

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
DECEMBER 16, 2015

MINUTES OF MEETING

PRESENT: Board members Kate Hartnett, Peter Schibbelhute, Richard Pitman. Alternate member David Doran, Planning Consultant Gerald Coogan. Secretary Jane Boucher.

7PM Vice Chair Kate Hartnett called the meeting to order and appointed David Doran a voting member.

PUBLIC HEARING/PROPOSED AMENDMENTS TO ZONING/2016

Vice Chair Hartnett read the Notice of Public Hearing to discuss proposed amendments to the Zoning Ordinance. Amendments include:

- . Section 330: Pleasant Lake Watershed Protection Ordinance
- . Section 207: Dimensional Requirements (Aka Smith Ordinance)
- . Section 212: Deerfield Business Overlay District

Section 212: Gerald Coogan noted that currently we have the "Commercial Industrial Flexible Overlay District" with 18 pages and he has narrowed it down to 6 pages naming it the "Deerfield Business Overlay District". A copy of the proposed Section 212 is attached to these minutes.

Mr. Coogan said that the rating and evaluation scoring system has been eliminated. He provided information showing the existing criterion and how it is being addressed by our current regulations . A copy is attached to these minutes. The information addresses the following:

- . compliance with policies
- . Community Character
- . Public Facility and Service Standards
- . Resource Protection Standards
- . Environmental Standards

The draft indicates if the regulations are addressed in

- .The proposed draft
- .Site Plan Review Regulations
- .To be determined
- .Or Other

Mr. Coogan addressed Environmental Standards , referring to the Site Plan Review Regulations Section IV-6-F "Prohibition and Mitigation of Offensive Uses" Applicants seeking non-residential or multi-family residential site plan approval shall disclose the existence of any proposed use having the potential to be deemed an offensive use, in terms of its visual characteristics, excessive noise, odor or other or other potential nuisance. No site plan shall be permitted until the applicant has demonstrated to the satisfaction of the Planning

Board that the proposed use or uses will not be offensive. In cases where a proposed use or uses of a site have the potential to be offensive, the Planning Board may require appropriate mitigation.

Kate Hartnett referred to Page 32/Commercial Criteria Activity #2 "If the project is likely to generate more than 25 vehicle trips per acre both to and from the premises in the busiest hour of the operating day, is it directly served by an arterial street?". Ms. Hartnett noted that Chair Fred McGarry questioned if there should be some sort of threshold for vehicle trips per day.

Peter Schibbelhute said that the Planning Board wants to encourage applicants to come in and talk with them and felt that we should not require traffic restrictions. He said that we want people to come to the Board so the Board can help make their proposals work.

Kate Hartnett questioned if the definition of "compatible" on page 4 of the draft should be included. She noted that the word "offensive" and it's definition is included in the Site Plan Review Regulations.

Peter Schibbelhute moved and David Doran seconded to approve the proposed draft for Section 212 of the Zoning Ordinance naming it Deerfield Business Overlay District. Voted in favor.

It was agreed to include the proposed amendments to Section 212 in the Notice to hold a Public Hearing for proposed amendments to be held on January 13, 2016.

Peter Schibbelhute moved and David Doran seconded to approve the proposed amendments to Section 330 of the Ordinance. A copy is attached to these minutes. Voted in favor.

PROPOSED AMENDMENTS TO SECTION 207.1 B

A copy of the existing 207.1B and the proposed 207.1 B are attached to these minutes.

Kate Hartnett stressed that these regulations were established for people that want to create up to four lots on a private road , usually for family members.

Board members agreed that this Section of the Ordinance should not be amended.

Peter Schibbelhute moved and David Doran seconded that proposed amendments to Section 207.1 B not be recommended as changes to the Town of Deerfield Zoning Ordinance for 2016. Voted in favor.

APPROVAL OF CONTRACT /SNHPC

Board members reviewed a contract proposal from SNHPC to provided a scope of work in preparing the Town's Police and Fire Impact Fee Report not to exceed \$4000.00.

