

## **Sugar Hill Planning Board**

**January 3, 2024**

**Members:** David Thurston, Jim Keefe, Amy Venezia, Mike Valentine, Arthur Chase, Margo Connors, Steve Monsein, Rob Hayward, Patty Robertson (Alternate)

**Guests:** Tara Bamford (via Zoom), Nick De Mayo, Ed Hanslik, Greg Connors, Hugh Hawkins

Chairman Rob Hayward called the meeting to order at 5:30PM on Wednesday, January 3, 2024.

Nick De Mayo requested that the Pledge of Allegiance be said before the start of the meeting. Chairman Rob Hayward stated that Nick and anyone wanting to could say the Pledge of Allegiance.

Chairman Hayward stated that we would go through the proposed amendments 1 by 1 taking comments from Tara and the Board and then any public comments before moving on to the next proposed amendment.

Steve Monsein stated that the date should be 1/3/24 and not 1/4/24 as stated in the minutes. Patty Robertson noted her last name was misspelled under members. On a motion made by Steve Monsein, seconded by David Thurston the minutes of the December meeting were moved to be approved and accepted with the noted changes made. PASSED UNANIMOUSLY

### **Public Hearing Amendments to Zoning Ordinance**

#### **Proposed Amendment#1**

**Would reduce the required width of a parking space from 12ft to 9ft which is a more typical standard (Sections 1506 and 1602), make the requirement for all residential uses be 2 spaces per dwelling unit, except one space for accessory dwelling units, and provide the Planning Board with some flexibility in determining the required number of parking spaces for nonresidential uses (Section 1504).**

No further comments on this amendment from Tara or the Board.

#### **Public comments**

Ed Hanslik asked for the reasoning behind the change in parking size. Chairman Hayward stated that the State and Federal standards have changed and this is just keeping up with the national standard.

Hugh Hawkins stated that he felt 9ft was too small a space for larger SUVs and didn't support this change. Chairman Hayward clarified that is not for ADA parking and it could be larger than 9ft if chosen it was just making the change to align with the national standards.

## **Proposed Amendment #2**

**Would correct the terminology used in the Zoning Ordinance to differentiate between two-family dwellings and multifamily dwellings, eliminate the need for a two-family dwelling to have double the acreage of a single-family dwelling, and eliminate the requirement for a Special Exception from the Zoning Board of Adjustment in order to convert an existing single-family dwelling to a two-family dwelling. (Articles 3, 4, 14, 15 and 16)**

Tara suggested adding 'in the GR and RR1 districts' to the end of this proposed amendment. Add a notation to Article 15 that it would be superseded by amendment #1 if amendment #1 passes.

## **Public comments**

Mr. Hanslik expressed that he feels this will change the nature of the town and is not in support of it. He is concerned that abutters will not be notified with this change of not needing a special exception. Tara explained that there is not amendment proposed that would make it easier to create multifamily dwellings in town. This amendment would require a Site Plan review by the Planning Board which would prompt the notification of abutters.

Mr. Hawkins asked who is putting this forward. Chairman Hayward explained that it was not put forth by anyone and it is part of the planning process that the Planning Board goes through. Mr. Hawkins asked if this has the potential for every home in Sugar Hill could be converted into a two-family home. Chairman Hayward stated that the properties would still need to comply with all the setbacks, septic and other regulations so not every home would qualify.

Nick DeMayo asked for clarification on what GR, RR1 and RR 2 are. Chairman Hayward explained the differences and noted that there was a map in the town hall that was color coded and showed the different areas for Sugar Hill.

Mr. Hanslik asked what the terminology is for a two-family or multifamily. Tara noted that the state statutes explain multifamily home is defined as 3 or more and our zoning ordinance is currently calling it 2 or more. The update in terminology will bring it in line with the state statutes definition.

## **Proposed Amendment #3**

**The Zoning Ordinance currently allows the Zoning Board of Adjustment to grant a Special Exception for a multifamily dwelling in the GR and RR1 Districts. In these Districts, proposed amendment #3 would provide the opportunity for the owner of a two-family dwelling to apply for a Special Exception to add one accessory dwelling unit to a two-family dwelling, or for the owner of a single-family dwelling to add a second accessory dwelling unit under certain conditions. (Article 3)**

No further comments on this amendment from Tara or the Board.

## Public comments

Mr. Hawkins asked for explanation on a special exception. Chairman Hayward explained that a special exception is a use that is permitted by requires approval from the Zoning Board of Adjustment. The ZBA can put additional conditions on the special exception.

Allan Clark noted that going from a two-family to a multifamily the fire code changes dramatically. He further stated that it is before legislature now to amend the fire code to state that if it is a conversion it will not have to have a sprinkler if the footprint is not changed.

Mr. Hanslik if adding an accessory dwelling to a two-family dwelling does that make it a multifamily dwelling. Chairman Hayward explained that technically it does but an accessory dwelling unit is required for us to allow by the State. It is separate in its size and is limited to 1,000sq ft. whether attached or separate.

Patty Robertson asked about the use of the property if it shifts from a multifamily and then wants to do a short term rental does this change the fire code. Tara explained that the State fire code does not differentiate between the uses of the property it is looked at as a single family, two-family or multifamily dwelling not whether it is short term or long term rental.

