

Minutes of the Planning Board Meeting November 17, 1988

Present: Mike Oldershaw, Sr.; Edwin Rowehl; Judith Pratt; Phil Dwight, Chairman protem.

The Chairman, Phil Dwight, opened the meeting by submitting a suggested agenda to the Board. Six pages of comments on the Ordinance by Robert Panton and Attorney Silas Little, six pages of comments as a result of the Public Hearing and a commentary on the wetlands district.

The Board started with discussion on the Panton/Little comments, with discussion focusing on non-conforming structures, Article XIII. Reference was made to definition #89, Patios. The Chairman also referred to page 4 section 2 of the comments from Public Hearing. The consensus of the Board was to agree with the suggested change to Article XIII, Section D.1. The Board agreed to work out the wording for structures not patios as such. The Board agreed to drop this subject for tonight. Discussion turned to accessory uses. A change to Article IV,B,2 was discussed and it was agreed to delete a,b,c and use the definition for Accessory Use, any use accessory to a permitted principal use. Judith Pratt raised the question of mixed uses. Phil Dwight suggested the deletion of section c of Article IV,B,3, and that mixed use should be defined. Mike Oldershaw questioned the "lot" portion of the definition of mixed uses, definition #122. It was suggested that the phrase "or of a lot" be removed. It was pointed out that Panton and Little had objected to some of the changes made by the Board and reference was made to page 6 of the Panton/Little comments.

The Board agreed to the following changes: Article XI,A,17,c,(2), delete paragraph two, (page 63). Pages 50 & 51, 3,a; 3,a,(2); and 3,a,(4) should be Zoning Board of Adjustment. Article VI should include non-residential use requirements should be #6. Article VIII, C,c change as corrected in the Panton/Little comments. Article IX,B,3 add recreational vehicle parks, etc, (page 45, Zoning Ordinance; page 3 Panton/Little comments.) Article III, Definitions, were amended as follows: Add Industrial Park as defined in the Panton/Little comments. Change #58 to: "A sign lighted by, or exposed to, artificial lighting either by lights on or in the sign or directed toward the sign" Change #63,d to include "institutional" after the word "residential" and add ~~xxx~~ Institutional Use" as defined on page 3 of the Panton/Little comments. Add to definition #63"sub section e, The conversion of existing structures to another permitted principal use." #47 was changed to comply with the suggested wording on page 4 of the Panton/Little comments. The Board agreed to include under Article,XI,A,17,C,(4) Common Open Space requirements, the original wording as outlined on page 5 of the Panton/Little comments. There was further discussion on page 6 of the Panton/Little comments.

At this point Mike Oldershaw had to leave the meeting and Rod Zwirner joined. Phil Dwight raised the discussion of the Wetlands District. There was discussion on the draft presented by the Conservation Commission and one presented by Chairman Dwight. The question of setbacks from bodies of water in areas served by water and sewer was raised by Carol Court. The Board suggested that this could be included under Supplemental Regulations. The Chairman asked the Board's pleasure on which Outline for a wetlands district they would like to follow. It was unanimously agreed to adopt the outline submitted by Chairman Dwight. The question of a wetlands overlay was raised and the Board approved the concept.

The Steep Slope District was next on the agenda. It was pointed out that the original plan submitted had two exemptions but the Board felt that these were not necessary as the Board cannot control Public Utilities or the Town. The Board was made aware of the fact that the

they might be challenged if they exclude the possibility of development on lots with over 25% slope. The Rural Conservation District was discussed in relation to the Steep Slope and Wetlands Districts. Rural Conservation District: Change C,1,a to 3 acres and C,2,a to 300 feet, these changes made as a result of the Public Hearing. The Board also discussed the possibility of voting on the Rural Conservation District as a separate item. It was agreed to amend Article IX,B,1,b by placing a period after facilities and remove "on a seasonal basis"

At this point the meeting was interrupted to meet with Harry Page and Barry Green of Old Pound Partnership. This group has a plan to subdivide two lots in the Vejr subdivision. Green asked the Board about procedure to be followed. The need for a soils map was questioned. Edwin Rowehl pointed out that the Board was not accepting the Application and Green noted that he was filing this Application based on the existing Ordinance, November 17, 1988. A Public Hearing will be scheduled for December 8, 1988.

