



# TOWN OF RAYMOND

Planning Board Agenda  
October 1, 2020 at 7:00 p.m.  
Agriculture Ordinance  
Electronic Zoom Meeting

## Public Announcement

*If this meeting is canceled or postponed for any reason the information can be found on our website, posted at Town Hall, Facebook Notification, and RCTV. \**

### 1. Public Meeting

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. The public has access to contemporaneously listen and participate in this meeting through the website address: <https://zoom.us/j/99429059850> or by dialing the following phone 312- 626- 6799 or 646- 558- 8656 The required meeting ID is 994 2905 9850.

We are encouraging residents who wish to speak during Public input or have questions under the Citizens questions portion of the agenda to submit them via email to [communication@raymondnh.gov](mailto:communication@raymondnh.gov) by 10/01/2020 at noon.

For problems, please call 603-895-6405 or email at: [communication@raymondnh.gov](mailto:communication@raymondnh.gov). The virtual meeting will also be simulcast for viewing purposes only on Raymond Community Television Channel 22 and streamed live at: <https://raymondtv.viebit.com/>

- a) **Agriculture Ordinance** – Planning Board will be discussing the changing and adding of agriculture ordinances

### 2. Approval of Minutes

- 09/17/2020

### 3. Public Comment

### 4. Other Business

- Zoom or live
- Staff Updates
- Board Member Updates
- Any other business brought before the board
- **Adjournment (NO LATER THAN 10:00 P.M.)**

\* Note: If you require personal assistance for audio, visual or other special aid, please contact the Selectmen's Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason it will be held at a time TBD.



## TOWN OF RAYMOND

Planning Board Agenda  
October 1, 2020 at 7:00 p.m.  
Agriculture Ordinance  
Electronic Zoom Meeting

<b>Planning Board Meetings</b>	<b>Application Deadlines</b>
October 1st	September 3 <sup>rd</sup>
October 15 <sup>th</sup>	September 17 <sup>th</sup>
November 5 <sup>th</sup>	October 1 <sup>st</sup>
November 19 <sup>th</sup>	October 15 <sup>th</sup>
December 3 <sup>rd</sup>	November 5 <sup>th</sup>
December 17 <sup>th</sup>	November 19 <sup>th</sup>
January 7 <sup>th</sup> , 2021	December 3 <sup>rd</sup> , 2020
January 21 <sup>st</sup> , 2021	December 17 <sup>th</sup> , 2020

\* Note: If you require personal assistance for audio, visual or other special aid, please contact the Selectmen's Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason it will be held at a time TBD.

Below are some examples of Durham's agriculture section's and amendments to their Zoning Ordinance. This is meant to assist the Planning Board in amending Raymond's Zoning Ordinance in reference to agriculture. The highlighted sections are references to poultry and goats. Theresa Walker worked with Durham to draft their amendments and will answer any questions the Raymond Board has.

**THE DURHAM ZONING ORDINANCE  
AS ADOPTED BY THE DURHAM TOWN  
COUNCIL ON FEBRUARY 20, 2006  
LAST AMENDED JUNE 1, 2020**

**CHAPTER 175  
ZONING**

highway recreational vehicle operators that do not own or reside on the parcel is an all-terrain vehicle/off highway recreational vehicle facility.

**ALLOWED USE** – Any use that is legally permissible on a given site under this zoning ordinance (subject to all other approvals which may be required such as site plan approval, issuance of a building permit, granting of state permits, etc.), including permitted uses, conditional uses when a conditional use is approved, uses allowed by special exception when a special exception is granted, uses that have been approved through a variance, and legal nonconforming uses.

**ALTERATION** – A change or rearrangement in the structural parts of a building or structure or in the means of egress or an enlargement, whether by an extension on a side or by an increase in height, or the moving from one location or position to another.

**ANIMAL FEEDLOT** – A commercial agricultural establishment consisting of confined feeding areas and related structures used for the finishing of livestock in accordance with USDA regulations. Any activity that requires the filing of a Schedule F as part of the owner's or operator's federal income tax return shall constitute a commercial operation.

**ANIMAL HUSBANDRY - LIVESTOCK, ACCESSORY** – The breeding and/or raising of livestock, not including poultry (as defined herein), for noncommercial purposes in conjunction with a residence. *See Article XX*

**ANIMAL HUSBANDRY - GOATS, ACCESSORY** – The breeding and/or raising of goats for noncommercial purposes in conjunction with a residence. *See Article XX.*

**ANIMAL HUSBANDRY - POULTRY, ACCESSORY** – The breeding and/or raising of poultry for noncommercial purposes in conjunction with a residence. *See Article XX*

**ANIMAL HUSBANDRY, COMMERCIAL** – The commercial breeding and/or raising of livestock. Animal husbandry does not include any activity that is defined as a kennel, stable, animal feed lot, or the keeping of pigs, chickens, and fowl for commercial purposes. Any activity that requires the filing of a Schedule F as part of the owner's or operator's federal income tax return shall constitute a commercial operation.

**APARTMENT** – *See "Accessory Dwelling Unit."*

**AQUACULTURE** – The commercial growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

**AQUIFER** – A geologic formation, group of formations or part of a formation that is capable of yielding quantities of groundwater usable for municipal or private water supplies. Aquifer includes both bedrock aquifers and stratified drift aquifers.

**AQUIFER, BEDROCK** – Bedrock comprised of a high concentration of interconnected fractures, fissures, or cracks that is able to produce a high quantity of water.

**AQUIFER, STRATIFIED DRIFT** – A geologic formation of predominantly well-sorted sediments deposited by or in bodies of glacial melt water, including gravel, sand, silt or clay,

**175-108. Stewardship Fund.**

Payments to the Town to provide for the periodic monitoring of conformance with the conservation restrictions on common open space shall be deposited in the Town's Stewardship Fund. The Stewardship Fund shall be maintained as a separate trust account and shall be used only for the monitoring of conservation restrictions. The use of the Fund shall be managed by the Town's Conservation Commission. The Commission shall provide the Town Council with an annual accounting of the use of the fund. At its discretion, after consulting with the Conservation Commission, the Planning Board may approve an alternative arrangement to the stewardship fund as described here.

**ARTICLE XX  
STANDARDS FOR SPECIFIC USES**

**175-109. Compliance Required.**

This article establishes performance standards for specific uses. These standards must be met for all activities involving the specified uses.

A. ***Accessory Agricultural Activities.*** Accessory Agricultural Activities shall conform to the following standards:

1. The total area cultivated shall not be more than thirty-five (35) percent of the total lot area.
2. The amount of herbicides, pesticides, and similar chemicals stored on the property shall not be greater than the amount associated with normal residential usage.
3. Any facilities for the sale of excess agricultural products shall be temporary, shall be located so as not to create a traffic hazard or obstruct vehicular or pedestrian traffic, and shall be used only during the period of the actual harvesting of the product.
4. No products that are not grown, raised, or produced on the premises shall be displayed or sold.

B. ***Accessory Animal Husbandry – Goats.*** The following terms and conditions apply to Accessory Animal Husbandry – Goats:

1. ***Single/Two Family.*** The keeping of goats is permitted as an accessory use to Single-Family and Duplex Residences only.
2. ***Number of animals.*** There shall be a minimum of two goats kept on the property (Goats are herding animals and need companionship). No more than two goats may be kept on the property except: a) On lots at least 40,000 square feet in size, three goats may be kept; and b) For each additional 5,000 square feet of lot area beyond 40,000 square feet, one additional goat may be kept (for example, four goats may be kept on a 45,000

- square foot lot). New offspring shall not count toward the maximum allowed number of goats for the first 12 weeks after birth.
3. Permitted goats. On lots under 80,000 square feet only miniature, dwarf, or pygmy goats may be kept. On lots of 80,000 square feet or greater any kind of goat may be kept. In all districts except for Residence C and Rural, all goats must be dehorned and all male goats must be neutered. On lots of 120,000 square feet or greater, goats may be permitted under the provisions of either Accessory Animal Husbandry – Livestock or Accessory Animal Husbandry – Goats.
  4. Housing structure. An appropriate enclosed structure for housing goats shall be provided in accordance with University of New Hampshire Cooperative Extension Housing and Space Guidelines, below. The minimum size of the structure is 40 square feet, with an additional 20 square feet required for each additional goat beyond two that is kept on the property. The structure shall provide direct access to the fenced outdoor area and shall be predator proof, vented, waterproof, and easily accessed for cleaning. Goats shall be sheltered in the structure from sunset to sunrise.  
[Reference - [http://extension.unh.edu/resources/files/Resource000471\\_Rep493.pdf](http://extension.unh.edu/resources/files/Resource000471_Rep493.pdf)]
  5. Housing structure setbacks. The structure for housing animals shall meet all minimum setbacks applicable to structures under this zoning ordinance. The structure shall be placed in the rear yard or side yard and may not be placed closer to any public street than the primary facade of the house facing that street (including for corner lots). However, in the Rural Zoning District the structure may be placed forward of the primary facade of the house provided it is set back at least 50 feet from the front (or side, for corner lots) property line.
  6. Fenced Outdoor Area. Goats shall be confined to an outdoor area that is fully enclosed by fencing. This fenced outdoor area must be situated in the rear or side yards on the property and may not be closer to any public street than the primary facade of the house. However, in the Rural Zoning District, the fenced outdoor area may be situated forward of the primary facade of the house provided it is set back at least 50 feet from the front property line. All fencing shall be set back at least 10 feet from all property lines. The minimum size of the fenced outdoor area is 200 square feet, with an additional 50 square feet required for each additional goat beyond two that is kept on the property.
  7. Fencing. All fencing enclosing the outdoor area shall be at least five feet in height and designed and sited so that goats may not break through or climb over it. The fencing shall be woven wire fencing or a comparable metal fencing appropriate for containing livestock.
  8. Manure. Manure, compost from manure, and odor from the goats shall be handled in accordance with best management practices as specified in Best Management Practices for Agriculture in New Hampshire, as revised. Manure must be removed from the structure and immediate area housing the animals and composted or disposed of in a timely manner.

