

Gorham Planning Board
Zoning Amendments Proposed for March 2024 Town Meeting

PROPOSED AMENDMENT NO. 1

Would revise the definition of “Tourist Accommodation” in Article III to clarify that the term includes dwelling units offered for transient use, i.e., “short-term rentals,” for more than 120 days per year. Also would revise the parking requirements in Section 5.03 C. to require that dwelling units used as Tourist Accommodations provide two parking spaces, the same number required for dwelling units used for Residential use.

Specifically, would add the underlined text to *Article III Definitions* as shown:

3.61 TOURIST ACCOMMODATION: A facility offering transient lodging accommodation to the general public. Tourist accommodations include, but are not limited to, bed-and-breakfasts, hostels, motor courts, overnight cabins, camping areas, inns, motels, hotels, resorts, and other forms of transient lodging. **Includes both single family dwellings and residential units in two family or multi-family buildings that are offered for transient use for periods which may exceed 120 days in a one-year period.** A tourist accommodation shall not include boarding houses, rooming houses, or any public housing offered for rent only in increments of 30 days or longer.

Also remove the text shown struck out and add the underlined text in *Article V. General Regulations, 5.03 C. Off-Street Parking* as shown:

4. Tourist Accommodation, ~~including Hotel or Motel~~

One space for each **bedroom in** units **without cooking facilities.** **Two spaces for each unit with cooking facilities. Cooking facilities shall not be interpreted to mean a mini-fridge or microwave oven intended for the convenience of guests rather than meal preparation.** Any tourist accommodation over 20 units must **also** provide a parking area to accommodate a minimum of two full-size buses or tractor-trailer units.

PROPOSED AMENDMENT NO. 2

Would remove the requirement that off-site parking be located within 400 feet and instead give the Planning Board the discretion to determine a reasonable distance based on a parking plan that documents the parking need, the adequacy of the parking proposed to serve that need, the safety of users, and the safety of those using adjacent roadways.

Specifically, would add the underlined text to the *Article V. General Regulations, 5.03 Off-Street Parking* and remove the struck out text as shown:

- D. Flexible Parking - The Planning Board, in conjunction with site plan or subdivision review, may allow, *at its discretion,* the following types of flexibility from the parking requirements described above when supported by *a the parking plan that documents the parking need, the adequacy of the parking proposed to serve that need, the safety of users, and the safety of those using adjacent roadways:*

1. Parking provided by public lots, designated on-street parking, or other off-site parking may be utilized to fulfill some or all of the parking requirements when provided within *a reasonable distance* ~~400 feet~~ and there is a sidewalk or other facility for the safe passage for patrons between the parking and other activities. In the case of an off-site private lot, the lot or right to use such separate lots for the purposes herein required shall be held under unified ownership or control.
2. Shared parking arrangements may be utilized.
3. Provisions may be made for temporary parking areas, which may be grass or gravel, for events or other uses that are expected to occur no more than twelve times per year and no more than twice in any given month. These parking areas may include a combination of on-premises, off-premises with the owner's written permission, or public parking areas. In the case of off-premises or public parking areas, documentation of the means of passage of event participants from the parking area to the premises shall be required, e.g., sidewalk or other pedestrian way, or shuttle bus.

The Planning Board may impose conditions, such as, but not limited to: monitoring of parking usage to ensure that the need for parking does not exceed projections with the excess number, size or type of vehicles leading to unsafe conditions, or to parking on roadsides in locations other than legally designated parking areas; and identification of a reserve area which will be set aside for the construction of additional parking if needed in the future.

PROPOSED AMENDMENT NO. 3

Would add a section regarding temporary construction structures to Section 5.05, and revise the Definitions of “Accessory Building or Use,” “Building” and “Structure” in Article III to clarify language.

Specifically, this amendment would add the underlined text below and remove the struck-out text as shown:

5.05 TEMPORARY ~~RESIDENCES~~ STRUCTURES

A. Temporary permits may be issued to a lot owner by the Board of Selectmen or their designee to allow said owner to live in a camper or recreational vehicle during the active construction of a dwelling for a period not exceeding one year. Documentation of disposal of waste in compliance with NHDES regulations must be provided to the Board of Selectmen or their designee each month. Such permits may be renewed upon application for an additional period of one year as long as construction is active.

