

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
DECEMBER 4, 2013

MINUTES OF MEETING

PRESENT: Board members Fred McGarry, Kate Hartnett, Alan O'Neal, Lisa Wolford. Also present Planning Consultant Gerald Coogan and secretary Jane Boucher.

7:05PM Chair Fred McGarry called the meeting to order.

APPROVAL OF MINUTES

The following corrections were made to the minutes of November 20, 2013

Page 1: Paragraph 5: Correct to read "The bid also provided the following tasks:"

Page 1: Paragraph 6: Correct to read "Peter Ivantos from Epsom suggested that the Planning Board not issue a Certificate of Occupancy until a bond is in place."

Page 2: Paragraph 5: Add after first sentence: "Attorney Weaver noted that there is a ridge in the area which interfere with coverage in the area."

Page 2: Last Paragraph: Correct to read "John Thurber, an abutter, questioned if it was windy...."

Page 3: Paragraph 6: Add "The engineer will be present at the December 11, 2013 meeting to answer any questions."

Page 3 Add "An abutter asked why the tower will not be located farther away from homes and Attorney Weaver replied that the land drops off in that area."

Page 4 Paragraph 4: Correct to read "Lisa Wolford said that she had been approached by one of the abutters asking when the minutes of the site visit will be posted."

Lisa Wolford moved and Alan O'Neal seconded to approve the minutes of November 20, 2013 as corrected. Voted in favor.

BMI REALTY TRUST

The secretary reported that she had been advised by Centrix Bank that there was no copy of the Letter of Credit, in the amount of \$38,500, which will expire on December 8, 2013.

Chair McGarry will contact Steve Chabot, KNA, to determine the status of the final inspection of the road.

PROPOSED AMENDMENTS TO ZONING 2014

Chair McGarry provided copies of proposed zoning amendments to Section 204, Table 204.1, Amend Section 210 Wetlands Conservation District, Section 210.7, Section 320, Home Business, Home Business Application. A copy is attached to these minutes. Mr. McGarry said he had forwarded a copy to

Attorney James Raymond asking for his comments.

Board members reviewed the document prepared by Chair McGarry and commented as follows:

1. Section 204, Table 204.1; Applicants under "Light Manufacturing" and "Establishments Selling at Wholesale/Retail" must go to the Planning Board for Site Plan Review.

2. Section 210 Section 210.7 by adding "For lots in existence prior to March 14, 2006, no septic tank or leach field may be constructed or enlarged closer than seventy five (75) feet to any wetland."

3. Home Business Section 320; Biggest change, according to Chair McGarry, is 320.12 "The Home Business shall not occupy more than 25% of the normal living area of the dwelling" and Section 320.18 "Home Business in existence at the passage of this ordinance shall be allowed to continue as long as the following conditions are met; A. The use must be in full compliance with all the conditions of the previous home business of the 2013 Ordinance; B. Owners/operators of the Home Business must complete and sign the Home Business Application Form and submit it to the Building Inspector.

4. Alan O'Neal expressed concern regarding Home Business not completing the application form within a year may be faced with a "Cease and Desist". It was determined that Town Counsel has been asked to review and comment.

5. Kate Hartnett questioned 320.14 and status of employees parking. Board members will consider this further.

6. It was agreed to change 320:3 through 320:15 and designate as "a" through "m" as part of 320:2. 320.16 would then be 320.3.

7. Change 320.2 to read "...plumber or similar trade."

8. Section 320.8 There was some discussion regarding "noise levels". Lisa Wolford felt that noise related to the business only be considered while Kate Hartnett felt that any noise from the property (such as mowing) be considered.

Chair McGarry reviewed Section 702, Building Permits, by deleting Section 702.A3 "Proof that the applicant has notified all abutters. Mr. McGarry noted that Building Inspector Richard Pelletier has requested this change. After discussion Board members felt that this not be deleted. Chair McGarry will check with Mr. Pelletier.

8:35 Alan O'Neal left the meeting at this time.

