

PROPOSED AMENDMENT NO. 2 FOR PUBLIC HEARING JANUARY 17, 2019

Proposed Amendment No. 2 would replace “Commercial Use” as a use allowed by Special Exception with two new more specific categories of commercial uses, “Recreation Business” and “Property Management or Property Maintenance Business.” This includes changes to several sections of the Zoning Ordinance as follows:

In Section 303 Special Exception Use, the following language would be **deleted**:

Commercial Use (this use is available on any lot in the Mountain Lakes District which has not been restricted by the property covenants to a single family dwelling.)

And the following two items would be **added**:

Recreation Business

Property management or property maintenance business, such as landscaping or rental agent

In Article 7 Commercial Use, the following language would be **added**:

The intent of allowing certain types of businesses which meet the Special Exception criteria, standards listed below, and other provisions of the Ordinance, is to allow low impact recreational and property management and maintenance businesses that augment and are consistent with the single family home character of the community as provided for in the Master Plan.

And the following transitional heading would be **added** below:

Section 702 Additional Special Exception Standards

In Section 802 Terms and Use Definitions, the definition of “Commercial” would be changed.

Current definition:

An operation of a commercial nature limited to business and professional offices and/or personal services which include barber, hairdresser, beauty parlor, shoe repair, photographic studio and other similar businesses that primarily provide services not goods to customers.

Proposed new definition:

Low impact recreational business or property management or maintenance business which does not meet the criteria for a home occupation, but augments and is consistent with the single family home character of the community as provided for in the Master Plan.

In addition, the new term “Recreation Business” would be added and defined as follows:

A low impact recreational business consistent with the single family home character of Mountain Lakes District serving primarily Mountain Lakes homeowners and renters and their guests. May include food service or retail if accessory to primary use.

PROPOSED AMENDMENT NO. 3 FOR PUBLIC HEARING JANUARY 17, 2019

Proposed Amendment No. 3 would **add** the following language to Section 303 Area and Dimensions to provide additional protection for the Lakes and Waterman Brook:

Setback from the lakes and perennial streams 50 feet

PROPOSED AMENDMENT NO. 4 FOR PUBLIC HEARING JANUARY 17, 2019

Proposed Amendment No. 4 would **delete** existing section 702.7 which reads:

All exterior lighting shall be installed so as not to spill over onto any abutting lot.

And **add** the following new section after the existing Section 405 Motor Vehicle Storage and renumber subsequent sections accordingly.

Outdoor Lighting

- xxx.1 Statement of Need and Purpose – The benefits of good outdoor lighting are increased safety, energy efficiency; enhancement of the District’s evening character; reduced light pollution and improved security. New technologies have created extremely powerful lights which can inadvertently lead to excessive glare, light trespass and higher energy use. Concerns resulting from excessive glare and light trespass include safety issues, loss of privacy and increased energy costs for everyone. The goal of this lighting ordinance is to recognize the benefits of outdoor lighting and provide clear guidelines for its installation. Appropriately regulated and properly installed, outdoor lighting will maintain and complement the character of Mountain Lakes District and contribute to the safety and welfare of the residents and visitors.
- xxx.2 Regulations – All public and private outdoor lighting installed in Mountain Lakes District shall be in conformance with the following requirements:
- A. Any luminaire with a lamp or lamps rated at a total of MORE than 1800 lumens shall be fully-shielded so as to produce no light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.
 - B. Any luminaire with a lamp or lamps rated at a total of more than 1800 lumens, and all flood or spot lights with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (D/3)$ where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire shall not exceed 20 feet.
 - C. Any luminaire with a lamp or lamps rated at 1800 lumens or less, and all flood or spot lights with a lamp or lamps rated at 900 lumens or less, may be used without restriction to light distribution or mounting height, except that, to prevent light trespass and glare, if any spot or flood luminaire is aimed, directed, or focused so as to cause light trespass to be a nuisance for neighboring properties, or to create glare for persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output reduced or shielded as necessary to eliminate such conditions.
 - D. Moving, fluttering, blinking or flashing lights shall be prohibited.
- xxx.3 Exceptions
- A. All temporary lighting required for construction projects, related to road construction and repair, installation of sewer and water facilities, and other public infrastructure.