David Doran moved and Richard Pitman seconded to approve the contract proposal. Voted in favor with Kate Hartnett abstaining.

APPROVAL OF MANIFEST

Peter Schibbelhute moved and Richard Pitman seconded to approve the manifest in the amount of \$877.50 for Upton & Hatfield. Voted in favor.

It was agreed to discuss this further on January 13, 2016.

A Public Hearing to discuss proposed amendments to Zoning will be held on January 13, 2016 and, if necessary, another hearing will be held on January 20, 2016.

The meeting was adjourned at 8:30PM.

Recorded and transcribed by Jane Boucher
Pending Approval by the Planning Board

New Deerfield Zoning Ordinance (DZO)

For the DPB Public Hearing scheduled for December 16, 2015

Section 212 Deerfield Business Overlay District – Work in Progress

1. Purpose and Intent: The purposes of the Deerfield Business Overlay District are: (1) to encourage flexibility and creativity for compatible commercial, industrial development or other business uses to occur throughout the Town of Deerfield; (2) to attract uses to the town that meet a set of standards that maintain Deerfield's rural character which includes a mix of residential, agricultural and businesses uses set within a network of open space lands; and (3) encourage new development which is consistent with the goals of the Town's Master Plan and Open Space Plan.
2. Permitted Uses: The flexible Business Overlay District is a townwide provision that has performance standards to insure the proposed developments will minimize adverse impacts and fit into Deerfield's desired rural community character. Compatible nonresidential land uses include, but are not limited to:
 - a. Commercial and retail sales;
 - b. Convenience store;
 - c. Office building;
 - d. Mixed use development;
 - e. Light manufacturing;
 - f. Veterinary hospital;
 - g. Assisted living facility;
 - h. Café / restaurant;
 - i. Mixed use development; and
 - j. Other similar low intensity development.
3. Authority: The Town of Deerfield enacts this provision pursuant to NH RSA 674:21, I (h) and (I), innovative land use controls and as such, the Planning Board has discretion and flexibility with its administration. This innovative land use control ordinance allows a particular land use upon the granting of conditional use permit by the Planning Board. In addition, the Board can grant waivers from specific requirements of this Section.
4. Review and Approval Process: The applicant shall prepare a Site Plan Review application and a Conditional Use Permit (CUP) application. The applicant shall provide a succinct and complete narrative that addresses items # 1 through # 5 in this Section. The Board encourages applicants to meet for a preliminary conceptual consultation.
5. Standards:
 - a) Community Character – The applicant's statement shall specifically address consistency with the Master Plan and all its chapters, including Energy and Open Space, and how the

proposed development is compatible with the site and the Town's historic preservation and rural character. The following design principles provide guidance:

- 1) Buildings and grounds should be compatible with their surroundings and traditional New England architecture and land use.
- 2) Site design and buildings should be integrated into a coherent design.
- 3) Site design should encourage pedestrian and bicycle access and use.
- 4) The reuse of existing buildings with special historical value is encouraged.
- 5) The proposed building(s), structure(s) and site design should be consistent with practices in the Deerfield Design Guide.

b) Resource protection standards

- i. Open Space: A proposed development that contains land identified in the Master Plan or Open Space Plan as important conservation/recreation lands shall develop a design that protects those lands.
- ii. Scenic Roads: The proposed development shall maintain stonewalls, trees, vegetation and other amenities consistent with scenic road designation or other roads with potential scenic road designation to the extent possible. _
- iii. Topography: Site design should incorporate stone walls and woods roads whenever possible.
- iv. Geology (or Natural Features): A proposed site plan with areas of natural or geological hazard such as slopes over 15%, rock falls, flood hazard areas, or soil conditions unfavorable to development (such as wetlands and/or poorly and very poorly drained soils) and their vegetative buffers, should set aside these areas from development. Permanent protection through an easement, deed restrictions, or other protective covenants is encouraged.
- v. Plants and Wildlife: A site that contains an area which serves as a habitat for wildlife and/or plant species identified by NH Fish and Game Wildlife Action Plan or NH Natural Heritage Inventory as significant, and in particular need of attention, should take special precautions in site planning, construction, and operation to preserve these areas and maintain wildlife connectivity across the site.

