

MINUTES

ROCKINGHAM PLANNING COMMISSION
September 14, 2016
Brentwood Recreation Center, Brentwood NH

Commissioners: P. Wilson, Chairman, J. Jeffrey (No. Hampton); D. Clement (Exeter); P. Coffin, G. Coppelman (Kingston); F. McMahon, B. Kravitz, A. Carnaby (Hampton); D. Hawkins (Seabrook); R. Taintor (Portsmouth); R. Clark (Atkinson); P. Merrill, J. Whitney (Kensington); T. Moore (Plaistow); R. McDermott (H. Falls); L. Cushman (Stratham); G. English (Exeter); E. Dykeman (Sandown); J. Foley (Epping); J. Doggett (Newton); M. McAndrews (New Castle); G. Gerrato (Greenland)

Guests: L. Wilson (North Hampton); A. McAndrew (New Castle); T. Morgan (Seabrook)

Staff: C. Sinnott (Executive Director); G. Greenwood (Assistant Director)

I. Chairman Wilson convened the meeting at 7:00 p.m.

II. Minutes of May 11, 2016

Kravitz asked for clarification regarding non-dues & dues paying member rates ref Item #IV; Wilson asked that in the future when rates are discussed it be clarified with more detail. *Coppelman moved to approve as presented; McDermott seconded. SO VOTED. 5 abstentions (Cushman, Taintor, Coffin, English, Foley)*

Minutes of June 8, 2016

Coppelman moved to approve as presented; Kravitz seconded. SO VOTED.

III. Financial Report – FY 2016 Results

Sinnott reviewed the unaudited results of FY 16 financials – funding and expenses. He explained that the year will be \$75,000 in the red, mostly due to funding, not expenses. Funding was not received as anticipated due to delays in timing. He stated the long term impact will not negatively affect the agency since it often has swings both up and down year to year. The real impact may be w/ cashflow month to month in the coming year. No action is required. He also noted that the contracted services expense item was over expended because those expenses

associated with the 5310 contract, which is a transit service pass through agreement, were not figured into the budgeted line item as they should have been. He fielded a few questions, regarding rent and the miscellaneous line item.

IV. Accessory Dwelling Units – moved to later in Agenda*****

V. Review/adopt FY 2017 RPC Annual Work Program

Sinnott referred to Attachment 5, RPC Annual Work Program. He explained that this is a listing of the work that will be done by the staff in the coming year, both regional and town specific. He asked that corrections be brought to his attention if Commissioners see something that should be added or changed. He noted that page 3 includes a grant from DES for watershed/water quality planning for the Powwow River. This is a very important water supply and needs some attention. *Turell moved; Doggett seconded. SO VOTED.*

VI. Legislative Policy Committee Update

Updating RPC Legislative Policies: Clark asked for an overview of what the Legislative Policy Committee is and what it does. Sinnott referred to the second paragraph of the bylaw amendment (Attachment 6) as a good explanation of the Committee: it recommends to the Commission positions and responses pertaining to proposed legislation in the General Court that it considers relevant and important to regional planning. It's also charged with maintaining written legislative policies, providing testimony, preparing educational materials on proposed legislation and organizing an Annual Legislative Forum sponsored by the Commission. He also explained that the Committee flags things that may have impact to the RPC or our members and offers a venue for commenting or attending legislative action. Discussion followed. Kravitz noted that last year the Committee was successful in choosing specific legislation that was very important to the RPC. Each bill (over 1000) was reviewed by the Committee and a list was narrowed down to 100 + bills to follow. Kravitz commended Moore for assembling the information and entering it into a grid so that each one can be considered for comment by the RPC. The Accessory Dwelling Unit bill was one of those recognized as important for the RPC to follow in exactly that way. The NH Association of Planning Commission's bills are also followed by the Committee.

