

WESTMORLAND PLANNING BOARD

December 17, 2018

Meeting Minutes

Call to Order, Seating Members

Present: Lauren Bressett, Bruce Smith Jim Starkey, Steve Houle, Tim Thompson, Alison Fissette. Absent: Selectmen's Rep- Frank Reader.

Lauren called the meeting to order at 6:30 pm.

Review of Minutes of November 19, 2018

Tim Thompson stated under OLD Business third line where it reads Sections in *italic* have or should be deleted should read...Sections in **italic** were changed or deleted. Minutes will be corrected. Tim moved approval of the minutes with the stated correction. Seconded by Bruce Smith. All in favor, so moved.

New Business

It is with regret Steve Houle has submitted his resignation on the Planning Board. Steve has been a very active member and will be missed by the Board.

Thank you Steve for all the time you have committed to the Planning Board and work toward making Westmoreland a great town.

Lauren stated the Planning Board is interested in speaking with any townspeople who may wish to become a Planning Board member.

Old Business:

Westmoreland Alternate Energy Committee

The Alternate Energy Committee in November requested a meeting with the Planning Board on December 17, 2018 at 6:30 pm. David Wirth was the only representative of the Alternate Energy Committee attending this meeting. Mr. Wirth indicated they had looked at the Master Plan, the Master Plan survey and some other town ordinances. They did not meet with townspeople to get their views on alternate energy. The board was disappointed that the committee did not carry out the committee's charge that included "garner viewpoints from town residents across the spectrum through a variety of methods to determine the level of support for each alternative energy practice but appreciated the work the committee did. A discussion of the suggestions from the committee ensued. The board thanked Mr. Wirth for attending and sharing information.

Ordinances

The Board finalized draft ordinance changes that had been worked on this year. They also decided to add a solar section that addressed home and small installations. The proposed changes are attached. A hearing on ordinance changes will be set for our January 21, 2019 at 6:30 pm at the Town Hall. Notice will be advertised in the Keene Sentinel and posted on Town Bulletin Board, Post Office and on the Town Website.

Motion made by Jim Starkey to adjourn, seconded by Steve Houle. All in agreement.

Lauren Bressett closed the meeting at 8:40 pm.

Respectfully submitted,
Elaine Moore – Clerk

THESE ARE UNAPPROVED MINUTES TO BE APPROVED AT THE January 21, 2019 MEETING.

Proposed Changes to Westmoreland Zoning Ordinances

Explanation: Matter added to current ordinance appears in ***bold italics***.

Matter removed from current ordinance appears as a ~~strikethrough~~

Definitions

Agricultural ***and Forestry*** Use: Land containing at least two acres which is used for raising livestock or agricultural or forest products, including farm structures and the storage of agricultural equipment; riding and boarding stables; and as an accessory use, the sale of agricultural products raised on the property.

Alteration: Structural change, rearrangement, ~~and~~ change of location of a building, or addition to a building.

Recreation, Commercial: A recreation facility operated as a business and open to the public for a fee. ~~It shall include places of amusement such as bowling alleys, miniature golf courses and similar type establishments.~~

Recreation, Indoor: A recreation facility where the activity is operated primarily inside a building.

Recreation, Outdoor: A recreation facility where the activity is operated primarily outside of any building.

(delete as is covered by p 2 definition of Club, Private.)

~~Recreation, Private Outdoor: Includes yacht club, golf course, trap, skeet and archery range, swimming pool, skating rink, riding stable, park, lake and beach, tennis court, recreation stadium and skiing facility.~~

~~Recreation, Public Outdoor: Includes A publicly owned and operated ***recreation facility***. ~~playground, playfield, park, open space, and swimming pool.~~~~

Recreational Vehicle: A self-propelled or towed vehicle that is equipped to serve as temporary living quarters for recreational, camping, or travel purposes and is used solely as a family or personal conveyance. (NH RSA 259:84-a)

Retail Store ***or Services***: Includes enclosed restaurant, café, shop ~~and~~ ***or*** store for the sale of retail goods; ***or*** personal services ~~shop and department store~~; and shall exclude any drive-up service, free-standing retail stand, gasoline service and motor vehicle repair service, new and used car sales and service, trailer and mobile home sales and service.

~~Stable, Private: An accessory building in which horses are kept for private use and not for hire, remuneration or sale. (is included in agricultural use.)~~

Stable, ~~Public~~ ***Commercial***: A building in which any horses ~~or cows~~ are kept for remuneration, hire or sale.

