

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

January 8, 2019

BOARD MEMBERS PRESENT: Jim Snyder, Chairman, Tyson Miller, Kent Ruesswick, Lucy Nichols, Alternate

ABSENT: Joshua Gordon, Hillary Nelson, Art Rose, Cheryl Gordon (BOS Representative)

OTHERS PRESENT: Joe Halla

Jim Snyder appointed Lucy Nichols to stand in for Hillary Nelson.

Review of December 11 and December 18, 2018 Minutes: Kent Ruesswick moved the Minutes, seconded by Tyson Miller. Discussion: Relative to the December 18, 2018 Minutes, Lucy's point in the Minutes was longer than what was included and she would like to correct the record. Lucy made a motion to amend the Minutes at line 28 to say "Lucy said she did not yet know the town well enough to know if the number of people reassured by the proposed language is larger than the number of people who might see the proposal as zoning overreach. She wanted to hear more from the Town." Kent seconded the Motion. Discussion: None. Vote to amend Minutes: Unanimous, 12/18/18 Minutes amended. Having no further discussion on either Minutes, there was a vote to approve the 12/11/18 Minutes and 12/18/18 amended Minutes. Unanimous. Minutes approved.

Public Hearing on two proposed warrant articles to Zoning Ordinance to be voted on at annual Town Meeting; (Accessory Dwelling Units and conflicts in overlay districts):

Jim commented that if we assume we need a second hearing on these issues, he'd like to keep this relatively brief hoping we'd have a more robust board at a second hearing.

Tyson addressed the overlay district language first. This language would be added as item 7 under "B. Provisions for Interpretation of the Table of Principal Uses." Tyson read the language aloud which said "All Uses Subject to Overlay District Regulations: All uses are subject to the provisions and regulations of Overlay Districts contained in the Town of Canterbury Zoning Ordinance. Wherever there is a conflict between the provisions of an Overlay District and a Base District, the provision which imposes the greater restriction or higher standard shall control."

Discussion: Kent supported the language. Jim asked the public, Joe Halla, if he had any input. He did not. Lucy asked if there was any recent history that this would be in

response to. Tyson responded that its boiler plate language and also draws people to the attention of the overlay district in the Table of Uses. It's a housekeeping thing. Tyson made a motion to enter the overlay district language as proposed item 7 under B. Provisions for Interpretation of the Table of Principal Uses on the warrant for the first session of the Town Meeting. Seconded by Kent. Discussion: None. Vote: unanimous.

The second item tonight is on Accessory Dwelling Units (ADUs). Tyson provided version 5 of Article 18 of the Zoning Ordinance and pointed out the changes in bold. Tyson went through each of the changes as follows:

Jim requested that we take each page and discuss any revisions or questions and comments before moving on to the next page. Tyson explained that page 1 defines and describes the two kinds of ADU's, attached and detached (or stand-alone). We currently allow them to be attached to a house, and to be detached in a currently existing accessory structure. The language simply fine tunes that.

Joe Halla just had a few comments. He stated he's not here as chairman of the ZBA, but is here just as himself. He wondered why we specify a cottage unit in this language. It probably wouldn't be a big issue for Zoning, but why add more things if you don't need to? He wondered how you would enforce something that someone may already have on their property that has never been to the ZBA, and then they want to build a cottage too. There's no wording that says the building inspector has to question what they already have. Joe is aware of many accessory apartments that already exist that are not approved and said Canterbury is like the army. You don't ask you just do it. In looking ahead, a requirement is that somebody has to live in one of the two units. Who's enforcing it? It's not going to happen. You have instances where Zoning has said no, you can't do this, and the Selectmen don't do anything after the applicant does it anyway. When you start adding things, something else will creep in. Someone will want to build a cottage even though they already have one that was never approved.

