

Town of Richmond
Planning Board Public Meeting/Hearing
Vets Hall

January 7, 2025, 7:00 PM

Final

Member Present	Member Absent
Doug Smith (Chairman)	Doug Bersaw (Selectman Rep)
Lisa Traeger (Secretary)	William Daniels (Alt Selectman Rep)
Joe Norman	Nick Viselle (Alternate)
Brad Grinstead	Lloyd Condon (Alternate)
Jed Butterfield	
Greg Butko (Alternate)	
Kim DeMasco (Vice Chairman)	

Public addressing the Board: Fran Heap, Suzen Perry, Amanda Grinstead, Antoinette Cincotta, Pamela Bielunis, Lenny Solomon, Bonnie McCarthy read Dick Drew statement (he was not in attendance), Jeff Taylor, Kim Mattson, Kate Willet

Public Meeting called to order 7:03PM by Doug Smith (Chair)

- 1 Question to use PowerPoint presentation was raised and agreed to. (Presentation is attached)
- 2 Hearing called to Order by Doug Smith at 7:04PM
- 3 Smith gave a brief overview of Amendment #1, #2 and #3 to clarify ADU and DADU by Right and a second ADU by Special exception. Housing is in short supply throughout the State and this is a way to add additional housing while keeping the rural nature of Richmond. This supports elderly and young couples and as a DADU may help address Workforce Housing with lower rents and potentially 2 bedrooms. Smith discussed the new State Building Code RSA 155.A and the process required to approve any ordinance using a Building Code that is not the same as the State's Building code. #2 Amendment is to match Building foundations to follow State Code.
 - a. F. Heap asked if these ADU's would be held for only family, the board answered "No" no additional restrictions than current housing. She also brought to the board's attention the presentation slide had 404.3.6 incorrectly posted as not striking out the phrase "to accommodate the increased demands on the systems and will be". The ballot has this as a strikeout, Traeger affirmed strikeout will remain as currently presented on the sample ballot.
 - b. Pam Bielunis questioned Amendment #2 (Matching foundations to State Building codes) Can the town make stronger ordinances than State Building Code? Discussion ensued, all building codes in NH that do not match State Building Code, must be reviewed/approved by the state committee as of the new statute this year RSA 155.A. Most of the individual statute's approval requests presented so far were not approved and these are not enforceable until/if approved. The state is trying to create a uniform code, with a database accessible to builders and others, identifying variances from state code.
 - c. Additional question from Kate Willett, are these new ordinances in line with the current master plan. Traeger answered "yes" under Workforce Housing (Footnote: MP Section IV ; To ensure that zoning and building regulations address the needs of expanding, aging and retiring population. evaluation of our compliance with SB342 Workforce Housing); MP silent on foundations. Follow up question, will a Master Plan survey be sent out soon, again board answered "Yes".
 - d. Pam Bielunis, will additional road frontage or extra acreage be required; Board answered: "No"
 - e. Fran Heap requested the word "Primary be added to the new proposed 404.3.1 in front of Single-Family Dwelling; she felt this would clarify.
 - f. Discussion ensued about what is the single-family dwelling if the primary burns down; does the DADU become the primary or do you end up with two DADU, replace original or add a second DADU. Circuitous discussion ended up with no result.
 - g. Are there any restrictions on number of people per household: board:" no".

