

Washington Planning Board

& Board of Selectmen

Joint Working Meeting Minutes

June 27, 2017

- 0.0 Assembly: 9:00AM
 - 0.1 PB Members present: Crandall, Hatch, Dulac, Schwartz and Williams
 - 0.2 PB Alternates present: Kluk, Terani
 - 0.3 Members and Alternates Absent: Russell
 - 0.4 BoS members present: Williams, Krygeris and Marshall
 - 0.4 Visitors: None

Crandall opened the meeting at 10:00AM

- 1.0 Crandall noted that the Select Board was meeting with us to discuss their thoughts and give input on issues that come up a lot, so we can consider them when working on needed updates to the Land Use Ordinance (LUO) this year. He said the Building permit application is one possibility that has been discussed. Kluk asked for their number 1 priority. Marshall said when enforcing the LUO and they take something to a lawyer the wording can be vague. Williams thinks there needs to be a review of the LUO for consistency and how all the pieces fit together, and are we comfortable with that. He feels the need for several sets of setbacks, so people don't have to go before the ZBA as often. Kluk asked for specifics. Williams is suggesting separate setbacks for smaller lots because of issues with smaller lots on Valley Road and elsewhere. Dulac said we should hear from the longest serving members, he feels the language is left vague for flexibility. He wonders what areas need specificity. Marshall said that the ZBA is a rubber stamp. Hatch asked if we actually have a ZBA at this point. Williams said no, with the recent resignations we have 2 members (no quorum) and they are looking for new members and have asked several people to serve. Hatch always wondered why we didn't discuss the ZBA or their business. Schwartz said she used to attend ZBA meetings to get a feel for what issues they were dealing with. Hatch asked if the shakeup was due to enforcement. Marshall said the BoS has taken it on themselves to enforce the LUO. They were upset about a recent ZBA case on Cove Road, where they allowed a garage to be built 7 feet from a brook (which was the lot boundary). Williams explained that they have a checklist to go through and 5 criteria to decide on. He thinks there is a new law coming out requiring the ZBA to do a roll call vote. Dulac said he is sensitive to this issue, because he needed 7 variances in order to build right on the lake. He said there are lots of lots right on the lakes like his. He thinks we need to be careful about consistency and vagueness. Marshall said the hardship of putting in a septic system is different from a garage. He thinks we need to work with the ZBA. Krygeris asked if a review of all recent ZBA decisions would be helpful to move forward. Williams thinks we shouldn't get hung up on the ZBA. Schwartz said that in 2008 we had the Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC) do an audit of all of our ordinances, we have worked to update things and we have a list of more to be done. Williams said that the PB should look at the LUO with a critical eye, looking for inconsistencies, not make new rules, just clean them up.

Kluk said this sounds like a legal review, is there money for this? Williams said no. Schwartz said that the UVLSRPC has looked at our ordinances that we propose and approve them. Dulac suggested looking at LUO maybe with a local contractor, a selectman and a PB member, to look for specific areas that are problematic. Marshall said we don't need a lawyer to tell us how to do it. Crandall said that if we all read the waterfront section again would we see it as a problem or confusing. Williams thinks yes. Crandall suggested we read through each section and maybe something will jump out. He thought maybe we could get Jack Sheehy to give us input. Dulac said we all read the waterfront section and some thought it was both and some thought either. Crandall said if we have differing opinions we need to work on it.

Hatch said "structural alterations" was on our agenda for a year and hasn't been finished because we sent something to the BoS and they didn't do anything with it. We discussed enclosing a space while keeping the same footprint and whether that was a trigger point for needing a building permit. Marshall said they fined a homeowner recently for building without a permit but Williams said the fine is not a good deterrent. Kluk said fines are a psychological deterrent. Crandall said the ZBA used to negotiate for a better outcome and come up with options. Marshall said we need to get good people on the ZBA. Schwartz said they need to look at issues more holistically. Hatch suggested instituting a percentage (50%) that could be a rule of thumb for making decisions. Dulac asked about what recourse there is for ZBA decisions. Schwartz said that the next step is the court system. Hatch asked if we get into the weeds if the ZBA is not there to uphold the LUO.

