

PLANNING BOARD
JUNE 23, 2015 at 7:30 PM
TOWN HALL, 41 SOUTH MAIN STREET

In attendance:

Members: Kate Connolly, Judith Esmay (Chair), Joan Garipay, Nancy Carter (Selectmen's Representative)

Alternates: Kelly Dent, Brian Edwards

Staff: Vicki Smith

Others: See Attendance Sheet

GARIPAY asked whether the research for documentation about the preservation of land around Occom Pond had occurred and who conducted it. Smith said she had not heard whether it had been done. She said she was not planning to do it. DENT said she assumed Ellen Arnold would do it. ESMAY asked for a map depicting the lots around Occom Pond showing which portions are located in the NP district.

Garipay Send-Off

ESMAY acknowledged that this was GARIPAY's final meeting as a member of the Board. She thanked GARIPAY for her faithful years of service to the Board and the town. CONNOLLY said GARIPAY's efforts relative to the creation of the GP district were particularly important. ESMAY said it was a landmark in a way, setting us on the path we are on now.

1. **MINUTES:** The minutes of June 2nd were approved.

2. **CONTINUATION OF REVIEW OF RE-ORGANIZED ZONING ORDINANCE**

[Previously discussed 02/17/15, 03/24/15, 04/07/15, 04/28/15, 05/05/15, 05/19/15, 05/26/15, 06/09/15]

Begin review of the CARTER/DENT spreadsheet comparison of the proposed revised Zoning Ordinance and the current Zoning Ordinance.

Section 501 Lots / [Section 902 Term Definitions of the current Ordinance]

501.1

- The definition within the current Ordinance calls out the actual State statute that the lot must be in accordance with.
 - ESMAY said citing specific statutes creates the burden of having to monitor changes at the State level and updating local ordinances each time a change is made. A lot of this is unpacking the current definition of "lot" into places that the Technical Review Committee (Judith Brotman, CONOLLY, ESMAY; hereafter "Committee") thought would be more logical.

- The last sentence was reworded.
 - The Board agreed to the proposed changes.

501.2

- “shall” was converted to “may”; The wording is different but not so much to warrant a red marking.
 - The Board agreed to change the text to read “No lot may be ~~so~~ reduced in area,....”

501.4

- It is difficult to find this language within the current Ordinance; This is a duplication of language in 501.1 of the proposed revised Ordinance; Reference of area requirements was added.
 - ESMAY said this is taken from §902 of the current Ordinance. It was amended to apply to all districts in which specific area requirements are set forth elsewhere in the Ordinance. The current Ordinance makes illegal something that is happening on almost every lot in town (driveways). Driveways are structures. Structures are not allowed in the front setback and are not among the list of exemptions from the setback rule. The Committee added that in because we want everyone to be legal.
 - Smith said this is a substantive change; there is no statement like it in the current Ordinance.
 - The Board agreed to add this to the list of substantive changes.

Section 502 Lot Area / [Section 305 Reduction of Lot Area of the current Ordinance]

502.1

- The definition of “lot area” has been relocated from §902. “waterbody” and “steep slopes” were added. The proposed changes make the language clearer.
 - The Board agreed with the proposed language.

Section 503 Lot Frontage / [Section 307 Corner Lots of the current Ordinance]

503.1

- The proposed second line appears to be new language.
 - ESMAY said the Zoning Administrator asked that it be there to clarify how frontage is measured, that it must be an uninterrupted boundary line. It does not change the way in which the Zoning Administrator has been measuring lot frontage.
 - Smith said it is a substantive change.
 - The Board agreed to add this to the list of substantive changes.
- It is generally understood that lot frontage must be along a street.
 - CONNOLLY said it is State law.

503.3

- “adjoining” was changed to “abutting”; “regulations” was changed to “Ordinance”.
 - ESMAY said “abutting” is commonly used when referring to two properties touching one another.
 - The Board agreed with the proposed language.

