

**Planning Board Workshop
Board Room, Municipal Building 12:00 pm
February 28, 2007**

In Attendance:

Members: Nancy Collier, Bill Dietrich, Charles Faulkner, Jim Hornig, Judith Esmay

Alternates: Joan Garipay

Selectmen Alternate: Bill Baschnagel

Staff: Jonathan Edwards and Judy Brotman

Others: See attached sheet

Agenda

1. Discussion about Proposed Rural Resource Protection Overlay District:

Mr. Edwards pointed out that steep slopes protection areas and hilltops and ridgeline overlay districts are shown on the "RR" map districts dated February 27, as new non-minimalist approaches. Ann Morris distributed a memo, *Steep Slopes and Ridgelines*, as background material. Mr. Edwards distributed three maps: a map dated February 22 shows the primary hilltops and ridgeline areas; the same map but with the areas of 25% slope also shown; and a map dated February 26 showing both the revised hilltop non-minimalist version and minimalist version.

COLLIER asked how the elevation information was assembled. Mr. Edwards stated Mrs. Morris and Mr. Chamberlain translated the Scenic Locales Report into proposed elevations; he and Ms. Smith reviewed the work with Mrs. Morris and Mr. Chamberlain and made slight modifications to their proposals. COLLIER asked if they tried to pick an elevation that would be visible from a distance. Mrs. Morris stated she and Mr. Chamberlain had made a field analysis, using USGS maps encased in plastic on which they recorded their observations and locations. They tried to pick elevations on hillsides that were above existing development and important from the point of view of people traversing the Town on roads, the river, and the Appalachian Trail.

In response to the request of an audience member, Mr. Edwards pointed out places on these maps that were not in the "RR" district. If the proposal goes to Town Meeting, he said, he would revise the map at the Planning Board's direction.

COLLIER said if hilltop and ridgeline protection is important to townspeople it should be extended into the eastern flanks of the in-town area. Ruth Lappin said that any hilltop and ridgeline protection should not be limited to protected areas but should be Town-wide.

Hilary Pridgen stated the Rural Group at first envisioned an overlay district outside the in-town area and did not attempt to determine a boundary line. Since much work has already been done on this, she endorsed starting the protection with the "RR" and "F" districts.

COLLIER asked if it would make sense to look at hilltops, ridgelines, and overlay districts on maps dated February 26 and 27. Mr. Edwards suggested the analysis should be divided into minimalist ridge top, non-minimalist ridge top, and steep slopes.

Robin Carpenter stated that the issue is framed exclusively for the rural area. He stated the definitive majority of the inhabitants of Town live in the in-town area and are going to vote on an ordinance that applies exclusively to the minority outside of the in-town area. He stated he finds this to be a problem.

Mr. Edwards stated that under the minimalist proposal nothing can be built in that area unless a variance is granted. There was much more discussion on this, on non conforming structures, and on Special Exceptions.

Mr. Edwards stated he had devised the minimalistic approach for simplicity and ease of the administrative burden on applicants by reducing the number of people who must apply for variance, administrative permits, and special exceptions. In addition, the new variance criteria proposed in another potential zoning amendment would make a variance request easier to justify. He suggested adding a reference to section 803. Arthur Gardiner stated it could say "except as may be permitted under section 802," but that is a narrow exception.

Mrs. Morris stated that proposal number two addressed some of these issues, but it would take more structure and process to allow greater discretionary latitude. There was much discussion on what were permissible and impermissible uses.

Mr. Carpenter suggested that a ban on any structure in the cross hatched area on the map might go too far, since a building sheltered by trees cannot be seen from elsewhere and does not impact the view. There was discussion on the kind of administrative permit required if the only buildable land on a lot is on a hilltop or ridgeline.

Mr. Edwards stated that a person who wants to build on top of Moose Mountain must provide proof to Ms. Brotman or the Board that the building profile will not jut above the existing natural profile of the ridge as seen from roads and bridges. Mr. Edwards stated he did not know of any properties that would reach the natural ridgeline.

Arthur Gardiner stated his difficulty understanding what was meant by language on pages 5 and 6, the Development of Use Standards. If the alternative to building on a hilltop or ridgeline on a given lot is building in or close to a wetland, which is preferable? He suggested that the language "maintain, preserve, and protect important scenic vistas" could be added to Mr. Edwards's minimalist approach. If everything was restricted the ZBA could grant a special exception provided that the special exception criteria were met and, in particular, the purposes of the restriction as set forth in this paperwork are observed. He stated this would get away from all the confusion. Ms. Brotman stated that whenever you make another "this, then this", it sets up a huge debate; simpler is better. An increase in the requirements for ZBA review will result in an increase in the number of times abutters are notified.

