

**Meeting Called to Order:** T. Hoopes called the meeting to order at 7:05pm.

Present: Tom Hoopes, Jeanne Crouse, Alan Sherwood, Tom Varney, Bruce Holmes, Jeremy Dube, and Cindy Balcuis

**Others Present:** Kathy Menici – Town Planner and Jennifer Fortin – interim secretary

The purpose of this meeting is to go over the proposed amended zoning ordinances.

The Planning Board will be looking at the 11 proposals to take to Town Meeting for a vote and any questions you may have, feel free to ask. At the conclusion of the meeting the board will close the public input and the board will discuss amongst themselves and vote to see what they want to take. If there is any substantial change on

Any of the issues, there has to be a second public hearing and that hearing will be on January 17, 2006, and the information will have to be to the paper by tomorrow morning (1-4-06) by 8:00am. This is a very sharp timeline.

K. Menici - the board is here to solicit comments from the public for the proposed amendments.

T. Hoopes – any suggestions on where to start?

K. Menici – If I could make a suggestion, that's why I made an agenda so we could go through the amendments in order, that way we won't miss any proposed amendments.

A. Sherwood – procedural questions – If I have a question should I mention it when it is up for discussion?

T. Hoopes – mention it when it comes up for discussion and then that might generate other questions.

C. Balcuis – so we will start with the definitions then?

T. Hoopes – that is correct.

T. Hoopes – does everyone have copies of the handouts?

T. Hoopes – to amend proposed 2006 Section 200 [2005 – Section 500] to modify some definitions and to add new definitions. Where you see a double under line is new and a strike through is something that is to be deleted.

### **1. Definitions:**

#### Agriculture

Automobile, motorcycle, light truck sale, leasing, or rental,

Extra copies on back table for reference but not for the public to take

A. Sherwood – this is for automobiles, light trucks, SUV's, and motorcycles should go up to a 1 ton truck.

J. Dube – I have a dual wheel but it is a 1-ton which is a different registration process.

A. Sherwood – should read not more than 1 ton

T. Hoopes – I have no problem with that, I think when you start getting into bigger vehicles it is a whole different thing.

C. Weston – Retired Ford Motor Company – 1 ½ ton is a general term that is utilized any thing about that would be considered super-duty, which is a whole different class. 2 ton or above is considered a medium duty truck.

J. Dube – I have a dual wheel but the weight limit stays the same for the State of New Hampshire.

T. Hoopes – for the purpose of this definition do we accomplish something by changing it to 1 ton from 1 ½ ton.

T. Varney – Why is it in here? We had an issue several years ago with an automotive dealer not being allowed because of the change in zoning.

T. Hoopes – is this a definition that the Building Inspector needed for some purpose?

K. Menici – Yes it is

T. Hoopes – The Building Inspector had a need for this definition. This is an addition to the definition.

Alan Sherwood – I have no problem with this definition.

#### Boat Sales and Service

Boat Sales

Boat Service

T. Hoopes – we are making three definitions

T. Varney – why are we doing that?

T. Hoopes – we need to declare what is meant by these terms.

K. Menici – This resulted from the Code Officer's need to have more clarity about definitions for uses that are specified in the table of uses in the current Zoning Ordinance. The Town has grown and development pressures are increasing, a need for better clarity than what the current ordinance has was identified by the Code Officer, because things were coming in that just didn't fit to the table of uses. It was becoming problematic. The Code Officer and I sat down one day and identified all of the terms in the table of uses that had no definition and researched definitions and presented them to the work committee.

T. Varney – I see a problem with somebody that has an application that is on going now this would be used to pin point.

T. Hoopes – If it is an ongoing application it would be in before the definitions were used.

K. Menici – Right. This is for applications received after December 23, 2005 will be subject to these changes.

T. Hoopes – It doesn't work retroactively.

T. Varney – I can see where this is coming from, but what we have is boat sales and service, that's been fine. It's very limited in town where zoning allows boat facilities everywhere.

T. Hoopes – No, actually, boat sales are allowed anywhere in the commercial zone.

K. Menici – If you go to the table of uses you are going to see that the terms that are here with definitions are in the table of uses and there are no definitions in the existing ordinance.

C. Balcius – I think as we have gone through this year it has become increasingly important to be able to have definitions for all of those terms in the table of uses.

T. Varney – I agree with that but, if somebody has a conventional boat facility sales and service, now you've isolated that and you separated it so one's one and one's the other than you say sorry you can't do that.

