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PLANNING BOARD

MINUTES

Citizens' Hall, Lyndeborough, NH

November 29, 2018

Approved

7:30 PM Call to Order & Roll Call

Members present: Chairman Tom Chrisenton, Larry Larouche, Bob Rogers, Bret Mader Alternate Julie Zebuhr and Selectmen's Rep. Mark Chamberlain. Alternate Zebuhr will sit on the Board.

Public present: Code Enforcement Officer/Building Inspector Leo Trudeau

Note: *The November 15, 2018 Planning Board meeting was postponed until tonight due to weather.*

New Business:

Review Zoning Ordinances:

1. **Accessory Dwellings Ordinance Formatting**
2. **Growth Ordinance**
3. **Planned Residential Development (PRD) Ordinance**

(See attached documents)

Code Enforcement Officer Leo Trudeau was present to discuss Town Zoning.

PRD: Planned Residential Development

The Board discussed various locations for PRDs in Lyndeborough as well as setback options and decided to keep PRDs in the Village District and the Rt. 31 corridor. Setbacks will be located a minimum of 300 feet to 1,000 feet from Center Road, from the Wilton town line to the Greenfield town line.

Growth Ordinance:

The Board agreed there should be a Growth Ordinance. The former Growth Ordinance has lapsed. It was suggested to check with the State Amblin law on the procedure to reestablish the Ordinance.

The Board would like to know how many permits were limited per builder.

Chairman Chrisenton agreed to research this topic and consult with Mike Decubellis who has done work on the Growth Ordinance in the past.

44 **Action Items:**

- 45 -Ask Planning Board member Mike Decubellis for Growth Ordinance documents.
46 -Leo Trudeau to provide the number of building permits issued per year since 2013.
47 -Tom Chrisenton will check the RSA since the ordinance was adopted. If adopt, would the
48 Board want to leave the language as it was before?
49 -Tom Chrisenton will prepare the Growth Ordinance Warrant Article.

50

51 **VOTE: Bob Rogers made a motion, Mark Chamberlain seconded to hold a Public Hearing**
52 **on December 20, 2018 that will include all the Zoning Ordinance Proposals talked about**
53 **this evening. Motion passed 6-0.**

54

55 **Correspondence:**

56 A letter from Meridian Land Services informing the Board of their recent acquisition of Todd
57 Land Use Consultants, LLC of New Boston, NH.

58

59 **Request for Information:**

60 None

61

62 **Approve Minutes of October 18, 2018:**

63 Mark Chamberlain recommended an amendment to add Ken Clinton from Meridian Land
64 Services representing Meridian Land Services.

65

66 **VOTE: Bob Rogers moved, Larry Larouche seconded to approve the minutes of October**
67 **18, 2018 as amended. Motion passed 5-0-1. Julie Zebuhr abstained.**

68

69 **Adjournment:**

70 **VOTE: Bob Rogers moved, Larry Larouche seconded adjourn at 8:29 p.m. Motion**
71 **passed unanimously.**

72

73 The agenda for next meeting is the same as tonight but shall include the Public Hearing.

74

75 Respectfully Submitted,

76

77

78

79

80 Kathleen Humphreys

81 Planning Board Secretary

To see if the Town will vote to correct an error in Article 2 of the 2018 Town Warrant voted on March 13, 2018 regarding Accessory Dwelling Units. The substance of the section was erroneously placed in the sections for definitions.

Delete Sections 200.02 I - VII.

Place that text into each of the following new sections of the Lyndeborough Zoning Ordinance:

504.00 Accessory Dwelling Units

704.00 Accessory Dwelling Units

804.00 Accessory Dwelling Units

903.00 Accessory Dwelling Units

I. An Accessory Dwelling Unit shall be allowed as a matter of right by the Building Inspector pursuant to RSA 674:21 in all zoning districts that permit single family dwellings. One accessory dwelling unit shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single family dwelling without an accessory dwelling unit. Not more than one accessory dwelling unit for any single family shall be allowed.

II. An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but shall not be required to remain unlocked.

III. Regulations applicable to single family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States Department of Housing and Urban Development. Adequate parking to accommodate an accessory dwelling unit shall be provided.

