

**Summary of Proposed BZO Amendments for Town Meeting 2014.  
Last reading before Public Hearing.**

<b>Overview: There are [6+15= 21] amendments.. In their final form four (4) are recommended by the board for adoption at the 1<sup>st</sup> hearing and two (2) are going forward to a 2nd hearing as (Article 18) substantively amended or (15.3.2) newly presented at the 1<sup>st</sup> hearing.</b>			
<b>Six of these (items 1 through 6) concern themselves with various issues.</b>			
<b>Ref#</b>	<b>Count</b>	<b>Index</b>	<b>Briefer Description</b>
<b>1</b>	<b>1</b>	<b>Table 1</b>	In table 1 change excavation from “P” (permitted by right) in NR, GR, V to “CP” (conditionally permitted). This changes excavation uses from being permitted by right in certain zones to being permitted under specified conditions in those zones. In effect, this inserts an additional layer of review to excavation proposals (Gravel usually)
<b>2</b>	<b>2</b>	<b>Table 1</b>	Allowing Recreational use for 180 days per year (a secondary use) even though a secondary use usually requires a primary use to be in place at the site
<b>3</b>	<b>3</b>	<b>Article 18</b>	Updating the definition of light manufacturing to include specific standards regarding health and safety issues and nuisance issues.
<b>4</b>	<b>4</b>	<b>6.4 &amp; 6.4.1 to end of Article</b>	Setting the yield plan (number of dwelling units allowed on a tract of land) for Conservation Subdivisions to be equal to the yield plan for a conventional subdivision. The savings to a developer in infrastructure costs are incentive enough.
<b>5</b>	<b>5</b>	<b>9.5.1</b>	Citing the effective date of the Wetland buffer. This simply inserts into the text the date the buffer provision was adopted and became effective
<b>6</b>	<b>6</b>	<b>15.3.2</b>	At 15.3.2: Remove the prohibition of service on the Planning Board by persons serving the town’s code enforcement functions.
<b>Of the remaining 15, one(1) is located in Article 2 – Zoning Districts at 2.1 – Establishment of Zoning Districts (list of Overlay Districts).</b>			
<b>Thirteen (14) of the fourteen (15) concern themselves with Article 12 - Protection of Groundwater Protection District Overlay. Their overall purpose is to address the risk of spreading water contamination in the area of Swains Lake..</b>			
<b>7</b>	<b>7</b>	<b>2.1</b>	Expand Overlay designations to include SDAO & SL-WMZO
<b>8</b>	<b>8</b>	<b>Art 12 Title Heading</b>	GROUNDWATER PROTECTION DISTRICT OVERLAY (GPDO) Strike P in G P-O and Insert GDO
<b>9</b>	<b>9</b>	<b>12.2</b>	Groundwater Protection District Defined
<b>10</b>	<b>10</b>	<b>12.2.(1)</b>	Delete header and provisions (This is a text move only – the text will be re-inserted at 12.2.1(1)(a))
<b>11</b>	<b>11</b>	<b>12.2.1</b>	<b>Identification and Boundaries of Overlays within the Groundwater Protection District.</b>
<b>11a</b>	<b>12</b>	<b>12.2.11)</b>	The Stratified Drift Aquifer Overlay (SDAO)
<b>11b</b>	<b>13</b>	<b>12.2.1(1)(a)</b>	<b>Boundaries of the Stratified Drift Aquifer Overlay.</b> With body text of the provision.
<b>11c</b>	<b>14</b>	<b>12.2.2(1)</b>	<b>The Swains Lake – Water Management Zone Overlay</b>
<b>11d</b>	<b>15</b>	<b>12.2.2(1)(a)</b>	<b>Boundaries of the Swains Lake – Water Management Zone Overlay</b>
<b>12</b>	<b>16</b>	<b>12.3.2</b>	Private residential use within the SL-WMZO subject to the provisions of this Article. (See Subsection 12.4.3)
<b>13</b>	<b>17</b>	<b>12.4.3</b>	Performance Standards within Swains Lake Water Management Zone Overlay Boundaries
<b>14</b>	<b>18</b>	<b>12.4.3(1)</b>	New Wells within Swains Lake Water Management Zone Overlay Boundaries
<b>15</b>	<b>19</b>	<b>12.4.3(2)</b>	Repair and Replacement of Existing Wells within Swains Lake Water Management Zone Overlay Boundaries
<b>16</b>	<b>20</b>	<b>12.4.3(1)</b>	Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA),
<b>17</b>	<b>21</b>	<b>12.6</b>	PROPERTY DEVELOPMENT, Renovation and Expansion

