

WOLFEBORO PLANNING BOARD

December 14, 2010

MINUTES

Members Present: Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Chuck Storm, Selectmen's Representative, Chris Franson, Jennifer Haskell, Members.

Members Absent: Dave DeVries, Richard O'Donnell, Members, Steve Buck, Fae Moore, Dave Alessandrini, Alternates.

Staff Present: Rob Houseman, Director of Planning & Development, Lee Ann Keathley, Secretary.

Chairman Barnard opened the meeting at 7:00 PM at the Wolfeboro Public Library.

Kathy Barnard stated Roger Murray submitted a letter on 12/8/10 raising concerns that the public hearing notice was not posted in accordance with the statute therefore, the hearing should be postponed until proper notice is given. She stated Town Counsel opined the Board could proceed with the hearing.

Rob Houseman stated Roger Murray raised the issue of legal notice being served in a paper of general circulation of the Town of Wolfeboro. He stated the notice was placed in the Granite State News however, not within the 10 day statutory requirement (not including the day of the hearing or the day of posting). He stated Staff immediately sought posting in the Laconia Citizen; noting posting occurred in compliance with the timing deadline. In addition, a follow up notice was placed in the Granite State News the following week. He stated Attorney Murray stated such did not constitute a paper of general circulation and noted there are only 56 subscribers to homes of residents in the Town of Wolfeboro. He stated per Town Counsel's guidance, Staff researched both circulation and distribution of the Granite State News and compared the numbers to the Concord Monitor, Union Leader and Foster's Daily Democrat. He stated that based upon said research, Town Counsel opined that the notice in the Laconia Citizens constituted a paper of general circulation and recommended the Board proceed with the hearing. He recommended the Board schedule a second public hearing for 1/4/11.

Roger Murray questioned where and when the posting occurred.

Rob Houseman stated the department posted the notice in a timely manner in accordance with the statute; noting the agenda was removed from one of the posting locations (Town Hall Annex).

PUBLIC HEARINGS

- **Sign Ordinance**

Rob Houseman reviewed the proposed changes to the Sign Ordinance.

Kathy Barnard stated she and Stacie Jo Pope reviewed other communities named by the merchants at a previous meeting in addition to the Economic Base chapter of the Master Plan and hopes the issues have been addressed.

Chairman Barnard opened the public hearing.

Barbara Bridges, Bridges Hallmark, stated the provision regarding A-frame signs states that such must be placed on premise however, questioned how such relates to downtown sidewalks; noting the merchants do not own the sidewalks.

Rob Houseman stated Zoning regulates private property and the BOS regulate those things that are assets of the Town and are not private property. He stated the ordinance is written very specifically to address what is in the pervue of the Planning Board.

Barbara Bridges stated this past fall the theatre group had a sign on the top of a car and parked the car Downtown and questioned how such would be addressed. She stated some of the merchants were bothered by such when the vehicle was parked Downtown all day.

Kathy Barnard questioned the authority of the Board in regard to such.

Barbara Bridges questioned whether such would constitute a temporary sign.

Rob Houseman replied no.

Chris Franson stated such would be an issue of parking enforcement if the vehicle is parked longer than the time allotted.

Referencing Bridges Hallmark, Rob Houseman stated the property extends beyond the building approximately 5' from the face of the building therefore, it would appear there is adequate land on the property to place an A-frame sign.

Jerome Holden stated the issue noted by Ms. Bridges in reference to the Village Players is quite a problem. He stated he is a newly elected member to the Board of Directors of the Village Players and stated one of the difficulties is informing people of an event. He questioned whether a temporary event permit would allow the ability to place a sign at the corner of Glendon Street to promote the event.

Rob Houseman stated a sign could not be placed on Town land however, with the permission from the land owner a sign could be placed on private property. He stated the Board does not regulate a sign on a car.

Jerome Holden recommended a provision for a 2'x3' A-frame sign off premise on a permitted temporary basis.

Kathy Barnard agreed.

Referencing business directional signs, Jerome Holden stated there is a petition warrant article to eliminate the black & white lettering. He questioned how to proceed with such.

Rob Houseman stated the Board will schedule a public hearing and such will be held prior to 1/18/11 and at the conclusion of the hearing the Board will either recommend or not recommend the article; noting the article will go on the ballot.