Back on the discussion of the Ordinance it was pointed out that lots, in the Highway Business District, served by water and sewer, should be the same as in the Village Business District. The sizes of multi-family dwellings were discussed. Judith Pratt moved that the number of units allowed should remain at six. Edwin Rowehl second. The vote went as follows: Judith Pratt, yes; Edwin Rowehl, yes; Rod Zwirner, opposed. There was some discussion on the use of a trailer as an accessory building and the ramifications of its location on a lot. It was suggested that item (5) be added to definition #15, which would specify that a manufactured housing unit must be removed after the six months are over.

Chairman Dwight stated that he will not be present for the December 1, or the December 15 meetings. There will be a full agenda for December 8, Blair and Old Pound Partnership, Harry Page. The next Public Hearing for the Ordinance will probably be in January and there was some discussion on making the changes available to the public. The Board discussed the filing of applications to the Board and Use and Impact Fees.

Meeting adjourned to meet December 1, 1988 at 7:00 P.M. No meeting Thursday November 24, Thanksgiving Day. The Board will also meet at 7:00 P.M. on December 8, 1988 to work on the Ordinance before the Public Hearing begins.

Respectfully submitted,

Barbara L. Elia, Secretary
Antrim Planning Board

(1)

Comments/Suggestions
From Public Hearing

- 1) Concept of steep slope control by engineering requirements - not acreage
- 2) Rural ~~residential~~ Conservation District -
 - a) change to 5 acres
 - b) in B 1 (b) - remove seasonal restriction
- 3) In Subdivisions Regs. - Restrict or control successive subdivisions
- 4) How define Right of Way - Measurement for Set backs
- 5) Article V - Highway District. Page 34 C. 1. - add "Areas not Served by Public Sewer and Water"
Add A C. 2. "Lot Requirements: Areas served by Public Sewer and Water"
 - a) Shall be the same as required in Article IV C. 1.
- 6) Sign Ordinance: Add to E. 10. the following sentence. "Banners, generally blue in color, containing the word 'OPEN', and less than 15" in size, shall be permitted at any time when the business is open."
Add to G. 2 the following sentence: "Repair of non-conforming signs is permitted. This includes work necessary to maintain the safety of the sign, provided that such work will not increase the size or general appearance of the sign."
- 7) Decision on the number of units to be allowed in "conversions" Change, if any, to Article X. D. 9.
- 8) Decision on the number of units to be allowed in "multi-family" dwellings
- 9) Household Pets: Page 56: Change to insert after ~~the word "animal"~~ "the word "animal" or bird, such as a canary or parrot". Remove the word "quadrupeds" in 2nd sentence

Comments / suggestions From
Public Hearing (Con't)

- 1) Page 60 + Page 74 - Small Lots of record + Non-Conforming Lots
Should there be any changes
- 2) Add to Article XI a new regulation entitled
Ruins - "No owner or occupant of land in any district
shall permit fire or other ruins to be left, but shall remove ~~same~~
and/or fill same to ground level within six (6) months after the
event that caused such ruins. Such time limit can be
extended by the Board of Selectmen.
- 3) What, if any thing, do we do about - "Left over" trailers - use
as other structures. - ? Tax - Page 58
- 4) Action, if any, on Petition to Rescind "LOSTED" ORDINANCE

SUGGESTED CHANGES TO THE SIGN ORDINANCE - Antrim Board of Adjustment

November 10, 1988

1. SUGGESTED CHANGE to Article XIV, Section B.

add:

5. Only one free-standing sign is permitted on a lot or premise.

2. SUGGESTED CHANGE to Article XIV, Section C.1.

change c. to read: The sign will not be place within fifteen (15) feet of side and rear lot lines.

add:

d. Only one free-standing sign is permitted on a lot or premise.

3. SUGGESTED CHANGES to Article XIV, Section C.2.a.

change (5) to read: The sign will not be placed within fifteen (15) feet of side and rear lot lines.

add:

(6) Only one free-standing sign is permitted on a lot or premise.

