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**Sandown Planning Board
Minutes
January 6, 2015**

Date: January 6, 2015

Place: Sandown Town Hall

Members Present: Ernie Brown - Chairman, Ed Mencis – Secretary, Steven Meisner, Doug Martin, Lisa Butler – Alternate

Also Present: Town Engineer - Steve Keach

Members Absent: Matt Russell -Vice Chairman, Mark Traeger, Cynthia Bucu – Ex Officio

Opening: Mr. Brown opened the meeting at 7:10 p.m.

Review of the 12/16/14 Minutes

MOTION: Mr. Meisner made a motion to approve the 12/16/14 minutes as written. Ms. Butler seconded the motion. All members voted in favor. The motion passed.

Correspondence

GZA construction report for the work being done by PSNH

Julie LaBranche – Rockingham Planning Commission

Review of the In-Home Occupation Ordinance

Mr. Mencis joined the meeting.

Ms. LaBranche presented changes to the in-home occupation ordinance based on her notes from the discussion the board had at a previous meeting.

Ms. LaBranche questioned if the town would add more inspections for more intense businesses. Mr. Mencis noted that preschool and daycare facilities are checked for fire, safety and health every three years. He thinks the fire department might check other business on an annual basis (fire extinguishers, etc). That might be all the inspection needed.

Ms. LaBranche took the existing section “E” and adjusted it to make it for “invisible” businesses. Section “E” is what currently exists. These businesses will either meet the criteria and receive the permit or they would need to go through the process of applying for a special exception. Section “F” allows for a special exception for those businesses that are “visible” but outlines specific criteria they must comply with.

Ms. LaBranche questioned if the administration of the special exception would be taken over by the planning board or would ZBA keep that responsibility? The Board would discuss that later.

45 *“The use shall be conducted entirely within the dwelling unit or accessory structures and*
46 *the total space shall not exceed a maximum of twenty-five percent of the gross floor area*
47 *of the dwelling and accessory structure(s).”*

48

49 Ms. LaBranche added in “accessory structures” and questioned if the board would
50 consider allowing the business in a barn or in a garage?

51

52 Mr. Meisner questioned if the 25% was for the total square footage of all the structures or
53 if it meant 25% of the specific building where the business was to be located. Members
54 noted they did have a previous discussion about 25% of overall structures which would
55 include a barn or garage. Ms. LaBranche noted because there are no employees, it would
56 inherently limit the size of the business. She feels 25% of total structures is pretty
57 customary in other towns.

58

59 Mr. Martin noted he would rather see the shed used in the formula for the structures than
60 see a temporary shed or canvas constructed. Mr. Meisner noted a temporary structure
61 technically wouldn’t fall in that formula because it’s not a structure. Mr. Martin felt a
62 “structure” would include anything they needed a permit for.

63

64 Members reviewed the definition of “structure” to see if it would encompass “accessory
65 structure.” The definition was not clearly written so Ms. LaBranche will look at
66 providing a revised definition.

67

68 Ms. LaBranche noted they need to clarify how inspections will happen. The building
69 inspector should come to a meeting for discussion. Inspections may only be limited to
70 fire and safety, but they should clarify that. The board should also make sure he does at
71 least one inspection. Mr. Meisner thought the building inspector did an inspection when
72 the business was established. Ms. LaBranche recommended they clarify that in the
73 regulations and also include something that states if the business becomes visible then
74 they would require a compliance inspection.

75

76 Mr. Meisner suggested that abutters be notified by regular mail any time an in-home
77 occupation permit is given so they know what can and cannot take place at the neighbor’s
78 house. Ms. LaBranche agreed that would be a good idea. Mr. Meisner added that might
79 be a nice safety step so abutters would know what their avenue is to cure any issues that
80 might be apparent. If they all of a sudden start receiving a lot of deliveries, or have
81 product outside, etc. Ms. Cairns asked who the administrator would be. Mr. Meisner felt
82 it would be the responsibility of the applicant to do the letters. Ms. LaBranche noted
83 some towns (East Kingston, for example) the Planning Board oversees all in-home
84 occupation permits—visible and invisible.

85

86 Mr. Meisner noted he didn’t want to include the dwelling AND the accessory structures
87 in the 25% calculation. He wants it to be 25% of the dwelling OR the accessory
88 buildings. Members disagreed and felt accessory structures should be included in the total
89 calculation. Especially if someone wanted to use a garage, they weren’t going to only use

90 25% of the garage if they had a car restoration business. Members felt it would be too
91 limiting.