Jerome Holden stated Chris Ahlgren would like to put a sign "open for business" however, the ordinance states the use of 25% of the window; noting such is not large enough given that the business is located on the second floor and his windows are small. He recommended striking 25% and replacing such with 15 SF of the building. He questioned whether the proposed ordinance would allow for a banner at Pickering Corner.

Rob Houseman stated banners are not allowed in the Town or State's right-of-way and a permit application would need to be submitted to the Town with authorized signatures of the property owner(s).

Mary DeVries, Wolfeboro Area Chamber of Commerce, thanked the Board for creating an opportunity for the business community; noting there was a clear request to have the ordinance reader friendly and the Board succeeded with such. She expressed a sense of confusion regarding the sidewalk issue and questioned whether the GIS could be referenced in the ordinance to determine property lines. She recommended providing guidance regarding the issue of the sign on top of the car if it is not the Planning Board's pervue to address such.

Jennifer Haskell stated the Planning Board's authority is limited and regulating the Town is the responsibility of the BOS. She stated the Board's job is to draft an ordinance and then the Planning & Development Office would guide a person as to who would have authority over certain issues.

Mary DeVries recommended reference to the website as the specific web pages of the boards and departments state the responsibilities of each board and/or department.

Chuck Storm stated the BOS regulate the sidewalks and common area.

Referencing Section 4 (g), Julie Jacobs stated such defeats the purpose of advertising a business if the sign has to be stored indoors after hours. Referencing page 6, subparagraph (c), she recommended including all business rather than just new business.

Kathy Barnard stated such is noted in (d).

Stacie Jo Pope read the definition of an A-frame sign.

Julie Jacobs stated (d) does not state that banners are allowed. She recommended definitions should be in the front of the ordinance and questioned why lighting has to be shut off if residential.

Jennifer Haskell stated leaving an A-frame sign out after business hours becomes a safety issue.

Rob Houseman stated definitions for all zoning is located in the definition section of the ordinance.

Julie Jacobs recommended moving the definition section to the front of the ordinance.

Rob Houseman stated Town Counsel advised against such.

Paul Jenny thanked the Board for including portable signs in the ordinance and addressing the needs of the merchants. He stated there is no mention of color, font size or type and recommended striking

white and black lettering. He expressed confusion regarding the flag section of the ordinance; questioning the use of the words antique, welcome, restaurant, etc. rather than only "open".

Chris Franson questioned the outcome if the petition warrant article passes and the ordinance passes.

Rob Houseman stated that if neither passes, the ordinance that exists today will remain. He stated he is not prepared to comment on the question relating to whether the petition warrant article passes and the ordinance passes; however, noted that color directional signs would be permitted. He stated he would seek legal guidance regarding such.

Following public input, the Board scheduled a 2nd public hearing for 1/4/11 and noted the following recommendations;

- Page 6, (c); insert "and seasonal" between "new" & "business"
- Page 6, (d); strike "25 percent of the area" & insert "15 SF"
- Page 9, J.; include nonprofit for on premise signs
- Staff to seek legal guidance regarding what would occur if both the petition warrant article and the proposed ordinance passes
- Review other communities regarding the flag issue raised by Mr. Jenny

It was moved by Jennifer Haskell and seconded by Chuck Storm to close the public hearing. All members voted in favor. The motion passed.

• **Commercial Zoning Districts**

Rob Houseman reviewed the proposed changes to the following commercial zoning districts (see attached presentation); Pine Hill Road Development District, C1 CS (C1 Center Street), BSLBD (Bay Street Limited Business District), GD (Greater Downtown) and C2 BSPH (C2 Bay Street Pine Hill). He noted the Economic Development Committee was supportive of the Pine Hill Road Development District.

Chairman Barnard opened the public hearing.

Referencing the Pine Hill Road Development District, Julie Jacobs questioned what would happen to the current businesses located on the C1 side if it is turned into residential.

Rob Houseman stated any existing use would be a grandfathered use transferred in perpetuity.

Julie Jacobs questioned whether the waterfront side of Bay Street would be commercial as well and questioned what rules would apply.

Rob Houseman replied yes and noted such would be regulated by the provisions of the Limited Business District.