VILLAGE DISTRICT

Board members reviewed a Memorandum from Jack Mettee dated November 18, 2013.

There was some discussion regarding the necessity of presenting a Village District Ordinance at the March, 2014 Town Meeting.

PLANNING BOARD 12/4/13

Lisa Wolford said she was uncomfortable with not having seen any design standards. Gerald Coogan did have some information regarding this, however, it had not been reviewed by the Planning Board.

Chair McGarry said the Jack Mettee will probably attending a Planning Board meeting to answer questions the Board may have.

Kate Hartnett commented on the memo of November 18 from Jack Mettee noting that he has spoken with several people , but not the Planning Board. She felt that his recommendations are based on comments from other individuals.

Lisa Wolford noted that she found the Criteria Charts for the Commercial/Overlay District very perplexing and suggested that more time be taken to amend this Section.

The meeting was adjourned at 9PM.

Recorded and transcribed by Jane Boucher
Pending Approval by the Planning Board

Town of Deerfield
2014 Proposed Zoning Amendments

Amend Section 204, Table 204.1, Agricultural-Residential, Allowed by Special Exception, by deleting the following:

- “4. Light Manufacturing
- 5. Establishments Selling at Wholesale/Retail”

Discussion – These two uses are currently allowed by special exception. However, both are commercial or industrial uses and are subject to the Commercial-Industrial Overlay District. By having these uses allowed by Special Exception, an applicant can bypass the C-I Overlay District by obtaining a special exception.

Amend Section 210 Wetlands Conservation District, Section 210.7.A by adding:

“For lots in existence prior to March 14, 2006, no septic tank or leach field may be constructed or enlarged closer than seventy-five (75) feet to any wetland. “

Discussion – The zoning amendment adopted in 2006 inadvertently deleted a setback requirement for the location of septic tanks and leach fields for lots in existence prior to the adoption of the ordinance. This corrects that action.

Amend Section 320, Home Business, by deleting the current wording and replacing it with the following:

Section 320 Home Business

320.1 The purpose of the Home Business ordinance is to allow diversity in employment available to Town residents, to support the variety of uses characteristic of small towns, and to allow reasonable growth. At the same time, the Ordinance intends to protect the character of the Town’s residential neighborhoods and keep neighborhood residents free from nuisance.

320.2 Home Business means the operation of a business, office or shop for: the manufacture and/or sale of products such as jewelry, pottery or similarly small objects; use by a lawyer, doctor, realtor or other professional or similar service provider; or use by an electrician, plumber or similar tradesman provided that all of the following are observed:

320.3 The Home Business shall be carried out primarily on the premises by those residing on the property and shall not change the residential character thereof.

320.4 The use shall be clearly incidental and secondary to the residential use and not change the residential character of the neighborhood.

320.5 The use shall be limited to and carried out entirely within the confines of a detached single family dwelling or accessory structures;

320.6 The use shall not utilize outdoor storage or display of materials or products;

320.7 The use shall not change the residential character of the dwelling, the property on which the dwelling is situated, or the neighborhood in which the property is located;

320.8 The use shall not become the source of undue nuisance to the neighbors by reason of hours of operation, **signage**, noise, dust, glare, vibration, traffic or other disruptive influences;

320.9 The use shall not employ more than two persons other than persons who live within the dwelling. Any proposed use which does not conform to this limit on the number of employees will require a Special Exception from the Board of Adjustment.

320.10 The **owner and** operator of the Home Business shall be a person who is in continuous residence in the dwelling within which the occupational use is conducted; and

320.11 No Home Business shall generate hazardous waste as defined under New Hampshire Department of Environmental Services, Waste Management Division, Rules for Management of Hazardous Waste unless by Special Exception granted by the Board of Adjustment. Applicants for such Special Exception must demonstrate compliance with all current State and Federal Regulations regarding management, storage, transportation and disposal of hazardous waste.

320.12 The Home Business shall not occupy more than 25% of the normal living area of the dwelling (Do we make it 25% of the area of the dwelling and accessory structures?)