Ref # 1: (Count 1) Location in the Ordinance Appendix 19 Table 1: Table of Uses  
CUP for extraction of earth material: Table 1 – Table of Uses

**Existing presentation:**

Use Industrial	Gen.Res	N.Res.	Village	Town Ctr	Reg.Com	Hwy Com. Dist. O.
Excavation Operations	P(1)	P(1)	P(1)		P(1)	P(1)

**Footnotes to Table 1 (Meaning of numbers in parenthesis in the table)**

(1)	All excavation operations shall conform to the Performance Standards specified in Section 7.1 of this Ordinance, as well as the requirements specified in the town's Site Plan Review Regulations. The Planning Board may require an undisturbed and/or vegetated buffer of suitable size to be maintained between an excavation site and any adjoining properties if said properties would be adversely impacted by such an operation
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**Purpose of the Edit**

To provide for inclusion of specific items to be reviewed and documented regarding their potential effects of extraction operations within a residential zone. Applications will be reviewed under the Conditional Use Permit which required findings of compatibility with the environs and preservation of land value with the provisions of overall Performance Standards of the Ordinance

**Edit as proposed to 1<sup>st</sup> hearing:**

Use Industrial	Gen.Res	N.Res.	Village	Town Ctr	Reg.Com	Hwy Com. Dist. O.
Excavation Operations	<del>P(1)</del> CP(1)	<del>P(1)</del> CP(1)	<del>P(1)</del> CP(1)		P(1)	P(1)

(1)	All excavation operations shall conform to the Performance Standards specified in Section 7.1 of this Ordinance, as well as the requirements specified in the town's Site Plan Review Regulations. The Planning Board may require an undisturbed and/or vegetated buffer of suitable size to be maintained between an excavation site and any adjoining properties if said properties would be adversely impacted by such an operation
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**Narrative description of edit if appropriate:**

In Table of Uses within Section "Use Industrial" Column at Row Excavation Operations, replace P(1) with CP(1) under General Residential, Neighborhood Residential, and Village District.

**Comments**

Public	None
Legal	None
Board	None

**Disposition**

Voted	Recommend to Town Meeting as proposed at 1 <sup>st</sup> hearing.
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Ref #2: (Cnt 2) Location in the Ordinance: Appendix 19 Table 1: Table of Uses. & Table 1 Footnotes

**Existing Presentation**

Use Accessory	Gen.Res	N.Res.	Village	Town Ctr	Reg.Com	Hwy Com. Dist. O.
Recreation	P	P	P	P	P	P

**Purpose of The Edit:**

The Zoning Ordinance defines Accessory Use requires that principal use exist and that an accessory use be subordinate in purpose to the that principal use. This amendment provides for the accessory use of "recreation" for limited periods of the year on certain lots that have no principal structure or use.

**Edit as proposed to the 1<sup>st</sup> hearing**

Use Accessory	Gen.Res	N.Res.	Village	Town Ctr	Reg.Com	Hwy Com. Dist. O.
Recreation	P(14)	P(14)	P(14)	P(14)	P(14)	P(14)

**Footnotes to Table 1 (Meaning of numbers given in parentheses in the table)**

(14)	In the absence of a primary use, a Recreational Vehicle may be utilized as a primary use for up to 180 days per year. Sewage disposal and other applicable code requirements shall apply
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**Narrative description of the edit (if appropriate);**

In Table of Uses Section "Use Accessory" Column at Row Recreation, strike ~~P~~ and insert **P(14)**. Also, In Footnotes to Table 1 insert a row 14 which shall appear as given above.

**Comments**

<b>Public</b>	None
<b>Legal</b>	None
<b>Board</b>	None

**Disposition**

Voted	<b>Recommend to Town Meeting as proposed at 1<sup>st</sup> hearing</b>
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Ref #3: (Count (3) Location in the Ordinance Article 18: Definitions – Light Manufacturing

**Existing Presentation:**

**Light Manufacturing** The manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing or raw materials on a large scale.

**Purpose of the Edit:**

Bring current our definition of Light Manufacturing. There is a need to be as clear as possible in the definition provisions of the Ordinance as definitions determine the actual intent and purposes of other provisions within Ordinance.

