

**TOWN OF DUNBARTON, NH
ZONING ORDINANCE REVIEW WORKSHOP MINUTES**

November 18, 2020 ~ Dunbarton Town Office Meeting Room

The chair opened the workshop at 7:35 p.m. In attendance: Alison Vallieres, Alternate Ron Slocum, Chair Chuck Frost, Vice-Chair George Holt, Secretary Ken Swayze, Ex-Officio Dave Nault, Jeff Crosby, B/P/Z Administrator Donna White

Article 6, Open Space Subdivision – The group discussed the review of this article at the November 4th workshop and the best way to proceed. The chair asked if the review should continue as a board or if it might be easier to delegate a sub-committee to incorporate the suggested changes. Donna said she and the chair had talked earlier in the day about maybe breaking the remainder of the ZO review down into individual articles. A member or two could cover an article and come back to the full board with their suggestions for discussion. There was lengthy discussion on the question of the reduced frontage, what members thought would be better solutions, and how best to move forward. On this article, it was agreed that Ron Slocum, Dave Nault, and George Holt would work together. Donna will incorporate the suggestions from the November 4th workshop into the existing text and distribute them to the sub-committee.

Article 12, Administration – Donna presented language offered by the Building Inspector to address the need for certified foundation plans. She explained that their department has had a couple of situations where there was a question about the proximity of a new foundation to the property setback. The ZO requires a certified plot plan in instances of non-conforming lots or structures. Donna said the certified plot plan is done prior to construction and does not help in all situations. Because a proposed new structure is located on a certified plot does not guarantee that is where the structure will be placed. Donna said this could be an issue on conforming lots as well. After researching several towns' zoning ordinances, she and the building inspector agreed this could be addressed in the Administration section of the Zoning Ordinance. The following was presented:

Article 12. Administration; Section B – Building permit procedure;

3. Application –

(Existing) a. *An application for a building permit shall be made on standard forms provided by the Building Inspector, which are available at the Town Offices during normal business hours.*

(Proposed) b. Footings/foundations for all new building construction will be certified by a State of New Hampshire licensed land surveyor prior to any further construction. The Building Inspector or his/her agent may waive this requirement if in his/her opinion it is obvious there are no setback encroachments.

Donna said the wording presented is the exact language found in the Bedford and Goffstown ordinances. Discussion on the proposed addition included examples of situations where structures in town have been discovered to be in setbacks, the difference between certified plot plans and certified foundation plans, the number of cases involving this scenario heard by the ZBA, and the importance of the building inspector having something to refer to when the question arises. Board members will review the proposed wording for further discussion and decision at the next meeting.

Article 4, Use and Dimensional Regulations, Section II, E – 4 – Donna asked board members for clarification and the initial intent of the following highlighted section as there has been some confusion on the calculation of the size of an accessory dwelling unit: *If the ADU is attached to the principal structure (i.e. single-family home) it shall not exceed **one third of the finished structure's floor area of total living space**, and shall not exceed a total of 1,000 square feet (though not required to be less than 750 square feet per NH RSA 674:72). Anything over 1,000 square feet shall require a Variance from the Zoning Board of Adjustment.*

Donna said some have interpreted this to be one third of the existing structure could be the ADU. (example 2400 sf existing living space = 800 sf for the ADU) She said others have interpreted this to be one third of the entire structure, existing and addition to existing. (example 2400 sf existing living space plus 1200 sf addition = 1/3 of 3600 sf = 1200 sf, understanding the maximum is 1000 sf) Ron Slocum said he was on the ZBA at the time this was crafted and the intent was the second example, using the square footage of the entire structure. Dave Nault said he was also on the ZBA at the time but always thought it was done as shown in the first example. Donna explained that is the reason she has brought this up tonight. The group discussed how some towns have a 1000 sf maximum, no calculation involved, and not based on the size of the existing structure. There was discussion about situations where the ADU might be larger than the principal structure and if there was any reason this would be a problem, duplexes vs a principal structure with an ADU, and how best to clarify this section. Dave Nault suggested that the section be changed to allow up to a 1000 sf maximum ADU. The group agreed that clarification is needed; they will review the information, give it some thought, and continue the discussion at the next meeting.

OTHER BUSINESS –

Donna said she spoke with Mike Tardiff at Central NH Regional Planning Commission earlier in the day. Mike offered the use of their tech equipment (screen, camera, mic, etc.) and set up assistance for another trial meeting. He suggested having half the board members at home on Zoom and half being in person. There was discussion about the trial meeting held at the school gym, the echo of the large area, problems with the Zoom user not being able to hear those using mics, and the passing of mics from person to person. Donna spoke about the ZBA meeting that was done entirely via Zoom and how well it worked. Because of limited seating in the meeting room, Donna said her preference would be to do public hearings entirely via Zoom. That would eliminate concerns of sporadic internet connections, spacing, and having room for the number of people that may want to attend. It was agreed to discuss this further at another time.

Jeff Crosby said he recalled that an agreement was signed with CNHRPC some time ago and wondered where things stand with that agreement and project. He said he believed there was some assistance to be provided, matching funds offered, and it was relative to policies and procedures. Several thought the contract was for the Master Plan project. Donna clarified that the contract was presented to the board in April 2019 for the purpose of drafting policies and procedures. Half of the contract, \$1125, was paid at the time of signing; the other half is due at the completion of the project. Jeff asked if we have received anything for the \$1125. Donna said initially she was to work with Matt Monahan. Matt created preliminary outlines and submitted them to Donna for distribution. At some point, she was told that she would be working with Mike Kaminski, the ex-officio at the time, and Ken Swayze on the project; Matt Monahan would not be directly involved. She said Dave Nault is now the

ex-officio, and she has talked with him about where the project left off and what remains to be done. She said she spoke with Mike Tardiff and Matt Monahan about a month ago, hoping to resurrect the project. Mr. Tardiff told Donna he has been holding the agreement open even though it has been some time since anything happened. He said they are available to assist in the project whenever we are ready.

Dave Nault made a motion to adjourn the meeting at 8:45 p.m.; seconded by Ken Swayze. All were in favor.

Respectfully submitted,
Donna White