9. **Feed.** Feed shall be stored in fully enclosed and secured containers in order to prevent pests and predators.
10. **Slaughtering.** Slaughtering of goats on the subject property is prohibited.
11. **Selling Products.** Milk, cheese, and other goat products may be sold on the premises provided the activity is conducted in accordance with New Hampshire RSA 184. Inspection and Sale of Dairy Products, with specific reference to RSA 184:84.V. Any signage shall conform with the standards for residential accessory signs.  
[Reference - <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XIV-184.htm>]
12. **Complaints.** When a complaint is issued regarding the keeping of goats as an accessory use, at the option of the Town's enforcement official, the complaint may be referred to the Agricultural Commission which may then investigate the complaint and seek to resolve it, as appropriate. When such a complaint is reviewed by the Agricultural Commission, regardless of the outcome of the Agricultural Commission's review, the Town's enforcement official shall nonetheless maintain responsibility for ultimate disposition of the complaint, in accordance with Town law. The Town's enforcement official and the Agricultural Commission may refer to the Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire, as revised, and pertinent RSA's for guidance in this process, as appropriate.
13. **Best Management Practices.** The Town's enforcement official shall use her/his reasonable judgment in applying the required best management practices (BMPs) that are referred to in this section B. Practices included in the BMP's which clearly are not pertinent to the implementation of this ordinance, based upon her/his reasonable judgment, shall not apply. Where the relevance of a particular practice is debatable, the enforcement official, at his option, may consult with the Agricultural Commission for nonbinding guidance, as appropriate.
14. **Permits.** A building, fence, and/or sign permit may be required depending on specific circumstances. See the Building Official for clarification.

C. **Accessory Animal Husbandry – Livestock, not including poultry.** Accessory Animal Husbandry - Livestock shall conform to the following standards:

1. The lot on which the use is located shall have a minimum lot size of one hundred twenty thousand (120,000) square feet of area
2. No area or structure for the housing, stabling, or feeding of animals shall be located within one hundred (100) feet of any property line
3. No animals shall be pastured within twenty-five (25) feet of any property line

D. **Accessory Animal Husbandry – Poultry.** The following terms and conditions apply to Accessory Animal Husbandry – Poultry:

1. Roosters. Roosters are permitted only in the Rural Zoning District. However, they are not permitted on lots in the Rural Zoning District smaller than 20,000 square feet that were/are created as part of a conservation subdivision.
2. Single/Two Family. The keeping of poultry is permitted as an accessory use only to single-family and duplex residences.
3. Number of animals. A maximum of 12 animals may be maintained per lot. There is no limit on the number of animals in the Rural Zoning District, except on lots smaller than 20,000 square feet that were/are created as part of a conservation subdivision.
4. Housing structure. An appropriate fully-enclosed structure for housing animals shall be provided in accordance with University of New Hampshire Cooperative Extension Housing and Space Guidelines. The structure shall be designed to prevent access from predators. Poultry shall be maintained in the structure from sunset to sunrise.  
[Reference - [http://extension.unh.edu/resources/files/Resource000471\\_Rep493.pdf](http://extension.unh.edu/resources/files/Resource000471_Rep493.pdf)]
5. Housing structure setbacks. The structure for housing animals shall meet all setbacks applicable to structures under this zoning ordinance. The structure shall be placed in the rear yard or side yard and may not be placed closer to any public street than the primary facade of the house facing that street (including for corner lots). However, in the Rural Zoning District the structure may be placed forward of the primary façade of the house provided it is set back at least 50 feet from the front (or side, for corner lots) property line.
6. Manure. Manure, compost from manure, and odor from the animals shall be handled in accordance with best management practices as specified in Best Management Practices for Agriculture in New Hampshire, as revised. Manure must be removed from the structure and immediate area housing the animals and composted or disposed of in a timely manner.
7. Feed. Feed shall be stored in fully enclosed and secured containers in order to prevent pests and predators.
8. Yards. Animals shall be confined to the rear yard and side yard, and may not go closer to any public street than the primary façade of any house facing any public street (including for corner lots). However, in the Rural Zoning District animals may inhabit the area forward of the primary façade of the house provided they are kept at least 50 feet from the front (or side, for corner lots) property line. Animals shall be maintained on the subject property and kept under the control of the owner.
9. Fencing. Poultry owners may install a chicken wire fence or other appropriate barrier in the rear and side yards (as delineated above) on their property. In the Rural Zoning District the fencing or barrier may be placed forward of the primary façade of the house

provided it is set back at least 50 feet from the front property line. Otherwise, there is no required setback for such fence or barrier. Any such fence or barrier shall not exceed 6 feet in height.

10. **Slaughtering.** Any slaughtering of poultry on the subject property must be carried out in accordance with best management practices.

11. **Selling.** Eggs may be sold on the premises provided the activity is conducted in accordance with the New Hampshire Department of Agriculture, Markets, and Food's Guidelines for Selling Shell Eggs and any signage conforms with the standards for residential accessory signs. The commercial sale of live poultry and poultry products other than eggs is prohibited.

[Reference - <https://www.agriculture.nh.gov/publications-forms/documents/shell-egg-guidelines.pdf>]

12. **Complaints.** When a complaint is issued regarding the keeping of poultry as an accessory use, at the option of the Town's enforcement official, the complaint may be referred to the Agricultural Commission which may then investigate the complaint and seek to resolve it, as appropriate. When such a complaint is reviewed by the Agricultural Commission, regardless of the outcome of the Agricultural Commission's review, the Town's enforcement official shall nonetheless maintain responsibility for ultimate disposition of the complaint, in accordance with Town law. The Town's enforcement official and the Agricultural Commission may refer to the Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire, as revised, and pertinent RSA's for guidance in this process, as appropriate.

13. **Best Management Practices.** The enforcement official shall use his or her reasonable judgment in applying the required best management practices (BMPs) that are referred to in this section C. Practices included in the BMP's which clearly should not pertain in the implementation of this ordinance, based upon his or her reasonable judgment, shall not apply. Where the relevance of a particular practice is debatable, the enforcement official, at his or her option, may consult with the Agricultural Commission for nonbinding guidance, as appropriate.

14. **Permits.** Please note that a building, fence, and/or sign permit may be required depending on specific circumstances. See the Code Enforcement Officer for clarification, where appropriate.

E. **Accessory Buildings for Multi-unit and Nonresidential Use.** The following standards apply to buildings that are accessory to multi-unit and nonresidential use:

1. There is a limit of two accessory buildings per lot (not including garages), except that additional accessory buildings may be approved by conditional use.

**Proposed Amendments to the Durham Zoning Ordinance**  
**Agriculture**

*Revised draft endorsed by the Planning Board – for Public Hearing on September 9, 2020*  
*New Text Only*

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*This document includes only the new language proposed by the Planning Board for convenience only.* One should review the full set of legal amendments which shows precisely the existing language to be removed and the proposed new language. Also, see the separate Table of Uses for proposed changes. Numbering for the various sections below is corrected on the set of legal amendments.

**ARTICLE II – DEFINITIONS.** Section 175-7

- ❖ Create the following new subsection under Section 175-7 with all definitions under AGRICULTURE:

AGRICULTURE – Including but not limited to all uses, accessory uses, structures, functions, and events as defined in RSA 21:34-a - Farm, Agriculture, Farming, as amended. (See the Table of Uses and Article XX.1 for specific standards and restrictions.)

Accessory Uses. The following are considered accessory uses to an allowed agricultural use:

- 1) The storage, use of, and spreading of soil amendments, as defined in this section.
- 2) The use and application of agricultural chemicals pursuant to state requirements.
- 3) The preparation for market, delivery to storage or to market, and delivery to carriers for transportation to market of any products and materials from the farm.
- 4) The transportation of farm workers.
- 5) The marketing and selling at wholesale or retail of any products from the farm, on-site and off-site, where not otherwise prohibited or regulated.
- 6) Irrigation of growing crops from private water supplies or public water supplies.
- 7) The use of dogs or other livestock guard animals for herding, working, and guarding livestock.
- 8) The production and storage of compost and the materials necessary to produce compost, whether such materials originate, in whole or in part, from operations of the farm.

