

PLANNING BOARD
MAY 26, 2015 at 7:30 PM
TOWN HALL, 41 SOUTH MAIN STREET

In attendance:

Members: Kate Connolly, Judith Esmay (Chair), Joan Garipay, Iain Sim; **Alternates:** Kelly Dent, Brian Edwards

Staff: Vicki Smith, Judith Brotman; **Others:** See Attendance Sheet

1. CONTINUED REVIEW OF RE-ORGANIZED ZONING ORDINANCE

Continued review of the EDWARDS/SIM spreadsheet comparison of pages 1 to 48 of the December 11, 2014 and January 14, 2015 drafts of the revised Ordinance to the currently adopted Zoning Ordinance. ESMAY said she would prefer to present to the voters the proposed reorganized Ordinance separate from proposed substantive changes; the substantive changes being presented the following year. The Board agreed to review a list of substantive changes after the reorganization is complete.

Section 302 Definitions / [Section 902 Term Definitions of the current Ordinance]

Building Footprint - Is it measured from the point where the walls emerge from the ground or the overhang?

- ESMAY said the Ordinance says it should be measured in terms of ground cover. Judy Brotman, Zoning Administrator, has interpreted that to mean ground cover *at any height*. ESMAY said overwhelmingly, the APA definition of “cover the ground” is at ground level. If we change or clarify the definition to read “from the point at which the building touches the ground” that would be a substantive change.
- Is it necessary to insert “including roof projections” if it has been the regular practice to do so?
- It was suggested to keep the text of the current Ordinance and allow the Zoning Administrator to resolve this.
- It was suggested to adopt the industry standard practice.

Clinic: What is the difference between a “medical professional” and a “healthcare professional”? What would an aroma therapist or hypnotist fall under?

- Smith said Brotman would consider them “clinics”.
- Health care professions includes more than “medical”.

Dwelling, One-Family: Does it have to be detached? Is accessory use accessory? Is it necessary to have “accessory use” in the definition?

- CONNOLLY said it does not have to be detached.
- ESMAY said having an accessory unit under the same roof would make a single-family dwelling a two-family dwelling.
- The Board agreed to add this to the list of possible substantive changes.

Dwelling Unit: Do we need the sentence about additional cooking facilities?

- ESMAY said she will verify with Brotman whether that sentence is essential.
- It was agreed keep the language of the current Ordinance.

Essential Services: the 2nd sentence was deleted.

- ESMAY said that sentence is not necessary because essential services are subject to Public Works and Building Codes. The sentence is in there as an instruction.
- Does this language appear elsewhere in the Ordinance?
 - ESMAY said it is mentioned twice. This one is particular to Dartmouth College.
- It was agreed to keep the language of the current Ordinance.

Inclusionary Housing: “Median Family Income” was omitted; everything after the 1st sentence has been omitted.

- ESMAY said this term is only found as a heading in the subsection dealing with affordable housing. Throughout that section it is referred to as “affordable housing”. Relative to the proposed deletion, the standards for persons qualifying for affordable/workforce housing are established by federal regulations. This information belongs in an instructional handbook about how to build or alter a house, where it can be easily amended each time the federal guidelines are amended.
- CONNOLLY said if the information is still accurate, the language should be retained.
- State statute does not define “inclusionary housing”. It makes sense to reference the State’s definition in RSA 674:58 rather than having to update local ordinances every time the State makes changes.
- Addressing affordable housing in the Ordinance is an entirely different discussion. The bonus is not structured well enough to have the market produce affordable units. That section needs to change so that people use it.
- The definition of “median family income” is incorrectly placed alphabetically.
- The Board agreed to add this to the list of proposed substantive changes.

Laboratory research: How are “non-nuisance” and “non-hazardous defined”?

- ESMAY said this is the kind of decision Brotman must make all of the time.
- The Board agreed with the proposed language.

Lot: Major rewrite is proposed; much of the current text has been moved to Section 501 “Lots”.

- ESMAY said she thinks there has been no change in language. A portion may also have been moved to Section 508 Conservation Lot. The definition of “lot” is really very simple.
- The Board agreed that this will be further reviewed during the CARTER/DENT review portion of the Ordinances.

Lot Area: “lot lines” became “lot boundaries.”

- ESMAY said the Technical Review Committee (CONNOLLY, ESMAY, Brotman) felt there is more precision to the word “boundaries”.

Lot Corner: no change but the existing wording is cumbersome.

- ESMAY said she did not want to change the existing language; this has history to it.
- Smith said a corner lot is one that does not have a rear boundary.
- The Board agreed to leave the text as currently exists.

Lot Coverage: “Lot of record” became “lot”; “all driveways accessing parking areas or facilities” became “driveways, parking areas or facilities”; “and all other impervious and improved surfaces and constructed areas” became “or impervious surfaces, ordinarily expressed as a percentage”. The last sentence was deleted.

- ESMAY noted that this language is not listed in the 2013 Ordinance. She does not recall this change coming before the Board.
- CONNOLLY said that provision is not new.

- The Board agreed to keep the language of the current Ordinance.

Lot Measurements: “measurements” was changed to “depth”.

- The Board agreed with the proposed change.

Lot, Lawful: this is a new definition extracted from the definition of “lot”; “parcel” has been removed.

- ESMAY said only one definition in this cluster of definitions mentions “parcel”.
- EDWARDS/SIM will review the proposed text, identify where the different portions of the existing definition were moved to, and verify whether any changes were made.

Lot of Record: “... or a lot ~~or parcel~~ described by...”

Lowest Adjacent Grade: was moved to the floodplains section.