C. Balcius – No, we have Boat Sales and Service and if someone wants to do just boat sales or just boat service.

T. Varney – You have to define it you have to do one or the other and it is not what it is historically about

C. Balcius – We are actually giving the person the choice to do both

T. Hoopes – The thing before was that you couldn't do one or the other you had to do both.

C. Balcius – Now you have three choices

T. Varney – Now you can say sorry you are going to do this.

T. Hoopes – This could be a new opportunity for someone. This definition doesn't go back and affect anyone that is already in existence and in business.

#### Conservation

##### Dwelling

Marcy Perry – Middleton Building Supply – What is the purpose of a detached as opposed to what?

T. Hoopes – as opposed to attached

M. Perry – detached from what?

T. Hoopes – detached from another building

K. Menici – Separate from another dwelling unit, for instance from a duplex

M. Perry – a detached residential building

K. Menici – A single family detached would be a freestanding single family home versus a duplex or a fourplex.

T. Hoopes – the classic mother-in-law apartment, which is part of an existing structure

M. Perry – I don't like the word detached

C. Balcius – You don't like the word detached

T. Hoopes – It is clearer in the sense that it is separate, would you prefer the word separate, but detached is important that it is not attached to something else.

C. Balcius – Can we run that through a thesaurus and see if there is a better word.

M. Perry – It just doesn't go right a detached residential building

K. Menici – Detached single family home is actually an accepted term in the real estate industry and the real estate development community.

M. Perry – detached from what?

T. Hoopes – Can't be attached to anything.

J. Crouse – If you live in a manufactured home your suddenly not living in a single-family home.

T. Hoopes – The state said we couldn't use the term mobile home

J. Crouse – It says a detached residential building other than a manufactured home, so if you live in a single family manufactured home your not living in a single family home?

K. Menici – There has been changes in definitions in the past 10-12 years, and most of those definitions have been in response to litigation on different housing related issues, mobile homes are no longer called mobile homes they are called manufactured homes, what your refereeing to is more on the idea of modular factory built. You cannot distinguish between a factory home, stick home or a site build stick home that is considered on and the same for zoning purposes. Manufactured homes are what people previously called mobile homes and they felt that the term mobile home was derogatory and created really bad impressions and that term has been dropped all together. That is what manufactured housing is now.

T. Hoopes – So what do we call a single-family dwelling that has wheels on it?

K. Menici – that is manufactured housing

#### Elderly Housing

Muriel Stinson – retired – we need to clarify this in another way. We have elderly housing here clarified basically for HUD for 55 and over. We have no clarification for senior citizen housing or retirement villages, which are today 55 and over.

T. Hoopes – We have two proposals, which is one of the reasons that is in here, because there is a proposal for elderly housing and continuing care/retirement communities. We didn't have a definition for elderly housing that is why we are putting it in.

M. Stinson – But shouldn't this also say for 55 and over?

T. Hoopes – No, not necessarily

M. Stinson – How would anybody construct a facility for 55 and over, if you have this definition

T. Hoopes – When you get into the construction of elderly housing and continuing care/ retirement communities, there is a density bonus for those uses which are considered to be a positive effect for a community. 55 and older, anyone can build a community who wants to for 55 and over, but they don't get a density benefit. It is a standard sub-division you can have any requirements in a sub-division, but that is not a requirement for elderly housing. We're talking about elderly housing that requires medical work different types of things like that. That's what true elderly housing is. What you're describing about 55 and older is what I refer to as Club Med 55.

M. Stinson – How would that effect us with that definition.

C. Balcius – It doesn't effect it with that definition. You can do an over 55 development and call that and it is up to the developer to put the covenants in the deeds and this does not prohibit or affect over 55 housing.

K. Menici – The zoning ordinance has a section specifically for elderly housing and in that section there is a density bonus, you can build considerable more housing units on a parcel for elderly housing than you can far a standard sub-division. The reason that it typically occurs is because the elderly don't have children, so you don't mind the higher density for housing because you don't have an impact on the schools. The

problem with the section addressing elderly housing in the current zoning ordinance is that there is no definition of what was elderly to qualify for that density bonus. It just pertains to that particular section of the zoning ordinance and to people who want to take advantage of that density bonus.

T. Hoopes – In the true elderly housing and continuing care/retirement community circumstances, you normally have a couple, in many cases, and one is in better shape than the other. There are nursing facilities and other kinds of things that are available such as independent living or you can move into something that gives you more care and there are meals served.