PROPOSED AMENDMENT NO. 4 FOR PUBLIC HEARING JANUARY 17, 2019

- B. All temporary emergency lighting needed by the police or fire departments or other emergency services, as well as all vehicular luminaires.
- C. All hazard warning luminaires required by Federal regulatory agencies, except that all luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
- D. Seasonal holiday lighting and illumination of flags, providing that such lighting does not produce glare or light trespass on neighboring residential properties.
- E. Properties that share a driveway or other access way or have adjoining parking areas may have light trespass over the shared property line subject to agreement of all parties. Such agreement shall be in writing and filed with the District Office.

xxx.4. Conditional Use Permits for Lighting

The Planning Board may issue a Conditional Use Permit for outdoor recreation facility lighting that is not in conformance with Section 3. Appropriate conditions may be required to minimize glare and light trespass.

xxx.5 Temporary Outdoor Lighting

Nonconforming temporary outdoor lighting may be permitted by the Commissioners or their designee after considering the following:

- A. The public and/or private benefits that will result from the temporary lighting any annoyance or safety problems that may result from the use of the temporary lighting, and
- B. The duration of the temporary nonconforming lighting.

The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Commissioners or their designee, who shall render a decision on the temporary lighting request within two weeks.

xxx.6 Nonconforming Luminaires

Except for those causing a public safety hazard or public or private nuisance, all luminaires lawfully in place prior to the date of the section or any amendments thereto may be continued. However, any luminaire that replaces a nonconforming luminaire must meet the standards of this section.

The following definitions would be **added** to Section 802 Terms and Use Definitions:

Fixture – The assembly that houses the lamp or lamps and can include all or some of the following parts: A housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flood or Spot Light – Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed mean in a particular direction.

Glare – Light emitting from a luminaire with intensity great enough to reduce a viewer’s ability to see, and in extreme cases causing momentary blindness.

PROPOSED AMENDMENT NO. 4 FOR PUBLIC HEARING JANUARY 17, 2019

Lamp – The component of a luminaire that produces the actual light.

Light Trespass – The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Lumen – (A unit of luminous flux.) One foot-candle is one lumen per square foot. For the purposes of this Ordinance, the lumen output values shall be the INITIAL lumen output ratings of a lamp.

Luminaire – This is a complete lighting system, and includes a lamp or lamps and a fixture.

Outdoor Lighting – The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Temporary Outdoor Lighting – The specific illumination of an outside area or object by any manmade device located outdoors that produces light by any means for a period of less than 30 days, with at least 180 days passing before being used again.

PROPOSED AMENDMENT NO. 5 FOR PUBLIC HEARING JANUARY 17, 2019

Proposed Amendment No. 5 would **add** the following new section to be part of new ARTICLE IV OVERLAY DISTRICTS. Subsequent Articles to be renumbered accordingly.

Section 40x Shoreland Protection Overlay District

40x.1 Purpose

The purpose of the Shoreland Protection Overlay District is to establish regulations for the design of riparian buffers to protect the flowing streams and surface water bodies of Mountain Lakes District to protect the water quality of these resources; to protect Mountain Lakes' riparian and aquatic ecosystems; and to provide for the environmentally sound use of the District's land resources.

40x.2 Findings

Mountain Lakes District finds that shoreland protection and riparian buffers adjacent to flowing waters and surface water bodies provide numerous environmental benefits. Shoreland forested buffers serve to:

- A. Restore and maintain the chemical, physical and biological integrity of the water resources;
- B. Provide infiltration of stormwater runoff;
- C. Remove pollutants delivered in stormwater runoff;
- D. Reduce erosion and control sedimentation;
- E. Stabilize lake and stream banks;
- F. Maintain base flow of streams;
- G. Contribute food and habitat for the aquatic ecosystem;
- H. Moderate the temperature of near shore waters
- I. Provide and enhance terrestrial wildlife habitat; and,
- J. Enhance scenic value and recreational opportunities

40x.3 Applicability

The Shoreland Protection Overlay District is an overlay district superimposed over the existing conventional zoning district of Mountain Lakes District. It includes within its boundary all lands within 10 feet of the ordinary high water mark of all streams 2nd order or higher, and all lands within 25 feet from Upper Mountain Lake and Lower Mountain Lake, measured from the reference line.