4. SUGGESTED CHANGES to Article XIV, Section C.2.b.

change b. to read:

b. In addition to the provisions of Section C.2.a. (1-5) of this Article the following sign is permitted when more than one business or enterprise occupies a single building or lot:

(1) One (1) common sign or directory sign, not to exceed twenty-five (25) sq. ft. may be erected, using either the name of each of the businesses or an identifying common name (e.g. Antrim Plaza) or a combination of both. Such a sign shall be counted as one of the three (3) permitted for each of the individual businesses on the premises.

delete (2), (3) and (4) as they are written.

Suggested Changes to the Revised Antrim Zoning Ordinance

November 10, 1988

1. Change to Article III, Section B., Definition 82. on page 19

NONCONFORMING STRUCTURE: An entire structure, or a section or part of a structure, that does not fully comply with the requirements of this Ordinance or amendment theretofore and hereafter enacted, where such structure lawfully existed prior to the application of this Ordinance or amendment thereto. Such nonconforming structures include, but are not limited to, nonconforming signs.

9) When only a section or part of the structure does not comply with the requirements of this Ordinance, only that section or part shall be subject to the any restrictions or regulations concerning nonconforming structures.

2. Change to Article XIII, Section D.1. *PAGE 75*

1. An existing structure which is non-conforming to this Ordinance, or that section or part of the structure which is determined to be non-conforming to this Ordinance, may be enlarged, extended, reconstructed, or altered upon granting of a variance by the Zoning Board of Adjustment.

Where only a section or part of a structure is determined to be non-conforming, the remainder of the structure may be enlarged, extended, reconstructed or altered without a variance if that change is determined to be conforming to this Ordinance.

November 10, 1988

To: Town of Antrim, Planning Board
From: David Penny
RE: Zoning Ordinance Review

At one of the last work sessions you requested comments on both the steep slopes proposal and the revised ordinance in general. I've been attempting to read through the Proposed Ordinance page by page but unfortunately due to time constraints have not completed it.

I do feel that both steep slopes and wetlands regulations should be included in the Ordinance and they should apply as overlays for the entire Town. I do not feel however that these regulations should be a substitute for the "Rural Conservation Zone". I feel that the Rural Conservation Zone does more than regulate building on slopes and wetlands, it is a major step toward conserving the natural resources which the "backlands" afford our town by limiting the type of development which is permitted in this remote area. I encourage you to leave the Rural Conservation Zone intact.

I offer the following suggestions for corrections to the body of the Ordinance:

PAGE 8: DEFINITIONS:

A. Some of the wording in the following items sound like regulations which should not be part of a definition:

- 17. BASEMENT; 26. CELLAR; 28. CLEAR SIGHT TRIANGLE; 38. DWELLING TYPE: a. Multiple Family; b. Residential - Conversion Unit; e. Townhouse; 39. DWELLING UNIT; 52. GROUP RESIDENCE FACILITY; 66. LOADING SPACE; 76. MINERAL EXTRACTION; 88. PARKING SPACE; 89. PATIO; 98. PROFESSIONAL OFFICE; 123. VARIANCE;

B. The following items raise questions:

12. AMENDMENT: you might say... Any revisions to the Zoning Ordinance text and/or the official map authorized by a vote of the Town.

18. BILLBOARD: this is very poorly worded. I don't believe the term is used anywhere in the Ordinance. Perhaps it should be eliminated.

19. BOARD PLANNING: why is this here? Definition 91. PLANNING BOARD is more comprehensive.

20. BUILDING: The word "building" is used to define this word. You might substitute it with "structure".

40. EARTH SHELTERED DWELLING: The last sentence was changed substituting the word "shall" for "is". This change made it a regulation where as "is" clarified what type of structure the definition is referring to.

42. ESSENTIAL SERVICES: The last phrase was deleted (excluding office buildings...). I assume this definition was changed because we are not allowing "Essential Services" in all zones.

50. GASOLINE STATIONS: You might ~~add~~ change the word "used" to "principly used"

53. HOME GARDENING: You might add the phrase "and is incidental to the home".

54. HOME OCCUPATION: You might add the phrase "and is clearly incidental to the use of the dwelling for residential purposes".

*74. LOT OF RECORD: This was changed & I'm not sure why? It does sound better.

82. NONCONFORMING STRUCTURE: This might make more sense if you substituted "not designed" with the words "which does not". Also "a part of a structure" makes the entire structure nonconforming so why include this phrase.