J. Crouse – The state defines elderly housing two ways: 1. Over 62 and at least one member over 55. I disagree strongly that the town should adopt a definition for elderly housing that is inconsistent with what the State of New Hampshire defines it as and what the Federal Government defines it as also. What you are describing is a continuing care establishment like Taylor Care and that is not elderly housing. You can build elderly housing in the State of New Hampshire and have deed requirement restrictions so you don't have children.

C. Balcius – Think your still confusing what over 55 is the empty nester housing is not considered elderly housing. There is a difference.

K. Menici – There are different ways to address housing for the elderly – 62 and over is one of the two options.

T. Hoopes – a retirement village is entirely different from what we are talking about with continued care/retirement communities like Taylor. It is a real facility.

C. Balcius – Nothing in our zoning right now eliminates over 55 housing. You can still do over 55 housing.

Karen Boulanger – Roger Road and Realtor with Curry Realtors –with regard to the Retirement Village, the elderly housing qualifies for a density bonus, does currently a retirement village of 55 and older qualify for that same density bonus or would they lose that.

T. Hoopes – No, it does not qualify for a density bonus. The concept of having a density bonus is trying to attract a longer-term facility that will employ people in a magnet towards to area. You have professionals working there providing on going services, it is not just a subdivision for people over a certain age.

K. Boulanger – You are defining elderly housing as a community where there is fulltime 24-hour care, medical facilities on site and service personnel that will assist.

K. Menici – That is not necessarily true, you have to look at the entire zoning ordinance. You can't just take one term and make those kinds of assumptions. If you look at the existing zoning ordinance, Section 230 Elderly Housing – it defines the different types of uses, it's primarily single family residential, but they can also have different facilities as part of the development.

K. Boulanger – Why would adopting the state's definition which includes at least one member over 55

K. Menici – They are two different state definitions and this is the definition that the committee members who are responsible for drafting the changes to the ordinance and this is the definition they chose to go with. The primary reason for that was as you increase the number of housing units you needs to be concerned about the impact on the schools and if you have one member of the household who is 55, you stand a very good chance of having children in that household. Given the current enrollment levels at the central school where they are actually over capacity for the building itself and now they have modular classrooms to accommodate the increasing enrollments and you have PMHS which is already approaching capacity and that is a concern the Planning Board has to take into consideration.

K. Boulanger – I understand, but given the fact the our population is aging, people are looking to retire early and not waiting until they turn 62 to move into these types of things. They would be the "empty nesters".

C. Balcius – What she is getting at here is really a form of cluster housing and a lot of the clusters are over 55 housing. We are working a cluster ordinance and again the over 55 can come under that where you can get a density bonus for certain things and open space. This definition is meant to supply a definition for an existing elderly housing zoning in our zoning. You're talking about a different thing. It is not precluded, yet to go through regular subdivision right now but we are working on a conservation overlay, which would not preclude over 55.

K. Boulanger – As long as there is a provision, that's fine.

C. Balcius - This is purely elderly and under that definition here.

T. Hoopes – The over 55 is a misnomer in many ways, the developer can create anything he wants.

Energy Facility  
Frontage/Street

#### Guest House

T. Varney – The guesthouses on the lake are old and grandfathered; see lodging house – that's contrary to the lakeshore/residential zone.

T. Hoopes – A lodging house by existing definition is a building in which the rooms are rented with or without meals to 3 or more, but not exceeding 10 persons.

K. Menici – This goes back to the existing ordinance in table of uses under #11 you see lodging and or guesthouse and bed & breakfast. They are all categorized as the same use.

T. Varney – If you have a guesthouse on the property, now you're saying you can rent it out.

T. Hoopes – We don't have a definition of guesthouse.

T. Varney - You're trying to put one in which is contrary to the L/R Zone.

K. Menici – This goes to the reformatting of the zoning ordinance and right now it shows lodging house and/or guesthouse and bed & breakfast as a residential use, when in fact they are commercial uses. Those are going to be moved out of the residential use and put into the commercial use portion.

T. Varney – You still have a building along the lake labeled as guesthouse.

T. Hoopes – How do you define guesthouse, because there is no definition here?

T. Varney – I would define as to protect the L/R Zone

K. Menici – it's only allowed by special exception anyway.

T. Varney – If I owned a property with a guesthouse on it I could rent it where I couldn't before. I can see how it gets put in there and where it came from.

K. Menici – That has been there all along.

C. Balcius – Are we in this because lodging house has been in here and are we saying that guesthouse is the same. We are not adding things or taking away from the definition. We are just putting lodging house and guesthouse as the same thing because they seem interchanged.