Ruth Lappin stated that persons who are not abutters may be among those who are offended by the view of a structure. The larger public purpose of the proposed view protection might dictate a process by which the general public is informed about a proposal by having hearings routinely noticed, short of sending everyone in town a certified letter. This would apply to buildings on the cross hatched area of the map. There was discussion on that area of the map and how the language for that area could be worded and where it should be put.

Mr. Carpenter stated he is for protecting what is left of the scenic potential in town, but against setting out a complex procedure for people that presently have structures in these areas of town. He suggested the establishment of points of reference all around town from which viewsheds could be determined. Ms. Brotman stated the blue cross hatched area was developed for these references. It was also stated there was a huge survey done in the rural areas of town to find out what residents deemed important in the scenic areas of town. There was considerable public input in the top ten areas in the cross hatched areas. Mr. Carpenter was asked if he saw these changes affecting him as he was in the cross hatched area. He stated no, not at this time.

DIETRICH stated his property is in the middle of the cross hatched area and things shouldn't be done to worsen things for existing structures that are in the cross hatched area already. He stated he wouldn't want to see so many limitations put on existing structures. DIETRICH stated it appears that the ordinance is meant to protect undeveloped areas, but it will affect developed areas as well.

Ruth Lappin stated that closer inspection of the map shows that a lot of the blue hatched areas didn't include hilltops or ridge lines at all. Ms. Lappin asked how many of these properties were considered scenic areas just because of an old house that provides a pleasant scenic view.

Mr. Edwards stated there still must be objective criteria. What could be done, however, is to remove existing lots and houses in the Goodfellow Road area from the blue hatched area, although still taking into account those areas that can still be seen from Thompson Road. It was also suggested that the language of the ordinance might make it inapplicable to developed property or applicable only to undeveloped areas. There was discussion on special exceptions and variances and when they would be appropriate. There was also discussion on when review by the ZBA or Ms. Brotman would be appropriate.

ESMAY asked what kinds of applications would be filed and what the Board would want to exempt. ESMAY gave an example of a very nice two-story garage in the blue hatched area that is very nicely done and can only be seen by the neighbors, but would have not been allowed under these new rules. COLLIER stated now that person would need a special exception where as before they would not. Ms. Brotman stated she thought the minimalist approach was good, but that it would need some standards for disabilities.

COLLIER stated she appreciated the Rural Group's efforts and observed that the group wants to continue its work this year. COLLIER also stated the Planning Board makes every effort to improve the language of ordinances before acting on them.

COLLIER stated for review that the issue under discussion was "C" hilltops and ridgelines, in the blue cross hatched areas, only in the "RR" and "F" districts and excluding the hatched area that is west of the blue line. It was agreed that the title would be changed to "Hilltops and Ridgelines."

COLLIER stated the map should eliminate the red line as this is not an approved planning line and this map should incorporate only the "RR" and "F" districts. The language under discussion is on the number one minimalist plan dated February 26, 2007, with parts of number two added. Mr. Gardiner stated that the section 803 exception should also be added to be explicit. BASCHNAGEL disagreed. There was discussion on this and on other language that may need be added or deleted. There was also much discussion on structure footprint size and height. It was also stated the ZARC form should be looked at again to make sure it didn't need rewriting.

FAULKNER moved to bring this forward to March as reworded in this discussion.

ESMAY seconded.

All voted in favor.

Mr. Edwards suggested that Mrs. Collier and Ms. Brotman go over the map with him, along with other Planning Board members, before it is brought to the Planning Board again. COLLIER stated there will be more discussion on this on March 20th.

COLLIER stated that some of the brown steep slopes were incorporated with the blue hatched areas and the brown areas would not be going forward this year. Hilary Pridgen said she was concerned by the omission of those areas from consideration this year. COLLIER stated that this year starting in April the Planning Board should determine the most important issues for the Board to work on for the year instead of waiting until the last minute.

2. Other Business:

Thursday, March 1st 7:30 pm at the Community Center will be the Route 120 input session.

Respectfully Submitted,
Erin Hammond, Recording Secretary
Judith Esmay, Clerk