MEMBERS PRESENT: Chairman Mike Curley, Vice-Chair George Helwig, Michelle Jackson, Bob Sharon, Katherine Dawson, Sandy Plessner

OTHERS PRESENT:
Christina Gloddy                                   Melissa MacLennan
Eliza Leadbeater                                   Don Hebert
Leif Traffie                                            Bill Norton
Al Traffie                                              Patricia Sawicki
Bill Seed                                               Joe Plessner

AGENDA:

6:30 PM           Call to order

Minutes of December 14, 2005
Correspondence & any other business

6:35 PM           Public Hearing for petitions.

Petitions received include:
Petition #1; “Are you in favor of re-zoning property known as Tax Map R-22 Lots 16, 73A, 73B, & 73C (said area generally located between US Rt.
3, Johns Manville Road and the Winnipesaukee River) from Industrial to a newly created Mixed Use-II Zoning District?”

Petition #2; “Are you in favor of amending the Tilton Zoning Ordinance to create a new zoning district entitled Mixed Use-II (MU-II) which will be designed to accommodate a variety of residential, retail, institutional, recreational and
service uses in an integrated, planned, village-like setting, where water and sewer service is available?"

6:45 PM First Public Hearing for proposed zoning changes to be voted on at the March 2005 Town Meeting. A complete list of the proposed zoning changes are available at the Town Hall during normal business hours.

Changes and additions include but are not limited to: Remove Article 9.2 as it is a conflict with the density regulations approved in 2004. Article 9.2 reads: “In a single residence district, nothing herein shall prevent any dwelling existing at the time this ordinance is adopted and having a volume above the first floor, exclusive of porches exceeding 25,000 cubic feet, being altered to provide for and being used for two families providing it is not enlarged in volume.”

Change 3.2.2 to read, “No person, firm, or corporation shall remove earth from the Rural Agricultural, Downtown, Regional Commercial, Resort Commercial, General Commercial, or Industrial Park Districts within the Town of Tilton without a special permit issued by the Zoning Board of Adjustment. The Zoning Board of Adjustment shall make its determination to issue said permit and may set such restrictions as are just and in the best interest of the Town of Tilton. Topsoil or loam purchased from another locality and brought into the Town of Tilton, for the purposed of resale is permitted, however, proof of such transactions may be required by the Zoning Board of Adjustment.”

CHART OF PERMITTED USES:

ARTICLE VI, A. RESIDENTIAL, #6: In order to conserve open space, permit Cluster Development in the Resort Commercial District. (RC)

ZONING REGULATIONS:

In Article 14, “Wetlands Conservation District”, completely re-write the existing ordinance relating to the Wetlands Conservation District (Article 14), in order to bring Article 14 up to date with State Standards. Some of the highlights include:

1. Chart listing permitted, conditional use permit and
not permitted uses.

2. Standards for granting conditional use permits.

3. Applications and review procedures.

4. Wetlands Conservation district is defined as an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal conditions does support, a prevalence of vegetation typically adapted for like in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs and similar areas.

COMPLETE TEXT OF ZONING CHANGES AND PETITIONS ARE AVAILABLE FOR READING AT THE TOWN HALL DURING NORMAL BUSINESS HOURS. (8:15 AM to 4:15 PM)

MEETING:

6:35 PM Call to order. Chairman Curley asked if all the Board members had read the minutes of December 14, 2004. George Helwig made a motion to approve the minutes of December 14, 2004. Michelle Jackson seconded the motion. No further discussion. All voted in favor of approving the minutes.

CORRESPONDENCE:

1. Post card from the Office of Energy and Planning announcing the Spring Planning and Zoning Conference on April 9, 2005 at the Radisson Hotel in Manchester, NH.

2. Letter dated 12/04/04 from Plan NH Charrette Committee offering design assistance for NH projects. Proposals to be considered must be submitted by 2/17/05.

3. NH DES letter dated 1/4/05 to Tanger Outlet Center regarding file #2004-00508, which stated information requested had never been received and the application was denied.

4. Letter dated 12/28/04 to Norton Asset Management stating the public hearing for petitions received were
5. Letter dated 12/28/04 to Seven Points Development, LLC stating the public hearing for petitions received were scheduled for 6:35 PM on 1/11/05.

6:37 PM Chairman Curley announced the public hearing was open for the two petitions that had been received. Chairman Curley read the petitions into the record. This included:

Question. “Are you in favor of amending the Tilton Zoning Ordinance to create a new zoning district entitled Mixed Use-II (MU-II), which will be designed to accommodate a variety of residential, retail, institutional, recreational and service uses in an integrated, planned, village-like setting, where water and sewer service is available?”