- h. Suzen Perry asked about land owner/ property owner rights/safety: this falls under Landowner laws already in place in the state and not part of this ordinance.
 - i. Lenny Solomon; how will the ADU/DADU impact property value? He was directed to Avitar; the board can't address.
 - j. Kim Mattson suggested tiny homes be specifically identified under DADU for clarification: discussion ensued; tiny homes are a subset of DADU and as such they are already covered. Covers tiny homes but their requirements don't mandate fixed foundation; town ordinances would require fixed foundation and due to size would fall under DADU; therefore, they would not be considered a recreational residence. Tiny Homes are covered by the proposed ADU as a DADU.
 - k. Kate Willett suggested the building codes including foundations be posted via link. Doug Smith informed the group that the code book is a subscription-based document and very large, it's not practical to post.
 - l. Bonnie McCarthy read a statement from Dick Drew. Comments included: ADU may help meet required housing needs, but he had concerns about septic capacity; number of bedrooms vs potential numbers of residents; driveway width; cluster development septic; driveway parking; building separation distance, posting foundation regs suggested.
 - m. Heap pointed out the board must discuss the petition amendments at the hearing, they had been posted and were part to the Hearing notifications so we were within compliance. Floor opened for discussion of Warrant Articles #4/#5. Smith noted the Planning Board voted not to support either #4 or #5.
 - n. Petition Amendment Warrant #4 is intended to add a definition for Normal Landscaping; Smith discussed this wasn't a definition as written but an ordinance under the guise of a definition. There is a definition we can use in the Excavation Ordinance or the State's definition and that not every word in the ordinances is defined. The current proposed definition restricts our current usage within the entire 75' WCD; an ordinance just passed last year. Some members of the public had issues using the definition from the Excavation Ordinance and wanted it added to the Zoning Regulation definitions; a suggestion was made to add the excavation definition of Normal Landscaping to next year's ballot; it is not practical to add to current ballot as they would be contradictory having both definitions on the same ballot. Heaps wanted it on the record she is in favor of this amendment.
 - o. Warrant #5 adds an Ordinance 601.1 under 601 Wetland Conservation District General. Smith discussed the petitions and pointed out the proposed warrant #5 tightens the current WCD ordinances, further locking down the first 25 feet of the WCD without giving back the remaining 50 feet balance; the total 75 feet would remain with even stricter controls than before. The broad word "structure" was used, adding additional restrictions/prohibitions to the current WCD ordinance. In essence, reversing last year's progress.
 - p. Members of the public expressed concern that the Conservation Commission (CC) suggestions from last year weren't addressed and that we should listen to their expertise. Warrant #5 was in response to the CC suggestions. Antoinette Cincotta asked if anyone on the CC was a Soil Scientist or Wetland scientist and upon what expertise were the suggestions based? Smith noted the PB did discuss the CC suggestions from last year and the board decided not to address; it wasn't ignored. Amanda Grinstead pointed out that just last year folks were mocked for pointing out that the word "structure" was an issue, and the new Petition Warrants #4 and #5 puts the word back into the proposed ordinances. Jeff Taylor suggested we could come up with a compromise that gives back some of the WCD but protects the wetlands to capture any spillage of hazardous materials and drainage. Doug Smith suggests we could write up something about the hazardous materials specifically. Grinstead noted there are already laws on the books both within the state and federally prohibiting improper use of hazardous materials in all places and not just the WCD.
 - q. Susen Perry suggested over spraying of chemicals is an issue and that there are better methods to control noxious vegetation; Cincotta suggested it is better to educate and not regulate or legislate.
 - r. Smith discussed the board worked on protecting the town against potential state interference and the possibility of state mandates on ADU/DADU and work force housing this year. He restated the new state law on building codes and how our current regulation on foundations is not enforceable at this time. Traeger discussed we attempt to keep up on state changes.
 - s. Motion to close Public Hearing made by Jed Butterfield: seconded by Kim DeMasco. All in favor, Motion carries to close the Public Hearing at 9:07
- 4: Meeting continued; Doug Smith sat Greg Butko for Brad Grinstead.
- a. Jed Butterfield made a motion to add "Tiny Homes" to the proposed Warrants; Doug Smith seconded

1. Discussion, Butterfield stated it may make things a little clearer; others said it is a subset of DADU and not necessary. Roll call vote; Traeger, no; DeMasco, no; Butko, no; Butterfield, yes; Smith, no. Motion fails, "Tiny homes" will not be added to the Warrant.
- b. Jed Butterfield made a motion to add "Primary" to the proposed Warrants Article 404.3.1; Doug Smith seconded.
 1. Discussion, Butterfield stated it may make things a little clearer; others thought it wasn't necessary current wording is consistent within the ordinances as a whole. Roll call vote; Traeger, no; DeMasco, no; Butko, no; Butterfield, yes; Smith, yes. Motion fails, the word "Primary" will not be added to the Warrant.
- c. Minutes None reviewed

Motion to adjourn the meeting by DeMasco, seconded by Butterfield, all in favor, motion carried.
Meeting adjourned 9:21PM,

Respectfully Submitted,
Lisa Traeger

Planning Board Proposed Zoning Changes 2025

Town of Richmond Public Hearing

January 7, 2025

Planning Board Amendment #1

(Update Zoning to include Detached ADU as Permitted Accessory and ADU by Right)

Are you in favor of the adoption of Amendment #1 as proposed by the Richmond Planning Board for the Town of Richmond Zoning Ordinance as follows:

404 Permitted Accessory Uses

The following uses are permitted as accessory to a principal use allowed in this District. By definition, accessory uses are secondary and incidental to the principal use and may not expand beyond that limitation or change the character of the property.

- 404.1 Uses that are customarily associated with a principal permitted use (for example, garages, barns, sheds, swimming pools, **ADUs**) or one that is permitted by Special Exception pursuant to Article 11.

