

**RESIDENTIAL PROJECT MEETING  
MEETING SUMMARY  
NOVEMBER 28, 2011**

**Present:** Judith Esmay, Jonathan Edwards, Vicki Smith, Kate Connolly, Iain Sim, Michael Hingston, Timothy McNamara, Judith Brotman

**Minutes November 14, 2011**

The minutes of November 14, 2011 were reviewed and amendments suggested. On a motion by Kate Connolly and a second by Iain Sim, there was unanimous support for approving the amended minutes.

A revised schedule for the work of the Residential Project Committee was reviewed.

**Discussion about Accessory Uses and Structures**

The Committee agreed to consider accessory uses and structures separately. The question was raised: Should we be making distinctions between accessory and principal structures? This has been relevant to our Ordinance because the Ordinance makes that distinction. Only in the residential districts does our Ordinance make a distinction between principal and accessory.

Tim McNamara reported that this limits the College's options when thinking about developing or re-developing lots in the GR district. Given the current zoning, one big building would be permitted but is undesirable given the character of the neighborhood. Multiple principle buildings would be a better fit for the neighborhood. In zones where multiple families on a lot would be permitted, why not allow multiple principal structures rather than the larger building? Another concern is that the minimum acreage requirements for a PRD sometimes exclude that option in perfectly good locations.

Kate identified a problem. She worries that higher density will result in student rentals and not an expansion of the housing stock for employees and families. All agreed that adding population while maintaining the character of neighborhoods is the challenge.

Michael thought that building density should not be decided by the accessory building or principal building distinction. Buildings need to be related to what is desired in terms of how the Town wants the neighborhood to look. Visual impact is just one impact that must be considered along with all the other impacts from uses.

Having overnight guests, sitting on a porch, working at a home occupation, and parking your car are all uses associated with the principal use of a residence. Why if those uses go into another structure on the lot, an accessory structure, should it matter?

A member stated that building accessory structures in the setback should not be allowed, no matter the use. Proper considerations for construction of an accessory structure should be: position relative to setback, foot print, and contribution to lot coverage. In the rural area and forestry district, barns need special consideration since they are often bigger than the house.

Another consideration is that in the past, accessory structures were allowed to be built to the lot line. There is a great deal of non-conformity existing with regard to accessory structures.

Maintenance is a consideration. Health law applies to rental units, not owner occupied structures. Kate thought that owner occupancy on a property should be mandated if rental units are located on same lot. Owner occupancy should not have to be in the principle building just on the premises. Making distinctions about occupancy based on relatedness to another occupant is problematic. "Mother-in-law" apartments may be created but always occupied by a family member.

In most new developments there are covenants governing maintenance. However, most owners do not know what the covenants say.

Accessory buildings should meet the same dimensional requirements as any principal building.

In the in-town area, accessory structures should not be allowed in the front yard. The primary object should be that the public views the principal building. The principal structure should set the character of the area. So for aesthetic and safety reasons (fire access in the setback) the location of accessory structures should be regulated. If no accessory structures are allowed in the front setback, many properties would become non-conforming. The degree to which the accessory structures are set back should be tailored for different neighborhoods. Application of this setback idea needs to be modified for PRDs. The building code will not accomplish some of the goals that a setback can.

What are accessory structures? They include: playhouse, chicken coop, shed, garage, barn and the like. The uses of accessory structures are variations of play space, storage, dwelling, entertaining and shelter for animals, materials and vehicles. A certain amount of agriculture and animal husbandry is accessory to residential use. There is a difference between a building and other non-building structures such as a patio, pool, tennis court, driveway, septic system, rope course tower, light pole, and transformer. Some members thought that a driveway should not be a structure since improvements that are on grade and below grade are often exempted in the Ordinance. There was agreement about above grade structures being regulated.

However, the definition of structure may be too comprehensive. The ordinance needs to be amended to be more precise about the use of structure and building. Mail boxes and Valley News boxes are allowed in the front yard setback.

What do we want or not want in the setback? Can structures be categorized? Non-buildings, such as poles and fences could be in a setback. Maybe the rule should be made that if they obstruct access, they would not be allowed in the setback. Trees also obstruct access in the setback.

### **Accessory uses**

210.1 includes a list of accessory uses, such as driveways, parking, gardens, and keeping of animals. There is a requirement for a principal use to be entitled to the accessory uses.

Gardens and animals- Household animals are not defined. The Issue is whether the neighbor is being unreasonably disturbed and if health and safety issues are raised. Many towns fashion standards around household animal waste to protect health.

Home occupation- Regulation currently is performance-based. Some years ago the distinction between home business and home occupation was eliminated. Judith Brotman reports that the current regulatory scheme is working well; however, a zoning permit should be required so that the Town has on file an affirmative statement of compliance with the standards from the business person. The owner should certify that they are abiding by the standards. This also makes sure that people are aware of the performance standards. Maybe some degree of public presence should be the trigger for needing to file a permit? Traffic and outdoor storage created the need for regulatory oversight. Our goal is to be impact based not activity based.

Fences- Fences are regulated particularly when in the setback. More and more people want to put up fences on the side and rear of their lot. Privacy fences along the property line are becoming more common. The current regulation needs more standards, such as a firm number for maximum height. Many people ask for 6-8 feet. What is objectionable about a fence greater than 4 feet at a property line? It is exclusionary. The appearance from the road is a problem. It affects how sunlight gets to a neighbor's property, the permeability of the building pattern, and the sense and character of the neighborhood. Tall fences have been found necessary for houses close to route 10 close to town to serve as a sound barrier.

Kate likes a 4 feet limit for the front yard. 5-6 feet was suggested for rear and side yards. In Britain, a 6 foot fence is not uncommon in the back, and a 2 foot fence common in the front of property. The front yard is the quasi public part of property. The back yard is not public and should offer privacy. Fences no matter where on the lot should be regulated. More performance standards are needed to address maximum height and possibly the style of fencing. There should be differences between fences in front and side or rear. The character of the neighborhood and permeability are factors to be considered for determining style. A fence that is too tall could be a structural hazard. Six feet should be the maximum. Fences less than 4 feet should be allowed by right; those 4-6 feet should be allowed by special exception; those above 6 feet need a variance. Neighbors look at back side of their neighbor's fence and complain. The ZBA views stockade fence differently than split rail fence.

Satellite dishes are not really a problem now. Anything less than 24 inches is not regulated.

Fuel storage tanks- Screening of tanks over 120 gallons should be required. The view from abutting properties should be screened.

210.1 is not specifically residential. 210.1 J and M need to be considered in residential settings.

Jonathan was concerned that the limitation about three unrelated individuals in a dwelling unit may not be enforceable. This question is related to the definition of family. He also suggested that if the rental housing ordinance is adopted, are limitations on accessory rental use needed?

Driveways, parking and signs will be discussed next week. Jonathan will prepare some discussion points. Parking in conjunction with in-town lots has not been discussed. All residential parking should be discussed. Residential signs are addressed in Section 3.17. They

are a minor thing. However, the 1 square foot limit is a problem. Accessory dwelling units will be discussed with Workforce Housing and the Affordable Housing Commission.

Meeting adjourned at 4: 10 PM.

Respectfully submitted, Vicki Smith, Scribe

**NEXT MEETING: DECEMBER 5th at 1:30 pm.**