**Edit as proposed to the 1<sup>st</sup> hearing: t**

Light Manufacturing: **By way of illustration and not limitation** the manufacture ing, ~~predominantly from previously prepared materials,~~ of finished products or parts, including processing, fabrication, assembly, **machining of metal blanks or other materials, assembly,** treatment and packaging of such products, and incidental storage, sales, and distribution of such products, ~~but excluding basic industrial processing or raw materials on a large scale~~ **provided all manufacturing activities are contained entirely within the building and where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emissions which will substantially disturb or endanger neighboring properties.**

**Narrative Description of edit (If appropriate)**

n/a

**Comments**

Public	None
Legal	Re the last sentence added – while this may not be a legal issue, it seems that the neighbors should not have to wait until air pollution, noxious emissions or a fire hazard is “substantial” before anything can be done. What about no noise or vibration that will substantially disturb or endanger but the fire hazard, noxious emissions and air pollution has a lower threshold?
Board	None

**Re-Edit as proposed based on 1<sup>st</sup> hearing commentary**

Light Manufacturing: **By way of illustration and not limitation** the manufacture ing, ~~predominantly from previously prepared materials,~~ of finished products or parts, including processing, fabrication, assembly, **machining of metal blanks or other materials, assembly,** treatment and packaging of such products, and incidental storage, sales, and distribution of such products, ~~but excluding basic industrial processing or raw materials on a large scale~~ **provided all manufacturing activities are contained entirely within the building and where no process involved will exceed levels or conditions as set forth in the Performance Standards of the BZO or other applicable codes for noise, vibration, air pollution, noxious emissions or fire hazard.**

**Disposition**

Voted	Go to 2 <sup>nd</sup> hearing on the edit resulting from the 1 <sup>st</sup> hearing.
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Ref #4, Part A:(Count 4) Location in Ordinance at Article 6 [

**Existing Presentation:**

**6.1 PURPOSE**

The 2004 Master Plan contains strategic objectives that recommend implementing changes in municipal regulations that encourage future land development activities to set aside more open space for the purposes of maintaining the town's character, protecting key natural resource features, preserving wildlife habitat, and creating recreation opportunities for residents. In an effort to achieve these and other related objectives of the Master Plan, the regulations contained in this Article are intended to encourage the preservation of open space by promoting greater flexibility in the design of residential subdivisions than would otherwise be possible following conventional subdivision practice. All proposals for development of a Conservation Subdivision in Barrington should be designed to achieve as many of the objectives listed below as possible given the specific characteristics of the site under consideration.

**Purpose of the Part A Edit:**

To insert the pertinent RSA reference at two places within the provisions.

**Edit as proposed to 1<sup>st</sup> hearing:**

**6.1 PURPOSE**

The 2004 Master Plan contains strategic objectives that recommend implementing changes in municipal regulations that encourage future land development activities to set aside more open space for the purposes of maintaining the town's character, protecting key natural resource features, preserving wildlife habitat, and creating recreation opportunities for residents.**(RSA 764.2)** In an effort to achieve these and other related objectives of the Master Plan, the regulations contained in this Article are intended to encourage the preservation of open space by promoting greater flexibility in the design of residential subdivisions than would otherwise be possible following conventional subdivision practice. All proposals for development of a Conservation Subdivision in Barrington should be designed to achieve as many of the objectives listed below as possible given the specific characteristics of the site under consideration. **(RSA 674:21)**

**Narrative description of edit (if appropriate)**

n/a

**Comments:**

<b>Public</b>	None
<b>Legal</b>	The reference to 674:2 is supposed to be 674:21
<b>Board</b>	None

**Edit as proposed based on 1<sup>st</sup> hearing commentary:**

Correct the inserted RSA reference: ~~RSA 674:2~~ to **RSA 674:21** (Full text not provided – see above)

The edit is non-substantive (typographical error); No Second Hearing required

**[Continue on to Reg #4 Part B]**

**Ref #4, Part B: Location in Ordinance at Article 6 [Existing Presentation]**

**6.4..... DETERMINING PERMITTED DENSITY**

The permitted density for a Conservation Subdivision shall be calculated based on a Net Density approach after having completed a site inventory of existing features on the tract proposed for development. The Net Density is the determination of how many dwelling units may be constructed on the tract after calculating the Net Developable Area, which deducts a percentage for certain features, such as wetlands or steep slopes, which are considered less suitable for development.

**Purpose of the Part B Edit:**

To set the permitted dwelling density or yield plan (number of houses allowed) for a Conservation Subdivision equal to the permitted dwelling density of a Conventional Subdivision. This amendment supersedes the various calculating methods described in the subsequent provisions of Article 6 which provisions are deleted.