Proposed Amendments to Tilton Zoning Ordinance to accommodate new zoning district include:

1. Amend Section 2.3.5- Signage standards for each district as follows:
   1. The title of section 2.3.5.5 shall be amended to stated;
      2.3.5.5 RG, RC, GC & MU-II (Regional Commercial, Resort Commercial, General Commercial and Mixed Use-II Districts)

The effect of this amendment is to apply the signage standards of the Regional Commercial, Resort Commercial and General Commercial Zoning Districts to the Mixed Use-II zoning district.

2. Amend Article IV-Establishment of Districts to add MU-II (Mixed Use-II) zoning district to the table of zoning districts, and add the following description in the preamble to Article IV.

MU-II (Mixed Use-II District) is designed to accommodate a variety of residential, retail, institutional, recreational and service uses in an integrated, master-planned, village-like setting, where water and sewer service is available. Merger of smaller tracts, and the master planning of those larger tracts through ownership or control of those tracts by applicants is vital.
The effect of this amendment is to add a new zoning district to the Tilton Zoning Ordinance—Mixed Use-II zoning district, and a general description of the purposes and goals for the development of property in that district.

3. Amend the table of zoning districts at the rear of the zoning ordinance to add MU-II zoning district as follows:

   MU-II (Mixed Use-II District) is designed to accommodate a variety of residential, retail, institutional, recreational and service uses in an integrated, master-planned, village-like setting, where water and sewer service is available. Merger of smaller tracts, and the master planning of those larger tracts through ownership or control of those tracts by applicants is vital.

The effect of this amendment is to add a new zoning district to the Tilton Zoning Ordinance—The Mixed Use-II zoning District, to the Table of Zoning Districts in the Ordinance.

4. Amend Article VI, Appendix B—The Chart of Permitted Uses to add a table of permitted uses for the Mixed Use-II zoning district. Uses include; permitted use in residential, single family, apartments, condominiums and multi-family, cluster development. Under public and institutional, allow churches by Special Exception, permit child day care facility, adult care facility, municipal and public works facilities and essential public utilities and appurtenances by special exception. In recreation and entertainment, permit municipally owned recreational facilities and privately owned outdoor recreational facility, movie theatre or concert hall and indoor commercial recreational/amusement facilities by special exception. In office, permit general professional business, financial or governmental office, medical, dental or health service office or clinic and banks. In commercial, permit retail sales, rental or distribution of goods and merchandise fully enclosed within a building and occupying less than 3,000 s.f. of floor area and fully enclosed within a building with greater than 3,000 s.f. of floor area, personal and business fully enclosed within a building and occupying less than 3,000 s.f. and greater than 3,000 s.f., hotels, motels and inns. In restaurants, permit within a fully enclosed structure with no drive-in service, no carry out service, or no delivery service, permit within a fully enclosed structure with carry out and delivery but no drive-in service and by special exception with no limitations on type of service. In Agricultural, allow commercial greenhouses/warehouse for wholesale
and retail sales by special exception. Under accessory uses, permit home business, home occupation, outdoor storage of one commercial vehicle, outdoor storage of a boat, recreational vehicle, or camping trailer, garage, carport or parking space for use by residents of the premises, accessory structures and facilities including tool sheds, greenhouses, swimming pools, and tennis courts. Require a special exception for child daycare with up to 6 children or over 6 children, and the use of a portion of a dwelling or accessory building in conjunction with an off premise occupation. In non-residential, permit parking space or garage for employees, visitors, and customers, cafeterias for employees, child care for employees, recreational and fitness facilities for employees, and under residential and non-residential, permit signage.

The effect of these amendments is to establish those uses permitted by right or special exception in the mixed use-II zoning district.

5. Amend Article VI, Appendix C- The table of dimensional values to add a table of dimensional values for the Mixed Use-II zoning district.

This would list MU-II district with a minimum lot size of 20,000 sf with sewer and one acre with no sewer and two acres of backland. There would be no minimum frontage required and the minimum lot setbacks would be 20 ft. in the front, 20 ft. in the rear and 20 ft. on the sides. The maximum lot coverage would be 75% with the maximum structure height at 50 ft. The maximum residential density would be 3 dwelling units per lot.

The effect of this amendment is to establish the various dimensional regulations for buildings and structures in the mixed use-II zoning district.

