

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

December 18, 2018

Work Session Meeting to Address Zoning Ordinance Revisions

BOARD MEMBERS PRESENT: Joshua Gordon, Vice Chairman, Tyson Miller, Hillary Nelson, Kent Ruesswick, Lucy Nichols

ABSENT: Jim Snyder, Chairman , Art Rose, Cheryl Gordon (BOS Representative)

In Jim Snyder's absence, Joshua Gordon ran the meeting and designated Lucy Nichols to act in Art Rose's place during this meeting.

Discussion of proposed Zoning Ordinance Revisions: Tyson Miller prepared two documents for discussion:

Article 18 Accessory Dwelling Units (ADUs). Tyson explained version 3 of the ADU language for the Board to review and discuss. There was discussion about the exterior design and whether it should be required that the exterior of an ADU be compatible with the existing structure (item I.1). Joshua Gordon felt there is no public interest in aesthetics and language relating to exterior design is not necessary. Hillary Nelson disagreed with Joshua but wondered if there could be a larger setback for an ADU. Joshua and Lucy Nichols liked that idea. Tyson wanted to leave his language in and take it to public hearing, as did Hillary. Joshua wanted to take a position and vote on it. 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. After discussion, Tyson was willing to take 1.i out completely. Joshua moved to strike item I.1. Kent seconded. Vote: Unanimous (Joshua, Kent, and Lucy). Opposed: Hillary. Tyson did not vote. Item will be removed.

There was discussion about the center historic district in town and detached accessory dwelling units. The Board agreed on the changes discussed.

The Board discussed detached accessory dwelling units becoming an individually owned private residence upon a legal subdivision through the subdivision application process with the Canterbury Planning Board, as outlined in 3H of Article 18.

Tyson discussed the intention of "accessory" and strongly felt it needs to be an accessory use and we can't stray from that. Lucy asked that we clearly define "accessory" at the public hearing and suggested we provide examples of what it is, and what it isn't. Hillary also feels that people need to come in to the Zoning Board to get special exceptions for already existing units once this goes through. They're not going

to get in trouble for already having them, but felt they would need to be inspected and to be sure the fire department has access.

Size and number of bedroom requirements was discussed as well as the ADU or primary dwelling unit being owner occupied. Lucy mentioned the possibility of mobile homes as accessory dwelling units and what issues that could bring.

Tyson made a motion to take Article 18 Accessory Dwelling Units as amended to public hearing. Joshua seconded. Discussion: None. Vote: Unanimous.

Provisions for Interpretation of the Table of Principal Uses. Tyson presented two items (7 and 8) to be added to "B: Provisions for Interpretation of the Table of Principal Uses" for consideration by the Board. Item 7 refers to possible conflicts between the provisions of an Overlay District and a Base District. Lucy wondered why this addition is necessary. Tyson said we're just trying to clarify the Zoning Ordinance. Tyson made a motion to send item 7 to public hearing. Hillary seconded. Discussion: None. Vote: Unanimous.

Item 8 relates to "Use Not Specified: For land uses that are not listed in C. Table of Principal Uses, List of Uses." Hillary felt the draft language was way too broad. Tradition is, if it's not specifically stated in the Zoning Ordinance, you don't have to allow it. She feels this language assumes it is allowed. Joshua discussed a permissive zoning ordinance versus a prohibitive zoning ordinance. He thinks we have a permissive ordinance. Hillary strongly opposes the proposed language. There was discussion about the correct process for determining how to deal with uses that are not specifically listed in the Ordinance. Hillary felt this needs to be thought through much more than we can tonight. She'd like to table this, Lucy agreed. Hillary pointed out we spent the whole year talking about conditional use which would create a simpler process that would address this. Coming up with this language at the tail end is too much. Tyson does not want to continue having people come in with a legitimate use only to find it's not specifically listed. Kent Ruesswick stated whatever we do, he wants it passed by the Town. He wants the Town to have something positive come out of the past years work and would like to present the ADU and item 7. He just doesn't feel like item 8 will go over well. Joshua supports the language. Kent prefers to bring the ZBA in over the next year and work with them on this type of topic and not just get it through at the last minute.

Kent made a motion to cut off debate on this question. Hillary seconded. Discussion: Tyson plans on talking about it again at next meeting. Vote: Unanimous (Hillary, Kent, Lucy), Joshua and Tyson voted against the motion. Kent and Hillary both let Tyson know they appreciated all of his work on these issues.

Hillary motioned to adjourn. Kent second. Vote: Unanimous.

83 Submitted by,
84 Lori Gabriella, Secretary
85 Canterbury Planning Board