

**Ashland Planning Board  
Amended Meeting Minutes  
Monday, December 23, 2019**

CALL TO ORDER: Mardean Badger, Chair of the Planning Board, called the meeting to order at 6:30 PM.

MEMBERS PRESENT: Mardean Badger, Susan MacLeod and Kathleen DeWolfe.

OTHERS PRESENT: Paula Hancock, Recording Secretary

PUBLIC HEARING, PROPOSED 2020 AMENDMENTS

The public hearing for the proposed 2020 amendments to the Zoning Ordinance and Building Regulations was opened. The hearing was publicized as required, on the town website, at the Ashland Town Office and Ashland Post Office, and in the Laconia Daily Sun, December 10, 2019 (page 14). The proposed amendments have been reviewed by Ashland's legal counsel.

There were no members of the public present for the hearing. The Planning Board received and reviewed written comments from one resident, Tejasinha Sivalingam.

The Planning Board reviewed the proposed amendments and made the following comments:

**Accessory Dwelling Units (ADU) -- new section**

- Much of the language and provisions we are proposing for this new section are based on the NH RSA 674:71-73. The RSA outlines both what must be included and what may or may not be included in a municipality's ordinance. Elements of our proposal that come from the RSA are:
  - ADU is a residential living unit that is within or attached to a single-family dwelling,
  - Must be on the same parcel of land as the principal dwelling unit it accompanies,
  - Must provide independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation, to constitute an ADU,
  - Must allow ADU in zones which permit single-family dwellings,
  - Any municipal regulation applicable to single-family dwelling will also apply to the combination of principal dwelling and accessory dwelling, but no additional dimensional requirements may be required,
  - Not required to allow more than one ADU for a single-family dwelling,
  - Must be an interior door between the principal and attached accessory unit, but it does not have to be unlocked,
  - May not be sold as a condominium unless municipality explicitly allows it,
  - Must demonstrate adequacy of water supply and sanitary disposal; new septic system not needed unless existing system is unlicensed or has failed (also controlled by NH DES),
  - May require owner occupancy of one of the units,
  - ADU minimum and maximum size may be specified, but cannot require ADU to be smaller than 750 square feet,
  - May require off-street parking or demonstration of parking adequacy for the ADU,
  - May not limit occupancy of ADU to family members.

**Other comments regarding ADU's**

- An ADU is considered to be a residential unit in a single-family zone, not a commercial enterprise. Therefore, the intent is to maintain the residential feel of a neighborhood.
- Other forms of housing, such as rooming and boarding houses, hotels, short term rentals like Airbnb, are commercial enterprises which are restricted to certain zones and must meet appropriate zoning regulations and site plan reviews.
- If a proposed ADU has difficulty meeting certain requirements (such as setbacks, parking, etc.), there are methods which may be utilized by the property owner to get an appropriate variance or special exception through the Zoning Board of Adjustment. The granting of such variances or special exceptions are determined based on specific criteria that are established by NH RSA's.

### **Home Occupations -- revised section**

- Restrictions that are put on home occupations are with the intent of maintaining the residential characteristics of a neighborhood. The occupation is secondary to the residential use in the zone. Restrictions such as traffic restrictions at night (8pm to 7am), obnoxious nuisances, large commercial vehicles, etc. are all intended to maintain the residential use as the primary use.
- Nighttime traffic, noises, odors, large commercial vehicle access, larger number of employees, and generation of a commercial level of income are more appropriate to zones where commercial enterprises are allowed.
- Again, if a proposed home occupation has difficulty meeting certain requirements (such as parking, signage, etc.), there are methods which may be utilized by the property owner to get an appropriate variance or special exception through the Zoning Board of Adjustment. The granting of such variances or special exceptions are considered based on specific criteria that are established by NH RSA's.

We also reviewed several ordinances created by other towns. We reviewed our own Zoning Ordinance and Building Regulations for relevant elements, so that ADU and home occupation requirements are consistent with language in our other ordinances, for example:

- Ashland has established the minimum living unit size of 750 square feet;
- Setbacks, lot sizes, height limits, lot coverage, etc. are specified for zones allowing single family residences;
- Parking requirements are specified.
- Obnoxious uses are already listed.

The public hearing was closed at 7:10 pm. No changes were made to the proposed wording. The Planning Board agreed that the proposed amendments to the Zoning Ordinance and the Building Regulations would be presented to the voters as proposed.

There will be a second public hearing (January 13, 6:30 pm) to afford residents an additional opportunity to hear an explanation of the proposals.

### #2019-11 WAIVER OF SITE PLAN REVIEW #2019-11 (TML/016-012-003) 79 MAIN STREET

Mardean Badger advised the Board that the Board is in receipt of an Application for a Waiver of a Site Plan Review submitted by Debra and Thomas Peters, owners of 79 Main Street in the Commercial Zone. The Peters advised that a new business named Black Diamond Kitchen and Bath – design and sales is being located at 79 Main Street. The new tenant will be Ms. Deborah Morse. This will be an office/retail space. There will be no changes in use or any changes to the present building. Kathleen DeWolfe made a motion to accept the Application for a Waiver of a Site Plan Review for 79 Main

Street. Susan MacLeod seconded the motion. The motion passed by a 3-0 vote.

Susan MacLeod made a motion to approve the Application for a Waiver of a Site Plan Review #2019-11 (TML/016-012-003) for 79 Main Street. Kathleen DeWolfe seconded the motion. The motion for Approval of the Waiver of a Site Plan Review passed by a 3-0 vote.

### DISPOSITION OF MINUTES

The Board reviewed the minutes of the Wednesday, December 4, 2019 meeting. Kathleen DeWolfe made a motion to approve the minutes as amended. Susan seconded the motion. The motion passed by a 3-0 vote.

Mardean Badger will draft the Year End Summary for the Planning Board which needs to be completed by January 31, 2019.

The Board briefly discussed some bills that have been presented in the new legislative session, as listed in the most recent NHMA Legislative Bulletin. The relevance to land use of some of the proposals was discussed.

### UPCOMING MEETINGS

- Monday, January 13, 2020, Public Hearing at 6:30 PM at the Water and Sewer Department Conference Room at 6 Collins Street
- Wednesday, January 22, 2020, Regular Meeting/Work Session 6:30 PM at the Water and Sewer Department Conference Room at 6 Collins Street
- Wednesday, February 5, 2020 Regular Meeting at 6:30 PM at the Water and Sewer Department Conference Room at 6 Collins Street
- Wednesday, February 26, 2020 Work Session at 6:30 PM at the Water and Sewer Department Conference Room at 6 Collins Street

### ADJOURNMENT

A motion was made and seconded to adjourn. The meeting adjourned at 7:30 PM.

*Minutes submitted by Paula Hancock*