**Edit as proposed to 1<sup>st</sup> hearing:**

**6.4..... DETERMINING PERMITTED DENSITY**

~~The permitted density for a Conservation Subdivision shall be calculated based on a Net Density approach after having completed a site inventory of existing features on the tract proposed for development. The Net Density is the determination of how many dwelling units may be constructed on the tract after calculating the Net Developable Area, which deducts a percentage for certain features, such as wetlands or steep slopes, which are considered less suitable for development.~~

**The permitted density of dwelling units for a Conservation Subdivision shall not exceed the density of dwelling units permitted in a conventional subdivision within the proposed zoning district.**

***At 6.4.1 and forward: Delete 6.4.1 through 6.4.3(4). [Strikethrough text not shown.]***

**Narrative description of edit if appropriate.**

The edit at 6.1 [Part A] is a simple insertion of a reference to the relevant state statute. The edits beginning at 6.4 [Part B] removes so called "bonus lots" as an incentive to creating conservation subdivisions. The experience over recent years indicates the increased flexibility and efficiencies of conservation subdivisions offer significant cost reductions to developers. The development savings alone derived from the reduction of infrastructure costs by reducing street length, utility requirements, drainage requirements, and the amount of paved surfaces is ample inducement for developers. Text stricken from the Ordinance (ZO 6.4.1 through ZO 6.4.3(4)).is not shown. This text deals with calculation for the yield plan (number of dwelling units permitted) is no longer inapplicable under this amendment.

**Comment**

Public	None
Legal	None
Board	Need to be sure dwelling density and yield plan are understood as indicating the same thing.

**Disposition**

<b>Voted</b>	Summary Reg. #4 Part A:Correct the inserted RSA reference: The edit is non-substantive (typographical error); No Second Hearing required Reg. #4 Part B No change to amendment as proposed. <b>Recommend to Town Meeting as proposed at 1<sup>st</sup> hearing.</b>
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**Ref #5 (Count 5) Location in the Ordinance at 9.5(1)**

**Citing the effective date of Wetland Buffer Provision:**

**Existing Presentation:**

9.5(1) A buffer area of fifty (50) feet is required from the edge of any wetland. If a vernal pool is determined to be located on a site a greater buffer may be required by the Planning Board.

**Purpose of the Edit**

To show the effective date of the "buffer requirement" in the provision that created it

**Edit as proposed to 1<sup>st</sup> hearing**

**9.5(1) Effective March 13, 2001** a buffer area of fifty (50) feet is required from the edge of any wetland. If a vernal pool is determined to be located on a site a greater buffer may be required by the Planning Board.

**Narrative Description of the Edit as proposed (if applicable)**

n/a

**Comment**

Public	None
Legal	The phrasing here could lead to confusion in that it may give the impression that we are now presenting a provision to be effective years earlier. The phrasing ought to be clear in its purpose to "only" clarify and specify the effective date directly
Board	None.

**As amended at 1<sup>st</sup> hearing**

**9.5(1) ~~Effective March 13, 2001~~ A** buffer area of fifty (50) feet is required from the edge of any wetland. If a vernal pool is determined to be located on a site a greater buffer may be required by the Planning Board. **This provision of the Ordinance was adopted on March 13, 2001 and is effective from that date..**

**Disposition**

<b>Voted</b>	Non Substantive Edit as proposed at 1 <sup>st</sup> hearing: No 2 <sup>nd</sup> hearing required. Recommend to Town Meeting as amended to 1 <sup>st</sup> hearing
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Reg. #6: Location within the Ordinance 15.3.2

[Note: This provisions will require a second a public hearing.]

**Existing Presentation**

**ZO 15.3.2: Enforcement of the Zoning Ordinance**

The Selectmen shall have the authority to enforce the provisions of this Zoning Ordinance. The Selectmen may delegate such authority to a Code Enforcement Officer. The Code Enforcement Officer may also serve as the Building Inspector, the Zoning Administrator or other like officer., but the Code Enforcement Officer may not be a member of any local land use board. This Ordinance may be enforced through all statutory or other lawful means.

**Purpose of the Edit**

This proposal strikes the prohibition of service on the Planning Board by individuals who serve a Code Enforcement function in the Town of Barrington. The intent of this amendment is to increase the appointment discretion of the Selectman.

This amendment does not remove the residency requirement nor does it intend that any such appointment by the selectman deviate from the usual and customary procedures of citizen appointments to the Planning Board.