- 9) A farmstand situated on farm land owned by the operator of the farmstand provided that at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms owned by the operator of the farmstand. Items not produced on the farm or farms owned by the operator are limited to agriculture-related products, specialty foods, gift items, crafts, and items reflecting agriculture and rural America.
- 10) Use of new technologies recommended by the University of New Hampshire Cooperative Extension; the New Hampshire Department of Agriculture, Markets, and Food; and appropriate agencies of the United States Department of Agriculture.
- 11) Agritourism, as defined in this section.

Agricultural Sales, Commercial. Sale of items specifically including agriculture-related products, trees, specialty foods, gift items, crafts, and items reflecting agriculture and rural America. (This use need not be located on a farm property, in contrast to Farmstand, Accessory, below.)

Agritourism. Attracting visitors to a farm to attend events and activities that are accessory, related and subordinate to the primary farm operation, including, but not limited to, eating a meal, making overnight stays, enjoyment of the farm environment, education about farm operations, and active involvement in the activity of the farm.

Animal Feedlot. A commercial agricultural establishment consisting of confined feeding areas and related structures used for the finishing of livestock.

Aquaculture. The commercial raising, harvesting, and sale of fish and other aquaculture products.

Bees, Keeping of. The raising of bees and cultivation and sale of bee products.

Best Management Practices For Agriculture (BMPs) – Those practices and procedures described in the Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire, distributed and periodically updated by the New Hampshire Department of Agriculture, Markets, and Food, as revised. BMPs also include other practices and procedures recommended by the University of New Hampshire Cooperative Extension; the New Hampshire Department of Agriculture, Markets, and Food; and the United States Department of Agriculture. Other documents providing guidance for agricultural practices and procedures endorsed by the Durham Agricultural Commission as appropriate references for best management practices are also deemed BMPs.

[Reference - <http://agriculture.nh.gov/publications-forms/documents/bmp-manual.pdf>]

Chickens and Turkeys, Keeping of - Accessory Use. The breeding and raising of chickens and turkeys for noncommercial purposes in conjunction with a residence.

Crop Cultivation. The cultivation, conservation, and tillage of the soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, viticultural, and horticultural crops and any other plant, including greenhouse and high tunnel crops, and tree products and any other plant that can be legally grown and harvested extensively for profit or subsistence.

Farm or Farming. Any land, buildings, or structures on or in which agriculture and farming activities are conducted, including the residence(s) of owners, occupants, and employees located on the subject land. This includes all farm outbuildings and any other structures used in the farm operations. An operation may be deemed a commercial farm where at least \$1,000 of agricultural products is produced and sold in a year (a “farm” as defined by the USDA).

Farmers’ Market. An event or series of events at which two or more vendors of agricultural commodities gather for purposes of offering for sale such commodities to the public. Commodities offered for sale include, but are not limited to, products of agriculture, as defined in RSA 21:34-a. A farmers’ market does not include any event held upon any premises owned, leased, or otherwise controlled by any individual vendor selling therein.

Farmstand, Accessory. A farmstand as defined under Accessory Uses, above. (Contrast to Agricultural Sales, Commercial, above.)

Forestry. The production, cultivation, growing, harvesting, and sale of any trees or nursery stock.

Fur-bearing Animals, Keeping of. The raising, breeding, and sale of domesticated strains of fur-bearing animals, such as mink, ermine, and chinchilla.

Goats and Sheep, Keeping of. The raising, breeding, and sale of goats and sheep.

Goats and Sheep, Keeping of – Accessory Use. The raising and breeding of goats and sheep for noncommercial purposes in conjunction with a residence.

Horses, Keeping of. The commercial breeding, boarding, raising, training, riding instruction, and selling of horses, mules, donkeys, and other equidae.

Horses, Keeping of - Accessory Use. The noncommercial breeding, boarding, raising, and riding of horses, mules, donkeys, and other equidae.

Livestock – Large, Keeping of. The raising, breeding, or sale of beef and dairy cattle, steer, oxen, swine, domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, yaks, elk (*Cervus canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephus*), and reindeer (*Rangifer tarandus*).

Poultry, Keeping of. The raising, breeding, and sale of poultry, including chickens, turkeys, ducks, geese, and gamebirds.

Rabbits, Keeping of. The raising, breeding and sale of rabbits.

Soil Amendments. Including commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, and, where permitted by municipal and state rules and regulations, other lawful soil amendments.

❖ Add the following definitions as separate entries:

AND – When used in a series of allowed activities, such as “Dogs may be used for herding, working, and guarding livestock,” means “and/or,” such that any and all of the activities are allowed, individually or in combination.

OPACITY, VERTICAL – The percentage of the area of a fence or wall, covered by boards, slats, metal links, and other materials, through which one cannot see. Vertical opacity is measured from an elevation drawing.

SEPTAGE - Material removed from septic tanks, cesspools, holding tanks, or other sewage treatment storage units, but not including sewage sludge from public treatment works and industrial waste and any other sludge. (As defined in RSA 485-A:2.)

SEWAGE - The water-carried waste products from buildings, public or private, together with such groundwater infiltration and surface water as may be present. (As defined in RSA 485-A:2.)

SHALL – Where the term “shall” is used, the person or party is required to do what is referred to.

SLUDGE - The solid or semisolid material produced by water and wastewater treatment processes, but not including domestic septage. However, sludge which is disposed of at solid waste facilities as permitted by the New Hampshire Division of Environmental Services is considered solid waste. (As defined in RSA 485-A:2.)

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## **TABLE OF USES**

❖ See separate document.

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## **ARTICLE XX – STANDARDS FOR SPECIFIC USES** Section 175-109

- ❖ Create a new Article XX.1 – Standards for Agricultural Uses to read as follows.

## **ARTICLE XX.1 – STANDARDS FOR AGRICULTURAL USES**

### **175-109.1. Purpose.**

The purpose of this article and of other provisions in this chapter related to agriculture is to:

- A. Help preserve a working landscape of farms, gardens, and forests;
- B. Support local farms, farmers, and food production;
- C. Foster long-term economic and environmental sustainability and resilience; and
- D. Fulfill the goals included in the Agricultural Resources Master Plan and those pertinent to agriculture established by the Durham Town Council

### **175.109.2. Compliance Required.**

This article establishes performance standards for agricultural uses. These standards must be met for all activities involving the specified uses.

- A. **General Provisions.** The following provisions apply to all agricultural uses and activities:
  - 1. See definitions of various agricultural activities under AGRICULTURE in Article II. See Agricultural Uses in the Table of Uses. There is no set limit on the number of principal and accessory uses related to agriculture that may be established on a lot (though other requirements may effectively serve to limit the number of uses). Some of the agricultural uses included under Principal Uses in the Table of Uses may also be considered accessory uses subject to the same requirements as principal uses, as reasonably determined by the Zoning Administrator.
  - 2. **Best management practices.** Best management practices shall include technologies recommended from time to time by the university of New Hampshire cooperative extension, the New Hampshire department of agriculture, markets, and food, or appropriate agencies of the United States Department of Agriculture (per RSA 21:34-a). Best management practices shall be applied to all pertinent aspects of the farm, including but not limited to the following:
    - a. Manure, compost from manure, and odor from animals. Manure must be removed from the structure and immediate area housing animals and composted or disposed of in a timely manner.

- b. Feed. Feed should be stored in fully enclosed and secured containers in order to prevent pests and predators.
  - c. Slaughtering of animals.
2. Site plan review.
- a. Site plan review is required as specified in the text of Section 175-53 – Table of Land Uses and in the Site Plan Regulations (except as specified in b., below). Site plan review is required for all buildings, driveways, parking areas, public use areas, and significant structures and for site changes that are part of any commercial agricultural operation.
  - b. Site plan review is not required for uses that are accessory to single-family and duplex residences nor for temporary farmstands. The establishment, expansion, or change of the uses specified under Agricultural Uses in the Table of Uses is exempt from site plan review (though physical changes to the site ordinarily reviewed, such as building construction, are subject to review), with the exception of Farmers’ Markets; Agricultural Sales, Commercial; and Aquaculture which are subject to site plan review.
  - c. Applicants for projects related to agriculture may request waivers from specific provisions of the site plan requirements as allowed. Such projects may also be eligible for review under the Minor Site Plan process.
3. Minimum acreage is established in the Table of Uses for specific agricultural uses (Additional standards are given in Table 109.1E). In cases where minimums are established for more than one use occurring on a property, the minimum acreages are not added together. For example, if 3 acres is required for each of two uses, then 3 acres will be sufficient to accommodate both uses.
4. All animals must be contained on the subject lot. It is the responsibility of the property owner to contain the animals through appropriate means which may or may not include fencing.
5. Fences used for agricultural purposes, such as the containment of livestock and poultry or the protection of crops, may be located at the property line and need not meet setbacks otherwise applicable to fencing. The vertical opacity of any such fences that are higher than six feet shall not exceed 25% (for the purpose of maintaining an open view through the fence).

