

# Town of Boscawen, NH

## PLANNING BOARD

### Boscawen Municipal Complex

#### MEETING MINUTES – FINAL

**Tuesday, April 5, 2016 at 6:30 PM**

Planning Board Members present: Bruce Crawford, Chairman; Douglas Hartford, Roberta Witham, Matt Lampron, Jeff Reardon. Alternate Member, Rhoda Hardy.

Planning Board Members absent: Bernie Davis, Jr.; Roger Sanborn, ex-officio Alternative Member

Others present: Alan Hardy, Planning & Community Development Director; Kellee Jo Easler Planning and Community Development Assistant.

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Chairman Crawford called the meeting to order at 6:30 p.m., and named Rhoda Hardy as voting member.

#### **Approval of Minutes**

**Motion made by Doug Hartford, second by Matt Lampron, to approve the minutes of the March 1, 2016 meeting, as presented. Motion passed unanimously.**

#### **Election of Officers**

Chairman Crawford stated that Vice Chair Paul Strieby had resigned from the Planning Board for personal issues and suggested the duties of the position be split; i.e., vice chair and someone responsible for writing the conditions. Chairman Crawford asked Matt Lampron to keep track of conditions given his engineering background. Mr. Lampron agreed to serve in that capacity. Roberta Witham agreed to serve as Vice Chairwoman. Alan Hardy reported that Roger Sanborn was actively recruiting to get two new Board members.

#### **New Business**

- **Conceptual Presentation: Home Business Minor – Randy and Holly Silver**

Holly and Randy Silver came forward and explained that they were interested in opening up a Quilt Shop in their barn. They intend to start small and feel their business will complement other businesses in town. There will be no on-street parking. Business parking will be pushed to the side. There is room for six to eight cars, at least. Parking area will be graveled; hot top too expensive. Their business is located at 241 King Street. Alan Hardy said he reviewed the code for home based businesses and the zoning ordinance. The Silvers' plan does fall into the definition of home based – minor requiring that no products be visible from the outside. The main difference between home-based minor and major is not having products outside. The Silvers cannot have more than one employee and twelve cars are allowed "by right" for home-based businesses.

Matt Lampron expressed a concern that the “home-based” business is in the barn and no one has inspected the barn from a public safety or code enforcement perspective. Mr. Hardy said home-based covers an accessory structure. On enforcement, a building permit can be done at the administrative level instead of at the Board level. Jeff Reardon asked if the Silvers have room to expand, and about their signage and sales strategy. The Silvers said they have an acre and an entire front yard. Only a neighbor would be checking the comings and goings of the operation. They will be talking to the neighbor and are prepared to build a fence or plant bushes as necessary. The Silvers said they would like to do something online and are currently working with the wedding venue to make items for their bedrooms. Mr. Hardy said they are allowed eight square feet of signage by right. When asked about nighttime lighting, Mr. Silver said they don’t plan to be open in the dark and for now will be open for three seasons only. Matt Lampron asked if they would be doing “quilt hops” which is a common way of advertising. The Silvers said they don’t foresee that. Alan Hardy will write up a determination letter once site plans are reviewed. All Board members approved.

- **Accessory Dwelling Unit – SB 146 RSA 674**

Chairman Crawford said the legislation has changed considerably in that the accessory dwelling unit does not have to be for a relative but are “things we can regulate”. In some parts of the state – Portsmouth, Dover, and around the Nashua area, they are limiting the ability to hire help because of the cost of housing. Senator Boutin said some towns have said “we’re not doing it and that’s it”. Chairman Crawford said he didn’t look up the docket but could be completely different in the end. The Chairman suggested changing Boscawen’s zoning ordinance to reference the RSA and if the bill gets amended further, “we don’t have to fool with it again”. Mr. Hardy said the town would have to change their ordinance since it “goes further”. Chairman Crawford suggested adopting from the statute then have a hearing for next year’s town meeting. Matt Lampron asked what guidelines are provided for duplexes. Mr. Hardy said it use to be allowed by right. Mr. Lampron said the bill opens the door wide to build another structure so long as it is attached somehow. Mr. Hardy said “accessory dwelling” is not convertible. Chairman Crawford said “we have until June 2017” and referenced the NHMA Legislative Bulletin, the next agenda item that addresses the matter.