IV. The applicant for a building permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485A:38, but separate systems shall not be required for the principal and accessory dwelling units.

V. The owner must demonstrate that one of the units is his or her principal place of residence.

VI. A familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit shall not be required.

VII. An accessory dwelling unit may be deemed a unit of workforce housing for purposes of satisfying the town's obligation under RSA 674:59 if the unit meets the criteria in RSA 674:58, IV for rental units.

200.05 Automobile Graveyard

Any lot or portion of a lot which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled ***or abandoned*** motor vehicles or motor vehicle parts. (3/9/99)

**404.00 Exclusive Optional Method of Developing Large Tracts of Land
(3/18/00)**

As an exclusive optional method of development, not a required process of subdivision, any lot of record ~~as of January 1, 1997~~ may be subdivided in accordance with the following criteria: (3/18/00)

- A. the average size of the subdivision lots shall not be less than 25 acres with a minimum size of 10 acres.;
- B. the lots shall be accessed by a private road constructed to meet the minimum standards established in the *Town of Lyndeborough Street and Road Standards*.
- C. no further subdivisions would be permitted using roads existing as of January 1, 1997 to meet zoning frontage requirements. Further subdivision will require adequate frontage on a Class V or better highway constructed after January 1, 1997, as required by the zoning ordinance in force at the time of any further resubdivision. (3/18/00)

Draft

408.00 Soil-Based Zoning Requirements (Overlay District) (3/18/00)

All lots in the Rural Lands 1 or Light Industrial zoning districts with less than 5 acres shall require a minimum of 2 contiguous acres of “slight” and/or “moderate” limitations rated soils for septic tank absorption fields, as determined by the USDA Natural Resource Conservation Service criteria and published in Table 11 of the “Soil Survey of Hillsborough County, New Hampshire”, issued October 1985. A Site specific soil survey conducted by a NH Certified Professional Soil Scientist may be required by the Planning Board to ensure that the requirements of this section are met. Contiguous shall mean any area undivided by wetland, ponding (seasonal or perennial) or seasonal or perennial drainageways. Lots of record ~~as of December 15, 1999~~ shall not be affected by this soil-based zoning for residential usage.

All lots in the Rural Lands ***1*** or Light Industrial zoning districts with less than 500 foot frontage shall require a minimum of 2 contiguous acres of “slight” and or “moderate” limitations rated soils for septic tank absorption fields, as determined by the USDA Natural Resource Conservation Service criteria and published in Table 11 of the “Soil Survey of Hillsborough county, New Hampshire”, issued October 1985. A Site specific soil survey conducted by a NH Certified Professional Soil Scientist may be required by the Planning Board to ensure that the requirements of this section are met. Contiguous shall mean any area undivided by wetland, ponding (seasonal or perennial) or seasonal or perennial drainageways. Lots of record ~~as of December 15, 1999~~ shall not be affected by this soil-based zoning for residential usage.
(3/18/00)

[Note of Clarification: This section 408.00 does not apply to the Village District, section 500.00; Rural Lands 2, section 800.00; Rural Lands 3, section 900.00; or the Large Tracts of Land, section 404.00.]

601.00 Permitted Uses.

The following uses and their associated accessory uses are permitted in the Light Industrial District subject to all other applicable provisions of this Ordinance and Site Plan Review and approval by the Lyndeborough Planning Board.

- Light manufacturing;
- Research and/or testing facilities;
- Offices;
- Newspaper and printing facilities;
- Warehouses;
- Retail stores;
- Banks;
- Personal service businesses including but not limited to service or repair of jewelry, appliances or other personal or household items, photography studios, beauty/barber shops and tailors.
- Utility structures less than 200 square feet in area. **and**

1001.00 Permitted Uses.

Any of the following uses that ~~do not alter the surface configuration of the land by the addition of fill and that~~ **require a permit by NH DES** are ~~otherwise~~ **also** permitted by this Ordinance.

