

TOWN OF NEW BOSTON
New Boston Planning Board

Proposed Amendments
to the
Town of New Boston Zoning Ordinance
for Consideration
at the
Ballot Vote of March 10, 2015

AMENDMENTS TO THE ZONING ORDINANCE

Proposed Amendment #1.

ARTICLE II ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Section 204.4 "R-A" Residential & Agricultural

Amend existing section 204.4 to include a prohibition on backlots on non-connecting streets, as follows:

Areas and Dimensions

<u>Minimum Lot Size</u>		<u>Frontage</u>	<u>Minimum Yard Dimensions</u>		
<u>Lot</u>	<u>Area</u>	<u>Width</u>	<u>Front</u>	<u>Each Side</u>	<u>Rear</u>
Backlot	5 acres	50'****	--	20'	20'

*******Backlots are prohibited along non-connecting streets.**

Proposed Amendment #2.

ARTICLE II ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Section 204.6 Wetlands Conservation and Stream Corridor District

Amend Section 204.6 E.3.1 1. to delete reference to Site Specific Soils Maps, as follows:

1. Soils information for design purposes from a National Cooperative Soil Survey (NCSS) soil series map, ~~or a Site Specific Soils Map prepared in accordance with Section V-T of the Subdivision Regulations.~~

Proposed Amendment #3.

ARTICLE II ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Section 204.6 Wetlands Conservation and Stream Corridor District

Amend Section 204.6 E 5.d. to allow partial bond releases for work performed, as follows:

- d. In the event that conditions precedent or subsequent are a condition of final approval, no bonds or other security shall be released until all conditions precedent or subsequent have been met, and, a Conditional Use Permit Compliance Statement has been received, or, if required under Section 204.6.E.6, a compliance hearing is held. **Provided, however, that the Planning Board may partially release said bonds or other security to the extent calculated to reflect the value of completed improvements or installations.**

Proposed Amendment #4.

ARTICLE II ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Section 206 Special Exceptions

Amend Section 206.1, General Provisions, sub-section B. Expiration, to change the time period for initiating a Special Exception from one year to two years per NH RSA 674:33, as follows:

- B. Expiration. A permit for a special exception shall be deemed to authorize only one particular use category and shall expire if the use shall cease for more than one (1) year for any reason, or if the use is not initiated within **two (2) years from the date of final approval or as extended by the Board of Adjustment for good cause** ~~one (1) year~~, and a new application shall be submitted for continuance for such special exception.

Proposed Amendment #5.

ARTICLE III GENERAL PROVISIONS

Section 318 Signs

Amend Section 318.2, Definitions, sub-section 318.2, Sign, D., to include signs directing traffic to a business or other location up to 6 square feet as a sign not requiring a permit, as follows:

The following shall not be included in the application of the regulation herein:

- D. Signs directing and guiding traffic and parking on private property, but bearing no advertising, warning signs such as "No Hunting", and "No Trespassing". **Signs directing**

traffic to a business or other location, with only a location or business name, up to six (6) square feet.

Proposed Amendment #6.

ARTICLE III GENERAL PROVISIONS

Add a new section, Section 322, Destruction of Property, to require removal and/or repair of destroyed property within one year of destruction, as follows:

Section 322 Destruction of Property

Any structure which is partially (more than 50%) or totally destroyed by reason of obsolescence, condemnation, fire or an act of God, shall be removed to grade and/or repaired/rebuilt/replaced within one year of destruction, or the use for which the structure was utilized and the corresponding right to construct the structure will be deemed to have been abandoned. At the Building Inspector/Code Enforcement Officer's discretion this one year period may be extended not to exceed six months on a showing that the owner was unaware of the destruction or had no intention of abandoning the structure or corresponding use of the property but was prevented from repairing or otherwise replacing the structure for reasons beyond the owner's control.

Proposed Amendment #7.