Updated with KH notes (12 04 15) and general discussion.

- vi. Historic areas: A proposed development located within an existing village or historic area that may include a locally designated historic structure, shall maintain the integrity of the historic resources on the site.
- vii. Mineral Deposits: A proposed development which includes an area known to contain a commercial mineral deposit for which extraction could be commercially feasible, should design the project to preclude future extraction. Such uses on the same site could be incompatible.
- viii. Fragile Areas: A proposed site plan that contains lands identified in the Deerfield Open Space Plan or other relevant study as ecologically sensitive and/or important (e.g. aquifers, lakeshores, agricultural soils of prime and/or statewide importance, unfragmented areas, important forest soils), should avoid development of these areas. Permanent protection is encouraged.

c) Energy Performance standards

- ✓ i. Energy efficiency: Any proposed new construction or major renovation is encouraged to incorporate recognized energy demand reduction practices such as specified by Architecture 2030 Challenge. Architecture 2030 and US Green Building Council LEED or other similar high performance practices are encouraged. All buildings should incorporate energy performance goals such as those found in USEPA EnergyStar Target Finder (btu/sq ft/year), and report performance in relation to those goals annually. (See <http://www.energystar.gov/buildings/service-providers/design/step-step-process/evaluate-target/epa's-target-finder-calculator?s=mega> for more information). Passive solar orientation and floors plan and active solar or other renewable energy are encouraged.
 - ✓ ii. Resiliency: The applicant should be aware of Town's Hazard Mitigation Plan and past extreme weather events in Deerfield. Use of resilient site plan and construction practices that maximize the capacity of any development to remain habitable in extreme weather and/or in the absence of electricity are encouraged.
6. Conditional Use Permit (CUP). The planning board shall review the submission and make a finding of fact relative to granting of a conditional use permit based on the following.
- a) If completed as proposed, the development in its proposed location will comply with the Sections 1-5 of this Section.
 - b) The use will not materially endanger the public health, safety, or welfare.
 - c) The use will be adequately serviced by community facilities and services of a

Updated with KH notes (12 04 15) and general discussion.

sufficient capacity to ensure the proper operation of the proposed use and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.

Approach to the Update

- Eliminate the rating and evaluation scoring system;
- Use the same Resource Standards --- scenic roads, topography, geology, flora and Fauna, et cetera.
- Applicant meets the standards, receives a waiver or the DPB deems the standard is NA.
- If the applicant cannot meet the standard and the DPB deems a standard critical, the applicant can propose mitigation techniques, which may require a 3rd party engineering review.
- Deerfield Site Plan Review Regulations (DSPRRs) cover items in existing Section 212 such as:
 - a. Requirements for site access and circulation
 - b. Parking requirements --- design, density, dimensional, construction
 - c. Landscaping and visual buffering
 - d. Drainage and stormwater management --- construction
 - e. Utilities --- subsurface sewage disposal, water supply,
 - ✓f. General design standards --- exterior lighting, solid waste, snow storage, signage, erosion / sedimentation control, prohibition / mitigation of offensive uses listed as: visual characteristics, excessive noise, odor, or other potential nuisance.
 - g. Special flood hazard areas.

The applicant must demonstrate to the satisfaction of the PB that the proposed use or uses will not be offensive. If there is the potential to be offensive, the PB may require appropriate mitigation. [KH: I am curious if members are comfortable with the criterion as written?] DSPRRs - Section IV-6 General Site Design Standards (page 28) includes F. Prohibition and Mitigation of Offensive Uses.

Add new definition to Section VI Section 602 Terms:

Compatible means being capable of existing or performing in a harmonious, agreeable, or congenial manner within a village area, neighborhood, rural area and be harmonious with abutting land uses. The abutting and nearby land uses do not need to be similar to the proposed development; however, the proposed development should be capable of existing in harmony with the abutting land uses. [KH: How do we do this??]

