhouses, which you couldn’t do today. It’s a main thoroughfare of North Danville. A primary way to get into Kingston from the north, and well travelled. The road could be improved but, not expected. Significant increase in traffic is not expected either based on the types of businesses allowed in the Village District.

Kim Farah noted that Chip feels the road is solely useful as a business area versus any historical, aesthetic, or environmental impacts that any additional business would have. An impact into groundwater has already been seen. Chip stated he is not particularly concerned with that. Walter Baird asked if the residents on Beach Plain Road were consulted. Chip mentioned that he has had some discussions and Barry added that he has had some phone conversations with residents on Beach Plain Road, some not in favor of this. Barry also has some concerns with Beach Plain Road and is not sure if he is in favor of this. Walter Baird expressed that taxes are a concern with bringing in businesses, especially a doctor or dentist office. Chip noted that today, the only thing you can build in the residential area is a home for 3 children. The intent is to make it so you can have something going in that may not have children and may bring in more tax revenue without adding kids to the school. Today you can’t do that. Barry stated that zoning is a core method of enforcing tax policy. Walter Baird stated that people move to this town because it is a bedroom town. There are a lot of historic properties, 400-500 acre town forest, and a lot going on for this town. Perhaps that’s what people move here for. Roger stated there are also a lot of people moving out because they can’t afford the taxes because there are no businesses in town.

Kim Farah stated a prudent approach would be to buy up some of these tracts of land so that we are not having houses built and more children in the district. She asked the Planning Board which areas of Danville they feel are more historic than the North Danville portion that Heritage wanted to put into the Historic District. Why take the most historic, aesthetic part of Danville and with the most protection afforded, buy huge tracts of land and open up to any more businesses. Chip doesn’t understand how this is relevant. He noted that Kim feels putting in any kind of business is going to destroy the old Union Church. Two lots down from there is an auto repair station and questioned if that has ruined Beach Plain Road. He doesn’t think so. It has always been a blended community and he would love to see a walkable community. The intent is for stuff that fits in with the community and believes it will enhance it. Kim asked again why this has not been discussed with Heritage. Barry assumes that they are aware but this has not been discussed with them. Roger **made** and Chip 2nd a **motin to close the public hearing.** All in favor, **motion carries.** Charles suggests to put this off for a year in order to discuss with Heritage, etc. Chip stated he would be in favor of holding off for a year to have further discussion and get some input from the town. Steve Woitkun **made** and Roger 2nd a **motion to put this forward.** Vote 3-2-1. 3 in favor, 2 opposed, and one abstention. Roger **made** and Steve Woitkun 2nd a **motion to add Recommended by the Planning Board.** All in favor, with the exception of Barry. **Motion carries with a vote of 5-1**

**Article 2022 – XX -Customary Home Occupation Modification:**

To see if the town of Danville will vote to amend the Danville Zoning Ordinance to allow for detached Accessory Dwelling Units (ADU) and most ADUs only requiring a building permit. Specifically, this will replace Article II, B, Article IV.A.4 and Article IV.B.2 with the following:

ARTICLE II.B.

ACCESSORY BUILDING

A residential living unit that is within or attached to a single-family dwelling, or detached from 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.

ARTICLE IV.A.4

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

a. The objectives of this ordinance are to:

1) Empower homeowners with a tool to provide housing opportunities the community while affording all parties the necessary privacy and living arrangement conducive to harmonious habitation on a single residential lot.

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 wherever a single-family dwelling is permitted, per RSA 674:72.

2) Only one (1) 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 building standards of the Town of Danville in effect at the time of construction and a building permit must be obtained to create an Accessory Dwelling Unit. If the Accessory Dwelling Unit is attached to the main dwelling unit, 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 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 building permit.

7) Detached Accessory Dwelling Units must conform to all other requirements of the Zoning Ordinance, including setbacks for dwelling units.

c. To grant the Building Permit, the Building Inspector must confirm 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 Building Inspector a construction plan of the proposed accessory use with sufficient detail to enable the Building Inspector to determine adherence to the Zoning Ordinance criteria.