6. Amend the zoning map to identify the location of the mixed use-II zoning district.

Comments regarding the petition from Board members indicated they felt there could be an over use of the property. The petition stated there would be 20,000 square feet lots with sewer and one acre without. Sewer and water would be at the site so stating “without sewer” would not be applicable. Board Members felt the property could be better used for office space, light industry and warehousing. Members felt developing retail and residential in the area, as proposed, would increase traffic and impacts on the police and fire
departments and the school system. Members felt 75% lot coverage was too dense and should be reduced especially around the water.

George Helwig asked to hear from the people who had signed the petitions in order to know the reasons they had signed the petitions. No comments were heard as people who signed the petitions were not in attendance.

Bill Norton, from Norton Management, gave a property description and told the Board they had met with the State in regard to the railroad tracks and learned the rails would remain open. Mr. Norton stated they had also met with the District 3 DOT and they stated they were in favor of development of the site but strongly encouraged the tie in for Rt. 3 be at the existing Home Depot signal.

Mr. Norton began going over the conceptual plan. Chairman Curley stated he did not feel the Board should be going over the conceptual plan as they were there to discuss the petitions. Mr. Norton stated members of the Board had said they thought the lot coverage was too dense so he referred to the conceptual plan to show all of the green space.

Ms. Jackson agreed it did have green space but the way they were showing the proposed zoning changes in regard to the mixed use II zone, anything could come in on a formal application. Ms. Jackson wondered how many other developers would apply to change the zoning on their properties to Mixed Use II so they could increase the development. Ms. Jackson stated the way the proposed zoning had been written it would allow residential to be added to commercial zones. Ms. Jackson stated the Town zoning protected residential areas but this proposed zone would have everything together on reduced size lots. Ms. Jackson stated that perhaps the developer would master plan the area to oversee such a development but to accept such changes had the potential to over burden and overwhelm the Town with development as everything a potential developer could want is included and permitted in the proposed mixed use II district.

George Helwig stated he was concerned about the 75% lot coverage so close to the water.

Chairman Curley and Ms. Jackson wondered whether a high intensity use of a property should be approved when access to the property was not established. Mr. Norton stated that would come
from traffic studies and meetings with the DOT in regard to accessing Rt. 3. Mr. Norton stated the intensity of development of the property could not happen without an approval from the DOT.

Ms. Jackson stated she felt some of the proposed ideas were very worthwhile. Ms. Jackson felt an office complex would be a good use on the site or a mix of light industrial and office where you would not have the traffic volume that one would have by adding retail and residential. Ms. Jackson stated she had concerns with the use including large scale retail and residential areas. Mr. Norton stated their intent for the site was to master plan the entire site and the site would be developed over a phased period of time. Mr. Norton added the plan as shown on the conceptual could take 15 years or more to develop.

Don Hebert, attorney, stated they had discussed this and felt they could add a requirement to the amendments for the submission and approval of a master plan for the development in the proposed district. Mr. Hebert stated it could be a requirement that a master plan or comprehensive development plan would have to be approved by the Planning Board.

Chairman Curley stated he felt the petition could not be amended as it had been submitted and accepted and all the people that signed the petition were not present so a new petition would be needed but there was no time for a new petition.

Mr. Hebert stated his interpretation of the statute was if a change were not a substantial change to the petition, it could be amended. Mr. Hebert stated it had to be re-noticed and a second hearing held but they had time to do that. Mr. Hebert added that to add a master plan or comprehensive development plan would not be a substantial change. There is a process where they could re-notice the petition and still have time for a second hearing, Mr. Hebert stated again.

George Helwig asked if Mr. Hebert was saying none of the people what signed the petition had to agree to the changes. Mr. Hebert stated he did not believe so.

Sandy Plessner stated she had spoken to an individual from the Energy and Planning Office in regard to petitions and was told the RSA did not address changes to a petition and in theory, if all the people who signed the petition were present, they could vote on whether or not to accept any proposed changes but the people that
signed the petition aren’t present. Ms. Plessner stated to allow any changes could have the potential of creating something different than the original proposed and signed petition. Ms. Plessner added that she had found nothing in RSA 675:4 that would permit changes to the petition. Mr. Hebert ask if the Board had a slot open to put their own warrant article on.

Joe Plessner stated the board could not come up with a new amendment tonight as it had not been published. Mr. Plessner stated he felt what the board was being asked to approve was something the Board would have no way of knowing and once the zoning district was established, what would actually come in to be site planned. Mr. Plessner stated the Board would be stuck with the new regulations.

