**Planning Board**

**January 10, 2017**

Approved April 4, 2017

**Members Present:** Bruce Healey, Chair; Bill Weiler, Deane Geddes, Mike Beaton, Members; Russell Smith, Ex-officio Member; Ken McWilliams, Advisor.

Mr. Healey called the meeting to order at 7:00 p.m.

**Public Hearing – Proposed Amendments to the Newbury Zoning Ordinance**

Mr. Healey read into the record the following Public Notice:

Notice is hereby given that the **Newbury Planning Board** will conduct a **public hearing** on **Tuesday, January 10, 2017** at **7:00 P.M.** in the **Newbury Town Office Building**, Route 103, Newbury, N.H.to receive public input on ***amendments the Newbury Zoning Ordinance proposed by the Planning Board***. The proposed amendments to be discussed at this public hearing are summarized below. Copies of the full text of the amendments proposed by the Planning Board are available in the Town Office Building, Route 103, Newbury, NH.

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**2017 AMENDMENTS TO THE *NEWBURY* *ZONING ORDINANCE***

**PROPOSED BY THE NEWBURY PLANNING BOARD**

The amendments to the ***Newbury Zoning Ordinance*** proposed by the Newbury Planning Board to be discussed at the **January 10, 2016 public hearing** are summarized below.

**PLANNING BOARD PROPOSED AMENDMENT NO. 1:**

The ***Planning Board’s Amendment No. 1 to the Zoning Ordinance*** proposes to amend the definition of Wetland in **ARTICLE 2** to delete lakes, ponds and streams from the definition to be consistent with the state definition and to delete lakes, ponds and streams from the overlay district boundaries by deleting **ARTICLE 8.3.2**.

**PLANNING BOARD PROPOSED AMENDMENT NO. 2:**

The ***Planning Board’s Amendment No. 2 to the Zoning Ordinance*** proposes to amend the accessory apartment regulations in **ARTICLES 2, 4, 5, 6 and 7** primarily in order to make Newbury’s accessory apartment regulations consistent with the provisions of the new state law on accessory dwelling units (RSA 674:71 and 72).

Mr. Healey reviewed the reasons for the proposed amendments, noting that the state law cited in Amendment No. 2 takes effect June 1, 2017. He noted the significant amount of time spent in 2016 by the Board on the amendments, specifically on the definition of the wetlands. He added that the Board has voted to accept the proposed amendments as presented.

Mr. Healey reviewed the process should tonight’s hearing result in changes to the proposed amendments. If the changes are “editorial” in nature (punctuation, word addition/deletion, etc.), the Board may incorporate the change and move the proposed amendments to a vote. If the changes are “substantial”, the Board will go into deliberation and, if the “substantial” changes are accepted by the Board, another public hearing will be scheduled.

Mr. Healey opened the hearing on Planning Board Proposed Amendment No. 1 to the Public.

There being no comment from the Public, Mr. Healey opened the hearing on Planning Board Proposed Amendment No. 2 to the Public.

Ed Thorson, Selectboard Chair, asked about the deadline for any changes to the proposed amendment. Mr. McWilliams said the second public hearing – if needed – would occur on January 31, 2017. If there are more substantive changes needed to the proposed amendments at that time, then it is back to the drawing board.

Mr. Thorson asked how the proposed amendments reach the public to ensure maximum transparency. He suggested placing the full content in the website and a note in the local paper indicating same. Mr. Smith added that copies may also be available in the Town Office.

Mr. Healey said the final draft of the proposed amendments will be placed on the town website, a notice will be placed in the *Intertown Record*, and hard copies will be available at the Town office.

Joy Nowell, 197 Fortune Road, Newbury, and Selctboard member, told the Planning board that they did a good job of taking care of the more sensitive areas throughout the town. Nancy Marashio, 1297 Route 103, Newbury, and June Fichter, 71 Malia Terrace, Newbury, agreed.

