



Planning Board Agenda Monday, December 18, 2023

Meeting to be held in person and via Zoom
Meeting ID 838 3449 7735 Passcode: 293500

Public Meeting convenes at 7:00 pm; Public Hearings scheduled to begin at 7:30 pm

Call to Order
Seat Alternates
Review of the Minutes

- November 20, 2023
- December 4, 2023

Appointments

Conceptual Consultation
Public Hearings

Eden Museum- Major Site Development

An application for a Major Site Development for property located at 30 Farr Road W. Chesterfield (Map 13 Lot A 4.1) consisting of approximately 18.059 acres. This is a public hearing and may result in approval or denial of the application.

Planning Boards Proposed Zoning Changes- (See attached)

Building Ordinance for 13.08- (See attached)

Continuation of Chairs Proposed Changes- (see attached)

Items for Discussion
Items for Information Other Business
Items for Signature
Adjournment

Proposed Amendments to the Town of Chesterfield Zoning Ordinance

The following amendments, as proposed by the Planning Board, shall be incorporated into the Town of Chesterfield, NH Zoning Ordinance:

Definitions:

Proposed New Definition:

Pervious paving: Engineered systems for patios, driveways, parking, and other similar structures that retain and infiltrate water better than or equal to the site's undisturbed soil. The most commonly used types of pervious pavement are: pervious concrete, porous asphalt, and permeable interlocking concrete pavers which are specifically designed, installed and maintained to effectively absorb and infiltrate water. Pervious paving also applies to permeable paving.

Current Definition:

IMPERMEABLE COVERAGE: All that horizontal area of a lot, parcel or tract due to manmade alterations to the natural surface of the land, including structures, parking lot and driveway areas or other development. All area beneath a structure is impervious. All portions of any ground mounted solar panels other than the portion in direct contact with the ground are considered permeable. All portions of underground waste disposal systems, along with necessary access covers, vents and risers for pump out and inspection are considered permeable.

Proposed Definition:

Impermeable Coverage: All the horizontal area of a lot, parcel or tract, that due to construction of structures is impermeable. Manmade alterations to the natural surface of the land which prevent or impede the infiltration of water runoff into the soil as it entered in the natural condition prior to development are impermeable. Common impermeable areas include, but are not limited to, rooftops, sidewalks, walkways, patios, decks, driveways, parking lots, storage areas, compacted gravel and soil surfaces, swimming pools and permanently installed solid awnings and other fabric or plastic coverings.

1. All portions of any ground mounted solar panels other than the portion in direct contact with the ground are considered permeable for purposes of lot coverage calculation.
2. All portions of underground waste disposal systems, along with any necessary access covers, vents, and risers for pump out and inspection are considered permeable for purposes of lot coverage calculation.
3. Runoff control systems required and approved to direct or infiltrate water by the Planning Board, such as rain gardens, swales, detention/retention ponds, level spreaders, culverts,

and similar are considered permeable, for the purpose of lot coverage calculations.

Current:

203.4 C: Coverage: building coverage shall not exceed ten percent (10%) of the area of a lot. Total impermeable coverage (including building coverage) shall not exceed twenty percent (20%) of the area of the lot.

Proposed:

1. 203.4 C:

Coverage: building coverage shall not exceed ten percent (10%) of the area of a lot.

2. Total impermeable coverage (including building coverage) shall not exceed twenty percent (20%) of the area of the lot.
3. Total lot coverage, which includes building coverage, impermeable coverage, and Pervious Paving, shall not exceed twenty five percent (25%) of the area of the lot. Use of Pervious Paving is required for total lot coverage between twenty (20%) and twenty-five percent (25%). All area beyond twenty percent (20%) must be Pervious Paving.
 - a. A Pervious Paving system design shall meet the University of New Hampshire (UNH) Stormwater Management Standards (SMC) and must be designed by an individual with UNH Stormwater Management Certification (or equivalent / better).
 - b. The Pervious Paving plan / building permit application shall include:
 - i. The design approved and signed by the SMC holder which shows how the plan improves the overall lot infiltration and reduces runoff leaving the property.
 - ii. A maintenance plan that ensures continued performance.
 - c. Code Enforcement may designate an SMC holder at the owner's expense for permit inspection if needed.

