

**FINAL DRAFT – Jan 21, 2016**

**Ballot Language --- Proposed 2016 Town of Deerfield Zoning Amendments**

Zoning Amendment # 1:

Are you in favor of the adoption of zoning amendment # 1, as proposed by the Planning Board for the Town's Zoning Ordinance as follows?

Amend Section 210.5 Permitted Uses by adding a new Subsection C Vernal Pools, to read:

***“210.5 C Vernal Pools:***

*Vernal pools are small scattered temporary springtime ponds fed by snowmelt and spring rains. Proposed uses shall avoid, minimize or mitigate any filling of a vernal pool.”*

Explanatory Note: The Planning Board recognizes the importance of vernal pools and believes proposed uses should either avoid, minimize or mitigate any potential filling.

*Recommended by the Planning Board*

Zoning Amendment # 2:

Are you in favor of the adoption of zoning amendment # 2, as proposed by the Planning Board for the town's zoning ordinance as follows?

Delete the existing Section 212 Commercial / Industrial Overlay and replace it with a new Section 212 entitled Deerfield Business Overlay District which includes subsections entitled Purpose and Intent, Permitted Uses, Authority, Review and Approval Process and Standards for community character, resource protection, energy performance and access. The proposed standards are similar to the existing standards. Applicants seeking Planning Board approval for a commercial or industrial use shall prepare a site plan review application and conditional use permit application. The proposed amendment eliminates the rating chart and system for proposed commercial and industrial activities.

Explanatory Note: The proposed amendment is informed by the Board's experience with 13 Commercial/Industrial overlay applications over almost 20 years. Section 212 encourages flexibility and creativity to attract compatible businesses to locate or expand in Deerfield while protecting the Town's rural character. The amendment reformats the existing criteria and clarifies the application process. It replaces the mostly subjective rating system with an objective performance based one. It also removes requirements that already are more appropriately covered in the Town's existing Site Plan Review Regulations (adopted July 24, 2013).

*Recommended by the Planning Board*

### Zoning Amendment # 3:

Are you in favor of the adoption of zoning amendment # 3, as proposed by the Planning Board for the town's zoning ordinance as follows?

Add the following definition to Article VI Definitions, Section 602 Term Definitions.

*Compatible* means being capable of existing or performing in a harmonious, agreeable, or congenial manner within a village area, neighborhood, rural area and be harmonious with abutting land uses. The abutting and nearby land uses do not need to be similar to the proposed development; however, the proposed development should be capable of existing in harmony with the abutting land uses.

Explanatory Note: The proposed Section 212 Deerfield Business Overlay District uses the term compatible and the Planning Board determined a definition would be appropriate.

*Recommended by the Planning Board*

### Zoning Amendment # 4:

Are you in favor of the adoption of zoning amendment # 4, as proposed by the Planning Board for the town zoning ordinance as follows?

Amend Open Space Development Section 325.1, Purpose and Objectives, by inserting the following in a new Subsection D?

D. ***Open Space Plan:*** *Subdivisions proposed under the Open Space Development ordinance shall incorporate the objectives of the Town of Deerfield Open Space Plan, dated August 2010 or later, in the overall design of the proposed Open Space Development.*

Explanatory Note: This amendment would direct developers or their agent to consult the Deerfield Open Space Plan (August 2010), a chapter of the Deerfield Master Plan and incorporate the principles of the open space plan into the design of their development to the extent possible.

*Recommended by the Planning Board*

### Zoning Amendment # 5:

Are you in favor of the adoption of zoning amendment # 5, as proposed by the Planning Board for the town zoning ordinance as follows?

Amend Open Space Development Section 325.4, Standards and Conditions, Subsection F, Minimum Open Space Area, to read, in part, as follows:

“ . . . Not more than fifty percent of the Minimum Open Space Area may consist of lands within the Wetlands Conservation District or having slopes in excess of twenty percent. *The area within the front, side and rear setbacks shall be included in and be a part of the Open Space.*”

Explanatory Note: This amendment would clarify the intent of the ordinance to include that area within the front, side and rear setbacks as part of the open space area.

*Recommended by the Planning Board*

### Zoning Amendment # 6:

Are you in favor of the adoption of zoning amendment # 6, as proposed by the Planning Board for the town zoning ordinance as follows?

Amend Section 330 Pleasant Lake Watershed Protection Ordinance, Section 330.6 Requirements for Development in the Watershed Protection Overlay District, Paragraph E, in part, to read:

“ . . . or a qualified professional who is familiar with erosion control measures and procedures and acceptable to the Town Engineer. *The qualified professional shall demonstrate to the Town Engineer that he/she has knowledge and training in erosion control measures and has previously prepared erosion control plans. The erosion and sedimentation control plan . . .*”

Amend Section 330 Pleasant Lake Watershed Protection Ordinance, Section 330.6 Requirements for Development in the Watershed Protection Overlay District, Paragraph F, in part, to read:

“ . . . erosion and sedimentation *plans* proposed by the applicant and acceptable to the Building Inspector. *The Building Inspector, in determining the acceptability of the proposed controls, shall compare the proposed controls with the New Hampshire Stormwater Manual, Volume 3: Erosion and Sediment Controls During Construction as prepared by the New Hampshire Department of Environmental Services (Manual). The proposed plans shall ensure effective control and conform with the practices contained in the Manual in order to be approved by the Building Inspector. These types of applications shall . . .* “

Amend Section 330 Pleasant Lake Watershed Protection Ordinance, Section 330.8, Buffer Requirements, and Subsection C to read:

“Any proposed development within the required buffer zone shall require approval of the Planning Board. *In determining if the development should be approved, the Board shall take into consideration the following:*

1. *The development proposed is the least intrusive possible;*

2. *The hydrologic study shows the water quality protection by the development equals or exceeds that which would be provided by the full 100-foot wide buffer;*
3. *The applicant proposes to plant additional vegetation to demonstrably supplement and improve the existing vegetation present within the buffer which will slow the rate of runoff;*
4. *The applicant proposes to redirect the runoff from the development to extend the runoff route to the tributary; and*
5. *The applicant proposes to place other permanent obstructions to demonstrably slow the rate of runoff over what would occur within the existing buffer. “*

Explanatory Note: The Planning Board recommends the design professional demonstrate knowledge and training in erosion control measures. The Planning Board provides guidance to the Building Inspector by referencing the New Hampshire Stormwater Manual Volume 3. The Planning Board proposes to add five standards for consideration when development would be allowed within the required buffer zone. At present, there are no standards for making that determination.

*Recommended by the Planning Board*

The complete text of each proposed zoning amendment is available at the Town Clerk's Office, Town of Deerfield, G. B. White Office Building, NH Route 107, Deerfield, NH and online at <http://www.townofdeerfieldnh.com/offices/planningboard.php>

**Note:** Proposed changes are in *italics*.