90. PLANNED RESIDENTIAL (CLUSTER) DEVELOPMENT: Is all the wordage after the first sentence necessary?

98. PROFESSIONAL OFFICE: The last "or" should be "of". There is something about this definition that bothers me... perhaps the fact that insurance agents, accountants, bookkeepers, etc have to be found as "truly professional" by the Board of Selectmen and held to a different standard than those listed.

*106. SCREENING: Deletion of the word "Vegetative" from this definition should also involve deleting "planting"

107. SIGN: Perhaps the other definitions included in the section on signs should be moved to this part of the Ordinance.

126. YARD, REAR and 127. YARD, SIDE: You might delete the word "required" to make it these consistant with #125.

DISTRICTS (ZONES): a. Fire Stations, other municipal buildings and Essential Services are not presently permitted in other than the Village District and the Highway Business District. Are we being short-sighted?

b. In several places, (ie. page 28 & 33, 41)) the phrase "Other similar uses as approved by the Board of Selectmen has been substituted for "Other similar uses as approved by the Zoning Board of Adjustment". The BOA has no statutory authority to interpret the Ordinance except on Appeal of an Administrative decision, a Special Exception, or a Variance. How will the BOA make this approval?

ARTICLE VI RESIDENTIAL DISTRICT

PAGE 37 C 1. c (3) what does "minimum of 6 units" mean?

ARTICLE VII RURAL DISTRICT

acreage needs to be changed to Square Feet

ARTICLE VIII LAKEFRONT RESIDENTIAL DISTRICT

pg44 C1 c. this wordage is still not clear

WETLANDS DISTRICT

1. The purpose of this ordinance is to protect the public health, safety, general welfare, and property. This ordinance section for wetlands is intended:

- A. To be a guide in the use of wetlands in Antrim.
- B. To aid in the protection of persons and property from the danger of floods by preserving natural floodwater storage areas.
- C. To control the development of the structures and land use on wetlands that will contribute to the pollution of surface and groundwater by sewerage, hazardous substances, siltation.
- D. To encourage those uses that can appropriately and safely be located in wetland areas.

2. Wetlands Conservation District shall be considered as overlaying any other districts established by this Ordinance. Any use permitted in the portions of the district so overlaid shall only be permitted subject to all provisions of this article. *Any lot size established in the districts so overlaid shall only be permitted subject to the provisions of PARAGRAPH . B of this ARTICLE.*

3. *Overlay Map*
The Wetlands District includes all *AREAS ON THE OVERLAY MAP,*
AND DATED
titled *AND DATED*
that show wetlands. The MAP IS INCORPORATED INTO THIS ORDINANCE
by reference.

4. Wetlands as defined by this ordinance within Town of Antrim shall include:

- A. Areas of retention of fresh water and their associated drainageways (brooks, rivers, streams, ponds, or lakes).
- B. Areas where the soil series are classified as "very poorly drained" or "poorly drained" by the most recent National Cooperative Soil Survey conducted by the U.S. Department of Agriculture Soil Conservation Service and entitled, Soil Survey of Hillsborough County New Hampshire - Western Part or other updated survey editions.
- C. Areas where a site specific soil survey performed by a town approved professional soil scientist locates poorly or very poorly drained soils not identified in the SCS published survey.
- D. Areas where the vegetational community is dominated by water tolerant species (hydrophytes). The vegetational communities may include but are not limited to the following species:

WETLANDS DISTRICT

(2)

Wetlands Occurrence

Page 2

1. Scrub/Shrub and/or Forested Wetlands are areas where the water table is at or near the ground surface for a significant part of the year. The vegetational communities consist mostly of trees and woody shrubs including, but not limited to:

Alders	Poison Sumac
Arrow-wood	Red Maple
Atlantic White Cedar	Rhodora
Black Ash	Sphagnum Moss
Black Gum	Spicebush
Black Spruce	Sweet Pepperbush
Buttonbush	Tamarack (Larch)
Common Elder	Willow
High-bush Blueberry	Winterberry
Marsh Rose	

2. Emergent Wetlands, also known as marshes, wet meadows or fens are characterized by erect rooted, herbaceous hydrophytes. Vegetation is present and the soil is saturated for most of the growing season. Flooding may be seasonal, permanent, irregular or temporal. The vegetational community includes, but is not limited to the following:

