

**PRESENT:** Todd Santora, Chairman; Charlyn Brown, Vice-Chairman; Greg Parish, Lisa Brown-Kucharski, Shawn Hanson, Members; Andy Brubaker, Alternate; Glenn Coppelman, Circuit Rider Planner; Mark Sikorski, Building Inspector; Susan Ayer, Secretary

**ABSENT:** Abigail Tonry, Member; Jim Ziolkowski, Selectmen's Representative

The Chairman appointed A. Brubaker as a voting member for this meeting, in the absence of A. Tonry.

**AMENDMENTS TO ZONING ORDINANCE SECTION 7.2, ACCESSORY DWELLING UNITS (ADU):**

G. Coppelman went over his memorandum outlining his recommendations for changes to the Ordinance. It shows current language with changes underlined, and then reprinted in the new proposed language.

The current RSA is highlighted in the new portion as the numbers have changed.

G. Coppelman questioned the use of the word "assessed," in reference to "living area" in Section 7.2.1.2.

It was the consensus of the Board that the word "assessed" is not necessary in the context of the ordinance.

Other changes made included the language, "shall not exceed 750 square feet," and "There must be an interior door between an attached accessory dwelling unit and the primary dwelling."

The sentence in the current ordinance limiting an ADU to one bedroom was removed.

T. Santora advised the Board to refer to the actual State Senate Bill 146 to refresh their knowledge and to remember why these changes are taking place.

**MOTION:** That the Board bring forward for Public Hearing the proposed language for amendment of Zoning Ordinance Section 7.2, Accessory Dwelling Units, except to remove the word "assessed" from the beginning sentence of Section 7.2.1.2.

**MOTION:** C. Brown

**SECOND:** G. Parish

**UNANIMOUS**

**AMENDMENT TO SECTION 6 OF BUILDING CODE: REF. TO 2009 INTERNATIONAL CODE COUNCIL:**

T. Santora pointed out to the Board that the amendment is needed to change the reference at the bottom of page 4 of the Building Code, under Section 6 – Building Standards, to the "2009 International Code Council (ICC)."

**MOTION:** That the Board bring forward for Public Hearing an amendment to Section 6 of the Building Code, including one change to the last line, from "2000" to "2009."

**MOTION:** C. Brown

**SECOND:** G. Parish

**UNANIMOUS**

C. Brown informed the Board that she had received a letter that has to do with the risk of groundwater contamination, and asked if amendments should be made to the Zoning Ordinance, requiring commercial, industrial or institutional activities (Site Plans) comply with the

Department of Environmental Services BMP rule, *env-Wq, Best Management Practices for Groundwater Protection*.

The letter will be reviewed by G. Coppelman and T. Santora.

**AMENDMENTS TO TEMPORARY STRUCTURES/OUTDOOR RECREATIONAL FACILITIES REGULATIONS (ARTICLE I: PURPOSE AND DEFINITION):**

Referring to page one of G. Coppelman's memo, the Board discussed adding the word "Commercial" to the definition of "Outdoor Recreation Facility", and also in the Table of Uses where the phrase appears.

G. Coppelman explained that the reason for the proposed amendments was an issue last winter regarding Town enforcement of a skating rink on private property. In discussion of the matter, the Board determined that the intent of the Ordinance was to define commercial rather than residential activity, and the wording should be changed to clarify that.

A. Brubaker asked if the proper word is "commercial". Following discussion, it was decided to amend the definition to read, "Non-Private Outdoor Recreational Facility"

**PUBLIC COMMENT**

The Chairman acknowledged residents in attendance who wished to address the Board on the topic of Outdoor Recreational Facilities, and opened the meeting to public comment at this time. Dave West of Evergreen Drive identified himself as the neighbor of the skating rink who had come to the Building Inspector with a complaint during the winter. He provided the Board with a written document outlining his complaint, including photographs of the skating rink.

Mr. West said he felt his grievance was not answered satisfactorily, and that he had not been aware the matter was to be discussed.

The Board and the Building Inspector heard the comments of Mr. West. T. Santora clarified that the amendment to the Regulations regarding Outdoor Recreational Facilities was not in direct relation to Mr. West's issue. He said that the issue Mr. West raised identified a gray area in the regulations that the Board felt needed to be corrected. Other points discussed included:

- The foundation of the rink is composed of stone dust. There was a question whether this could be considered a permanent structure for purposes of code enforcement.
- Such a surface, if used for a driveway, would not be subject to setback rules.
- The rink structure is not permanent, it is taken down at the end of the cold weather.
- Evergreen Drive has a residents' association which was approached at the time the original skating rink was planned. According to D. West, the original plan, that he said was approved verbally, was for a rink without the stone dust base.
- Floodlights shining in D. West's windows from the rink area are in the purview of the neighborhood association rules. D. West said that the lighting went beyond what was approved by the association.
- C. Brown said that the Town has Subdivision regulations about down lighting, but the Evergreen subdivision went in before the regulations were in place.

The Board was in agreement that this is not a Planning Board issue, as it is a non-permanent structure and because the permissions came from the neighborhood association, not the Town. There does not appear to be anything to be done by the Building Inspector or Planning Board that is supported by the Building Code or Ordinance.

Mr. West was advised to fill out a complaint/request for information form at the Town Hall. He may also approach the Town Administrator about getting his concerns on the agenda of an upcoming Board of Selectmen's meeting.

**MOTION:** To bring to Public Hearing amended wording for Article 1, Section 4, Definitions, to read "Non-Private Outdoor Recreation Facility."

**MOTION:** C. Brown

**SECOND:** L. Brown-Kucharski

**UNANIMOUS**

**MOTION:** To bring to Public Hearing amended wording for Article III, Section 4, Table of Uses, to read "Non-Private Outdoor Recreation Facility."

**MOTION:** C. Brown

**SECOND:** G. Parish

**UNANIMOUS**

**REVIEW AND APPROVAL OF PRIOR MEETING MINUTES – March 22, 2016; August 23, 2016**

**MOTION:** To approve the meeting minutes of March 22, 2016, as written.

**MOTION:** G. Parish

**SECOND:** L. Brown-Kucharski

**UNANIMOUS**

**MOTION:** To approve the meeting minutes of August 23, 2016 as written.

**MOTION:** C. Brown

**SECOND:** S. Hanson

**UNANIMOUS**

**COMMUNICATIONS TO BOARD MEMBERS**

T. Santora said there is an article in the current Town and City publication about Capital Improvements Plans that is of interest. He will copy it for the Capital Improvements Plan Committee.

He mentioned that there is a second article that he felt was of interest to the Planning Board, about Tax Increment Financing (TIF). He said it could be a tool for bringing municipal sewer service to the business district.

C. Brown said she has received the new Great Bay Matters publication, and those interested can borrow it.

**MOTION:** To adjourn at 8:35 PM

**MOTION:** L. Brown-Kucharski

**SECOND:** C. Brown

**UNANIMOUS**