

Sandown Planning Board
Minutes
February 3, 2015

Date: February 3, 2015

Place: Sandown Town Hall

Members Present: Ernie Brown - Chairman, Matt Russell -Vice Chairman, Ed Mencis – Secretary, Steven Meisner, Doug Martin

Members Absent: Mark Traeger, Lisa Butler – Alternate, Cynthia Bucu – Ex Officio, Town Engineer - Steve Keach

Opening: Mr. Brown opened the meeting at 7:15 p.m.

Julie LaBranche – Rockingham Planning Commission Discussion regarding potential zoning changes for the business zone and in-home occupations

Ms. LaBranche noted she wanted to get the board to refocus on what they want this ordinance to do that it isn't doing now. At the first meeting the board stated they wanted more flexibility and options but she heard some conflicting opinions. The Board agreed that they wanted to give residents more options for having businesses in their homes.

Mr. Russell noted that they had tried the process once before and had residents come to one of their public hearings and expressed concerns they hadn't thought of, so we had to step back on the direction we were going in. We aren't going to make everyone happy, but we want to be as fair as possible. We need to deal with the reality that many people are working and starting businesses out of their homes, but we want enough protection for residents so there aren't issues down the road with neighbors.

Mr. Brown noted Sandown is made up of a lot of small businesses run out of resident's homes.

Ms. LaBranche circulated the in-home occupation ordinances for East Kingston, Brentwood and Fremont for reference.

Ms. LaBranche noted that service types of businesses would do fine with the existing ordinance it's when people want to do something more intensive that it doesn't work.

Ms. LaBranche noted the board should address signage. The criteria for invisible businesses doesn't allow signage, but for a visible business a sign would be allowed and she wanted to know what size sign they wanted to allow. Mr. Meisner noted that signs are allowed through the sign ordinance, but requires a separate permit. Ms. Cairns noted that the current ordinance was conflicting. The ordinance states that in-home businesses can't have signs, but there is a sign ordinance allowing signs. Ms. LaBranche noted that would need to be addressed.

46 Mr. Russell noted the main issue they have run into with in-home businesses is increased
47 traffic in the neighborhood. Mr. Brown noted that the business they've had issues with
48 may not have been a problem if it were on a main road. Mr. Meisner noted the other issue
49 they've had is with a business displaying products out by the street when they weren't
50 allowed to.

51
52 Mr. Meisner noted that they had to get a separate permit for signs and that needed to be
53 renewed annually. Members discussed the benefits/negatives for having a yearly fee for
54 signs.

55
56 Mr. Meisner and Ms. Cairns noted the biggest issues preventing in-home occupations
57 were the fact that they couldn't have employees or customers.

58
59 Members discussed 121A to the Hampstead town line up to the town hall being the most
60 heavily traveled part of town and extending the business zone up that direction. Members
61 agreed expanding it is long overdue. Mr. Martin noted they could create regulations to
62 make sure they do it in a planned manner and it fits within with the character of town.

63
64 Mr. Russell noted that some residents on Main Street where it is strictly residential may
65 have issues if a business goes in next door. Members agreed they are going to get some
66 pushback. Mr. Meisner noted that the setbacks in the business zone are greater, so there
67 are already some measures in place to maintain the rural character.

68
69 Ms. LaBranche noted you will run into some issues with businesses sprinkled into
70 residential areas. There is a lot more impact. It is a larger discussion for another night.

71
72 Mr. Meiner noted he reviewed what Ms. LaBranche presented at the last meeting and felt
73 it was a really good base with only a few minor things that needed to be tweaked. He
74 noted if the planning board is going to be the one to administer it, then the special
75 exception needed to be changed.

76
77 Ms. LaBranche confirmed they would need to renew the in-home occupation and the sign
78 permits every year. Members agreed they should.

79
80 Ms. LaBranche wanted clarification for use of accessory structures. Currently it is 25% of
81 the existing dwelling, should they be allowed to use garages and barns?

82
83 Mr. Mencis noted that some of the other towns allow accessory buildings or basements or
84 garages; you can take 25% of the gross floor area. Ms. LaBranche noted they needed to
85 define gross floor area. Mr. Mencis noted that Brentwood's regulation is 25% of all
86 structures including the basement and accessory structures. Members felt that there are
87 certain types of businesses that would be better in a barn or garage.

88
89 Mr. Meisner questioned what if a person has accessory buildings with more square
90 footage than a home. They could potentially take over the entire home as a business.

91 They need to make sure they state that the business must be secondary to the use. Ms.
92 LaBranche suggested placing a maximum size for an in-home occupation.

93
94 Mr. Russell suggested making it a percentage of the lot instead of buildings. Members
95 felt that could get too large.

