

# 1.Are you in favor of adoption of Amendment #1 as proposed by the Planning Board for the Town Zoning Ordinances, as follows:

## 220 SPOFFORD LAKE WATERSHED STEEP SLOPE OVERLAY DISTRICT ORDINANCE

### 220.1 PURPOSE AND INTENT

In conformity to the most recent Town of Chesterfield Master Plan, the purpose of the Spofford Lake Watershed Steep Slope Overlay District Ordinance is to manage development on steep slopes in the lake watershed area to: 1) prevent soil erosion, 2) preserve vegetative cover, 3) protect downslope properties from runoff damage, and 4) protect surface waters from sedimentation and turbidity caused by storm water runoff and effluent from sewage disposal systems.

### 220.2 DEFINITIONS

#### A. Spofford Lake Watershed Steep Slope Overlay District

All lands that naturally drain into Spofford Lake lie within the Spofford Lake Watershed as shown by the map overlay approved and revised by the Chesterfield Planning Board. The overlay map is included in this ordinance by reference and available in the Chesterfield Town Office.

#### B. Slope

Defined as the percentage elevation change when measured over a horizontal distance of 40 feet.

#### C. Precautionary Slope

1. In the area included in the Spofford Lake Watershed Steep Slope Overlay District, a Precautionary Slope is any land having a slope of 10% to 15% over a horizontal distance of 40 feet.
2. When calculating minimum lot size compliance in the Spofford Lake Watershed Steep Slope Overlay District, 50% of all land in a Precautionary Slope area shall be excluded from the area calculation. For example, in a Precautionary Slope area, 20,000 square feet of land is necessary to comply with any 10,000 square foot minimum area requirement for lot size.

#### D. Prohibitive Slope

1. In the area included in the Spofford Lake Watershed Steep Slope Overlay District, a Prohibitive Slope is any land having a slope exceeding 15% over a horizontal distance of 40 feet.
2. When calculating minimum lot size compliance in the Spofford Lake Watershed Steep Slope Overlay District, 100% of all land in a Prohibitive Slope area shall be excluded from the area calculation. All land in the Prohibitive Slope Area must be excluded from the calculation.

#### E. 10% slope

A 10 percent slope means that, for every 40 feet of horizontal distance, the altitude changes by 4 feet:  $\{4 \text{ ft over } 40 \text{ ft}\} \times 100 = 10\%$

#### F. Lot Disturbance

Lot disturbance is any activity for development.

### 220.3 DETERMINATION OF SLOPE AS IT APPLIES TO THESE REGULATIONS

Where an interpretation is required as to the exact location of the boundaries of the Spofford Lake Watershed Steep Slope Overlay District and/or the Precautionary and Prohibitive Slopes areas within a lot, a

determination shall be made by a New Hampshire State licensed surveyor at the direction of the Town of Chesterfield, the cost borne by the applicant and certified by the Chesterfield Planning Board at a public hearing.

### 220.4 REGULATIONS APPLYING TO SPOFFORD LAKE WATERSHED PRECAUTIONARY STEEP SLOPE AREAS

A. Removal of vegetation, grading of slopes, erection of buildings, addition of impermeable surfaces, installation of wastewater disposal systems (e.g. septic), and/or removal of native soil shall not exceed a total of 10,000 square feet of Precautionary Slope area on an individual lot. The exception is that forestry, logging and/or woodcutting activities that are performed in accordance with all State requirements, and are not part of a subdivision application or a development project, shall be permitted.

B. Activities permitted within the 10,000 square foot standard established above shall be limited to those listed below, subject to the corresponding use also being permitted in the applicable zoning district:

1. Construction of a building or structure allowed within the District.
2. Construction of a driveway, shared driveway and/or parking area subject to the standards set forth in town codes.
3. Construction of a street or private road.
4. Construction of a state approved septic system.

### 220.5 REGULATIONS APPLYING TO SPOFFORD LAKE WATERSHED PROHIBITIVE SLOPE AREAS

Removal of vegetation, grading of slopes, erection of buildings, addition of impermeable surfaces, installation of septic systems, new streets, driveways, and or removal of native soil within Prohibitive Slope areas shall not be permitted except as expressly indicated in this section, and subject to the corresponding use also being permitted in the applicable Zoning District.

A. Forestry, logging and/or woodcutting activities that are performed in accordance with all State requirements, and are not part of a subdivision application or a development project, shall be permitted.

B. Construction of a new driveway across a Prohibitive Slope Area to access a new single-family dwelling (on a lot that existed prior to the time the Spofford Lake Watershed Steep Slope Overlay District Ordinance) shall be permitted, provided there is no reasonable alternative driveway location which avoids the Prohibitive Slope area.

C. Expansion of a building that existed within the Prohibitive Slope area, at the time the Spofford Lake Watershed Steep Slope Overlay District Ordinance is adopted, shall be permitted, provided that:

1. the expanded footprint area within the Prohibitive Slope area does not exceed 20% of the original footprint located in the Prohibitive Area.
2. No additional footprint expansion within the Prohibitive Slope area shall be permitted in the future.

