

**PLANNING BOARD
JANUARY 26, 2016 at 6:30 PM
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

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

Staff: Vicki Smith

Others: See Attendance Sheet

1. REVIEW OF ZONING AMENDMENTS PROPOSED FOR TOWN MEETING 2016

[Previously discussed 11/17/15, 12/01/15, 12/15/15, 01/05/16, 01/12/16]

This was not reviewed.

2. CONTINUATION OF REVIEW OF RE-ORGANIZED ZONING ORDINANCE

[Previously reviewed 02/17/15, 03/24/15, 04/07/15, 04/28/15, 05/05/15, 05/19/15, 05/26/15, 06/09/15, 06/23/15, 07/14/15, 08/11/15, 10/20/15, 11/17/15, 01/12/16, 01/19/16]

The Board reviewed the results of the proofreading assignments.

General comments:

- The font will be changed after the revised ordinance is adopted.
- Spacing errors and issues with commas will be forwarded to staff for correction.
- Numbers (numerals vs. spelled out):
 - All numbers will be spelled out when used at the start of a sentence;
 - Ordinal numbers will be spelled out;
 - Numerals will be used in tables and in lists of numbers;
 - When used in a sentence, numbers one through ten will be spelled out; numerals will be used for all other numbers.
 - DENT volunteered to review the revised ordinance to identify where corrections are needed.
- "Section" and "special exception" will not be capitalized unless used at the start of a sentence.
- It was suggested that words being defined in §302 should be bold-faced.

Pages 1-15:

- 103: change "2015" to "2016"
- 205.1A: The Board decided previously that not all signs require permitting but this section states that permitting is required for all exterior signs. It was suggested that for sale, directional, and street number signs do not require permitting.

- 205.1A: change to “The erection or use of ~~any new building, other~~ structure, or exterior sign *except as exempted by Section 715;*”
- 205.1B: change to “The relocation of any ~~building, other~~ structure, or exterior sign, *except as exempted by Section 715,* or of any part thereof;”
- Paragraph spacing was questioned.
- 207.4: delete the an extra space in the last line
- 208.1B: change colon at end to semicolon
- 209B: add “G” to the last sentence
- 302: change formatting so that every term is listed on the same page as its definition
accessory building or use: fix typos
agriculture: The Board agreed previously not to change this definition.
building footprint: The Board agreed previously not change this definition.
drive-though, other: add definition from current Ordinance

Pages 16 – 40:

- 302 (continued):
inclusionary housing: change to “inclusionary housing, see affordable housing”
institutional dining facility: correct spacing of “and /or”
laboratory research: change to “~~Laboratory for use as a~~ commercial, scientific, or research laboratory facility of a non-nuisance and non-hazardous character”
light industry: remove “industrial” from the definition; “objectionable flashing” was questioned but not changed
lot: a suggestion to add “in its district” at the end was not agreed upon
lot area: use of “lot” within the definition was questioned but not changed
lot, corner: use of “lot” within the definition was questioned but not changed
lot coverage: change to “When a lot coverage...”
lowest adjacent grade: change to “... along the entire perimeter of the *proposed* structure” was not agreed upon
manufactured housing: change to “... plumbing, heating, and electrical ~~heating~~ systems.”
neighborhood retail sales: correct “Cotinuing”
non-transient: definition was questioned but not changed
parapet: change to “... protective wall *at upright from* the edge of a roof”
park and ride facility: use of “structure” was questioned but not changed; to be revisited in 2017 review
parking facility: use of “structure” was questioned but not changed; to be revisited in 2017 review
retail sales: fix spacing in “free- standing”
sawmill: change to “~~Sawmill Wood milling~~ operations or forest produce ~~manufacture~~ *production* in structures, ...”
sawmill, temporary: change to “~~Sawmill Mobile wood milling~~ operations, ...”
setback: change to “... not to be occupied ~~with~~ *by* a building...”
street line: change to “the street line is considered to be twenty-five feet ~~from~~ *either side of* the center line of the street pavement”
student residence, residential districts: change to “A building designed for and occupied by students including social rooms and a limited number of kitchens ~~and,~~

operated in conjunction with another institutional use, *and located in a district in which residential use is permitted.*”

use accessory to permitted use: omit “land”

use accessory to special exception: omit “land”

vehicular sales and repair facility: a suggestion to omit “enclosed” was not agreed upon

- 405 Zoning districts: move to the next page
- 405.1B: use superscript for footnote references
- 405.2B: use superscript for footnote references

Pages 31-45:

- 405.2C(4): use numerals
- 405.2C(5): use numerals
- 405.3B Permitted Uses (10) and Uses allowed by special exception (11): add colon between “use” and “limited”
- 405.3C(3), (4), (5), (6): use numerals
- 405.4 Uses allowed by special exception (10): change to “Restaurant, *containing no more than 100 seats*, only if located on a lot any portion of which lies within 100 feet of the front property line along Lyme Road ~~and contains no more than 100 seats~~”. Clarification is needed from the Zoning Administrator about what “100 feet” refers to (the restaurant? the lot?).
- 405.4 Uses allowed by special exception (11): change to “Retail sales, only if located on a lot any portion of which lies within 100 feet of the front ~~property~~ *street* line ~~along of~~ Lyme Road”
- 405.4C: use numerals
- 405.5C(3), (6): formatting of the lines that begin with “except...” was questioned; the resolution was not recorded.
- 405.7B Uses allowed by special exception: a suggestion to add “structure associated with outdoor recreation” was not agreed upon
- 405.8B Uses (2): remove the comma
- 405.8C: formatting was critiqued; a suggestion to add periods after the superscript footnotes was not agreed upon
- 405.9C: use numerals
- 405.10C: research the use of a comma after “30 feet”
- 405.10A: change “which” to “that” in the 2nd paragraph
- 405.12A(2): change to “... is the ~~maintaining~~ *ingenance of* the water quality”
- 405.12C: omit the first colon
- 405.12D: omit the first colon