It was moved by Chris Franson and seconded by Chuck Storm to close the public hearing. All members voted in favor. The motion passed.

- **Wetlands Conservation Overlay District**

Kathy Barnard stated the Board decided one year ago to review the ordinance in total for revisions and formed a subcommittee that proceeded with such and presented the proposed changes to the ordinance. When reviewing the pre-2003 lots, the Board considered the development of the lots. She stated Dan Coons, Chairman, Conservation Commission, Randy Tetreault, Member, Conservation Commission, Chris Franson and herself sat on the subcommittee. She read the purpose statement of the Master Plan; noting such provided guidance to the Committee. She stated the Board received 2 letters from Orr & Reno, dated 10/18/10 & 12/9/10; noting both have been entered into the record.

Rob Houseman stated Roger Murray also attended the meetings. He reviewed the proposed ordinance, see attached presentation.

Kathy Barnard stated she and Stacie Jo Pope prepared a history of various changes to the ordinance and requested such be part of the record, see attached.

Chairman Barnard opened the public hearing.

Mike Hodder, resident & Vice-Chairman, Wolfeboro Conservation Commission, stated he is very confident in the revised language of the Wetlands Conservation Overlay District Ordinance; noting such has been drafted by conservation minded individuals. He stated the language is based on NH DES' model ordinance and has been written with the active advice of both Dan Coons and Randy Tetreault whom are both Certified Wetlands Scientists; noting Mr. Tetreault is also a State licensed land surveyor and subsurface septic system designer. He stated he feels we have a responsibility to hand on the Town's natural environmental setting to future generations in at least as good a condition as we found it; noting this ordinance does such far better than the previous ordinance. He stated he supports the revision to the Town's Wetland Conservation Overlay District Ordinance and urges the Board to unanimously vote it onto the Town warrant.

Roger Murray, representing Cynthia & Clinton Johnson, stated he attended all the Wetland Committee meetings. He noted his client's position regarding inadequate notice given for the hearing and verified another hearing would occur on 1/4/11. Referencing Rene Pelletier's presentation to the Board on 11/2/10, he stated Mr. Pelletier commented on the need to evaluate wetlands based on functions and values and the Board's decision should be based on technical evaluation that the NH Method provides (revised 2010). He stated Mr. Pelletier mentioned the work of the Land Use Commission and distributed copies of the report.

Chris Franson stated she contacted the State to receive a copy of the NH Method however, was informed that the information is not yet available. The Committee discussed using the method however, was unable to do such due to the unavailability of the information.

Roger Murray reviewed #'s 17 and 19 of the report and recommendations of the Land Use Commission. He stated the Wetlands Committee 6/23/10 minutes reflect discussion of buffer zones and that such should reflect the functions and values of the wetlands; noting there should be a standard and classification system; noting such is also the recommendation of Mr. Pelletier and the Land Use Commission however, it is not what the proposed ordinance does. He stated it does not make sense to go forward realizing the information from the 2010 NH Method is not yet available and then another rewrite of the ordinance be submitted in one year based on the information generated and available from NH DES. He stated the Natural Resources Inventory has not been completed and

the Lake Wentworth Foundation is undertaking a Watershed Management Plan for Lake Wentworth which takes up 85% of the town and as such, it would make sense to wait to prepare a new wetlands ordinance that incorporates the information.

Mike Hodder stated Attorney Murray's testimony is a plea for delay. He stated the NH Method will not be published prior to first quarter of next year and noted the protections proposed in the draft ordinance are far superior to what the existing ordinance has. He stated to give up those protections in the hopes of obtaining copies of the 2010 NH Method basically takes away the protection offered by the proposed ordinance of the Town's land. He stated he would support placing the proposed ordinance on the Town Warrant and then if additional revisions need to be made that such be done at the appropriate time when additional information is received.

Roger Murray clarified that his client's are requesting the Board not go forward at this time and wait until receipt of the State's information; noting the proposed ordinance does not address functions and values. He stated the information will become available and doesn't feel the Board needs to rush the matter.

It was moved by Chris Franson and seconded by Stacie Jo Pope to close the public hearing. All members voted in favor. The motion passed.

2nd public hearing scheduled for 1/4/11.

