

## Draft 2023 Zoning Amendments for Planning Board Discussion

### Amendment #1

The intention of the proposed amendment is to clarify that the article includes all Institutional District.

### ARTICLE II GENERAL PROVISIONS

#### 10. Sign Regulations

##### d. Sign Permit Process :

ii. Institutional Districts: ~~Institutional District, Institutional/Recreational District and the Hospital Institutional District:~~—All Sign permit applications for these districts shall be reviewed by the Planning Board without formal Site Plan Review; however notice will be given to any Abutter within 200 feet of where said sign will be placed, said notice shall be given via certified mail ten (10) calendar days prior to when the sign application is listed as a specific Planning Board agenda item. The Planning Board agenda serves as a notice to the general public. Signs internal to the campus of these institutions which are not visible to the Abutters via walking or driving by the sign from a public roadway, not a roadway internal to the said land, shall not need Planning Board approval. Any sign application presented to the Planning Board shall be reviewed based on the potential visual impact to Abutters, and the Planning Board shall determine if the number of signs, size, location and use is appropriate as presented.

### Amendment #2 – Article XVIII

**The proposed amendment is intended to allow for small-scale cluster development to in-fill on lots smaller than 5 acres that minimize the environmental impacts of development while maintaining the density required of the underlying zone district. The amendment reduces the required**

### ARTICLE XVIII CLUSTER DEVELOPMENT

#### B. General Requirements

1. ~~Minimum Cluster Size:~~ The gross land area of a parcel of land proposed for a Cluster Development must include a minimum of 5 contiguous acres.

- ~~21~~. **Permitted Residential Uses:** The only principal Buildings permitted by right in a Cluster Development are single and Two Family Dwellings. Three or more Single Family attached dwellings are considered Multi-Family Dwellings and are not permitted Uses in a Cluster Development. Accessory Uses customarily incidental to residential Uses such as garage and recreational facilities shall also be permitted in Cluster Developments. Uses permitted by Special Exception in the underlying Zone District may be included in a Cluster Development provided the Special Exception is first approved by the Zoning Board of Adjustment.
- ~~32~~. **Density:** The number of Dwelling Units permitted within a Cluster Development shall not exceed the number allowed by the underlying Zone District(s). The applicable provisions of the Wetlands Conservation Overlay District (Article XIII of the Zoning Ordinance), the applicable provisions of the Steep Slopes Overlay District (Article XIV of the Zoning Ordinance) and the Minimum Lot Size by Soil Type requirements (Section VI. B-2 of the Land Subdivision Control Regulations) shall be accounted for in calculating the permitted number of units. The Planning Board may permit the transfer of density from one part of a contiguous Lot to another within the Cluster Development so long as the total number of dwellings permitted does not exceed the number allowed by the underlying Zone District.
- ~~43~~. **Permissible Zone Districts:** A Cluster Development may be permitted by the Planning Board in the R-1, R-2, Conservation and ARR Zone Districts.
- ~~54~~. **Lot Size and Frontage Requirements:** The Lot size and Frontage requirements set forth in Articles V, VI and VIII may be reduced by the Planning Board in a Cluster Development up to the minimums outlined below:
- a. A Cluster Development *without* public water and sewer service:
    - i. Minimum Lot Size: 30,000 sq. ft.
    - ii. Minimum Lot Frontage: 100 ft.
  - b. A Cluster Development in Residential(R-2), Conservation or Agricultural Rural Residential (ARR) *with* public water and sewer service:
    - i. Minimum Lot Size: 15,000 sq. ft.
    - ii. Minimum Lot Frontage: 70 ft.
  - c. A Cluster Development in Urban Residential (R-1) with public water and sewer service:
    - i. Minimum Lot Size: 7,500 sq. ft.
    - ii. Minimum Lot Frontage: 70 ft.
- ~~65~~. **Buffer Strip:** A buffer strip having a minimum depth of ~~400~~50 feet shall be provided between any proposed Structure within the Development and the perimeter of the tract. No dwelling, accessory Structure, or parking area shall be permitted within the buffer strip. The buffer strip may be included as part of the common Open Space.

Revert to underlying zoning setback.