Pages 46-60:

- 507.2: this differs from the proposed amendment; inclusion of RR was again questioned
- 512.2: “above ground fuel tank” comes from 210.1O of the current Ordinance
- 518.4: a suggestion to add the 318.11 of the current Ordinance as 518.4 was not agreed upon; that text is in 517.1 of the revised ordinance

Pages 61-75:

- 521.5C: was questioned; resolution was not recorded
- 524C: change “he” in 3rd line to “the”
- 524A/B/C: fix spacing
- 605.2 & 605.3: fix spacing
- 606.2E(3) and (4): fix spacing
- 607.6B: the intent was questioned and explained
- 609.2: use of “residentially used” was questioned but not changed
- 612.1: change “educations” to “educational”
- 705.1: use of italics for “with Article X” was questioned
- 708.I: change to “708.1”
- 708.2: fix the top lines of the table, center the text
- 709: change “Institutional” to “Institution”
- 709: change to “Accessory to institutional *use* is any...”
- 710: change “B-1” to “B” in title and in 1st sentence; add space after “B” in title

Pages 76 – 90:

- 715: DENT said she compared the text of the January 21st version to the marked up January 12th zoning amendment proposal.
- 715.I: change to “715.1”
- 715.1 I, J, L: are missing
- 715.1C: used to read, “... the Zoning Board of Adjustment may approve as a special exception the erection of an *limited number of* off lot signs, provided each such off-lot sign...”. Smith said the change does not limit the number of signs allowed. Hyphenate “off lot”; omit “each”.
- 715.1G: change “letters of an alphabet” to “alphanumeric characters”
- 715.2: use the blank column to indicate whether a zoning permit is required
- 715.3B: change to “... prior issuance of zoning a permit...”
- 715.3C: use numerals for numbers greater than ten
- 716: Advertising is now allowed on athletic scoreboards due to the Supreme Court decision. If athletic scoreboards are no longer signs, are they excluded from the Supreme Court ruling? ESMAY suggested the Town attorney would say no; any attempt to govern content of athletic scoreboards would be unconstitutional.
- 717: was not on the previous draft. Smith said it was decided previously that it would be a substantive change to exclude this. Correct “defintion”
- 903.2B: change to “... and there are no (1) minimum required area per additional family, (2) minimum setback, (3) minimum building footprint or lot coverage...”; incorporate the bullets of the section that follows into this numerical list.
- 1001.5: omit the 2nd period at the end of the sentence

Pages 91 – 105:

- 1004.1B: ESMAY will research where “et seq.” comes from and whether it should be italicized.
- 1101: correct “witho7ut”
- 1101: very few of the paragraphs have periods at the end; ESMAY said very few of the paragraphs are sentences.

- wetland: research capitalization of “FWS/obs-79/31”
- 1102.7(6) and (7): use of lowercase letters in “base flood” was confirmed
 - 1102.9C: change to “...in Paragraph (c)(6) of Section 60.3” to “... in Section 60.3(c)(6).”
 - 1102.11: use of lowercase in “Flood Plain district” was confirmed
 - 1103: use of lowercase letters in “Wetland, waterbody and intermittent stream protection” was confirmed
 - 1103.6B: use of capitalization throughout the paragraph was questioned. It was agreed, where reference of an actual document is listed, the text shall be capitalized and italicized. In all other instances, use of lowercase text is appropriate.
 - 1103.6: use of lowercase letters in “administrative permit” was confirmed
 - 1103.7A(3): capitalize and italicize the document referenced in the 10th line
 - 1103.7A(3): adjust the spacing beginning in the 16th line
 - 1103.7A(5)(a): hyphenate “run off”
 - 1103.7A(5)(a) & (b): change to “2, 10, 25 year 24-hour storms...”

Smith follow-up:

- 302 density bonus: change to the new definition
- 302 lot: if the new definition of “lot” is adopted, and the new zoning ordinance is not adopted, all of the text that was removed from the current definition of “lot” that was spread throughout the revised ordinance will be lost. It was agreed that approval of the definition change shall be conditional upon adoption of the revised ordinance.

ESMAY follow-up

- 302 garage: the proposed definition was accepted; Do we want to consider regulating temporary garage structures? How does the Zoning Administrator interpret those structures? Are they structures? Do they require permitting? If she considers them structures, this definition will cover them.
- Appendix A: ESMAY said she and Smith were unable to locate a record of Town Meeting adopting Appendix A. They did find that Town Meeting modified it.

The Board discussed how amendments will be listed on the Town Meeting Warrant. Smith advised of Town counsel’s new determination that each amendment requires a separate vote.

There was a brief discussion about “use accessory to special exception” versus “use accessory to permitted use” as they apply to outdoor recreation. It was noted that the intent of the outdoor recreation amendment is to expand the types of buildings and uses “necessary related” to outdoor recreation; not to change where or how outdoor recreation is allowed throughout town.

Outreach Ad Hoc Committee recommendations: The Board went over the Committee’s recommended PR Plan for public outreach of the proposed revised ordinance including: videos, speaking to various community organizations (Kendal, League of Women Voters), radio broadcasts, help from Dartmouth, Valley News articles, posters/flyers, sandwich board signs. Outreach to ZBA members was discussed.

3. OTHER BUSINESS:

4. ADJOURN: The meeting adjourned at 10:17 PM.

Respectfully submitted,

Beth Rivard