6. Keeping at least two of any species of animal is strongly encouraged, but not mandatory (except where specifically required). Virtually all animals will be healthier in the presence of companions.
7. Housing structure. An appropriate structure for housing animals shall be provided in accordance with University of New Hampshire Cooperative Extension Housing and Space Guidelines. The structure shall be designed to prevent access from predators. Chickens and turkeys shall be maintained in the structure from sunset to sunrise.

[Reference

[http://extension.unh.edu/resources/files/Resource000471\\_Rep493.pdf](http://extension.unh.edu/resources/files/Resource000471_Rep493.pdf)]

8. Housing structure setbacks. Structures for housing animals shall meet all setbacks applicable to structures. The structure shall not be placed in the front court (including for corner lots). However, in the Rural Zoning District the structure may be placed in the front court provided it is set back at least 50 feet from the front (or side, for corner lots) property line. In the Residence A and Residence B Districts, the structure shall be reasonably screened from the road. All requirements in this subsection may be changed by special exception.
9. Guidance from Agricultural Commission. Landowners and others with questions or concerns related to this ordinance and to agriculture in general are encouraged to speak with the Durham Agricultural Commission. Interested parties should contact the Town Planning Department.
10. Complaints. When a complaint is issued regarding any agricultural use, at the option of the Town's enforcement official, the complaint may be referred to the Agricultural Commission which may then investigate the complaint and seek to resolve it, as appropriate. When such a complaint is reviewed by the Agricultural Commission, regardless of the outcome of the Agricultural Commission's review, the Town's enforcement official shall nonetheless maintain responsibility for ultimate disposition of the complaint, in accordance with Town law.
11. Housing and Land Area Standards. See section E below.
12. Irrigation. Irrigation is subject to applicable water withdrawal and use restrictions of the State of New Hampshire and the Town of Durham.
13. Number of Buildings. There is no set limit on the number of allowed agricultural buildings, whether principal or accessory buildings, on lots of three acres or greater

(This provision overrides several general limitations included elsewhere in this ordinance).

14. Permits. A building, fence, and/or sign permit may be required depending on specific circumstances. See the Code Administrator for clarification, where appropriate.

**B. Chickens and Turkeys, Keeping of – Accessory Use.** The following terms and conditions apply to the keeping of chickens and turkeys as an accessory use:

1. Single/Two Family. The keeping of chickens and turkeys is permitted as an accessory use to single-family and duplex residences only.
2. Roosters. Roosters are permitted only on lots greater than 20,000 square feet located in the Rural Zoning District.
3. Number of animals. A maximum of 12 animals may be maintained per lot.
4. Selling. Eggs, chickens and turkeys may be sold on the premises provided the products are produced on the subject property and the activity is conducted in accordance with the New Hampshire Department of Agriculture, Markets, and Food's Guidelines for Selling Shell Eggs and any signage conforms with the standards for residential accessory signs.

Reference - <https://www.agriculture.nh.gov/publications-forms/documents/shell-egg-guidelines.pdf>

**C. Goats and Sheep, Keeping of – Accessory Use.** The following terms and conditions apply to the keeping of Goats and Sheep – Accessory Use:

1. Single/Two Family. The keeping of goats and sheep is permitted as an accessory use to Single-Family and Duplex Residences only.
2. Number of animals. There shall be a minimum of two goats or two sheep kept on the property (Goats and sheep are herd animals and need companionship). No more than two goats or two sheep may be kept on the property in the Residence A and Residence B districts. See Table 175-109.1 E – Housing and Land Area Standards for Livestock for requirements in other districts.
3. Permitted goats. In all zones, with the exception of the Residence Coastal and Rural Districts, only miniature, dwarf, or pygmy breed of goats may be kept on lots that are smaller than 80,000 square feet. Any kind of goat may be kept in the Residence Coastal and Rural Districts and on lots in other zones that are 80,000 square feet or larger. In all zones, with the exception of the Residence Coastal and Rural Districts, all goats must be dehorned and all male goats must be neutered.

4. Selling Products. Milk, cheese, wool, live goats and sheep, and other goat and sheep products may be sold on the premises provided the products are produced on the subject property and the activity is conducted in accordance with New Hampshire RSA 184. Inspection and Sale of Dairy Products, ~~with specific reference to RSA 184:84.V~~ (with specific reference to RSA 184:84.V). Any signage shall conform with the standards for residential accessory signs.

[Reference - <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XIV-184.htm>]

D. **Forestry.** All forestry activities shall be conducted in accordance with RSA 227-J, the Basal Area Law and RSA 227-J:9 in particular and RSA 79:10 Notice of intent to cut, and shall use as guidance for best forest management practices the “New Hampshire Best Management Practices for Erosion Control on Timber Harvesting Operations” 2016, as amended; Best Management Practices for Forestry: Protecting New Hampshire’s Water Quality 2005 as amended; and Good Forestry in the Granite State (DRED). Where forestry activity or significant tree removal has occurred within 200 feet of any public street or property boundary, the property owner shall reclaim the area – including removal of logs, wood debris, and stumps, as appropriate – within 60 days.

E. **Housing and Land Area Standards for Livestock.** The standards given in Table 175-109.1 E. –Housing and Land Area Standards shall be met for all sites except for the accessory keeping of chickens and turkeys and of goats and sheep.

1. Structures for housing animals must have a roof and be enclosed on at least three sides.
2. All undeveloped land on the subject parcel, including fields and woods and any structures built for the animals, but excluding wetlands and a 75-foot wide buffer adjacent to the wetlands, counts toward the minimum area of land per animal.
3. The minimum area of land per animal may be reduced by special exception. When such an application for a special exception is received, the Planning and Zoning Department shall promptly notify the Agricultural Commission which shall have a reasonable opportunity to provide input on the application prior to the Zoning Board of Adjustment making a decision. The Agricultural Commission shall allow for all interested parties to comment on the application.
4. For animals not listed in the table and animals that are not standard-size animals which are permitted in the zoning district, the minimum area of housing per animal and the minimum land area per animal shall be established by the Zoning

Administrator after consulting with the Agricultural Commission. The applicant is encouraged to present information on best management practices for the animal to the Agricultural Commission.

5. NH Code of Administrative Rules regulate the possession of wildlife, including the raising of deer, elk, and game birds. Annual permits to raise these animals, and others, are required by NH Fish and Game.  
[http://www.gencourt.state.nh.us/rules/state\\_agencies/fis800.html](http://www.gencourt.state.nh.us/rules/state_agencies/fis800.html)

*(over)*

Table 175-109.1 E. - Housing and Land Area Standards for Livestock

ANIMAL	HOUSING - minimum area per animal (in square feet)	LAND - minimum area per animal (in square feet)
Horse	Box stalls: 45 square feet; 5 x 9 feet recommended	40,000
Cow	No requirement	40,000
Buffalo and Bison	No requirement	40,000
Ox and Steer	No requirement	40,000
Goat	20	8,500
Sheep	20	8,500
Pig	48	3,000
Llama	40	20,000
Alpaca	18	10,000
Chicken	3	No requirement
Turkey	6	100
Duck	3	15
Goose	6	18
Guinea Fowl	3	No requirement
Pheasant	5	25
Pigeon	2	No requirement
Quail	1	4

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**ARTICLE XIII – WETLAND CONSERVATION OVERLAY DISTRICT**

*See full set of draft amendments for specific changes. No changes are proposed by the Planning Board from the original draft in this section.*

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**ARTICLE XIV – SHORELAND PROTECTION OVERLAY DISTRICT**

*See full set of draft amendments for specific changes. No changes are proposed by the Planning Board from the original draft in this section.*

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*(over)*

## **ARTICLE XXII – LANDSCAPING**

### **175-114. Purpose and Intent.**

The purpose of this Landscaping Article is to establish procedures and practices governing the protection, installation and long-term maintenance of trees, vegetation and other landscape elements. Except where otherwise specifically stated, this article applies only to subdivisions of land where a new street is involved.

### **175-115. Invasive Species.**

No person shall collect, transport, import, export, move, buy, sell, distribute, propagate or transplant any living and viable portion of any plant species, including all of their cultivars and varieties, included in Table 3800.1, New Hampshire prohibited invasive species list, as amended, or included in Env-Wq 1303.02 list of Prohibited Exotic Aquatic Weeds as published by the New Hampshire Division of Environmental Services. This restriction does not apply to the removal or eradication of any invasive species in accordance with best management practices. This provision applies to all property in Durham.