Mr. Hebert stated he felt they still had time to re-submit, re-notice under the statute, and come back. Mr. Hebert stated if the Board would say there were certain modifications or certain changes, they could make the changes and re-submit it to the Board for a second hearing.

Mr. Helwig stated he felt it was not something he could make a decision on in a few minutes and he felt the proposed zoning changes were something that could be discussed over the course of the coming year for the following Town meeting, if the Board would want to do something like that.

Discussion ensued over the scheduled time-table for the 2005 town meeting. Nothing was noted for amending petitions. Mr. Hebert agreed that was probably right.

7:10 PM Chairman Curley asked if anyone else from the public wished to speak. Hearing no comments, the Chairman closed the public hearing on the petitions.

Michelle Jackson made a motion which stated the Planning Board should not recommend the petitions. There was a brief discussion on the petitions. Chairman Curley read the petition; “Are you in favor of amending the Tilton Zoning Ordinance to create a new zoning district entitled Mixed use-II (MU-II), which will be designed to accommodate a variety of residential, retail, institutional, recreational and service uses in an integrated, planned, village-like setting, where water and sewer service is available?” Michelle Jackson made a motion that the Planning Board not recommend the petition on the ballot. George
Helwig seconded the motion. There was no further discussion. All voted in favor of not recommending the petition.

The second petition; “Are you in favor of re-zoning property known as Tax Map R-22 Lots 16, 73A, 73B & 73C (said area generally located between US Rt. 3, Johns Manville Road and the Winnipesaukee River) from Industrial to a newly created Mixed use-II zoning district?” Michelle Jackson made a motion that the Planning Board not recommend the petition on the ballot. George Helwig seconded the motion. There was no further discussion. All voted in favor of not recommending the petition.

Eliza Leadbeater asked if that meant the petitions would appear in the warrant articles with the Planning Board recommending that they don’t pass. Board members agreed. Ms. Leadbeater, from Belknap County Economic Development, felt the Board had a serious challenge ahead of them as the property is zoned industrial and any party owning it could use it for storage facilities or something similar which would defeat what the Board was trying to preserve and save. Ms. Leadbeater stated she hoped the Board would give serious thought to what would be the best use of the property. Ms. Leadbeater stated a lot of effort had been made to clean up the site and time was spent finding the best owner for the site. Ms. Leadbeater stated Seven Points had developed the area in Concord where the hotel and office buildings were. Ms. Leadbeater finished by saying she hoped the Board would give serious consideration to what had been discussed and work with the owners of the property to build something that was fitting for the region.

Chairman Curley stated the Board did acknowledge that Industrial wasn’t the best district for this property. Ms. Leadbeater stated that was what it would remain. George Helwig and Chairman Curley stated it would be Industrial for now but it could change in one year.

Al Traffie stated the most interest they had had so far was from an individual who wanted to buy the property to make it a tank farm. Mr. Traffie stated it was a consideration they would have to make and it could very well end up being a tank farm. Mr. Traffie stated he was getting the message from the Planning Board that they didn’t like the plans they had for the land. Chairman Curley stated they couldn’t consider their plans for the property but the submitted petitions. Chairman Curley stated there were overwhelming changes which might be better in some aspects but there were so many changes
involved in the petitions, it wasn’t something the Board could just endorse. Chairman Curley stated the Board needed to work on this over time to know what would be an end result that would work for both the Town and the property owner.

Discussion continued. Ms. Jackson stated there were aspects that were good but the property had major traffic issues to be dealt with. Ms. Jackson continued by saying the proposed petitions created a zone that could potentially allow anything and the Board had to consider the potential the Mixed Use-II could create including traffic safety issues. Ms. Jackson stated that adding a requirement for a master plan of the property was a good idea but there were other issues that would have to be considered in the Chart of Permitted Uses as well as the Table of Dimensional Values.

Discussion ended on the petitions. Before the public hearing re-opened for zoning changes, Christine Gloddy asked the Board if they had looked at the Joscelyn Lane subdivision and reached any decision regarding her lot on Richard Street off Joscelyn Lane. And to what degree the road would have to be completed before she could get a building permit. Board members stressed the importance of emergency vehicles being able to get to the site, the regulations at the time the subdivision was approved, and conversations with the fire department. Board members agreed the roadway had to be completed and that a driveway could not be run from the building lot down to meet the now completed portion of Joscelyn Lane. The regulations in effect at the time of approval did not say the roadway had to be paved.