**Edit as proposed to the 1<sup>st</sup> hearing**

**ZO 15.3.2 Enforcement of the Zoning Ordinance**

The Selectmen shall have the authority to enforce the provisions of this Zoning Ordinance. The Selectmen may delegate such authority to a Code Enforcement Officer. The Code Enforcement Officer may also serve as the Building Inspector, the Zoning Administrator or other like officer., ~~but the Code Enforcement Officer may not be a member of any local land use board.~~ This Ordinance may be enforced through all statutory or other lawful means.

**Narrative Description of the Edit as proposed (if appropriate)**

n/a

**Comment**

Public	Possible Conflict of Interest, Query from public How do nearby municipalities treat this issue?
Legal	None as yet from our council; As a general advisory this amendment is lawful.
Board	It was noted by the board that there was indeed the possibility of conflict of interest presented in the wording of the amendment. Suggestion was made that the wording by changed to read “ <b>but the Code Enforcement Officer may not be a member of the Zoning Board of Adjustment</b> ” since the ZBA serves as the hearer of appeals regarding certain CEO decisions.

**Purpose of proposed Edit as made at the 1<sup>st</sup> hearing**

**To disallow service on the ZBA as this body may hear appeals of CEO decisions.**

**Edit as amended by 1<sup>st</sup> hearing:**

**ZO 15.3.2 Enforcement of the Zoning Ordinance**

The Selectmen shall have the authority to enforce the provisions of this Zoning Ordinance. The Selectmen may delegate such authority to a Code Enforcement Officer. The Code Enforcement Officer may also serve as the Building Inspector, the Zoning Administrator or other like officer., but the Code Enforcement Officer **may not be a member of the Zoning Board of Adjustment** any local land use board. This Ordinance may be enforced through all statutory or other lawful means.

**Disposition:**

**Voted Go forward to 2<sup>nd</sup> hearing as amended.**



### **Summary**

#### **Intent and Purposes of the amendments to to Section 2.1 and to Article 12**

**Comment:** We are advised by EPA and NHDES that there is an area under threat of the expanded exposure to contaminated water supply from the Tibbetts Road Super Fund Site. All the amendments following intend to address this issue and/or secondarily to re-organize the provisions of the Article.

- A)** Specify and set boundaries for two areas within the Groundwater Protection District (GDO) one existing area and one new area:
  - Stratified Drift Aquifer Overlay(SDAO – Existing
  - Swains Lake-Water Management Zone Overlay (SL-WMZO) - New
- B)** Disallows new water extraction sites (wells and such like) on lots within the SL-WMZO.
- C)** Provide for repair and replacement of existing wells within the SL-WMZO
- D)** To require water supply needs for new residential or non-residential uses in a SL-WMZO to be obtained either from sites outside the newly defined area or from the Swains Lake Village Water District.
- E)** Renovation and/or Expansion of existing structures is not limited by the provisions of the revised Article 12 provided the water needs are provided by existing wells on the property. (Expanded based upon comments from the public.)
- F)** To make such non-substantive changes in format and presentation as may be necessary for consistency and clarity.

**Ref #7: (Count 7) Location in the Ordinance ZO 2.1**

**Existing presentation**

The designations for the overlay zoning districts are as follows:

Wetlands Protection District Overlay (WDO)  
 Shoreland Protection District Overlay (SDO)  
 Floodplain Management District Overlay (FDO)  
 Groundwater Protection District Overlay (GDO)  
 Wireless Communications Facilities Overlay (WCO)  
 Highway Commercial District Overlay (HCO)

**Purpose of the Edit**

Two insert a previously unlisted overlay in this table (SDAO) and insert a newly created overlay district (SL-WMZO)

**Edit as proposed to 1<sup>st</sup> hearing:**

The designations for the overlay zoning districts are as follows:

Wetlands Protection District Overlay (WDO)  
 Shoreland Protection District Overlay (SDO)  
 Floodplain Management District Overlay (FDO)  
 Groundwater Protection District Overlay (GDO)  
**Stratified Drift Aquifer Overlay (SDAO)**  
**Swains Lake – Water Management Zone Overlay (SL-WMZO)**  
 Wireless Communications Facilities Overlay (WCO)  
 Highway Commercial District Overlay (HCO)

**Narrative description of edit if appropriate**

n/a

**Commentary:**

Public	None
Legal	None
Board	None

**Disposition**

Voted	Recommend to Town Meeting as proposed.to 1 <sup>st</sup> hearing
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**Ref #8: (Cnt 8) Location in the Ordinance At Article 12 Title Heading**

**Existing presentation**

ARTICLE 12 - GROUNDWATER PROTECTION DISTRICT OVERLAY (GPO)