92

93 Ms. LaBranche questioned why they didn't want any change in the outside appearance of
94 the home. Mr. Meisner noted it was meant to avoid adding another door or entrance to the
95 front of the home so it didn't look like a duplex and to avoid signage in the windows.

96

97 Ms. LaBranche questioned if they wanted to allow people to park commercial trucks in
98 their yards for an "invisible" business and would you want to restrict the number of those
99 vehicles. For example, if you have a plumber or electrician, would you still allow that
100 person to park their work van/truck in the driveway?

101

102 Mr. Martin thought it would need to be addressed. If you have a landscaping business or
103 snow plows, should they be able to park in their yards for an "invisible business."

104

105 Members noted there are many business owners in town that currently do this. Mr.
106 Meisner noted that they are usually considerate of their neighbors and try and conceal the
107 vehicles as much as possible.

108

109 Ms. LaBranche noted it is difficult to justify being overly restrictive for someone that
110 wants an "invisible" business when you have some businesses that aren't complying with
111 what you are putting in the regulations. It's a double standard. An "invisible" business
112 means there should be no visible signs that there is a business in the home.

113

114 Ms. LaBranche reviewed the new section "F. Special Exception Required for Visible In-
115 home Occupations."

116

117 Ms. LaBranche brought back the question of whether the administration of the special
118 exception would be taken over by the planning board or would ZBA keep that
119 responsibility. Mr. Martin felt it fell under a site plan and commercial property and it
120 should go to the Planning Board.

121

122 Ms. LaBranche addressed employees. She added that the business "shall not employ
123 more than 4 employees, of which two employees may live outside the home." She
124 questioned if they wanted to put limits on the number of employees.

125

126 Mr. Martin felt it should be considered on a case-by-case basis. If someone wanted to
127 come into town and build a machine shop and employ 6-8 people, it would depend on
128 where the home was located.

129

130 Mr. Meisner felt that putting in a specific number of employees might strangle the
131 business for expansion in the future.

132

133 Ms. LaBranche suggested putting a limit on outside employees. Unlimited employees
134 would create a huge amount of traffic. You don't want four or more cars coming and

135 going every day creating a large amount of traffic that is contrary to residential
136 neighborhoods.

137

138 Ms. LaBranche added “one sign of no greater than six square feet shall be permitted.”
139 Members were opposed to having larger signs, noting it would be contrary to their sign
140 ordinance. They added that ordinance might need to be addressed as well.

141

142 Ms. LaBranche noted item 10 that read “The use shall not create additional pedestrian or
143 vehicular traffic beyond that which is typical for residential activities.” She thought that
144 might need to be eliminated because if they want employees or customers, then they will
145 have increased traffic. The board agreed.

146

147 Ms. Butler noted she thinks more traffic in a neighborhood is the one thing most people
148 are going to complain about. If you are going to have an exercise class full of people, that
149 is different than a hairdresser with one or two chairs.

150

151 Ms. LaBranche noted they could limit the number of parking spaces they can have so it
152 would limit the amount of vehicular traffic. Mr. Meisner noted they would have to
153 address overflow parking. Mr. Brown noted that is where the site plan review would
154 come in and we could review that on a case-by-case basis.

155

156 Ms. LaBranche cautioned that they shouldn’t allow someone to have a really intensive
157 business just because they have no close abutters. They are creating one more notch up in
158 intensity for in-home business. You need to determine what that intensity is or when a
159 business needs to be stepped up to a commercial business and come in for a full site plan
160 review. You could end up with cumulative impact in your neighborhood if you allow 4 or
161 5 “visible” businesses in one neighborhood.

162

163 Ms. LaBranche noted in-home businesses promote community building. They allow
164 people to get services in their own town; which is similar to how things were in the
165 colonial times.

166

167 Ms. LaBranche will speak with Bob Bogosh and Chief Tapley about inspections.

168

169 **MOTION:** Mr. Meisner made a motion to adjourn. Mr. Mencis seconded the motion. All
170 members voted unanimously in favor. The motion passed. MEETING ADJOURNED at
171 9:20 p.m.

172

173 Respectfully Submitted,



174

175 Andrea Cairns