

Proposed 2010 Zoning Changes
Planning Board Public Hearing January 13, 2010
Town Hall 7 PM

Changes in *bold/italic*

- 1) Amendment 1: Purpose – At this time, a House of Worship is only allowed in the Education District and must receive a Special Exception. The purpose of these amendments is to allow House of Worship uses in all Zoning Districts by right or Special Exception.

Amendment 1: Are you in favor of amending Chapter 133, Zoning Regulations, by adopting the following? Proposed by the Planning Board

- a. Amend Article V, RV Village Proper District, Section 133-22 Land uses, paragraph A by adding **House of Worship** as a Permitted use.
- b. Amend Article VI, RN Residential Neighborhood District, Section 133-24 Land uses, paragraph A by adding **House of Worship** as a use Allowed by Special Exception.
- c. Amend Article VII, RR Rural Residential District, Section 133-26 Land uses, paragraph A by adding **House of Worship** as Allowed by Special Exception.
- d. Amend Article VIII, Section 133-29 CH Heavy Commercial District; Section 133-30 CM Medium Commercial District; Section 133-31 CR Commercial Recreation District and Section 133-31 paragraph A CR-1 District; and Section 133-32 CV Village Commerce District by adding **House of Worship** as a Permitted use.
- e. Amend Article VIII, Section 133-33, ED Educational District, paragraph A by adding **House of Worship** as a Permitted use and deleting House of worship as a use Allowed by Special Exception.

- 2) Amendment 2: Purpose: The intent of this amendment is to allow greater flexibility in the type and arrangement of multifamily housing units proposed in the RV Village Proper or CV Village Commerce Districts. This provision would **only** apply to multi-unit housing proposals located in the RV & CV Districts and the restriction for only one principle building on a lot would still exist for all other Districts in Town. The existing language prohibits any creative design for multifamily projects, requiring that all the buildings be connected (as with the proposed Newton Road project) or that they be built as garden style. If the community is going to allow for the development of multifamily projects (which is now required by the workforce housing statute), then the community

should encourage designs that are in keeping with the character of the community, enable greater variety of homes and flexibility in site design.

The existing Zoning Ordinance & Site Plan Regulations currently regulates multi-family developments with a number of requirements, including:

- For every 1 square foot of living & paved area, you must have 6 square feet of open space, which limits project densities. (For the Newton road project, this equates to an open space requirement over 60%.)
- In the RV District, no more than 40 units are allowed on single parcel.
- An impact study can be required.
- Landscape buffers and screening is required.
- On site recreation areas are required.
- Adequate access and parking is required.
- General building façade design criteria.

Amendment 2: Are you in favor of amending Chapter 133, Zoning Regulations, by amending Article IV General Provisions, Section 133-17 One principle building allowed per lot, to read: “Except for Multi-unit dwelling developments located in the RV Village Proper & CV Village Commerce Districts”, there shall be only one principle building on a lot.” Proposed by the Planning Board.

Potential Planning Board amendment: Except for Multi-unit dwelling(s) developments that adhere to the requirements of Sections 133-41 & 133-42 and are located in the RV Village Proper & CV Village Commerce Districts,

3) Amendment 3 Purpose: During the 2009 Legislative Session, the criteria for granting a variance was changed (RSA 674:33, I(b)) and this new language becomes effective on January 1, 2010. The language currently contained in the Zoning Ordinance will be contrary to the proposed changes and must be amended. After speaking with Attorney Mayer, it is his strong recommendation that the specific statute language stated in the Zoning Ordinance be removed and that reference to the specific RSA is all that is necessary. We can easily attach the specific variance criteria to the ZBA application, so that applicants will be aware of what the specific variance criteria.

Amendment 3: Are you in favor of amending Chapter 133, Zoning Regulations, Article XIV Board of Adjustment, Section 133-59 Granting a Variance, by deleting this Section in its entirety and replacing it as follows? Proposed by the Planning Board.

The Board of Adjustment may, on an appeal, grant a variance from the provisions of this Chapter, under the powers specified in RSA 674:33 I(b).

4) Amendment 4 & 5 Purpose: Wireless Communication Towers - These two amendments are meant to clarify and provided flexibility to the existing ordinance. The first amendment further defines average tree height and defines the area where tree height measurements should be taken. The second amendment provides the Planning Board with the authority to waive any requirement contained in ordinance in order to address conflicts or unique circumstances.

Amendment 4: Are you in favor of amending Chapter 133, Zoning Regulations, by amending Article XXV Wireless Communication Towers, by amending the following Sections? Proposed by the Planning Board.

Amend Article XXV, Wireless Communication Towers, Section 133-130, Location, Construction, and Performance Requirements, Paragraph B.2 - Height Limitations, by amending the existing paragraph as follows:

PWSFs in Wooded Areas. A personal wireless service facility located in a wooded area shall not project higher than twenty (20) feet above the average tree canopy height of the proposed site. *This average height shall be determined by measuring the 5 tallest trees located within the 125% setback required in Section 13-130, paragraph A.* Further, a PWSF located in a wooded area must be camouflaged to blend in with the natural character of such area. Appropriate camouflaging for wooded areas includes: ranger or forest fire watch towers of a size typically found in the State of New Hampshire, artificial trees, or other structures acceptable to the Planning Board.

Potential Planning Board amendment: *A personal wireless service facility located in a wooded area shall not project higher than twenty (20) feet above the average height of the five tallest trees within a 180 foot radius of the proposed tower.*

Amendment 5: Are you in favor of amending Chapter 133, Zoning Regulations, by amending Article XXV Wireless Communication Towers, by amending the following Sections? Proposed by the Planning Board.

Amend Article XXV, Wireless Communication Towers, Section 133-130, by adding the following new language:

133 – 134 Waivers.

Where the Planning Board finds that a particular Section of this Article would serve no valid public purpose, given the specific characteristics of the site and neighborhood in which a Personal Wireless Service Facility (PWSF) is proposed and would not be in conflict with the goals outlined in Section 133 –126 Purpose, the Board may approve a waiver to any specific Section of this Article.

5) Amendment 6 Purpose: At this time schools are not specifically allowed in any zoning district and the term “school” is not defined. These proposed amendments will allow schools in all Districts either by right or by Special Exception.

Amendment 6: Are you in favor of amending Chapter 133, Zoning Regulations, by adopting the following? Proposed by the Planning Board

- a) Amend Article V, RV Village Proper District, Section 133-22 Land uses, paragraph A by adding **Schools** as a Permitted use.
- b) Amend Article VI, RN Residential Neighborhood District, Section 133-24 Land uses, paragraph A by adding **Schools** as a use Allowed by Special Exception.
- c) Amend Article VII, RR Rural Residential District, Section 133-26 Land uses, paragraph A by adding **Schools** as Allowed by Special Exception.
- d) Amend Article VIII, Section 133-29 CH Heavy Commercial District; Section 133-30 CM Medium Commercial District; Section 133-31 CR Commercial Recreation District and Section 133-31 paragraph A CR-1 District; and Section 133-32 CV Village Commerce District by adding **Schools** as a Permitted use.
- e) Amend Article VIII, Section 133-33, ED Educational District, paragraph A by adding **Schools** as a Permitted use.
- f) Amend Article II, Section 133-3 Terms defined, by adding the following definitions:
Schools: Any building, part thereof, or group of buildings, the use of which meets State requirements for elementary, secondary, vocational or higher education.