**Purpose of the Edit**

Support Acronym consistency in the Ordinance by matching with acronyms assigned in ZO 2.1

**Edit as proposed to 1<sup>st</sup> hearing:**

ARTICLE 12 - GROUNDWATER PROTECTION DISTRICT OVERLAY (G~~P~~**DO**)

**Narrative description of edit if appropriate**

Strike P in G P-O –and Insert G~~P~~**DO** –

**Commentary:**

Public	None
Legal	None
Board	None

**Disposition**

Voted	Recommend to Town Meeting as proposed.to 1 <sup>st</sup> hearing
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**Ref# 9 (Count 9) : Location in the Ordinance at 12.2**

**Existing Presentation:**

**12.2 Groundwater Protection District Defined**

The Groundwater Protection District consists of the entire area within the municipal boundaries of the town. However, there are specific portions of the town that have been identified as having the potential to yield higher quantities of groundwater. Therefore, the regulations presented in this Article are established to protect groundwater quality on a town-wide basis as well as within this specifically defined Stratified Drift Aquifer area.

**Purpose of the Edit**

To begin to formulate the narrative structure of there being a town wide overlay within which other overlays (2 in number) will be placed as set out in the revised presentation at ZO 2.1

**Edit as presented to 1<sup>st</sup> hearing:**

**12.2 GROUNDWATER PROTECTION DISTRICT OVERLAY (GDO) DEFINED**

The Groundwater Protection District **Overlay (GDO)** consists of the entire area within the municipal boundaries of the town. . ~~However, there are specific portions of the town that have been identified as having the potential to yield higher quantities of groundwater. Therefore, the regulations presented in this Article are established to protect groundwater quality on a town-wide basis as well as within this specifically defined Stratified Drift Aquifer area.~~ **The provisions of this Article are intended to protect both groundwater supply quantity and water supply quality on a town wide basis.. There are specific overlay areas within GDO that have been identified as being of particular importance or concern and for which specific provisions are given within this article.**

**Narrative Description of the Edit as proposed if applicable.**

**To extend the portions of the town that are identified as needing specific attention with respect to water supply and expand the reasons for that identification to include quality as well as high potential yield.**

**Comment**

Public	None
Legal	None
Board	None

**Disposition:**

Voted	Recommend to Town Meeting as proposed at 1 <sup>st</sup> hearing
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**Ref #10: (Count 10) (Remove this header and text unchanged to a new location.)**

**~~12.2(1) ..... Boundaries of the Stratified Drift Aquifer (SDA)~~**

~~The boundaries of the Stratified Drift Aquifer (SDA) overlay areas are illustrated on the town's Official Zoning Map. The boundaries of the SDA are based on data developed by the United States Geological Survey, in cooperation with the New Hampshire Department of Environmental Services Water Division, as illustrated on the map entitled Drinking Water Resources and Potential Contamination Sources, Barrington, NH (October 2001).~~

**Purpose of the Edit:**

Delete header and provisions from this position and insert at 12.2.1(1)(a). This is a repositioning of text without change in the wording. This presents SDAO with its own indexed provisions for its definition and boundaries.

**Edit as proposed at 1<sup>st</sup> hearing**

Relocation only see reinsertion at

**Comment**

Public	None
Legal	None
Board	None

**Disposition**

<b>Voted</b>	<b>Recommend to Town Meeting as proposed to 1<sup>st</sup> hearing</b>
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**Ref # 11; 11a, 11b, 11c, 11d (Count 11,12,13,14,15): Insert new provisions as follows:**

**Existing Presentation:**

**None – This is a new provision**

**Purpose of the Edit:**

To structure the presentation of the GDO as containing SDAO and SL-WMZO and identifying the overlays and their boundaries

**Edit as presented at 1<sup>st</sup> hearing**

AT 12.2.1 Identification and Boundaries of Overlays within the Groundwater Protection District.

**At 12.2.1(1) .....The Stratified Drift Aquifer Overlay (SDAO)**

The Stratified Drift Aquifer Overlay is identified as those areas having the potential to yield higher quantities of groundwater. (See further in Article 18: Definitions.)

