



**Town of Gilmanton, New Hampshire  
Gilmanton Planning Board**

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**PUBLIC NOTICE  
PLANNING BOARD MEETING**

Thursday, January 9, 2020

At 7:00pm

The Academy Building  
503 Province Rd, Gilmanton, NH

**2020 Proposed Zoning Ordinances**

Text of the Proposed Zoning Ordinances will be available at the Selectmen's and Town Clerk's Offices for public inspection on December 23, 2019

1. Are you in favor of the adoption of Amendment #1 as proposed by the Planning Board for the town Zoning Ordinance as follows: **To see if the town will amend Article IV, Table 1 by allowing, by Conditional Use Permit (CUP), Housing for Older Persons in the Village, Rural, Conservation, Lt. Business, Business zoning districts. In addition, by adding a new Article XVIII Housing For Older Persons. This article is adopted pursuant to the authority and provisions of RSA 674:21 Innovative Land Use Controls. In administering this Innovative Land Use Control ordinance, the Planning Board shall enjoy the authority to grant conditional use permits and waivers from specific requirements of this Article if and when an applicant is able to demonstrate to the satisfaction of the Planning Board that granting of such waiver(s) would not compromise achievement of the stated purpose and intent of this Ordinance. The requirements in this Section have been established for the purpose of encouraging the construction of Housing for Older Persons in the Town of Gilmanton. The intent is to provide for such housing by the provision of a Conditional Use Permit to allow for relief from the otherwise applicable density requirements while complying with all applicable state and federal laws with respect to such housing, and at the same time, ensuring compliance with local planning standards, land use policies, good building design, and the requirements for the health, safety, and general welfare of all the inhabitants of the Town. Such housing shall be limited to household with at least one person age 55 or older. All sites shall have at least 30% open space.**

2. Are you in favor of the adoption of Amendment #2 as proposed by the Planning Board for the town Zoning Ordinance as follows: **to see if the town will amend Article IV, Table 1: The Table of Uses? The amendments are indicated with a strikethrough with the additions in italics.**

Note: CUP= Conditional Use Permit, E= Special Exception, N= Not Permitted, P= Permitted

	Village	Rural	Conservation	Lt. Business	Business	Res. Lake
Auto Service Station	<del>E</del> <i>CUP</i>	E	N	<del>E</del> <i>CUP</i>	P	N
Campground	N	<del>E</del> <i>CUP</i>	<del>E</del> <i>CUP</i>	<del>N</del> <i>CUP</i>	<del>N</del> <i>CUP</i>	N
Dwelling, Multi-Family (Interior Alterations)	CUP	CUP	CUP	<del>N</del> <i>CUP</i>	CUP	N
<del>Gravel/Fill/Loam/Stone Removal</del> <i>Earth Excavation</i>	N	E	E	N	E	N
Inn (Interior Alterations)	<del>E</del> <i>CUP</i>	<del>E</del> <i>CUP</i>	<del>E</del> <i>CUP</i>	P	P	N
Manufacturing, Light	N	<del>N</del> <i>E</i>	<del>N</del> <i>E</i>	P	P	N
Recreation Facility- Indoor	E	<del>N</del> <i>E</i>	<del>N</del> <i>E</i>	<del>E</del> <i>P</i>	P	E
Recreation Facility- Outdoor	N	E	<del>N</del> <i>E</i>	<del>E</del> <i>P</i>	P	<del>N</del> <i>E</i>
Repair Shop	E	E	<del>N</del> <i>E</i>	P	P	E
Rest/Convalescent Home (3-25 Occupants)	E	E	<del>N</del> <i>E</i>	E	E	E
Restaurant (Interior Alterations)	<del>E</del> <i>CUP</i>	<del>E</del> <i>CUP</i>	<del>E</del> <i>CUP</i>	P	P	<del>E</del> <i>N</i>
Restaurant (New Construction)	<del>N</del> <i>CUP</i>	<del>N</del> <i>CUP</i>	<del>N</del> <i>CUP</i>	P	P	N
Sawmill	N	P	P	<del>N</del> <i>P</i>	P	N
School – Public/Private	E	E	E	<del>N</del> <i>E</i>	E	E
<i>Storage Building – Non Commercial</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>N</i>
Treated Soils	N	N	N	<del>E</del> <i>N</i>	<del>E</del> <i>N</i>	N
Warehouse (Existing Building)	E	E	E	<del>N</del> <i>P</i>	P	N
Warehouse (New Construction)	N	<del>N</del> <i>E</i>	<del>N</del> <i>E</i>	<del>N</del> <i>CUP</i>	P	N