Current:

204.4 C: Coverage: building coverage shall not exceed ten percent (10%) of the area of a lot. Total impermeable coverage (including building coverage) shall not exceed twenty percent (20%) of the area of the lot.

Proposed:

4. 204.4 C:

Coverage: building coverage shall not exceed ten percent (10%) of the area of a lot.

5. Total impermeable coverage (including building coverage) shall not exceed twenty percent (20%) of the area of the lot.
6. Total lot coverage, which includes building coverage, impermeable coverage, and Pervious Paving, shall not exceed twenty five percent (25%) of the area of the lot. Use of Pervious Paving is required for total lot coverage between twenty (20%) and twenty-five percent (25%). All area beyond twenty percent (20%) must be Pervious Paving.

- d. A Pervious Paving system design shall meet the University of New Hampshire (UNH) Stormwater Management Standards (SMC) and must be designed by an individual with UNH Stormwater Management Certification (or equivalent / better).
- e. The Pervious Paving plan / building permit application shall include:
 - i. The design approved and signed by the SMC holder which shows how the plan improves the overall lot infiltration and reduces runoff leaving the property.
 - ii. A maintenance plan that ensures continued performance.
- f. Code Enforcement may designate an SMC holder at the owner's expense for permit inspection if needed.

Current:

205.4 C: Coverage: Building coverage shall not exceed ten percent (10%) of the area of a lot. Total impermeable coverage (including building coverage) shall not exceed twenty percent (20%) of the area of the lot.

Proposed:

205.4 C: Total lot coverage, which includes building coverage, impermeable coverage, and Pervious Paving, shall not exceed twenty five percent (25%) of the area of the lot. Use of Pervious Paving is required for total lot coverage between twenty (20%) and twenty-five percent (25%). All area beyond twenty percent (20%) must be Pervious Paving.

- g. A Pervious Paving system design shall meet the University of New Hampshire (UNH) Stormwater Management Standards (SMC) and must be designed by an individual with UNH Stormwater Management Certification (or equivalent / better).
- h. The Pervious Paving plan / building permit application shall include:
 - i. The design approved and signed by the SMC holder which shows how the plan improves the overall lot infiltration and reduces runoff leaving the property.
 - ii. A maintenance plan that ensures continued performance.
- i. Code Enforcement may designate an SMC holder at the owner's expense for permit inspection if needed.

13.08 SURFACE WATER MANAGEMENT

1. **Adjacent Properties and Protected Water Bodies:** Surface water resulting from residential construction shall not cause increased flooding or unreasonable deposits of storm water runoff or sediment onto adjacent properties, protected water bodies, or properties further downstream in the drainage basin.

2. **Surface Water Drainage:** The Building Inspector may require a surface storm water drainage plan as part of a permit for a residential construction site. This plan must be prepared by an individual with UNH Stormwater Management Certification (or equivalent). The Building Inspector may require the plan be reviewed by the Town Engineer at the applicant's expense. If the applicant wants to contest this requirement, the applicant may petition the Zoning Board for a decision.

Situations that may be considered in deciding if a stormwater drainage plan is required are:

- A. Increased storm runoff might cause flows in downstream bridges, culverts, Town storm drain system, or drainage facilities to exceed capacity.
- B. Installing or upgrading a driveway that has a significant slope and/or may channel water.
- C. Changing surface drainage properties such that the water velocity is increased over certain areas. For example, replacing local vegetation with a lawn over an area with a high incline.
- D. Changing surface drainage paths such that more water is concentrated toward one section of the property resulting in a larger amount of water in that localized area.
- E. Surface water runoff carried into existing watercourses or drainage ways, whether or not there are intervening storm drainage systems, that might degrade surface water quality.

12/13/2023 2:06 PM

I move to change the words Impermeable surfaces to Impermeable Coverage.

Suggested motion next meeting: I move to accept the proposed changes to Zoning definitions and Zoning 203.4 C, 204.4 C and 205.4 C as a single ballot item with *the definitions of Pervious paving and the modification to Impermeable coverage as they work together and cannot be reasonably separated.*

Definitions:

Pervious paving: Engineered systems for patios, driveways, parking, and other similar structures that retain and infiltrate water better than or equal to the site's undisturbed soil. The most commonly used types of pervious pavement are: pervious concrete, porous asphalt, and permeable interlocking concrete pavers which are specifically designed, installed and maintained to effectively absorb and infiltrate water. Pervious paving also applies to permeable paving.