3) No more than one (1) accessory dwelling unit shall be allowed per main dwelling.

4) The accessory dwelling unit and any related changes to the property shall be designed so that the appearance is consistent with the single-family character of the principal residence.

5) The accessory living unit shall be no more than seven hundred fifty square feet (750 sqft) in size (not including the thickness of exterior walls and non-habitable spaces such as mechanical rooms) and shall be clearly an accessory living unit to the principal dwelling.

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

ARTICLE IV.B.2

2. Permitted Uses Amended,

b. Accessory Uses: Accessory Dwelling Unit, subject to the provisions of article IV-section A.4.

There are no comments or questions from the Board. Barry opens the public hearing. Carsten states he is thinking about people who are doing farming and feels this doesn’t fall under this category. He believes that is covered by state law, agriculture, etc. Barry explained that in state ordinances regarding farming, there is a difference between having a farm and having a store that sells produce. Barry clarified that not everything associated with farming is permitted. Chip explained that the only changes that are being made are after the first paragraph, sub-sections 1 and 2: No more than one employee and no more than one customer or vendor at a time. Current zoning states no employees or customers. The other change on the next page, #1 changes one employee on site to two onsite employees. These are the only changes being proposed, everything else is already in zoning. Barry questioned a change to number of vehicles, to which Chip confirmed no change. There are no more questions from the public. Roger **made** and Chip 2nd a **motion to close the public hearing.** All in favor, **motion carries.**  Chip **made** and Roger 2nd a **motion to put this forward to town warrant.** All in favor, **motion carries with a vote of 6-0.** Roger **made** and Chip 2nd a **motion to add Recommended by the Planning Board.**  All in favor, **motion carries with a vote of 6-0.**

**Article 2022-XX – Accessory Dwelling Unit Modification:**

Article 2022-XX Accessory Dwelling Unit modifications

To see if the town of Danville will vote to amend the Danville Zoning Ordinance to allow for detached Accessory Dwelling Units (ADU) and most ADUs only requiring a building permit. Specifically, this will replace Article II, B, Article IV.A.4 and Article IV.B.2 with the following:

ARTICLE II.B.

ACCESSORY BUILDING

A residential living unit that is within or attached to a single-family dwelling, or detached from 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.

ARTICLE IV.A.4

4. Accessory Uses: Accessory Dwelling Unit (formerly known as Extended Family Living Unit). Amended 3/2017

a. The objectives of this ordinance are to:

1) Empower homeowners with a tool to provide housing opportunities the community while affording all parties the necessary privacy and living arrangement conducive to harmonious habitation on a single residential lot.

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 wherever a single-family dwelling is permitted, per RSA 674:72.

2) Only one (1) 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 building standards of the Town of Danville in effect at the time of construction and a building permit must be obtained to create an Accessory Dwelling Unit. If the Accessory Dwelling Unit is attached to the main dwelling unit, 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 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 building permit.

7) Detached Accessory Dwelling Units must conform to all other requirements of the Zoning Ordinance, including setbacks for dwelling units.

c. To grant the Building Permit, the Building Inspector must confirm 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 Building Inspector a construction plan of the proposed accessory use with sufficient detail to enable the Building Inspector to determine adherence to the Zoning Ordinance criteria.

3) No more than one (1) accessory dwelling unit shall be allowed per main dwelling.

4) The accessory dwelling unit and any related changes to the property shall be designed so that the appearance is consistent with the single-family character of the principal residence.

5) The accessory living unit shall be no more than seven hundred fifty square feet (750 sqft) in size (not including the thickness of exterior walls and non-habitable spaces such as mechanical rooms) and shall be clearly an accessory living unit to the principal dwelling.

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

ARTICLE IV.B.2

2. Permitted Uses Amended 3/12/2019,

b. Accessory Uses: Accessory Dwelling Unit, subject to the provisions of article IV-section A.4.