[FROM Dave Doran draft] Planning Board discussion on how best way to handle Noise.

Updated with KH notes (12 04 15) and general discussion.

- i. **Noise:** Sustained noise lasting more than 30 minutes at the proposed development shall not exceed the maximum noise dB sound pressure level specified as measured at the boundary line and as follows: Primarily residential areas is 55 dB(A) from 7 AM to 10 PM and 45 dB(A) from 10 PM to 7 AM; Primarily commercial with no residential uses should be 65 dB(A) from 7 AM to 10 PM. and 55 dB(A) from 10 PM to 7 AM; Industrial uses should be 75 dB (A) from 7 AM to 10 PM and 65 dB(A) from 10 PM to 7 AM. Source: "American Standard Specification for General Purpose Sound Level Meters"

Section 212 Commercial / Industrial Overlay Comparison - Draft, DSPRRs and other

EXISTING CRITERION	Draft C I	DSPRRs	TBD	NA	Other
<u>Compliance w Policies</u>					
Master Plan	x				
Subdivision			x		Dev specific
Site Plan			x		Dev specific
Capital Budget					Old CIP
<u>Community Character</u>					
Conflicts			x		Dev specific
Scenic Roads	5 b ii				
<u>Public Fac & Service Stnds</u>					
Utilities	6 c	x			
Emergency Access		x			
Lighting		x			
On-Site Water		x			
<u>Resource Protection Stnds</u>					
Flood Hazard		x			
Geological Hazard	5 b iv				
Topography	5 b iii				
Flora & Fauna (Plants Wldl)	5 b v				
Historic Preservation	5 b vi				5 a Com Character
Mineral Deposits	5 b vii				
Fragile Areas	5 b viii				
Open Space	5 b i				
<u>Environmental Stnds</u>					
Air Quality		x			IV-6 F Offensive DES
Water		x			DSPRRs, DES
Noise		x	Discuss		IV-6 F Offensive
Glare & Heat		x			IV-6 F Offensive
Vibration		x			IV-6 F Offensive
Lighting Hazards		x			
Effluents		x			DES permit
<u>Site Design Stnds</u>					
Site Plan		x			3 ac 200' DZO
Compatibility	x	x			1 Purpose & Intent
Screening		x			
Shadows			Discuss		Site issue
Traffic		x			
Entrance/Exit		x			
Buffers		x			
Height				DZO	Sec 207.5
Parking		x			
Recreation					Dev specific

2016 Zoning Amendments

Pleasant Lake Watershed Protection Ordinance

Amend Section 330.6 Review Requirements for Development in the Watershed Protection Overlay District, Paragraph E, in part, to read:

“ . . . or a qualified professional who is familiar with erosion control measures and procedures and acceptable to the Town Engineer. *The qualified professional shall demonstrate to the Town Engineer that he/she has knowledge and training in erosion control measures and has previously prepared erosion control plans.* The erosion and sedimentation control plan . . . ”

Amend Paragraph F , in part, to read:

“ . . . erosion and sedimentation *plans* proposed by the applicant and acceptable to the Building Inspector. *The Building Inspector, in determining the acceptability of the proposed controls, shall compare the proposed controls with the New Hampshire Stormwater Manual, Volume 3: Erosion and Sediment Controls During Construction as prepared by the New Hampshire Department of Environmental Services (Manual). The proposed plans shall ensure effective control and conform with the practices contained in the Manual in order to be approved by the Building Inspector.* These types of applications shall . . . ”

Amend Section 330.8, Buffer Requirements, Subsection C to read as follows:

“Any proposed development within the required buffer zone shall require approval of the Planning Board. *In determining if the development should be approved, the Board shall take into consideration the following:*

- *The development proposed is the least intrusive possible;*
- *The hydrologic study shows the water quality protection by the development equals or exceeds that which would be provided by the full 100-foot wide buffer;*
- *The applicant proposes to plant additional vegetation to demonstrably supplement and improve the existing vegetation present within the buffer which will slow the rate of runoff;*
- *The applicant proposes to redirect the runoff from the development to extend the runoff route to the tributary; and*
- *The applicant proposes to place other permanent obstructions to demonstrably slow the rate of runoff over what would occur within the existing buffer. “*