40x.4 Prohibited

Within the Shoreland Protection Overlay District there shall be no structures constructed

PROPOSED AMENDMENT NO. 5 FOR PUBLIC HEARING JANUARY 17, 2019

or placed and no removal of vegetation except as otherwise provided for below.

40x.5 Permitted

1. A property owner may remove, or may have removed, any dead, diseased, or unsafe trees, limbs, saplings, or shrubs from the waterfront buffer subject to the following conditions:
 - a. Prevent damage to surrounding healthy trees, limbs, saplings, and shrubs;
 - b. Minimize damage to ground cover;
 - c. Prevent soil erosion and sedimentation to the water body;
2. Normal trimming, pruning, and thinning of branches to the extent necessary to maintain the health of the planted area as well to protect structures, maintain clearances, and provide views is permitted provided such activity does not endanger the health of the plant.
3. A water dependent structure, meaning one which is a dock, wharf, pier, breakwater, or other similar structure, or any part thereof, built over, on, or in the waters of the state, may be constructed as approved by NHDES.
4. Hydroelectric facilities, including, but not limited to, dams, dikes, penstocks, and powerhouses, shall be recognized as water dependent, and may be constructed as permitted by NHDES.
5. Public utility lines and associated structures and facilities, public roads, and public water access facilities including boat ramps may be constructed as permitted by NHDES.
6. Public water supply facilities, including water supply intakes, pipes, water treatment facilities, pump stations, and disinfection stations may be constructed as permitted by NHDES.
7. Sewage treatment facilities may be constructed as permitted by NHDES.
8. A permanent 6-foot wide foot path as well as access to any docks, beaches, structures, existing open areas, and the water body, configured in a manner that will not concentrate storm water runoff or contribute to erosion, are allowed.
9. Stream crossings necessary for forest management, including the transportation of forest products, in conformance with NHDES regulations and ***Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire*** (NH DNCR, latest edition).
10. Owners of lots and holders of easements on lots that were legally developed prior to the adoption of this amendment may maintain but not enlarge cleared areas, including but not limited to existing lawns, gardens, landscaped areas, beaches,

PROPOSED AMENDMENT NO. 5 FOR PUBLIC HEARING JANUARY 17, 2019

and rights-of-way for public utilities, public transportation, and public access, and may repair existing utility structures within the waterfront buffer. Conversion to or planting of cleared areas with non-invasive species of ground cover, shrubs, saplings, and trees is encouraged but shall not be required

40x.6 Additional Requirements

- A. Within the Shoreland Protection Overlay District all of the following additional prohibitions and limitations shall apply:
1. No chemicals, including pesticides or herbicides of any kind, shall be applied to ground, turf, or established vegetation except if applied by horticultural professionals who have a pesticide application license issued by the department of agriculture or as allowed under special permit issued by the division of pesticide control under rules adopted by the pesticide control board under RSA 541-A, or fertilizers of any kind except those specified in RSA 483-B:9, II(d).
 2. Rocks and stumps and their root systems shall be left intact in the ground unless removal is specifically approved by NHDES in conjunction with a permitted use.
 3. No natural ground cover shall be removed except as necessary for construction of a permitted use or for normal maintenance of a lawfully existing clearing or structure.

The following definitions to be **added** to Section 802 Terms and Use Definitions:

Ground cover: Any herbaceous plant or any woody seedling or shrub generally less than 3 feet in height. Ground cover shall not include lawns, landscaped areas, gardens, invasive species as listed by the department of agriculture, markets, and food in accordance with RSA 430:53, III, exotic species as designated by rule of the department of environmental services in accordance with RSA 487:24, VII, imported organic or stone mulches, or other artificial materials.

Natural woodland: A forested area consisting of various species of trees, saplings, shrubs, and ground covers in any combination and at any stage of growth.

