

Task:

Review Article III Definitions and use of defined terms in the Ordinance. Include consideration of short-term rentals and guidance from NHMA. Develop recommendations for amendments.

Recommendations regarding Article III Definitions

1. Add "transient" and/or "short term rental." Consider defining as a room or dwelling unit that is offered for rent in increments of less than 30 days. (For reference, rooms and meals tax calls short term rental anything less than 185 days; building code uses less than 30 days.)
2. Clean up the various terms used for tourist accommodations.
3. "Rooming house" and "boarding house" are defined as not transient, but don't seem to be allowed anywhere. Was this intentional or is something not clear?
4. Clean up re consistent terminology/use of terms, e.g.:
 - "professional office"/"professional service"
 - "use"/"building"/"structure"
 - "code enforcement officer", "board of selectmen or their designee", "town's code officer"
5. "Building" vs "Structure" - These are defined in a manner that is the reverse of what is more typical, e.g., building is usually a kind of structure and setbacks apply to structures with some exceptions. Ok as is? Is there ever any confusion now regarding what setbacks apply to?
6. Definitions for "frontage," "driveway," and "lot" all refer to "public highways" but the lots on private roads have these too. Suggest removing "public."
7. Same for "street." The definition includes "duly accepted by the Town." Isn't it still a street if the subdivider gets approval and builds the road to town specs and the town decides not to accept it?
8. "Frontage" defined as "width of a lot at its front lot line." Is this the intention vs length of lot line bordering street?
9. "Sign" - make sure the definition is broad enough.
10. "Cluster development" is in definitions but there are no provisions for it. Should there be?
11. Add definition for "light trespass." (Used in 5.7.)

Suggested updates:

12. Should be updated to incorporate RSA 36:54-58 Developments of Regional Impact notice requirements.

13. Should be updated to incorporate Accessory Dwelling Units per RSA 674:71-73. Should these be permitted or allowed as a conditional use approved by the Planning Board? Or as a Special Exception approved by ZBA?

Suggested clarifications/corrections:

14. Should this statement be deleted from Article IV intro by now? It is moot since everything was grandfathered. "All residential lots in existence as of March 14, 1995 located in Commercial A & Commercial B districts shall retain their residential classification and deemed to be a permitted use in the District until such time as their property is put to a different use."

15. Is more than one principal building/use allowed per lot?

16. "Manufactured housing, not to exceed one unit per lot" (Section 4.01 A 3.) Does this mean not in a park? b/c parks have lots too.

17. Solar energy systems - should there be some differentiation between on-site vs commercial? Definition does not say "for on-site use," yet it is allowed in Res A and Res B where you might not want a commercial energy facility.

18. Industrial zone allows setbacks to be lowered via site plan review (Section 4.05 C 2.). Procedurally should probably be a conditional use permit.

19. Section 5.03 Parking - Could use more details and clarification. For example, Section 5.03 J permits the use of public lots but who decides? Are there any criteria? What if the business owns a lot 2 lots away? Or leases one? Also restaurants and tourist accommodations are commercial; suggest reordering and change to say "all other commercial." Under commercial, who decides if the requirement is 1 space for 300 ft or 1 space for each patron?

20. Misc. clarifications & corrections.

Other considerations

21. Should there be provisions for someone to camp on their land in an RV, or have guests, or live in one on-site temporarily while building a home? Does this ever come up?

22. Make sure emerging land uses appealing to younger residents are allowed by use tables and definitions, e.g., internet cafe, maker space, brewery, art gallery/studio with classes, yoga studio/fitness, consumer services - copy shop, pet grooming, bike repair, personal services, business services, indoor recreation, call center, communications/IT

23. Commercial A allows "combination multi-family and retail stores or shops." For increasing density consider broadening this to include one or two dwelling units and other nonresidential uses.

24. Home occupations Section 5.2. and defined in 3.24. A couple thoughts - can growing plants be an exception to the indoor requirement? Should there be some language about sales, e.g., on-line or incidental ok but no retail on-site? Is outdoor storage of material ok?

25. Section 5.05 Multi-family Housing - The Zoning Ordinance currently requires 10,000 sq ft for 3 units plus 10,000 for each unit over 3. Should something less restrictive be considered in the downtown to increase density? For illustration, these one-story homes each contain two two-bedroom units with a single car garage. They are each on .15 acre, meaning 20,000 square feet contain 6 units vs Gorham's 4-unit max on 20,000 sq feet. Gorham requires 40,000 sq feet for 6 units.





26. Strengthen Section 5.7 Lighting Standards?

27. In 7.03 Special Exceptions, consider adding more details to guide the ZBA. For example, consider adding something like this to A.

A. The specific site is an appropriate location for such a use considering the permanent use and configuration of surrounding properties, traffic and site specific impacts of the proposed Special Exception use, [such as noise, air quality, noxious odors, vibration, lighting, glare, hours of operation, amount of impervious surface, or building mass](#), which may be detrimental to surrounding properties or exceed or impact adversely the capacity of public facilities serving the area.

and expanding C.

B. No nuisance or unreasonable hazard shall result [to vehicles, pedestrians or the environment, including, but not limited to, traffic, air quality, or surface or groundwater quality through increased stormwater runoff or the use of toxic or hazardous substances](#).