**At 12.2.1(1)(a)..... BOUNDARIES OF THE STRATIFIED DRIFT AQUIFER Overlay (SDAO)**

The boundaries of the Stratified Drift Aquifer (SDAO) are illustrated on the town's Official Zoning Map. The boundaries of the SDAO are based on data developed by the United States Geological Survey, in cooperation with the New Hampshire Department of Environmental Services Water Division, as illustrated on the map entitled Drinking Water Resources and Potential Contamination Sources, Barrington, NH (October 2001)

**.At 12.2.1(2) The Swains Lake Water Management Zone Overlay (SL-WMZO)**

The Swains Lake Water Management Zone Overlay (SL-WMZO) is identified as that area where there is a risk of spreading a contamination of the water supply by increasing the number of wells within the SL-WMZO.

**At 12.2.1(2)(a)..... BOUNDARIES OF THE "SWAINS LAKE WATER MANAGEMENT ZONE OVERLAY" (SL-WMZO)**

The boundaries of the "Swains Lake Water Management Zone Overlay " (SL-WMZO) area are illustrated on the town's Official Zoning Map. The boundaries of the SL-WMZO are based on data developed in cooperation with the New Hampshire Department of Environmental Services Water Division, US Environmental Protection Agency, the Strafford Regional Planning Commission, and the Swains Lake Village Water District Board.

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**Narrative Description of the edit (if appropriate.)**

n/a

**Coment**

Public	None
Legal	Should have consistent use of acronyms. (See 12.2.1(1) and 12.2.1(1)(a)).
Board	None

**Edit as amended at the 1<sup>st</sup> hearing**

Clerical edit of acronyms. "O" has been inserted and bolded in "as presented" section of this edit.

**Disposition at 1<sup>st</sup> hearing:**

Voted: Board Recommends adoption with "non-substantive" edits (consistent acronyms.)

**Reg # 12 (Count 16): Paragraph within Section on “Applicability and Exemptions.**

**Esisting presentation:**

12.3(2) All private residences are exempt from the provisions of this Article.

**Purpose of the Edit**

In order to protect the groundwater in the SL-WMZO it is necessary to include provisions that effect “private residences.” When Article 12 was drafted it was intended to apply to commercial uses of land. The reasoning being that uncontrolled commercial use threaten the groundwater sources with contamination whereas residential use would not.. Accordingly all “private residences” were exempted from the its provisions. This provisions removes the exemption of “private residences” within the SL-WMZO.

**Edit as proposed at 1<sup>st</sup> hearing**

~~12.3(2) All private residences are exempt from the provisions of this Article.~~

**With the exception of the private residences within the SL-WMZO, private residences are exempt from the provisions of this Article. (See Subsection 12.4.3).**

**Narrative description of the edit (if appropriate)**

n/a

**Comments:**

<b>Public</b>	None
<b>Legal</b>	None.
<b>Board</b>	None

**Disposition at 1<sup>st</sup> hearing::**

**Voted      Board recommends to Town Meeting as presented**

Reg # 13: (Count: 17) Location in the Ordinance 12.4.3:

**Existing Presentation:**

None: New Provision

**Purpose of the Edit:**

To Establish performance standards for new overlay district.

**Edit as proposed to 1<sup>st</sup> hearing**

**12.4.3 Performance Standards within Swains Lake Water Management Zone Overlay Boundaries**

All land uses land uses located within the boundaries of the Zone Overlay SL-WMZO are subject to the performance standards and requirements applicable within the Base Zone. In addition, all land use located within any area defined as being in the intersection of any other overlay with the SL-WMZO shall comply with the performance standards and requirements of the base zone and each overlay zone represented in the area defined by such intersection. Nothing in this Ordinance shall prohibit a property owner from developing property within SL-WMZO

**Narrative Description of Edit if appropriate.**

None

**Comments:**

Public	None
Legal	None.
Board	None

**Disposition**

<b>Voted</b>	<b>Recommend to Town Meeting as presented to 1<sup>st</sup> hearing</b>
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Reg # 14: [Count 18] Location within the Ordinance: 12.4.3(1):

**Existing Presentation:**

None: New Provision

**Purpose of the Edit:**

Require any new development meet the water needs of that development from an off-site source or from the Swains Lake Village Water District (SLWD)

**Edit as proposed to 1<sup>st</sup> hearing**

Effective the date of adoption of the provisions of the Ordinance relating to the SL-WMZO, any provisions of this Ordinance notwithstanding, all future development within the SL-WMZO will be required to meet the water supply requirements of such development from a source located outside the SL-WMZO or through the Swains Lake Village Water District.