Whenever feasible the buffer strip shall consist of existing, natural vegetation. In the absence of existing vegetative cover, new landscaping shall be planted to buffer the Cluster

Development from abutting properties. This landscaping buffer shall consist of deciduous Trees at least two and one-half inches in caliper measured six inches above finished Grade and/or conifer Trees a minimum of 8 feet in Height spaced 20 feet apart within the buffer strip in addition to lower lying bushes and Shrubs. The Planning Board at its discretion may reduce or waive portions of the buffer strip due to topography, increased Building setbacks, preservation of scenic open land, and/or provision of raised earth berms.

**7. Setbacks/Building Separations:**

- a. Perimeter Setback: No Structure shall be located closer than ~~400~~50 feet to the perimeter of tract.
- b. Internal Setback: Front: No Structure shall be located closer than 20 feet from the Right-of-Way of a proposed public Street or from the edge of the travel surface of a proposed private road.
- c. Internal Building Separations: Without public water service, no Structure shall be located closer than 50 feet from a Structure on an abutting Lot or 15 feet from an accessory Structure on the same Lot. With public water service, no Structure shall be located closer than 25 feet from a Structure on an abutting Lot or 15 feet from an accessory Structure on the same Lot. These internal Building separations may be reduced by the Planning Board if alternative fire protection measures are proposed which provide comparable protection and which meet the approval of the Fire Chief.

**8. Open Space Requirements:**

- a. The total area of the Open Space within the Cluster Development shall equal or exceed the sum of the areas by which individual Lots are reduced below the minimum Lot area normally required in the Zone District. For example, if in lieu of 20 two acre conventional Lots, a Cluster Development proposes 20 one acre Lots, then the remaining 20 acres shall be preserved as Open Space.
- b. The plan for a Cluster Development shall provide a continuity of Open Space throughout the tract. Pedestrian and bicycle paths are desirable. The Open Space shall be accessible from individual Dwelling Units, internal pedestrian paths, and/or internal Streets.
- c. Open Space shall be held, managed, and maintained by the developer until completion of all improvements such as trails and Recreation Facilities, where upon the developer shall transfer the ownership, management and maintenance responsibilities to one or a combination of the following which will insure that the Open Space land will be held in perpetuity as Open Space:
  - i. By a Homeowners or Condominium Association or similar form of common ownership set up by the developer and made a part of the deed for each Lot or Dwelling Unit;
  - ii. By a Conservation Trust or Private Nonprofit Organization such as the Ausbon Sargent Land Preservation Trust, the Society for the Protection of New Hampshire Forests or the Audubon Society; and/or

- ii. By a public body (for example, the Town) which shall maintain the land as Open Space for the benefit of the general public of New London.
- d. All agreements, covenants, deed restrictions, articles of incorporation, by-laws, and organizational provisions for any of the above forms of ownership, management and maintenance of the Open Space land shall be subject to the review and the approval of the Planning Board prior to final approval of the Cluster Development;
- e. In cases where the proposed Cluster Development results in areas or project features of common ownership, there shall be established procedures and responsibilities for perpetual maintenance of Open Space, private Streets and utilities by the inclusion of covenants running with the land in the deeds; and
  - i. Obligating purchasers to participate in a Homeowners' Association, Condominium Association or similar form of common ownership (which participation shall be automatic upon conveyance of title or lease to individual Dwelling Units), and to support maintenance of all common elements including the open areas by paying to the association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments;
  - ii. Obligating such an association to maintain the open areas and any private Streets and utilities;
  - iii. Empowering the Town, as well as other purchasers in the Development, to enforce the covenants in the event of failure of compliance;
  - iv. Providing for agreements that, if the Town is required to perform any maintenance work pursuant to Item 3 above, Lot owners would pay the cost thereof and that the same shall be a lien upon their properties until said cost has been paid.
- f. In the event that a Cluster Development proposes, wholly or partially, the Development of prime agriculture land, the Planning Board may waive the requirements of this section to provide for the protection of these lands, whereby the Open Space area for the Use of the residents of the Development may be reduced in favor of setting aside and permanently restricting the Development of these prime agriculture areas. If required by the Planning Board, this land shall be protected in a fashion described in Section B.8.c.1-3 above and permanently restricted for agricultural Uses and may be sold or leased subject to the approval of the Planning Board.

**Amendment #3 – Article XIX**

**ARTICLE XIX**

## PLANNED UNIT DEVELOPMENT

### A. Purpose

The purpose of the Planned Unit Development provisions is to encourage flexibility in the design and Development of land in order to promote the most efficient Use of land and to preserve natural features and Open Space.

