



**PLANNING BOARD MEETING**  
Monday, February 27, 2017 7:00 PM  
Council Chambers, City Hall

**MINUTES**  
**Approved 3/27/2017**

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

**I. Roll Call**

**Present:** Marilyn Harris, William Greenrose, Richard Wahrlich, James Short, Charlene Lovett, David Putnam

**Absent:** Bruce Kolenda, Victor Bergeron, Nicholas Koloski, Marlene Jordan, Rois Neil Ward, Jr.

**City Staff:** Michael McCrory, City Planner

**II. Review of Minutes – February 13, 2017**

**Motion:** To accept the minutes as complete.

**Made by:** Mr. Short                      **Second:** Mr. Greenrose

**Vote:** Mayor Lovett abstained; all others voted in favor

**III. Old Business**

- a. **(PL 2017-00002) Thomas Bourdon, 91 Main Street, Claremont** – Application for subdivision approval for 3-lot subdivision at **91 Main Street**. Tax Map 107, Lot 25. Zoning District MU. (Cont. from 2/13/2017)

Mr. Wahrlich read the public notice.

**Planner's Report**

Mr. McCrory said this case had been continued at the last meeting pending review and approval of the Pearl Street right-of-way and a minor conveyance to Mr. Bourdon. (Mayor Lovett said the City Council voted in favor at their meeting on February 15, 2017.)

**Applicant's Presentation**

Wayne McCutcheon, acting as agent for the applicant, passed out plans showing the 770 square feet of land that the City conveyed to Mr. Bourdon. (Mr. Bourdon was also present.)

Mr. McCutcheon then passed out plans showing the 770 SF parcel merged with the rest of the property and depicting the proposed subdivision.

As had been previously explained, the three original parcels will be merged together and then re-subdivided. (The merger will be administratively approved.)

It was established that there could be three separate owners of the three new lots and that there may be three new site plans if the new owners choose not to continue the existing uses of the each of the lots.

There were no further questions.

**Motion:** To approve the application with the following conditions:

***Condition Precedent***

1. The City shall record the Application for Voluntary Lot Merger of existing parcels identified as Tax Map 107, Lots 24 & 25 and Tax Map 120, Lot 1 to a single lot identified as Tax Map 107, Lot 25.

***Standard Conditions***

1. The final minor subdivision shall be in substantial conformance with the plan titled, "Subdivision Plan of Land Owned by JD Bourdon Realty, Inc., 91 Main Street, Claremont, New Hampshire" dated December 30, 2016, prepared by Wayne McCutcheon, LLS.
2. The applicant or the applicant's agent shall ensure placement of proposed boundary markers identified on the referenced plan by a surveyor licensed in the State of New Hampshire.
3. The applicant shall submit two copies of the approved Minor Subdivision, printed on mylar, to the Planning and Development Office within six months of the date of this approval. The plans shall be suitable for recording at the Sullivan County Registry of Deeds.

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

**Vote:** Unanimous in favor

b. **CIP Review/Discussion**

The board reviewed and rated all 100 of the CIP projects using a computerized instant polling program. The ratings were based on consistency with the Master Plan as follows:

- 1 = highly consistent
- 2 = generally consistent
- 3 = Inconsistent

Mr. McCrory will tabulate the results and share them with the Board.

**IV. New Business**

a. **Accessory Dwelling Units – Zoning changes**

Mr. McCrory said that Accessory Dwelling Units (ADU) are addressed in the current zoning ordinance, but there are a lot of restrictive requirements that, in some cases, make it easier to obtain a variance for a duplex than it is to get the permit for the ADU. It is allowed in all zoning districts.

On June 1<sup>st</sup>, the (new) state law for ADUs will come into effect. It will establish ADU standards statewide. If your current ordinance is more restrictive, the new state law will make them less restrictive. If your ordinance doesn't mention ADUs, the state law provides for them. It is automatically allowed in all residential districts.

The Claremont ordinance will need some refinement relative to the new state law. It is being worked on by the Planning & Development Department. Mr. McCrory is hoping to get the revised language to the Board at the next hearing.

Residential conversions in the City Center have been addressed with a Special Use permit. ADUs in any residential district will have the same Special Use permit process. The ADU ordinance will have its own standards and definitions.

The zoning change is being driven by the desire to create new housing units without substantial new construction.