Tyson said in his research a cottage could be a rental unit or, for older people who may move into the ADU and the adult children move to the main house. It allows people to age at home. Jim agreed on the enforcement issue. Joe reminded the Board that years ago we added all this language to requirements for signs. Basset didn't like the signs added at exit 18 and none of it is enforced. We added 9 or 10 things that are never enforced. Why add them? Jim point out that there's another place other than the Selectmen that looks at the sign issues, and that's here at this Board. A new business has to come to this Board and go through the sign requirements. People will have to go to the ZBA for a special exception for a new ADU and the ZBA can ask if they already have one. Then people are on the record.

In Jim's review of page one, it states an ADU could be up to 1,200 square feet. In general he's in favor of keeping sizes small, but there have been statements in Board meetings that if we're going to do the detached ADU, it ought to be such that a family can live there. He's not personally in favor of 3 bedroom ADU's. There was discussion

about measuring gross floor area and Jim gave an example of the home he recently built on his property. It's on a foundation of approx. 1,000 square feet. It has a full cellar and attic with one finished and one unfinished room. If you leave the attic out, the basement and main floor is 2,000 square feet. It's two bedrooms and an open concept living area. Tyson is not in favor of the 1,200 number because the intent is for a smaller unit. It should be an accessory to the house. Jim said there are others on the Board who are not here who see it differently. He thought one option is we can let it play out for a year and see what kind of applications come in. Tyson doesn't want these to become a house for kids, it's not the purpose. Jim is fine with that personally. They could always go to the ZBA for a variance and prove hardship. Joe felt 1,200 does seem big for an accessory apartment.

Kent pointed out that the Town would benefit from taxes on a bigger space. Joe said it's in the definition of what it is and that's big for an ADU. An ADU is typically for a husband and wife or single person, not someone with kids. Joe has personal feelings on it but doesn't see an issue for the Zoning Board. Tyson suggested we lower the square feet and reduce it to 2 bedrooms. He proposed 900 square feet and two bedrooms. Kent like 1,200 square feet. Jim thought Tyson's points were good. The Board agreed on 1,000 square feet and two bedrooms.

Moving on to Item 2A: Attached Accessory Dwelling Units (AADUs). Tyson refined the language to match the RSA. Jim is concerned about allowing them on grossly non-conforming lots, like ¼ acre lots although chances are it wouldn't configure anyhow. The Board discussed lot size and setbacks. The second part of the sentence was deleted.

Item 3F discusses ownership between the principal dwelling unit and the detached accessory dwelling unit (DADU). The Board acknowledged in Hillary's absence that she is concerned that someone might subdivide the lot if you had the frontage. There was discussion about why someone would do that since they could just subdivide the lot to begin with. Jim said you might not foresee the need to do that at the time, but 10 years down the line you might need to liquidate it. Jim gave an example of having a second house next door to him and renting it to his daughter. She buys it and turns it back into two lots. What's wrong with it? It's a legal subdivision. After discussion they revised the language.

Section 2, 2.5A Accessory Dwelling Unit to Business Uses. The word apartment was changed to attached dwelling unit for consistency.

Language was added at Article 3 Definitions for Accessory Dwelling Units.

The last item to be discussed is the section of the Table of Principal Uses relating to accessory dwelling units. Some of the uses were changed to SE for special exception.

Tyson asked if there are enough changes to this version that would warrant a second public hearing. The Board all agreed a second public hearing is needed.

139
140 **Tyson Miller's discussion of zoning amendment for uses that do not appear on**
141 **the Table of Uses**: Tyson pulled the discussion on this item as he spoke with 2
142 attorneys who both thought the Planning Board shouldn't be addressing those items.

143
144 **Other Business**: There was a brief discussion about the options applicants have
145 between preapplication conceptual consultation and site plan review. That process is
146 called a design review and we've had one with Tim Bernier on one of his applications in
147 the past.

148
149 Kent moved to adjourn. Lucy second. Vote: Unanimous.

150
151 Adjourned 8:20 pm

152
153 Submitted by Lori Gabriella, Secretary
154 Canterbury Planning Board