B. Approval may be granted to a lot owner by the Board of Selectmen or their designee to allow the placement of temporary construction structures, such as those used for office, storage or waste disposal, in conjunction with a building permit. Such temporary construction structures may include, but not limited to, trailers, mobile homes, portable storage containers, shipping containers, construction dumpsters, and/or portable toilets. Temporary construction structures may be on the property subject to the building permit or an abutting property that is either under the same ownership or for which written permission for such use from the owner has been documented. The Board of Selectmen or their designee may, at their discretion, grant permission for temporary construction structures to be placed within setbacks. Approval for all temporary construction structures shall expire when the building permit expires.

~~B.C.~~ A registered camper, recreational vehicle or tiny home on wheels on a private lot with or without a single family dwelling may be used as a seasonal dwelling by the lot owner or nonpaying guests for up to fourteen (14) days per year without a permit, provided that the unit is in compliance with applicable fuel system, fire, life safety, plumbing and electrical codes. Occupancy for greater than fourteen (14) days, up to six months, is allowed only upon issuance of a permit from the Board of Selectmen or their designee. For campers, recreational vehicles or tiny homes on wheels on undeveloped lots, proof of a primary residence other than the undeveloped lot which is the subject of the permit shall be required. Documentation of disposal of waste in compliance with NHDES regulations must be provided to the Board of Selectmen or their designee each month.

This amendment would also make the changes shown to the following related Definitions in Article III:

3.02 ACCESSORY ~~BUILDING~~ STRUCTURE OR USE: A ~~building~~ structure or use located on the same lot as the principal building or use, and use of which is considered subordinate to and

incidental to that of the principal building or use, such as, but not limited to, detached garages, above or in-ground swimming pools and equipment sheds and, if the lot is an active farm, barns and sheds used for farming and agricultural purposes. Includes the rental of one or two bedrooms in an owner-occupied residence for nontransient residential use. Also includes the rental of a single family dwelling, dwelling unit in two family dwelling, or dwelling unit in single family home with accessory dwelling unit for transient use for up to 120 days in a one-year period.

3.09 BUILDING: A structure having a roof with structural supports for the shelter or enclosure of persons, animals or property.

~~A combination of materials to form a construction for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water. This definition also includes the term "structure" as the same may be defined in any building, safety or electrical code now or hereafter adopted and in force.~~

3.60 STRUCTURE: Anything constructed, erected or placed with a fixed location on the ground or water, or attached to something having a fixed location on the ground or water, whether for

~~A combination of materials to form a construction or enclosure for use, occupancy, **storage**, or ornamentation, whether installed on, above or below the surface of land or water.~~ Includes decks, stairways and landings except as provided in Section 5.10. Shall include outdoor wood boiler (also known as outdoor wood-fired hydronic heater) ~~as defined in~~ **accordance with** RSA 125-R. Shall not include fences unless more than six (6) feet high, or within the required setback and permanently affixed, e.g., posts set in concrete. A fence marketed as six (6) feet high and installed as flush with the ground as practical shall be considered to be a six (6) foot fence. Shall also not include mail boxes, light fixtures, raised garden beds, walkways, portable play equipment such as inflatable swimming pools, or the like. This definition also includes the term "structure" as the same may be defined in any building, safety or electrical code now or hereafter adopted and in force.

PROPOSED AMENDMENT NO. 4

For accessory structures that are no larger than 150 sq. ft., would make the minimum side and rear setbacks 5 feet in the Residential A, Commercial A and Commercial B districts and 10 ft. in the Residential B district. Would also provide the Board of Adjustment with the ability to grant a Special Exception to any setback for any accessory structure in every zoning district except Industrial. This amendment would also include the same revisions to the Definitions of “Accessory Building or Use,” “Building” and “Structure” in Article III as proposed in Amendment No. 3 to clarify the language.

Specifically, in the Residential A district the text shown struck-out would be removed and replaced with the underlined text.

4.01 C: Lot area, yard and height requirements:

2. Minimum yard setbacks for buildings and other structures:

- a. Front setback: 20 feet
- b. Rear setback: 20 feet
- c. Side setbacks: 10 feet

d. Accessory structure no larger than 150 sq. ft. - side or rear setback: 5 feet

~~e. Exception for small sheds. Accessory storage buildings and tool and storage sheds shall be allowed within 5 feet of lot lines if the shed is less than 100 square feet and no taller than 8.5 feet at the peak and 7 feet at the wall.~~

e. The Board of Adjustment may grant a Special Exception for reduced setbacks for accessory structures in accordance with the provisions of Section 7.03.

