

**Dayton Planning Board  
December 11, 2018**

**Members Present:** Dan Plourde, Bruce Reynolds, John Boissonnault, Darren Adams, Shannon Belanger

**Town Employees Present:** Jim Roberts (CEO)

**Public Present:** Galen and Lisa Hall, Karla Green, Robert Green, Nolan Green

**Administrative:**

Meeting Minutes were read from November 13, 2018. No motion was made to accept.

**Old Business:**

Galen and Lisa Hall appeared in regard to their request for a Conditional Use Permit to use their home as a Bed and Breakfast.

Dan asked Shannon if she would go over the code requirements.

Shannon said she has been looking it over for use requirements and procedures and what needs to be seen on the site plan. She sent the information needed to the Halls. She said that she received the Halls' latest plans that added overhead lines, the well, and parking spots based on the sketch she sent to them. Looking at the code information on the plan is useful.

Dan asked if there were any responses from the abutters. There has been none.

Shannon asked Lisa if she printed the plan on an 8-1/2 x 11 inch sheet of paper.

Lisa said that she did.

Shannon said that size messes up the scale.

Dan asked if they were planning on having a sign and Lisa said that they are.

Dan asked Jim about the placement of the sign.

Jim said that if it is on their property, then it is not a problem. It should not be in the right-of-way of the State road.

Galen stated that it needs to be a certain size.

Shannon said there are code requirements that need to be looked at for buffers,

landscaping, refuse disposal, noise, things like that, but they can be discussed.

Dan stated that the Selectmen passed dumpster regulation and asked Jim if they would need that.

Jim said that as long as they don't exceed the two barrels, it would not be needed.

Dan said because it is household trash it would be okay.

Shannon asked if the abutters had been notified and was told that they had been.

Dan asked if there were any issues with the abutters that were present and they did not have any.

Galen asked if they could just say that there were no objections.

Bruce said that we have covered the notification process. If they didn't pick up their mail then it is their fault.

Dan asked what the sight distance is and was told that it is 450 feet.

Shannon asked if the speed limit is 35.

Galen said that 45 miles per hour starts there.

Dan commented that it is pretty straight there.

Lisa said they had put in an extra driveway so you can see better. From the left driveway you can see down to Rod's Electric.

Shannon asked if that is the one they use to exit and should it be designated as such.

Dan said yes the left one should be designated as the exit.

Shannon asked if that was the better of the exits and Lisa said that it is.

Shannon said that as commercial property a buffer is needed around the abutters.

Galen asked if the Board is calling commercial. He said he is a little hard pressed on that.

Lisa said she spoke to their insurance and they do not consider it commercial.

Shannon said based on the code that it is commercial.

Jim said that the definition in the code on page 20 states exclusive of dwelling units.

Bruce said that he agrees with Jim. That it is not commercial.

Lisa said this is a year-round residence.

Dan said that under dwelling a portion of the building is residential and is a room or group of rooms designed for living for one family.

Shannon noted that there are required lodging licenses with the state as well.

Bruce said that the issue is whether this would be commercial or not.

Shannon stated that we have to go by the code.

Jim said he doesn't think it is commercial by our code. His interpretation is that is not commercial.

Dan said if it were a motel, it might be.

Galen said that would be anything over four rooms.

Jim said he realizes they are making money but in his opinion he does not think it is commercial. His opinion would be home occupation. It does not say commercial use under bed and breakfast.

Galen said no offense to John, but what happens to people house exchange students and rent the rooms. Asked if that is commercial.

Shannon said she would say so.

Lisa said there are a lot of people not following commercial in that situation.

Galen asked if the stipulation about commercial use is why they were here.

Jim said that a Conditional Use Permit is required for a Bed and Breakfast. The issue is restrictions for commercial as opposed to a home occupation. What brought it up was the buffer.

Shannon said that they have a lot of vegetation close to the line and asked if they had any plans to change that.

Lisa said they will add trees.