Impermeable surfaces-Coverage: All the horizontal area of a lot, parcel or tract, that due to construction of

structures is impermeable. Manmade alterations to the natural surface of the land which prevent or impede the infiltration of water runoff into the soil as it entered in the natural condition prior to development are impermeable. Common impermeable areas include, but are not limited to, rooftops, sidewalks, walkways, patios, decks, driveways, parking lots, storage areas, compacted gravel and soil surfaces, swimming pools and permanently installed solid awnings and other fabric or plastic coverings.

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3. Runoff control systems required and approved to direct or infiltrate water by the Planning Board, such as rain gardens, swales, detention/retention ponds, level spreaders, culverts, and similar are considered permeable, for the purpose of lot coverage calculations.

Zoning 203.4 C, 204.4 C, and 205.4 C

C. Coverage:

1. Building coverage shall not exceed ten percent (10%) of the area of a lot.
2. Total impermeable coverage (including building coverage) shall not exceed twenty percent (20%) of the area of the lot.
3. Total lot coverage, which includes building coverage, impermeable coverage, and Pervious Paving, shall not exceed twenty-five percent (25%) of the area of the lot. Use of Pervious Paving is required for total lot coverage between twenty (20%) and twenty-five percent (25%). All area beyond twenty percent (20%) must be Pervious Paving.
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 - i. The design approved and signed by the SMC holder which shows how the plan improves the overall lot infiltration and reduces runoff leaving the property.

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- ii. A maintenance plan that ensures continued performance.
- c. Code Enforcement may designate an SMC holder at the owner's expense for permit inspection if need

Building-Ordinance

Driveway permit

Adding language to make it clearer that storm water runoff from the driveway and the impact on the public road drainage system must be considered and dealt with by the owner for new and revised driveways. I believe the owner to be responsible now, but this explicitly adds responsibility language at the permit level.

This also adds a requirement (C) to require owners that modify driveways that increase the load on the public road drainage system to update their permit giving the town a chance to evaluate prior to the change or be used after the fact to help get an owner to correct a problem they created by changing their driveway. There is a drawing that the town provides to permit applicants, but it doesn't seem to be available other than with a driveway permit application requested in person. I don't think the drawing should be regulatory, just informational for guidance and available.

Suggested motion: I move to accept the proposed changes to *Building Ordinance 16.03 Driveway Permits to the following.*

16.03 DRIVEWAY PERMITS

A: Any new drive from a town public road shall require a driveway permit from the town Public Works Director showing how it meets minimum town requirements and approved by Code Enforcement. Factors to be considered include a safe location, suitable grade at its junction with the public road, and adequate drainage provided to support any additional flows from the driveway to and within the public road drainage system.

B: The Building Inspector shall not issue a building permit before the securing of approving a driveway permit that meets town requirements if a new driveway is required.

C: Modifications to driveways that increase storm water runoff at the public road require preapproval by the Public Works Director / code enforcement and the receipt of a revised driveway permit. The modification must ensure continued adequate drainage in the Public Road drainage system with the increased flows from the driveway modification prior to construction of the modification.

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Well, the attorney says this is a ballot item. I'm not going to argue the point.

Suggested motion: *I move to add a reference to the Chesterfield Floodplain Development Ordinance to the list of codes referenced in the Building Ordinance 13.02. This is a change for clarity only as it is already required to be considered when building.*

13.02 CODES - All construction, prefabrication, alteration, modification, repairs, maintenance, demolition and/or removal, unless otherwise covered by this ordinance, the Chesterfield Floodplain Development Ordinance, or the Chesterfield Zoning Ordinance, shall be in accordance with the editions of the codes, amendments and regulations as adopted by the State of New Hampshire RSA: 155A, Rental Housing Stands RSA: 48 A-14 and the 2009 edition of the I.C.C Existing Building Code or otherwise determined by the Chesterfield Board of Selectmen. A list of these current documents may be obtained from the Code Enforcement Officer.