Barry explains this replaces the entire ADU section providing a little more flexibility that what’s there today and eliminating some of the need to go before ZBA for a Special Exception in some cases. This allows ADU’s in an out building as opposed to in the main home today. Barry asked if there were any questions from the Board. Roger asked if there is a way to add “company owned.” There is nothing currently in ADU’s that mention if a company or LLC that the principal owner of that LLC can be the primary resident. This is something that came before a recent ZBA hearing where the actual owner was an LLC with a single principal owner. Chip noted in the current ADU section, it states it has to be a family member. This removes that, making it easier for ZBA. The resident doesn’t have to be associated with the property anymore. Roger questioned if the owner has to live on the property. Chip stated no but, Barry did mention that is the case today. Steve Woitkun commented that this is allowing someone to buy a piece of income property and take it from a single family home, call it an ADU, but essentially making it a duplex. Chip stated it could be but, would be very small, 750 sq ft. Chris stated a 6 bedroom home could be purchased and do the same thing. It wouldn’t be a duplex, would be a large property owned by a corporation and rented out to the public. Chip stated this is making it so you can do it in a detached garage, which you can’t do today. Barry stated he personally has an issue with this. When this was originally put in Danville zoning, it was an in-law apartment but, called an extended family living unit. The idea was to have an elderly parent living there. It has been modified over the years and now doesn’t have to be anyone related. Barry doesn’t feel this benefits the town. It allows any house in town to become two which puts additional burdens on emergency services, street traffic, schools, water systems and septic systems. Chris responds and states if suggesting something that made it less expensive or easier for people to do than the current zoning does, would encourage a greater burden to the town. What’s being proposed isn’t necessarily easier for people, less expensive or more accessible. It’s not probably raising the likelihood that more people will be doing this. It provides freer options of how to do it. Barry feels this will increase the number of ADU’s in town. Chip noted that the Planning Board isn’t only for the benefit of the town but, here to protect the town to a certain extent by enforcing the zoning that the town has chosen. When crafting these things for the town to look at, the State of NH is weighed in that ADU’s are a right. Hurdles have been made so it’s difficult to do this but, now getting rid of some of those hurdles. If someone has a right to do something, we shouldn’t make it harder for them to do it and make it straight forward. The state has said it’s required to be allowed. We are cleaning it up based on the state vote that happened and removing some of the restrictions.

Chris noted that there is a serious housing concern. People are looking for places to live within reach of places they want to work, more options is better. Steve Woitkun has no problem with ADU’s or In-Law’s. The problem is with detached units. Chris asked why this would be more of a problem. Steve Woitkun stated in looking at a lot and adding another 750 sq ft to that property, we came up with 2 acre zoning. Now, we are allowing 2 houses on 2 acres and he is not in agreement as this will cause problems. Chip noted as an example the eventually parents expire, property is sold, owner moves to Florida. Someone else buys the property, and may not be putting their parents in there. Steve Woitkun stated if the ADU is attached to the main house, try to limit to family members. Roger stated in current zoning it’s allowed not to have family members per stated ordinance. Also stated that he is not in favor of the detached ADU.

There are no other questions from the Board and Barry opens the public hearing.

Steve Pasco noted, to build an ADU, above a garage for example, you need to tie in the septic, it’s a major cost and will increase the tax base relative to feeding emergency services. He doesn’t believe we will see many people converting garages into ADU’s. It’s a minimum of 60-85 thousand dollars to put in an ADU in a garage. Someone buying a house for 450-500 thousand dollars, then spending more to make an ADU to rent out, won’t make any money. He doesn’t see a massive impact of people applying for this just because it’s being allowed. Walter Baird stated the original intent was not to provide low-income housing or rental properties, it was to provide a place for a family member. He does not agree with allowing detached ADU’s. The law allows for this but, the town does not currently. He mentioned that he spoke with the engineer from Lewis Builders who stated most of the lots on Ward Way are less than one acre and questioned putting a free standing building on a lot that size. Carsten interjected, stating this will not allow that because of all the setbacks that are in zoning. Walter stated homes that are 500-600 thousand dollars , which is the average now, and someone puts up a free standing building on their property may upset the neighbors. There is also a safety issue with accessing people. Roger responded by saying that not too long ago, ZBA had someone come in to put in a garage. The Board required the applicant to make the structure smaller so that he had more than 9 ft between the house and property line. He also stated that if all of the Boards do what they volunteer to do, a lot of this would go away. Walter stated that this seems to take the ZBA out of the equation. Barry stated the need to conform to all zoning. If building something, will need to go to the building inspector who would be looking at things like, whether or not the septic and well on site could handle it and also looking at the setbacks. This is the towns process. Walter mentioned the Meetinghouse Subdivision that was supposed to get underground utilities and fire suppression, none of the homes got this. Steve Woitkun responded by saying fire suppression was not required but, underground utilities was.