Jim said that they have a buffer, but if this comes up again the Board needs to determine if it should commercial.

Shannon said she was sorry, but is tainted by her day job.

Dan said the Board needs to agree on commercial or not and asked if it should be referred to the Town Attorney. He asked if there is enough buffer for commercial.

Lisa said there are plenty of trees on all sides.

Dan said he could not remember how big the lot is and was told that it is approximately two and half acres. If the Board feels there is enough of a buffer then there is no issue.

Jim said he was not sure that we had to answer this tonight.

Shannon noted that they are adding a business use to the property.

Darren said that the definition of commercial is exclusive of the rental of a dwelling unit in a residence.

Shannon said that she disagrees.

John said that they are not all on the same page.

Shannon said it is two uses of the property but it doesn't have to be decided tonight.

Galen suggested that they come back to the next meeting. That will give the Board to decide.

Lisa stated that at the end of the definition it does say "exclusive of . . ."

Dan said it is one dwelling with several rooms.

Dan said that Shannon would define as commercial

Shannon said it does not have to be decided tonight.

John said he is not really sure. He could see it both ways.

Jim said it should be tabled and find out what else we need.

Dan said there is the one sticking point and to go over the rest. He said Shannon suggested a map that the Board can sign off on and thinks that is a good idea.

Jim said he will send the question on commercial to Attorney Ordway.

Shannon said they are good on buffer and asked if there are any changes to gas or lighting.

Lisa said there are not.

Shannon said landscaping for parking lots does not apply.

Dan said as long as there is room for four cars they are fine.

Shannon said they are find on the noise issue as they are not proposing anything that would create noise. She did not see a handicapped parking requirement.

Jim said that would fall under the State.

Dan said the four spots would be close to the house.

Shannon said refuse, septic for three bedrooms, and a sign were all talked about.

Jim said as long as the sign is on their property and not in the right-of-way of the State road they are fine.

It was asked if there would be lighting on the sign. Galen said there would be.

Shannon said that there would be no changes to storm water runoff or sedimentation. The set back requirements are shown on the plan and water quality is okay. Traffic, good sight distances, etc. are all good. There will be no construction and no changes to sewage disposal. There will be one parking space for each room and one bathroom for the two rooms in addition to the one for the main house. There are smoke detectors. She stated that these are conditions needed for a Conditional Use Permit.

Lisa asked is she can print the plan on 12 x 18 inch paper or 11 x 17.

Shannon said she can and that it should be to scale.

Shannon asked if a Public Hearing is needed or should it be waived.

John stated that if the abutters were notified and there were no concerns then it could be waived. He made a Motion to waive the public hearing based on no responses.

Darren seconded the Motion and all were in favor.

The matter will be continued to the next meeting and the Board will have an answer on the commercial issue.

Shannon told Lisa that if she has a problem with printing to let her know.

Dan said that at the next meeting if the commercial issue is resolved, the Board can finish up and give the Conditional Use Permit and Jim agreed.

Galen asked if they wanted to have events such as birthday parties, etc., would that make

it commercial.

Dan asked what wedding fall under now.

Jim said they fall under personal services and the Board put restrictions on them.

Dan said they would have to apply for another Conditional Use Permit for outside events.

Lisa asked if the map needed to be scale.

John noted that having the map wasn't the only thing holding them up tonight.

Dan said the site has pretty much been approved.

Lisa asked if the Permit can be approved without the map.

Shannon said the Board needs the map to sign off on.

Shannon asked if they could continue to the next meeting.

Dan said yes.

**New Business:**

None discussed.

**Other Business:**

None discussed.

There was no motion to adjourn The meeting adjourned at 8:15 PM. The next meeting will be on January 8, 2019, at 6:30 PM at the Dayton Town Office.

 Date: 1-8-19

Linda Bristol, Secretary

 Date: 1-8-19

Dan Plourde, Chairman

COPIES TO: Jim Roberts, Code Enforcement Officer; Selectmen; and Tax Assessor

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