

**Ashland Planning Board
Amended Meeting Minutes
Wednesday, November 6, 2024**

- CALL TO ORDER:** Tricia Farris called the meeting to order at 6:30 PM.
- MEMBERS PRESENT:** Mardean Badger, Tricia Farris, Chris Janosa, Paula Hancock
- MEMBERS ABSENT:** Kendall Hughes (absent with notice), Donna Locurto (absent)
- ALTERNATES PRESENT:** Linda Barnes (alternate), Bethany Franz (alternate)
- OTHERS PRESENT:** Tim Crowley, owner of 135 Thompson Street farmstand
Tom Newcome, Building Inspector

Tricia Farris appointed Bethany Franz as a voting member for this meeting.

DISPOSITION OF MINUTES

The Board reviewed the minutes from the Wednesday, October 23, 2024 meeting. Mardean Badger made a motion to approve the minutes as amended. Bethany Franz seconded the motion. The motion passed on a unanimous vote.

135 THOMPSON STREET LLC, CROWLEY, FARMSTAND

Tim Crowley met with the Planning Board to discuss his plans for his 135 Thompson Street LLC Farmstand. Mardean Badger had some concerns about the farmstand. The business is being run in a rural residential zone which is not allowed under the Ashland Zoning Ordinance. Is the farmstand a commercial business, home occupation or farmstand? Under the regulations for a farmstand 35% of the proceeds from the farmstand need to come from products produced on the property.

Tim Crowley explained that up to 90% of the revenue from the farmstand were from the sale of mums grown on the property. Our other products sold at the farmstand include maple syrup from a maple syrup company in Holderness, hay from a farm in Ashland and pumpkins from the Walker Farm in Bristol, NH. The mums were planted in June and sold over Labor Day.

Mardean Badger continued that there have been concerns expressed about the parking and traffic at the farmstand. Thompson Street has very little shoulder to the road for parking. There were concerns expressed about the number of cars coming in and out of the property.

Tim Crowley explained that he usually sees one customer at a time and doesn't see a traffic issue.

Mardean Badger asked what Tim Crowley's plans are for the next growing season. Our plans for next year will be the same as this year. The farmstand will plant twice as many mums as we did this year. Last year Belletetes sold 70 of our mums. The Walker Farm sold some of our products. Common Man sold an additional 20 of our products.

The Planning Board reviewed Chapter 674 of the Zoning Ordinance pertaining to Agriculture. The Board made the following points:

- Our Zoning Ordinance does not prohibit agriculture in any of our districts.

- Zoning regulations under Agriculture says that parking and traffic that impact a neighborhood can be regulated by the Planning Board.
- 135 Thompson Street LLC has been registered as a farmstand
- The Planning Board cautioned Tim Crowley to be careful about parking and traffic due to his farmstand next season.
- The parking and traffic issues have not been noticed by neighbors in the neighborhood.
- The business needs a sign permit approved by the Building Inspector. This has been accomplished.

Tim Crowley advised the Board that he has talked with the Department of Public Works about adding three additional parking spaces on the side of the road. The spaces will be in place in time for next season.

SOLAR AND ARTICLE 9

The new Solar Zoning Ordinance and Article 9 are under review from Meghan Semiao and the Electric Company. These ordinances were tabled for this meeting. They will be reviewed at the Planning Board meeting on Thursday, November 14, 2024.

ARTICLE 5 NON-CONFORMING USES

5.1 All non-conforming properties in active use when this Ordinance is adopted may continue in their present use.

5.2 If a use is discontinued or abandoned for one year, it shall thereafter conform to the regulations for the zone, and the non-conforming use may not thereafter be resumed without approval of the Zoning Board of Adjustment.

5.3 Any and all non-conforming property may be altered and expanded as the business conditions warrant, provided, however, that any such expansion does not make any existing nonconforming structure, more non-conforming within the terms of this Ordinance and provided that all other standards of the Ordinance are met.

5.4 Non-conforming buildings, which are destroyed by fire or other natural disaster, may be rebuilt or replaced if the degree of non-conformity is not increased.

Chris Janosa briefly read and discussed Article 5. Chris advised that there should be no changes to this Article at this time.

