

## **Regulation Review workgroup – July 12, 2007 meeting notes**

Attendance: Scott Self, Glenn Page, Steve Russell, Victoria Barlow. Town Planner Sara Carbonneau was unable to attend.

### Agenda

1. Multi-family development guidelines to be reviewed:  
Please review the handouts prior to next meeting;  
Circle or check mark anything that you think should be discussed for incorporation in Swanzey site plan. Bring to next meeting so we can discuss.
2. Review home occupations in Swanzey for discussion.  
Is there a need to be more specific in our regulations?
3. Review the Town of Epping Consensus project. At [HTTP://nhplanning.com/epping/epping.htm](http://nhplanning.com/epping/epping.htm).  
This will allow us to get a background on the article 22 that Epping NH has adopted in their planning regulations.
4. Review site plan regulations at next meeting.

The meeting convened in Town Hall at 3:40 and concluded at 4:30. The following notes were compiled by Barlow.

### **1. Handouts**

Russell distributed the agenda, and introduced his other handouts:

- 5-page "Multi-Family Development Guidelines, County of Henrico" [VA]
- 2-page "Seattle's Multifamily Residential Zones"
- single page "Quick List of Energy Star Resources for Homes."

### **2. Home Occupations**

The group reviewed a list of home occupations approved by the Swanzey Planning Board (1/1/01 through 7/5/07) supplied by Carbonneau. Below, home occupations from the list have been grouped according to type and arranged according to potential for impact on a neighborhood (Barlow rearranging and ranking, considering traffic generation and exterior evidence, executed after the meeting. Multiple listings represent occurrences).

Office for service business – no goods

Office for wetland & soil consulting business

Software engineering

Mortgage company

Real estate sales office

Pet sitting business

Computer technology services

Real estate business

Art enrichment classes taught off-site

Handyman service

Personal service

Hairsalon Hair salon

Massage therapy

Sales of goods, off-site; including manufacturing

Mail order business for antique car parts

Comic book sales – sales through internet & mail

Wholesale & retail sales of crystals, minerals, etc. through Internet & mail order

Production of handmade soaps & toiletries to be sold at fleamarkets, craft sales & wholesale

Bakery (primarily wholesale)

Sales of goods, on-site; including repairs

Bait shop

Antique shop

Workshop, studio, gallery for the sale of artisan products

Gift shop Gift shop

Clock repairs and limited sales

Special order gunsmith business

Sign shop

Artist's studio

Ice skate sharpening/repair & embroidery business

Childcare

Modification to previously approved home occupation – home based childcare

Childcare Childcare Childcare

Boarding, storage

Boarding horses

Office for real estate brokerage & mini-storage

Office for service business – supplying goods, parts, and equipment that may be stored on-site

Oil heat system installation

Light carpentry/woodworking

Woodworking

Machine shop

Swimming pool maintenance business

Sales & installation of home satellite systems

Office for sales of cellulose insulation

Decorative concrete installations, including storage of materials on site

Microscopic welding business

Businesses involving vehicles or large equipment

Logging business

Parking for tri-axle dump truck to be utilized for business off site

Paving business – office & truck storage  
Equipment & welding service & snow/ice removal  
Taxi cab business – single cab only  
Purchasing, prepping & cleaning of autos & sales of vehicles off site

The group discussed qualities of problematic home occupations.

- “Success” – when the operation out-grows its home occupation status
- When the occupation requires big equipment, or many pieces of equipment
- When equipment and supplies are stored too close to the front of the lot, or too close to neighbors
- When the operator makes no effort to minimize the operation's impact with use of the lot, or with screening
- When the number of parked cars exceeds what is typical for a residential neighborhood

Other problems include

- Enforcement, especially when the occupation has grown beyond what was approved.
- Home occupations that were established prior to existing regulations

The group reviewed language pertaining to home occupations in the current zoning ordinance. Members felt that neighborhoods should be adequately protected so long as the Planning Board appropriately interprets #2: *The use does not result in the alteration of the residential appearance of the dwelling unit or the lot on which it is located and is clearly incidental to its use as a residence.*

The group discussed whether home occupations should be removed from the Residential District (conclusion: this change is not necessary), whether only “invisible” home occupations should be allowed in the Residential District, with “visible” home occupations allowed in the Rural/Ag district (conclusion: this change is not necessary).

Parking for home occupations: To ensure adequate on-site space, group members considered either creating a new #11, or revising #9 (see below). Also, group members felt that #9 needs tightening for legal defensibility. How does the PB discriminate between a business vehicle and a personal vehicle? To accommodate the maximum number of permitted employees at a home occupation, members recommend the following revision:

~~*9. The maximum number of vehicles permitted to be stored outside shall be determined by the Planning Board on a case-by-case basis and imposed as a condition of site plan review.*~~

9. The maximum permitted number of business-related vehicles shall be three. For each employee who is not an inhabitant of the dwelling, there must be one additional parking space.

To formally acknowledge a Town goal in a location in the zoning ordinance that is immediately accessible to users of the ordinance, Barlow advocated incorporating a new introduction to the U. HOME OCCUPATIONS (Adopted March 8, 1994). Group members asked for draft language, to review at the next meeting.

Barlow's proposed text:

The Town of Swanzey encourages home occupations as an important element of economic development in a rural setting. Home occupations allow new businesses to become established at relatively low economic risk to their owners or to the community. To protect existing neighborhoods, the Town of Swanzey requires home occupations that have outgrown the conditions of their site plan to move to larger quarters in the appropriate zoning district of the Town.

Self observed that the existing definition of home occupation is illogical – if the use is “not otherwise permitted in the zone,” then why is it permitted as a home occupation? With the group's support, Self recommends changing the definition:

**Home Occupation:** A commercial use ~~not otherwise permitted in the zone~~ conducted by not more than three people (at least one of whom is an inhabitant of the dwelling), which is clearly incidental and secondary to the use of the premises for dwelling purposes and does not change the residential character thereof.

In conversation following the meeting, Town Planner Carbonneau noted that a business that requires a special exception for conventional approval should likely not be appropriate for approval as a home occupation.

### **3. Town of Eppig Consensus project**

Russell encouraged group members to review the project, a review of town regulations from all standpoints, at its web site. Russell is especially interested in considering energy efficiency standards for new construction.

### **4. Preparing for review of site plan regulations**

Barlow supplied members with a site plan review checklist that she created in 2006 for her own use.

*Barlow question: Did we include a review of site plan regulations in our original scope, which mostly focused on resolving issues with standards for multi-family housing, appropriate locations for multi-family housing, accessory housing, and home occupations? For manageability within our time constraints, could we/should we keep the review of site plan regulations tied to this original scope?*