Section 504 Setbacks / [Section 209.2 Dimensional Requirements Front Setback Regulations and Exceptions of the current Ordinance]

504.2C

- The proposed language does not appear in the current Ordinance. These items are allowed?
 - ESMAY said they are exceptions to the rule.
 - CONNOLLY said the language involving the West End Neighborhood Overlay district was taken from §213 of the current Ordinance.

Section 505 Height standards for buildings and other structures / [Section 209.4 Height Regulations and Exceptions of the current Ordinance]

- The Board agreed not to make any changes to the proposed Section 505.2.

Section 507 Lots in more than one district / [Section 302 Lots in Two Zoning Districts of the current Ordinance]

507.2

- ESMAY said the restatement is with the assumption that the lot area requirement ran with the entire lot, even though the lot is divided by a zoning district boundary. The use on a lot located within two zoning districts must conform to the requirements of the district in which the use is located.
- CARTER said she is curious about the development potential of an empty lot. Can a use be carried over a zoning district boundary based on the percentage of which it is located within one district or the other?
 - CONNOLLY said no, you can only go 30' into the more restrictive zoning district.
 - ESMAY said the bottom line is that a use that is permitted in a given district can be used only in that district and not spill over into another district.
- Smith said this language is there so that a landowner is guaranteed some use when a zoning district boundary is placed after the lot was created.
- ESMAY said a lot is a lot is a lot... all the way to its boundaries. The whole business of annexation is not in the current Ordinance at all. It cannot be shoehorned into the technical review.
- Smith said we may want to distinguish which district uses may be extended into another district.
- The Board agreed to retain the language of the current Ordinance and to look at this issue after the technical review is complete.

Section 509 Classification of lots by water source and sewage system / [Section 208 Classification of Lots: Source of Water and Sewage System of the current Ordinance]

509.1

- The language has been cleaned up considerably.
 - The Board agreed with the proposed language.

509.2

- A lot of verbiage has been cleaned up.
- The Board agreed with the proposed language.

Section 512 Screening of service areas and tanks / [Section 210.10 Accessory Uses Screening of Tanks of the current Ordinance]

512

- ESMAY said the changes are a style preference for the singular to the plural; “capacity more than 120 gallons” is more precise than “size greater than”. The tricky bit is the “view from abutting properties”, which she did not want changed.
- Do we define what is meant by “screened from view”?
 - CONNOLLY said a short fence or something similar.
 - ESMAY said it is deliberately unspecified to allow a neighbor to decide whether inadequate screening needs to be brought to the attention of the Town.
- The Board agreed with the proposed language.

Section Noise standards / [Section 323.1A Noise Standards Table of Restrictions Use Districts of the current Ordinance]

514.1

- “GP” was added to the table.
 - ESMAY said when the table was created, GP did not exist. It should have been added when the GP district was created; otherwise it is not protected from noise at all.
 - The Board agreed to add this to the list of substantive changes.

Section 602 Special exceptions / [Section 206 Special Exceptions of the current Ordinance]

602

- The language has been cleaned up. Did the language in §206.1 through 206.5 of the current Ordinance disappear?
 - ESMAY said those procedural items were moved to Article II Administration and Enforcement with virtually no change. They outline the process by which something is heard by the ZBA.
 - The Board agreed with the proposed language.

Section 604 Principal buildings and uses / [Section 303 Principal Buildings Including Dwellings on Lots of the current Ordinance]

604

- ESMAY said the language reflects the concept that PRDs, CCRCs, Open Space Developments, and Manufactured Housing Parks are self-contained residential developments.
 - The Board agreed with the proposed language.

Section 605 Governmental uses / [Section 324 Governmental Uses of the current Ordinance]

605.2

- The words in italics are not found in the current Ordinance.
 - CONNOLLY said State law exempts governmental uses from any local control. This is sort of a local compact in which the governmental uses have held to; CRREL being the one exception.
 - Smith said State law includes a governmental use hearing procedure.
 - The Board agreed with the proposed language.

