

**Westmoreland Planning Board
Minutes
August 16, 2021**

Members present: Russ Austin, Bruce Smith, Tim Thompson, Lauren Bressett, Elaine Moore. Excused: Alison Fissette, Jim Starkey, Larry Siegal, and recorder Liana Capra.

Meeting was called to order by Lauren Bressett at 6:30 PM. Tim Thompson moved to accept the minutes as printed, seconded by Bruce Smith. All voted to approve.

Alison Fissette and Lauren Bressett attended the Selectmen's meeting regarding the classification of the stable on Poocham Road. The Selectmen noted that with new information they have reconsidered and determined that it would be classified as needing a site plan review. Other items discussed included the desire to keep things simple and uncomplicated. Lauren noted that the current ordinances are not organized in an easy to understand manner and the board would likely need outside assistance to reorganize them completely. The Selectmen suggest that the Planning Board include some outside support in the next budget to help with this.

Russ Austin noted that there is concern about why there seem to be so many site plans, that it seems it is overreach. Instead of trying to refine or define ordinances and regulations, could we eliminate some of them?

Lauren Bressett noted that unlike many other towns, while Westmoreland has 5 zones, all but one are called residential. By its nature, this means that nonresidential uses warrant a closer look. Many other towns have more variety in their labeled zones and also use overlay districts. It may be worth considering our tables and whether our zones accurately reflect what we want or expect for Westmoreland's future. Should we be considering where nonresidential development should be directed? Due to Westmoreland's location, there is limited state highway frontage. Would Rt 63 be the next natural development area? The importance of 3 phase power for commercial/business use was noted by Bruce Smith. However, with 3 phase only along Rt 12 and the rural Spofford Rd and Partridge Brook Rd it is limiting. There was discussion around the changing times, the changes due to the pandemic, and how things such as working from home and home businesses will be much more common now. As Bruce mentioned, the ordinances ideally should be a reflection of what the residents want.

The board then began reviewing existing ordinances regarding home occupations and home businesses. The board identified characteristics that would differentiate a home based business from a home based occupation including: more frequent deliveries (but it was noted that many homes/families now use delivery for many items/services since the pandemic so this may not be a valid differentiation); the existence of employees, increased parking, outside evidence different than typical residential items, signage, evidence of people buying and selling. Folks felt one-at-a-time uses such as single piano lessons or client visits with no employees should be home occupation. Parking was discussed. Russ Austin questioned why parking should be a town concern. Whose problem is it? Whose liability is it? Lauren noted that the NH Municipal Association has discussed ignoring a known or recognized hazard without appropriate planning or response can create a town liability risk.

First review and suggested changes (deletions indicated by strike through, additions in italics) include:

Definitions

~~Home Business: Business activity which is carried on by the residents of the premises and not more than two additional on-premise employees, is clearly secondary to the use of the premises for dwelling purposes and uses a minor portion of the principal or accessory structure(s).~~

Home Based Business: *A business use clearly incidental and secondary to the use of a residential property, uses a minor portion of the principal or accessory structure(s), and shall not change the character thereof or adversely affect the uses permitted in the zoning district of which it is a part. A conditional and additional use of a dwelling unit or accessory building for gainful employment involving the manufacture, provision or sale of goods and/or services. A home based business is defined as any commercial activity conducted on a residential property that has one or more of the following characteristics: not more than two additional non-resident employees, client or customer visits, outdoor storage and/or display of goods or materials, parking of more than one client or customer at a time, commercial vehicles, or creation of any exterior noise, odors, smoke, soot, lights, glare, vibrations, hazards; soil, water or air pollution; or visual or audible electrical interference.*

SECTION 403 Home Based Occupation and Home Business

Shall both be considered an accessory use as long as such activity does not have a detrimental effect on the residential character of the neighborhood, is clearly secondary to the use of the premises for dwelling purposes and does not cause obnoxious or excessive noise, smoke, odor or other objectionable conditions that are detectable at the boundary of the property.

SECTION 403.2 Home Business

Business activity exceeding the standards of a Home Based Occupation shall obtain a Special Exception from the Zoning Board of Adjustment. A Home Business shall:

- a. Be carried on by residents of the premises and not more than two additional on-premise employees.
- b. Be operated within a principal or accessory structure ~~and not have external storage of supplies and equipment visible from an adjacent highway or dwelling unit.~~
- e. Provide off-street parking *for employees and customers.* ~~If parking in addition to two business-owned vehicles, two employee vehicles and the first two customer vehicles is necessary, it shall be located in side or rear yards.—~~
- d. Be allowed to have a sign limited to 2.25 sq ft in area with no lighting.

Table 502 C/I General regulations: Site plan approval is required *for all non-residential uses, except for home businesses.*

Permitted: *Home based business.* ~~Special Exception: Home Business.~~

Table 503 FR

Special Exception: Home Business. ~~Reservoir.~~ Further discuss Professional Residence-Office.

Table 504 MDR General regulations: Site plan approval is required for non-residential uses ~~and two-family residences~~ *but is not required for home based businesses.*

Special Exception: Further discuss Professional Residence-Office.

Table 505 RR General regulations: Site plan approval is required for non-residential uses *except for home business???*

Special Exception: Home Business. Further discuss Professional Residence-Office.

Table 506 VC General regulations: Site plan approval is required for non-residential, ~~two-family residential~~ and multi-family residential uses. *Not required for home business.*

Special Exception: Home Business. Further discuss Professional Residence-Office.

Revisit professional office definition, does it need to also be a residence, what zones does it belong?

PLANNING BOARD FEE SCHEDULE

Add minor site plan review, determine fee and reduced checklist.
Site Plan Review \$150.00

Motion to adjourn was made by Tim Thompson and seconded by Bruce Smith. All approved. Meeting adjourned at 8:15 PM

Recorded by Lauren Bressett