Planning Board Amendment #1 Cont'd

(Purpose explained)

Purpose and Intent of ADU Ordinances (New)

- **The purpose and intent of these ADU ordinances is to provide clear guidelines for the development of Accessory Dwelling Units (ADUs) in our rural residential town. This regulation aims to allow and encourage affordable/workforce housing options, support multi-generational living, and promote responsible land use, while preserving the rural character of our town.**

Planning Board Amendment #1 Cont'd

(ADU requirements)

404.3 Accessory dwelling units (ADU)

- 404.3.1 There shall be ~~only one~~ **one** accessory dwelling unit permitted **by right** per single-family dwelling.
- 404.3.2 ~~The~~ **Any** accessory dwelling unit may be no larger than ~~750~~ **the primary dwelling or 1000** square feet, **whichever is less but in no case shall the ADU be required to be less than 750 square feet.**
- 404.3.3 Either the primary dwelling unit or ~~the~~ **any** accessory dwelling unit shall be occupied by the property owner

Planning Board Amendment #1 Cont'd

(ADU Requirements Cont'd)

- 404.3.4 ~~The~~ **Any** accessory dwelling unit ~~must~~ **may** be located in the primary dwelling or in an addition to the primary dwelling **or as a separate detached unit.**
- 404.3.5 ~~The~~ **Any** accessory dwelling unit shall not necessitate the establishment of an additional access into the property.
- 404.3.6 Documentation shall be provided that the sewage system **to be used by any ADU** is adequate **for the new use**, to accommodate the increased demands on the systems and will be **and is approved for that use** in accordance with all applicable standards and requirements of the NH Department of Environmental Services.

(Removed)

- ~~404.3.7 The ADU shall be attached to or within the principal dwelling unit. In order to be considered an attached ADU there must be a common wall between the living space of the principal dwelling unit and the ADU. Detached accessory dwelling units are prohibited.~~

Planning Board Amendment #2

(Foundation Ordinance to Match State of NH State Building code)

Are you in favor of the adoption of Amendment #2 as proposed by the Richmond Planning Board for the Town of Richmond Zoning Ordinance as follows:

Definitions

1721 Foundations – Foundations for buildings **must be built in conformity with all current NH State building codes.** ~~consist of footings and foundation walls.~~

310 Dwellings on Foundations

- 310.1 All dwelling units and additions shall be built on a permanent foundation. ~~Foundations will consist of footings and foundation walls. All footings must be constructed of concrete and placed below frost level.~~ All foundations ~~walls~~ must be constructed in accordance with the applicable **NH** State Building Codes.
- 310.2 Structures that are attached to a dwelling, such as decks, porches and barns, may be constructed on footings or piers provided they extend below the frost line. Any such structure that is converted to a dwelling unit must meet the foundation standards of 310.1

Planning Board Amendment #3 (Adding Second ADU by Special Exception)

Are you in favor of the adoption of Amendment #3 as proposed by the Richmond Planning Board for the Town of Richmond Zoning Ordinance as follows:

403 Uses Permitted by Special Exception

(Current 403.1-403.6)

- 403.1 Multi-family residences.
- 403.2 Recreational uses.
- 403.3 Educational and cultural facilities.
- 403.4 Home occupations.
- 403.5 Commercial or light industrial uses.
- 403.6 Earth excavations.

(New)

- **403.7 A second ADU per single family dwelling may be allowed by special exception subject to Zoning Board of Adjustment (ZBA) approval, provided that the second ADU meets all other current zoning and building regulations.**

Questions/Comments

- A second Public Hearing is tentatively scheduled for January 21, Vets Hall 7:00PM if there are any substantive changes.

Petition to the Board of Selectmen to Insert a Warrant Article

This petition is being made because the changes made to the Zoning Ordinance in 2024 did not provide a definition of “normal landscaping” which is a new use allowed in the Wetland Conservation District.

We the Undersigned, Richmond registered voters, petition the Town Legislative Body at the first session of the annual Meeting (Official Ballot Voting) of March 11, 2025, to amend Zoning Ordinance Article 17: Definitions by adding the following definition:

Normal Landscaping – In the Wetland Conservation District normal landscaping shall be only that altering of terrain that is associated with the installation of structures that are allowed unless otherwise allowed by Special Exception or Variance. In no instance shall any siltation or erosion be allowed to affect wetlands by normal landscaping.

This petition is being made because the changes made to the Zoning Ordinance in 2024 allow for construction of structures to the very edge of state jurisdictional wetlands. This setback was recommended to the Planning Board by the Richmond Conservation Commission at two public hearings.

We the Undersigned, Richmond registered voters, petition the Town Legislative Body at the first session of the annual Meeting (Official Ballot Voting) of March 11, 2025 to amend Zoning Ordinance Article 6: **Wetland Conservation District: 601 General.**

601.1 Structures and disturbance

To protect the Richmond wetlands there shall be a twenty-five-foot (25') buffer from wetlands in the Wetland Conservation District, as defined in Article 601, prohibiting disturbance of the existing natural terrain and the erection of structures unless otherwise allowed by Special Exception or Variance.

Current Town of Richmond Definitions

- Excavation Regulations page 6 “T. NORMAL LANDSCAPING means the on-site alteration and contouring of the land exclusively devoted to improving the functional utility and planting of the grounds.”