The BoS members agreed that Setbacks, RV's and the building permit are 3 things they think should be worked on.

Crandall asked if the BoS is working on removal of signs that are not permitted. Marshall said they are working on it.

Hatch thinks we should work on the Building Permit first, Crandall agreed. Williams said that Zoning Permit is what we should call it, as it is for putting up a structure on your property that meets the zoning ordinances. Kluk asked about the Certificate of Occupancy. Williams said they look at heating, water, septic, fire/smoke alarms only; they don't look at the structure so they really shouldn't be calling it a Certificate of Occupancy. Hatch said there are good teeth in the Building Permit because you have to certify that you are aware of the rules. He suggested calling it a Zoning Construction Permit. Marshall mentioned that we follow the state building codes; Krygeris said that there is a new International residential building code. Williams said that IBC 2009 is what NH has adopted. Crandall asked about Certificate of Occupancy on new structures, do they look for compliance with what is on the permit. Williams said they don't always inspect or know when a project is done. Schwartz suggested they work with the assessors, they know when a building permit is issued and in construction. Kluk suggested they get the classifications from the assessors for what triggers a different tax level; she thinks structural alterations trigger a different tax status. Krygeris said that usable space under 6 feet square (a closet?) isn't counted. Hatch would like to tackle the Building Permit. He thinks the way it is laid out is embarrassing to the town. Kluk said that Krygeris commented on the non-conforming section of the LUO months ago. Marshall wants different sets of rules for grandfathered, non-conforming lots. He said there are specific problem areas in town with lots created before the LUO was adopted, he wants us to revise the ordinance to take into consideration smaller setbacks and put the building area in the center of the lot

with buffers all around. Schwartz will look at what the setbacks were through the old LUOs.

Dulac suggested we could call the building permit a Land Use Permit for Construction. Schwartz said that changes to the Building Permit can be approved by the BoS and don't go to a vote at Town Meeting. Kluk suggested we all read through sections 501 and 502 of the LUO before our next meeting (concerning building permits). Crandall wants to start with the building permit and Hatch wants to include Structural Alterations with it. Williams asked if the Building Permit is the BoS's responsibility are they comfortable having PB work on it. He feels the Building Permit is not the most important thing to do. Marshall is happy to have PB work on it then the BoS can consider it. Schwartz doesn't want to work on something that will only be considered.

Williams said that setbacks and RV's are the most important to work on. Schwartz asked what specifically about RV's; we have worked on this section twice at the request of the BoS. Marshall said the 90-day permit is not enforceable; people should be given the 180-day (summer season). The fact that we ask the RV to be on the same lot as the dwelling is a problem and that we ask that they be removed at the end of the season is hard to enforce. There are a few other sections that are problematic. Hatch asked about tiny houses and should we look at minimum square footage required and if they are on wheels does that make them more of an RV. Kluk asked what the consequences are if we just get rid of the RV section. Everyone thought that was a bad idea, with bad consequences. There should be a max of one RV on a lot. Williams asked if we should grandfather RV's that have been on a lot for years. Marshall thought that an RV shouldn't be replaceable if it has been grandfathered and there shouldn't be inheritance rights to an RV. It was suggested that we come up with a period of time to come into compliance with the LUO or you have to get a variance. Kluk asked about keeping setbacks for RV's. Krygeris said that once something is approved you can't take it away. Williams suggested we look to the regional planning commission on what we can and can't do.

Williams asked if we want to tackle "junk yards and junk". Dulac is not in favor. Kluk and Schwartz have some information about junk yards they will share with the board. Williams said it is in his top five.

We decided to adjourn at this point and continue the discussion at a later date.

2.0 **Adjournment:**

Time: 11:57 AM

Respectfully Submitted,
Nan Schwartz