Mr. Greenrose said it somewhat conflicts with the density argument that the Board has been discussing with previous conversion applications. Mr. McCrory said that under our current regulations, ADUs are put into the density calculations for the property. That will no longer be allowed under the new state law. Any single family residential property can have an ADU.

State law allows for detached ADUs, but that is not being considered for Claremont at this time. Perhaps it can be revisited for certain districts after completion of the Master Plan.

Mr. Putnam asked how this will affect the new form-based code provisions in the City Center projects rezoning districts, because the City adopted a hybrid version of form-based codes for building improvements. Mr. McCrory said there wouldn't be much change at all; except for certain standards and criteria, there will really be no change for the City Center districts. In fact, the Department is proposing taking the City Center model and extending it to the entire city.

Mr. Short asked how it would affect City Center density. Mr. McCrory said it may affect City Center density, but there is going to be a review process to make sure it works. The Planning Board is not obligated to say "yes" to every project.

Mayor Lovett asked if the plan is to bring the proposed ordinance before the Planning Board for review, to which Mr. McCrory replied yes.

Mayor Lovett referred to the chart on page 4 of the OEP publication on ADUs (ADU standards that must, may or must not be in ADU regulations) and felt it will be particularly useful for the Planning Board discussion, because she thought that there were some concerns (on the Board) that could be mitigated if the ordinance included some of the "may-type" additions. She said, "At the very minimum this is what everyone should be very familiar with when we look at that language, because

this is what is going to create the more robust discussion; because I have no idea what your department is going to bring before us for a suggested ordinance.”

Mr. McCrory asked for feedback from the Board on each of the “may-type” regulations. The consensus was that the Board wants the property owner to live on site.

Mr. Putnam asked what happens after this dwelling arrangement has been arranged and ten years down the road the need for this relationship goes away and/or the structure is sold to somebody else who doesn’t require this, then does it (the ADU) stay as an apartment? Mr. McCrory said there are some concerns about making “de-facto duplexes” over time.

Mr. Greenrose suggested square-footage requirements and making ADUs nontransferable. Mr. McCrory noted perhaps an opportunity for a deed restriction as a future condition. He said the department is looking at size limits, however ADUs cannot be smaller than 750 SF. He said this is a little “funky” because under the current the zoning ordinance and building code, dwelling units cannot be smaller than 550 SF. Conceivably a principal dwelling could be smaller than the ADU. Mayor Lovett asked if that could be modified. Mr. McCrory said that building codes are statewide standards and recommended that studio apartments and multi-family dwellings retain the 550 SF standard.

Mr. McCrory said they are modifying the ordinance based on past feedback from Special Use permits. Site layout, floor plan, all the things the Board has asked about in prior applications, are being integrated into the standards and submission requirements for this and other residential conversion projects.

Mr. Wahrlich asked what happens if the owner only lives on the property for six months out of the year. Mr. McCrory said it has to be the owner’s legal residence. He said some communities even forbid ADUs from being used as short-term rentals.

Mayor Lovett said she felt the true control mechanism in ADU regulation is the requirement that there be an interior door between the attached ADU and the primary dwelling.

Mr. McCrory said there is provision in the proposed ordinance related to the number of individuals that may occupy the ADU, although any requirements must not be unconstitutional or violate housing standards.

The Department is only focusing on attached ADUs for now. There will be parking requirements and ADUs will be limited to single family dwellings only. There will be design guidelines for downtown, so when it comes to review by the Board, the Board will be able to discuss aesthetics of the building. The Board agreed with that idea.

Mr. McCrory said they are discussing whether to require a site plan or a site sketch. Mr. Putnam asked if the Planning Department could design a site sketch template to be provided to applicants. Mr. McCrory said the department often does that by

providing a print out of an aerial view of the subject property, but he said he could create an example layout to go with it, with which Mr. Putnam agreed.

Mr. McCrory clarified that an apartment may be an ADU, but an ADU may not be an apartment. An ADU may be added to a single-family dwelling without the requirement of increasing the lot size. This does not always hold true for the conversion of a single-family dwelling to a duplex.

The plan is to have the draft language for consideration by the Board at the March 13<sup>th</sup> meeting.

**V. Reports from Boards and Commissions**

There were no reports.

**VI. Other**

There was no other business to discuss.

**VII. Correspondence**

There was no correspondence.

**VIII. Adjournment**

**Motion:** To adjourn the meeting

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

**Vote:** Unanimous in favor

The meeting adjourned at 8:42 PM.

**Respectfully submitted,**

*deForest Bearse*