

**PLANNING BOARD**  
**JUNE 9, 2015 at 7:30 PM**  
**TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

**Members:** Kate Connolly, Judith Esmay (Chair), Joan Garipay, Michael Mayor, Iain Sim; Nancy Carter (Selectmen's Representative); **Alternates:** Jon Criswell, Kelly Dent, Brian Edwards

**Staff:** Vicki Smith

**Others:** See Attendance Sheet

1. **MINUTES:** The minutes of May 19<sup>th</sup> and May 25<sup>th</sup> were approved.

2. **CONTINUED DISCUSSION ABOUT ZONING ORDINANCE RE-ORGANIZATION**

[Previously discussed 02/17/15, 03/24/15, 04/07/15, 04/28/15, 05/05/15, 05/19/15, 05/26/15]

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

**Restaurant** – 1<sup>st</sup> sentence (referencing “cafeteria”) was deleted; “drive-in” was excluded.

- Smith said “cafeteria” is usually an accessory use to a bigger use such as a school or hospital.
- The Board agreed to insert “including diner, café, and cafeteria” after “counter”, and to insert “such as drive-in except as incidental to on-site service” after “consumption”.

**Retail Sales** – minor word change including use of “ultimate consumer”.

- ESMAY said the notion was to distinguish “retail” from “wholesale”.
- The Board agreed to strike “ultimate” and change “enjoyment” to “use”.

**Sawmill & Sawmill, Temporary** – were merged; some material was moved to Article VI.

- ESMAY said this comes from the APA Guide.

**Sign** – minor word ordering changes; no substantive changes.

- ESMAY said the text of 317.1H, 317.1I, and 317.1K, and reference of political advertising being governed by the RSA, were added to explain which signs are regulated by the Ordinance. The section on signs was moved to the proposed accessory use section.

**Special Exception** – “or the letters “SPECIAL EXCEPTION”” was deleted.

- ESMAY said it is not listed in capital letters elsewhere in the Ordinance.

**Special Flood Hazard Area** – was changed to “Area of Special Flood Hazard” and moved to Article XI.

**Start of Construction** – “nor does it include” was deleted 3 times; “main structure” was changed to “principal structure”.

- ESMAY said the deletions were to tighten it up.

**Steep Slopes** – “shall be” was changed to “are”.

Street or Public Street – “which” was changed to “that”; words were moved around.

Street Line – “shall be” was changed to “is”.

Structures – minor word changes.

Student Residence, “I” Institution District – “shall” was deleted.

Substantial Damage & Substantial Improvement – were omitted or moved.

- ESMAY said they were moved to Article XI and are defined by FEMA.

Tower – minor word changes.

Truck Terminal – was deleted.

- Smith said it is not allowed anywhere; there is no need to define it.

Use – was added.

- ESMAY said this was added to emphasize the difference between “use [as a noun]” and “structure”. The language was taken from the APA Guide.
- This was added to the list of substantive changes.

Use Accessory to Permitted Use & Use Accessory to Special Exception – “the tables in Section 204” was changed to “Article IV”.

- It was suggested to delete “building or”, or change “building” to “structure”.
- It was suggested to delete these terms.
- The Board agreed to keep the terms and change “building” to “structure”.

Variance – was reworded.

Vehicular Sales and Repair Facility –

- It was suggested to change “or” to “and/or”.
  - ESMAY said the establishment must include sales and repair.

Violation – was moved to Article XI.

Warehouse – minor word change.

Water Resources through Wetlands Hydrology – were moved to Article XI.

Wholesale Business – “and” was changed to “and/or”.

Vernal Pool – was moved to Article XI.

**Section 401 Establishment of districts** / [Section 201 Establishment of Districts of the current Ordinance]

- reference of B-1 Neighborhood Business was resolved by Town Meeting vote.
- FP Flood Plain was moved to Section 406.1.
  - ESMAY said this is an overlay, not a zoning district. The overlays and zoning districts were reorganized in the proposed Ordinance.