**220.6 REGULATIONS APPLYING TO DRIVEWAYS IN ALL SPOFFORD LAKE WATERSHED STEEP SLOPE AREAS**

All driveways crossing any steep slope area (as defined here) must not exceed a 10% slope. This prohibition shall not apply to roads built for permitted forestry operations allowable under State law and permitted and/or performed in accordance with all State requirements.

**220.7 GENERAL REGULATIONS APPLYING TO ALL AREAS WITHIN THE SPOFFORD LAKE WATERSHED STEEP SLOPE OVERLAY DISTRICT**

- A. Activities and all areas subject to the Spofford Lake Watershed Steep Slope Ordinance shall be designed and sited in a manner that supports the purpose and intent of 220.1. .
- B. Existing natural and topographic features, including the vegetative cover, shall be preserved on lands subject to the Spofford Lake Watershed Steep Slope Ordinance, except where removal of vegetation and grading are expressly permitted subject to the applicable standards set forth herein.
- C. Structures, where permitted shall be designed and sited in a manner that avoids features such as natural ravines and natural drainage courses and minimizes both grading and the removal of vegetation.
- D. All development, including clearing, grading and construction where permitted, shall provide for the retention of native soil, stabilization of slopes, and prevention of erosion or sedimentation of streams, watercourses, or bodies of water.
- E. Erosion and sediment control measures, soil stabilization measures, and stormwater management systems shall be designed, installed and maintained in accordance with best management practices. Such measures include but are not limited to all the requirements set forth in SECTION 605 EROSION AND SEDIMENT CONTROL STANDARDS of the Chesterfield Planning Board Land Development Regulations. Appropriate use of *The NHDES Erosion and Sediment Control Handbook*, Volume 3 (2008 or later) is recommended to ensure compliance. It is the responsibility of the landowner and permit applicant to ensure that erosion and sediment are properly controlled in order to mitigate potential adverse impact associated with the disturbance of Steep Slopes during and after construction.
- F. Finish graded areas shall not be larger than the area necessary to construct buildings, accessory buildings or structures, plus that area necessary to accommodate access, parking, drainage and turnaround areas. Any finished grading shall not exceed a 2:1 ratio.

**220.8 PERMITTING REQUIRED**

All new construction or improvements on land areas subject to the Spofford Lake Watershed Steep Slope Overlay District Ordinance in addition to requiring a building and/or driveway permit, shall comply with the following:

- A. It shall be the responsibility of the Chesterfield Code Enforcement Officer to review all building and driveway permit applications affecting lands subject to this Spofford Lake Watershed Steep Slope Ordinance and send all to the Chesterfield Planning Board, Public works director and Chesterfield Conservation Commission for review with the provisions of the regulation. The Code Enforcement Officer or designee may require special studies or information to make necessary determinations, the cost borne by the applicant.

**220.9 EXEMPTIONS**

- A. undeveloped lots of record are exempt from dimensional requirements of land area of a lot.
- B. Development on Lots of record may be exempted from these restrictions on slopes less than 20% if the landowner presents a professionally engineered development and written maintenance plan that demonstrates permanent improvement from runoff to surrounding properties or waterways

approved by code enforcement or their designated reviewer. Any third-party review required will be at the expense of the landowner. The written Maintenance plan shall include the frequency of inspection (duration between inspections, frequency due to rainfall events), method of maintenance. The inspection of the maintenance will be performed by a third party and will be completed at a minimum of 90 day and Max. 180 days prior to the described deadline of the maintenance duration. The cost of the inspection by the third party will be borne by the property owner. the Third-party inspection agency will provide notice to the property owner of any outstanding maintenance issue remaining as outlined in the written maintenance plan. The items within the document issued by the third-party inspection must be completed within 90 days of receipt of notice by the property owner. If the items are not completed as outlined in the third-party inspection document with in the 90 days after receipt of the property owner, the property owner agrees to compensate the Town of Chesterfield the cost of completion of outstanding items Identified by the Third-party inspection report. The approved SWMP plan, including the maintenance plan, will be recorded to each parcel’s deed in which the plan entails.

C. The requirements of the Spofford Lake Watershed Steep Slope Overlay District Ordinance established herein are not intended to limit forestry operations, as long as forestry operations are practiced in accordance with New Hampshire State Requirements *and NH Best Management Practices for Erosion Control on Timber Harvesting Operations* (as revised), as published by the UNH Cooperative Extension.

YES  NO

**2. Are you in favor of adoption of Amendment #2 as proposed by the Planning Board for the Town Zoning Ordinances, as follows:**

**Existing:**

207.2 3 d. An accessory dwelling unit shall have an area of no less than 300 square feet and no greater than 800 square feet measured by the outside dimension of the exterior wall or the interior dimension of a common wall. An attached accessory dwelling unit shall occupy no more than 30% of the total heated, above grade floor area of the total dwelling unit, including the accessory dwelling unit.