Scheduled Appointment

Peter & Alison Palmer
Special Use Permit
Tax Map # 215-5, 6, 11 & 12
Case #201035

Kathy Barnard stated the application was continued from 12/7/10 to allow for the Planning Board to perform a site visit.

Chairman Barnard opened the public hearing.

Rob Houseman stated the issues before the Board include the following; a large road that will be abandoned and will not be re-vegetated and a proposed new road closer to the wetland; noting it is not clear how that design will be less detrimental impact than the existing road. He stated he spoke to the Dan Coons, Wolfeboro Conservation Commission and discussed the issue of whether or not a natural woodland buffer and additional vegetation would be appropriate between the road and wetlands; noting Mr. Coons is willing to work with the design engineer to ensure the issue is addressed.

Randy Tetreault stated there are notes on the existing plan to re-vegetate the existing roadway however, details of such were not specified because the applicant wasn't sure what the State or Conservation Commission would require. He stated the note can be revised to be more specific. In regard to the north side of the road, he stated the existing roadway slopes toward the lake and the other side of the road consists of a filled situation (no ditch line) and consists of sheet flow from the center of the driveway off the edge of the existing roadway into the existing forested area (no concentrated water flow on that side of the road). He

stated the applicant's intent is to keep the design consistent; noting he posed the questions to the wetlands consultant and engineer and both commented to keep it the way it is so there is no further impact to the natural vegetation. He stated that if it is a concern of the Board that there will be a concentrated flow in the area then a small berm could be added to allow for water to go through the vegetative area longer prior to getting to the wetlands. However, he stated the consultant and engineer would rather not do such because they do not want a concentrated flow on that side of the road and would prefer a sheet flow. In regard to timing with the wetlands permit, he stated the NH DES permit did not restrict construction to winter months however; the permit did put forth conditions if construction were to take place under those conditions. He stated the construction sequencing notes includes re-vegetation, timing and stabilization requirements. He stated there is a general statement in the construction sequencing notes that any disturbed area be loamed, seeded and re-vegetated.

Stacie Jo Pope stated she thought there would be a specific vegetation plan for the roadway. She stated she agrees that the culvert needs to be replaced however, feels treatment should occur alongside the road since it will be maintained more in the winter with salt and sand and expressed concern for it to remain untreated.

Randy Tetreault questioned what would be done for treatment / control; noting the applicant was trying to avoid any further disturbance.

Chris Franson stated she agrees with the replacement of the culvert however, is opposed to the relocation of the road as proposed; noting the mature forest that currently exists, concern for the amount of drainage from Partridge Drive, concern regarding a very large rock where the road is proposed and questioned whether such is actually ledge. She stated the relocation of the road does not meet the Board's criteria of no alternative location outside the wetland that has less detrimental impact. In addition, she stated she does not feel the relocation of the road is essential to the productive use of the land.

Rob Houseman stated he just spoke to the applicant who expressed concern for the lack of a 7 member Board sitting on the application and may want to seek a continuance of the application.

Kathy Barnard agreed with the applicant regarding continuing the application for concern of not having a full Board present. She stated following the site visit, she agreed that the culvert is undersized and needs to be replaced and understands the steepness of the driveway however, it seems the plan is a very severe intrusion to the wetlands and could have been done without such intrusion. She recommended a modified realignment of the roadway or an adjustment to the steepness of the driveway and modify the curb toward the house. She stated the road is 12' and the proposal includes construction on both sides of the road, filling and cutting of trees. She recommended a modification of the proposal and has an issue with the criteria of no alternative location outside the wetland buffer zone that has less detrimental impact.

Peter Palmer stated he understands the concerns of the Board and noted the Conservation Commission approved the proposal. He stated he has received 2 permits from the State; noting that neither of which raised the concerns that the Board is raising. He questioned how to proceed.

Jennifer Haskell stated she was previously persuaded by the testimony provided by both Mr. Tetreault and Mr. Palmer however, at the site visit she was moved by how much disturbance there would be to the wetland buffer by relocating the road. She stated the standard she has to apply to the proposal is that there is no alternative location outside the wetland buffer zone which has less detrimental impact to the wetland. She stated it appears that the current location of the road is an alternative location outside the wetland buffer that is less detrimental impact to the wetland.

Peter Palmer stated the culvert will continue to concentrate and take sediment into the lake. He stated the overall effect of the change is not a detriment to the wetland and is an improvement.