T. Hoopes – Define a guesthouse.

T. Varney - Go out on the lake and you will see a bunch of these behind houses and it becomes an issue when you buy and sell these and you can't do anything with them, but someone could come and stay. You can continue the use it has always had but you can't put up a sign and rent it out.

T. Hoopes – Are these the bunkhouses that have been added around to a lot of places and sheds people put beds in.

T. Varney – Yes

T. Hoopes – That is not a guesthouse, those are sheds that beds are in.

T. Varney – A lot of people would call that a guesthouse and use it to their advantage.

T. Hoopes – No, that would not be considered a guesthouse or lodging house.

C. Balcius – Are you saying there should be a time limitation?

T. Varney – No, it is just something out of the old days people use continually.

T. Hoopes – We are not creating anything here, what we are doing is saying if people are using it for that purpose they can continue to do so but they can't rent it out.

T. Varney – If somebody has 10 of these, this is a great thing for that purpose.

Alan Sherwood – If you look at the table of uses item #11 in the existing zoning, it says lodging house and/or guesthouse, they are all lumped together, L/R by special exception, all the rest of them are yes except the Rural zone which are a no. So, this definition clarification doesn't change anything in terms of permitted uses. They are already together under item #11.

- T. Hoopes – One of the proposals on here is to take them out of residential uses. If it is a lodging house, hotel, or motel that is not residential use that is commercial use. It shouldn't be under residential use.
- T. Varney – Do you understand the buildings that are out there on the lake?
- T. Hoopes – I've seen places that have them but not many of them have more than one.
- T. Varney – Some do. Some have 3 or 4 guesthouses.
- T. Hoopes – They are technically illegal buildings
- T. Varney – Right, but if you continue the use you don't put a definition in that says now you can do something that you couldn't do before.
- T. Hoopes – We are not saying that they can rent them you can't call it a lodging house. If it is a shed with bunks it's not a lodging house.
- T. Varney – If I owned a guesthouse, I could call it a lodging house, which would then allow me to do certain things.
- T. Hoopes – I don't think if the Building Inspector looked at it he would be able to call one of these bunkhouses a lodging house.
- J. Dube – Lodging house means a building in which the rooms are rented with or without meals to 3 or more but not exceeding 10 persons. When you put guesthouse in there and put see lodging house, and this is about something that is rented. A guesthouse doesn't have the same amenities as a lodging house. They are grandfathered right now.
- T. Hoopes – The problem is, is what some people are calling a guesthouse is an actual house that is livable and has all the facilities, and there are these other structures which are strictly bunkrooms with no other facilities. Now a bunkroom is not under any circumstance to be considered a guesthouse or a lodging house. If someone has a guesthouse with a bathroom, kitchen, etc., that is a separate unit. All we are doing in this proposal is to drop the word guesthouse.
- T. Varney – Now you are opening the door for a certain use that wasn't allowed before.
- T. Hoopes – Are we better off defining a guesthouse.
- K. Menici – The other alternative is to delete the phrase guesthouse all together and just have lodging house or bed & breakfast.
- J. Dube – I think you're better off having that when then you're not sending it into election where you don't want it to go.
- K. Menici – People on the lake who are referring to their out buildings as their guesthouse.
- T. Hoopes – That is a generous definition, the problem is that we either need to define the word guesthouse or delete the whole thing.
- K. Menici – Do you want to delete the word guesthouse and just use lodging house and/or bed & breakfast.
- T. Varney – get rid of see lodging house
- T. Hoopes – drop it but in the future come up with a definition for guesthouse.
- K. Menici – You will still have the word guesthouse in the table of uses.
- T. Hoopes – We have used up one hour of time, so if we want to get into some discussion for really important stuff, I would like to move along. We will have to take a vote afterwards. The description of what we are proposing further on will change this. If you look in the table under permitted uses, we have under residential use - #8 seasonal cabins, #11 lodging house and/guesthouse, and bed & breakfast, and #12 hotel/motel. Now those three are not part of the residential uses and we are proposing to take them out of residential uses and put them into commercial uses. If you take it out and put it into commercial uses, if you put it into commercial uses the definition of a guesthouse is clearer it is a commercial use.

Public Waters  
Recreation Use Not-for-Profit  
Studio, Art, or Photographers  
Warehouse  
Wetland

T. Hoopes – These are some of the definitions that will be added into the list of definitions that already exist. One of the other features under the #11 item here is the definition that are already existing in this present ordinance are all being put in one location instead of being scattered throughout the book, but they are also if it is the flood development overlay. If there is a definition that comes out of that it has a FDO beside it so you know what the definition applies to. We are trying to get the ordinance to be a more usable and functional item.

