

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
JANUARY 6, 2014

MINUTES OF MEETING

PRESENT: Board members Fred McGarry, Kate Hartnett, Alan O'Neal, Lisa Wolford, Peter Schibbelhute. Also present secretary Jane Boucher.

Chair McGarry called the meeting to order at 7PM.

PROPOSED AMENDMENTS TO ZONING ORDINANCE 2014

2014 Proposed Amendments were reviewed and Board members agreed to add:

Amend Article III Section 318, Off Street Parking, by deleting the section and replacing it with the following: "Parking facilities shall be provided for all permitted uses and in all instances off the street and outside of the public-right of-way . Specific parking requirements shall be in accordance with Section IV 2B of the current version of the Town of Deerfield Site Plan Review Regulations."

Board members reviewed the draft on amendments to Section 320, Home Business and the following revisions were made:

. Section 320.2 G. The use shall not employ more than four (4) persons who work or park on the premises other than the persons who live within the dwelling. Any proposed use which does not conform to this limit on the number of employees will require a Special Exception from the Board of Adjustment. Under no circumstances shall a home business employ more than eight (8) employees who do not live within the dwelling.

. Section 320.2 J : The home business shall not occupy more than 50% of the living area of the dwelling and floor area of accessory structures.

. Section 320.4: An applicant for a home business must complete and sign an administrative application for (provided by the Building Inspector)...

. Section 320.5 A: The use must be in full compliance with all the conditions of the previous Home Business Ordinance rescinded by the passage of this ordinance.

. Article VII Section 702: 3 Proof that the applicant has notified the abutters to the lot by certified mail of the intent to make application for a building permit for a new structure. The notice letter shall state that a building permit will be requested for the lot and shall provide a description of the proposed new structure.

. Section 706.2; Remove "One hundred dollars (\$100.00) for each offense" and replacing it with "as specified in RSA 676:17". Add the following "Additionally , the Town may pursue the injunctive relief as provided for in RSA 676:15 together with reimbursement of costs and attorney's fees all as provided for

under law. References to statutes above are assumed to include successor enactments by the legislature on the same subjects."

PROPOSED VILLAGE CENTER FINAL DRAFT

The Board reviewed the final draft and made the following revisions;

. Table I Dimensional Standards: Lot cover by structures; Up to 50%

. Table I Notes # 1: The Planning Board may authorize variations from the above standards , except for any requirement provided by state regulation or mandated elsewhere in this ordinance, by up to 25 % by a Conditional Use Permit pursuant to Section 214.5 for the purpose of providing flexibility in the design to meet the objectives of this section.

.Add 214.8: Pedestrian Friendly Amenities: Public pedestrian sidewalks and walkways shall be provided along public roadways and where determined necessary by the Planning Board.

.Add 214.9 Conditional Use Permit A. Planning Board to Administer; Where a conditional use permit is authorized by this ordinance, the authority to administer or grant conditional use permits shall be vested with the Planning Board. B. Application and Review Procedure: An application for a conditional use permit shall be initiated by filing with the Planning Board . A site plan application shall be submitted for any application for a conditional use permit. The application and review procedure for a conditional use permit shall be made concurrently and in accordance with the Site Plan Regulations as applicable to the particular development. C. Standards of Review: Following a fully noticed public hearing on the proposed use, the Planning Board may issue a conditional use permit, if it finds, based on the information and testimony submitted with respect to the application: a. The use is specifically authorized by Section 214.4 as a conditional use; b. The development in its proposed location will comply with all requirements of the Town of Deerfield Site Plan Regulations, as well as specific conditions established by the Planning Board. In considering the proposal , the Planning Board will consider all requirements of the Site Plan Regulations. c. The use will not materially endanger the public health or safety. d. The use will not have a substantial adverse impact on highway or pedestrian safety, and e. Access to the site shall be achieved directly from a State maintained highway. D. Procedures: a. Application i. Application for a conditional use permit may be made by the owner of the affected property, or his designated agent, on a form available from the Building Inspector. ii. the completed application and nonrefundable fee shall be submitted to the Building Inspector or his designee. b. Procedure for Consideration: 1. The Building Inspector or his designee , shall transmit the

