



PLANNING BOARD MEETING
Monday, February 25, 2019 7:00 PM
Council Chambers, City Hall

MINUTES
Approved 3/11/2019

Mr. Wahrlich called the meeting to order at 7:00 and asked for a roll call.

I. Roll Call

Present: Allen Damren, Mayor Charlene Lovett, David Putnam, Richard Wahrlich, David Pacetti

Absent: William Greenrose, Bruce Kolenda, Nick Koloski, Marlene Boisclair

City Staff: Scott Osgood, City Planner

II. Review of Minutes

A. February 11, 2019

Motion: Approve as presented

Made by: Mr. Putnam **Second:** Mr. Pacetti

Vote: 1 abstention; 4 in favor

III. Old Business

IV. New Business

- A. (PL 2019-00002) Todd & Angela Osgood**, 16 Fielding Place: Application for subdivision approval for creation of a 1.62-acre lot from the 14.72-acre lot at **168 Bible Hill Road**. Tax Map 166, Lot 33. Zoning Districts: R1, RR2 & AR

Mr. Wahrlich disclosed that he works for Mr. Todd Osgood, but derives no monetary gain from this application. He asked the board members if they felt he should recuse himself from this hearing. The board had no issues with Mr. Wahrlich participating, although Mr. Putnam suggested that Mr. Wahrlich abstain from voting on it.

Mr. Wahrlich read the public notice.

Planner's Report

Mr. Scott Osgood said the application is for a minor subdivision – one lot is being taken out of a larger lot. The primary considerations are the lot sizing. It's a continuation of the allowed use. The soil types are suitable for the use that's there. The surveyor identified the two soil types that are on the lots. The house and garage are nonconforming. They are both within the required 25-ft. setback from Bible Hill Road. However, it is a good example of the character of the land. It is a pre-existing use. The lots are in three zoning districts. There are no town facilities. There are a well and a septic system on the lot being taken out. It meets the lot size

requirements. The land is bisected by two soil types – both Bernardston silty loams which go from 8% to 15% slopes. There are no wetlands indicated on the submittal plat or on the Sullivan County Soil Map.

Mr. Wahrlich asked Mr. Scott Osgood if he considered this application complete, to which Mr. Scott Osgood replied that he did. Mr. Wahrlich called for a motion.

Motion: To accept this application as complete.
Made by: Mr. Putnam **Second:** Mayor Lovett
Vote: Unanimous in favor

Applicant's Presentation

Tom Dombroski, surveyor, acted as agent for the application. He said it is the owner's intent to sell the house. They have a buyer. The subdivision conforms to the DES subdivision requirements and they are waiting for DES approval which they expect very soon.

The board had no questions.

The abutter's list was read. No one was present.

Mr. Scott Osgood said two abutters had come to the office and one abutter had called, all asking for information about the subdivision. There were no objections.

Mr. Wahrlich closed the public forum.

Motion: Approve the Application for a Minor Subdivision of a residential Lot on Map 166, Lot 33 at 168 Bible Hill Road in the R-1, RR-2 & AR Districts subject to the following conditions of approval:

1. The Proposed Subdivision Plan shall be completed in accordance with the information provided by the applicant in the Application for Subdivision Approval, Case No. PL 2019-00002 and testimony during the public hearing for said case.
2. The applicant shall obtain all necessary permits as determined by the Local, State, and Federal governments.
3. This minor subdivision is valid for two (2) years from the date of approval. If a no action is taken to exercise this Minor Subdivision approval before the two-year deadline, the Minor Subdivision will no longer be valid and must be recertified through the Planning Board.
4. Two (2) copies of the final approved overall Minor Subdivision, printed on Mylar and in a form suitable for recording at the Sullivan County Registry of Deeds, shall be provided to the Claremont Planning and Development Department within six (6) months of this approval.

Made by: Mr. Putnam **Second:** Mr. Damren
Vote: Unanimous in favor

V. Reports from Boards and Commissions

There were no reports.

VI. Other

A. Tiny Homes

Mr. Osgood gave a presentation on tiny homes as had been requested at the previous meeting.

There is a tiny home on a lot on East Green Mountain Road (that spurred this conversation). It sits on a frame with 4 full-size tires. It fits the City's definition of a camper trailer. The ordinance does not say where they can or cannot be placed. The City's ordinance addresses RVs in mobile parks, but the ordinance does not address placement of an RV on a private lot. The ordinance doesn't say one can't do it, but it also doesn't say one can.