Jennifer Haskell stated she struggles with the impact of the proposal; noting there is no laid out plan for re-vegetation of the existing road. She stated the application does not meet the criteria of the ordinance and there appears there is already productive use of the land.

Chris Franson stated she doesn't see how moving a road into a wetland has any benefit and is required.

Peter Palmer requested continuance of the application. He stated that even though there is no re-vegetation plan presented, the State has requested such.

Randy Tetreault stated that if the Special Use Permit is allowed to proceed then it would be mandated that the strip of land be left untouched and ungraded as shown on the plan and such is a less detrimental impact; noting that currently, trees can be cut right to the edge of wetlands.

It was moved by Stacie Jo Pope and seconded by Chuck Storm to continue the Peter & Allison Palmer Special Use Permit application to January 18, 2011 Planning Board meeting per the applicant's request. All members voted in favor. The motion passed.

Planning Board schedule

- Planning Board regular meeting rescheduled from 1/4/11 to 1/18/11
- Sign Ordinance ~ 2nd Public Hearing scheduled for 1/4/11
- Wetlands Ordinance ~ 2nd Public Hearing scheduled for 1/4/11
- Lot Frontage definition public hearing scheduled for 1/4/11
- Petition Warrant Articles public hearing scheduled for 1/4/11

It was moved by Chuck Storm and seconded by Chris Franson to adjourn the December 14, 2010 Wolfeboro Planning Board meeting. All members voted in favor.

There being no further business, the meeting adjourned at 9:45 PM.

Respectfully Submitted,
Lee Ann Keathley
Lee Ann Keathley

1. Delete the following commercial districts and revert to adjacent residential district:

ARTICLE XV, Commercial District C1 Pine Hill Road and Center Street/High Street Area

2. Convert the Bay Street portion of the Commercial District C2 Bay Street Pine Road and the Mill Street C2 Greater Downtown Area to ARTICLE XVII, Bay Street Limited Business District.

Pine Hill Road Development District.

The purpose of this district is to protect the form and function of the Pine Hill Road corridor and to provide for business and office facilities, contractor facilities and sales and services associated with contractor facilities.

§ 175-XXX. Dimensional controls.

Dimensional controls shall be as follows:

A. Minimum lot area:

- (1) Commercial: 21,780 square feet
- (2) Single-family/duplex: 21,780 square feet.^(a)
- (3) Multifamily: 2 units per acre.^(a)

B. Minimum lot frontage: 50 feet.

§ 175-XXX. Setback requirements; height requirements; coverage.

A. Setback requirements.

- (1) Front yard (street) 30 feet.
- (2) Side yard 10 feet.
- (3) Rear yard 10 feet.

B. Maximum height permitted: 30 feet, for structures with roofs with a pitch of less than 10/12, and 35 feet if 10/12 or greater. However, the height restrictions shall not apply to appurtenant structures, such as church spires, belfries, cupolas, domes, chimneys, flagpoles, antennas or similar structures; provided, however, that no such structure shall exceed a maximum footprint of 144 square feet. [Amended 3-14-2006 ATM by Art. 2]

C. Percentage coverage: 40%.

NOTES:

^(a)Lot density shall not exceed two units per acre or as required by High Intensity Soil Survey Standards (See Subdivision Regulations.), whichever is less.

§ 175-XXX. Permitted uses.

A. One of the following dwelling unit structures is permitted per lot:

- (1) One single detached dwelling per lot.
- (2) One accessory apartment.
- (3) One duplex dwelling per lot.

B. Accessory structures.

C. Accessory uses.

D. One home occupation, occupying up to 500 square feet of the single-family dwelling (requires TRC approval).

E. Offices, , printing plant, community services.^{1,3}

F. Signs, no more than two per business, including add-on signs

G. Multifamily dwellings.^{1,3}

H. Assembly operations.^{1,2,3}

I. One accessory dwelling unit per principal commercial building. (No density requirements shall apply.)¹

- J. Conversion of a permitted use to another permitted use and no changes to the exterior of the building or parking is required.¹
- K. Storage and use of heavy industrial or mechanical equipment, metal shops.^{1, 2, 3}
- L. Lumber yards, sale and distribution of building supplies.
- M. Laundries and cleaning establishments.
- N. Storage facilities, including self storage and warehouse/wholesale distribution facilities.²
- O. Conversion of a permitted use to another permitted use and no changes to the exterior of the building or parking is required.¹

NOTES:

¹ Requires Planning board approval under the provisions of RSA 676:4.