completed application to the Planning Board for review and evaluation. ii The Planning Board shall consider the application at its next regular meeting following the public notice process. iii. Where development approval for a conditional use permit includes subdivision or site plan approval by the Planning Board, the application and review procedure for a conditional use permit shall be made concurrently and in accordance with the procedures specified in the Subdivision Regulations or Site Plan Regulations as applicable to the particular development. c. Approval of Application and Granting of Conditional Use Permit. Upon rendering a decision to grant a conditional use permit with conditions of approval that must be adhered to by the applicant, the Planning Board shall notify the Building Inspector of its decision and he shall issue a conditional use permit with the conditions of approval referred to and itemized in brief on the face of the permit. The Conditional Use Permit Application and Findings of Facts and Conditions of Approval shall be recorded at the Rockingham County Registry of Deeds. d. Termination and Transferability. Once granted a conditional use permit, with its terms and conditions shall i. Run with the lot, building structure or use and shall not be affected by changes in ownership. ii. Terminate twelve (12) months from date of authorization if the authorized use has not begun; 1. Unless otherwise spelled out in the conditions of approval ; or 2. Unless the applicant can demonstrate good reason(s) at a public hearing before the Planning Board why the permit should be extended. D. Denial of Application. In the event that an application is denied by the Planning Board, no resubmittal of an application for a conditional use permit for the same or similar use may be made for one (1) year from the date of said denial, unless sufficient new evidence or conditions are offered to the Building Inspector to demonstrate that the circumstances have altered and that further consideration of the application is warranted. In such an event, the resubmitted application shall follow the same procedures as the original and shall be treated as a new application. F. Conditions of Approval. Conditional Use Permit approvals shall be subject to appropriate conditions where such conditions are shown to be necessary to further the objectives of this ordinance and the Master Plan, or which otherwise allow the general conditions of this article to be satisfied. A copy of the revised Proposed Amendments is attached to these minutes.

A Public Hearing will be held on Tuesday, January 21, 2014.

The meeting was adjourned at 10:20PM.

Recorded and transcribed by Jane Boucher
Pending Approval by the Planning Board

**Town of Deerfield
2014 Proposed Zoning Amendments**

Amendment Number 1:

Amend Article II, Section 204, Table 204.1, Agricultural-Residential, Allowed by Special Exception, by deleting the following:

- “4. Light Manufacturing
- 5. Establishments Selling at Wholesale/Retail”

Discussion – These two uses are currently allowed by special exception. However, both are commercial or industrial uses and are subject to the Commercial-Industrial Overlay District. By having these uses allowed by Special Exception, an applicant can bypass the C-I Overlay District by obtaining a special exception.

Amendment Number 2:

Amend Article II, Section 210, Wetlands Conservation District, Section 210.7.A by adding:

“For lots in existence prior to March 14, 2006, no septic tank or leach field may be constructed or enlarged closer than seventy-five (75) feet to any wetland. “

Discussion – The zoning amendment adopted in 2006 inadvertently deleted a setback requirement for the location of septic tanks and leach fields for lots in existence prior to the adoption of the ordinance. This corrects that action.

Amendment Number 3:

Amend Article III, Section 318, Off-Street Parking, by deleting the section and replacing it with the following:

“Parking facilities shall be provided for all permitted uses and in all instances off the street and outside of the public right-of-way. Specific parking requirements shall be in accordance with Section IV 2.B. of the current version of the Town of Deerfield Site Plan Review Regulations.”

Discussion – There currently is a duplication of provisions for off-street parking between the Zoning Ordinance and the Site Plan Review Regulations. This amendment would remove the specific requirements from the Zoning Ordinance and incorporate the requirements of the Site Plan Review Regulations by reference.