**Narrative Description of Edit if appropriate.**

n/a

**Comments:**

Public	Is this leading up to a requirement to hook up to SLVWD? Can I keep my existing well? What does this mean in regard to renovation and expansion of existing residences? Suggested an "umbrella" provision making clear the meaning of new development and repair and replace provision on wells.
Legal	None
Board	Mainly a colloquy focused on public's questions. (See 12.4.3 on repair and replace wells & See new 12.6 on renovation and expansion)

**Disposition**

**Voted** Recommend to Town Meeting as presented



Reg # 15: [Count 19] Location within the Ordinance: 12.4.3(2)

**Existing Presentation:**

None

**Purpose of the Edit:**

To provide for the maintenance of existing wells

**Edit as proposed to 1<sup>st</sup> hearing**

Wells existing as of the date of the adoption of the provisions of the Ordinance relating to the SL-WMZO will be permitted to be repaired and/or replaced provided such repair and replacement is consistent with the previously existing well capacity and use.

**Narrative Description of Edit if appropriate.**

n/a

**Comments:**

Public	Questions regarding uses – (Swimming Pools – etc)
Legal	Questions regarding “existing capacity and use.
Other	State Geologist: <i>Capacity if defined by the available water – so the capacity and use phrase could easily and reasonably replace by “is consistent with the previously existing residential use.” This would address the concerns raised about renovation and expansion in that if such were for “residential use.”</i>
Board	The phrasing refinement is “ <i>“is consistent with residential use.” This refinement address the observation of “legal review” and deals with some issues raised earlier re: renovation and expansion by inserting</i>

**Edit as amended at 1<sup>st</sup> hearing**

Wells existing as of the date of the adoption of the provisions of the Ordinance relating to the SL-WMZO will be permitted to be repaired and/or replaced provided such repair and replacement is consistent with the ~~previously existing well capacity and~~ **previously permitted residential uses**

**Disposition**

**Voted Recommend to 2<sup>nd</sup> hearing as amended. (Substantive edit)**

**Ref # 16 (Count 20) New Provision - Insert as follows:t:**

**Existing Presentation**

**None – New Provision**

**Purpose of Edit**

**To exempt authorized testing of water including expansion of extraction sites.**

**Edit proposed at 1<sup>st</sup> hearing**

**At 12.4.3(3) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA),**

The standards and restriction of this Article shall not apply to the activities of the US Environmental Protection Agency, the activities of the NH Department of Environment Services, and/or other parties authorized under CERCLA.

**Comment:**

Public	None
Legal	None
Board	None

**Disposition:**

**Voted** Recommend to Town Meeting as proposed to 1<sup>st</sup> hearing.

<b>Ref # 17 (Count 21) New Provisions</b>	
<b>Existing Presentation</b>	
<b>None – new provision</b>	
<b>Purpose of the Edit</b>	
<b>Provide assurance that Property Development can continue.</b>	
<b>Edit as proposed to the 1<sup>st</sup> hearing</b>	
<p>At 12.6 PROPERTY DEVELOPMENT</p> <p style="padding-left: 40px;">Nothing in this Ordinance intends to or shall prohibit a property owner from developing property within the SL-WMZO:</p> <p style="padding-left: 80px;">12.6(1) From an existing well on property</p> <p style="padding-left: 80px;">12.6(2) From sources outside SL-WMZO, or;</p> <p style="padding-left: 80px;">12.6(3) From Swains Lake Water District System.</p>	
<b>Comment</b>	
<b>Public</b>	Expand the header (provision title) to include renovation and expansion to cover the concerns expressed regarding renovation and expansion of existing structures in the overlay zone.
<b>Legal</b>	<b>None</b>
<b>Board</b>	<b>None</b>
<b>Edit as amended at the 1<sup>st</sup> hearing</b>	
<p>At 12.6 PROPERTY DEVELOPMENT, <b>RENOVATION AND EXPANSION</b></p> <p style="padding-left: 40px;">Nothing in this Ordinance intends to or shall prohibit a property owner from developing property within the SL-WMZO <b>provided such development, renovation, or expansion meets the water supply needs of the development, renovation, or expansion from one of the following</b></p> <p style="padding-left: 80px;">12.6(1) From an existing well on property</p> <p style="padding-left: 80px;">12.6(2) From sources outside SL-WMZO, or;</p> <p style="padding-left: 80px;">12.6(3) From Swains Lake Water District System.</p>	
<b>Disposition</b>	
<b>Voted</b>	<b>Go Forward to 2<sup>nd</sup> hearing as amended. (Substantive edit)</b>

<b>Ref # 18 (Cnt 22) New Provisions</b>
<b>Amend Official Zoning Map as required to include the SL-WMZ Overlay</b>
<b>Recommend to Town Meeting – Required by RSA if map elements change.</b>