

FINAL Draft (Jan 14, 2016) Section 212 Deerfield Business Overlay District –

1. Purpose and Intent: The purposes of the Deerfield Business Overlay District are: (1) to encourage flexibility and creativity for compatible commercial, industrial development or other business uses to occur throughout the Town of Deerfield; (2) to attract uses to the town that meet a set of standards that maintain Deerfield's rural character which includes a mix of residential, agricultural and businesses uses set within a network of open space lands; and (3) encourage new development which is consistent with the goals of the Town's Master Plan and Open Space Plan.
2. Permitted Uses: The flexible Business Overlay District is a townwide provision that has performance standards to insure the proposed developments will minimize adverse impacts and fit into Deerfield's desired rural community character. Compatible nonresidential land uses include, but are not limited to:
 - a. Commercial and retail sales;
 - b. Convenience store;
 - c. Office building;
 - d. Mixed use development;
 - e. Light manufacturing;
 - f. Veterinary hospital;
 - g. Assisted living facility;
 - h. Café / restaurant;
 - i. Mixed use development; and
 - j. Other similar low intensity development.
3. Authority: The Town of Deerfield enacts this provision pursuant to NH RSA 674:21, I (h) and (I), innovative land use controls and as such, the Planning Board has discretion and flexibility with its administration. This innovative land use control ordinance allows a particular land use upon the granting of conditional use permit by the Planning Board. In addition, the Board can grant waivers from specific requirements of this Section.
4. Review and Approval Process: The Board encourages applicants to meet for a preliminary conceptual consultation. The applicant shall prepare a Site Plan Review application and a Conditional Use Permit (CUP) application, which consists of a succinct and complete narrative that addresses items # 1 through # 5 in this Section.
5. Standards:
 - a) Community Character – The applicant's statement shall specifically address consistency with the Master Plan and all its chapters, including Energy and Open Space, and how the proposed development is compatible with the site and the Town's historic preservation and rural character. The following design principles provide guidance:

- 1) Buildings and grounds should be compatible with their surroundings and traditional New England architecture and land use.
- 2) Site design and buildings should be integrated into a coherent design.
- 3) Site design should encourage pedestrian and bicycle access and use.
- 4) The reuse of existing buildings with special historical value is encouraged.
- 5) The proposed building(s), structure(s) and site design should be consistent with practices in the Deerfield Design Guide.

b) Resource protection standards

- i. Open Space: A proposed development that contains land identified in the Master Plan or Open Space Plan as important conservation/recreation lands shall develop a design that protects those lands.
- ii. Scenic Roads: The proposed development shall maintain stonewalls, trees, vegetation and other amenities consistent with scenic road designation or other roads with potential scenic road designation to the extent possible.
- iii. Topography: The site design should preserve significant existing vegetation and landforms to the extent practical and incorporate existing stone walls and woods roads whenever possible.
- iv. Geology (or Natural Features): A proposed site plan with areas of natural or geological hazard such as slopes over 15%, rock falls, flood hazard areas, or soil conditions unfavorable to development (such as wetlands and/or poorly and very poorly drained soils) and their vegetative buffers, should set aside these areas from development. Permanent protection through an easement, deed restrictions, or other protective covenants is encouraged.
- v. Plants and Wildlife: A site that contains an area which serves as a habitat for wildlife and/or plant species identified by NH Fish and Game Wildlife Action Plan or NH Natural Heritage Inventory as significant, and in particular need of attention, should take special precautions in site planning, construction, and operation to preserve these areas and maintain wildlife connectivity across the site.
- vi. Historic areas: A proposed development located within an existing village or historic area that may include a locally designated historic structure, shall maintain the integrity of the historic resources on the site.

- vii. Mineral Deposits: A proposed development which includes an area known to contain a commercial mineral deposit for which extraction could be commercially feasible, should design the project to preclude future extraction. Such uses on the same site could be incompatible.
 - viii. Fragile Areas: A proposed site plan that contains lands identified in the Deerfield Open Space Plan or other relevant study as ecologically sensitive and/or important (e.g. aquifers, lakeshores, agricultural soils of prime and/or statewide importance, unfragmented areas, important forest soils), should avoid development of these areas. Permanent protection is encouraged.
 - ix. Noise: The noise level for proposed land uses and activities shall not exceed the following maximum sound pressure level (SPL). Sound pressure levels shall be measured on a sound level meter at all major lot lines of the site, at a height of at least 4 feet above the ground surface. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute “American Standard Specification for General Purpose Sound Level Meters” and be set to the B-weighted response scale and slow response. Acceptable levels for boundaries that border residential properties is: 60 dB(SPL) from 7 a.m. – 6 p.m. and 55 dB(SPL) from 6 p.m. - 7 a.m. Areas that boarder primarily commercial properties with no residential uses should be 75 dB(SPL) from 7 a.m. – 6 p.m. and 65 dB(SPL) from 6 p.m. – 7 a.m. Consideration will be given to whether the noise is intermittent or continuous in duration.
- c) Energy Performance standards
- i. Energy efficiency: Any proposed new construction or major renovation is encouraged to incorporate recognized energy demand reduction practices such as specified by Architecture 2030 Challenge. Architecture 2030 and US Green Building Council LEED or other similar high performance practices are encouraged. All buildings should incorporate energy performance goals such as those found in USEPA EnergyStar Target Finder (btu/sq ft/year), and report performance in relation to those goals annually. (See <http://www.energystar.gov/buildings/service-providers/design/step-step-process/evaluate-target/epa's-target-finder-calculator?s=mega> for more information). Passive solar orientation and floors plan and active solar or other renewable energy are encouraged.
 - ii. Resiliency: The applicant should be aware of Town’s Hazard Mitigation Plan and past extreme weather events in Deerfield. Use of resilient site plan and construction practices that maximize the capacity of any

development to remain habitable in extreme weather and/or in the absence of electricity are encouraged.

d) Access

A proposed development that is likely to generate more than 25 visits or 50 trips per business day per acre both to and from the site, shall be directly served by an arterial or collector street. A proposed development that is likely to generate more than 25 visits or 50 vehicle trips per acre both to and from the site in the busiest hour of the operating day (annual average) shall be served by an arterial street.

e) Repair and service facilities

All repair and service activity, including storage, shall occur within a building.

6. Conditional Use Permit (CUP). The planning board shall review the submission and make a finding of fact relative to granting of a conditional use permit based on the following.

- a) If completed as proposed, the development in its proposed location will comply with the Sections 1-5 of this Section.
- b) The use will not materially endanger the public health, safety, or welfare.
- c) The use will be adequately serviced by 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 facilities and services with sufficient additional capacity.

Add new definition to Section VI Section 602 Terms:

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.