Amendment Number 4:

Amend Article III, Section 320, Home Business, by deleting the current section in its entirety and replacing it with the following:

Section 320 Home Business

320.1 The purpose of the Home Business ordinance is to allow diversity in employment available to Town residents, to support the variety of uses characteristic of small towns, and to allow reasonable growth. At the same time, the Ordinance intends to protect the character of the Town's residential neighborhoods and keep neighborhood residents free from nuisance.

320.2 Home Business means the operation of a business, office or shop for: the manufacture and/or sale of products such as jewelry, pottery or similarly small objects; use by a lawyer, doctor, realtor or other professional or similar service provider; or use by an electrician, plumber or similar trades provided that all of the following are observed:

- A. The Home Business shall be carried out primarily on the premises by those residing on the property and shall not change the residential character thereof.
- B. The use shall be clearly incidental and secondary to the residential use and not change the residential character of the neighborhood.
- C. The use shall be limited to and carried out entirely within the confines of a detached single family dwelling or accessory structures;
- D. The use shall not utilize outdoor storage or display of materials or products;
- E. The use shall not change the residential character of the dwelling, the property on which the dwelling is situated, or the neighborhood in which the property is located;
- F. The use shall not become the source of undue nuisance to the neighbors by reason of hours of operation, signage, noise, dust, glare, vibration, traffic or other disruptive influences;
- G. The use shall not employ more than four (4) persons who work or park on the premises other than persons who live within the dwelling. Any proposed use which does not conform to this limit on the number of employees will require a Special Exception from the Board of Adjustment. Under no circumstances shall a home business employ more than eight (8) employees who do not live within the dwelling.
- H. The owner and operator of the Home Business shall be a person who is in continuous residence in the dwelling within which the occupational use is conducted; and
- I. No Home Business shall generate hazardous waste as defined under New Hampshire Department of Environmental Services, Waste Management Division, Rules for Management of Hazardous Waste unless by Special Exception granted by the Board of

Adjustment. Applicants for such Special Exception must demonstrate compliance with all current State and Federal Regulations regarding management, storage, transportation and disposal of hazardous waste.

J. The Home Business shall not occupy more than 50% of the living area of the dwelling and floor area of accessory structures.

K. The applicant for a Home Business must provide proof of the adequacy of the water supply, sewage disposal system and driveway entrance for the proposed use;

L. Parking shall be provided entirely on the lot. No on-street parking is permitted.

M. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuation in line voltage off the premises.

320.3 Site Plan Review by the Planning Board for a Home Business is not required if the provisions of Section 320.2 A-M are met.

320.4 An applicant for a Home Business must complete and sign an administrative application form (provided by the building inspector) that sets forth the nature of the Home Business and provides the details of the business and scope of operations. The application shall be submitted to and approved by the Building Inspector prior to commencement of the Home Business. The applicant shall comply with the conditions set forth in this ordinance and the failure to comply will result in the Home Business being rescinded.

320.5 Home Businesses in existence at the passage of this ordinance shall be allowed to continue as long as the following conditions are met:

A. The use must be in full compliance with all the conditions of the previous Home Business ordinance rescinded by the passage of this ordinance; and

B. Owner/operators of the Home Business must complete and sign the Home Business application form and submit it to the Building Inspector to establish a record of the existing Home Business. The form must be submitted within one year of the passage of this ordinance.

Discussion- There are issues with the current Home Business ordinance, one of which is a baseline of existing Home Businesses. This would add a requirement to file an intent with the building inspector and have the applicant acknowledge the requirements for a Home Business.

Amendment Number 5:

Amend Article VII, Section 702, Building Permits, by deleting Section 702 A.3. and replacing it with the following:

“3. Proof that the applicant has notified the abutters to the lot by certified mail of the intent to make application for a building permit for a new structure. The notice letter

shall state that a building permit will be requested for the lot and shall provide a description of the proposed new structure.”