Arums	Leatherleaf
Bladderworts	Pickeral Weeds
Bur-reeds	Rushes
Cat-tails	Sedges, including Bulrushes,
Duckweeds	Cotton-grasses and
Eelgrass	Wool-grasses
Frog's-bits	Smartweeds
Horsetails	Sweet Gale
Hydrophilus Grasses	Water-lilies
	Water Milfoil

3. Bogs include areas where mosses cover substrates other than rock and where emergents, shrubs, or trees make up less than 30% of the area cover. The substrate is saturated to the surface. The water in a bog is practically devoid of oxygen and nutrients. Bogs usually develop in undrained glacial depressions. Typical plants include, but are not limited to:

Atlantic White Cedar	Pale Laurel
Black Spruce	Pitcher-plants
Bladderworts	Rhodora
Bog or Buckbean	Sedges
Bog-Laurel	Sheep Laurel
Bog-rosemary	Sphagnum Moss
Cotton Grass	Sundews
High-bush Blueberry	Sweet Gale
Leatherleaf	

WETLANDS DISTRICT

Antrim Wetlands Ordinance
Page 3
III. Wetlands Incorrectly Delineated

Where it is alleged that an area has been incorrectly delineated as a wetland in Antrim, or that an area not so designated meets the criteria for wetlands designation, the Planning Board shall determine whether the regulations contained here-in have application.

The Planning Board shall make their judgement under this section only upon the determination by a "qualified" professional soil scientist and/or biologist, or botanist on the basis of additional on-site investigation or other suitable research that the information contained on the most current Antrim Wetlands Map or SCS survey map is incorrect. This evidence shall be acceptable only when presented in written format by said scientists to the Planning Board. Any necessary testing or expenses incurred to clearly delineate questionable wetland areas shall be at the expense of the landowner or developer.

5. Wetlands - Permitted Uses:

Permitted uses are those that will not require the erection or construction of any structures or buildings, will not alter the natural surface configuration by the addition of fill or by dredging and uses that otherwise are permitted by the zoning ordinance. Such uses may include the following:

- A. Forestry, using the Best Management Practices as outlined in the 1979 Water Supply and Pollution Control Division booklet "Erosion Control Guidelines for Timber Harvesting", in order to protect streams from damage and to prevent sedimentation;
- B. Cultivation and harvesting of agricultural crops according to recognized soil conservation practices, including the protection of wetlands from pollution caused by the use and/or storage of fertilizers, pesticides, and herbicides used in such cultivation - and sedimentation caused by erosion;
- C. Wildlife refuges, parks, recreation uses consistent with the purposes and intent of this ordinance such as nature trails, and conservation areas;
- D. Open spaces as permitted or required by the subdivision regulations or the zoning ordinance;
- E. State approved wetland impoundments;
- F. Construction of wells and water supply and;
- G. Dry hydrants and fire protection ponds.

6. Special Provisions:

A. No septic tank or leach field may be constructed or enlarged closer than one hundred twenty-five (125) feet to any wetland.

B. a. If the wetland AREA of a lot totals more than 25% of the lot, the full AREA of the wetland shall be deducted from the overall lot AREA and the remaining AREA shall determine whether the lot meets the minimum size requirement in the underlying district.

b. If the wetland AREA of a lot totals between 10% and 25% of the lot, one-half of the AREA of the wetland shall be deducted from the overall lot AREA and the remaining AREA shall determine whether the lot meets the minimum size requirement in the underlying district.

c. If the wetland AREA of a lot totals less than 10% of the lot there shall be no deduction from the overall lot AREA to determine whether the lot meets the minimum size requirement in the underlying district.

The Zoning Board of Adjustment, after public notice and public hearing, may grant a special exception for the following uses within the Wetlands, the application for such uses having been referred by the Zoning Board of Adjustment to the Planning Board, the Conservation Commission, Health Officer, and the Water and Sewer Board, reported upon by all four prior to the public hearing or thirty (30) days having elapsed following such referral by the Board of Adjustment without receipt of such reports:

- A. Streets, roads, and other access ways; utility right-of-way easements, including power lines and pipelines, if so located and constructed to minimize and detrimental impact of such uses upon the wetland.
- B. Water impoundments
- C. The undertaking of a use not otherwise permitted in wetlands as defined in Section II of this ordinance, if it can be shown that such purposes and intentions listed in Section I of this ordinance.