**Section 404 District objectives and land use control** / [Section 204 District Objectives and Land Use Control of the current Ordinance]

404.1 & 404.3 – some changes in wording.

**Section 405 Zoning districts** / [Table 204 of the current Ordinance]

405.1 (BM)

- Area and Dimensions: reference to “Class 1” was deleted.

#### 405.2 (D)

- Objective: minor word ordering change in the 2<sup>nd</sup> paragraph.
- Uses: the definition of “Drive-in facility, other” was deleted/merged with another definition; the use of capitalization should be uniform.

#### 405.3 (B)

- Uses: the definitions of “Drive-in restaurant” and “Other drive-in facility” were deleted/merged with other definitions.

#### 405.4 (RO)

- Uses: “and contains no more than 100 seats” was added to “Restaurant”.
  - CONNOLLY said this was imported from Section 329.
- Area and Dimensions: Minimum lot area – it was suggested to add “**an additional 3,000 square feet... an additional 2,000 square feet...**”.
- Area and Dimensions: It was suggested to delete “... front ~~yard~~ setback...”.

#### 405.5 (OL)

- Uses: “and contains no more than 100 seats” was added to “Restaurant”.
  - It was agreed to reword this listing.
- Area and Dimensions: It was suggested to delete “... front ~~yard~~ setback...”.
- Area and Dimensions: It was suggested to add “Minimum front setbacks”.

#### 405.6 (I)

- Uses: “Sawmill, temporary” is listed but its definition was deleted.
- Area and Dimensions: Minimum lot size – it was suggested to add “**an additional 5,000 square feet... an additional 2,000 square feet...**”.
- Area and Dimensions: Maximum height – some wording was relocated to Article 505.1B.
  - ESMAY said the thinking was that the way in which a measurement is conducted should be in Article V. The maximum dimensional requirements should be in the individual tables.
  - It was agreed to leave the content in 505 and reference 505 wherever height measurement is mentioned.

#### 405.7 (GR)

- Uses: it was questioned why the heading includes “are permitted only if all area and dimensional requirements in the table below are met”.
  - ESMAY said that was carried forward from the current Ordinance.
  - The Board agreed to delete that language.
- Area and Dimensions: the section was misnumbered; there are several typos in the table; the maximum height for a hotel in GR-4 was deleted.

#### 405.8 (SR)

- Uses: “single family” was changed to “one-family”; some language associated with “accessory dwelling unit” was relocated to Section 702.1.
  - ESMAY said “one-family” is what is defined. Use of “single family” has been dropped throughout.

#### 405.9 (RR)

- Objectives: listed as plural only in this section; mentions “single-family homes”.
  - The Board agreed to change “single-family homes” to one-family dwelling”.

405.10 (F)

- Area and Dimensions: the heading “Other restrictions” was deleted. Its corresponding section was reworded.

405.12 (GP)

- Objective: “shall be” was changed to “are”. It was suggested to use “must be”.
  - ESMAY said using “must be” suggests that there are options. There are no options.
- Area and dimensions for waterfront lots and for lots with no water frontage: it was suggested to express the 5.5% of the lot area in terms of square feet.
- Other restrictions: “decks and porches” were listed as singular.

406 Overlay districts

- This is a new section.
  - ESMAY said the West End is not really comparable to a zoning district.

406.2 (West End Neighborhood Overlay District)

- Subheading titles were deleted.
- The use of “hereby” was questioned.
- “[vehicular openings] shall be no greater than...” was changed to “**may** be no greater...”; “Buildings shall not be set back...” was changed to “Buildings **may** not be set back...”
  - ESMAY said “may” is pretty strong. They simply do not have permission to exceed the regulations.

**2. OTHER BUSINESS:** None

**3. ADJOURN:** The meeting adjourned at 9:41 PM.

Respectfully submitted,  
Beth Rivard