

PLANNING BOARD
AUGUST 11, 2015 at 7:30 PM
TOWN HALL, 41 SOUTH MAIN STREET

In attendance:

Members: Kate Connolly, Judith Esmay (Chair), Michael Mayor; Iain Sim; Nancy Carter (Selectmen's Representative)

Alternates: Kelly Dent, Brian Edwards

Staff: Vicki Smith

Others: See Attendance Sheet

1. **MINUTES:** The minutes of July 7 and 14 were approved.

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

ESMAY corrected, for the record, statements she made at a previous meeting about driveways not being allowed within the front setback. She read from Section 210.3 "*except for produces stands, no accessory buildings or use, other than **driveways**... may occupy any part of a required front setback...*" This is not mentioned in the sections of the Ordinance that deal with front setbacks or driveways. ESMAY said this is a perfect example of why we are reorganizing the Ordinance.

Review of the EDWARDS/SIM comparison of the parking section of the current Zoning Ordinance and the proposed Ordinance.

1001 Requirements for off-street parking / 401, 402, 403 of the current Ordinance]

1001.1

- Minor rewording and reordering; "structures" became "buildings", "premises" became "property".
 - There were no objections raised regarding these changes.

1001.2

- Minor rewording; very trivial changes.
 - There were no objections raised regarding these changes.

1001.4 & 1001.5

- Small changes; "uses" became "land uses". What is the advantage of adding the effective date of March 2, 1976? How does that effect the changes made after March 2, 1976?
 - ESMAY said the casual user may not know the effective date of the Ordinance; this is merely stating the date the Ordinance was adopted.
 - Smith said this only applies to the parking section. The date cited is a snapshot baseline from which parking calculations are based upon.
 - CONNOLLY said parking rights legally in existence as of March 2, 1976 are grandfathered from future change. They become legally non-conforming.
 - It was agreed to keep the specific date as proposed in both sections.

1002 Schedule of Minimum requirements for Off-street Parking Spaces / [404 of the current Ordinance]

1002.1

- Very minor rewording; “single family” was changed to “one-family”.
 - ESMAY said changing “single family” to “one-family” is proposed throughout the revised Ordinance.

1002.2

- “1003.1” should be “1002.1”.

ESMAY recapped that the Board agrees with the proposed changes in 1001.1, 1001.2, 1001.4, 1001.5, 1002.1, and 1002.2, and that they are not substantive changes.

1004 Location of off street parking spaces / [406, 210.1B of the current Ordinance]

1004.1A/B/C

- Minor word and numbering changes; “premises” and “land” were omitted. The number of the US code cited was changed. It was suggested to change “two adjoining lots” to “two abutting lots”. “premise” became “lot”. Words were inserted to clarify “in reasonable proximity *to the residence*”.
 - ESMAY will double check the code reference. She said “premise” was changed to “lot” throughout the revised Ordinance.
 - The Board agreed with the proposed changes. They are not substantive changes.

1004.2

- A substantive change was made to allow off-lot parking for residential uses in the D district.
 - CONNOLLY said she does not think uses in the D district were ever segregated from the ability to utilize off-lot parking. The parking regulations for the D district do not differentiate as to use.
 - ESMAY suggested removing “residential uses” in the D district.
 - The Board agreed to provisionally strike “residential uses” thereby eliminating a substantive change. ESMAY will research the proposed change and report back to the Board.
- It was questioned what other options there are for off-street parking other than a parking facility, given the definition of “parking facility”?
 - Smith said maybe it is something that is not a permitted use; rather an accessory use.

1004.4

- It was questioned whether the wording of the current Ordinance allowing off-street parking within the required side and setbacks is correct.
 - CONNOLLY said it is true.
- It appears the language of 210.1B(3) has been omitted.
 - CONNOLLY said it is located in Section 705, Accessory uses.
 - ESMAY said it has to do with lot area.

1005 Improvement and maintenance of parking facility / [407 of the current Ordinance]

1005.2

- Minor word change: “car space” was changed to “parking space”.
 - ESMAY said that was done for uniformity.

1005.3

- “structures” become “buildings”
 - The Board agreed with this change.

1006 Parking Credits / [401, 403 of the current Ordinance]

1006.1-3

- Minor rewording and reordering. The addition of the specific date for the effectiveness of the provision was again questioned.
 - It was agreed to keep the changes. They are not substantive changes.

1006.4

- An effective date of “May 14, 2002” is referenced.
 - CONNOLLY said that was when the D district and its elaborate parking regulations were created. She said the system of parking credits was thrown in on the odd chance that it might happen sometime in the next millennium. It was put together very vaguely on the notion that if the Town decided to do it, that is when the specificity would come in. We just allowed for their possible existence.
 - It was agreed to leave the date as currently referenced.

ESMAY recapped that in the new Article X, the Board approved the changes with the exception of:

- * 1004.2 - removing the words “residential uses” in the D district unless we can come up with an argument for their inclusion, in which case it would be a substantive change.
- * 1004.1B - verifying the US code reference.
- * 1002.2A&B – correcting the reference of 1003.1.

Review of the CARTER/DENT comparison of the wetlands sections of the current Zoning Ordinance and the proposed Ordinance.