- **NHMA Legislative Bulletin**

Chairman Crawford said he religiously looks through the Legislative Bulletin and referenced the article entitled “Governor Signs Accessory Dwelling Unit Bill” which requires any municipality with a zoning ordinance to allow accessory dwelling units (ADUs) in all districts where single-family dwellings are permitted. A number of Board members expressed concern. Chairman Crawford pointed out that municipalities have the option of allowing ADUs only by special exception or conditional use permit. Also, the provisions of the bill do not take effect until June 1, 2017 which gives Boscawen a full year to review and amend its zoning ordinance as necessary to accommodate the new requirements.

Chairman Crawford said a House hearing was held on Senator Boutin’s SB 345. Representative Haffner’s bill passed the House and is in the Senate which will likely be held until further action on the Boutin bill. Mr. Hardy said the legislation conflicts with Supreme Court case law; the “original was by right”. Chairman Crawford said another amendment was made by the Farm Bureau and the “by right” verbiage has been taken out.

## **Old Business**

- **Edmunds Cold Brook Gravel**

Alan Hardy reported that there has been encroachment on Cold Brook. Mr. Kaufman has performed a 100-acre timber cut. Logging and chip trucks have been going by continually. He said Edmunds has done a good job marking the perimeter and “if they go out of bounds now, it’s intentional”. Mr. Hardy said that he and Chairman Crawford have met with counsel. The No. 9 condition (100 foot buffer shall be maintained for the abutters) in the original set was missed. The concern is not coming from abutters. The excavation permit will have to be amended, and a public hearing held. Mr. Hardy will get a document out to Board members prior to next month’s meeting. There was some back-and-forth about Edmunds’ businesses being sold. Mr. Hardy said that no sale has been recorded with the Secretary of State’s Corporate Division. Chairman Crawford noted that the town’s only concern is “where the tax bill goes”. In response to Mr. Lampron, Alan Hardy said that no action was necessary on the part of the Planning Board at this time.

Chairman Crawford stated that the Office of Energy and Planning will be holding their Spring Planning and Zoning Conference on June 4<sup>th</sup> Courtyard by Marriott. Anyone interested in attending should let Kellee Easler know.

- **Boscawen Congregational Church TRC**

The church is interested in having a Farmer’s Market at the church park location. Planning and Community Development Assistant Easler provided them with all of the information necessary to begin the process including the fees due at application. A package was prepared but hasn’t yet been picked up by church personnel.

- **Changes for next year’s Zoning Ordinance**

Chairman Crawford said the SB 146 provisions, as discussed earlier, will need to be included. Alan Hardy said the ADU will need to be brought current.

Alan Hardy mentioned that an application had been submitted on Monday, April 4<sup>th</sup>, for a Municipal Technical Assistance grant through Plan NH. Grants will range from \$2,500 to \$10,000. The purpose is to assist communities that want their zoning regulations to support housing options. Selected communities will be announced in May or June. If successful, Boscawen could expend the funds on work to be done on the King Street Zoning District.

Chairman Crawford said there was an article in the Concord Monitor about the heated debate about the Upper Merrimack River Local Advisory Committee (UMRLAC) and long standing debate about whether to apply for wild and scenic river status through the federal government. Chairman Crawford said that Franklin has withdrawn their support for wild and scenic. It might affect construction of the Northern Pass project. One bill made changes in the structure of River Councils and how they operate. Chairman Crawford, Jasen Stock of the NH Timberland Association, and Rob Johnson from the Farm Bureau will

work toward getting new, stand-alone legislation introduced next year, if the Senate does not amend to require the same notice as is required for zoning or planning.

Alan Hardy indicated that California Fields has moved from paper to the ground. There was a meeting today regarding connection to sewer and water. There is no road that the town needs to supervise and the town didn't require any engineering on the part of Underwood. Underwood is putting together a proposal to be involved with connection with the sewer system. Underwood going to do the third party work to do the submittals and will be the third party inspector at the request of the developer which is a more significant role than originally intended. Mr. Hardy stated that the land has far fewer trees and has created some passion. The property owner is Cityside, a holding company from Manchester. Town of Boscawen and Cityside will be clients of Underwood. It was mentioned that the selling prices of the properties would be around \$225,000 to \$250,000. The state archeologist has no problem with trees being cut. He doesn't want stumps removed. Lighting is being discussed with people on Crescent Street.

### **Adjournment**

**Doug Hartford moved, second by Vice Chairwoman Witham, to adjourn the meeting at 8:05 p.m. Motion passed unanimously.** After the motion to adjourn there was informal discussion about parking on King Street. The discussion ended at 8:35 p.m.

The next regular meeting of the Planning Board will be held on May 3, 2016 at 6:30 p.m.

*Minutes are respectfully submitted by Suzanne Beauchesne*