

## **Residential Project Meeting**

### **Meeting Summary**

**October 17, 2011**

**Present:** Judith Esmay, William Dietrich, Jonathan Edwards, Vicki Smith, Kate Connolly, Iain Sim, Joan Garipay, Michael Hingston, Jack Wilson

#### **Minutes October 10, 2011**

The minutes of October 10, 2011 were reviewed and amendments suggested. On a motion by Bill Dietrich and a second by Michael Hingston, there was unanimous support for approving the amended minutes. Iain and Joan abstained from the vote since they were not present at that meeting.

#### **Discussion about Accessory Building/Use**

Michael Hingston summarized the recent Hanover zoning history with regard to regulating accessory uses/buildings. There was an amendment between 2006 and 2007, with the change applying to the rural district. Kate explained that the accessory structure limit uses 600 sq feet which is the minimum size of a two car garage.

Judith read the current definition of accessory buildings or use. All agreed that a clear distinction needs to be made between accessory *building* and accessory *use*. The current definition does not make this distinction. There is a common law definition of accessory use, but not one for accessory building. Typically case law is not pre-emptive so we should work on our definition.

The question was raised: whether only one principal use on a lot is wise? The current zoning does allow for multiple principal uses and/or structures on a lot, but not in all districts.

Are attics and attached garage bays accessory uses to the residential use or part of the principal use? Jack Wilson noted that the zoning ordinance is regressive such that the smaller house can have smaller accessory structures. This does not make sense since it is these residents who may most need this extra space since their homes are so small.

Placement of accessory buildings on the lot is an important consideration. Barns are a good example of an accessory use that needs to be large. Aesthetic concerns must be considered but are problematic.

Percentage of lot coverage is one way to look at how large accessory structures should be.

One suggestion was to allow the any building(principal, accessory or otherwise) to be built up to the building coverage limitations. Joan pointed out the inconsistency in the current regulations with regard to farms and farm buildings where out buildings take up most of the lot and out buildings need to be large to support the use. With farming, another question to be addressed is whether the principal use is farming and the farmhouse an accessory use supporting farming.

The problems include: Not overcrowding a particular lot; no creating a situation where buildings on one lot loom over a neighboring house; aesthetics; groundwater recharge; public health and safety.

Building setbacks result in building separation and lot coverage limits the amount of building on a lot. Lot size relative to amount of building built makes a difference. Building footprint and lot coverage control the density.

One way to regulate garages would be to allow it as an accessory use, but prohibit them as a principal use. It was noted that there is a difference in using 5 garage bays for personal use and renting out 4 bays. For garages, in addition to the 25% restriction, there is a 10% lot restriction(Section 2.10.2). For large lots, this would not matter. In town, small lots may be limited to only a one car garage. The footprint and square footage are both limited. Jack Wilson thinks the percentage component is really unfair. He would support using lot coverage and building coverage to limit the density of buildings on a lot.

Judith Esmay suggested deleting the distinction between principal and accessory buildings thereby just allowing building on a lot. If so, she noted we need to decide how we want to regulate buildings no matter their use on a lot. Jonathan proposed a sliding scale of proportionality with larger lot coverage percentages on smaller lots and smaller percentages on larger lots. All agreed that the concept is too complicated if we cannot clearly and simply describe it.

Iain suggested the following policy: If you are a resident in the Town of Hanover, you are entitled certain basic residential uses. These include living space, a kitchen, a functional two car garage and keeping pets. To shelter your personal use automobile is a part of residential use. The consensus of the Committee was that the policy should be accepted.

It was suggested that farming and home occupations can be thought of as an accessory use to residential principal use.

An opinion was expressed that people are thwarted by Sections 210.2, 210 1b, no parking in front setback and that a two car garage with driveway that can accommodate two cars. This situation equates to 4 spaces, but only 2 are counted. In Hanover, it is the norm that there are more vehicles than two per dwelling unit. If you are going to have a car, there needs to be an off street accommodation for it.

The question was asked: are we encouraging people to park on their lots or not? Is off street parking such a paramount interest above everything else?

Next a completely separate issue was raised: Why is it such a problem to have people living above a garage or using the space above the garage as living space or for storage. Why can some uninhabited garage space be built into a setback and at the same time, that garage may not have a dwelling unit in it? It was pointed out that living quarters should not loom over the abutter's lot.

Does it matter if the car is stored outside or inside in a building that is attached or detached? While most people prefer not to see a car the current rules do not allow it in the street, nor in the setback. The Committee favored the goal of reducing the obvious presence of automobiles as viewed from the street.

The question was raised: Why is it that an accessory dwelling needs to be attached in the SR district?

Judith Brotman and Jack Wilson have drafted a zoning amendment to address the accessory use issue. Michael is in favor of going back to the regulations as they were in 2006. One suggestion was to add back the second sentence in the 2006 Section 210.2 as a zoning amendment. The consensus of the meeting was to do just that.

Definitions for accessory use and residential use definitions including one family dwelling definition were reviewed.

Odor, light, noise and traffic are negative impacts associated with non residential use of residential properties. Auto repair is different if the work is being done on a personal car rather than taking on cars as a business. Small engine repair may not be a problem in some rural areas. In town, even in a building, it would be disturbing. Performance standards are needed. Should there be a neighborhood disruption ordinance? Or a nuisance ordinance? Lists can never be successfully inclusive. Performance standards may be better as long as they are enforceable.

In-home activities would not include professions like plumbers or real estate agents using a home office since the business is conducted out of the home. Our home business rules seem to be working well. The question was posed: What would there be that we would not want to be included as part of residential use? Storage of equipment, lawn equipment, and cars were suggested.

Adverse effects on neighbors can occur with enough frequency that the adverse effect is not acceptable. If activity can be accommodated so it does not have an adverse effect it should be permitted. Performance standards seem to be the appropriate way to regulate home business.

Next week the dimensionality of structures will be discussed. A reading about lot dimensions will be distributed.

Meeting adjourned at 4:05 PM.

Respectfully submitted,

Vicki Smith, Scribe

**NEXT MEETING ON MONDAY OCTOBER 24 at 1:30 pm.**