- ESMAY said this is defined by FEMA. She said she suspects it will not show up anywhere else in the Ordinance.

Manufactured Home and Manufactured Home Park or Subdivision: were moved to Article XI.

Manufactured Housing: a chunk of this was moved to Article XI.

Neighborhood Retail Sales (PRD & CCRC): was deleted or relocated.

- ESMAY said it does not exist anymore. It was allowed in PRDs and CCRCs in the RR. PRDs and CCRCs are no longer allowed in RR. This is an attempt to put in the Ordinance that which was added by editorial comment.
- Does this mean that Kendal’s retail sales are grandfathered?
 - CONNOLLY said Kendal was originally founded on an RR lot. It was rezoned to GR-4 recently. It is a non-conforming use.
- Should there be something saying that they are allowed in CCRC’s and PRDs where they are located?
 - ESMAY said a separate article is proposed for accessory uses. This could be added to that new section.
- The Board agreed to add this to the list of proposed substantive changes.

Non-Conforming Structure and Non-Conforming Use: The wording was reorganized; the list of examples was removed.

- ESMAY said these were simplified.
- The Board agreed with the proposed wording.

OFF-Lot and Sewer and On-Lot Water and Sewer:

- The Board agreed with the proposed wording.

Open Space: major rewrite.

- ESMAY said some of the existing language was moved to Article VI.
- DENT said the language in the new section is a match to the language of the current Ordinance.

Open Space Development: “single family” was changed to “one family”;

Open Space Ratio (O.S.R.): “The ratio of the total available land area to ~~the largest plan area of the buildings(s) as defined by the outside dimension of the buildings(s).~~ (see Appendix A.) **the building footprint**”.

- Ratios are not used in the Ordinance. This should be deleted.
- ESMAY will sweep the Ordinance to see if this phrase appears elsewhere.

Outdoor Storage: does not address second-hand materials/ products.

- It was suggested to remove reference to “new” materials/products, etc.
 - ESMAY said that would be a substantive change.

- The Board agreed to keep the language of the current Ordinance.

Park and Ride Facility: “may include” was changed to “includes”.

- ESMAY said the intent is not to require such appurtenances. They are accessory uses.

- The Board agreed to retain “may”.

Parking Area: minor readjustment.

- The Board agreed with the proposed language.

Parking Space, Off-Street: a reduction of wording

Parking Facility: “parking of vehicles” was changed to “temporary storage of vehicles”.

- The Board agreed to keep “parking”.

Passenger Stations:

- ESMAY said this is another instance where the current Ordinance does not define the term but rather lists examples of what a “passenger station” is.

- The impact of removing “... shall take place on the premises” was questioned.

- The Board agreed to say “providing *that* all [uses] take place on the lot.”

Penthouse, Mechanical: “...shall not be used for human occupancy” was changed to “...neither intended nor allowing for human occupancy”

- The elimination of “shall” was questioned.

- It was suggested to delete “neither intended nor”.

- ESMAY will check with Brotman why reference to the intent is mentioned.

Planned Residential Development: “patterns that...” was changed to “patterns which...”

- ESMAY said this is a grammatical correction.

- The Board agreed with the proposed wording.

Principal Building, Structure, or Use: “... which houses... on the premises” was changed to “that houses... on the lot”

- The Board agreed with the proposed wording.

Club, Private: was changed to “Private Club”

- The Board agreed to accept the proposed change.

Produce Stand:

Public Water, Public Sewer: was split into 2 definitions.

- The Board agreed with the proposed change.

Publishing: was reduced quite a bit.

- ESMAY said her notes indicate that extraneous text was removed. She will confirm with Brotman the proposed deletions.

Recreation, Outdoor: the last line requiring special exception approval was deleted; Current language lists examples of allowed structures; the proposed text limits allowed structures to “[those] necessary for restroom and maintenance use.”

- CONNOLLY said special exception approval is required in NP, but not in the F district.

- ESMAY said she will check on this one.

Recreation Vehicle: restructured.

- The Board agreed with the proposed change.

Related Land Area: was omitted.

- ESMAY said this only appears in Appendix A, which the Committee proposes omitting.

- Section 209.4E(3) references Appendix A.

- The Board agreed to the proposed change.

Removal of Natural Material: was omitted.

- ESMAY said this is addressed in Section 517, which is a combination of the current text of Sections 318.1 through 318.11.
- It was questioned why quarrying of stone is not included.
- The definition of Alteration of Terrain did not make it into the revised Ordinance.

Residential Institution:

- ESMAY said the present definition starts not by defining it, but by repeating the word “includes”. She suggested the additional text comes from an APA definition.
- The Board agreed with the proposed language.

Residential Use:

- ESMAY said a definition was added before listing a number of examples of residential uses. She suggested the wording comes from an APA definition.
- The Board agreed with the proposed wording.

2. OTHER BUSINESS:

Summer Schedule: Meetings will be held June 2, 9, 23; July 7, 14, 21; and August 4.

Public Input: The Board discussed how to inform the public of the work on this revised Ordinance. Use of a Facebook page or blog was suggested. Smith said the Town Manager is of the opinion that the Town needs someone to generate weekly reports on all Town departments but this is not anticipated as a fiscal priority.

GARIPAY Resignation: GARIPAY advised of her resignation from the Planning Board as of June 30 due to time constraints of other matters she is involved with. ESMAY thanked GARIPAY for her service, experience, and sharing her knowledge of the history of the Town.

3. ADJOURN: The meeting adjourned at 9:47 PM.

Respectfully submitted,
Beth Rivard