

# Proposed Amendments to the Town of Wilmot's Land Use Regulations

*Prepared by the Wilmot Planning Board for a public hearing to be held on Monday December 6<sup>th</sup>, 2010*

## **Driveway Regulations:**

Purpose: Include the Fire Chief and Police Chief in review of driveway permit applications.

- 1) Section 3 – Application/Approval Process (DWR-1)

Add to the second paragraph following the first sentence: “The Fire Chief and Police Chief shall review the application for public safety and emergency access and shall submit their findings and recommendations to the Road Agent or Board of Selectmen.”

## **Site Plan Review Regulations:**

Purpose: Update language on granting waivers to reflect changes to state law RSA 674:44, III(e)

- 1) Section IV – General Procedures, Item D, final paragraph (SPR-4)

Replace existing language with the following:

“Waivers may be granted for any portion of the regulations. The basis for any waiver granted by the Board shall be recorded in the minutes of the Board. The Board may only grant a waiver if the Board finds, by majority vote, that:

- 1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations;
- 2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.”

## **Subdivision Regulations:**

Purpose: Update definition of subdivision to include past subdivisions on the same tract of land.

- 1) Section III – Definitions (SBD-6)

Add the following language to the definition of subdivision: “If any of the land indicated on the plat of a proposed subdivision has been part of any previous subdivision, approved, constructed, or created by conveyance no more than twenty (20) years prior to the new proposal, then any such previous subdivision will be treated as part of the new proposal for purposes of analyzing its effect and apply all review criteria.”

Purpose: Remove differentiation of major, minor and technical subdivisions

- 1) Section III – Definitions (SBD-6)  
Remove definitions of Major Subdivision, Minor Subdivision and Technical Subdivision
- 2) Section V – Subdivision Review Procedures, A.1.4 Conceptual Review (SBD-8)  
Remove the phrase “Determining the proposal to be a major, minor or technical subdivision”
- 3) Section V – Subdivision Review Procedures, G.1 Expedited Review(SBD-11)  
Remove reference to minor and technical subdivisions from the expedited review process.
- 4) Section V – Subdivision Review Procedures, G.3 Expedited Review (SBD-11)  
Remove reference to minor and technical subdivisions from waiver of plat requirements.
- 5) Section V – Subdivision Review Procedures, H.3 Public Hearing (SBD-11)  
Remove reference to minor and technical subdivisions regarding public hearings.

Purpose: Update language to reflect new state law requiring notification of dam owners (RSA 676-4)

1) Section V – Subdivision Review Procedures, I.1 (SBD-11)

Add the following language: “For proposals near rivers and streams and downstream of a dam, notice is also required for the owners of the upstream dam and the Department of Environmental Services Dam Bureau.”

1) Section VI – Submission Requirements, B.5 (SBD-13)

Add the following language: “Names and addresses of upstream dam owners and the Department of Environmental Services Dam Bureau, if the proposal is near a river or stream and downstream of a dam.”

Purpose: Remove language on fee structure from text of subdivision regulations; instead, text will refer to the fee structure listed on the Application Fee Form.

1) Section V – Subdivision Review Procedures, J.2 Fees (SBD -12)

Replace existing language with “Application fees and abutter notification fees are due upon formal submission of the application. Recording fees are due upon the approval of the application. These fees are itemized on the Application Fee Form available at the Town Office and are payable by cash or check payable to the Town of Wilmot.”

Purpose: Establish lot configuration standards to discourage long, narrow lots inconsistent with the Master Plan goal to remain a “rural residential community with uncrowded and quiet living conditions.”

1) Section VII Subdivision Design Standards – A.1 Lots (pg. SBD-17)

Add the following text: “The depth of any lot shall be no more than four times its street frontage.”

Purpose: Update language on granting waivers to reflect changes to state law RSA 674:36, II(n)

1) Section XII – Administration, section D. Waivers, #2 (SBD-23)

Replace existing language with the following:

“2. Waivers may be granted for any portion of the regulations. The basis for any waiver granted by the Board shall be recorded in the minutes of the Board. The Board may only grant a waiver if the Board finds, by majority vote, that:

1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations;

2) Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.”

Purpose: Establish minimum criteria for acceptance of a newly created road by the Town.

- 1) Appendix A – Road Design Standards – create new Item 6. Acceptance of New Public Roads (pg. SBD-28)

Add the following text: “Sixty-five (65) percent of lots fronting on a newly created road within a subdivision shall have a permanent, occupied structure prior to consideration by the applicable town board for acceptance of the road.”

Purpose: Define “dead-end road” and the maximum length of a dead-end road to codify the maximum length of road based on current fire-fighting capacity.

