

## LUR OOPS & EDITS

### **Chapter II. Zoning District - Tables**

1. (C) Permitted Uses 1. Accessory Structure/Use: Add: "(Max: 2,000 sq. ft.)"
2. (D) Permitted Uses: Add: "Accessory Structure Over 2,000 sq. ft."
3. Add accessory structure setback dimensions in all districts allowed (i.e., all except SHM)
4. Pg. 14 Table 2.6 (E): Revise to "100 ft. or existing, whichever is less," to conform to state shoreline standards.
5. Pg. 17: (a) the building footprint which is covered by a roof (including covered porches and decks) does not exceed seven percent (7%) of the area of the leasehold it occupies....(CR)
6. Pg. 18 Table 2.8 (F)(5): Add detail that roads that serve a residential or other permitted use that cross a stream or wetland shall be allowed if they are a pre-existing access (allowed for continued agricultural access but not without new permit for Wetlands Crossing), or have obtained an ANR wetland crossing permit.
7. Non-residential childcare facilities require conditional use approval in most cases. The PC might wish to consider making them permitted uses in all districts where single-family dwellings are permitted uses. (Discussion: Town Plan states: "c. The Town will continue to monitor the availability of childcare services in association with the update of the town plan; and ensure that home-based childcare facilities are adequately accommodated under the LURs.") (AB)

### **Chapter III. General Regulations**

1. 3.14 (B) Very Steep Slopes – add minimum area of land before it is triggered.
2. 3.2 (C) (4): Delete. These issues are better addressed through Road & Driveway Standards.

### **Chapter IV. Specific Use Standards**

1. 4.14 Table 4.2: Should private schools and places of worship be listed among public facilities? (AB)

### **Chapter V. Development Review**

1. Delete Section 5.4 (D) (1) *Conformance with the Town Plan*

### **Chapter IX. Administration & Enforcement**

1. 9.2 (A) (1): *(Discussion: This is straightforward about 90% of the time. The word maintenance is itself self-defined as "the act of maintaining." Maintain, however, is defined as "to keep in an existing state (as of repair, efficiency, or validity): preserve from failure or decline [emphasis added]." The latter clause in "maintain" as an action verb that prevents failure or decline potentially creates confusion. For example, if Smith purchases a two-story house and the main exterior entryway is located within the setback and does not have a roof protecting the entry from snowfall, does adding a small, above-head roof really need conditional use approval as a literal interpretation of the LURs might suggest? Installing a roof above the entry way would arguably prevent failure of the entry from snowfall and prevent snow damage to interior floors. (AB))*

2. 9.2 (A)(4): add *“as approved by the Road Commissioner”* because he is always consulted. (AB)
3. 9.2 (A)(8): *Up to two (2) detached accessory structures per lot provided that the combined area of both structures does not exceed 250 square feet in floor area, and neither structure is taller than twelve (12) feet. (Discussion: this is the subsection that creates the most confusion ... What about structures that existed prior to zoning? What about existing structures that received a permit when they were built? Do they count toward the two allowed by-right? Why do these structures need to be detached?)* (AB)
4. 9.2 (A)(10): delete *“Certificate of Completion,”* we do not have that form.
5. 9.2 (A)(12): *“Accepted management practices (AMPs) for silviculture...”* Change *“accepted”* to *“acceptable”* to match state language. (AB)
6. 9.2 (A): Other suggested exemptions: EV Charging Stations and Solar Carports (promotes renewable energy); and, Fire Escapes or Secondary Means of Egress, with language similar to ADA ramps, *“Fire escapes and other necessary emergency preparedness structure may be built within setbacks if they do not obstruct public rights-of-way or pedestrian traffic.”* (AB)
7. 9.2 (A): add *“Signs are exempted if they meet standards found in Section 3.13.”* (AB)
8. 9.2 (A): add *“Unheated exterior entryways, including roofs and supporting materials, that do not exceed 250 square feet in floor area or twelve (12) feet in height, measured to top of roof.”* (AB)
9. 9.2 (A): add *“Dormers that do not increase net energy use and do not exceed 250 sq. ft. of additional floor space and do not exceed twelve (12) feet in height as measured from floor to ceiling.”* (AB)
10. 9.2 (A): add *“Driveway extensions associated with the permitted construction of accessory dwelling units and existing primary driveways.”* (AB)
11. 9.2 (A): add *“Emergency public services, including medical transport locations, fire ponds serving three or more residences, one-way telecommunications antennae used for public dispatch, and temporary emergency relief shelters.”* (AB)
12. 9.2 (A): add *“A non-net-metered solar energy device installed on and projecting not more than 10 feet above a sloped roof, or a non-net-metered solar energy device of any height installed on a flat roof (any roof with a slope of not more than 5%).”* (AB)
13. 9.5 (A): Add the requirement for a Residential Building Energy Certificate as part of the CO. (AB)
14. 9.6 (B) is also in 9.9 (E)(4) – redundant, delete one.
15. 9.9 (D) (1) c *Party Status* should be *“Interested Person.”*

#### **Chapter X. Definitions:**

1. 10.1 (C) correct 5.5 to be *“5.6.”*
2. Pg. 114 10.2 Building Footprint: Insert sentence clarifying that roof overhangs greater than 18” from building exterior wall will trigger inclusion in footprint calculation.
3. Pg. 127: missing word, Principal Structure: ... considered to *“be”* part of the principal structure ...
2. Add definitions: *“subplot”* (DP), *“Café,”* *“Deli,”* and *“Residential Care”* (AB)
3. In the definition of Structure, it states that *“the subsurface components of potable water and sewage disposal systems are specifically excluded”*. (Discussion: How does this relate to the

installation of mound septic systems? Does "subsurface" refer to the previously existing contour of the land or the new contours of the land following the installation of a mound septic system? Is it allowable to install a mound septic system in an area where all Structures are prohibited? (DP)

4. Clarify that *Shoreline Improvements* are permanent structures, not temporary. (AB)

### **GENERAL**

1. Variance – garage issue, clarify accessory use. (CR)
2. 50% Open Space in a more prominent place.
3. Include standard of hours for restaurant.
4. Docks: 1. There was considerable confusion about town jurisdiction over a structure that seemed to exist both below and above the 98' high water mark and which had decking that might be removed each season. 2. The regs allow for wood or metal, not composite, materials. (AB)

### **POLICY QUESTIONS**

1. **Road Frontage:** (a) it arguably has the opposite effect of the Town Plan's goal to cluster development; (b) it incentivizes major subdivisions over minors; (c) could the definition of road frontage include right of ways? *(Example: Owner wishes to divide a 60-acre lot into two lots but due to having only 450 feet of road frontage, either has to drop plans or seek a waiver of dimensional standards, perhaps through Planned Residential Development review. That particular applicant proposed no new buildings and expressed interest in placing all undeveloped land into conservation. The applicant in this scenario would not have needed to meet frontage requirement if the proposal was for a major subdivision. In other words, the applicant risked a denial by seeking to divide one large lot into two, each with an existing building and no changes to the landscape. A proposal for twelve new single-family homes on lots under 5 acres would not have required the same road frontage.)* (AB)