SECTION 205 Construction Approved Prior to Adoption or Amendment to Regulations

Nothing contained in these Regulations shall require any change in plans or construction of a non-complying structure for which a building permit has been issued. ~~and which has been completed within one year from the effective date of these Regulations.~~

206 Non-Conforming Uses

The following provisions shall apply to all buildings and uses existing on the effective date of this Ordinance which do not conform to the requirements set forth in this Ordinance and to all buildings and uses that in the future do not conform by reason of any subsequent amendment to these Regulations. Any non-conforming use of structures or land except those specified below may be continued indefinitely, but

1. Shall not be moved, enlarged, altered, extended, reconstructed, or restored except by Special Exception by the Zoning Board of Adjustment using the criteria established herein for the consideration of Special Exceptions, and provided further that such enlargement, alteration, extension, reconstruction or restoration shall not increase the non-conforming use or size of the structure by more than 20 percent from the original building(s) foundation, and provided further with respect to setbacks, the enlargement, alteration, extension, reconstruction or restoration shall not encroach any further than the existing building into the setback area.
2. Shall not be changed to another non-conforming use ~~without approval~~ **except by Special Exception** by the Zoning Board of Adjustment, and then only to a use which, in the opinion of the Board, is of the same or of a more restricted nature.
3. Shall be re-established only ~~after approval~~ **by Special Exception** of the **Zoning** Board of Adjustment if such use has been discontinued for a period of six months, or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.
4. Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one year of such damage. If the restoration of such building is not ~~completed~~ **actively under construction** within one year, the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use is carried on without interruption in the undamaged part of the building.

SECTION 426 Roadside Agricultural Stands

Temporary roadside stands for the sale of agricultural or forestry products raised on the property may be erected in any district **as long as its location and parking does not create a public hazard**. ~~No stand shall be nearer the front or side lot lines than 20 feet. Off street parking space shall be provided for at least two motor vehicles.~~

SECTION 438.9 Performance Standards: Harmful Wastes

No permanent use shall cause wastes to be discharged into the sewer system, streams, ~~or~~ other bodies of water, **or neighboring properties**. Effluent disposal shall comply with the local and state ~~sewer~~ health standards.

452.1

2. Definition of Terms

“Recreational Vehicle” ~~means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be a self-propelled or permanently towable by a light duty truck, and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.~~ **Refer to Section 104 – Terms.**

_____ Photovoltaic Systems

The purpose of this section is to align with the master plan goal of preserving the town’s rural character while permitting photovoltaic technology as a renewable energy source.

Definitions

Photovoltaic System: *An active solar energy system that converts solar energy directly into electricity.*

:1 *Photovoltaic Systems are allowed as noted below.*

A All photovoltaic systems shall conform to applicable building, electrical, and fire codes and permits.

B Roof or building mounted systems are allowed in all zones.

C Ground mounted systems up to 50 panels are allowed in all zones.

TABLE 502 “C/I” – Commercial/Industrial

Permitted Uses

1. One-Family Dwelling must meet requirements of Areas & Dimensions as set forth in Table 505–Rural Residential.
2. Home Based Occupation

Allowed by Special Exception

1. Community Center/Private Club
2. Public Utility
3. Bank
4. Office
5. Places of public assembly, entertainment and recreation
6. Hotel/Motel
7. Gas station/Car wash
8. Drive-In Theater
9. Restaurant, Bar
10. Any business concerned primarily with the sale of new &/or used produce, products, goods and equipment
11. ~~Any retail or wholesale distribution service.~~ **Retail store or services**
12. ~~Any personal service.~~ **Agriculture and Forestry use**
13. Mortuary
14. Motor vehicle, mobile home, trailer, farm implement, contractor’s equipment sales & service.
15. Freight or trucking terminal
16. Commercial parking lot
17. Enclosed manufacturing industry
18. Enclosed warehouse or wholesale use
19. Mine, quarry, sand or gravel pit
20. Freight or trucking terminal
21. Animal hospital, clinic or kennel, provided that any structures for the housing of animals be at least 200’ from any residential property line
22. Accessory Use
23. Stables, ~~Private and Public~~ **Commercial**
24. Home Business
25. Other highway commercial uses, upon the finding by the Planning Board that such use is of the same general character as those permitted, and which will not be detrimental to the other uses within the district or to the adjoining land uses
- 26 **Commercial indoor recreation**
- 27 **Commercial outdoor recreation**

Areas and Dimensions

<u>Minimum Lot Size:</u>	2 acres	<u>Frontage:</u>	200’	<u>Depth:</u>	150’
<u>Minimum Yard Setback in Feet:</u>		Front Yard:	30’	Each Side Yard:	20’
<u>Maximum Lot Coverage in Percent:</u>				Rear:	20’
<u>Maximum Height in Feet:</u>			75%		
<u>General Regulations:</u>			35’		
			Site plan approval is required		

TABLE 503 “FR” - Forestry Residential

<u>Permitted Uses</u>	<u>Allowed by Special Exception</u>
1. Agricultural & Forest Uses	1. Public Utility
2. Wildlife Refuge	2. Stable, Public Commercial
3. Accessory Use	3. Professional Residence – Office
4. One-Family Dwelling	4. Home Business
5. Stable, Private	5. Public Outdoor Recreation
6. Home Based Occupation	6. Public Indoor Recreation
	7. Commercial Indoor Recreation
	8. Reservoir

<u>Areas and Dimensions</u>	
<u>Minimum Lot Size:</u> 10 acres	<u>Frontage:</u> 500’ <u>Depth:</u> 400’
<u>Minimum Yard Setback in Feet:</u>	Front Yard: 50’ Each Side Yard: 20’ Rear: 20’
<u>Maximum Lot Coverage in Percent:</u>	15%
<u>Maximum Building Height:</u>	35’ No height limit for agricultural use.