The objectives of this Planned Unit Development Ordinance are to:

1. Preserve Open Space and natural resources such as, but not limited to, scenic vistas, historic resources, Wetlands, water bodies, and agricultural lands;
2. Encourage a less sprawling form of Development which makes more efficient Use of the land, requires shorter networks of Streets and utilities and fosters less consumption of rural and/or agricultural land;
3. Provide a procedure which can insure appropriate, high quality design and site planning and a high level of environmental amenities;
4. Avoid Development of portions of sites which have poor soil conditions, contain Wetland soils, high water tables, are subject to Flooding, or have excessively steep slopes; and
5. Provide a variety of housing opportunities for a wide range of ages and needs.

### B. General Requirements

1. ~~**Minimum Land Area for Planned Unit Development:** The gross land area of a parcel of land proposed for a Planned Unit Development must include a minimum of 5 contiguous acres.~~
- 1.2. **Permitted Uses:** Uses permitted in a Planned Unit Development include: (Amended May 2014 to include new item (d)-Retirement Care Community.
  - a. All Uses permitted in the underlying Zone District(s);
  - b. Dwelling Units in Single Family detached, Single Family attached, Two Family or Multi-Family Dwellings or appropriate mixes thereof; and
  - c. Accessory Uses customarily incidental to residential Uses such as garages and Recreational Facilities.
  - d. Retirement Care Community (RCC).
- 2.3. **Density:** The number of Dwelling Units permitted within a Planned Unit Development shall not exceed the number allowed by the underlying Zone District(s). The applicable provisions of the Wetlands Conservation Overlay District (Article XIII of the Zoning Ordinance) and the applicable provisions of the Steep Slopes Overlay District (Article XIV of the Zoning Ordinance) shall be accounted for in calculating the permitted number of units. The Planning Board may permit the transfer of density from one part to another

within the Planned Unit Development so long as the total number of dwellings permitted does not exceed the number allowed by the underlying Zone District(s).

4. **Permissible Zone Districts:** Permissible Zone Districts: A Planned Unit Development may be permitted by the Planning Board in those portions of the C - Commercial District, R-1 - Urban Residential District, R-2 - Residential District, ARR- Agricultural and Rural Residential District and Hospital Institutional District that are located within the Planned Unit Development Overlay District as shown on the Zoning Map. (Amended May 2014 to include ARR and the Hospital Institutional District).
5. **A Planned Unit Development** may be permitted by the Planning Board in those portions of the C - Commercial District, R-1 - Urban Residential District, R-2 - Residential District, that are located within the Planned Unit Development Overlay District.
6. **Lot Size and Frontage Requirements:** In those instances where single Family detached units are proposed, the Planning Board may reduce the minimum Lot size in Urban Residential (R-1) to 7,500 and in Residential (R-2) to 12,000 sq. ft. and may reduce the minimum Lot Frontage to 70 ft.
6. **Buffer Strip:** A buffer strip having a minimum of 75 feet shall be provided between any proposed Structure within the Development and the perimeter of the tract. No dwelling, accessory Structure, or parking area shall be permitted within the buffer strip. The buffer strip may be included as part of the common Open Space. Wherever feasible the buffer strip shall consist of existing, natural vegetation. In the absence of existing vegetative cover, new landscaping shall be planted to buffer the Planned Unit Development from abutting properties. This landscaping buffer shall consist of deciduous Trees at least 2 ½ inches in caliper measured 6 inches above finished Grade and/or conifer Trees a minimum of 8 feet in Height spaced 20 feet apart within the buffer strip in addition to lower lying bushes and Shrubs. The Planning Board at its discretion may reduce or waive portions of the buffer strip due to topography, increased Building setbacks, preservation of scenic open land, and/or to provide reasonable exposure for Commercial Uses if permitted.
7. **Setbacks/Building Separations:**
  - a. **Perimeter Setback:** No Structure shall be located closer ~~than 75 feet~~ to the perimeter of the tract than the setbacks required of the underlying zoning district.
  - b. **Internal Setback:** Front: No Structure shall be located closer than 20 feet from the Right-of-Way of a proposed public Street or from the edge of the travel surface of a proposed private road.
  - c. **Internal Building Separations:** No Structures shall be located closer than 25 feet from a Structure on an abutting Lot or 15 feet from an accessory Structure on the same Lot. These internal Building separations may be reduced by the Planning Board if alternative fire protection measures are proposed which provide comparable protection and which meet the approval of the Fire Chief.
8. **Open Space Requirements:**
  - a. A minimum of 50 percent of the parcel utilized for a Planned Unit Development shall be preserved as Open Space.

