

Town of Grantham
Planning Board Minutes
December 6, 2018

APPROVED

I. Call to Order

Chair Hanson called the meeting to order at 7:00 PM. The meeting was held in the Jerry Whitney Memorial Conference Room of the Grantham Town Hall located at 300 Route 10 South in Grantham, NH.

Present: Chairman Carl Hanson, Vice Chair Peter Guillette, C. Peter James, Mary Hutchins, Selectman's Representative Peter Garland.

Applicants and Members of the Public: Conrad Frey, Sheridan Brown, Ken Ryder, Ken Story, Terrance Large.

II. Approval of Minutes

Chair Hanson asked the Board if there were any corrections or changes to the meeting minutes of October 4, 2018. Peter Guillette made a motion to accept the minutes as written, Peter James seconded the motion. **Unanimously Approved and Accepted.**

Chair Hanson proposed to the Board putting off the approval of the Meeting Minutes of November 1, 2018 due to information left out of the meeting minutes and corrections to be made to statements made during the public hearing. All members of the Board agreed to bring corrections to the next meeting.

III. New Business

1. Conceptual Consultation #12-2018-01 by Ken Ryder, Eastman General Manager; New Eastman Maintenance Building
Mr. Ryder reviewed a concept plan for building a new Maintenance Building located on Greensward Drive in the Eastman community. After discussion with the board about the project, Mr. Ryder agreed to present a formal site plan for review and approval for the next Planning Board meeting.

IV. Old Business

Proposed Zoning Board Amendments #11-2018-01.

Char Hanson asked Mr. Frey to speak to the proposed Amendments to the Grantham Zoning Ordinance. Mr. Frey responded as follows:

“Permitted use by special exception” is deemed a reasonable use in the particular district that it is in, but must meet certain criteria and specific conditions much as for a variance but without the requirement of showing hardship. In essence, it is a secondary review of a specific use to determine whether or not it will be compatible in the particular district in which that use may be permitted and also meets the purpose of the ordinance itself. To quote the 2015 OEP Handbook for Local Officials (Board of Adjustment): “Providing for a Special Exception makes it possible to allow uses where they are reasonable in a uniform and controlled manner, but to prohibit them where specified conditions cannot be met.”

The first request concerns adding “Airbnbs” to the existing “permitted use by special exception” of “Bed and Breakfast Facilities” in Rural Residential Districts One (RR-1) and Rural Residential District Two (RR-2) as well as the Central Village Residential District. An “Airbnb” might be described as a hybrid of a typical Bed and Breakfast Facility and a Home Business both of which require review as a “permitted use by special exception.”

There is much controversy concerning the \$25 billion dollar “Airbnb” industry, most of which does not concern a small town like Grantham. In cities around the world there are very serious complaints of Airbnbs cutting into the hotel business, avoidance of taxes—both local and income taxes—conversion of lower income apartments to higher income Airbnb accommodations, lack of regulations (such as health issues), etc. In Grantham and smaller towns, the review of an application for an Airbnb would be similar to that of a traditional Bed and Breakfast Facility in a residential setting; most importantly, whether or not it would be detrimental to the character of the neighborhood by reason of noise, parking, lighting and traffic.

This request to add Airbnbs to read “Bed and Breakfast and Airbnb Facilities” under “permitted use by special exception” would not only be for the Residential Districts mentioned above and would also be changed in the Business District and Business Light Industrial where such use will remain as a permitted use (no review required by the ZBA). Parenthetically, at present, there are no guidelines or statutes in the State of New Hampshire written concerning Airbnbs.

The second request affects only Rural Residential District One (RR-1) with a minimum one acre lot size. Currently “Agricultural Uses and Forestry Uses” is listed as a permitted use in this district. This request is to place “Agricultural and Forestry Uses” under the category of “permitted use by special exception” rather than as a permitted use per se. It is felt that these uses under certain circumstances in a district with smaller lot sizes could be detrimental to the

character of the neighborhood and could affect the value of surrounding properties. In some types of agriculture and forestry, there might be conditions that would be injurious in terms of noise, unsanitary or unhealthful emissions, waste disposal, lighting, traffic and detrimental visual appeal. Examples might be a pig farm, a lighted greenhouse, clear cutting of the property, noise from certain livestock, etc. Such conditions might negatively affect the character of the neighborhood and the value of surrounding properties.

There is some precedent for such thinking as “RSA 674:26 Agricultural Use Under Interim Zoning Ordinance” specifies a minimum of eight acres for farming with road frontages (500 feet) and setbacks (200 and 100 feet) which are far greater than those in Rural Residential One (RR-1) or Rural Residential Districts RR-2 and RR-3 as well.

A review by the ZBA through a request for “a permitted use by special exception” would determine if such a use would indeed be detrimental to the character and well-being of the neighborhood because of the type of the agricultural and forestry anticipated. Again, this request is only for Rural Residential District RR-1 and is not being requested for the larger Rural Residential Districts RR-2 and RR-3 (4.5 and 5 acres minimum lot size) nor the Business and Business Light Industrial Districts.”

Discussion followed regarding residential uses that are also “agricultural” in nature. It was agreed that the requirement for a special exception would only pertain to “commercial agricultural uses.”

Chair Hanson asked for a definition of Airbnb such as rentals under 30 days, are rentals handled thru a Real Estate Agent, and is money exchanged. Mr. Frey will provide more detail with the final wording of the Amendment.

Chair Hanson entertained a motion approving the first request to add “Airbnbs” to the existing “permitted use by special exception” of “Bed and Breakfast Facilities” in Rural Residential Districts One (RR-1) and Rural Residential District Two (RR-2) as well as the Central Village Residential District. An “Airbnb” might be described as a hybrid of a typical Bed and Breakfast Facility and a Home Business both of which require review as a “permitted use by special exception”. A motion was made by Peter Guillette and seconded by Peter James. The motion passed 3 for and 1 against. Mr. Garland abstained.

Chair Hanson entertained a motion approving the second request to place “Commercial Agricultural and Forestry Uses” under the category of “permitted use by special exception” rather than as a permitted use per se. This request affects only Rural Residential District One (RR-1) with a minimum one-acre lot size. Currently “Agricultural Uses and Forestry Uses” is listed as a permitted use in this district. A motion by Peter Guillette and seconded by Mary Hutchins was made to approve. The motion passed unanimously. Mr. Garland abstained.

Chairman Hanson announced he would entertain a motion to adjourn the meeting. A motion to adjourn was made by Peter James and seconded by Mary Hutchins at 8:30 PM. Unanimously Approved.

The next Planning Board meeting will take place at 7:00 PM on Thursday, January 3, 2019 in the Jerry Whitney Conference Room at the Grantham Town Hall Building.

Respectively submitted,

Peter Guillette
Acting Secretary