Ordinary high water mark: The line on the shore, running parallel to the main stem of the river, established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Reference line: The water surface elevation established by NHDES, 774 feet for Lower Mountain Lake and 775.6 for Upper Mountain Lake.

PROPOSED AMENDMENT NO. 5 FOR PUBLIC HEARING JANUARY 17, 2019

Stream order: Shall be determined using the New Hampshire hydrography dataset archived by the geographically referenced analysis and information transfer system (GRANIT) at the Complex Systems Research Center of the University of New Hampshire, and developed by GRANIT in collaboration with the Department of Environmental Services.

PROPOSED AMENDMENT NO. 6 FOR PUBLIC HEARING JANUARY 17, 2019

Proposed Amendment No. 6 would **add** the following new section to be part of new ARTICLE IV OVERLAY DISTRICTS. Subsequent Articles to be renumbered accordingly.

Section 40x Steep Slope Overlay District

40x.1 Purpose

The purpose of the Steep Slope Overlay District is to reduce damage to streams and lakes from the consequences of excessive and improper construction, erosion, stormwater runoff, or effluent from improperly sited sewage disposal systems, and to preserve the natural topography, drainage patterns, vegetative cover, scenic views, wildlife habitats, and to protect unique natural areas.

40x.2 Applicability

This ordinance shall apply to all areas with a slope greater than 15 percent, as identified on the latest Natural Resource Conservation Service Soil Survey for Grafton County, or, if provided by the applicant, a plan prepared by a surveyor licensed in NH.

40x.3. Performance Standards

No development in the Steep Slope Overlay District which will result in a site disturbance of greater than 5,000 square feet may be commenced without a Conditional Use Permit. Prior to issuance of the permit, a grading, erosion control and stormwater management plan must be submitted to the Planning Board documenting that the following conditions will be met:

- A. The proposed development will be fitted to the topography and soils so as to create the least erosion and sedimentation possible, including, but not limited to:
 - 1. Final grades of disturbed areas, including those resulting from cut and fill, shall not result in a slope steeper than 2:1 (horizontal: vertical) ratio.
 - 2. No section of any driveway may exceed a 10 percent slope.
 - 3. No structure shall be built on an extremely steep slope (greater than 25 percent prior to site disturbance).
- B. The timing, method and area of stripping of vegetation, regrading, and other development activities shall be done in such a way that will minimize erosion and sedimentation, including, but not limited to:
 - 1. Whenever practicable, natural vegetation shall be retained, protected, and supplemented.
 - 2. The smallest practical area of land should be exposed at any one time during development.
 - 3. When land is exposed during development, the exposure shall be kept to the shortest practical time period.
 - 4. Land should not be exposed during the winter months.

PROPOSED AMENDMENT NO. 6 FOR PUBLIC HEARING JANUARY 17, 2019

- C. All stormwater measures in the plan shall adhere to Volumes 1,2 and 3 of the *New Hampshire Stormwater Manual*, current edition, published by NHDES, to the extent practicable.
- D. Post-development stormwater runoff volume, velocity, and pollutant loading at the downhill property line shall be equal to or lower when compared with pre-development conditions.

The following definitions to be **added** to Section 802 Terms and Use Definitions:

Erosion: The wearing away of the ground surface as a result of the movement of wind, water, ice, and/or land disturbance activities.

Sedimentation: The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse or wetland.

Slope: The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees; rise over run.

Vegetative Cover: Grasses, shrubs, trees, and other vegetation which hold and stabilize soils.

PROPOSED AMENDMENT NO. 7 FOR PUBLIC HEARING JANUARY 17, 2019

Proposed Amendment No. 7 would **add** the following new section to be part of new ARTICLE IV OVERLAY DISTRICTS. Subsequent Articles to be renumbered accordingly.

Section 40x Wetland Conservation Overlay District

40x.1 Purpose

The purpose of the Wetlands Conservation Overlay District is to protect the public health, safety and general welfare by promoting the most appropriate use of land and the protection of wetland ecosystems and water quality in accordance with the goals and objectives of the master plan.