**Proposed, with new language in bold italics:**

207.2 3 d. An accessory dwelling unit shall have **a total** area of no less than 300 square feet and no greater than 800 square feet **of floor space** measured by the outside dimension of the exterior wall **and** the interior dimension of common **walls including all floors of the ADU that contains living space**. An attached accessory dwelling unit shall occupy no more than 30% of the total heated **area of all floors** of the total dwelling unit, including the accessory dwelling unit

YES  NO

**3. Are you in favor of adoption of Amendment #3 as proposed by the Planning Board for the Town Zoning Ordinances, as follows:**

**Existing:**

207.2 3 g. Adequate off-street parking shall be provided.

**Proposed, with new language in bold italics:**

207.2 3 g. Adequate off-street parking shall be provided. *In addition to the parking required for the existing structure, at least one additional parking spot for each ADU bedroom added shall be provided.*

YES  NO

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**4. Are you in favor of adoption of Amendment #4 as proposed by the Planning Board for the Town Zoning Ordinances, as follows:**

**Existing:**

**209.1 Brooks, Rivers and Streams**

**Definition:** Brooks and Streams listed below will be protected by the town in accordance with the Shoreland Protection Act (RSA 483.B:1-19, see Appendix B).

**Proposed, with new language in bold italics:**

**209.1 Brooks, Rivers and Streams**

**Definition:** Brooks and Streams listed below will be protected by the town in accordance with the Shoreland ***Water Quality*** Protection Act (RSA 483.B).

YES  NO

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**5. Are you in favor of adoption of Amendment #5 as proposed by the Planning Board for the Town Zoning Ordinances, as follows: \**

**Existing**

**203.6 Spofford Lake District**

**Definition:** All lands extending 500 feet from the water line of Spofford Lake at full pond (RSA 483.B-4). In the Spofford Lake District, all uses shall first be regulated by the Shoreland Protection Act (RSA 483.B – see Appendix B) and then permitted in compliance with the existing residential district with the following changes:

**Proposed, with new language in bold italics:**

**203.6 Spofford Lake District**

**Definition:** All lands extending 500 feet from the water line of Spofford Lake at full pond (RSA 483.B-4). In the Spofford Lake District, all uses shall first be regulated by the Shoreland ***Water Quality*** Protection Act (RSA 483.B) and then permitted in compliance with the existing residential district with the following changes:

YES  NO

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**6. Are you in favor of adoption of the following Amendment, inserted by petition: (Not recommended by the Planning Board)**

Petition to amend the zoning map of the Town of Chesterfield for 10 Pontiac Drive, Spofford (Ames Performance Engineering) Map 11B, Lot A12-4 from Planned Development District #3 to Commercial/Industrial.

YES  NO

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**7. Are you in favor of adoption of the following Amendment, inserted by petition: (Not recommended by the Planning Board)**

**Existing:**

**401.1 Setbacks**

Business and home occupation signs may be erected only on the same premises where the business they advertise is conducted and shall be no closer than fifty (50) feet from any side or rear property line and ten (10) feet from any State or Town ROW. This applies to both permanent and temporary signs.

**401.6 Billboards**

Advertising billboards and permanent off-premises signs are not permitted.

**Proposed, with new language in bold italics::**

**401.1 Setbacks**

Business and home occupation signs may be erected only on the same premises where the business they advertise is conducted and shall be no closer than fifty (50) feet from any side or rear property line and ten (10) feet from any State or Town ROW. This applies to both permanent and temporary signs.

***Exception: Where the premises used for the business or home occupation has insufficient frontage on a State or Town road to comply with this requirement, such business or home occupation may have one (1) sign permanently installed off-premises, subject to the following regulations and restrictions:***

- A) The business must be in Chesterfield.***
- B) Such sign shall be no closer than fifty (50) feet from any side or rear property line of the hosting premises, unless said property line is shared by the business premises and the location is approved by the Code Enforcement Officer, and shall be no closer than ten (10) feet from any State or Town ROW.***
- C) A permit shall be required from the Code Enforcement Officer for the installation of an off-premises sign. The permit fee shall be determined by the Board of Selectmen.***
- D) Written authorization from the hosting landowner shall be required for issuance of an off-premises sign permit.***
- E) The sign shall be removed if the business or home occupation ceases operation.***
- F) This exception shall be limited to one off-premises sign per hosting premises. 401.2E may be applied for multiple businesses with approval from the Zoning Board.***
- G) A business utilizing this exception remains subject to the area provisions of Section 401.2 with the exception that the allowable area may include one freestanding sign on the business premises.***
- H) The sign permitted under this exception shall not be considered when applying Section 401.2 to the hosting premises.***

## ZONING BALLOT

### 401.6 Billboards

Advertising billboards are not permitted.

YES       NO