[Reference: <https://www.agriculture.nh.gov/publications-forms/documents/prohibited-invasive-species.pdf>;

<https://www.des.nh.gov/organization/commissioner/legal/rules/documents/env-wq1300.pdf>]



**\*\*\*NEW TEXT ONLY FOR  
AGRICULTURE AMENDMENTS  
PROPOSED BY THE PLANNING  
BOARD**

**CATEGORY OF USES**

**Chickens and Turkeys, keeping of**

**Goats and Sheep, keeping of**

Horses, keeping of

*Uses Accessory to Farms*

Farmstand

**RESIDENTIAL ZONES**

Rural (R)  
Residence A (RA)  
Residence B (RB)  
Residence C (RC)

**COMMERCIAL CORE ZONES**

Central Business (CB)  
Professional Office (PO)  
Church Hill (CH)  
Courthouse (C)  
Coe's Corner (CC)

**RESEARCH-INDUSTRY ZONES**

Office Research - Route 108 (OR)  
Mixed Use and Office Research (MUDOR)  
Office Research Light Industry (ORLI)  
Durham Business Park (DBP)

P	P	P	P	X	X	X	X	P	P	P	X
P	P	P	P	X	X	X	X	P	P	P	X
P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	X	X	X	X	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>
P	X	P	P	P	X	X	P	P	P	P	X

**Notes**

- The use is permitted only on lots of 3 acres or greater. Roosters are permitted only in the Rural District.
- In the Central Business District the use is permitted only on rooftops.

*\*The proposed table of uses endorsed by the Planning Board for a public hearing on September 9, 2020*



# 2021 Draft Zoning Amendments - Water Quality

Below you will find:

1. Lawyer's Note's (Email from Laura with edits)
2. Zoning Amendments followed by Original text
3. Draft Water Quality Amendments Based on Lawyers edits

**From:** [Laura Spector-Morgan](#)  
**To:** [Stephanie Gardner](#)  
**Subject:** RE: Raymond - 2021 Proposed Zoning Amendments (Water Quality)  
**Date:** Friday, August 28, 2020 1:32:35 PM  
**Attachments:** [image002.png](#)

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Hi Stephanie. I have a few thoughts/suggestions.

The **first** amendment is fine.

I'm not sure why we need the **third** amendment? If all property in Zone G has to meet the setback requirements, why does this need to be a criteria for the issuance of a conditional use permit?

The **second** amendment I would reorganize and rewrite as follows:

The change to § 4.9.1.9 is fine and the question will be:

Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning board for the town zoning ordinance as follows: To amend the purposes of the Conservation District to include maintaining the heath and water storage function of wetlands?

I think the proposed change to §4.9.1.8 would be more appropriately a change to §4.9.3.1 (establishing the district boundaries for the Conservation District). Add a new last sentence that says "The Shoreland Protection Area also includes any area within 100 feet of any priority wetland, as shown on Map A."

This would be a separate question as follows:

Are you in favor of the adoption of Amendment No. \_\_\_ as proposed by the Planning board for the town zoning ordinance as follows: To amend the boundaries of the Shoreland Protection are to include any area within 100 feet of any priority wetland?

And for the **fourth** amendment, the question should be

Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning board for the town zoning ordinance as follows: To increase the setback from wetlands in the Conservation District from 25 to 75 feet for regular wetlands and to 100 feet for Priority Wetlands, and to relocate this requirement from Section 15.3.2 (which will be deleted) to a new section 15.1.4.

Please let me know if I can be of additional assistance. Thanks!

2.9. **Wetlands:** All development that requires Planning Board approval or re-approval, as determined by the Code Official, shall be subject to the following:

2.9.1 In recognition that the majority of drinking water supply sources come from groundwater; and further, that wetlands provide the chief source of groundwater recharge and serve to filter and enhance water quality, all development shall result in no net loss of area or function of wetlands. This must be achieved within the same watershed of the proposed development area. In order of preference, no net loss shall be achieved utilizing the following approaches with input ~~from~~ the Raymond Conservation Commission:

2.9.1.1 Achieve no net loss within the boundaries of the proposed development area and within the Town of Raymond boundaries;

2.9.1.2 Achieve no net loss within Town of Raymond boundaries and within a five (5) miles radius of the development area;

2.9.1.3 In cases where neither option 2.9.1.1 nor option 2.9.1.2 can be reasonably achieved, as determined by the Planning Board based upon the applicant’s application and testimony and the input of the Raymond Conservation Commission, no net loss shall be achieved within a five (5) mile radius of the same watershed as the proposed development area.

2.9.1.4 Applicants to the Planning Board shall be required to work within the framework of techniques, latest technology and best management practices available in the Town of Raymond and the State of New Hampshire to further the objective of achieving no net loss of wetlands.

2.10. **Campers**

2.10.1. Campers may be stored, unoccupied, at the owner’s premises or permanent domicile in any zone in the Town of Raymond for any period of time.

2.10.2. Campers or tents may be occupied for camping in all zones of the Town of Raymond for up to (90) ninety days of the year, providing proper sanitary facilities are available as determined by the Health Officer.

2.10.3. Campers shall not be occupied as a permanent dwelling at any time in the Town of Raymond. (03/1971)

2.11. **Petroleum Tanks:** All petroleum tanks in Raymond shall conform to regulations issued by the New Hampshire Department of Environmental Services (DES, currently regulation WS411) and tanks not covered by WS411 shall be installed and maintained in accordance with the applicable NFPA Codes.

2.12. **Temporary Buildings:** Temporary buildings of any type that are normally used as offices and storage facilities at construction sites will be permitted on the site upon which the construction work is being accomplished for the duration of the construction.

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2.12. **Temporary Buildings:** Temporary buildings of any type that are normally used as offices and storage facilities at construction sites will be permitted on the site upon which the construction work is being accomplished for the duration of the construction.

4.8.1. Please refer to the Area and Dimensional Requirements in [Article 15](#).

4.8.2. Please refer to [Section 5.1.1](#) for a list of HISTORIC DISTRICT PROPERTIES

4.9. **Zone G – Conservation District**

4.9.1. PURPOSE: In the interest of protecting the public health, safety and general welfare by preserving the Town’s lakes, ponds, river systems, wetlands and important local water resources for the benefit of all Town residents, this District is created for the following purposes:

4.9.1.1. Preserve sensitive wetlands, shore land and other water bodies that provide flood protection, augment stream flow during dry periods, absorb nutrients and contribute to the viability of the Town’s groundwater.

4.9.1.2. Protect the wetlands and water bodies that are close to high intensity development through restrictions such as limitations of certain land uses and buffering.

4.9.1.3. Protect wildlife habitat and maintain the ecological values referenced in NH [RSA483-A](#).

4.9.1.4. Limit development in areas where the natural features are not favorable for development.

4.9.1.5. Encourage those low-intensity uses that can be harmoniously and safely located in the wetland areas.

4.9.1.6. Preserve and enhance aesthetic values associated with our lakes, ponds, river systems and wetlands.

4.9.1.7. Encourage the preservation and/or restoration of Raymond’s Shoreland Protection Area as a natural vegetated shoreland buffer to filter sediment and pollutants from runoff and thus help protect the town’s water quality.

4.9.1.8. Discourage the following activities in Raymond’s Shoreland Protection Area: any alteration of stream paths; landscaping; mowing; dumping of litter or trash, storage of grass clippings, leaves or snow; use of fertilizer and/or pesticides.

4.9.1.8, 4.9.1.9. Maintain the health and water storage function of wetlands so that they may continue to support water quality and access to drinking water in Raymond.

4.9.2. Please refer to the Area and Dimensional Requirements in [Article 15](#).

4.9.3. DISTRICT BOUNDARIES: The Conservation District is an Overlay District and is hereby defined as:

4.9.3.1. SHORELAND PROTECTION AREA: Is any area of land within seventy-five (75) feet of the seasonal high-water mark of any river, brook, stream, pond or lake as shown on the Water Resource Management Plan (3/2009). Also includes any area of land within seventy-five (75) feet of the high-water mark of any river, brook, stream, pond, or lake having flowing or standing water for six (6) months of the year not included in Water Resource Management Plan (3/2009). The Shoreland Protection Area also includes any area within 100 feet of any priority wetland, as shown on Map A.

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4.9.1.8. Discourage the following activities in Raymond's Shoreland Protection Area: any alteration of stream paths; landscaping; mowing; dumping of litter or trash, storage of grass clippings, leaves or snow; use of fertilizer and/or pesticides.

4.9.2. Please refer to the Area and Dimensional Requirements in [Article 15](#).

4.9.3. DISTRICT BOUNDARIES: The Conservation District is an Overlay District and is hereby defined as:

4.9.3.1. SHORELAND PROTECTION AREA: Is any area of land within seventy-five (75) feet of the seasonal high-water mark of any river, brook, stream, pond or lake as shown on the Water Resource Management Plan (3/2009). Also includes any area of land within seventy-five (75) feet of the high-water mark of any river, brook, stream, pond, or lake having flowing or standing water for six (6) months of the year not included in Water Resource Management Plan (3/2009).

4.9.3.2. STATE PROTECTED WATERS: The Exeter River, Lamprey River, Pawtuckaway River, Governor's Lake, Onway Lake, Norton Pond, Dead Pond (a/k/a On Lamprey River), and Lamprey River Pond (a/k/a Dam in Ruins) fall within the jurisdiction of the Comprehensive Shoreland Protection Act (hereinafter "CSPA") as amended from time to time; the CSPA

4.9.6.2.4. The applicant shall maintain the site as nearly as practical and possible to its original grade, shape and appearance.