- b. The plan for a Planned Unit Development shall provide a continuity of Open Space throughout the tract. Pedestrian and bicycle paths are desirable. The Open Space shall be accessible from individual Dwelling Units, internal pedestrian paths and/or from internal Streets within the Development.
- c. Open Space shall be held, managed, and maintained by the developer until completion of all improvements such as trails and Recreation Facilities, whereupon the developer shall transfer the ownership, management and maintenance responsibilities to one or a combination of the following which will insure that the Open Space land will be held in perpetuity as Open Space:
  - i. By a Homeowners or Condominium Association or similar form of common ownership set by the developer and made a part of the deed for each Lot or Dwelling Unit;
  - ii. By a Conservation Trust or Private Nonprofit Organization such as the Ausbon Sargent Land Preservation Trust, the Society for the Protection of New Hampshire Forests or the Audubon Society;
  - iii. By a public body (for example, the Town) which shall maintain the land as Open Space for the benefit of the general public of New London.
- d. All agreements, covenants, deed restrictions, articles of incorporation, by-laws, and organizational provisions for any of the above forms of ownership, management and maintenance of the Open Space land shall be subject to the review and approval of the Planning Board prior to final approval of the Planned Unit Development;
- e. In cases where the proposed Planned Unit Development results in areas or project features of common ownership, there shall be established procedures and responsibilities for perpetual maintenance of Open Space, private Streets and utilities by the inclusion of covenants running with the land in the deeds; and
  - i. Obligating purchasers to participate in a Homeowners' Association, Condominium Association or similar form of common ownership (which participation shall be automatic upon conveyance of title or lease to individual Dwelling Units), and to support maintenance of all common elements including the open areas by paying to the association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments;
  - ii. Obligating such an association to maintain the open areas and any private Streets and utilities;
  - iii. Empowering the Town, as well as other purchasers in the Development, to enforce the covenants in the event of failure of compliance;
  - iv. Providing for agreements that, if the Town is required to perform any maintenance work pursuant to Item 3 above, Lot owners would pay the cost thereof and that the same shall be a lien upon their properties until said cost has been paid.

- f. In the event a Planned Unit Development proposes, wholly or partially, the Development of prime agriculture land, the Planning Board may waive the requirements of this section to provide for the protection of these lands, whereby the Open Space area for the use of the residents of the Development may be reduced in favor of setting aside and permanently restricting the Development of these prime agriculture areas. If required by the Planning Board, this land shall be protected in a fashion described in Section B.8.c.1-3 above and permanently restricted for agricultural Uses and may be sold or leased subject to the approval of the Planning Board.
9. **Water and Sewer Service:** All Planned Unit Developments shall be served by the New London/Springfield Water Precinct for domestic use and fire protection purposes and by the New London Sewer Commission for sewage disposal.
10. **Design Guidelines:** The Planned Unit Development shall conform to the following design guidelines:
- a. The Planned Unit Development should be harmoniously integrated into the surrounding neighborhood in such a way that the visual qualities of scale, size, color(s) and exterior material(s) of Building(s) between existing land Use(s) and the Planned Unit Development are complementary.
  - b. The design of the Planned Unit Development shall be directed toward establishing a sense of place. Inward oriented placement of Buildings, Streets, Open Space and Recreational Facilities is desired.
  - c. The plan for the Planned Unit Development shall preserve existing prominent natural features, especially scenic open land.

**Amendment #4 – Article VII, A, 7 & Article XXI, G., 4., c.**

The proposed amendment seeks to amend Article VII, Section A. Uses Permitted, 7., to allow electric vehicle charging facilities by Special Exception.

**ARTICLE VII  
COMMERCIAL DISTRICT**

**A. Uses Permitted**

- 7. Filling stations, **Electric-Vehicle Charging Station Facilities**, automobile repair garages, car washes, and Uses incidental thereto shall be allowed only by Special Exception by the Board of Adjustment.