Sandy Plessner made a motion that the subdivision roadway would have to be completed as originally approved with the condition that the property owner have an engineer attest, in writing, to the fact that the roadway bed and related drainage had been properly constructed to meet Town standards (less pavement) and would in fact support emergency vehicles. Ms. Jackson seconded the motion. No further discussion. All voted in favor of requiring a letter from an engineer.

Chairman Curley opened the public hearing for the proposed zoning changes. Chairman Curley read the proposed changes into the record:

1. Remove Article 9.2 from the zoning regulations as it is in conflict with the density regulations approved at the March 2004
Article 9.2 currently reads, “In a single residence district, nothing herein shall prevent any dwelling existing at the time this ordinance is adopted and having a volume above the first floor, exclusive of porches exceeding 25,000 cubic feet, being altered to provide for and being used for two families providing it is not enlarged in volume.”

Chairman Curley asked for comments from the audience or the Board. None forthcoming. Chairman Curley asked if the Board wished to make a motion. Michelle Jackson made a motion to accept the proposed amendment to the zoning regulation and have it placed on the ballot to be voted on at the 2005 Town meeting. George Helwig seconded the motion. No further discussion. All voted in favor of adding the proposed amendment to the ballot for the 2005 town meeting.

2. Change Article 3.2.2 to read, “No person, firm, or corporation shall remove earth from the Rural Agricultural, Downtown, Regional Commercial, Resort Commercial, General Commercial, or Industrial Park Districts within the Town of Tilton without a special permit issued by the Zoning Board of Adjustment. The Zoning Board of Adjustment shall make its determination to issue said permit and may set such restrictions as are just and in the best interest of the Town of Tilton. Topsoil or loam purchased from another locality and brought into the Town of Tilton, for the purpose of resale is permitted, however, proof of such transactions may be required by the Zoning Board of Adjustment.”

The Chairman asked for public comments. None forthcoming. Board members agreed this was a minor change as the removal of the statement concerning the Belknap County Conservation Commission was done so at their request. Hearing no further discussion, Michelle Jackson made a motion to accept the proposed amendment to the zoning regulation and have it placed on the ballot to be voted on at the 2005 Town meeting. George Helwig seconded the motion. No further discussion. All voted in favor of adding the proposed amendment to the ballot for the 2005 town meeting.

3. In the Chart of Permitted Uses, Article VI, A. Residential, #6: In order to conserve open space, permit Cluster Development in the Resort Commercial District. (RC).

No public comments. Board members agreed it would be a way to
encourage more open space in the District. Cluster development was permitted in the MR (Medium Density Residential) and RA (Rural Agricultural) districts and by permitting it in the Resort Commercial district, it could help to preserve the natural landscape around the lake. Hearing no further discussion, Michelle Jackson made a motion to approve the proposed change to the zoning regulation and have it placed on the ballot to be voted on at the 2005 Town meeting. George Helwig seconded the motion. No further discussion. All voted in favor of adding the proposed amendment to the ballot for the 2005 Town meeting.

4. In the Zoning regulations in Article 14, “Wetlands Conservation District”, completely re-write the existing ordinance relating to the Wetlands Conservation District (Article 14) in order to bring Article 14 up to date with the State Standards.”

ARTICLE XIV WETLANDS CONSERVATION DISTRICT - Proposed

14.1 PURPOSE AND INTENT:

The purpose of this chapter of the zoning Ordinance is to protect the public health, safety and general welfare by controlling and guiding the use of land areas which have been found to be subjected to the water tables for extended periods of time.

14.1.2 It is intended that this chapter shall:

14.1.3 Prevent the development of structures and land uses on naturally occurring wetlands, which will contribute to the pollution of surface and groundwater by sewage and/or toxic substances.

14.1.4 Prevent the destruction of, or significant changes to, natural wetlands, which provide flood protection.

14.1.5 Protect unique and unusual natural areas.

14.1.6 Protect residents against the dangers of increased flooding.

14.1.7 Protect wildlife habitats and maintain ecological balance.

14.1.8 Protect potential water supplies and existing aquifers and aquifer recharge areas.

14.1.9 Prevent expenditure of municipal funds for the purposes of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands.
14.1.10 Encourage those low-intensity uses that can be harmoniously, appropriately, and safely located in wetlands.

14.2 DISTRICT BOUNDARIES

14.2.1 The Wetlands Conservation District is defined as an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal conditions does support, a prevalence of vegetation typically adapted for like in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs and similar areas.