Tom Newcome, Building Inspector, spoke to the Board relative to 5.4 of the Non-conforming Uses. Tom Newcome made the following points:

- Tom Newcome indicated that a building that has been damaged by fire can be rebuilt. Tom Newcome's recommendation was that the Planning Board consider in their discussions on this article to insert a timeframe for the rebuilding.
- The rebuilding time clock will be triggered by the issuance of a building permit.
- The property owner needs to prove that his property falls under the current grandfather law
- The ZBA deals with the issue of nonconformity
- The property owner needs to prove that there is ongoing work on the destroyed structure
- A Zoning permit is good for six months
- Under universal codes the owner needs to show continuous work for not more than six months between inspections. If the Zoning permit expires the property owner needs to reapply.
- The property owner needs to meet the zoning requirements and do the work

- The building destroyed by fire that is nonconforming will be completed in a timely manner or the permit lapses. A lapsed permit needs to be reapplied for by the property owner.
- The permit needs to be applied for. The rebuilding clock will start at 4 years and the rebuilding project needs to be completed within a year. The issuance of a permit to completion of the rebuilding project will not exceed 5 years.

ARTICLE 1 PROPOSAL

Paula Hancock presented to the Board a proposal to change the Purpose portion of Article 1. Sections 1.2 and 1.3 of Article 1 will remain the same. The Board made the following points:

- The Board was impressed with saying that Ashland was an attractive community
- The Board was concerned that there are no design standards detailed in our Zoning Ordinance. Several members felt that a complete discussion of the design standards be done as part of the revision process of the Zoning Ordinances. Design Standards could be reviewed and discussed as part of the Board's revision of the Master Plan.

ACCESSORY DWELLING UNITS

Tom Newcome spoke to the Board concerning both procedure and policy issues about Accessory Dwelling Units (ADU). Tom Newcome made the following points:

- In different communities there is a lack of understanding about the residency requirements attached to Accessory Dwelling Units
- There is a requirement for ADUs that says that the property owner needs to make either the original residence or the ADU as his/her primary residence. The property owner needs to be educated about this policy upfront.
- A boarding house is not considered an ADU under the ADU policy
- Going forward with two dwellings on the property and the property is sold with no notice to the new property owner. The Building Inspector is recommending that prior to the Building Inspector permits being issued an affidavit be filed with the Registry of Deeds indicating that there is a primary residence and an ADU on the property.
- Tom Newcome recommends that Ashland require an annual certification to show that the property owner actually lives on the property
- The Planning Board should create a checklist for ADUs that would reflect both Zoning Ordinance regulations and State RSAs pertinent to ADUs.
- Since Ashland is silent on ADUs right now ADUs are a matter of right.
- There is also Conditional Use
- There is also Special Exception
- There is a Matter of Right specified by zone
- There are safeguard requirements in the Special Exception that gives the town an additional layer of oversight. ADUs that are attached and ADUs that are detached.

Tom Newcome made the following recommendations on procedural and policy changes to the current ADU regulations in Ashland:

- The Board should add registering an ADU and inspections of ADUs as part of the ADU approval.
- ADUs must be registered, listed, and permitted for a conditional use permit
- The ADU needs an affidavit of the registration to Registry of Deeds.
- These are administrative changes with no change to the original Zoning Ordinances.
- These procedures need to be spelled out and put in the Zoning Ordinances

- The ADU checklist is a worksheet to see if the property owner is meeting all Zoning requirements.
- The ADU property owner can go to the ZBA with any concerns.
- The ADU policies and procedures are governed by zoning ordinances and State RSAs.

SHORT TERM RENTALS

Tom Newcome discussed with the Board how the town can deal with the issue of Short Term Rentals. Tom Newcome is concerned that the Planning Board have Zoning regulations in place for Short Term Rentals. A Short Term Rental can be a whole house, a single room or suite of rooms within a private residence. Tom Newcome advised that the Planning Board needs to discuss the following issues:

- Inspection of all Short Term Rentals
- The registration and regulation of all Short Term Rentals
- The issue of off site owners
- Complete contact information of all property owners be provided to the town
- The registration of all Short Term Rentals will allow the police to inspect the property
- All Air BNB property in town be registered and inspected by the fire chief for life safety issues
- Certification of all short term rentals will be needed before the issuance of an occupancy permit

MEETING SCHEDULE UPDATE

At the Thursday, November 14, 2024 meeting the following issues will be reviewed:

- Chris Janosa will update Article 5 Non-Conforming Uses
- Paula Hancock will update Article 1
- Solar and Article 9 will be reviewed
- Article 4 will be reviewed

ADJOURNMENT

Tricia Farris made a motion to adjourn. The meeting adjourned at 8:09 PM. The next meeting will be a working session on Thursday, November 14, 2024 at 6:30 PM.