

**SOMERSWORTH PLANNING BOARD
MINUTES OF WORKSHOP MEETING
MAY 17, 2017**

MEMBERS PRESENT: Ron LeHoullier, Chair, Harold Guptill, Vice Chair, Bob Belmore, City Manager, Mark Richardson and Jeremy Rhodes.

MEMBERS ABSENT: David Witham, City Council Representative, Chris Horton, Paul Robidas and Aaron Fournier.

STAFF PRESENT: Shanna B. Saunders, Director of Planning and Community Development and Tracy Gora, Planning Secretary.

The meeting was called to order at 5:39 p.m.

1) PUBLIC MEETING

A) Discussion on the Site Plan Review Regulations proposed amendments.

Saunders stated that she did not pass out updated regulations from the last meeting because she wanted to wait and see if there are any more comments first. Stated that she will make the change and have them for the next meeting where they can hold a public hearing and vote on the amendment.

Belmore asked if she made changes based on the comments from the last meeting.

Saunders replied yes but that because it is such a big document, she didn't want to print it out to only have to make more changes. Stated that she will have a fully amended copy for the next meeting.

Belmore stated that he had asked for clarification on the water/sewer regulations.

Saunders stated that she forwarded the information but hasn't heard back from them.

Belmore stated that he would like to look at other local community's regulations, especially regarding site security, to see how Somersworth compares. Stated that developers want us to change it but that he first wants to know what other towns charge.

Saunders stated that Laconia NH does 10% of 110% of construction costs

Belmore stated that he wants to look at advertising fees also.

Saunders stated that she will revise the document and have a public hearing at the next meeting.

B) Discussion on new Accessory Dwelling Unit ordinance.

Saunders distributed a handout explaining the new State law on Accessory Dwelling Units (see attached) and stated that she has drafted a new ordinance on it. Stated that the State Legislature approved a law that requires accessory dwelling units to be allowed in all zoning districts that permit single family homes. Stated that the City doesn't have any regulations on accessory dwelling units currently and that there is "either one unit or two". Stated that the City has just counted the number of units on a property but that is no longer the case. Stated that she looked at the City of Dover's ordinance to have a template to use for this draft. Stated that Dover already has an Accessory Dwelling Unit ordinance.

LeHoullier asked why the size of 800 square feet is being used.

Saunders stated that the State law says that it can't less than 750 square feet.

LeHoullier asked if they should just have 750 square feet then.

Saunders stated that it can be brought down.

Richardson stated that he has thought a lot about this and has looked at other communities and feels that there are questions that haven't been addressed. Asked what happens to the accessory dwelling unit when the main structure gets sold. Stated that a new owner will just see it as an apartment to rent but that isn't what it is supposed to be. Stated that the new law speaks to a door between the two units but doesn't speak to a secondary egress door. Stated that they are supposed to maintain the look of a single family and asked if a secondary door would alter that.

Saunders stated that she feels that he is implying that tenets have to be related.

Richardson asked what happens with the person living in the accessory unit when the owners sell the property.

Saunders stated that she feels that the property would sell as a home with an accessory unit attached. Stated that they would need a lease or some sort of agreement. Stated that the State is considering an amendment to prohibit turning the unit into a condo.

Belmore stated that the law needs to change to say it cannot be a condo. Asked what happens if the law doesn't pass.

Saunders stated that she would then remove it from the City's ordinance. Stated that if the law passes then it would make the City's ordinance moot. Stated that the law allows the municipality to have certain conditions. Stated that she would have the language reviewed by an attorney before adopting it.

Belmore asked if this will be added to the Zoning Ordinance.

Saunders replied yes.

Belmore mentioned a restrictive covenant that runs with the deed.

Richardson stated that this is allowing a second unit in a single family district.

Saunders stated that regarding egresses, they will still need to follow all building codes. Stated that she will find out more details on that.

Richardson asked what happens when the property sells and it becomes an apartment instead of an accessory unit.

Saunders stated that thinks the accessory dwelling unit can be rented out. Stated that what keeps is accessory is the square footage. Stated that if they built a 900 square foot dwelling unit then it would be a duplex.

Belmore asked if other communities require a special exception.

Saunders stated that Dover requires one and that she will look into it more.

Belmore asked that if they move toward requiring a special exception, should they consider having a workshop with the Zoning Board.

Saunders stated that a positive of having the ZBA involved is that they would know the Planning Board's intent.

LeHoullier asked if they can have a two bedroom limit and a maximum occupancy per bedroom.

Saunders stated that he thinks they have language like that already existing in the ordinance and referred to Section 29. Stated that she can review that to make sure they are the same.

Rhodes stated that he has a lot of the same concerns as Richardson and stated that a second egress could be a back door to the apartment. Stated that they can have access through a shared space which would give continuity and keep it looking like a single family home.

LeHoullier asked how Durham has their ordinance. Stated that they did a single family subdivision and that every home had an accessory unit in the basement but that it doesn't look like it and you could never tell.

Saunders stated that the exterior door can be on the side or rear of the building. Stated that they can be specific to make sure that it still looks like a single family home.

LeHoullier stated that a lot of places have one exterior door and then it separates on the inside.

Belmore stated that he is reviewing the State law and that it only speaks to allowing this on single family homes. Asked if it can be done to multi-unit homes.

Saunders stated that her understanding is no and that this is only for a single family zone.

Rhodes read from the law where it says it is for single family zone only.

LeHoullier asked if the single family lot doesn't have the minimum square footage can they still have the accessory dwelling unit. Asked if there are square footage allowances.

Belmore stated that a variance would be needed if the structure would be in setbacks. Asked about parking.

Saunders stated that they can look at parking but thinks that would be in relationship to lot size.

LeHoullier stated that the City has to allow them but can provide conditions.

Saunders stated that the ordinance currently requires two parking spaces per dwelling unit.

Belmore stated that too many cars on a property can cause concerns.

Saunders stated that this is just an overview and will look at special exception language and see what other communities do. Stated that she will look at making sure the language from Section 29 regarding maximum occupancy load melds with this language. Stated that she will reduce the allowed size from 800 square feet to 750 square feet.

Richardson stated that if the accessory unit is on the second or third floor than an egress could be an issue.

Belmore stated that the restrictive language for condos needs to be looked at also.

LeHoullier thanked Saunders for putting this all together.

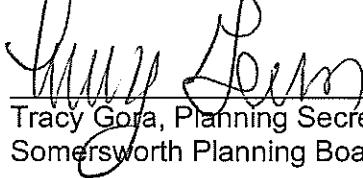
Saunders stated that she will have a second draft for the next meeting.

Motion: Belmore moved to adjourn the meeting.

Seconded by Guptill. Motion carried with a 5-0 vote.

Meeting adjourned at 6:09 p.m.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Tracy Gora", is written over a horizontal line.

Tracy Gora, Planning Secretary
Somersworth Planning Board