**2. To amend proposed 2006 Section 330 [2005 – Section 230] Elderly Housing definition to include “At least one member of the household must be 62 years old or older;” and to change 330:5 [234:4]: Design Criteria for Elderly Housing:** to add changes to the permitted central support facilities to include “Central dining facilities (serving staff, residents, and their guests only),” “circuit dental care,” and limiting use of the permitted central support facilities “General Store (servicing staff, residents, and their guests)” and “Medical sub-stations...” to “servicing residents only”.

K. Menici – Mr. Chairman, this is the existing section from the zoning ordinance with just a couple of changes maybe we should just point out the changes being proposed.

T. Hoopes – The predominant changes is that there was no definition for age and we are adding one, which is “at least one member of the household must be 62 years old or older.” Additionally, under design criteria under #7 there is a listed item General Store (servicing staff, residents, and their guests only). Under Central dining facilities (serving staff, residents, and their guests only).

Alan Sherwood – the word only needs to be added to the phrase under general store to read “servicing staff, residents, and their guests only”.

T. Hoopes – The services being provided at the elderly housing are not necessarily for outside usage, but for people using the elderly housing facilities, or who are doing work at the facility.

**3. To add proposed 2006 Section 331 [2005 – Section 231] Continuing Care Retirement Communities and amend proposed 2006 Section 401 [2005 Section 301] Table of Uses Retail Business and Service** to allow Continuing Care Retirement Communities as allowed uses in the residential, Residential/Commercial, Residential Rural an Rural Zones; **and to amend 2006 Article 200 [2005- Article 500] Definitions:** Continuing Care Retirement Communities (CCRC), Independent Living CCRC, Assisted Living CCRC facilities, Skilled Nursing CCRC facilities, Continuing Care Retirement Community support facilities, and Dwelling Unit – CCRC (Continuing Care Retirement Community)

T. Hoopes – This is proposing something that we do not have currently and it presents Continuing Care Retirement Community with the four items listed above. I think this is a good addition to providing services as our community ages. Not so gradually drifting towards elderly age but rapidly and there are people who are going to want these services, so we want to be in a position of somebody comes to town who is wishing to go into this direction that we have the facilities available.

J. Crouse – Item #6 – 1.5 parking spaces/unit provided, quite truthfully if your needing assisted living or skilled nursing are you really going to be out there driving a car.

C. Balcius – A lot of people do.

T. Hoopes – If it is a couple, one person is mobile and the other person is somewhat incapacitated or they have relatives coming to visit. The capacity for the parking often is more for the visitors. This is designed to be used for a community rather than for some city.

Alan Sherwood – A facility like this has a pretty good size staff and the residents whether they drive or not still have their cars there. There are the people who run the dining facility and nursing facility, etc. There should be some requirement for parking to support staff and visitors. A formula would have to be applied.

**4. To amend proposed 2006 Section 335 [2005 – Section 235] Appearance Review** by adding the words “and the Master Plan” paragraph “B” to read as follows: “Review Process: As part of its site review and sub-division process, the Planning Board shall review each proposal for conformance with the intent of this ordinance and the Master Plan. The Board shall take into account the location within the community, surrounding properties and proposed use of any proposed development in making its decision.” This added reference to the Master Plan would allow the Planning Board to consider the important features the people desire to protect, enhance, and perpetuate, the areas of historical, cultural, architectural, artistic or geographic significance in Alton.

T. Hoopes – This is a small change, but substantial. The town wants to be able to control what the appearance of items are in the setting in which the development is in place. If something fits in that’s fine. What we are pointing out here is Section “B”. We are only adding “and the Master Plan”. By doing this, the Master Plan and the Ordinance are in conjunction with each other.

**5. To amend proposed 2006 Section 327 [2005 – Section 227] Setback Requirements** that’s “a 25 foot natural vegetative buffer shall be maintained from all wetlands, >10,000 sq. ft. in size” and that building structures be subject to include a “perennial stream”.

T. Hoopes – This is new, in the past we have been asking applicants to voluntarily to participate. When you look at the results of the questionnaire that was sent out in the past, the strongest input was on the section of Conservation and the concern about the quality of the lake, water quality on the bay, and wetlands. There was a real concern. What we have proposed here is a 25’ natural vegetative buffer to be maintained. Cindy Balcius arranged for a workshop last year with NHDES and Fish & Game about different types of buffers. What is shown is with at least a 25’ natural buffer you have some level of filtration prior to run-off going in to a wetland, stream or water body, which is in most cases is very beneficial. Maybe it would be good to have a greater setback in some cases, at some point it starts to get restrictive.