Mr. De Mayo asked about welfare requests to the town and the overall budget for this expense with the concern being that tax payers would be potentially paying the rent for a short term rental. Margo explained that there is a process for applying for this and they would have to prove they qualify. It is a state law that anyone can come to a town and request welfare. Mr. De Mayo asked if there were any ZBA members attending these meetings for continuity. Chairman Hayward noted that there were some planning board members that are also zoning board members so there is continuity and they read up on the minutes of these meetings and keep up with these changes.

## Proposed Amendment #4

**Would make two changes to increase the opportunity to add an accessory dwelling unit. The first change would remove the requirement that property with an accessory dwelling unit must be owner-occupied. The second change would allow a lot that does not meet the current minimum lot size to have an accessory dwelling unit in an existing accessory building if it is within the existing footprint and in compliance with setbacks. Would also remove provisions inconsistent with state law. (Articles 3, 14A, and 16)**

Tara suggested removing 'this section shall not supersede any other restrictions provided in this Ordinance' which is the last line of the first indented paragraph of Article 14A. She also suggested adding a reference this section and amendment #7 with 'Except as otherwise provided elsewhere in this Ordinance'.

## **Public Comments**

Mr. Hanslik stated that he would label this section the slumlord provision because you don't have to live with who you just rented.

Mike Valentine asked if these proposed amendments or anything in the Zoning can they be limited to certain districts. Chairman Hayward answered yes and they are. Accessory dwelling units are allowed in all districts. The districts are referenced with it applies to only those districts and if it is not referenced it is allowed in all.

Chief Clark needed to leave but wanted to comment that if towns don't take action to make housing more affordable the state will step in. Short term rentals are an issue and he would like to see Sugar Hill put some regulations in place around them. It was noted that amendment #6 needs to pass and become a permitted use before the Selectboard can regulate short term rentals. Tara noted that the Selectboard can put occupancy in their regulations.

## **Proposed Amendment #5**

**Would reduce the required minimum number of homes in a Cluster Development from 5 to 3, and enable the Planning Board to reduce frontage and setbacks within a Cluster Development, provided there is a least a 50-foot separation distance between dwellings, and to increase setbacks and/or require screening from abutting properties and existing roads. Would also provide more guidance regarding use of the protected open space in a Cluster Development. (Article 6)**

No further comments on this amendment from Tara or the Board.

## **Public Comments**

Mr. Hanslik asked if it had anything to do with sharing of waste water. Chairman Hayward stated that it could be and would require everything be deeded and referenced on the maps that are registered.

Mr. De Mayo asked if someone has 20 acres in a RR1 district could they put in 2 cluster developments. Chairman Hayward stated that they could do it but the land would need to make the requirements.

Greg Connors asked if the town could recommend that they come to the town first before the process started. Chairman Hayward said yes they would need to go to the Selectboard first and be sent to the Planning Board for a subdivision.

Mr. Hanslik asked if there was any property tax relief for cluster developments. Chairman Hayward stated that would be a Selectboard process. He further stated that a cluster development here would not be low income and would probably qualify for full tax rate.

### **Proposed Amendment #6**

**Would establish Short-Term Rentals as a Permitted Use in any single-family dwelling (except those in a cluster development), and in one unit only in an owner-occupied two-family dwelling or owner-occupied single-family dwelling with an accessory dwelling unit (Articles 3 and 16). A Zoning Permit would be required to ensure that some basic health and safety requirements are met. (New Article and Section 1701)**

Patty Robertson asked about occupancy requirements. Tara explained it would go along with the business regulations put in place by the Selectboard.

### **Public Comments**

Mr. Hanslik stated that in amendment #4 it was removing the owner occupancy requirement and this amendment is saying that it must be owner occupied. Chairman Hayward stated that yes in a short term rental 1 unit needs to be owner occupied. Tara stated that as a planner it is recommended to do it this way.

Mr. Hanslik asked if short term rentals would be defined in definitions. Tara explained that the definition proposed is on page 10 and defined as less than 30 days.

Patty Robertson if we can put in a maximum number of days a year that you can do a short term rental. Tara stated that yes that can be done and the Selectboard can put that in the regulations they set.

### **Proposed Amendment #7**

**Would make revisions throughout the Zoning Ordinance to update references to state laws and agencies; make minor editorial corrections; eliminate redundancy and conflicts; clarify language; add elements in accord with state laws and court decisions regarding accessory dwelling units, signs, and Board of Adjustment powers; and update certain language to conform with the current application of the Ordinance.**

No further comments on this amendment from Tara or the Board.

### **Public Comments**

Mr. De Mayo stated that he thought this amendment was vague. Chairman Hayward noted that he could see all the changes throughout the ordinance marked in red on the document he has in hand.

Chairman Hayward noted that these amendments would be voted on during the day by ballot on town meeting day.

Tara will provide another set of cleaned up copies showing any changes that were proposed tonight.

On a motion made by David Thurston, seconded by Jim Keefe it was moved to put these amendments on the ballot for town meeting day. PASSED UNANIMOUSLY

Mr. De Mayo asked if there was going to be another hearing. Tara answered if this gets voted to put on the ballot then there is no reason for another hearing.

Mr. De Mayo asked if this satisfies the state regulations for at least another 10 years. Chairman Hayward noted that he hopes but there is no guarantee.

With no further business, on a motion made by Jim Keefe, seconded by David Thurston the meeting was moved to adjourn at 7:00PM. PASSED UNANIMOUSLY

Submitted by:

Amy Venezia

Secretary