4.9.6.2.5. In accordance with NH [RSA 676:4\(g\)](#) the applicant shall be responsible for the costs of any outside technical assistance that the Planning Board requires as part of its review of the proposed use.

4.9.6.2.5-4.9.6.2.6. Setbacks, as defined in section 15.3.2 for Zone G have been met.

4.9.6.3. SPECIAL PROVISIONS (03/2000)

4.9.6.3.1. The setback for a septic system, including the leach field, adjacent to a pond, lake or estuary shall be governed by the limitations contained in the Comprehensive Shoreland Protection Act, NH [RSA 483-B:9 V\(b\)\(2\)\(A\)](#).

4.9.6.3.2. In determining the minimum lot size for Zones A, C.1, C.2, D and E, no part of the minimum lot size shall include areas identified as being in the Shoreland Protection Area.

4.9.6.3.3. Uses which are not allowed, but existing at the time of the adoption of this amendment may be continued, but may only be expanded by Special Permit.

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## ARTICLE 5: OVERLAY DISTRICTS

### 5.1 Zone F - Historic District

5.1.1. Zone F shall include the following parcels of land and buildings:

Tax Map	Lot	Address	Common Reference
27-2	29	10 Main Street	Former Severance Property
27-2	30	12 Main Street	Former Cobbler Shop (03/2001)
27-2	55	7 Main Street	Maclaren Residence (03/2001)
28-1	47	28 Main Street	Former Welch Oil Co. (03/2001)
28-3	58	1 Old Manchester Road	Former Doctor's Office
28-3	59	Main Street & Old Manchester Road	Jewett Elderly Housing (03/2001)
28-3	68	51 Main Street	Methodist Church (03/2001)
28-3	79	2 Epping Street	Brewitt Funeral Home
28-3	80	4 Epping Street	Town Office Complex
28-3	81	8 Epping Street	Sovereign Bank
28-3	82	Epping & Main Streets	Town Common
28-3	86	9 Epping Street	Pilgrim Inn Apartments (03/2000)
28-3	88	5 Church Street	Congregational Church (03/2000)
28-3	89	Church Street	Howard Buildings (03/2000)
28-3	90	56 Main Street	Howard Buildings (03/2000)
28-3	91	58 Main Street	Howard Buildings (03/2000)
28-3	95	Main Street	Former Railroad Depot

4.9.5. ALLOWED USES TABLE – CONSERVATION DISTRICT

LEGEND: P = Permitted  
 SP = Special Permit required

Type of Use	Wetlands		Shoreland Protection	Steep Slope
	Poorly Drained	Very Poorly Drained		
<b>Agriculture</b> (no-till horticulture is exempt)	P	SP	SP	SP
<b>Forestry/Tree Farming</b>	P	P	P	P
<b>Public Recreation Areas</b>	P	SP	SP	SP
<b>Conservation/Nature Trails</b>	P	P	P	P
<b>Open Space</b>	P	P	P	P
<b>Utilities</b>	P	P	P	P
<b>Buildings &amp; Permanent Structures</b>	SP	SP	SP	SP
<b>Accessory Buildings &amp; NON-Permanent Structures</b>	SP	SP	SP	SP
<b>Roads/Driveways/ROWs</b>	SP	SP	SP	SP
<b>Expansion of Non-conforming Uses</b> (up to 25% expansion only)	SP	SP	SP	SP

4.9.6. SPECIAL PERMIT (SP):

- 4.9.6.1. The Planning Board may grant a Special Permit for specific uses identified as “SP” if the Board has made a finding of fact that the requested use is consistent with the purposes of the Conservation District and meets the specific criteria stated in [subsection 4.9.6.2](#) below.
- 4.9.6.2. In granting a Special Permit, the Planning Board shall ensure that the following standards have been met:
  - 4.9.6.2.1. A New Hampshire licensed civil engineer, or other appropriate New Hampshire licensed professional, shall provide a review of the design and construction methods for the proposed use.
  - 4.9.6.2.2. The Raymond Conservation Commission has reviewed and provided comments on the proposed use.
  - 4.9.6.2.3. Depending on the size of the proposed use and its impact, as determined by the Planning Board, the applicant may be required to prepare an Erosion Control Plan in order to minimize all detrimental impacts to wetland and shoreland resulting from the proposed use during and after construction.
  - 4.9.6.2.4. The applicant shall maintain the site as nearly as practical and possible to its original grade, shape and appearance.
  - 4.9.6.2.5. In accordance with NH [RSA 676:4I\(g\)](#) the applicant shall be responsible for the costs of any outside technical assistance that the Planning Board

requires as part of its review of the proposed use.

4.9.6.3. SPECIAL PROVISIONS (03/2000)

- 4.9.6.3.1. The setback for a septic system, including the leach field, adjacent to a pond, lake or estuary shall be governed by the limitations contained in the Comprehensive Shoreland Protection Act, NH [RSA 483-B:9 V\(b\)\(2\)\(A\)](#).
- 4.9.6.3.2. In determining the minimum lot size for Zones A, C.1, C.2, D and E, no part of the minimum lot size shall include areas identified as being in the Shoreland Protection Area.
- 4.9.6.3.3. Uses which are not allowed, but existing at the time of the adoption of this amendment may be continued, but may only be expanded by Special Permit.

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28-3	68	51 Main Street	Methodist Church (03/2001)
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28-3	80	4 Epping Street	Town Office Complex
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28-3	86	9 Epping Street	Pilgrim Inn Apartments (03/2000)
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28-3	90	56 Main Street	Howard Buildings (03/2000)
28-3	91	58 Main Street	Howard Buildings (03/2000)
28-3	95	Main Street	Former Railroad Depot

### 5.2. Groundwater Conservation Overlay District

- 5.2.1. AUTHORITY: The Town of Raymond hereby adopts this Ordinance pursuant to the authority granted, under [RSA 674:16, II](#) relative to innovative land use controls.
- 5.2.2. PURPOSE: The purpose of this Ordinance is, in the interest of public health, safety, and general

15.1.3. MINIMUM SETBACK REQUIREMENTS

Zone	Front	Sides	Rear
A (Serviced by Town Water)	25 Feet	10 Feet	10 Feet
A (NOT Serviced by Town Water)	25 Feet	25 Feet	25 Feet
B	30 Feet	30 Feet	30 Feet
C.1	15 Feet	15 Feet	15 Feet
C.2	15 Feet	15 Feet	15 Feet
C.3 (Non-residential)	15 Feet	15 Feet	15 Feet
C.3 (Single-family Residential)	25 Feet	25 Feet	25 Feet
C.3 (Two-family Residential)	25 Feet	25 Feet	25 Feet
C.3 (Multi-family Residential)	25 Feet	25 Feet	25 Feet
D	15 Feet	15 Feet	15 Feet
E	50 Feet	50 Feet	50 Feet
F	50 Feet	50 Feet	50 Feet
G	15 Feet*	15 Feet*	15 Feet*

\*The wetland setback is 25 feet as per [Section 15.3.2](#)

15.1.4. All lots containing Zone G land shall comply with the frontage and setback requirements of the underlying zone as set forth in Section 15.1.2 and Section 15.1.3, and shall have a minimum setback from wetlands (as defined in article 13: Definitions) of 75ft. For those wetlands identified on Map A (Priority Wetlands), Priority Wetlands, the setback shall be 100ft.

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15.2. Notes to Area and Dimensional Requirements

- 15.2.1. Excepted from this requirement are all buildings on any pre-existing lot in Zones B, C, D or E or less than two (2) acres, which shall require setbacks of twenty-five feet (25') from all property lines.
- 15.2.2. Accessory buildings 144 square feet or smaller shall be permitted no closer than 25 feet from side property lines. Larger accessory buildings shall be permitted no closer than thirty feet (30') from the side property lines. (03/2016)

15.1.3. MINIMUM SETBACK REQUIREMENTS

Zone	Front	Sides	Rear
A (Serviced by Town Water)	25 Feet	10 Feet	10 Feet
A (NOT Serviced by Town Water)	25 Feet	25 Feet	25 Feet
B	30 Feet	30 Feet	30 Feet
C.1	15 Feet	15 Feet	15 Feet
C.2	15 Feet	15 Feet	15 Feet
C.3 (Non-residential)	15 Feet	15 Feet	15 Feet
C.3 (Single-family Residential)	25 Feet	25 Feet	25 Feet
C.3 (Two-family Residential)	25 Feet	25 Feet	25 Feet
C.3 (Multi-family Residential)	25 Feet	25 Feet	25 Feet
D	15 Feet	15 Feet	15 Feet
E	50 Feet	50 Feet	50 Feet
F	50 Feet	50 Feet	50 Feet
G	15 Feet*	15 Feet*	15 Feet*

\*The wetland setback is 25 feet as per [Section 15.3.2](#)

15.2. [Notes to Area and Dimensional Requirements](#)

- 15.2.1. Excepted from this requirement are all buildings on any pre-existing lot in Zones B, C, D or E or less than two (2) acres, which shall require setbacks of twenty-five feet (25') from all property lines.
- 15.2.2. Accessory buildings 144 square feet or smaller shall be permitted no closer than 25 feet from side property lines. Larger accessory buildings shall be permitted no closer than thirty feet (30') from the side property lines. (03/2016)
- 15.2.3. All existing lots of one-third acres (14,520 sq. ft.) or less shall meet the setback requirements of Zone A.