1001 Definitions / 902 of the current Ordinance]

1001

- General comment: definitions related specifically to wetlands have been moved to the beginning of this chapter, as opposed to being listed in Article III Definitions.
 - ESMAY said they are unique to this article and it can be confusing. FEMA’s definition of basement may not be the common sense definition of basement that one would apply to one’s home. It makes it clear that these definitions apply to this article only.
- It was questioned whether there could be two different definitions of “basement”.
 - Smith said no, some other term would be used.
 - DENT recapped, the Board approves the change and it is not substantive.

basement and base flood

- “base flood” should be listed before “basement”.
 - DENT recapped, the Board agreed with the change.

breakaway wall

- It was suggested to remove “Breakaway wall means” from the definition.

- ESMAY said that rule was implemented in the other section on definitions but the Technical Review Committee decided not to touch these wetland-related definitions. She said she would be delighted to make the change.
- It was suggested to get rid of “7” in “witho7ut”.
 - DENT recapped, the Board is in agreement to correct the typo and change the definition.

development

- It was suggested to strike “for purposes of Article XI only,”.
 - DENT recapped that the Board agreed with that change.

flood and flooding

- ESMAY pointed out a substantive change: “and” has become “or” relative to the sources of inundation of water. She said you cannot require both conditions to exist in order for there to be flooding. She researched the definition and found the use of “or”.

flood insurance study

- It was suggested to add punctuation after “flood insurance study”.
 - The Board agreed to separate it as a new line.

hundred-year flood

- It was suggested to add punctuation after “hundred-year flood”.
 - The Board agreed to note it as a separate line.

intermittent stream

- “intermittent stream” is used within the definition twice; once with quotations, once without.
 - ESMAY said the format of using quotations when repeating the defined term was set in the other definition section.
 - DENT recapped, the Board agreed to add quotations where applicable.

lowest floor

- It was suggested to remove “,” after “provided”.
 - DENT recapped, the Board agreed.

manufactured home

- “and ‘manufactured housing’” was added.
 - SIM said that language appears in the original definition of “manufactured housing”.
- It was suggested to delete “With reference Article XI, Section 1102 only,”.
 - ESMAY said for consistency sake, it should be taken out.
 - DENT recapped that the Board agreed to the proposed addition and omission. Those are not substantive changes.

manufactured home park or subdivision

- It was suggested to strike “For the purposes of Section 1102 only,”.
 - DENT recapped, the Board is in agreement with the omission.

new construction

- It was suggested to strike “For the purposes of Section 1102 only and”
 - DENT recapped, the Board is in agreement with the omission and quotations will be added where applicable in accord with approved formatting.

substantial damage

- It was suggested to remove “Substantial damage means”.
 - DENT recapped, the Board is in agreement with that.

violation

- It was suggested to strike “For the purposes of Section 1102 only,”.
 - DENT recapped, the Board is in agreement with the omission.
- It appears a publication reference is missing.
 - DENT recapped that the Board agreed to capitalize “CFR” in the publication title and not include a reference. This is not a substantive change.

vernal pool

- This is not listed in alphabetical order; “provide” should be “provided”; “Vernal pool” should be in quotations where mentioned within the definition; Statements listed as bullets in the current Ordinance are now listed as a six-line sentence.
- DENT recapped that the Board agreed the definition should be relocated above “violation”, the typo corrected, and quotations added.

1102 Flood Plan Protection / [701 of the current Ordinance]

1102.1

- Subtitles of the articles were removed from the proposed Ordinance.
 - ESMAY said that was done for consistency throughout the Ordinance. This article has only three subsections; others have many more. She suggested renumber this article or adding subtitles throughout the Ordinance.
 - EDWARDS said this section is unique and stands alone almost.
 - SIM said the use of headings is not consistent within the current Ordinance.
 - ESMAY recapped that efforts will be made to reinstate subtitles.

1102.2

- A section reference was questioned.
 - SIM suggest it should reference section “402”.
 - The Board agreed the reference is to “402”.

1102.4

- All “shall”s became “must”s.
 - DENT recapped, everyone is fine with that.

1102.5

- The reference to section 209D was questioned.
 - It was agreed that the reference in the current Ordinance is not correct; the reference in the proposed Ordinance is correct.
 - DENT recapped that the Board agreed that the proposed changes are acceptable and they are not substantive changes.

1102.7B

- “Town Comprehensive Plan” became “Town Master Plan”.
 - DENT recapped, everyone is in agreement with that.

1102.10A

- A return space is needed between (b) and (c).
 - DENT recapped, we are all in agreement with that.

1102.10A

- “A permit *shall* be obtained...” became “A permit *must* be obtained...”; “The applicant *shall* satisfy...” was not changed.
 - ESMAY said of the continued use of “shall”, you can mandate a person.
 - DENT recapped “shall” will remain.

1102.10B

- “Shall”s became “must”s.
 - DENT recapped, everyone is in agreement with that.

1102.10C

- There are three instances where “shall”s were not changed to “must”s. All refer to what an applicant “shall” do.
 - DENT recapped that they are perfectly proper and will be left alone.

1102.10D-H

- “Shall” is used rather than “must”. In all instances they seem to refer to people.
 - DENT recapped, they sound good.

DENT said she was not able to complete documentation of the changes identified within the last six pages she and CARTER reviewed. There are no substantive changes but formatting and use of “shall”s and “must”s. Smith asked that DENT add the substantive change ESMAY pointed out in “flood and flooding” to her finished document.

SIM offered to work with CARTER to confirm that every paragraph from the current Ordinance has been carried over to the proposed Ordinance.

3. OTHER BUSINESS

Next meetings: 09/08/2015 (case reviews), 09/22/2015 (zoning reorganization), 10/06/2015 (case review & zoning reorganization)

4. ADJOURN: The meeting adjourned at 9:30 PM.

Respectfully submitted,

Beth Rivard