Discussion – The current wording of the section is ambiguous as to whether a notification of abutters is required for all building permits or for building permits for new residences. This change would require notification of abutters for the construction of all new structures.

Amendment Number 6:

Amend Article VII, Section 706.2, Penalty, by:

Removing “one hundred dollars (\$100.00) for each offense.” and replacing it with “as specified in RSA 676:17.”

Adding the following to the end of the section: “Additionally, the Town may pursue the injunctive relief as provided for in RSA 676:15 together with reimbursement of costs and attorney’s fees all as provided for under law. References to statutes above are assumed to include successor enactments by the legislature on the same subjects.”

Discussion – The \$100 fine has been in place for some time, probably at least 25 years. The statutes specify the amount of the fine municipalities can impose, currently at \$275 per offense. The change would also allow the Town to recover other costs as provided for in the statutes.

Amendment Number 7:

Amend Article II, Establishment of Districts and District Regulations, by inserting the following new section:

Section 214 Village Center District

214.1 Purpose:

The Purpose of this district is to encourage the development and re-development of Deerfield Center in keeping with its historic development pattern, including the size and spacing of structures and open spaces. Such development shall:

- Provide a mix of uses including a variety of housing styles and types;
- Encourage pedestrian-friendly amenities including safe routes for pedestrians and bicyclists, safe crosswalks, sidewalks, and quality landscaping;
- Preserve the existing historical and architectural character of Deerfield Center;
- Retain existing buildings with historical or architectural features that enhance the visual character of the community;
- Encourage a safe and aesthetic environment for vehicular travel;
- Provide opportunity for greater economic activity and vitality; and
- Provide consistency with Deerfield’s master plan.

214.2 Applicability:

The Village Residential District is identified on the Town of Deerfield Zoning Maps, 210 and 415, as amended, and shall include the following properties:

Map 210

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 9.1, 9.2, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 55, 56, 57, 58, 59, 60, and 61

Map 415

Lots 1, 3, 4, 6, 27, 28, 29, 31, 32, 33, 34, 36, 37, and 38.

214.3 Permitted Uses:

1. Single-family detached dwelling;
2. Two-family dwelling;
3. Accessory use outbuilding;
4. Multi-family housing not to exceed five units;
5. Home business;
6. Senior housing up to 20 units;
7. Accessory apartment (or Accessory dwelling unit);
8. Bed & Breakfast;
9. Art gallery;
10. Professional or medical office;
11. Municipal facilities;
12. Public parks or open space;
13. Bakery;
14. Restaurant;
15. Artist live/work space;
16. Antique shop;
17. Day care for no more than 3 children;
18. Family Day Care Home;
19. Family Group Day Care Home;
20. Group Child Day Care Center;
21. Pre-school and School Age Program; and
22. Personal services.

214.4 Conditional Uses:

1. Meeting hall;
2. Multi-family housing greater than five units;
3. Inn;
4. Outdoor recreational facilities open to the public involving the construction of structures;
5. Business and professional offices;
6. Bank;
7. Retail sales;
8. Theater or cultural center; and

9. Neighborhood convenience store, excluding the sale of motor vehicle fuels and allowing a restaurant area of no more than 5 seats.

214.5 Conditional Use Standards

The planning board may issue a conditional use permit approving uses in Section D provided the planning board determines the following conditions are met.

1. The use is specifically authorized in this ordinance as a conditional use;
2. If completed as proposed by the applicant, the development in its proposed location will comply with the purposes and requirements of this Article;
3. The use will not materially endanger the public health, safety, or welfare;
4. The use will be compatible with the village area and with adjoining or abutting uses in the area in which it is to be located;
5. Architecture and landscape design shall contribute to the Purpose of this Article and comply with the Design Standards in the Site Plan Review Regulations;
6. The use will provide an environment to ensure both vehicular and pedestrian safety;
7. The use will be compatible with the natural, environmental, and historic resources of the town; and
8. The use will be adequately serviced by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.