Such uses in A. B. and C. above must comply with any and all state and federal regulations and laws.

Steep Slope District: The purpose of the Steep Slopes District is to reduce damage to streams and lakes from erosion, storm water run-off caused by improper or excessive construction, effluent from improperly sited sewage disposal systems; to preserve vegetative cover and wild life habitat; to preserve scenic views and to protect unique and unusual natural areas.

1. The Steep Slopes District shall be considered as overlaying any other districts established by this ordinance. Any use permitted, or lot size established, in those districts so overlaid shall only be permitted subject to the provisions of this article.

2. Overlay Map: The Steep Slopes District includes all areas on the overlay map, titled _____ and dated _____, that show slopes in excess of 15%. The map is incorporated into this Ordinance by reference.

3. Permitted Uses: Underlying permitted uses and uses allowed by special exception are allowed so long as, the lot size meets the provisions below.

Minimum

4. LOT SIZE:

Where the topography is such that more than 75% of the lot area has less than 15% slope: As provided in the underlying district

Where the topography is such that more than 50% of the lot area has less than 15% slope: 130,000 square feet

Where the topography is such that more than 50% of the lot area is over 15% slope: 170,000 square feet

Where the topography is such that more than 50% of the lot area is over 25% slope: 265,000 square feet

Where the topography is such that more than 75% of the lot area is over 25% slope: No development permitted

Steep Slopes District

5. In the event an area is incorrectly designated as being a steep slope of between 15 to 25% or of being over 25% on the Town of Antrim Steep Slope Conservation District map or that an area not so designated meets the criteria for steep slope designation and evidence to that effect is satisfactorily presented to the ~~the~~ Planning Board during a site plan review or during an application for subdivision approval, or to the Board of Selectmen during an application for a building permit, such Board

may determine that the ~~restrictions~~ contained in this article shall not apply or shall apply whichever the case may be.

? Do we need a definition of slope and/or slope %

ARTICLE IX RURAL CONSERVATION DISTRICT

Change C.1. Minimum lot size to:

as 130,000 square feet

Change C.2. Minimum lot frontage to

300 feet.

? Why do we permit Manufactured housing subdivisions

? " " " " Recreation Vehicle Parks + Campgrounds
(see Barton/Little Comments, page 3)

? Do we want to separate this vote from rest of ordinance

Panton/Little Comments

1) Lots in 2 Districts - OK AS IS

2) Page 20 - Def #91 - change to:

PLANNING BOARD: The duly constituted Planning Board of the Town of Antrim, Hillsborough County, New Hampshire in accordance with New Hampshire Revised Statutes Annotated Chapter 673.

Delete Def # 19 (Condo. Planning)

3) Page 22 - Def # 101 - change to

PUBLIC RIGHT OF WAY: The entire width between the boundary lines of any public highway, street, avenue, road, alley, parkway or any such way which has been in use for public travel thereon twenty (20) years prior to January 1, 1968.

A) Accessory uses -

5. With respect to the provisions in paragraph 2 (d) appearing on page 41 and with the respect to the provision as to accessory uses in general throughout the zoning ordinance, in your definitions on page 7 you define accessory use as a use on the same lot which by its nature is customarily incidental and subordinate to the principal use. I think the same language appearing on page 7 can be used with the respect to accessory uses throughout the different zoning districts. For instance in the village business district the accessory uses permitted are signs, parking and loading facilities and similar uses as approved by the Zoning Board of Adjustment. If the accessory uses are by their nature subordinate and customarily incidental to a permitted use, they are by definition part of the principal use. A bank, a permitted use in the village business district, would have as customarily incidental and subordinate to the banking use, signs, parking and loading facilities and a drive-up teller. Single family dwellings would not have signs, loading facilities or drive-up tellers. I think it is best throughout the zoning ordinance when dealing with accessory use to delete the requirement that they be permitted by the Zoning Board of Adjustment and to state that the accessory uses are permitted as provided in your definition. If there is a question, the Selectmen as issuers of the building permit can refuse the building permit for the accessory use. If the applicant feels agrieved, the applicant may take an appeal from administrative decision of the Board of Selectmen to the Zoning Board of Adjustment and try to prove to the Board of Adjustment that the use denied by the Selectmen is in fact an accessory use.