14.2.2 Relation to Other Districts - Where the Wetlands Conservation District is superimposed over another zoning district, the more restrictive regulations shall apply. Where any provision of this ordinance is in conflict with State law or other local ordinance, the more stringent provision shall apply.

14.2.3 If a boundary of the Wetlands Conservation District is disputed by either the Planning Board or an applicant, the exact location of the boundary shall be determined by the Planning Board in consultation with the Conservation Commission. The Planning Board, at the applicant’s expense, may engage a wetland scientist and/or certified soil scientist to determine the precise location of the Wetland Conservation District boundary, using the methodology consistent with N.H. Administrative Rules Wt 100-800, and in accordance with the “1987 Corps of Engineers Wetlands Delineation Manual” or the most current methodology accepted by the NH Wetlands Bureau. In the alternative, the applicant may retain such a scientist, acceptable to the Planning Board and the Conservation Commission, to make such determination. A report of the scientist’s findings shall be submitted to the Planning Board and the Conservation Commission, and shall include, if warranted, a revised wetland map of the area in question along with a written report of the results of the investigation together with any data forms completed.

14.3 PERMITTED USES

14.3.1 Permitted uses are those that:

14.3.2 will not require the erection or construction of any structure or building;

14.3.3 will not alter the natural surface configuration by the addition
Outdoor recreational activities including hunting, fishing, Swimming, and boating; Wildlife or fisheries management activities; Educational activities and scientific research

Activities incidental to ordinary residential use such as normal ground Maintenance, mowing, trimming, removal of dead or diseased Vegetation—not re-grading or re-contouring land or clearing vegetation.

Construction, repair, and/or maintenance of streets, roads, and other access ways and utility right of way easement, including power lines and pipelines.

Uses permitted within the base district, but which are not otherwise permitted in the Zoning District.

Tree farming and using best management practices in order to protect streams from damage and to prevent sedimentation

Wildlife refuges

Parks and recreation uses consistent with the purpose and intent of this ordinance

Conservation area and nature trails

Open spaces as permitted or required by the Subdivision Regulations, the Zoning Ordinance, or in conjunction with a use which may be permitted in an adjacent district where an adequate open space area is not available within the adjacent district.

Bulk storage of chemicals, petroleum products, fill or by dredging:

14.3.4 are otherwise permitted by the Zoning Ordinance.

14.3.5 Such uses may include the following or similar uses:

### TABLE OF USES FOR THE WETLAND CONSERVATION DISTRICT

<table>
<thead>
<tr>
<th>Uses and Activities</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor recreational activities including hunting, fishing, Swimming, and boating; Wildlife or fisheries management activities; Educational activities and scientific research</td>
<td>Permitted</td>
</tr>
<tr>
<td>Activities incidental to ordinary residential use such as normal ground Maintenance, mowing, trimming, removal of dead or diseased Vegetation—not re-grading or re-contouring land or clearing vegetation.</td>
<td>Permitted</td>
</tr>
<tr>
<td>Construction, repair, and/or maintenance of streets, roads, and other access ways and utility right of way easement, including power lines and pipelines.</td>
<td>Conditional Use Permit</td>
</tr>
<tr>
<td>Uses permitted within the base district, but which are not otherwise permitted in the Zoning District.</td>
<td>Conditional Use Permit</td>
</tr>
<tr>
<td>Tree farming and using best management practices in order to protect streams from damage and to prevent sedimentation</td>
<td>Permitted</td>
</tr>
<tr>
<td>Wildlife refuges</td>
<td>Permitted</td>
</tr>
<tr>
<td>Parks and recreation uses consistent with the purpose and intent of this ordinance</td>
<td>Permitted</td>
</tr>
<tr>
<td>Conservation area and nature trails</td>
<td>Permitted</td>
</tr>
<tr>
<td>Open spaces as permitted or required by the Subdivision Regulations, the Zoning Ordinance, or in conjunction with a use which may be permitted in an adjacent district where an adequate open space area is not available within the adjacent district.</td>
<td>Permitted</td>
</tr>
<tr>
<td>Bulk storage of chemicals, petroleum products, fill or by dredging:</td>
<td>NOT</td>
</tr>
<tr>
<td>Activity</td>
<td>Permit Status</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>-------------------------</td>
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<tr>
<td>toxic and hazardous materials.</td>
<td>Permitted</td>
</tr>
<tr>
<td>Dumping/disposal of snow and ice from roadways &amp; parking</td>
<td>NOT Permitted</td>
</tr>
<tr>
<td>Erection/construction of structures</td>
<td>Conditional Use Permit</td>
</tr>
<tr>
<td>Re-contouring/grading of land</td>
<td>NOT Permitted</td>
</tr>
<tr>
<td>Draining, dredging, filling, or change in flow of water</td>
<td>Conditional Use Permit</td>
</tr>
<tr>
<td>Pollution of wetlands, surface or ground waters or siltation of wetlands.</td>
<td>NOT Permitted</td>
</tr>
<tr>
<td>Agricultural (1) and Logging (2) operations</td>
<td>Conditional Use Permit</td>
</tr>
<tr>
<td>Activities which alter the natural drainage system resulting in a change in the flow of water, water level or water table</td>
<td>Conditional Use Permit</td>
</tr>
<tr>
<td>Water impoundments for the purpose of creating a water body for wildlife, on-site detention of stormwater runoff, or for recreational uses</td>
<td>Conditional Use Permit</td>
</tr>
<tr>
<td>Salt storage, junk yards, resource recovery facilities, transfer stations, landfills, solid or hazardous waste facilities</td>
<td>NOT Permitted</td>
</tr>
</tbody>
</table>
(1) Includes agricultural activities as defined in NH RSA 21:34-a and as governed by RSA 430, provided that such activities and operations are in conformance with the most recent best management practices determined by the USDA Natural Resources Conservation Service, NH Department of Agriculture, and UNH Cooperative Extension.