~~15.3.2. All lots containing Zone G land shall comply with the frontage and setback requirements of the underlying zone as set forth in Section 15.1.2 and Section 15.1.3, and shall have minimum wetland setbacks of 25 feet. (03/2010)~~

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- 15.3.2. All lots containing Zone G land shall comply with the frontage and setback requirements of the underlying zone as set forth in [Section 15.1.2](#) and [Section 15.1.3](#), and shall have **minimum wetland setbacks of 25 feet.** (03/2010)



# Water Quality Zoning Amendments

The proposed four amendments are to improve the protection of the Town of Raymond's water quality.

**Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the town zoning ordinance as follows:** To amend the language of Wetlands - 2.9.1 to include language that describes the benefits of wetland function as it relates to drinking water.  
**Recommended by the Planning Board.**

**Revision: Highlighted and underlined text is proposed to be added.**

- 2.9.1 In recognition that the majority of drinking water supply sources come from groundwater; and further, that wetlands provide the chief source of groundwater recharge and serve to filter and enhance water quality, all development shall result in no net loss of area or function of wetlands. This must be achieved within the same watershed of the proposed development area. In order of preference, no net loss shall be achieved utilizing the following approaches with input from the Raymond Conservation Commission.

**Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the town zoning ordinance as follows:** To amend the purposes of the Conservation District to include maintaining the health and water storage function of wetlands.  
**Recommended by the Planning Board.**

**Revision: Highlighted and underlined text is proposed to be added.**

- 4.9.1.9. Maintain the health and water storage function of wetlands so that they may continue to support water quality and access to drinking water in Raymond.

**Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board for the town zoning ordinance as follows:** To amend the boundaries of the Shoreland Protection are to include any area within 100 feet of any priority wetland.  
**Recommended by the Planning Board.**

**Revision: Highlighted and underlined text is proposed to be added.**

- 4.9.3.1 SHORELAND PROTECTION AREA: Is any area of land within seventy-five (75) feet of the seasonal high-water mark of any river, brook, stream, pond or lake as shown on the Water Resource Management Plan (3/2009). Also includes any area of land within seventy-five (75) feet of the high-water mark of any river, brook, stream, pond, or lake having flowing or standing water for six (6) months of the year not included in Water Resource Management Plan (3/2009). The Shoreland Protection Area also includes any area within 100 feet of any priority wetland, as shown on Map A.



**Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board for the town zoning ordinance as follows:** To increase the setback from wetlands in the Conservation District from 25 to 75 feet for regular wetlands and to 100 feet for Priority Wetlands, and to relocate this requirement from Section 15.3.2 (which will be deleted) to a new section 15.1.4.  
**Recommended by the Planning Board.**

**Revision: Highlighted and underlined text is proposed to be added.**

**15.1.4.** All lots containing Zone G land shall comply with the frontage and setback requirements of the underlying zone as set forth in Section 15.1.2 and Section 15.1.3, and shall have a minimum setback from wetlands (as defined in article 13: Definitions) of 75ft. For those wetlands identified on Map A (Priority Wetlands), Priority Wetlands, the setback shall be 100ft.



# 2021 Draft Zoning Amendments - ADU's Section 6.10.5.7

Previously discussed at 9/17/2020 PB Meeting

Amendment followed by Original Text

the property is a corporation, the term "property owner" shall mean the principal stockholder.

6.10.4.4 Principal place of residence: may be demonstrated by voter's registration, vehicle registration, driver's license or the placement of children in local public schools.

6.10.5. REQUIREMENTS

6.10.5.1. Only one accessory dwelling unit shall be allowed as a matter of right in all zoning districts that permit single-family detached dwellings and on any parcel where only one existing, legally conforming single family dwelling already exists.

6.10.5.2. The accessory dwelling unit shall be clearly incidental and subordinate in extent, use and purpose to the principal dwelling unit.

6.10.5.3. No additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family detached dwelling without an accessory dwelling unit shall be required except that the accessory dwelling unit added within or attached to existing homes shall require a zoning determination and a building permit.

6.10.5.4. An accessory dwelling unit shall be deemed a unit of workforce housing for purposes of satisfying the Town of Raymond's obligation under RSA 674:59, provided the unit meets the criteria in RSA 674:58 IV for rental units.

6.10.5.5. Either the principle dwelling unit or the accessory dwelling unit shall be occupied by the owner of the property as his/her principal place of residence.

6.10.5.6. The owner shall provide proof of residence to the Assessor's Office no later than January 1<sup>st</sup>.

6.10.5.6-6.10.5.7. Accessory Dwelling Units (ADUs) require the same level of inspections (electrical, plumbing, health, safety, etc.) as for a Certificate of Occupancy for the primary residence prior to occupation. Grandfathered ADUs (those ADU's created prior to March 2021) shall have inspection reports for the ADU's improvements on file with the town upon transfer of property ownership.

6.10.6. STANDARDS

6.10.6.1. The exterior of an attached accessory dwelling unit shall maintain aesthetic continuity and compatibility (doors, windows, siding, trim type and color, and roofing) with the existing single family detached dwelling so that the attached accessory dwelling unit shall not detract from the overall character of the neighborhood. If the only entrance to the accessory dwelling unit is on the street side of the building, the accessory dwelling unit shall utilize the main entrance to the single-family dwelling as a shared access. Any additional entrances or exits shall be located to the side or rear of the units. The Code Enforcement Officer shall be responsible for reviewing and evaluating architectural designs for compatibly prior to issuance of a building permit.

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the property is a corporation, the term “property owner” shall mean the principal stockholder.

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6.10.6.2. The accessory dwelling unit shall be limited to a maximum of two (2) bedrooms.

6.10.6.3. The minimum area for an accessory dwelling unit, whether within or attached, shall not be less than five-hundred (500) square feet, and the maximum

1 Planning Board Draft Minutes  
2 September 17, 2020  
3 7:00 PM  
4 Zoom meeting  
5  
6

7 **Planning Board Members Present:**

8 Jonathan Wood (Chairman)  
9 Gretchen Gott  
10 John Beauvilliers  
11 Kendra Ferm  
12 Paul Lynn (Alternate)

13  
14 **Planning Board Members Absent:**

15 Rich Mulryan  
16 Brad Reed  
17 George Plante (Selectmen ex-officio)  
18 Robert Wentworth  
19

20  
21 **Staff Present:**

22 Glenn Coppelman - Circuit rider  
23 Christina McCarthy - Planning Technician  
24 Stephanie Gardner - Planning Technician  
25

26  
27 **Pledge of Allegiance**

28  
29 Application #2020-007: A Site Plan Application has been submitted by Jones & Beach on behalf  
30 of Jackson Lumber and Millwork. The applicant is proposing to build a 60' X 65' building addition  
31 to be used for storage and loading. The property is identified as Raymond Tax Map 22/ Lot 43  
32 and located at 10 Industrial Dr. Raymond NH, 03077, and is within Zone D.  
33

34 Paul Lynn could not vote in the meeting due to his paperwork needing to be signed at Town  
35 Hall.  
36

37 **Motion:**

38 Mr. Beauvilliers made a motion to accept application 2020-007 for review. Ms. Ferm seconded  
39 the motion. The vote was made by roll call. The vote was unanimous in favor of accepting the  
40 application for review. 4 in favor, 0 opposed, 0 abstained.

41 Jonathan Wood -Yes  
42 Gretchen Gott - Yes  
43 John Beauvilliers -Yes  
44 Kendra Ferm - Yes

45 Motion:

46 Mr. Wood made a motion that this application has no regional impact. Mr. Beauvilliers seconded  
47 the motion. The vote was made by roll call. The vote was unanimous in favor of having no  
48 Regional Impact. 4 in favor, 0 opposed, 0 abstained.