- A. Forestry operations and management in accordance with best management practices; ~~to protect streams from damage and to prevent sedimentation as recommended by the Hillsborough County Conservation District;~~
- B. Agriculture in accordance with agricultural best management practices. ~~as recommended by the Hillsborough County Conservation District;~~
- C. Water impoundments and wells;
- D. Drainage ways - streams, ditches or other paths of normal water runoff;
- E. Wildlife refuges;
- F. Parks and recreation uses consistent with the purpose and intent of this Ordinance;
- G. Conservation areas and nature trails; and
- H. Open space as permitted by the Subdivision Regulations and other sections of this Ordinance.

Draft

Make sure 1102.00 is the same wording as the warrant article plus corrections.

Do we want to add age eligibility, location in town, such as Village District, along Rt. 31, etc.

1102.00 Conditions:

An applicant for approval of a proposed PRD shall make application to the Planning Board in the same fashion as specified in the Subdivision regulations. In the course of review of the proposal, the Board shall hear evidence presented by the applicant and **all those requiring notice** and determine whether, in its judgment, the proposal meets the objectives and purpose set forth above, in which event the Planning Board may grant approval to the proposal, subject to reasonable conditions and limitations as it shall deem appropriate.*

1102.01 Minimum Net Tract Area. Planned Residential Developments may be permitted on single or adjacent tracts of land, under one owner, or to be brought under one owner, which have a net tract area* of no less than twenty (20) buildable acres.. Irrespective of the net tract area size, the PRD shall not contain more than twenty (20) dwelling units. Net tract area shall mean the total area of the tract, or tracts, less the area of wetlands, identified flood plains and areas of slope equal to or greater than 20%. To maintain comparable densities, as calculated using existing Lyndeborough zoning regulations, (***as determined by the soil based zoning section 408.00 of the zoning ordinance***), PRD septic systems are to be of the “shared- type, located in the Open Space on soils that are rated “***slight light*** to moderate” as spelled out in the Hillsboro^{vt} County East published soils survey. **and must, at a minimum, meet the State of New Hampshire standards and slight to**

Rt 31 Corridor Setback 1,000 ft.

Limited Village District & Rt 31 Corridor
min setback 300 → 1,000 ft

What should be done with this section?

1107.00 Growth Ordinance:

In the case of a PRD, the Growth Management Ordinance is modified to allow the applicant to construct a minimum of five (5) and a maximum of ten (10) dwelling units, under a single permit, in a given calendar year. The applicant will not be considered for another permit until the number of dwelling units, already under permit have been completed. Furthermore, the Planning Board will not approve more than one (1) PRD in any given calendar year.

DRAFT

**TOWN OF LYNDEBOROUGH
PLANNING BOARD MEETING MINUTES
November 21, 2013**

MEMBERS PRESENT: Chairman Larry Larouche, Vice Chairman Bob Rogers, Tom Christenton, Mike Decubellis, Selectmen's Representative Arnie Byam and Alternates Julie Zebuhr and Steve Brown. Mr. Brown will replace Mr. Mader tonight.

Chairman Larry Larouche began the meeting at 7:30 p.m.

NEW BUSINESS:

WIND ORDINANCE:

The following language revisions are recommended for the Wind Energy Ordinance.

1. Applications For: Small wind energy systems, their towers and associated equipment shall be subject to site plan review and approval. An application with designs for towers, additional support features and all associated facilities and accessories shall be submitted to the Planning Board.

2. Additional Systems: The combination of all small wind energy systems on a lot cannot exceed a total output capacity of 100 kW.

VOTE: Mr. Rogers made a motion to accept the amendments to the Wind Energy Ordinance. Mr. Christenson seconded the motion. All members voted in favor. Motion passed.

REVIEW OF GROWTH MANAGEMENT

Mr. Brown read the Growth Management policy. It was recommended that the number stays the same.

VOTE: Mr. Christenson made a motion to renew the Growth Management Ordinance. Mr. Rogers seconded the motion. Motion passed unanimously.

This matter will need to be on the ballot in March and the process reviewed with TA Burton Reynolds. Mr. Decubellis will be in charge of verifying the number of building permits used this year.

MASTER PLAN

Mr. Brown had been reviewing the Master Plan which was last updated in 2002 and recommended the process for review be started and the plan updated.