

**TOWN OF DUNBARTON, NH
PLANNING BOARD PUBLIC HEARING**

January 29, 2020, 6:00 p.m. at Dunbarton Town Offices

IN ATTENDANCE: Chair Ken Swayze, Alison Vallieres, Chuck Frost, Brian Pike, Vice Chair George Holt, Ex-Officio Mike Kaminski, P/Z/B Department Administrator Donna White. There were no members of the public present.

Chairman Swayze opened the meeting, noting that a quorum is present, and all would be voting members. He turned the hearing over to Zoning Ordinance Review Committee chair Chuck Frost.

Mr. Frost opened the public hearing for proposed zoning amendments, noting that notice was published in the Concord Monitor, on the Town's website, and at three points at the Town Offices. He reviewed changes that were made to the original amendment wording during the first public hearing on January 15th. Donna explained that additional suggested revisions to amendments #4 and #5 are included on the hand-out, per a conversation and request of Ken Swayze earlier in the day.

Amendment #1: Are you in favor of the adoption of Amendment #1 as proposed by the Dunbarton Planning Board for the Dunbarton Zoning Ordinance as follows: to add **Definition: General service establishments** – *A business activity where the primary purpose is the rendering of service and repair activities rather than the sale of goods (Examples include, but not limited to, upholstery/furniture repair, bicycle repair shop, caterer, small appliance repair, taxidermist, locksmith, computer repair, dance/art/music/gymnastics/wellness instruction) This would not apply to home occupations.*

Ken Swayze suggested adding a note (See Home Occupations, Article 4, etc.) at the end of the definition, guiding readers to that section so they would be able to see the difference, a helpful hint. Brian Pike suggested simplifying it with a note (See Home Occupation definition). There was brief discussion; it was felt the reference may confuse matters. George Holt asked about bike and computer sales. It was noted that this definition only relates to the service and repair of such items, not sales. A couple of punctuation marks will be added. **George Holt made a motion to accept the proposed amendment as written and move it to the ballot; seconded by Mike Kaminski. All were in favor. (6-0)**

Amendment #2: Are you in favor of the adoption of Amendment #2 as proposed by the Dunbarton Planning Board for the Dunbarton Zoning Ordinance as follows: to add **Definition: Personal service establishments** – *A business activity where the primary purpose is the rendering of a service to individuals rather than the sale of goods (Examples include, but not limited to, shoe repair, dry-cleaning/laundry services, tailoring/dressmaking, massage, tattooing, tanning) This would not apply to home occupations.*

It was noted that a couple of punctuation mark should be added. **George Holt made a motion to approve the edit; seconded by Ken Swayze. All were in favor. George Holt**

made a motion to accept the proposed amendment as edited and move it to the ballot; seconded by Brian Pike. All were in favor. (6-0)

Amendment #3: Are you in favor of the adoption of Amendment #3 as proposed by the Dunbarton Planning Board for the Dunbarton Zoning Ordinance as follows: to amend **Article 4, Section A, 6 (a) Home Occupations** with the following changes: A) Item 5 – add “*with a maximum of 2,500 square feet*”; B) Item 5 - add “*and accessory buildings*”; C) Last paragraph – delete “*i.e. a business conducted out of the home that cannot meet the above criteria. Such development shall adhere to the Dunbarton Sign Ordinance requirements.*”; and D) Last paragraph – add “*special exception*”.

The changes were reviewed in the full text of the related section of the Zoning Ordinance. There had been some concern during earlier meetings about allowing home occupations to be conducted in accessory buildings and what that could mean for expansive areas being used. It was explained that as a result of those discussions, it was agreed to include a 2,500 square foot limit. **George Holt made a motion to accept the proposed amendment as written and move it to the ballot; seconded by Mike Kaminski. All were in favor. (6-0)**

Amendment #4: Are you in favor of the adoption of Amendment #4 as proposed by the Dunbarton Planning Board for the Town of Dunbarton Zoning Ordinance as follows: to amend **Article 4, Section C, 1 (d)** by adding the following at the end of the paragraph: “*The Building Department may, if certified plot plan is deemed unnecessary, waive this requirement for existing, grandfathered, lots of record, having equal or greater than required acreage of the underlying district, that are non-conforming due to having less than the required frontage, provided the required building setbacks can be met.*”