Alan Sherwood – Item “B” I am suggesting that this be for new lots and not lots of record, because there are a lot of lots of record out there that they are the way they are right now and they were not necessarily laid out with this in mind, so I am suggesting the “B” start with the phrase for lots created after March 14, 2006, if that is the day. My suggestion is that this is for future sub-divisions and not holds lots of record to this.

C. Balcius – There is relief on section #2 under that, that any person can come to the planning board and seek relief.

Alan Sherwood – Below you say relief from the natural 25’ natural buffer may be granted by the Planning Board if the following circumstances exist and give A, or B, or C, and D applies to all of them.

Cris Blackstone – Is there a way to do mediation between what Alan and Cindy are saying?

T. Hoopes – That attitude that has been brought for is a real concern for the environment.

C. Balcius – This has been written in our zoning ordinance and the Planning Board would be looking at this under review for new sub-divisions and we would need to place this someplace else where the Code Officer could enforce this under existing lots of record. 25’ natural buffer was chosen because within that 25’ we got up to 60% removal of pollutants and the larger buffer the % drops.

T. Varney – I thought what we should propose was 75’ because I think people in this town wanted protection. All this land drains to Lake Winnepesaukee. 25’ is weak and 75’ is more in line with this list.

C. Balcius – We use 25’ for all wetlands, they have different buffers for different types of wetlands and the Town of Alton has not adopted prime wetlands.

Alan Sherwood – There are two separate issues, first the buffer and second the setback. What is being proposed here is a no-cut buffer requirement, which is different than building setback requirements.

C. Balcius – And that gets back to lots of existing record.

T. Hoopes – Having a larger buffer is not a way to slow down development.

C. Balcius – We are not going to use a wetlands buffer as a way to limit growth. I looked at the science and saw what could be accomplished in that 25’.



T. Varney – This is a very weak rule.

Alan Sherwood – A meeting was held discussing all of these issues on December 13, 2005.

K. Boulanger – You're talking about 10,000 sq. ft wetlands, that's almost ¼ acre you're looking at 25' no-cut zone that is designed to filter any run-off into that wetlands and protect that area, with 60% removal that is great numbers.

**6. To amend proposed 2006 Section 452B [2005 – Section 352B] Restrictions Governing Use** that “Each lot shall have a minimum width of 200 Feet frontage at the street or highway line. Corner lots shall have a minimum of 200 feet frontage on each street or highway line.” (This amendment is proposed to correct a typographical error that occurred with the printing of the 2003 Zoning Ordinance and was carried over to the 2004 and 2005 Ordinances.)

T. Hoopes – Two words would be added “on each”.

**7. To amend 2006 Section 401 [2005 – Section 301] Permitted Uses – Table of Uses** to add the Uses: “Amusement – Indoor” and “Amusement – Outdoor” separately in Table (permitted zones not changed); and move “Hotel or Motel”, “Lodging, Guest House or Bed & Breakfast”, and “Seasonal Cabins” to the “Retail Business and Service” section of the table (permitted zones not changed); and to delete “Mini Warehouse” from use #27, leaving the remaining Self-Storage Facilities, Warehouses” uses. (Reason: proposed changes are consistent with the existing definitions.)

T. Hoopes – To add “Amusement –Indoor” and “Amusement – Outdoor” - we are proposing to break it into two categories. Seasonal Cabins, Lodging house and/or Guesthouse, and Bed & Breakfast, and Hotel/Motel are currently listed as residential uses, they are not residential uses, and they are commercial uses. They should be moved into the next category of “Retail Business and Services”, so they would be in the proper category.

Definition #27 – delete mini warehouse because a self-storage facility is a mini warehouse.

**8. To amend proposed 2006 Section 463 [2005 – Section 363] (Rural Residential Zone) Restriction Governing Use** to read that “no more than 25% of the minimum lot requirement can be made up of jurisdictional Wetlands and Steep Slopes – 25% or greater”.

T. Hoopes – adding to the residential rural zone of the definition of a lot that “no more than 25% of the minimum lot requirement can be made up of jurisdictional Wetlands and Steep Slopes – 25% or greater”.

We have it currently with the rural zone, but we are adding it to the residential rural.