96
97 Ms. LaBranche noted she would advocate for setting a limit on how large it could be but
98 allow them to use accessory structures. You are talking in-home businesses, so there
99 should be some threshold where the business is more of a commercial enterprise and
100 doesn't belong in a residential area.

101
102 Mr. Brown noted that Brentwood allows larger thresholds for businesses on state roads.
103 That might be something we want to consider. Mr. Mencis noted there are businesses
104 already on these major roads. We have a shot to make them legitimate businesses.

105
106 Mr. Martin noted if it was kept at 25% of the total floor area as presented at the time of
107 application and have them agree to that square footage, they would need to reapply if
108 there were changes to the amount of buildings they wanted to use.

109
110 Mr. Meisner noted they would need new application forms. They could require a drawing
111 to scale to be included as part of the application that indicated the exact location of the
112 proposed business.

113
114 Ms. LaBranche noted that East Kingston requires a copy of the tax card, photographs of
115 the outside of the building and the grounds and every building that is going to be
116 involved. They are also required to come to the planning board. She will provide a
117 sample of their application form. They require the applicant to respond to specific
118 questions. They have a hearing, review the application and send a letter of
119 recommendation to the Board of Selectmen and have them grant the permit. She noted
120 the board could send a letter of recommendations with conditions of approval to the
121 building inspector before they issue the permit.

122
123 Ms. LaBranche noted if there is hazardous material or manufacturing, the fire chief
124 would need to get involved and the board can have an annual fire inspection be a part of
125 their conditions of approval.

126
127 Mr. Meisner felt that invisible businesses don't need to come before the planning board;
128 but visible businesses should come before the board and it should be a typical public
129 hearing.

130
131 Ms. LaBranche thought they should have a discussion on parking and customers, she
132 recommended no more than four additional cars. Mr. Meisner thought they should show
133 on their plot plans that they have sufficient space for off-street parking for the maximum
134 number of customers possible and indicate what their expected traffic flow would be.

135

Ms. LaBranche questioned if they didn't indicate a maximum number of cars in the regulations, how would they evaluate and determine how many cars are too much?

Mr. Martin thought it could be on a case-by-case basis. Mr. Russell felt it would be the discretion of the board to determine how many cars exceed the capacity of the property.

Members felt if they had a lot that would fit 50 cars with appropriate setbacks then that resident should be allowed to have that.

Ms. Cairns noted it wasn't just the parking of the cars, but the increased traffic through the neighborhood. A busy street could handle 50 additional cars, but a cul-de-sac couldn't. Limiting how many cars can be parked, even off-street, will help limit the size of a business that can go in a residential neighborhood.

Mr. Mencis questioned if they should include restrictions on hours of operation. Mr. Meisner noted the business zone does have time restrictions and that should definitely be added into the regulations.

Ms. LaBranche noted that enforcement of the regulations should go to the Building Inspector and Board of Selectmen. The board agreed.

For employees, Ms. LaBranche suggested two home occupants and two outside. Members felt that four was appropriate.

Mr. Martin questioned if employees had to be a resident of the house. What if the homeowner rents the space and doesn't work there? Members felt the owner of the house should be the owner of the business, work there and live on the property.

Ms. LaBranche questioned what if it was a child that had the business, but didn't own the home. She suggested having the owner of the business AND the owners of the property live in the home. That covers it if the parents own the home, but their child owns the business. The board agreed.

Mr. Brown suggested they read through the regulations from the three towns that Ms. LaBranche handed out and indicate what they liked and didn't like and bring their feedback to the next meeting.

Review of the 1/20/15 Minutes

MOTION: Mr. Martin made a motion to approve the 1/20/15 minutes as written. Mr. Mencis seconded the motion. Members voted in favor. Mr. Russell abstained. The motion passed.

Correspondence

- Rockingham Planning Commission MPO regional plan outlining NHDOT projects for the area.

- Letter from NHDES all subsurface applications will go online
- Letter from GZA Environmental stated that the PSNH project is complete
- Letters from Attorney Gorrow regarding Hillside Estates and Maria Lane

Members agreed to discuss the letters from the attorney at the next meeting and invite Mr. Villella and Chief Tapley to come and be part of the Hillside Estates discussion. They indicated the letter from the attorney should be sent for their review.

Members discussed Maria Lane. Ms. Cairns noted that she sent a letter to the property owner regarding the surety but it was returned. She also sent a letter regarding the PREA account but has not heard back.

MOTION: Mr. Martin made a motion to adjourn. Mr. Mencis seconded the motion. All members voted unanimously in favor. The motion passed. MEETING ADJOURNED at 9:02 p.m.

Respectfully Submitted,



Andrea Cairns