TABLE 504 “MDR” – Medium Density Residential

<u>Permitted Uses</u>	<u>Allowed by Special Exception</u>
1. Agricultural & Forest Uses	1. Public Utility Substation
2. One-Family Dwelling	2. Mobile Home Park
3. School	3. Home Business
4. Accessory Use	4. Stable, Private Commercial
5. Home Based Occupation	5. Professional Residence - Office
6. Mobile Home	6. Public Outdoor Recreation
	7. Commercial outdoor recreation
	8. Camping Area
	9. Religious Institution
	10. Two-Family Dwelling*

<u>Areas and Dimensions</u>	
<u>Minimum Lot Size:</u> 2 acres	<u>Frontage:</u> 300’ <u>Depth:</u> 200’
<u>Minimum Yard Setback in Feet:</u>	Front Yard: 50’ Each Side Yard: 20’ Rear: 20’
<u>Maximum Lot Coverage in Percent:</u>	15%
<u>Maximum Building Height:</u>	35’ or 3 stories, whichever is less. Accessory building – 15’
<u>General Regulations:</u>	Site plan approval is required for non-residential uses and two-family residences.

*Two-Family Dwelling units must provide 500’ frontage and 4 acres of land, and meet all other requirements.

TABLE 505 “RR” – Rural Residential

<u>Permitted Uses</u>	<u>Allowed by Special Exception</u>
1. One-Family Dwelling	1. Quarry
2. Agricultural and Forest Use	2. Mobile Home Park
3. Accessory Use	3. Stable, Public Commercial
4. Home Based Occupation	4. Professional Residence - Office
5. Mobile Home	5. Tourist Home &/or Boarding House
6. Stable, Private	6. Religious Institution
7. Wildlife Refuge	7. School
	8. Community Center
	9. Membership Club House
	10. Private Club

- 11. ~~Private Outdoor Recreation~~
- 12. Public Outdoor Recreation
- 13. Home Business

	<u>Areas and Dimensions</u>		
<u>Minimum Lot Size:</u>	5 acres	<u>Frontage:</u>	500'
<u>Minimum Yard Setback in Feet:</u>		<u>Depth:</u>	200'
<u>Maximum Lot Coverage in Percent:</u>		Front Yard: 50'	Each Side Yard: 20' Rear: 20'
<u>Maximum Building Height:</u>	35'		
<u>General Regulations:</u>	No height limit for agricultural uses Site plan approval is required for non-residential uses		

TABLE 506 “VC” – Village Center District

<u>Permitted Uses</u>	<u>Allowed by Special Exception</u>
1. One-Family Dwelling	1. Other neighborhood retail business upon the finding by the Planning Board that such use is of the same general character as those permitted, and which will not be detrimental to the other uses within the district or to the adjoining land uses
2. Two-Family Dwelling*	2. Home Business
3. Accessory Use	3. Multi-Family Dwelling*
4. School (Public)	4. Stable, private Agriculture and forestry use
5. Home Based Occupation	5. Retail store and services
	6. Religious Institution
	7. Community Center
	8. Private Club
	9. Membership Club House
	10. Mortuary, Funeral Home
	11. Parking
	12. Business Office
	13. Professional Residence – Office
	14. Public Outdoor Recreation
	15. Public indoor recreation
	16. Commercial indoor recreation

	<u>Areas and Dimensions</u>		
<u>Minimum Lot Size:</u>	1 acre	<u>Frontage:</u>	200'
<u>Minimum Yard Setback in Feet:</u>		<u>Depth:</u>	200'
<u>Maximum Lot Coverage in Percent:</u>	25%	Front Yard: 50'	Each Side Yard: 20' Rear: 20'
<u>Maximum Building Height:</u>	35'		
<u>General Regulations:</u>	Site plan approval is required for non-residential, two-family residential and multi-family residential uses. *Provided there is one (1) acre allowed for each dwelling unit		

Proposed Changes to Site Plan Review Checklist

Note – these just need review at public hearing then approval by Selectmen.

- Item J. Fees, # 2, **If applicable**, Have performance bonds or other securities been provided to the town?
- Item K Other, # 5, **If applicable, are** ~~is~~ base flood elevations indicated?