T. Varney – What is the minimum lot size in the Residential Rural Zone?

T. Hoopes – One acre

T. Varney – ¼th of that would be?

T. Hoopes – ¼ acre – what it means is in essence is that you have to have a dry ¾ acre.

T. Varney – State minimum requirement is 20,000 sq. ft.

C. Balcius – of contiguous, We want to be more restrictive because all of the concerns people had. There is no state law requirement for a minimum size wetlands, it is for 20,000 contiguous.

T. Varney – For no more than 25% of the minimum lot, which is 1 acre, which is ¼ acre.

C. Balcius – So ¾ of that lot needs to be upland and you still have that state law within ¾ of that acre needs to be a minimum of 20,000 sq. ft. contiguous area.

T. Varney – The ¾ that needs to be uplands is comparable to the 20, 000

C. Balcius – No, we want larger lot size to accommodate the constraints on that site. This is for lots created after March 14, 2006. This was requested to the Planning Board by the general public for this.

T. Varney – If you start with an acre then subtract 10,000 then you have 30,000 and this is what you say has to be exclusive of jurisdictional wetlands.

T. Hoopes – Currently what can happen is that someone can come in with a one-acre lot that has ½ acre of wetland and still get a building lot. We are trying to reduce the amount of wetland on a lot. We want someone to have a substantial amount of wetland on that lot.

C. Balcius – What this does is protect the future landowner so if they want to put in a pool, addition, leach field, or septic there is room on the lot for them to do that. This has nothing to do with the state requirement or state sub-division. This goes beyond to address some of the concerns that were brought up in here.

T. Hoopes – The dream would be that somebody wouldn't come in and build on something that was wet, but there is a lot of marginal land around and people are proposing to build on land that is substantially wet. We are saying that if you have a piece of land no more than 25% can be jurisdictional wetlands or steep slope, and if more is wet than you have to have a bigger area to take up that.

T. Varney – In the rural zone it is 25% for the minimum lot requirement.

C. Balcius – No more of the minimum lot requirement.

T. Hoopes – We are extracting out the land that they can't use

T. Varney – The language is confusing

C. Balcius – No, this is the exact same language from the rural zone put into the rural residential zone. This coupled with the buffer is going to accomplish and get us into the build able footprint that we all want and know we need to somehow encompass in our rules. The language hasn't been twisted or changed.

Alan Sherwood – This is the same wording as in the rural.

T. Varney – It comes down to the same thing, it becomes less than the state requirement.

C. Balcius – The Board has no authority to make something less restrictive than the state, we can make something more restrictive but we can't be less restrictive.

T. Varney – To have a law for less restrictive makes no sense.

C. Balcius – It is not less restrictive

Alan Sherwood – I don't see why this is confusing, we originally had a 2-acre requirement in rural and in rural residential we had a 1-acre requirement. A while ago, we added a requirement in the rural zone in addition to requiring 2-acres, no more than 25% of that minimum could be wetlands or steep slopes, ¾ of an acre of good land that tightened the requirement from what we had previously. Right now in the rural residential the only requirement we have is one-acre.

T. Varney – I thought in the rural zone you had to have ½ acre of good land.

C. Balcius – 1 ½ acre of good land

T. Hoopes – The problem was that we were starting to get a lot of really wet lots and we felt that no more than ¼ of the lot should be able to be wet or steep, so we put that into a regulation. The purpose of having a larger zone is making more rural in impact. It's not to have wet areas and you certainly don't want people living in the wet areas.

**9. To replace 2006 Section 603 [2005 – Section 270] Wireless Telecommunications Facilities Ordinance with Section 603 Personal Wireless Service Facilities Ordinance.** Purpose of this ordinance is to improve wireless service in the area and provide alternatives to tall towers with less visual impact upon the Town.

T. Hoopes – I think this is a win – win circumstance. The existing wireless facility ordinance we have was something thrown together at the last minutes years ago and as the workshop we went to pointed out it does a great disservice to the town by spoiling the hillside and scenic views that we have. Their proposal is to allow uses anywhere in town with restrictions. They can't be visible, have to use existing buildings first and they have to prove if they are not going to use an existing building that they can't get the service they want where they want to be through any other use. Whatever you are going to use has to be disguised, camouflaged, or hidden. For instance: Town Hall Steeple, Tabernacle in the Bay, the Catholic Church, or the East Alton Meeting House. Every kind of facility where it is indoors and doesn't show, you can't see it. The idea is get the best coverage as you can for the town and good service for the citizens and it lets people know what they want to do. Had we had something like this we wouldn't have what we have right now, which is a new proposal coming in that will have a light on it, there was no way to prevent it because it was a permitted use.

