

PLANNING BOARD

Monday, January 9, 2006
Belmont Corner Meeting House
Belmont, New Hampshire

Members Present: Chairman P. Harris; G. Flack, W. Peterson, C. Patten and R. Caldwell.
Members Absent: J. Pike and J. Marden.
Alternates Absent: C. Gilbert and C. Shibles.
Staff: C. Daigle, R. Ball and E. Murphy.
ZBA Member: L. Couture.

The chairman opened the meeting at 7:00 p.m.

PUBLIC HEARING – PROPOSED ZONING AMENDMENTS:

P. Harris explained that there are two proposed zoning amendments. The first concerns “accessory” apartments and the second is to clarify the definition of frontage.

P. Harris stated that he has heard from a member of the Zoning Board and there is concern for fire safety with having cooking facilities on the second floor. C. Daigle stated that she has checked the code and it is addressed in the code and should not be an issue.

Ms. Donna Cilley wanted to know what promoted the Planning Board to change from in-law apartments to accessory apartments. P. Harris explained that they have been finding illegal apartments in cellars and garages. These apartments can be unsafe and they are trying to address the issue and make the process less complicated and create safer apartments. Ms. Cilley stated that economic changes are creating a change in housing clients and individuals trying to find housing. Individuals are turning garages and basements into apartments that may be substandard because of the economic situation.

Ms. Cilley stated that she has concerns about in-laws apartments being restricted to only one in-law apartment per lot. She wanted to know what happens if you have two sets of parents that need housing. She doesn't understand why you can't have two sets of parents in one house. Accessory apartments are almost duplexes and allowed in a majority of the zones. It is good if someone beside family needs a place to stay but it doesn't address the family issue. She used the example of children just out of school that have student loans, need a car and insurance who have little money available for rent. How do accessory apartments benefit those individuals? She feels that allowing only one in-law apartment per lot is discriminatory because you cannot have your children and parents in separate units in your residence. You have to choose between which set of parents your can have living with you or if your children can have a small living area in your home. In-law apartments have to be registered at the County Deed and it is that paper that helps regulate the safety issues. In-law apartments

do work.

C. Daigle explained that by State law if there are three units then it becomes multi-family units. Having dozens of people in a single family unit can create problems. Accessory apartments have less impact to neighborhood than having all duplexes or multifamily units in one area. She stated that the Board may want to consider requiring a Special Exception for accessory apartment in the residential single family zone. This would allow abutters to voice their concerns as they purchased their homes in a single family zone and did not anticipate apartments in that area.

C. Daigle stated that accessory apartments would allow people to rent to anyone without being restricted to relatives only. It would address a group of people who need a smaller apartment instead of the traditional forms of housing. It will be regulated by size. Having owners live in one unit can also be a benefit. Apartment complexes with six or eight units require a different type of maintenance than if you have one apartment with the owner being the land lord owners.

C. Daigle explained that staff has talked to Meredith who has adopted accessory apartments and it has worked well for them. It allows them to inspect for safety issues which was not being done before with illegal apartments. They also noted that there was no large influx of people wanting accessory apartments after it went into effect.

P. Harris stated that the Board is aware of the increasing number of illegal apartments being created and they want to regulate them for safety reasons. Ms. Cilley stated that in-law apartments are regulated. They have to be registered at the County Courthouse, inspected and septic systems have to be designed to accommodate the apartment. She stated that accessory apartments would help people to pay their bills. She stated that in other towns apartments are inspected annually. R. Caldwell stated that if they did annual inspections the property would be brought into compliance at the time of inspection and then two weeks later they could revert to whatever was there prior to the inspection.

Ms. Cilley stated that she would rather allow for two in-law apartments than accessory apartments. It would be family taking care of family. Accessory apartments would be just having someone else help pay your taxes. C. Daigle stated that there are a lot of people that aren't being helped that have a need for housing that can't afford traditional housing. Ms. Cilley stated that these are rental units. C. Daigle stated that they are but they have to be inside a single family dwelling the same as an in-law apartment they just are not limited to who stays there. The apartment cannot occupy more than 25% of the dwelling. Because of the size limitation it will meet a housing need that isn't being attended to. It is an unrestricted type of housing for those who don't have in-laws they can go to. Ms. Cilley stated that it is the cost of living that regulates who lives there. She is concerned about having two bedrooms in the accessory apartment. The Board explained that they discussed that and used the example of the single parent with a child needing two bedrooms, one for the parent one for the child. C. Daigle stated that the accessory apartment would help address a housing need. Ms. Cilley stated that in-law apartment have more regulations because there is a limited time that relatives will live and then the use would cease and with accessory apartments if someone moves out then someone else can move in. She thinks they should wait until the housing study is complete before proceeding.

W. Peterson stated that if accessory apartment is approved by the voters than those with in-law apartments can apply to have an accessory apartment instead of an in-law apartment.

Ms. Cilley stated that she would prefer to have apartment buildings in the rural area on larger lots than being crowded in the village area. R. Caldwell stated that the village has always been the area where apartments have been located. Ms. Cilley stated that in the rural area on larger lots the tenants have room to be outside and not be confined to a small limited area where the neighbors are all in a congested area. R. Ball stated that the village area is where a lot of the services are located.

The Board received a copy of P. Oberhausen's concern about having a kitchen on the second floor or above and needing a landing or door to exit the unit from the second floor. C. Daigle informed the Board that she has researched P. Oberhausen concerns and stated that Belmont is using the International Building Code and it addresses the issue of needing egress from second floors with kitchen facilities.

MOTION: W. Peterson moved to amend the proposed ordinance to allow accessory apartments in the residential single family zone by Special Exception.

The motion was seconded by R. Caldwell and carried. (5-0)

MOTION: C. Patten moved to add Accessory Apartment use permitted in the residential single-family zone by Special Exception and allowed it in the residential multi-family, rural and village zones: Not permitted in the Commercial and Industrial zones.

The motion was seconded by G. Flack and carried. (5-0).

MOTION: W. Peterson moved to clarify the definition of frontage to: "Said frontage shall provide vehicular access to the portion of the lot developed, or to be developed with the primary use. An approved private street shall mean – a private street, including the full width of the street right-of-way, shown on a subdivision plan approved by the Belmont Planning."

The motion was seconded by G. Flack and carried. (5-0)

BOARD'S ACTION-MINUTES:

MOTION: On a motion by C. Patten, seconded by R. Caldwell, it was voted to approve the minutes of the December 12, 2005, meeting as submitted. (5-0)

On a motion by C. Patten, seconded by R. Caldwell, it was voted to approve the minutes of the December 19, 2005, meeting as submitted. (5-0)

STAFF REPORT:

A. FLATLEY SITE PLAN TAX LOT 201-009:

The chairman signed the Flatley site plan.

B. SUNSET ROCK TAX LOT 235-038 & 235-039:

C. Daigle informed the Board that she received a call from Mr. David Walker from Brox Industry and he has asked for an extension for action being taken within 65 days of their application.

C. IMPACT FEES:

The Board received a copy of the *Public School Impact Fees: Basis of Assessment* done by Mr. Bruce Mayberry. He has finished his contract. Town Administrator, Jeanne Beaudin has asked that the Planning Board keep the Board of Selectmen updated on how they plan to proceed.

ADJOURNMENT:

MOTION: On a motion by R Caldwell, seconded by P. Harris, it was voted unanimously to adjourn at 8:20p.m. (5-0)

Respectfully submitted,

Elaine M Murphy
Administrative Assistant