The Chesterfield Board of Selectmen, per NH RSA shall establish rules and rates for inspections, compliance, and enforcement of any applicable adopted codes or regulations for existing apartments, public, commercial and industrial buildings, and any rental housing where the property owner does not reside on the property.

This Ordinance is not intended to prevent an individual from constructing, prefabricating, altering, modifying, repairing or maintaining structures on his/her property, or from using materials on his/her property for this purpose, subject to the constraints of state statute and pertinent codes.

I can find no justification for having a minimum roof pitch for residential or criteria for the ZBA to grant the required special exception for using a lower pitch. I believe the current height limits are adequate and there is no reason to regulate the height of cantilevered decks above ground. Means of egress are covered elsewhere.

Suggested motion: *I move to hold a public hearing on removing from Building Ordinance 13.03 the minimum roof pitch requirement.*

13.03 HEIGHT OF NEW BUILDINGS - No new structure shall be constructed that would be more than thirty-five (35) feet at its highest point above the natural ground level ("Natural Ground Level" is the ground that is undisturbed prior to the construction process). The maximum building height is thirty-five (35) feet or 2-1/2 stories, whichever is less.

~~Residential structures with a roof pitch equal to or less than 3-12 shall be by Zoning Board of Adjustment special exception only.~~

No new structure built on a "side hill" shall be more than thirty-five (35) feet measured vertically on the uphill elevation of the structure from the highest natural ground level, and no more than thirty (30) feet to the eaves on the downhill elevation of the structure ("Side Hill" is when the natural ground level is sloped).
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This is the language for the public hearing to board agreed to. While I understand the intent is to have a qualified individual look at projects that appear to the building inspector to warrant an actual drainage plan, I believe that it will eventually turn into a requirement for all projects and it is little comfort to be told that you can appeal the decision to the ZBA&A (like any other town decision). I believe that it would need to be somehow made better to be limited / balanced and will not support placing this version on the ballot.

Suggested motion: I move to accept the proposed changes to *Building Ordinance 13.08* as follows:

13.08 SURFACE WATER MANAGEMENT

1. Adjacent Properties and Protected Water Bodies: Surface water resulting from residential construction shall not cause increased flooding or unreasonable deposits of storm water runoff or sediment onto adjacent properties, protected water bodies, or properties further downstream in the drainage basin.

2. Surface Water Drainage: The Building Inspector may require a surface storm water drainage plan as part of permit for a residential construction site. This plan must be prepared by an individual with UNH Stormwater Management Certification (or equivalent). The building inspector may require the plan to be reviewed by the Town Engineer at the applicant's expense. If the applicant wants to contest this requirement, the applicant may petition the Zoning Board for a decision.

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- B. Installing or upgrading a driveway that has a significant slope and/or may channel water.
- C. Changing surface drainage properties such that the water velocity is increased over certain areas. For example, replacing local vegetation with a lawn over an area with a high incline.
- D. Changing surface drainage paths such that more water is concentrated toward one section of the property resulting in a larger amount of water in that localized area.
- E. Surface water runoff carried into existing watercourses or drainage ways, whether or not there are intervening storm drainage systems, might degrade surface water quality.

12/13/2023 2:06 PM

Modified with additional input from Code enforcement pointing out State codes which already supersede town requirements.

Suggested motion: I move to accept the proposed changes to *Building Ordinance 15.04* as follows:

15.04 COMMENCEMENT WITHOUT BUILDING PERMIT - It shall be unlawful for any person to commence work on construction, prefabrication, modification, alteration, expansion, or repair of any building or structure until a building permit has been issued for such construction, prefabrication, modification, alteration, or repair by the Building Inspector. Chimney modifications require prior consultation with the Building Inspector and may require a permit. It is the property owner's responsibility to ensure that any work, including the exceptions listed below, is in compliance with all Town codes;

Exceptions

1. **Work exempt from permit** as listed in the NH State Building Code. Refer to the International Residential Code (IRC) **Section R105.2** or the International Building Code (IBC) **Section 105.2**.
2. Reroofing and/or Residing - One (1) and two (2) family dwellings or accessory building.
3. A Detached one-story accessory structure not over 200 sq. ft. in floor area.
4. **Repairs, except for chimneys, as specified in the IRC Section R105.2.2.**

end