Action

Change:	Article	<u>IV</u>	B 2c	" other accessory uses
"	"	<u>V</u>	B 2d	as defined by definition
"	"	<u>VI</u>	B 2+	Number 3 - Page 7"
"	"	<u>VII</u>	B 2d	
Add to	"	<u>VIII</u>	- B 2e	
Change	"	<u>IX</u>	B 2c	

ALSO:

Delete Article IV B 3c - Re Special Exception

1) Chester Housing - Page 63 - Para 17c(2) - Delete Last two para.
(see little letter #7 page 4) (see those comments on page 6 of this memo)

2) Manufactured Housing, Pool: Page 50 + 51
Change: in 3a + 3a(2) + 3a(4) Reference to Selectmen
change to ZBA

3) Article VII C - opening para. 3rd line
Change "Planning Board" to "ZBA" (see little letter page 6 - bottom)

3) Article VI Add as para C 6

6. Non-residential uses - All non-residential uses permitted in this district shall meet the following minimum requirements:

- a. Minimum lot size - 40,000 square feet if water + sewer service and 80,000 sq. feet if ~~not~~ not served by water + sewer
- b. Minimum lot frontage - 200 feet.
- c. Minimum lot depth - 200 feet.
- d. Minimum front yard depth - 50 feet as measured from the street right-of-way line.
- e. Minimum side and rear yard setbacks - 20 feet each.
- f. Maximum lot coverage - principal and accessory structures, 35 percent of lot area.
- g. Maximum building height - two and one-half stories or 35 feet, whichever is less.

Pantow/Little Comments (cont)

Article VII IAA C 3+5 change 5 acres to 220,000 sq. ft.

10) Article VIII Para C.c. change to: Minimum front yard setback - 50 feet from the street or road right-of-way line. And, if the property also borders a lake or pond, the yard fronting on the water shall have a minimum depth of 100 feet from the normal high water mark on the lake or pond.

11) Article IX: Add to IAA B.3 a subsection b.
b. "Recreation Vehicle Parks and Campgrounds in accordance with the provisions of Article X."

2) Article III - Definitions.

a) Add: Industrial Park

Industrial Park: A large tract of land that is proposed to be developed, or is planned, developed and operated, as an integrated facility for a number of individual industrial uses with special attention to circulation, parking, utility needs, aesthetics and compatibility with surrounding uses or areas.

b) Change # 16 (3) to (3) major overhauling of engines requiring removal of cylinder head(s) or the crankcase pan.

c) Change # 58 to A sign lighted by, or exposed to, artificial lighting either by lights on or in the sign or directed toward the sign"

d) Change # 63 d to include "institutional," after the word "residential,"

e) Add "INSTITUTIONAL USE"

A nonprofit or quasi-public use or institution such as a church, library, public or private school, hospital, or a municipally owned or operated building, structure, or land used for public purpose, and/or the purposes of any of the foregoing.

f) Add to # 63 subsection e.

"The conversion of existing structures to another permitted principal use"

Anton/Little Comments (Con 4)

Anton Suggestion's I don't think needed.

³⁸
#35 Dwelling Type, g: Low Rise or Garden Apartment. We would suggest changing the phrase "up to 2 1/2 floors" back to "two or more floors" because it is impractical to build a 2 1/2 story apartment building; and secondly a three story building could be built within the 35 foot permitted height limitations.

f. Two family (Duplex): it is unnecessary to insert the words "single family" to describe the dwelling units since the definitions of a dwelling unit (#37) specifically states that it is exclusively for the residential purposes of one family.

⁴⁰
#38 Earth-sheltered Dwelling: We would suggest reinstating the deleted portions of the last sentence which stated "and is not to be considered as a cellar dwelling." That phrase was ment to prevent confusion or misunderstanding and to prevent people from using the typical unfinished foundation for living purposes and call it an earth-sheltered dwelling.