**ARTICLE XXI  
BOARD OF ADJUSTMENT**



**G. Special Exceptions**

4. **Special Exception Uses:** All Special Exception Uses and expansion of Special Exception Uses shall be permitted only after approval following a public hearing before the Board of Adjustment. The following are the Special Exception Uses which must meet the criteria listed above, plus additional requirements as indicated in particular types of cases:

c. Filling stations, **Electric-Vehicle Charging Station Facilities**, automobile repair garages, car washes, and Uses incidental thereto in the Commercial District. These must not create local traffic congestion

**Definition to Add**

**Electric vehicle charging station facility:** Charging centers of three or more charging stations for the use of the general public.

**Amendment #5 – Article V**

The proposed amendment seeks to standardize the side yard setbacks of R-2 and R-1 without water and sewer.

**ARTICLE V  
RESIDENTIAL DISTRICTS**

**C. Yard Requirements**

1. There shall be a Front Yard on each Lot which shall not be less than 25 feet in depth from the Front Yard line, and a Rear Yard on each Lot which shall be not less than 15 feet in depth from the Rear Yard line.
2. On each interior Lot in the R-1 District not using public sewer and water and on all Lots in the R-2 District, Side Yards shall be ~~provided in an aggregate minimum width of 50 feet with~~ a minimum of 20 feet from any ~~one~~ Side Yard. On each interior Lot in R-1 District using public sewer and water services, Side Yards shall be a minimum of 15 feet.
3. On each corner Lot there shall be a yard having a width of not less than 25 feet abutting each Right-of-Way.
4. Any Lot with less continuous Frontage and depth which is recorded and taxed as a Lot of Record before March 11, 1969 shall be deemed a conforming Use.

## **Amendment #6 – Article XIII & Article XVI**

The proposed amendment seeks to allow for the removal of invasive and exotic species within the waterfront and wetlands buffers.

### **Definitions:**

Invasive/Exotic Species:

Any herbaceous plant or any woody seedling or shrub listed by NH Department of Agriculture, Markets and Food in accordance with RSA 430:53, III, or as designated by rule of the NH Department of Environmental Services in accordance with RSA 487:24, VII.

Natural Ground Cover:

Any herbaceous plant or any woody seedling or Shrub generally less than 3 feet in Height. Natural Ground Cover shall also include naturally occurring leaf or needle litter (duff), stumps, decaying woody debris, stones, and boulders. Natural ground cover shall not include lawns, invasive/exotic species, imported organic stone mulches or other artificial materials.

## **ARTICLE XIII** **WETLANDS CONSERVATION OVERLAY DISTRICT –**

### **L. Cutting and Removal of Natural Vegetation in Wetland Buffers**

- e. Invasive/Exotic Species may be removed within the woodland buffer.

All area disturbed by removal of invasive/exotic species by means of digging or pulling, shall be completely restored and replanted with natural ground cover as approved by the Planning Board.

The use of herbicides of any kind for removal, can be applied to ground, turf, or established vegetation, only by horticultural professionals who have a pesticide application license issued by the department of agriculture or as allowed under special permit issued by the division of pesticide control under rules adopted by the pesticide control board under RSA 541-A.

## **ARTICLE XVI** **SHORE LAND OVERLAY DISTRICT –**

F. **Waterfront Buffer** *(Amended 3/12/2019)*

1. The Waterfront Buffer shall be the protected Shore Land within 50 feet of the Reference Line. The purpose of this buffer shall be to protect the quality of public waters while allowing the property owner discretion with regard to water access, safety, viewscape maintenance, and Lot design.
2. Within the Waterfront Buffer all of the following prohibitions and limitations shall apply:
  - a. No chemicals, including pesticides of any kind or fertilizers, except limestone, shall be applied.
  - b. Rocks and stumps and their root systems shall be left intact in the ground, unless the vegetation, stumps or root system are determined by a certified arborist to be diseased, in which case the diseased materials shall be removed, including digging the stump out of the ground.

No Natural Ground Cover shall be removed except as necessary to accomplish uses permitted in Section C above or to plant native trees, Saplings or Shrubs. Pruning of Shrubs and ground cover down to a Height of 3 feet is permitted.

- c. Invasive/Exotic Species may be removed within the waterfront buffer.

All area disturbed by removal of invasive/exotic species by means of digging or pulling, shall be completely restored and replanted with natural ground cover as approved by the Planning Board.

The use of herbicides of any kind for removal, can be applied to ground, turf, or established vegetation, only by horticultural professionals who have a pesticide application license issued by the department of agriculture or as allowed under special permit issued by the division of pesticide control under rules adopted by the pesticide control board under RSA 541-A.