Chuck Frost read the amendment as presented during the first public hearing. Ken Swayze explained the reasoning for his suggested wording change, saying he feels it meets the same purpose but simplifies the wording. Suggested revision of Amendment #4 as submitted by Mr. Swayze: Are you in favor of the adoption of Amendment #4 as proposed by the Dunbarton Planning Board for the Dunbarton Zoning Ordinance as follows: to amend **Article 4, Section C, 1 (d)** *to pertain only where current building setbacks cannot be met.*

Mr. Frost voiced his concerns of last minutes changes, without him being in the loop as the committee chair and others having the opportunity to review the change. Mr. Swayze apologized for the late suggestion, saying he had not been able to do a thorough review of the material before today. There was a discussion of the purpose of a public hearing, the process under which revisions can be made, and when another public hearing would be required if substantive changes are made. It was agreed that the revised wording does simplify the amendment without changing the original intent and should be the wording used for the ballot. Brian Pike suggested that the wording not be italicized as it is not the exact verbiage being used in the full text. **Ken Swayze made a motion to accept the proposed amendment as revised and move it to the ballot; seconded by George Holt. All were in favor. (6-0)**

Amendment #5: Are you in favor of the adoption of Amendment #5 as proposed by the Dunbarton Planning Board for the Town of Dunbarton Zoning Ordinance as follows: to amend

Article 4, Section D, 1 (d) by adding to the end of the paragraph: *“The Building Department may, if certified plot plan is deemed unnecessary, waive this requirement provided the exterior addition does not make the structure more non-conforming.”*

Chuck Frost read the amendment as presented at the first public hearing. Ken Swayze asked Donna to explain the reasoning for his suggested revision. Donna gave an example of a non-conforming structure where the owner may want to add a porch, deck, etc. off a side of the structure that can easily meet the building setbacks, therefore, not increasing the non-conformity. It was felt that requiring a certified plot plan in such cases would be an unnecessary expense for the property owner. Suggested revision of Amendment #5 as submitted by Ken Swayze: Are you in favor of the adoption of Amendment #5 as proposed by the Dunbarton Planning Board for the Dunbarton Zoning Ordinance as follows: to amend **Article 4, Section D, 1 (d)** *to pertain only where the exterior addition does not make the structure more non-conforming.*

The revised wording will not be italicized as it is not the exact verbiage to be used in the Ordinance. The full text of this section will be revised to include “This requirement only applies where the exterior addition makes the structure more non-conforming.” **George Holt made a motion to accept the proposed amendment as revised and move it to the ballot; seconded by Mike Kaminski. All were in favor. (6-0)**

Rules of Procedure - Mike Kaminski spoke about the proposed Rules of Procedure that were distributed to board members in late November. There was brief discussion about ways to address the disqualification of a member when they are an abutter to property before the Board. It was noted that this is not addressed in the State RSA related to member disqualification; however, Ken Swayze has previously mentioned that the Loughlin book states that a member who is an abutter is automatically disqualified from sitting on the board. This will be researched further; changes can be made to the Rules of Procedure at regular Planning Board meetings. Chuck Frost suggested that items #6 and #7 under the heading of Members and Alternates be moved ahead of item #3, making the section more sequential. **Brian Pike made a motion to adopt the Planning Board Rules of Procedure with the recommended change and renumbering; seconded by Chuck Frost. All were in favor. (6-0)**

The public hearing adjourned at 7:15 p.m. The Board continued the meeting with discussion of other matters. George Holt suggested that Wetland Conservation District and Shoreland Protection references be added to the subdivision and site plan check lists. Donna will make the revisions. Donna asked the group about the process for a plan modification and the direction to be followed on the Botnick site plan matter. Several viewpoints and suggestions were offered, with no specific consensus reached.

Brian Pike made a motion to adjourn the meeting at 7:40 p.m.; seconded by George Holt. All were in favor.

Respectfully submitted,
Donna White