⁴⁷
#45 Floor area, gross residential: Suggest reinstating the word "exterior" in the last sentence. Most zoning ordinances and accepted zoning guides and handbooks recommend using exterior rather than interior.

Questions raised by Little - Should we deal with them now

In this connection, it appears that the ordinance is not clear with respect to the set back requirements. It must be inferred from the ordinance that there is a distance to be measured from the front of the lot, the side of the lot and the rear of the lot in which no building may be erected, placed or sited. The ordinance does not plainly state so in either the definitions nor in some of the district regulations. For instance, compare the lot yard and area requirements in the Highway Business District with the lot, yard, and height requirements in the Village Business District.

On page 31 you define maximum lot coverage for principal and accessory structures. Are parking lots accessory structures? To address this issue perhaps you wish to define the maximum lot coverage with respect to impervious areas, or by specifying a percentage of "green space."

Pages 38, 39 and also in the Village Business District do you intend that parking lot shall have to be set back? With the respect to paragraph 4 on page 39 are parking lots included in structures?

Panton/Little Comments (Cont)

⑤ - Do we change the following per Panton suggestion - S. Little agreed with him -

Article XI, A, ~~17~~, C, (4) - Common Open Space Requirements: The second paragraph states that "Common Open Space shall not include land used for buildings, individual lots, roads, driveways, and recreational uses."

The exclusion of recreational uses contradicts the previous paragraph which states that the open space "shall be permanently restricted for ... recreation or conservation uses" It also contradicts one of the basic tenets of the cluster development concepts which is to provide open space for the benefit and enjoyment of the residents. And, one of the generally accepted uses of the open space is to permit both active and passive recreational facilities. To exclude these uses from the open space area shows a "flawed" understanding of cluster and open space concepts.

Do we go back to the original -

~~Common Open Space shall not include land used for buildings, ~~other than ones used for recreational purposes~~ individual lots, ~~the~~ roads and driveways and recreational facilities, such as tennis courts, tennis shelters, cabanas, boat houses, bath houses, horse stables, and other structures ancillary to permitted uses are permitted in Common Open Space, but buildings associated with farm animals would require special permission of the Planning Board.~~

OR do we go back to original and add a sentence at the end - "No more than 50% of the area set aside as Common Open Space shall be used for recreation facilities as defined above" and include after "tennis shelter" - "golf courses, golf shelters"

Panton/Little Comments (cont)

additonal info re item 5

7. With respect to your concern on the last two sentences on paragraph C (2) appearing on page 63, again I will assume that non-residential site plan review regulations will be authorized to be adopted and the Planning Board will adopt them. If that is the case, then I assume that the last two sentences can be deleted as the Board may be reasonable request some showing of the applicant but certainly short of a complete subdivision plat plan, to demonstrate that the maximum number of units in the cluster housing development does not exceed the number of lots or dwelling units permitted under conventional subdivision provisions.

There are different ways of addressing the issue of density in this calculation. As long as the Planning Board is not interested in a definitive and exact number complete with test data for individual subdivision lots, a competent engineering firm could I think reasonably satisfy the Planning Board that the number of units in the cluster does not exceed the number of units permissible through conventional subdivision procedures. I concur with Mr. Panton's reservations with respect to the language.

possible
other
approach
↓

D. The maximum allowable density in any Planned Residential Development shall be calculated as follows:

TOTAL area _____ of parcel.
MINUS area of all undevelopable lands which shall include all surface waters on the parcel all lands with slopes of (15%) or greater, all soils designated by the U.S.D.A. _____ County Soil Conservation Service and a High Intensity Soil survey to be poorly drained or very poorly drained, all lands within the 100 year flood zone, and all soils with "severe limitations as defined by the United States Department of Agriculture Soil Survey interpretation sheets of

On-site determination of soil types may be conducted at the request of the Planning Board by an agent of the _____ County Soil Conservation Service or a qualified soil scientist approved by the Town of _____ Planning Board. Only soils with slight or moderate limitations shall be included in the net tract area. PRDs may be built only on the net tract area.

EQUALS total developable area
TOTAL developable area minus
area of all streets and/or road rights of way
in the development.

DIVIDED by the minimum lot size for the district in which the project is located as specified in the zoning ordinance.

EQUALS the maximum number of dwelling units permitted (fraction should be rounded down to the next whole number)