The Recording Secretary read into the record the following letter:

*November 22, 2016, Re: the Accessory Dwelling Unit (ADU) Law for 2017*

*Dear Mr. Healey and Planning Board Members:*

*As I am sure you are well aware, the new state Accessory Dwelling Unit (ADU) law is set to take effect on 6/1/2017. It requires that every municipality that adopts a zoning ordinance shall allow ADUs as a matter of right or by either conditional use permit or by special exception, in all zoning districts that permit single-family dwellings.*

*One way or another, every municipality with zoning ordinances will have to make changes or adjustments to their ordinances to comply with this law. But the law does not enable municipalities to exercise significant discretion in allowing ADUs.*

*The RSA states that there* may *be benefits associated with the creation of ADUs. These stated potential benefits are associated with:*

* *A need for more diverse affordable housing opportunities*
* *More households where adult children wish to give care and support to parents in a semi-independent living arrangement*
* *Elderly and disabled citizens in need of independent living space for caregivers*
* *Aging homeowners, single parents, recent college graduates saddled with significant student-loan debt, caregivers, and disabled persons.*

*What impacts this may have on “affordable” housing, so-called “work-force” housing or other aspects of housing in the state remains to be seen.*

*Along with the potential societal benefits, there are potentially significant negative environmental (and thus societal) impacts. Though there is no mention in the RSA of potential negative impacts, many have concerns that there could be significant natural resource impacts. Those potential negative impacts may include:*

* *Significantly increased densities (in all districts that permit single-family)*
* *Increases in land disturbance, impervious surfaces, and storm water impacts to land and water resources*
* *Increased loads to septic systems and/or municipal sewage systems*
* *Increased demands on water supply and transportation infrastructure and*
* *Increased parking demand.*

*Residential areas adjacent to or near surface water generally can have higher existing densities. Further increases in allowable densities in these areas will further increase existing water quality impacts. But the potential impacts apply to more areas that just the “shoreland zones.” If this “door” is opened too widely, it could potentially undermine some water resource protections and other environmental/societal benefits upheld/sustained by our current ordinances.*

*Given that the municipalities have significant freedoms to craft the details in their ordinances, as long as the minimum requirements of the state law are met, we would strongly urge our municipal board members to think long and hard about the potential and possibly unintended consequences of “opening up this door widely.” We urge our towns to be very careful with this issue and to apply adequate limitations to protect our natural resources.*

*Thank you,*

*Robert Wood, Associate Director, Watershed, Water Quality*

*Lake Sunapee Protective Association*

Mr. Thorson noted an editorial change to Amendment No. 2, Article 8 Section 8.3.1: Insert a “period” following the word “size” and delete the semi-colon and word “and”. His edit was duly noted and made.

There being no further comment from the Public, Mr. Healey closed the public portion of the hearing and the Board went into deliberations.

There was discussion regarding the state law pertaining to ADUs, namely, the consequences surrounding non-compliance, subsequent enforcement, and town counsel advice.

There being no further discussion from the Board, Mr. Healey called for Motion to Vote.

Mr. Weiler made a motion that the amendments be moved to the ballot. Mr. Smith seconded the motion. Mr. Healey called for a Roll Call vote.

**In Favor:** Mr. Geddes, Mr. Smith, Mr. Beaton, Mr. Weiler, Mr. Healey

**Opposed:** None

**ADMINISTRATIVE BUSINESS**

**Preliminary Review Phase for Site Plan Review**

Mr. McWilliams discussed the necessary details involved in establishing a Preliminary Review Phase, namely what characteristics should be applied to determine if an application should go through a Preliminary Review Phase. He noted that thresholds should be established and that more discussion is needed before moving forward.

Mr. Healey said the proposed warrant article for establishing a Preliminary Review Phase for Site Plan Review has been withdrawn pending further examination and discussion.

There was general discussion on the definition of “thresholds” as it applied to this proposal.

**The Fells Special Exception**

Mr. Healey informed the Board that The Fells was granted a Special Exception by the ZBA at the latter’s January 9, 2017 meeting for an institutional use in a residential district.

**Next Meeting**

Mr. Healey requested that the February Planning Board meeting be rescheduled to February 16 at 7:00 p.m. The Board agreed. He further requested that the March Board meeting be rescheduled to April 4 at 7:00 p.m. The Board agreed.

**Board Openings**

Mr. Healey noted that there are three openings on the Board: two 3-year positions, and one 1-year position. Mr. Williams indicated – in a telephone conversation with Mr. Healey – that he will be running for one of the 3-year terms and Mr. Geddes said he will be running for the 1-year term.

There was general discussion regarding attracting volunteers to serve.

Mr. Smith made a motion to adjourn. Mr. Geddes seconded the motion. All in favor.

Meeting adjourned at 8:01 p.m.

Respectfully submitted,

Meg Whittemore

Recording Secretary