214.6 Dimensional Standards:

Developments in the Village Center District are subject to the following lot, dimensional and building separation requirements in Table 1.

Table 1. Dimensional Standards

Dimension	Standard ¹
Lot Size ² :	Minimum of 20,000 s.f.
Frontage:	Minimum of 100 feet
Lot Cover by structures:	Up to 50%
Height:	At least 1 ½ stories, but no more than three stories or 35 feet of habitable space except as provided for in Section 207.5: B and C
Set Backs:	
Front Yard:	10 feet minimum depth. A building with a business on the first floor shall have a front yard setback no less than 20 feet. Where there are buildings on adjacent properties, the set back shall be consistent with, but no closer than buildings on such properties.
Side Yard:	15 feet or no less than 25 feet between principal buildings on adjacent lots

Rear Yard:	15 feet or no less than 25 feet between principal buildings on adjacent lots
Off Street Parking:	
	No parking lot shall be located between the street and the front line of the principal structure of the lot.
	Minimum of one (1) parking space per dwelling unit.
	One (1) space/300 square feet of gross floor area for office or retail.
	Restaurants, cafes, church/meeting hall (public space) and bed & breakfasts/inns shall comply with Section 318 of this Zoning Ordinance.
	Minimum of 10 ft x 20 ft per space.

Notes:

1. The Planning Board may authorize variations from the above standards, except for any requirement provided by state regulation or mandated elsewhere in this ordinance, by up to 25 percent by a Conditional Use Permit issued pursuant to Section 214.5 for the purpose of providing flexibility in the design to meet the objectives of this section.
2. Minimum lot size will depend on compliance with the provisions found in the NH Department of Environmental Services (NHDES) "Subdivision and Individual Sewage Disposal System Design Rules, Chapter Env-Wq 1000", as amended and may be satisfied through the use of an off-site system that is specified through an easement and agreement between the owner/applicant for the proposed activity and the owner of the site on which the system is to be constructed. NH DES will employ a soil-based minimum lot size and where it determines that where the minimum lot size is greater than 20,000 s.f., then that will be a permitted lot size.

214.7 Design Standards

Any development or redevelopment within the Village Center District will be consistent with the design standards as adopted by the Planning Board in the Deerfield Village Design Guidelines Manual and the following design principles:

- Buildings should be compatible with their surroundings and traditional New England architecture, expressing a dignified architectural identity.
- All building elements should be integrated into a coherent unified design.
- Buildings should be pedestrian-oriented and incorporate elements and site planning that create pedestrian interest and easy access.
- The reuse of existing buildings with special historical value is strongly encouraged. Additions to the side and rear should have compatible styles to the original building.
- All new uses should conform to the visual character and physical patterns of Deerfield Center.

214.8 Pedestrian Friendly Amenities

Public pedestrian sidewalks and walkways shall be provided along public roadways and where determined necessary by the Planning Board.

214.9 Conditional Use Permit

A. Planning Board To Administer:

Where a conditional use is authorized by this ordinance, the authority to administer or grant conditional use permits shall be vested in the Planning Board.

B. Application and Review Procedure:

An Application for a conditional use shall be initiated by filing with the Planning Board for an application for a conditional use permit. A site plan application shall be submitted with any application for a Conditional Use Permit. The application and review procedure for a conditional use permit shall be made concurrently and in accordance with the Site Plan Regulations as applicable to the particular development.

C. Standards of Review:

Following a fully noticed public hearing on the proposed use, the Planning Board may issue a conditional use permit, if it finds, based on the information and testimony submitted with respect to the application, that:

- a. The use is specifically authorized by Section 214.4 as a conditional use;
- b. The development in its proposed location will comply with all requirements of the Town of Deerfield Site Plan Regulations, as well as specific conditions established by the Planning Board. In considering the proposal, the Planning Board will consider all requirements of the Site Plan Regulations;
- c. The use will not materially endanger the public health or safety;
- d. The use will not have a substantial adverse impact on highway or pedestrian safety; and
- e. Access to the site shall be achieved directly from a State maintained highway

D. Procedures.

- a. Application.
 - i. Application for a conditional use permit may be made by the owner of the affected property, or his designated agent, on a form available from the Building Inspector.
 - ii. The completed application and nonrefundable fee shall be submitted to the Building Inspector or his designee.
- b. Procedure for Consideration.