Section 606 Adaptive Re-Use / [Section 328.5C(4) Adaptive Re-Use of A Historic Barn or Other Agricultural Outbuildings of the current Ordinance]

606.5C(4)

- It was suggested to change “compliant” to “compliance”.
- The Board agreed to add semicolons after “Act”, “materials”, and “chimneys”.

Section 607 Communication/telecommunications facilities / [Section 322 Communication/Telecommunications Facilities of the current Ordinance]

607.1

- The beginning paragraph sounds like a definition.
 - ESMAY said this is one of the sections the Committee opted not to revise given its relation to State statute.

607.2

- It was suggested to change “establish” to “established”.
- The Board agreed with the proposed suggestion.

Section 608 Manufactured Housing / [Sections 601.2 Manufactured Housing & 602 Manufactured Housing Park Standards of the current Ordinance]

608.1

- “sales lot” was excluded.
 - ESMAY said “sales lot” is not a permitted use in town; it does not need to be regulated.
 - The Board agreed with the proposed language.
- There is no reference to a destruction clause in the current Ordinance.
 - ESMAY said it was added to comply with State statute. Where we say that you cannot put a manufactured home in the driveway on a residential lot we violate State law. Our options are to add this language or remove the prohibition from the entire town.
 - Is the intent to restrict someone from living on their property while they rebuild a burned down structure?
 - EDWARDS said this creates an exception to allow them to do so.
 - ESMAY said we may prohibit the placement of a manufactured home on any lot under any other circumstances.
 - The Board agreed that this is a substantive change that is necessary to comply with State law. Town Meeting vote is not necessary because voters cannot vote against State law. This will be flagged for further discussion.
 - The Board agreed to reference the “NH Statute”.

608.2

- “suitable non-porous pad” was beefed up; reference to State statute was added.
 - The Board agreed to eliminate reference to the specific statute and instead reference “NH Statute”.
- Electrical source supply was pared down; reference to State statute was deleted.
 - ESMAY said 608.2A(9) elaborates the electrical requirements; the weatherproof outlet was relocated to 608.2B.
- If the NEC is the standard, it is acceptable to take out mention of State and local laws.
 - The Board agreed with the proposed language.
- There are several things that seem like they are repeating information from other regulations. This is the only place in the Ordinance that talks about building standards. It

seems out of place. Is there some reason why we want to put all of those specifics in one place, even though they are located elsewhere?

- CONNOLLY said this section was added to address a Supreme Court case. Site plan review is not rigid; requirements can be waived by the Board. You want to be sure these things are required.
 - ESMAY said the proposed revision will integrate manufactured housing park with other self-contained residential developments, rather than be a separate category.
 - Smith said this is a substantive change and questioned whether it is needed.
 - The Board agreed to discuss this at a later date, not associated with the technical review.
- Requiring that a manufactured housing park front on “an accessory driveway” was changed to front on a “manufactured housing park street”. This is the only mention of “manufactured housing park street” within the Ordinance.
- Smith said you can only have so many houses on a driveway. “access driveway” does not make sense. If our preference is to require a private street, we should say so.
 - ESMAY said the reference in the Ordinance is “access driveway” in at least two places. “Manufactured housing park street” should be defined and inserted into 608.2A1; differentiating it from a driveway to an individual house.
 - The Board agreed to change 608.2A(1) to read “... housing spaces, *private streets*, ~~access~~ driveways,...” and to strike 608.2A(4).
 - CONNOLLY said they are not “private” streets.
 - Smith said “private street” connotes that the Town does not maintain or own the land.

[605.2 Manufactured Housing Subdivision Standards of the current Ordinance]

- This language does not appear in the proposed revised Ordinance.
- CONNOLLY said a manufactured housing park is a single lot, not a subdivision.
 - ESMAY said this is outlined in Article II Administration and Enforcement. It is true for every subdivision in town; Manufactured housing is not different from any other subdivision.

Technical review will continue on July 14th.

3. OTHER BUSINESS: None

4. ADJOURN: The meeting adjourned at 9:25 PM.

Respectfully submitted,

Beth Rivard