40x.2 Findings

The wetlands and buffers in Mountain Lakes District are a valuable natural resource requiring careful management to maintain their usefulness to public health, safety and welfare. Mountain Lakes District finds that wetlands and buffers:

- A. Prevent the destruction of, or significant changes to, those wetland areas, related water bodies and adjoining land which provide flood protection.
- B. Protect persons and property against the hazards of flood inundation by ensuring the continuation of the natural flow patterns of streams and other watercourses.
- C. Provide for nutrient attenuation and augmentation of stream flow during dry periods.
- D. Preserve and protect important wildlife habitat and maintain ecological balance.
- E. Prevent the expenditure of municipal funds for the purposes of providing and/or maintaining essential services and utilities which might be required as a result of abuse or inharmonious use of wetlands.
- F. Protect the wetlands, watercourses, surface and groundwater supplies and waterbodies of the District from degradation.
- G. Preserve and enhance those aesthetic values associated with the Wetlands Conservation Overlay District.

40x.3 Applicability

All proposed development, removal of vegetation, and alteration of the land surface within the Wetlands Conservation Overlay District is subject to these regulations.

PROPOSED AMENDMENT NO. 7 FOR PUBLIC HEARING JANUARY 17, 2019

40x.4 Boundaries

- A. The Wetlands Conservation Overlay District includes:
 - 1. Wetlands of any size as shown on the latest USFWS National Wetlands Inventory.
 - 2. Buffers 50 feet wide around wetlands of any size adjacent to open water, and all other wetlands over 40,000 square feet.
- B. Wetlands constructed for stormwater treatment, agricultural use, waste treatment or other such purpose are exempt from the provisions of the Wetlands Conservation Overlay District.
- C. Boundary Disputes. When a boundary of the Wetlands Conservation Overlay District is disputed by either the Planning Board or an applicant, the Planning Board, at the applicant's request and the applicant's expense, may engage an independent certified wetlands scientist to determine the location of the Wetland Conservation Overlay District limit on the properties affected. The delineation shall be consistent with DES Wetlands Bureau Rules, as amended. The completion of a New England District Wetland Delineation Datasheet (US Army Corps of Engineers, 2000) by the certified wetland scientist can provide the appropriate level of documentation to address questions about the delineation. The Planning Board shall make the final determination of the wetlands limit based on its consultant's report. The Wetlands Conservation Overlay District Map shall be amended to incorporate the results of any such studies.

40x.5 Permitted Uses

The uses listed below are presumed to be consistent with the protection of wetland functions and values when in accord with the following and so are allowed in the Wetlands Conservation Overlay District without a Conditional Use Permit. These uses will not:

- A. Require the erection or construction of any structure.
- B. Alter the natural surface configuration by re-contouring or grading of the land.
- C. Involve filling, dredging, or draining of the wetland.
- D. Change the flow of water.
- E. Result in the pollution of the wetlands, surface water, or groundwater.
- F. Involve substantial clearing of vegetation, except for the purposes of agriculture or forest management in accord with current best

PROPOSED AMENDMENT NO. 7 FOR PUBLIC HEARING JANUARY 17, 2019

management practices.

Permitted uses include:

1. Passive recreation such as hiking, fishing, hunting on foot, non-motorized boating.
2. Wildlife or fisheries management.
3. Scientific research and educational activities.
4. Agriculture in the wetland buffer, consistent with best management practices published by the NH Department of Agriculture, Markets and Food.
5. Forest management in the wetland buffer, consistent with best management practices published by the NH Department of Resources and Economic Development and UNH Cooperative Extension.

40x.6 Prohibited Uses

The following uses may not be established or expanded within the Wetlands Conservation Overlay District:

1. Structures, except as provided in Section 40x.7, Conditional Uses.
2. Use of fertilizer on lawns, except lime or wood ash.
3. Bulk storage or handling of chemicals, petroleum products or hazardous materials.
4. Sand and gravel excavations.
5. Impervious surfaces, unless associated with a use approved as a Conditional Use.
6. Activities which result in soil compaction such as parking vehicles or heavy equipment, unless associated with a use approved as a Conditional Use.
7. Underground tanks.

