

NELSON SAMPLE BALLOT

Are you in favor of the adoption of **Amendment No.1** as proposed by the Planning Board for the town Zoning Ordinance as follows: Renumber Article 11:3 "Workforce Housing" to Article 6:9

6:9 Workforce Housing: Nelson shall not prohibit reasonable and realistic opportunities for affordable workforce housing to the extent permitted by the Nelson Zoning Ordinance, or required by RSA 674:59 using whichever standards is more favorable to such opportunities. (adopted March 2011 at Town Meeting) final draft zoning changes.

YES NO

Are you in favor of the adoption of **Amendment No.2** as proposed by the Planning Board for the town Zoning Ordinance as follows: Amend Article 14 "Definitions" by adding the definition for "Backlot"

Backlot – A special case in which a property has adequate acreage to support an additional buildable lot, does not possess the required frontage on a Class 5 or better or a platted Private Road, and proposes private access to meet the objectives and spirit of the Subdivision Regulations and Master Plan.

YES NO

Are you in favor of the adoption of **Amendment No.3** as proposed by the Planning Board for the town Zoning Ordinance as follows: Amend Article 6 "Permitted Uses of Property" by adding Article 6:10 "Condominium Conversion" to provide a procedure for the review and approval of condominium properties?

6:10 Condominium Conversion: A Condominium is a building or group of buildings in which units are owned individually, and the common areas and facilities are owned by all the owners on a proportional, undivided basis. Condominiums will be considered a subdivision under the requirements of RSA 356-B and reviewed accordingly. Internal and external building lines are treated as property lines and will be recorded with the Registry. Condominium conversions which do not conform to the zoning, land use and site plan regulations will secure a variance prior to becoming a conversion condominium.

YES NO

Are you in favor of the adoption of **Amendment No.4** as proposed by the Planning Board for the town Zoning Ordinance as follows: Replace Article 12 “Private Access” with new Article 12 “ Backlot Development”?

12:1 Because of the value to the preservation of the unique character of the town, and because of the rough topography of the land, private access to dwellings which lack frontage on a Class 5, state road or a platted Private Road is not specifically prohibited (RSA 674:41). However, for private access to be allowed in such cases, each of the following conditions must be met:

12:1:1 The private access will have fifty (50) foot right of way from a Class 5 or better or a platted Private Road deeded with the land to be developed or a permanent easement granted to the backlot, and of such nature and respect to grade and curvature as to allow tandem axle truck access and turn around.

12:1:2 There shall be a minimum of 12 acres on any such Backlot Development (for the lot which lacks frontage). The area of private access shall not be included in the required Backlot size. The Backlot Development must explicitly describe any other anticipated Zoning Ordinance variance requests but in no way will the Planning Board review of such matters substitute for Zoning Board of Adjustment approval of such variances.

12:1:3 One backlot may be created under this ordinance and will be limited to residential development of one dwelling. Both lots cannot be further subdivided.

12:1:4 For backlots proposed for property with less than 250 feet of frontage, only a single curb cut will be allowed for both lots.

12:2 The certified plat of survey submitted to the Planning Board as part of the Backlot Development identifying such lots will clearly indicate on it the private character and ownership of said access and will be so recorded on the plan and on the Deeds to both lots. Prior to the issuance of a building permit, the applicant must produce evidence that notice of limits of municipal responsibility and liability for the private access has been recorded with the county registry of deeds. (RSA 674:41, I)

12:3 The creation of backlots is not intended to circumvent the zoning ordinance or subdivision regulations, but to alleviate hardship for a property owner caused by land without adequate frontage. Therefore, the

creation of backlots is to be discouraged, and the Planning Board, at its discretion, may deny requests when the land could be subdivided through usual methods.

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Are you in favor of the adoption of **Amendment No.5** as proposed by the Planning Board for the town Zoning Ordinance as follows: Replace Article 11 “Alternative Development” with new Article 11 “Conservation Subdivision”?

Explanation- These changes revise terminology and provide standards to guide Boards that administer this innovative land use control ordinance. Per state regulations, authority is given to the Town Boards to modify certain zoning and subdivision requirements when they support the spirit and intent of the masterplan. Conservation Covenants are a requirement when using this Article for development.

ARTICLE 11: Conservation Subdivision

11.1 Purpose: Conservation Subdivision ordinance is intended to encourage environmentally sound planning to conserve open space, retain and protect important natural and cultural features, and provide for efficient use of land and community services to advance the goals stated in the master plan.

11.2 Objectives:

- To minimize the impact of residential development on the municipality, neighboring properties, and the natural environment.
- To maintain rural character, preserving farmland, forests and maintaining rural view scapes.
- To preserve those areas of the site that have the highest ecological value, including wildlife habitat and water resources.
- To create a contiguous network of open spaces or “greenways” by linking the common open spaces within the subdivision and to open space on adjoining lands wherever possible.
- To reduce the impacts on water resources by minimizing land disturbance and the creation of impervious surfaces and stormwater runoff.
- To reduce the amount of roads, sidewalks, and stormwater management structures that must be built and maintained.

11.3 Definitions: For the purpose of this Article the terms used herein are defined as follows:

Adjusted Tract Acreage - The area of a parcel of land that remains after Primary Conservation Areas have been subtracted.

Buffer- Land area within which adequate vegetation is maintained to visibly separate or screen one use from another and/or to minimize potentially negative impacts on surrounding areas, e.g., shield or block noise, light or other nuisances, reduce water pollution. Also known as a “vegetated buffer.”

Buildable Area- Land area of a parcel excluding Non-Buildable Area. Also known as Adjusted Tract Acreage.

Buildable Lot- The smallest lot area established by the zoning ordinance on which a use or structure may be located.