Carsten expressed that we all have our homes and are concerned with educating our young people. We want them near us as families but are denying them the ability to have affordable housing in looking at prices. He feels if we’re not careful, we are simply shoving our young people out of the state. Some towns have a much broader ADU, for example Plaistow allows 1000 sq ft. Walter noted this is not a cheap housing alternative issue. Steve Woitkun, in regards to square footage, mentioned he has a camp up north that measures 16’X24’ and is considered a tiny home. It has one bathroom, one bedroom and a loft which could make a 2 bedroom. Total square footage is 380. 750 sq ft is almost double that. He asked if this is all about putting a separate building on your property so that your child can live there. Carsten responded not necessarily. When the senate first discussed this, it was for workforce housing. Essentially for young people getting into the workforce. Barry noted that the last study for workforce housing that he had data for and is documented in the Master Plan, showed that Danville had a fairly high percentage of workforce housing compared to other towns in the region. Chris stated the intent of the RSA was that it cannot be limited to extended family. Roger questioned how many occupants can live in the ADU, currently no more than two. Chip stated the only limitation is by square footage.

Steve Pascoe stated that there are not many homes that have an extra 2 bedroom capacity. He was lucky enough to get an ADU approved in a 2 bedroom house with a 3 bedroom septic system which is unusual. He doesn’t see an overwhelming demand for this. Steve Woitkun commented that if he purchased a 500-600 thousand dollar home in this town, settled in that home, and then a neighbor puts up a 25’X30’ ADU in his backyard, he would be upset with that. Carsten noted that it is the neighbor’s land. Steve Woitkun responded by saying to use it as intended, a 2 acre lot for one house. Steve Pascoe asked what if someone with a 2 acre lot puts in a massive garage. Steve noted ok if zoning allowed it. Steve Pascoe stated from the exterior, the intent with ADU’s is that they blend in, just like with the Village District, it’s going to blend in with the residential. Barry agreed that this is the intent. Walter Baird expressed the concern of putting 2 dwellings on one lot. Carsten mentioned Ward Way was a cluster development and that is the only reason that they are one acre lots. There are very few one acre lots left in town. What Walter is bringing up doesn’t match what’s being discussed. Barry stated that he feels as though people have stated their opinions on this matter.

Roger clarified in Article 4-C-9 it does state no more than 2 persons unrelated to the owner may occupy the ADU. Chip stated we are removing the relation. You can have 2 people related and 2 people that are non-related for a total of 4 people living there, which is allowed today. Walter Baird asked if anyone has data on polled people in town. Barry stated the election is the poll. Someone has an idea, it gets written up, a public hearing is held to get the public input (which is what we are doing), the Board decides whether or not to put forward to town warrant and if put forward, the town gets to decide as a whole. Other towns were looked at and some are more restrictive, many are less restrictive. Many towns will report that they have had great success with them and some did not. Chip **made** and Roger 2nd a **motion to close the public hearing.** All in favor, **motion carries.** There are no more questions from the Board. Chip **made** and Roger 2nd a **motion to put this forward to town warrant.**  Four in favor, 2 opposed. **Motion carries with a vote of 4-2.** Chip **made** and Roger 2nd a **motion to add Recommended by the Planning Board.**  Four in favor, 2 opposed. **Motion carries with a vote of 4-2.** Roger **made** and Chip 2nd a **motion to adjourn.** All in favor, **motion carries. Meeting adjourned at 9:50pm**

**Agenda for the next meeting:**

1. **Final Approval for Stage Coach Estates**
2. **Preliminary discussion for 29 Olde Road**

Respectfully

Gail Turilli