What is on top of Mount Prospect is a great eyesore on a beautiful hilltop. If anyone does ever want to go on a hilltop, then you have to require a proper kind of camouflage and that would be something like a fire tower. A tower with lights on it is not what most people want to see.

Chuck Weston – I feel we would rather have smaller facilities for better coverage.

Alan Sherwood – The existing ordinance allows for maybe some broad coverage but there are some gaps in town. Each one of these facilities can only support a certain number of phone calls capacity wise. As time goes on you will see lower towers and that is support the capacity. What is there now can't support the Towns future needs as more and more people use these devices. I think this will allow for long-term development of better services and maybe get rid of the eyesores on the hilltops. They will still be able to build a tower if there is no other solution but the are in constraints with it having to be below the trees and also the antennas can't extend more than 10 feet above the tree height, but there will be more of them.

Chuck Weston – I think 10 feet is a good height and when they are tree like there are nice looking.

T. Hoopes – I think the other one the bridges explained is the flagpole that can have three antennas in it and you don't even know it is a flagpole.

J. Crouse – Section 9.5 on security for removal the Town Attorney was to provide the language, should that not be included when this is given to the public.

K. Menici – He has been right out straight, and trying to get time with him is a real challenge. It does need to be in there. I will talk with Russ about getting Jim's attention.

J. Crouse – 7.7 the very last line it says 12 feet with a lot of question marks. Either we agree it should be 12 feet and take out the question marks because any applicant might think that there are questions.

T. Hoopes - The question is whether this is an access versus a driveway.

Chuck Weston – That is an access way because it is an entrance to a service facility and nothing more.

T. Hoopes – Not for frequent use.

Alan Sherwood – Let's get rid of the question marks and I will also send Mr. Sessler and e-mail in the morning.

J. Crouse – What happened to 603.11?

K. Menici – That could be a typo.

Alan Sherwood – There used to be an 11 which was the application procedure and we axed those out at the last meeting December 13<sup>th</sup>.

T. Hoopes – So we have two changes for page 12. On page 10 we have one change.

**10. To adopt proposed new Article 604 Conservation Design Overlay District for Rural Zone and Rural Residential Zone and amend 2006 Section 200 [2005 – Section 500] Definitions** to include "Greenway Land" and "Building Line". This offers development in the allowed zones to design future subdivisions with an emphasis on preservation of "open space" and "green space", while maintaining the same overall lot density of allowed development.

T. Hoopes – The guest speaker at the Lakes Region Planning Commission this last summer was a gentleman by the name of Randall Arrant who wrote this book, which the proposal is based on. I don't think we are ready for this yet, and there are too many questions that people have. I think this is something that is extremely positive for the town. I think we need to withdraw at this point.

Alan Sherwood – I appreciate the work you have done on it and I think it is generally a good idea. I think it needs some work to be tailored to this town.

**11. To adopt the reformatted 2006 Zoning Ordinance to replace the 2005 Zoning Ordinance.**

Reformatting allows for a more concise document without changing the content or meaning.

T. Hoopes – There is nothing new in this except for new numbering. It has been made user friendly. It is the exact same thing as the existing one, except all of the overlays have been moved to the back in the appendix, all the zoning things are in one location, all of the definitions are in one location. Although nothing has

changed, there still need to be a warrant article because it is reformatted. The only new thing is new numbers added to the index. If approved the old numbers will be taken out.

T. Hoopes – Any comments or questions or other input on anything else you have thought about questions for earlier things that we have discussed. At some point we will close the public meeting and go into deliberation and discuss how we want to vote on these individual things.

Chuck Weston – I think the Town should appreciate the amount of work that has been done by everyone and every committee.

T. Hoopes – We need volunteers to step forward and serve on committees who are willing to serve the town.

Muriel Stinson – Is there any ordinance that could be constructed here for appearances of property in the community? We have areas here where people could at least pick up a little.

T. Hoopes – I would have to say that this is something you have to address to the Selectmen so that we can get the Code Enforcement Officer to deal with those rules that we do have. We do have some rules but a lot of things can't be enforced if there is no one to do it. The Building Inspector can do just so much. There is no way that all the enforcement can be equalized throughout the town.

Alan Sherwood – is it health issue or public safety issue, if not it is very difficult to deal with.

T. Hoopes – I will close this part of the public hearing and we will go into debate on these 11 items as to what action we wish to take.

### **Adjournment**

Thomas C. Hoopes, Chairman

Respectfully Submitted,  
Jennifer Fortin  
Interim Secretary