In the Residential B district the text shown struck-out would be removed and replaced with the underlined text.

4.02 C: Lot area, yard and height requirements:

- 1. Lot area not less than one acre
- 2. Minimum yard setbacks:

- a. Front: 25 feet
- b. Rear: 25 feet
- c. Side: 25 feet

~~d. Accessory building/structure setbacks: 10 feet~~

d. Accessory structure no larger than 150 sq. ft. - side or rear setback: 10 feet

e. The Board of Adjustment may grant a Special Exception for reduced setbacks for accessory structures in accordance with the provisions of Section 7.03.

In the Commercial A District, the underlined text would be added:

4.03 D: Lot area, yard and height requirements:

2. Minimum yard requirements for buildings and other structures:

- a. Front setback: 20 feet
- b. Rear setback: 20 feet

- c. Side setback: 10 feet
- d. Accessory structure no larger than 150 ft. - side or rear setback: 5 feet**
- e. The Board of Adjustment may grant a Special Exception for reduced setbacks for accessory structures in accordance with the provisions of Section 7.03.**

In the Commercial B District, the underlined text would be added:

- 4.04 D: Lot area, yard and height requirements:
 - 2. Minimum yard setback requirements for buildings and other structures:
 - a. Front: 20 feet
 - b. Rear: 20 feet
 - c. Side: 10 feet
 - d. Accessory structure no larger than 150 sq. ft. - side or rear setback: 5 feet**
 - e. The Board of Adjustment may grant a Special Exception for reduced setbacks for accessory structures in accordance with the provisions of Section 7.03.**

In the Timber and Agriculture District, the underlined text would be added.

- 4.06 C: Lot area, yard and height requirements.
 - 2. Minimum yard setback requirements
 - a. Front: 50 feet
 - b. Rear: 50 feet
 - c. Side: 50 feet
 - d. The Board of Adjustment may grant a Special Exception for reduced setbacks for accessory structures in accordance with the provisions of Section 7.03.**
 - ~~e.~~ Towers associated with small wind energy systems shall be set back from all property lines a distance equal to the greater of that required in Section 4.06 C.2. above or 150% of the vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.

This amendment would also make the changes shown to the following related Definitions:

3.02 ACCESSORY ~~BUILDING~~ **STRUCTURE** OR USE: A ~~building~~ **structure** or use located on the same lot as the principal building or use, and use of which is considered **subordinate to and** incidental to that of the principal building **or use**, such as, but not limited to, detached garages, above or in-ground swimming pools and equipment sheds and, if the lot is an active farm, barns and sheds used for farming and agricultural purposes. Includes the rental of one or two bedrooms in an owner-occupied residence for nontransient residential use. Also includes the rental of a single family dwelling, dwelling unit in two family dwelling, or dwelling unit in single family home with accessory dwelling unit for transient use for up to 120 days in a one-year period.

3.09 BUILDING: **A structure having a roof with structural supports for the shelter or enclosure of persons, animals or property.**

~~A combination of materials to form a construction for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water. This definition also includes~~

~~the term “structure” as the same may be defined in any building, safety or electrical code now or hereafter adopted and in force.~~

3.60 STRUCTURE: Anything constructed, erected or placed with a fixed location on the ground or water, or attached to something having a fixed location on the ground or water, whether for

~~A combination of materials to form a construction or enclosure for use, occupancy, **storage**, or ornamentation, whether installed on, above or below the surface of land or water.~~ Includes decks, stairways and landings except as provided in Section 5.10. Shall include outdoor wood boiler (also known as outdoor wood-fired hydronic heater) ~~as defined in~~ **accordance with** RSA 125-R. Shall not include fences unless more than six (6) feet high, or within the required setback and permanently affixed, e.g., posts set in concrete. A fence marketed as six (6) feet high and installed as flush with the ground as practical shall be considered to be a six (6) foot fence. Shall also not include mail boxes, light fixtures, raised garden beds, walkways, portable play equipment such as inflatable swimming pools, or the like. This definition also includes the term “structure” as the same may be defined in any building, safety or electrical code now or hereafter adopted and in force.