3. Are you in favor of the adoption of Amendment #3 as proposed by the Planning Board for the town Zoning Ordinance as follows: **to see if the town will amend Article IV, Table 2 of the Zoning District Regulations by repealing the setbacks for buildings from Wetlands, Perennial & Intermittent Streams? The intent is to adhere to State Regulations, should any take effect.**
4. Are you in favor of the adoption of Amendment #4 as proposed by the Planning Board for the town Zoning Ordinance as follows: **to see if the town will amend Article VI.D:1 Manufactured Housing Continued: Storage and Use of Recreational Vehicles to allow more up to three recreational vehicles owned by the resident on his/her primary residential property or abutting property?**
5. Are you in favor of the adoption of Amendment #5 as proposed by the Planning Board for the town Zoning Ordinance as follows: **to see if the town will amend Article VI.D:2**

**the permitting period of recreational vehicles from 120 days annually to commencing from May 1<sup>st</sup> through November 15<sup>th</sup> of each year?**

6. Are you in favor of the adoption of Amendment #6 as proposed by the Planning Board for the town Zoning Ordinance as follows: **to see if the town will amend Article XVI the definition of Storage Building- Non Commercial to include a lessee as user for private storage or agricultural use?**
7. Are you in favor of the adoption of Amendment #7 as proposed by the Planning Board for the town Zoning Ordinance as follows: **to see if the town will amend Article XVI by adding a definition of Camp for Children, Summer as a supervised program for children or teenagers conducted during the summer months for overnight campers?**
8. Are you in favor of the adoption of Amendment #8 as proposed by the Planning Board for the town Zoning Ordinance as follows: **to see if the town will amend Article XVI by replacing the definition of Excavation (the digging of any type) with Earth Excavation to mean the commercial taking of sand, gravel, rock, soil or construction aggregate produced by quarrying, crushing or any other mining activity?**

Proposed Planning Board Zoning Ordinances  
Amendment #1

**Housing for Older Persons Development**

To see if the town will amend Article IV, Table 1 by adding the following use

Village, Rural, Conservation, Lt. Business, Business- all by CUP  
Res. Lake- Not permitted

by Conditional Use Permit: HOUSING FOR OLDER PERSONS, and by adding a new Article XVIII Housing For Older Persons.

A. Authority: This article is adopted pursuant to the authority and provisions of RSA 674:21 Innovative Land Use Controls. In administering this Innovative Land Use Control ordinance, the Planning Board shall enjoy the authority to grant conditional use permits and waivers from specific requirements of this Article if and when an applicant is able to demonstrate to the satisfaction of the Planning Board that granting of such waiver(s) would not compromise achievement of the stated purpose and intent of this Ordinance. Correspondingly, any appeal made by the Planning Board in administering this innovative land use control ordinance must be made to Superior Court pursuant to the provisions of RSA 676:5, III and RSA 677:15

B. PURPOSE: The requirements in this Section have been established for the purpose of encouraging the construction of Housing for Older Persons in the Town of Gilmanton. The intent is to provide for such housing by the provision of a Conditional Use Permit to allow for relief from the otherwise applicable density requirements while complying with all applicable state and federal laws with respect to such housing, and at the same time, ensuring compliance with local planning standards, land use policies, good building design, and the requirements for the health, safety, and general welfare of all the inhabitants of the Town.

C. STANDARDS OF REVIEW, Conditional Use Permit (CUP): Following a fully noticed public hearing on the proposed use, the Planning Board may issue a CUP if it finds that, in addition to the CUP Criteria specified under Article XVII B:

1. The location proposed for the housing development will not materially endanger public health or safety in particular as it relates to road access and distance from emergency services providers.
2. A proposed site shall have adequate soil to accommodate on-site wastewater treatment along with an adequate and reliable water supply.