² Storage facilities shall be set back 150 feet from all state numbered highways, and the existing vegetation shall be preserved in said setback.

³ Shared driveways and common access ways shall be used to minimize drive cuts on Pine Hill Road.

§ 175-112. Special Exception uses.

Uses which may be permitted by special exception shall be as follows:

- A. Industry.^{1,2}
- B. Boatyards.^{1,2}
- C. Cemeteries for human beings.
- D. Uses necessary to the above.
- E. Kennels^{1,2}
- F. Contractors yard^{1,2} provided, however, that the following additional criteria are met:
 - (1) That the proposed use, including all improvements, is set back 75 feet from the front property line, and at least 25 feet from all other lot lines. The side and rear setback areas shall be reserved as a natural vegetative buffer.
 - (2) The improved area, used for storing vehicles, equipment and supplies shall be screened to a minimum height of five feet with appropriate landscaping materials so that vehicles, equipment, and supplies are screened year-round from any abutting residential properties and public rights-of-way.
 - (3) Bulk storage of salts, and materials containing salts, commonly used for snow and ice removal, bulk fertilizers and other leachable material shall not be exposed to precipitation and shall be stored on a permanent impermeable surface to prevent ground infiltration.
 - (4) Fuel storage and fueling area(s) shall development in compliance with the Administrative Rules Env-Wq 401, Best Management Practices for Groundwater Protection and NHDES Fact Sheet WD-DWGB-22-6.

NOTES:

¹ Requires Planning Board approval under the provisions of RSA 676:4.

² facilities shall be set back 150 feet from all state numbered highways and residential properties and the existing vegetation shall be preserved in said setback

CONTRACTOR'S YARD -- A parcel used to store vehicles, equipment with a gross vehicle rating of greater than 33,000 pounds, buildings for office, vehicle service and storage, storage of supplies and all other items customarily pertaining to the contracting business located on site. Retail sales, manufacturing or fabrication of any products are not permitted. Excavation operations and yards as defined by RSA 155 E, whether temporary or permanent, are not permitted under this provision.

**Wetlands Conservation Overlay District
175 -3 through 175 -10
Amendments since 2000**

March 15, 2010

3/13/2001

Added to 2.1.4.1.a (now 175 - A.(1)(b)) – Wiley Brook wetlands complex
Sargent Pond Watershed
Harvey Brook

Added to 2.1.5.1 (now 175 -7 A) – The construction of new driveways to access building envelopes outside wetlands for the construction of new single family and duplex dwellings.
Harvey Brook Wetlands Complex

Added to 2.1.5.1(b) (now 175-7 A) – prime wetlands

Added to 2.1.5.1(c) (now 175-7 A) – the fill or dredging of 1,000 sq ft or more wetlands

Removed 2.1.6.1.a.B – Structures may be erected on Hydric B soils ETC. ETC.

3/11/2003

Added to 2.1.6.1.d (now 175 - 8.A(4)) – The construction of a single family home within the buffer zone on a lot created prior to March 2003, provided, however no alternative location outside the buffer zone exists or which has less detrimental impact on the wetland is feasible.

Added to 2.1.6.4 (Buffer Zone1 (now 175-8.E(1)) – within 50 feet of any poorly drained soil; removed Hydric soils and added nor shall such building activity be permitted within 75 feet of any poorly drained soil.

3/9/2004

Added to 2.1.6.1 (now 175-8A) or the buffer zone

Added to 2.1.6.1.a.A (now 175-8.A(1)) – single family dwellings.

Added to 2.1.6.1.a.A.1 (now 175-8.A(1)(a))- or buffer zone

Added to 2.1.6.1.a.A.2 (now 175-8.A(1)(b))- and buffer zone

Added 2.1.7.1e (now 175-9.A(5))- compliance with all of the conditions set forth in 2.1.6.1a (now 175-8.A.(1) a-d)

3/8/2005

Added to 175-8A(5) –The Special Use permit application for the development of a single family home on a lot which requires no State Wetlands Bureau Dredge and Fill permit for house placement, driveway crossing, site grading and/or septic and well placement shall be processed by the Technical Review Committee in accordance with section 175-184, entitled Minor Site Plan Review.

