

Danbury Planning Board

January 11th, 2021

Un-Adopted

The Danbury Planning Board met on Tuesday January 11th, 2022, in accordance with the schedule adopted and posted. John Taylor called the meeting to order at 7:00 p.m. and welcomed everyone present. John asked if anyone had a conflict of interest and hearing none proceeded with the meeting.

Present:

John Taylor, Chair

Gary Donoghue, Vice Chair

Anna Offen, clerk/secretary

Jim Phelps

Matthew Remillard

Mark Zaccaria

Scott Dumont

Not Present:

Guests: Andy Phelps, Ruby Hill, Barbie Antonides, Deborah Aylward, Perley and Heidi Stoddard, Doug Boisvert, Kenny Clarke, Stephen Godek, Doug and Sandra Morin, Don Abele, Mariah Haley, Stephen Brown, Brooke Dupee, Karl Hannan, Jason Potter, Evelyn Pagella, Mary Brady, Virginia Edwards, Laura Upton Baker, Brian Alexander, Cathy Jo Hatch, Ashlynn Hatch.

Jim Phelps recused himself from the first public hearing on the Citizen's Petition to Repeal 11.3.13 of the Town of Danbury Land Use and Zoning Ordinance (LUZO).

At 7:15pm John Taylor opened the public hearing on the Citizen's Petition to Repeal 11.3.13 of the Town of Danbury Land Use and Zoning Ordinance (LUZO). Deborah Aylward presented information on the reasons behind the petition, in particular referencing RSA 674:16 Grant of Power. She played a clip of the operation of a gravel pit, taken from her house to demonstrate the noise level. She stated that gravel pits can negatively impact the residential nature and property values of South Danbury and the village districts. In addition, she also stated that the current language of the LUZO is not in compliance with state law and RSA 155-E (Local Regulation Excavations).

John Taylor addressed the board and the public to let them know that the board has been in contact with attorneys in regards to the legality of the current language of 11.3.13 in the LUZO and they have found no issues. John spoke in favor of gravel pits referencing that the town Highway department uses materials from local pits and posed the question of whether the town would rather pay for materials from outside sources, or get them from our own town.

Gary Donoghue addressed the board and the public and stated that the State of NH would not allow the option for a town to say no gravel pits. It can be an allowed use or by special exception permit, but it cannot be denied per state law. So repealing section 11.3.13 would not prevent future gravel pits, or impact existing ones. The Zoning Board of Appeals would then regulate the process, not the Planning Board.

Scott Dumont asked Deborah Aylward why she wanted to remove the provision and she said that she wants state law to be recognized and upheld.

Laura Upton Baker addressed the board and the public to state that she lives at 1438 US Route 4, down the street from the gravel pit located in that area. She stated that she works from home and has never had a noise issue.

Jim Phelps addressed the board and the public to explain the current process that he has had to go through to open a gravel pit in the Town of Danbury. He explained that he has to apply for the permit to the town and state, all abutters need to be notified via certified mail, a public hearing is held, and then abutters have a chance to be heard at the public hearing.

Deborah Aylward spoke to the board and stated that regulation 155:E has a zoning requirement that our current LUZO does not meet.

Andy Phelps addressed the board and the public. He stated that he feels that the process currently in place, works fine. Any abutters located near a proposed gravel pit are given the chance to voice their concerns at the public hearing.

Ashlynn Hatch addressed the board and the public and stated that any big construction vehicles are going to make noise.

Anna Offen asked Deborah Aylward what would happen if the 11.3 were to be repealed, and Ms. Aylward stated that State Law would allow gravel pits in some but not all rural areas by special exception.

At 8:01pm John Taylor closed the public hearing on the Citizen's Petition to Repeal 11.3.13 of the Town of Danbury Land Use and Zoning Ordinance (LUZO).

Gary Donoghue made a motion for the Planning Board to not recommend the citizen's petition on the town ballot, Matthew Remillard seconded. Roll Call Vote: Scott Dumont – yes, Matthew Remillard – yes, Gary Donoghue – yes, John Taylor – yes, Anna Offen – yes, Mark Zaccaria – yes. **Motion passed unanimously.**

At 8:04pm Jim Phelps returned to the board.

At 8:05 John Taylor opened the public hearing on the proposed changes to Town of Danbury Land Use and Zoning Ordinance (LUZO).

Gary Donoghue read the proposed changes regarding section 11.2 Principal & Accessory Dwelling Units (ADUs) to the public. Laura Upton Baker asked the board for clarification on whether a separate building could be built on a lot with the new regulation and Gary answered yes – it would be considered as the one ADU for the property. Ruby Hill asked if apartment buildings would be subject to the new regulation. The board responded that they would not, as they would typically not be considered a residential property.

Jim Phelps read the proposed changes regarding sections 11.4.2.2 and 11.4.2.3 Village Overlay Areas. Jim read into the record concerns from Linda Wilson, which were received via email. Laura Upton Baker asked if a lot could be required to be a certain amount of acres in order to support a certain size structure. The board mentioned that lot size requirements are currently part of the LUZO. Deborah Aylward mentioned that section 11.4 makes reference to the Master Plan and keeping to the scale of the town, which is something that should be thought of when making changes. Barbie Antonides voiced her concern that any large buildings in the center of town or South Danbury could affect the character of the town and the quaintness. Gary addressed the board and the public to state that the purpose of this revision was to clarify the sections for any future question. Jim Phelps proposed that an amendment be made to limit the Square foot per structure.

Jim Phelps made a motion to amend the language in 11.4.2.2 to read - Business, professional, personal service, technical, trades, arts and crafts, entertainment, recreation, food service, commercial, construction, and light industrial uses **if in a single structure having a footprint no greater than 10,000 square feet**. Jim Phelps made a motion to amend the language in 11.4.2.3 to read - Religious buildings and community buildings **if in a single structure having a footprint no greater than 10,000 square feet**. Mark Zaccaria seconded both motions. **Motions passed unanimously.**

Mark Zaccaria read the proposed changes regarding section 11.9 Home Occupations & Cottage Industry. Deborah Aylward presented some potential edits to the board and public - section 11.3.9 and article 20.26 both contain home-based enterprise and should be updated to remove that language, based on the proposed changes. Article 20.26 should also be reviewed and possibly amended to include language from section 11.9.1.2. and in section 11.9.1.2, the word “functions” should be reviewed and potentially changed. Given the formatting errors in this section, the board determined that the discussion should continue at the next meeting and the changes in section 11.9.3 would be reviewed then.

At 9:02pm Jim Phelps made a motion to continue the public hearing to January 25th, 2022, Matthew Remillard seconded. **Motion passed unanimously.**

Anna Offen made a motion to defer the review of the previous meeting minutes and the building permits being read into record to January 25th, 2022 , Mark Zaccaria seconded. **Motion passed unanimously.**

At 9:05pm the meeting was continued to January 25th, 2022.

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