(2) Logging operations must (1) utilize best management practices as described in Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire; and (2) Comply with all applicable state laws including obtaining and filing an intent to cut form according to RSA 79:10, and filing a complete Notification of forest Management Activities Having Minimum Wetlands Impact according to RSA 482-A:3, or obtaining a State Wetlands Bureau permit according to RSA 482-A.

14.4 SPECIAL PROVISIONS
14.4.1 No septic tank or leach field may be constructed or enlarged for a more intensive use closer than one hundred twenty five (125) feet to any wetland.

14.4.2 No part of a wetland may be considered as part of the minimum size requirement of any lot.

14.4.3 A wetland buffer shall consist of 20 feet of ungraded and undisturbed land with no structures. The buffer shall consist of natural vegetation, excluding invasive species as defined by the NH DES. No structure shall be located within 20 feet of wetlands.

14.4.4 Where an existing use within the setback is destroyed or in need of extensive repair, it may be rebuilt provided that such rebuilding is completed within one year of the event causing destruction and the new or rebuilt use shall not extend further into the wetland or setback area than the original use.

14.4.5 All construction, forestry and agricultural activities within one hundred feet (100’) of any wetland shall be undertaken with special care to avoid erosion and siltation into the wetlands. When deemed necessary a Sediment and Erosion Control Plan, approved by a certified soil scientist, may be required by the Planning Board.

14.4.6 For uses or activities which involve construction within 25 feet of the wetland buffer, the boundary of the buffer shall be marked with orange construction fencing or silt fence as appropriate prior to the commencement of construction activities. Such fencing shall be maintained throughout the construction process.

14.5 CONDITIONAL USE PERMITS

14.5.1 PLANNING BOARD TO ADMINISTER

Wherever a conditional use is authorized by this ordinance, the authority to administer or grant conditional use permits shall be vested in the Planning Board. The duration of a conditional use permit shall also be set by the Planning Board.

14.5.2 APPLICATION AND REVIEW PROCEDURE

An application for a conditional use shall be initiated by filing with the Planning Board for an application for a conditional use permit. The following procedures shall apply to the processing of such an application.
A. Procedure if subdivision or site plan approval is also required.

Where other required development approvals for a conditional use include subdivision or site plan approval by the Planning Board, the application and review procedure for a conditional use permit shall be made concurrently and in accordance with the procedures specified in the Subdivision Regulations as applicable to the particular development.

B. Procedure if subdivision or site plan approval is not required.

Where no subdivision or site plan approval would otherwise be required for the conditional use, the application and procedural requirements of the site plan regulations shall be applied to the application and processing of conditional use permits with respect to content of applications, requirements for public notice, hearings and timing of decisions by the Planning Board.

C. Procedure for minor conditional use permits.

The Planning Board may authorize, by rule or on a case-by-case basis, an administrative procedure for conditional use permits. Such minor conditional use permits may be issued for:

1. Agricultural and logging operations in wetland buffers.

2. Construction of driveways in wetland buffers and Minimum Impact applications for access to single family houses on lots in existence as of January 1, 2005.