- i. The Building Inspector or his designee, shall transmit the completed application to the Planning Board for its review and evaluation.
 - ii. The Planning Board shall consider the application at its next regular meeting following the public notice process.
 - iii. Where development approval for a conditional use includes subdivision or site plan approval by the Planning Board, the application and review procedure for a conditional use permit shall be made concurrently and in accordance with the procedures specified in the Subdivision Regulations or Site Plan Regulations as applicable to the particular development.
- c. Approval of Application and Granting of Conditional Use Permit.

Upon rendering a decision to grant a conditional use permit with conditions of approval that must be adhered to by the applicant, the Planning Board shall notify the Building Inspector of its decision and he shall issue a conditional use permit with the conditions of approval referred to and itemized in brief on the face of the permit. The Conditional Use Permit application and Findings of Fact and Conditions of Approval shall be recorded at the Rockingham County Registry of Deeds.

- d. Termination and Transferability.

Once granted, a conditional use permit, with its terms and conditions, shall:

- i. Run with the lot, building, structure or use and shall not be affected by changes in ownership.
- ii. Terminate twelve (12) months from the date of authorization if the authorized use has not begun:
 - 1) Unless otherwise spelled out in the conditions of approval; or
 - 2) Unless the applicant can demonstrate good reason(s) at a public hearing before the Planning Board why the permit should be extended.

E. Denial of Application.

In the event that an application is denied by the Planning Board, no resubmittal of an application for a conditional use permit for the same or similar use may be made for one (1) year from the date of said denial, unless sufficient new evidence or conditions are offered to the Building Inspector to demonstrate that the circumstances have altered and that further consideration of the application is warranted. In such an event, the resubmitted application shall follow the same procedures as the original and shall be treated as a new application.

F. Conditions of Approval

Conditional Use Permit approvals shall be subject to appropriate conditions where such conditions are shown to be necessary to further the objectives of this ordinance and the Master Plan, or which otherwise allow the general conditions of this article to be satisfied.

Amend Article VI, Section 602, Term Definitions, by inserting the following new definitions:

Dwelling, Multi-family: Any structure containing more than two (2) dwelling units as per RSA 674:43.I.

Family Group Day Care Home: - An occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for 7 to 12 children from one or more unrelated families. The 12 children shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years of age or older. (RSA 170 E:2)

Group Child Day Care Center: - A child day care agency in which child day care is provided for preschool children and up to 5 school-age children, whether or not the service is known as day nursery, nursery school, kindergarten, cooperative, child development center, day care center, center for the developmentally disabled, progressive school, Montessori school, or by any other name. (RSA 170 E:2)

Inn: A building, which contains a dwelling unit occupied by an owner or resident manager, in which up to 10 lodging rooms or lodging rooms and meals are offered to the general public for compensation, and in which entrance to bedrooms is made through a lobby or other common room. "Inn" includes such terms as "guest house," "lodging house," and "tourist house."

Amend Article VI, Section 602, Term Definitions, by replacing the definition of Personal Service Business with the following:

Personal services: An establishment which offers goods and services purchased frequently by the consumer. Including, but not limited to, barbershops, hairdresser/beauty shops, massage facilities, chiropractic clinics, garment repair, laundry cleaning, pressing, tailoring, shoe repair, and other similar establishments.

Amend Article VI, Section 602, Term Definitions, by replacing the definition of Restaurant with the following:

Restaurant: A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building or premises which does not include a drive-up window and where food sales constitute more than 50 percent of the gross sales receipts for food and beverages.