The building codes don't support tiny homes. The IBC has written an appendix on tiny homes on foundations that could be adopted (Appendix Q). Our Building Inspector states that this is mainly an issue of fire safety – egress, windows, stairs, etc.

Mr. Osgood read from a PowerPoint program given by Ben Frost at a recent meeting on tiny homes. It is reproduced here:

Tiny House: Permitting Issues

Does It Have Wheels?

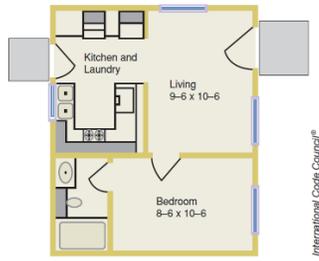
NO

- If not, then it's just a small house, no matter how tiny
 - It must meet the State Building Code (RSA 155-A) and Fire Code (RSA 153), plus any local amendments
 - It could be a primary dwelling unit or a detached accessory dwelling unit
 - Some communities have minimum unit size standards, e.g., minimum 300 s.f. total floor area
- The International Residential Code (IRC) sets the baseline standard
 - But which IRC? Updated every three years by the ICC
 - NH has only adopted the 2009 IRC

The 2015 International Residential Code eliminated the requirement that a dwelling must have a room of at least 120 s.f. and other rooms of at least 70 s.f.

R304.1 now reads: "Habitable rooms shall have a floor area of not less than 70 square feet (6.5 m²)."

In a media brief, the ICC said "...[the change] will accommodate alternatives for very small dwellings that would previously not be allowed under the IRC."



Small dwelling complying with minimum area requirements

- 2018 IRC Appendix Q
 - Specialized building standards for “tiny houses”
 - Dwellings of 400 SF or less
 - Only applies to tiny houses on foundations
- Industry advocates are pushing the ICC to adopt THOW standards as well
 - Look for this in 2021 IRC

Does It Have Wheels?

YES

- If it’s on wheels and isn’t manufactured housing, then it’s a recreational trailer
- What are the construction standards?
 - HUD manufactured housing standards – at least 320 SF
 - Recreational Vehicle Industry Association – no more than 400 SF
- If it’s a recreational trailer, then it’s not meant for permanent occupancy (RSA 216-I:1, VIII(c))
 - Not a reflection of quality, but of intended purpose (and probably to limit manufacturer liability)

Local Zoning

- Manufactured housing must be allowed (RSA 674:32)
- THOW as manufactured housing?
 - Manufactured housing must have minimum dimensions of 8’ x 40’ (traveling mode) or 320 SF assembled
- THOW as recreational trailer?
 - Temporary occupancy
 - Zoning not required to allow this use
- Build THOW subject to building code?
 - No appropriate code exists (yet)

Legislative Solutions?

- Some issues to address
 - Choice of appropriate building code
 - Taxation of units – are they real property, or just personal property?
 - Lending standards, foreclosure (compare with manufactured housing)
 - Utility connections (water, sewer, electricity)

Tiny homes do not currently fit into Claremont's codes as a building, but they do fit as an RV.

There is a disparity between tiny homes and code-approved housing on taxes. Tiny homes on wheels are taxed as personal property, which is much less than the property taxes paid by code-approved structures. However, they would be entitled to the same services if the City allowed year-round occupancy. Currently this is not allowed.

It was agreed to have Mr. Osgood continue to research the topic and bring more information to the board. The board envisioned conducting a public forum on the matter and presenting various options for addressing tiny homes in the City ordinance.

Mayor Lovett followed up on the letter that was included in the previous meeting minutes regarding RSA 673:7. She said NHMA is recommending supporting HB370 which would change the RSA. There is a representative who would like to merge HB370 with HB143 (would prevent planning board members from serving on the zoning board). Representative Cloutier put in an amendment. NHMA's recommendation is to not support the amendment, but to support HB370 as written.

VII. Correspondence

There was no correspondence.

VIII. Adjournment

Motion: To adjourn the meeting

Made by: Mr. Putnam **Second:** Mayor Lovett

Vote: Unanimous in favor

The meeting adjourned at 7:40 PM.

Respectfully submitted,
deForest Bearse
Resource Coordinator