Conservation Covenant- A private and voluntary permanent legal restriction against future development to conserve the natural or heritage features of the land. The covenant may be worded to permit or restrict public access, allow or disallow recreational uses, allow or disallow other uses, such as agriculture or forestry. Covenants are tied to the title of the land, regardless of subsequent ownership.

Conservation Subdivision- A form of residential development in which buildings are located in conformation with existing topographical and natural features with flexible lot size and frontage to leave more Buildable Area in open space.

Designated Open Space: Reserved land that is permanently protected from further development and remains in a natural condition or is managed according to an approved management plan for natural resource functions, e.g., forestry, agriculture, habitat protection, passive recreation, or limited uses as approved by the planning board under this ordinance as part of a Conservation Subdivision.

Non-Buildable Area- Land area with the following characteristics: wetlands or wetland soils as defined by RSA 482-A:2-X; slopes greater than 25 percent; submerged areas; utility rights-of way; land area within the 100-year floodplain; or land that is restricted from development by covenant, easement or other restrictions including required setbacks.

Sketch Plan- A preparatory sketch of the preliminary subdivision layout that does not include engineering details, which is used to support a general discussion with the planning board as to the form of the plat and the objectives of the zoning ordinance and applicable subdivision or site plan regulations.

Yield Plan - Under this approach, the applicant presents a yield plan to the

planning board to determine the number of allowable buildings and dwelling units permitted within the conservation subdivision. The Yield Plan is a Sketch Plan for a conventional subdivision development that fully complies with the requirements for a conventional subdivision utilizing either a Class 5 Road or a platted Private Road for frontage requirements.

11.4 Authority and Applicability

11.4.1 To facilitate the implementation of the goals of the master plan, all subdivisions for residential use will use a Conservation Subdivision design approach if more than 4 lots are created, or the subdivision requires a private road, or the number of dwelling units on a lot exceeds 4.

11.4.2 Exemptions: Subdivisions meeting the following criteria will be exempt from the requirements of this Article, unless a landowner elects to follow the standards of this Article.

- The subdivision creates lots that are equal to or greater than 12 acres in size and provides a deed restriction prohibiting the further subdivision of the lots. If a private road is proposed, 11.11 will apply.

11.4.3 This Article is adopted pursuant to provisions of RSA 674.21. Notwithstanding other provisions of the zoning ordinance, authority is hereby granted to the planning board to modify the requirements for the following uses provided that, in the opinion of the Board, the waiver would not be contrary to the spirit and intent of these regulations:

- frontage, lot size, and setbacks
- parcels ill-suited for development using conservation subdivision design or conventional design provides greater benefits to the community:

11.5 Review Process: A subdivision application under this Article will comply with the application and review process specified in the subdivision regulations, except the sections of the subdivision regulations that are clearly not applicable to a Conservation Subdivision design will not be imposed on the applicant by the planning board.

11.6 Legal Review: Prior to final approval by the planning board, the applicant will submit for review by the town counsel any restrictive covenants, condominium or cooperative agreements, conservation easement, deed restrictions, or other legal agreements proposed for use in the conservation subdivision or existing for the primary lot. The town council will advise the planning board of the adequacy of such legal provisions. The applicant will pay all associated costs of the legal review.

11.7 Maximum Development Density; The maximum number of dwelling units that may be constructed on the property will equal the Buildable Area minus 10% to allow for new private roads, divided by the minimum lot size (Buildable Lot) allowed by Conventional Subdivision Development (2 acres).

11.7.1 The Planning Board requires submission of a Sketch Plan and may require the preparation of a Yield Plan if the subdivision creates 20 or more dwelling units.

11.8 Open Space Requirements

11.8.1 At least 50% of the Buildable Area and 80% of the Non-Buildable Area of the parcel will be permanently protected as Designated Open Space. All lands within Dedicated Open Space are required to be protected by a Conservation Covenant. The planning board may authorize a slight reduction in the area of Designated Open Space by special use permit, when it finds that;

- the reduction is necessary to enable the use of the Conservation Subdivision approach based on the characteristics of the parcel;
- the proposed subdivision adequately meets all other requirements of this ordinance. In no case, shall the designated open space represent less than 40 percent of the total area of the parcel.

11.8.2 Dedicated Open Space will conform to objectives of 11:2.

11.8.3 Ownership of Designated Open Space will be designated in the subdivision application.

11.9 Buildings in a Conservation Subdivision may be located on individual residential lots, on common lots, or a combination thereof. If more than one dwelling unit will be located on a lot, the ownership and management arrangements for that lot, and the units thereon, will be included in the subdivision application. The arrangements will be subject to approval by the Planning Board in accordance with the subdivision regulations.

11.10 The size of the individual lots, frontage on platted private roads and required setbacks will be shown on the subdivision plan and will be subject to Planning Board approval based upon its finding that the revised criteria will allow

for the creation of a high-quality living environment for the residents of the subdivision and the abutting property owners.

11.11 The certified plat of survey submitted to the Planning Board will clearly indicate on it the private character and ownership of platted private roads and will be so recorded on the plan and on the Deeds to all lots. Prior to the issuance of a building permit on any lot, the applicant must produce evidence that notice of limits of municipal responsibility and liability for private access has been recorded the county registry of deeds. (RSA 674:41, I)

11.12 To provide adequate transition between the development of abutting lands or public roadways, all Conservation Subdivisions will provide for a landscape perimeter Buffer with a minimum 100 foot depth measured to the closest structure.

11.13 No lots shown on the plan for which a permit is granted under Conservation Subdivision Article will be further subdivided, no additional dwelling units allowed and a note to this effect will be placed on the final plat.

____ YES ____ NO