3. Such conditional use permits may be issued without a public hearing, but all other procedural requirements, including notice to abutters, consultation with the Conservation Commission, and the findings of Section 14.6.5 shall remain in effect. Appeals of the decision on such conditional use permit applications shall be made to the Planning Board within 30 days.

14.5.3 Burden of Persuasion

The applicant bears the burden of persuasion, through the introduction of sufficient evidence through testimony or otherwise, that the development, if completed as proposed, will comply with this Article and will satisfy the specific requirements for the use contained in the ordinance.
14.5.4  Hearing and Decision

Following a public hearing on the proposed use, the Planning Board shall issue a conditional use permit, if it finds, based on the information and testimony submitted with respect to the application, that:

A. The use is specifically authorized by the Table of Use Regulations as a conditional use;

B. If completed, as proposed by the applicant, the development in its proposed location will comply with all requirements of this Article, and with the specific conditions or standards established in this ordinance for the particular use;

C. The use will not materially endanger the public health or safety;

D. The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;

E. The use will not have a substantial adverse impact on highway or pedestrian safety;

E. The use will not have a substantial adverse impact on the natural resources of the town; and

G. The use will be adequately serviced by necessary public utilities and community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide sufficient additional capacity or services.

14.5.6  Stipulations of Approval

In granting a conditional use permit, the Planning Board may attach reasonable conditions to its approval, including but not limited to performance guarantees and the phasing of a development, where such conditions are shown to be necessary to further the objectives of this ordinance or the master plan, or which would otherwise allow the general conditions of this Article to be satisfied. Representations made at a public hearing or in material submitted to the Planning
Board by an applicant to obtain a conditional use permit shall be deemed conditions of the issuance of the permit. All other conditions of approval shall be stated in writing in the permit. The Planning Board may require that such conditions be annotated on a site plan or subdivision plan, or otherwise recorded at the Belknap County Registry of Deeds.

14.5.7 Appeals

Any persons aggrieved by a Planning Board decision on a conditional use permit may appeal that decision to the superior court as provided in the manner provided by RSA 677:15. A Planning Board decision on the issuance of a conditional use permit cannot be appealed to the Zoning Board of Adjustment. (RSA 676:5, III).

14.6 STANDARDS FOR GRANTING OF A CONDITIONAL USE PERMIT IN THE WETLAND CONSERVATION DISTRICT

1. An application for a conditional use permit in the Wetland Conservation District shall be filed with the Planning Board pursuant to Section 14.5.2, Application and Review Procedure, of this Ordinance. The Planning Board shall refer the application to the Conservation Commission for review and comment prior to the public hearing on the application. In acting on the application, the Board shall consider any report received from the Commission.

2. In addition to the requirements of Article 14.5, Conditional Use Permits, of this Ordinance, the applicant shall provide adequate documentation in order for the Planning Board to make a finding that the proposed use or activity meets the following conditions:

   a. The proposed activity or use is consistent with the purposes of the Wetlands Conservation District;

   b. The proposed activity minimizes the degradation to, or loss of wetlands and wetland buffers, and minimizes any adverse impact to the functions and values of wetlands and wetland buffers as determined by a wetlands evaluation in accordance with the New Hampshire method;

   c. The proposed activity minimizes the environmental impact to abutting or downstream
property and/or hydrologically connected water and/or wetland resources;

d. The proposed activity or use cannot practicably be located otherwise on the site to eliminate or reduce the impact to the wetland and/or its buffer area, provided however, this condition shall not apply to impoundments for the purpose of creating a water body for wildlife, on-site detention of stormwater runoff, or for recreational uses;

e. Federal and/or state permit(s) have been received for the proposed activity in accordance with NH Administrative Rules Wt 100-800, the Section 404 Permit; and where applicable, proof of compliance with all other state and/or federal regulations has been received.

Board members agreed the re-write was needed as it was outdated. Conservation Commission members had also had input and the proposed Wetlands Conservation District article was now more complete and up to date. No public comments were forthcoming. Hearing no further discussion, Michelle Jackson made a motion to approve the proposed change to the zoning regulation and have it placed on the ballot to be voted on at the 2005 Town meeting. George Helwig seconded the motion. No further discussion. All voted in favor of adding the proposed amendment to the ballot for the 2005 Town meeting.

9:00 PM The Chairman declared the public hearing to be completed. A motion was made and seconded to adjourn.

Minutes prepared by,
Sandy Plessner