3/13/2007

Added a new section 175-9.1.A-D –Wetlands Boundary Monumentation.

3/11/2008

Deleted from 175-8.A(1) – Single Family dwellings

12/15/2009

Planning Board discussed additional amendments to this ordinance and determined the entire ordinance needed to be reviewed in 2010.

**Brief Chronology Based on
Planning Board Minutes of
Amendments to Wetlands
Conservation Overlay District**

March 15, 2010

2000

No Special Use permit was required for the maintenance of single family dwellings, duplexes and for their driveways and garages.

2001

Construction of new driveways to access building envelopes outside wetlands for construction of new single family homes and duplex dwelling with no requirement for a special use permit was added. All felt this was a logical step.

2003

Construction of a single family home in the buffer zone on a pre 2003 lot if it met certain conditions and the requirement for a special use permit was added. The Planning Board felt relief was needed so the buffer requirements could be waived. Also, there was a clarification that only dwellings can be built in the buffer.

2004

single family dwelling was added to 175-8A(1) and requirement to comply with conditions in 175-8A. This was done to clarify the ordinance,

2005

The requirement that certain pre 2003 lots could be reviewed by TRC. This was added to streamline the procedures.

NUMBER OF SPECIAL USE PERMITS ISSUED FROM 2003 to 2009

2003	25
2004	15
2005	6
2006	8
2007	21
2008	8
2009	9

Wetlands Ordinance

Overview of Changes



WETLANDS ORDINANCE

Key Changes

The establishment of **NO TOUCH BUFFERS**

- A. *No Touch Buffers to Prime Wetlands ** 100'
- B. *No Touch Buffer, required for all other wetland, perennial and intermittent streams* 25'
- The wetland buffer shall consist of ungraded and undisturbed land.

Update to the Wetlands Setback

- *Setback to Perennial Streams⁽¹⁾, Wetlands with very poorly drained soils, bogs and vernal pools* 75'
- *Setback to other wetlands, poorly drained* 30'



WETLANDS ORDINANCE

Perennial Stream Protection

- *Within the Perennial stream setback not more than a maximum of 50% of the basal area of trees, and a maximum of 50% of the total number of saplings shall be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native or naturalized species may be permitted to maintain the fifty-percent level. Access to the perennial stream shall be limited to one 6' wide path/access.*



WETLANDS ORDINANCE

Teardown – Rebuild Standards

Where an existing use within the buffer or setback is in need of extensive repair it may be rebuilt the new or rebuilt structure shall maintain the same three dimensional envelope (same building footprint, roof line and square footage) on the parcel.

WETLANDS ORDINANCE

Pre-March 2003 Lot Standards

- The construction of a single-family
- shall be limited to a maximum allowed footprint of 1,800 sq. ft. within the setback and/or buffer zone
- on a lot less than 3 acres and created prior to March 2003
- Only when no alternative location outside the wetland setback or buffer exists for a dwelling with a maximum allowed footprint of 1,800 sq ft.
- No alternative location on the parcel exists which has less detrimental impact on a wetland. Detrimental Impact on the wetlands shall include:
 - Increased storm water run-off into the wetlands
 - The removal or lessening of the function of filtration strips between the wetland, and the proposed development
- shall be in accordance with Best Management Practices, design, construction and maintenance methods will be such as to minimize detrimental impact upon the wetland.
- And where a natural wetlands buffer does not exist or there is intrusion into an existing natural buffer Best Management Practices, such as rain gardens, natural vegetative buffers and filter strips, shall be implemented to mitigate the impact created by the proposed impervious areas.



WETLANDS ORDINANCE

The Permit Process

- The wetlands boundaries shall be delineated by a Certified Wetlands Scientist
- The plan shall be prepared by a Licensed Land Surveyor or Professional Engineer if it contains property boundaries or topography and construction details for building or erosion control/stormwater management
- Proposed landscaping structures shall be design by a Professional Engineer, Licensed Landscape Architect or Certified Professional in Erosion and Sediment Control