Plans for Legislative Forum November 9th at Unital: Wilson noted that the best way to engage participation with the legislators and the Commission is through the Legislative Forum in November. Kravitz noted this year's Legislative Forum focus will be Economic Development. Laurel Bistany will lead off the program, Peter Egelston from Smuttynose Brewery will detail his journey to success, and three other community representatives will share their stories from their town's successes and failures. Kravitz noted that the audience will be able to ask questions and interact with the panel and the legislators. Sinnott stated that the panel members were selected based on a variety of experiences, towns with and w/out infrastructure, and other unique challenges. Coppelman noted that it is the hope of

the Committee that the legislators gain knowledge through the community perspective and will be able to help promote positive economic development legislation in the future based on what they learn about the struggles involved. Discussion followed on economic opportunity or lack thereof in NH and the role of the RPC in combining planning and economic development in a proactive way. Wilson thanked the Legislative Policy Committee for the work they do. Sinnott stated that one of the objectives of the Committee in having Economic Development at the topic of the forum is to determine if there are some problems that need further legislation to resolve.

VII. Proposed Bylaw Amendment

Kravitz stated that the Committee is proposing that the RPC Bylaws be amended to clarify that the rules of procedure for the Legislative Policy Committee be the same as other standing committees. She referred to proposed language for the Bylaws - (see Attachment 6). She stated that this is administrative in nature and does not change how the Legislative Policy Committee currently works as a Standing Committee. The next commission meeting will vote on Bylaw amendments. This begins the 30 day notice period.

IV. Accessory Dwelling Units – responding to SB146

- A. ADU White Paper: Sinnott reviewed the structure of the White Paper and noted that it was written to respond to a need for changes and issues of concern in complying with the most recent legislation, SB 146. He reviewed some of the key issues of the new legislation: problems and possible solutions, including lack of zoning discretion- as in density of urban centers, beach districts, lakeshore development; adequacy of septic systems; Size and bedroom minimum which may end up requiring larger units than necessary or desired; unintended condominium situations created, and how to deal w/ subletting and condo docs; multiple accessory dwelling units at one dwelling unit; short term rentals of accessory dwelling units; inflexibility in applying different standards; application of home occupation regulations.
 - B. RSA 674:71 Compliant Model Ordinance: Greenwood referred to the Draft Model Ordinance (Attachment 4.) He explained the format of the Model. He noted a correction to the very first explanation in the Model – should read “RSA 674:71”. He reviewed the conditional use permit requirement option. He also corrected last sentence on page 1 to correct (a) –(g); should be (a)-(i). He also discussed the Criteria for Approval and importance of making the criteria clear, such as allowing a locked access between attached units. He noted that anywhere where single-family residences are permitted, accessory units are allowed. He continued to review specific items such as existing septic capacity, parking provisions, detached accessory dwellings; declaring how many are units are allowed, and town ordinance must declare the number of bedrooms.
 - C. Discussion: Taintor stated that Portsmouth doesn’t allow accessory dwelling units currently, but they do have significant areas that allow high density
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multiple family units. One of Portsmouth's concerns as they prepare an accessory dwelling unit ordinance is that the areas with high density could be doubled. He noted they have worked through 3 drafts already, and the planning board recognizes they need to allow accessory dwelling units and they feel they would rather allow detached only. However, detached units have to meet requirements of single family home, but those single family requirements are problems w/ height and sq. footage and parking in Portsmouth. He explained that they were proposing a type 2 w/ certain limits but were told that wouldn't follow the law. It was recommended that the Town allow additional dwelling units on non-conforming lots, and call them "garden cottage" in hopes of drafting a workable ordinance.

VIII. Commissioner Roundtable on SB 146

Discussion followed on specific details, possible problems and questions. Wilson reminded everyone about the workshop on ADU to be held on September 29, 2016 at the Exeter Public Library.

IX. Other Business

- A. Communications: Sinnott reminded Commissioners to fill out a form if they want a free Land Use Zoning book;
- B. FY 17 Meeting schedule – Sinnott noted there is a MPO meeting on December 14th;
- C. Project Updates: Sinnott stated that the RPC has received funding from NH Charitable Foundation for MS4 assistance to communities.

X. Public Comment: None

Adjourned at 9:04 p.m.

Respectfully submitted,

Annette Pettengill
Recording Secretary