320.13 The applicant for a Home Business must provide proof of the adequacy of the water supply, sewage disposal system and driveway entrance for the proposed use;

320.14 No additional parking areas in excess of those necessary for normal residential purposes will be allowed. On-street parking for the Home Business is not allowed.

~~320.12 Parking shall be provided entirely on the lot. No on-street parking is permitted.~~

320.15 No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuation in line voltage off the premises.

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~~320.16~~ Site Plan Review by the Planning Board for a Home Business is not required.

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~~320.17~~ An applicant for a Home Business must complete and sign an application form that sets forth the nature of the Home Business and provides the details of the business and scope of operations. The application shall be submitted to and approved by the Building Inspector prior to commencement of the

Home Business. The applicant shall comply with the conditions set forth in this ordinance and the failure to comply will result in the Home Business being rescinded.

320.18 Home Business in existence at the passage of this ordinance shall be allowed to continue as long as the following conditions are met:

A. The use must be in full compliance with all the conditions of the previous Home Business (section of the 2013 Town of Deerfield Zoning Ordinance) or (ordinance rescinded by the passage of this ordinance); and

B. Owner/operators of the Home Business must complete and sign the Home Business application form and submit it to the Building Inspector to establish a record of the existing Home Business. The form must be submitted within one year of the passage of this ordinance.

Discussion- There are issues with the current Home Business ordinance, one of which is a baseline of existing Home Businesses. This would add a requirement to file an intent with the building inspector.

Amend Section 702, Building Permits, by deleting Section 702 A.3. which reads:

"3. Proof that the applicant has notified the abutters to the lot by certified mail of the intent to make application for a building permit. The notice letter shall state that a building permit will be requested for the lot and shall provide a description of the proposed new dwelling."
NEW STRUCTURE

Discussion – The building inspector has requested this change to delete this requirement for obtaining a building permit. His experience has been that there has only been two or three instances where abutters have contacted him with concerns regarding the building permit requested.

Home Business Application

Applicant (if other than owner) _____ Phone _____

Applicant Mailing Address _____

Applicant Fax _____ Applicant Email _____

Property Owner _____ Phone _____

Property Owner Mailing Address _____

Property Owner Fax _____ Property Owner Email _____

Tax Map Number ____ Lot Number ____

Type of Home Business _____

Answer each of the following (circle yes or no):

1. Will you be hiring any employees? **Yes/No** If "Yes" how many ~~FT~~/PT? _____
2. Will you be completing any exterior renovations or construction? **Yes/No**
3. Will you be publicly displaying goods or wares or have the exterior storage of material? **Yes/No**
4. Will the proposed Home Business be clearly incidental and secondary to the residential use?
Yes/No
5. Will the Home Business change the character of the neighborhood? **Yes/No**
6. Will the Home Business occupy more than 25% of the normal living area of the dwelling?
Yes/No
7. Will the Home Business adversely affect neighboring properties, by reason of any unusual signage, lighting, noise, odors or traffic? **Yes/No**
8. Will any additional parking in excess of those necessary for residential purposes be needed?
Yes/No
9. Will any equipment or process be used which creates visual or audible electrical interference in any radio or television receiver off the premises or cause fluctuations in the line voltage off the premises? **Yes/No**
10. Will the Home Business generate hazardous waste as defined by NHDES? **Yes/No**
11. Will the Home Business be carried out entirely within the confines of the dwelling or accessory structure(s)? **Yes/No**

If the answer to any of the items 1-9 above is "Yes," provide additional information on a separate page.

Provide the following information with this application (check):

- Is there adequate water supply to meet the needs of the Home Business? Yes/No
- Is there adequate sewage disposal system to meet the needs of the Home Business? Yes/No
- A sketch showing the locations of existing and proposed driveway entrances.

** If "Yes" provide a copy of the well and septic plans. If "No" explain how these issues will be addressed.

By signing, I am affirming that I understand that I am applying for a Home Business. All information contained on this application and the supporting data are accurate to the best of my knowledge.

Applicant Signature

Date

Property Owner Signature

Date