40x.7 Conditional Uses

All activities in the Wetland Conservation Overlay District not listed in Section 40x.5, Permitted Uses, above are presumed to impair the wetland functions and values unless proven otherwise by the applicant as provided below. The following uses may be granted a Conditional Use Permit by the Planning Board:

1. Accessory structures in the wetland buffer associated with legally preexisting primary structures if it is demonstrated that no practicable alternative exists elsewhere on the lot.
2. One principal building in the wetland buffer on a preexisting lot of record

PROPOSED AMENDMENT NO. 7 FOR PUBLIC HEARING JANUARY 17, 2019

with inadequate developable land outside the wetland buffer. When locating the structure outside the wetland buffer is not possible, the structure should be sited to maximize the distance from the wetland.

3. The construction, repair, or maintenance of streets, roads, and other access ways, including driveways, footpaths, bridges, and utility right of way easements including power lines and pipe lines, if essential to the productive use of land adjacent to the Wetlands Conservation Overlay District. These uses shall be located and constructed in such a way as to minimize any detrimental impact upon the wetlands and consistent with state recommended design standards (see Fish and Game Department 2008), and only if no viable alternative is available.
4. Agricultural activities consistent with best management practices as published by the NH Department of Agriculture Markets and Food.
5. Forestry activities consistent with best management practices as published by the NH Department of Resources and Economic Development and NH Cooperative Extension. As specified in Logging Operations (Env-Wt 304.05), all skid trails, truck roads and log landings shall be located 50 feet from streams or ponds and designed using appropriate erosion control devices. Stream and wetlands crossings shall be kept to a minimum in size and number.
6. Water impoundments for the purpose of creating a waterbody for wildlife, fire safety, or recreational uses. Conditional Use Permits may be granted for impoundments for on-site detention of stormwater runoff in buffers only.
7. Other uses that the applicant proves will not interfere with the wetlands functions and values, water quality or value as wildlife habitat, pursuant to Section 40x.2, Findings.

40x.8 Nonconforming Uses

The Zoning Board of Adjustment may grant a Special Exception for the expansion or replacement of a nonconforming use or structure in the wetland buffer provided that the encroachment upon the wetland is not increased and review by the Planning Board finds that any potential increased impact upon the wetland functions will be mitigated.

40x.9 Conditional Use Permit

- A. Application for a Conditional Use Permit shall be made on forms supplied by the Planning Board and shall include a site plan containing the following information on one or more sheets at a scale of 1 inch = 100 feet or larger, and a report demonstrating compliance with the requirements listed below in Section 40x.9.B:

1. North arrow and date.

PROPOSED AMENDMENT NO. 7 FOR PUBLIC HEARING JANUARY 17, 2019

2. Property lines.
 3. Locus map showing adjacent wetlands and other significant hydrological features.
 4. Names and addresses of abutting property owners and holders of conservation restrictions and easements.
 5. Wetland limit and wetland buffer.
 6. Soil types.
 7. Vegetation types.
 8. Topographic contours at no greater than 5 foot intervals.
 9. Surface drainage patterns, intermittent and year-round.
 10. Existing and proposed development, removal of vegetation, and alteration of the land surface.
 11. Computation of the area to be impacted, in square feet of surface area and cubic yards of cut and fill.
 12. Stormwater management proposed during and after construction.
- B. The Planning Board shall consider all relevant facts and circumstances in making its decision on any application for a permit and shall make findings that the project is both consistent with the purposes of this ordinance and appears to minimize impacts to the wetland and buffers, including but not limited to the following:
1. The proposed activity minimizes the degradation to, or loss of, wetlands and wetland buffers, and compensates for any adverse impact to the functions and values of wetlands and wetland buffers, including but not limited to the capacity of the wetland to:
 - a. Support fish and wildlife
 - b. Prevent flooding
 - c. Supply and protect surface and ground waters
 - d. Control sediment
 - e. Control pollution
 - f. Support wetland vegetation
 - g. Promote public health and safety
 - h. Moderate fluctuations in surface water levels.
 2. The proposed activity will have no negative environmental impact to abutting or downstream property and/or hydrologically connected water and/or wetland resources, including:
 - a. Erosion
 - b. Siltation