Wetlands Conservation District

Existing DZO Section 207.1 B

The following dimensional standards shall apply:

207.1 Minimum Frontage

- A. Frontage - Every building lot shall have a minimum frontage as specified in Section 204 provided that where lots are located on the exterior of a curving street, a shorter front dimension may be permitted provided that the width of the lot measured along the front setback line shall be the minimum specified in Section 204.
- B. In the alternative, provided all requirements for lot dimensions of this Ordinance can be met, up to four (4) single family dwellings may be constructed on lots which front on a private way.

If, in the opinion of the Planning Board, considering the topography and land ownership in the vicinity, it is likely that the private way could be extended to serve additional dwelling units in the future, the layout of said private way shall be done in such a fashion that all of the geometric layout specifications of the subdivision regulations for a public street could be met.

If the private way is unlikely to serve more than four (4) dwelling units, it shall be constructed following minimum specifications:

1. The right-of-way shall be at least 50 feet in width to accommodate upgrading of the road should future owners choose to dedicate it to the Town;
2. The roadway specifications shall be graduated based upon standard traffic calculations (e.g.- a private way for one dwelling unit generates 10.1 vehicles per day and thus would require a 12-foot wide gravel way);
3. The private way shall provide adequate access for emergency vehicles to said new dwellings;
4. Both the private way and the arrangements for paying the costs of maintenance and repair of said private way, as well as provisions for turning over said way to the Town as a public street should the Town so request, shall be described in instruments referred to in said deeds.
5. The applicant shall provide the Planning Board with a nonbinding conceptual plan of the parcel. This plan would show the parcel as it would appear if built out to the maximum number of lots allowed by current zoning and would show how such growth could be accommodated.

Proposed change to DZO Section 207.1 B (aka "Smith Ordinance) 12 16 15 (Rev 2)

207.1 Minimum Frontage

- C. Frontage - Every building lot shall have a minimum frontage as specified in Section 204 provided that where lots are located on the exterior of a curving street, a shorter front dimension may be permitted provided that the width of the lot measured along the front setback line shall be the minimum specified in Section 204.
- D. In the alternative, provided all requirements for lot dimensions of this Ordinance can be met, up to four (4) single family dwellings may be constructed on lots which front on a private road. ~~way.~~

If, in the opinion of the Planning Board, considering the topography and land ownership in the vicinity, it is likely that the road ~~private way~~ could be extended to serve additional dwelling units in the future, the layout of said road ~~private way~~ shall be done in such a fashion that all of the geometric layout specifications of the subdivision regulations for a public street could be met.

If the road will ~~private way~~ is unlikely to serve more than four (4) dwelling units or less, it shall be constructed according to following minimum specifications:

1. The road shall be designed in a manner consistent with RSA 674:41 I and III, Section IV – 4 and Table IV-1 in the Town of Deerfield's Subdivision Regulations. For good reason the Planning Board may consider a waiver request(s) for road construction, ~~to a lesser standard.~~ **Comment:** I believe NFPA 1 on road construction is embedded in the State Building Code and to construct to a lesser standard, the Fire Chief's approval is required.
2. ~~The roadway specifications shall be graduated based upon standard traffic calculations (e.g. a private way for one dwelling unit generates 10.1 vehicles per day and thus would require a 12-foot wide gravel way);~~
3. ~~The private way shall provide adequate access for emergency vehicles to said new dwellings;~~
4. ~~Both the private way and~~ The arrangements for road paying the costs of maintenance and repair of said private way, as well as provisions for Town acceptance of turning over said road way to the Town as a public street, should the Town so request, shall be described in the Homeowners Association instruments referred to and in the individual ~~said~~ deeds.
5. ~~The applicant shall provide the Planning Board with a nonbinding conceptual plan of the parcel. This plan would show the parcel as it would appear if built out to the maximum number of lots allowed by current zoning and would show how such growth could be accommodated.~~