49 Jonathan Wood -Yes

50 Gretchen Gott - Yes

51 John Beauvilliers -Yes

52 Kendra Ferm - Yes

53

54 Paige Libbey with Jones and Beach Engineers was here on behalf of Jackson Lumber.

55 Paige Libbey: "The plan is to put a thirty-nine hundred square foot building addition right in here.

56 The loading docks are in here now and the building addition will have 2 loading docks on the

57 front side of it as well as they are going to add a loading dock on the existing building. There is

58 really no change to the drainage patterns or direction of runoff. There is a catch basin where the

59 runoff from the parking area goes and it ends up in a detention pond out in the back. We are

60 asking for 2 waivers. The waivers are sections 3.3e and 3f and then Article 6 section 11. Those

61 are for a wetland delineation and soil survey as well as stormwater design. The reason we are

62 asking for those is because we are only disturbing where it has been previously disturbed. So

63 there is really no change to the drainage and no additional impacts to wetlands as a result of the

64 project. The Town engineer has already reviewed the project. The Fire Department a

65 Has also reviewed it and they were ok with it."

66

67 Mr. Wood: "Just as a point of interest this additional area that is being added, it has a value in

68 terms of assessment and within the Sewer Overlay District also the TIF District. Any additional

69 taxes that will be paid on this addition would go into the TIF Fund. Which has never been

70 funded." "Let's move to the waivers. We have 2 waivers. This one is the Site Plan Regulations

71 6.11 - Storm Drainage and their response is they are requesting a waiver from submitting the

72 drainage analysis and plans as there will be no new impervious and no change to the drainage

73 pattern. The Applicant is requesting a waiver Article VI.11 from having to perform a stormwater

74 analysis based on there will be no change in impervious area as a result of the building

75 expansion. DuBois & King support this request."

76

77 Motion:

78 Mr. Wood made a motion to waive Site Plan Regulation 6.11 - Storm Drainage and this is based

79 on analysis by our consulting engineer and the fact that they are not really changing the

80 drainage on the property. Mr. Beauvilliers seconded the motion. The vote was made by roll call.

81 The vote was unanimous in favor of waiving Site Plan Regulation 6.11. 4 in favor, 0 opposed, 0

82 abstained.

83 Jonathan Wood -Yes

84 Gretchen Gott - Yes

85 John Beauvilliers -Yes

86 Kendra Ferm – Yes

87

88

89 Mr. Wood: "They are looking for a waiver from Site Plan Regulation 3.03.03e and 3.03.03f -  
90 Procedures. They are requesting a waiver from submitting soil survey and wetlands data as  
91 there will be no changes to these as they are only building an addition on the existing property.  
92 DuBois and King's response was the Applicant is requesting a waiver from Articles III.03.e and  
93 III.03.f from having to perform wetland delineation and soil survey based on the existing  
94 condition (impervious area) will not be changed as a result of the building expansion. DuBois &  
95 King support this request."

96  
97 Motion:

98 Ms. Ferm made a motion to waive Articles III.03.e and III.03.f - Procedures based on the  
99 applicant not making any changes to the area and only building an addition on the existing  
100 property. Mr. Wood seconded the motion. The vote was made by roll call. The vote was  
101 unanimous in favor of waiving Article III.03.e and III.03f. 4 in favor, 0 opposed, 0 abstained.

102 Jonathan Wood -Yes

103 Gretchen Gott - Yes

104 John Beauvilliers -Yes

105 Kendra Ferm - Yes

106 Ms. Gott: "I would like to ask how the Board is going to handle the "shelf" that was built there  
107 and is not part of the plan?"

108  
109 Mr. Wood: "I have a condition of approval that reads amend the existing conditions and site plan  
110 to include the shed and racks to the right of building number 2."

111  
112 Motion:

113 Mr. Wood made a motion to approve application #2020-007, a Site Plan Application submitted  
114 by Jones & Beach on behalf of Jackson Lumber and Millwork. The applicant is proposing to  
115 build a 60' X 65' building addition to be used for storage and loading. The property is identified  
116 as Raymond Tax Map 22/ Lot 43 and located at 10 Industrial Dr. Raymond NH, 03077, and is  
117 within Zone D, subject to the following conditions: (See attachment #1). Mr. Beauvilliers  
118 seconded the motion. The vote was made by roll call. The vote was unanimous in favor of  
119 accepting the application. 4 in favor, 0 opposed, 0 abstained.

120 Jonathan Wood -Yes

121 Gretchen Gott - Yes

122 John Beauvilliers -Yes

123 Kendra Ferm - Yes

124  
125 Mr. Wood: "Properties for acquisition and sale. Let's start with the acquisition. "  
126

127 Ms. Gardner: "For RSA 41:14 -A the Select Board is required to get Planning Board and  
128 Conservation Commission recommendation before they buy or sell properties. So for acquisition  
129 there is 10 Old Fremont Road which is the Old Bean Tavern and they want to buy it because it  
130 is a Historic site and the Town symbol."

131 Mr. Beauvilliers: "I think the purchase of this property is going to end up in the hands of the  
132 voters. If that is the case then I would recommend we pursue the purchase with the

133 understanding that it is going to be a warrant article and it is going to go before the Town.”

134

135 Ms. Gott: “Part of what I as a voter would be looking at is the recommendations from the  
136 different people and the different Boards in Town as to what they think the right decision would  
137 be. That concerns me. I as a Planning Board Member am not sure that I am comfortable  
138 recommending that we purchase that building.”

139

140 Motion:

141 Mr. Wood made a motion to recommend to the Selectmen that they pursue acquisition of 10 Old  
142 Fremont Road map 23 lot 60 in Raymond. The site of the Old Bean Tavern. Mr. Beauvilliers  
143 seconded the motion. The vote was made by roll call. The vote was in favor of recommending  
144 the acquisition of 10 Old Fremont Road. 3 in favor, 1 opposed, 0 abstained.

145 Jonathan Wood -Yes

146 Gretchen Gott - No

147 John Beauvilliers -Yes

148 Kendra Ferm - Yes

149

150 Ms. Gardner: “On 71 Prescott there is going to be a requirement that the buyer removes the  
151 trailer and cleans the property within 90 days of purchase. 1 Bertha Ave they are only allowing a  
152 secondary structure like a shed or a garage and no habitual dwellings. For 17 Epping Street  
153 they are going to require that it be developed as a single-family home and owner occupied. 129  
154 Langford Road has no restrictions on it. It is zone B. It is roughly 3 and half acres.”

155

156 Mr. Wood: “And the rest of them are Green Hills.”

157

158 Motion:

159 Mr. Beauvilliers made a motion that the Board approve the sale of the 7 properties. Ms. Ferm  
160 seconded the motion. The vote was made by roll call. The vote was unanimous in favor of  
161 selling the 7 properties. 4 in favor, 0 opposed, 0 abstained.

162

163 Approval of minutes:

164 Motion:

165 Mr. Beauvilliers made a motion to approve the September 3, 2020 minutes as presented. Mr.  
166 Wood seconded the motion. The vote was made by roll call. The vote was in favor of approving  
167 the minutes as presented. 3 in favor, 0 opposed, 1 abstained.

168 Jonathan Wood -Yes

169 Gretchen Gott - Abstain

170 John Beauvilliers -Yes

171 Kendra Ferm - Yes

172

173 Mr. Wood: “Flint Hill Conservation Commission Letter?”

174 Ms. Gardner: “I included a letter from the Conservation Commission in your packet they had  
175 some concerns about the stump dump at Norris Farm at the Flint Hill Development. The

176 developer has agreed to return the development to its natural state. So that has been  
177 addressed.”

178  
179 Mr. Wood: “How about the sewer overlay, we have an example of the removal of the sewer  
180 overlay ordinance. My comment there is that rather than renumber could you just say sewer  
181 overlay deleted March 2021.”

182  
183 Staff updates:

184 Ms. Gardner: “I have Rich Mulryan’s resignation letter. (See attachment #2).”

185  
186 Motion:

187 Mr. Beauvilliers made a motion to accept the resignation letter from Mr. Mulryan. Mr. Wood  
188 seconded the motion. The vote was made by roll call. The vote was in favor of accepting Mr.  
189 Mulryan’s resignation letter. 4 in favor, 0 opposed, 1 abstained.

190 Jonathan Wood -Yes  
191 Gretchen Gott - Yes  
192 John Beauvilliers -Yes  
193 Kendra Ferm - Yes

194  
195 Ms. Gardner: “We talked to Laura about the TIF and Unified Development Plan and we are  
196 hoping to have that figured out by the October 1, 2020 meeting. Chris and I went out to Hard  
197 Rock and asked about them cutting trees down and they said that they did not cut any trees  
198 down. They went out and cleared some brush out. For the October 1st meeting we were  
199 planning on discussing the agriculture ordinance. We reached out to Theresa Walker who did  
200 the agriculture in Durham and she said that the Board can come up with questions and we can  
201 reach out to her after the meeting and she will let us know the answers.”

202  
203 Mr. Wood: “I have one thing that I would like to propose as a zoning article and it would  
204 probably be under 6.10.8 it has to do with ADU’s. In a class I had with appraisers we need to  
205 bolt in a piece that says requires certificate of occupancy inspections by the town prior to  
206 occupation of an Accessory Dwelling Unit (ADU) and that would be from March 2021 forward  
207 However, grandfathered ADU’s shall have inspection reports for the ADU on file at the transfer  
208 of ownership.”

209  
210 Motion:

211 Mr. Wood made a motion to adjourn. Mr. Beauvilliers seconded the motion. The vote was made  
212 by roll call. The motion passed 4 in favor, 0 opposed, 1 abstained.

213 Jonathan Wood -Yes  
214 Gretchen Gott - Yes  
215 John Beauvilliers -Yes  
216 Kendra Ferm - Yes

217 Respectfully submitted,

218  
219 Jill A. Vadeboncoeur