PROPOSED AMENDMENT NO. 7 FOR PUBLIC HEARING JANUARY 17, 2019

- c. Turbidity
 - d. Loss of fish and wildlife
 - e. Loss of unique habitat having demonstrable natural, scientific, or educational value
 - f. Loss or decrease of beneficial aquatic organisms and wetland plants.
 - g. Dangers of flooding and pollution.
 - h. Destruction of the economic, aesthetic, recreational and other public and private uses and values of the wetlands to the community.
3. The proposed activity or use cannot practicably be located otherwise on the site to eliminate or reduce the impact to the wetland or its buffer.
 4. The proposed activity utilizes applicable best management practices.
 5. Federal and/or state permit(s) have been received for the proposed activity in accordance with N.H. Administrative Rules Env-Wt 100-800 and the Federal Clean Water Act Section 404 Permit.
 6. Where applicable, proof of compliance with all other state and/or federal regulations has been received.
- C. The Planning Board, in acting on an application for a conditional use permit in the Wetlands Conservation Overlay District, may attach conditions to its approval including but not limited to requirements for more extensive buffers, additional plantings in areas to be revegetated, performance guarantees, and a reduction in proposed impervious surfaces.

xxx.10 Identification of Buffer

The entire length of the upland limit of the wetland buffer shall be marked with highly visible construction tape prior to, and maintained for the full duration of, any construction-related activities.

The following definitions to be **added** to Section 802 Terms and Use Definitions:

Adjacent: Bordering, contiguous, or neighboring. The term includes wetlands that directly connect to other Surface Waters of the State, or that are in reasonable proximity to these waters, but physically separated from them by man-made dikes or barriers, natural river berms, beach dunes, and similar obstructions.

Buffer: The protected upland areas adjacent to wetlands and surface waters in the Wetlands Conservation Overlay District.

Certified Wetland Scientist: A person qualified to delineate wetland boundaries

PROPOSED AMENDMENT NO. 7 FOR PUBLIC HEARING JANUARY 17, 2019

and prepare wetland maps who is certified by the State of New Hampshire Board of Natural Scientists, as defined by RSA 310-A:76, II-a.

Development: Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, excavation or drilling activities.

Surface Waters of the State: Pursuant to RSA 485-A:2.XIV, perennial and seasonal streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses, and other bodies of water, natural or artificial.

Wetland: Pursuant to RSA 482-A:2.X, an area that is inundated or saturated by surface 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.

PROPOSED AMENDMENT NO. 8 FOR PUBLIC HEARING JANUARY 17, 2019

Amendment No. 8 would make two changes to dimensional requirements: Part 1. Add a road frontage requirement to Section 303, and Part 2. Change the front setbacks in Section 303 and how they are measured in Section 307.

Part 1.

Section 303. Area and Dimensions Currently contains the following language:

Minimum road frontage Existing lot of record

This amendment proposes **replacing** this language with the following:

Minimum road frontage 80 feet, 50 feet if on cul-de-sac

Part 2.

Section 303 currently requires a front setback for the numbered sections of 20 ft. and for the named sections 50 ft. Section 307 currently provides for front setbacks to be measured from the front lot line if known, or from the centerline of the road if not known, with 25 ft. added to account for the road right-of-way. This amendment would make the front setback 65 ft. for all lots, measured from the centerline of the road as constructed.

In Section 303:

The following table would be **deleted**:

SECTION	FRONT SETBACK
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1,2,3,4,5,6	20 FT
HIGHVIEW	50 FT
GATEWAY	50 FT
WOODSMERE	50 FT
SKIWAY	50 FT
CRESTFIELD	50 FT
KINSMERE	50 FT

The following text would be **added**:

Front setback 65 feet

Section 307.2 C.

Now reads:

Measure of Front Yard. The front yard requirement shall be measured from the street right-of-way, if known. If not known, then 25 feet shall be added to the required front yard and measured from the center line of the existing traveled way of the street.

PROPOSED AMENDMENT NO. 8 FOR PUBLIC HEARING JANUARY 17, 2019

With Amendment No. 8 Section 307.2 C. would be **replaced** with this language:

Measure of Front Setback. The front setback requirement shall be measured from the center line of the existing traveled way of the street.