ARTICLE IV SPECIAL PROVISIONS

Section 401 Open Space Development Standards

Amend Section 401.4, General Requirements, sub-section 401.4 B. Permitted Uses, to delete two family dwellings from Open Space Developments, as follows:

- B. Permitted Uses - An Open Space Development shall only include, single ~~and two~~-family dwellings, accessory structures, incidental recreational uses, and home occupations as defined in this ordinance.*

Proposed Amendment #8.

ARTICLE IV SPECIAL PROVISIONS

Section 401 Open Space Development Standards

Amend Section 401.4, General Requirements, sub-section 401.4 C. Permitted Density, to include a new sub-section, Permitted Density on Non-Connecting Streets, as follows:

Permitted Density on Non-Connecting Streets - No more than 12 lots shall be permitted on a non-connecting street of the maximum 1,000 feet. For non-connecting streets shorter than the maximum 1,000 feet, the number of lots shall be prorated based on frontage and all other ordinance and regulation requirements. Fractions of lots shall be rounded down to the nearest whole lot.

Proposed Amendment #9.

ARTICLE IV SPECIAL PROVISIONS

Section 404 Accessory Dwelling Units

Amend Section 404.3, Requirements/Limitations, to make clear that accessory dwelling units are not permitted in Open Space Developments, as follows:

1. Accessory dwelling units are permitted in the Residential-Agricultural "R-A" District, ***except in Open Space Developments.***

Proposed Amendment #10.

ARTICLE VI DEFINITIONS

Section 602 Term Definitions

Amend the definition of Lot, Back (backlot), to include the prohibition of backlots on non-connecting streets, as follows:

Lot, Back (backlot): A lot using backland, thereby, being behind a road frontage lot, and having 50' of road frontage on a Class V or better road. ***Backlots are prohibited along non-connecting streets.***

Proposed Amendment #11.

ARTICLE VI DEFINITIONS

Section 602 Term Definitions

Amend the definition of Sawmill to add the word "Commercial" in the first sentence and to delete the second sentence in its entirety, as follows:

Sawmill: ***Commercial*** ~~s~~Sawmill operations or forest products manufactured in structures provided they are not within 200 feet of any property line and provided that outdoor storage shall not be located within the required front yard or within 50 feet of any property line. ~~Portable sawmills shall be allowed in any zone for a~~

~~maximum two (2) year period with the required permit issued by the Town.~~

Proposed Amendment #12.

ARTICLE VI DEFINITIONS

Section 602 Term Definitions

Add a definition of Street, Non-Connecting, as follows:

Street, Non-Connecting: A Class V or better street that connects to a Class V or better street only at one end, such as a cul-de-sac street or loop road.

Proposed Amendment #13.

ARTICLE VII ADMINISTRATION AND ENFORCEMENT

Section 706 Variance

Amend Section 706.1, to refer to NH RSA 674:33 regarding variance criteria and time limits, as follows:

Section 706.1

The Board of Adjustment may, on an appeal, grant a variance from the provisions of this Ordinance ***only after it finds that the variance criteria of NH RSA 674:33, I(b), as amended, are met.*** ~~if all the following facts are found by the Board of Adjustment and such finding is specified in its decision:~~

- ~~A. That there are unique physical circumstances or conditions including irregularity, narrowness or shallowness of lot, size or shape or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Ordinance in the neighborhood or district in which the property is located.~~
- ~~B. That because of such physical circumstances or conditions there is no possibility that the property can be used in strict conformity with the provisions of this Ordinance for a permitted use of the applicant's choice and that the authorization of a variance is therefore necessary to enable reasonable use of the property.~~
- ~~C. That the variance if authorized will not alter the essential character of the neighborhood or district in which the~~

~~property is located, nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.~~

~~D. That the variance if authorized will represent the minimum variance that will afford reasonable relief; and,~~

~~E. That the spirit of the Ordinance shall be observed and substantial justice done.~~

In authorizing a variance, the Board of Adjustment may attach such conditions and safeguards as it deems necessary to protect the neighborhood and the community, ~~including but not limited to, a time limit when the variance will expire if not utilized.~~ ***Variances shall be valid if exercised within two years from the date of final approval or as extended by the Board of Adjustment for good cause.***

NS/

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