- 2) Appendix A – Road Design Standards – Item 10. Dead-End Roads (pg. SBD-28)

Add the definition for a dead-end road as “A dead-end road has a single common ingress and egress from a road.”

Replace 10.b with “The maximum length of a dead-end road shall be fifteen hundred (1500) feet.”

### **Zoning Ordinance:**

Purpose: Protect waterbodies, watercourses, wetlands and steep slopes by removing these areas from lot density calculations in the Residential District. This would codify the Master Plan goals to “maximize protection of natural resources” and to “balance landowner rights and the public interest.”

- 1) Article III, Section VI (ZO-8)

Remove references to the Residential District from Item 2.

Add a new item after Item 2 with the following text:

“Calculation of Minimum Lot Size for Residential District:

“It is the intent of these regulations to limit development density on parcels in the Residential District on which sensitive features and critical natural resources are located. To achieve this intent, minimum lot size shall be calculated based upon the total amount of developable land area found on the pre-subdivision parcel. The developable area shall be determined by subtracting the area of waterbodies, watercourses, wetlands and steep slopes from the land area that can be counted toward the density calculations. The total developable area shall be based upon the formula described in Table 1.

“Determination of developable area only applies to the proposed creation of new lots or to the determination of density if more than one dwelling unit, other than an accessory unit, is desired on the lot. It does not apply to the use of pre-existing parcels for single or two family dwellings or other nonresidential uses that otherwise meet the minimum requirements of the zoning ordinance.

“Buildings lots for a single family dwelling unit or other allowed use in the Residential District shall contain a minimum of two (2) acres of developable area. For two-family and multifamily dwellings (not to include accessory dwelling units), an additional one (1) acre of developable area will be required per additional dwelling unit. All dwelling units will require a building permit from the Board

of Selectmen. Multi-family dwelling units will require site plan review by the Planning Board in addition to a building permit.

**Table 1: Determination of Developable Area**

Physical Features on the Parcel	Developable Area Adjustment*	Example for 100-Acre Parcel
Water Courses and Waterbodies	Deduct 100%	1 acre pond (1 acre removed from developable area)
Wetlands	Deduct 100%	6 acres wetlands (6 acres removed from developable area)
Steep Slopes	Deduct 100%	5 acres steep slopes (5 acres removed from developable area)
All Other Land	no deduction	88 acres of other land (0 acres removed from developable area)
TOTAL FOR EXAMPLE PARCEL		88 acres of developable area

*\* In instances where two or more features overlap, the deduction is only made once for a given portion of the lot."*

2) Article XIII – Definitions (ZO -23, 24)

Add the following definitions of steep slopes, waterbody, watercourse and wetlands.

- a. Steep Slopes: Areas with greater than 25% slope over elevation changes greater than 20 feet
- b. Waterbody: Any permanent collection of water, either natural or artificial in origin, including lakes, ponds and impoundments.
- c. Watercourse: Any natural or artificial stream, river, creek, ditch, channel, or waterway in which water flows continuously in a definite direction or course and has a definite channel, bed and banks.
- d. Wetlands: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Purpose: Clarify language regarding buffer strip requirements in Cluster Subdivision regulations

1) Article VII, Section IV (ZO-13)

Replace the phrases “new landscaping” and “landscaping buffer” with the phrase “vegetative screening.”

Purpose: Protect the water, wildlife and historic resources of Kimpton Brook through an Overlay District. This would codify the Master Plan goals to “maximize protection of natural resources.”

1) Establish Article XVIII: Kimpton Brook Conservation Overlay District as follows:

Purpose: The purpose of this overlay is to protect the public health, safety and general welfare by guiding the use of land areas proximate to Kimpton Brook in Wilmot. It is the intent that this article shall:

1. Protect sensitive water resources, wetland areas, and wildlife habitat along Kimpton Brook;
2. Protect historic mill sites along Kimpton Brook;
3. Preserve and enhance the aesthetic values associated with Kimpton Brook;
4. Prevent damage to structures and properties caused by inappropriate development on the streambanks of Kimpton Brook.

Applicability: The special regulations of this overlay district are in addition to the regulations of the underlying zoning district.

Overlay District Boundaries: The Kimpton Brook Overlay District extends 100-feet from the normal high-water mark of Kimpton Brook along its course from the western town boundary of Wilmot to the eastern town boundary of Wilmot.

Structure Setback: Structures and parking areas shall be set back 100 feet from the normal high water mark of Kimpton Brook. Culverts, bridges and other stream crossing structures and roads, driveways, and utilities are exempt from the 100-ft setback. No more than one (1) driveway access crossing Kimpton Brook shall be permitted per existing lot of record.

Natural Buffer: Within 100-feet of the normal high water mark of Kimpton Brook, existing natural vegetation shall be maintained as a buffer where possible.