C. GENERAL STANDARDS: All housing for older persons shall conform to the following standards:

1. Housing for Older Persons shall comply with NH RSA 354-A:15, Housing for Older Persons. One occupant of housing units built under this Article shall be 55 years or older
2. No more than two bedrooms shall be permitted per housing unit.
3. The Net Tract Area of a site shall be determined by subtracting from the gross tract area all Wetlands, surface waters, floodplains and slopes greater than 25%.
4. The minimum road frontage of existing lots shall be no less than 50'. Newly created lots shall adhere to the minimum road frontage as shown on Article IV, Table 2 of this zoning ordinance.
5. The development shall provide for 30% open space of the site's Net Tract Area. Open space areas shall be preserved in perpetuity. Low impact recreation activities may occur in the open space such as trails and picnic areas. Efforts shall be made to arrange open space into large contiguous areas instead of narrow bands of land.
6. Adequate on-site space must be provided for off-street parking.
7. All on site roads, utilities, and infrastructure shall be privately maintained. All utilities shall be underground.
8. Any application submitted to the Planning Board for final approval of a Housing for Older Persons Development shall include a draft copy of the proposed articles of association or incorporation for the creation of a homeowners association, which shall provide for the ongoing governance and maintenance of the development in accordance with the requirements of this Ordinance in perpetuity. These documents shall be considered an integral part of any proposal. Correspondingly, no application for final approval of a Housing for Older Persons Development shall be approved unless and until the Planning Board has determined the articles of association or incorporation conforms to all applicable requirements of this Ordinance.
9. Building types and styles, including exterior aesthetics and unit arrangements, shall be suitable and appropriate for their intended purpose, in light of the size and scale of the project, the relevant zoning district, the prominence and the visibility of the proposed project in the community, the surrounding neighborhood, and other similar factors. All setbacks shall meet Article IV, table 2 of this zoning ordinance.

10. Housing developments for Older Persons shall be exempted from Article III, P. Number of Residential Units on a Lot, which limits the number of housing units on a lot.
11. The design and site layout of the development shall emphasize the rural character of the Town, maximizing the privacy of the dwelling units, preserving the natural character of land, providing for the separation of parking and living areas, and consideration of such factors as orientation, energy usage, views.
12. The development shall be landscaped so as to enhance its compatibility with the Town with emphasis given to the use of existing, natural features where possible. Efforts shall be made, to the maximum extent possible, to preserve existing vegetation within the front setback along public ways. For three and four family buildings, the Planning Board may require additional landscaping along the site's frontage to preserve the areas rural qualities. Landscape buffers may also be required along other site boundaries as deemed necessary.
13. The Planning Board shall review and approve or disapprove the location and site plans for all proposed Housing for Older Persons. The Planning Board may impose additional conditions not inconsistent with this or other sections of the Zoning Ordinance and all state and federal applicable laws. In addition, all applications shall comply with the Gilmanton Site Plan Review Regulations, as applicable.
14. All developments of Housing for Older Persons should include facilities and services to meet the physical and social needs of residents.
15. All housing units shall be Adaptable. An adaptable dwelling unit means a dwelling unit designed and constructed to facilitate future modification to provide access for persons with disabilities, or otherwise meet the criteria as "Handicapped Accessible" (See, 610.2.4) It means that some features necessary to be "Handicapped Accessible" may be omitted and/or concealed until needed, but that such features or accommodations can be added or installed without involving structural or material changes.

# Proposed Zoning Amendment #2

## Article IV, Table 1

### Zoning District Regulations – Permitted Uses and Special Exceptions

Note: P= Permitted, E= Special Exception, N= Not Permitted, CUP= Conditional Use Permit,

	Village	Rural	Conservation	Lt. Business	Business	Res. Lake
Auto Service Station	<del>E</del> CUP	E	N	<del>E</del> CUP	P	N
Campground	N	<del>E</del> CUP	<del>E</del> CUP	<del>N</del> CUP	<del>N</del> CUP	N
Dwelling, Multi-Family (Interior Alterations)	CUP	CUP	CUP	<del>N</del> CUP	CUP	N
Gravel/Fill/Loam/Stone Removal Earth Excavation	N	E	E	N	E	N
Inn (Interior Alterations)	<del>E</del> CUP	<del>E</del> CUP	<del>E</del> CUP	P	P	N
Manufacturing, Light	N	<del>N</del> E	<del>N</del> E	P	P	N
Recreation Facility- Indoor	E	<del>N</del> E	<del>N</del> E	<del>E</del> P	P	E
Recreation Facility- Outdoor	N	E	<del>N</del> E	<del>E</del> P	P	<del>N</del> E
Repair Shop	E	E	<del>N</del> E	P	P	E
Rest/Convalescent Home (3-25 Occupants)	E	E	<del>N</del> E	E	E	E
Restaurant (Interior Alterations)	<del>E</del> CUP	<del>E</del> CUP	<del>E</del> CUP	P	P	<del>E</del> N
Restaurant (New Construction)	<del>N</del> CUP	<del>N</del> CUP	<del>N</del> CUP	P	P	N
Sawmill	N	P	P	<del>N</del> P	P	N
School – Public/Private	E	E	E	<del>N</del> E	E	E
Storage Building – Non Commercial	P	P	P	P	P	N
Treated Soils	N	N	N	<del>E</del> N	<del>E</del> N	N
Warehouse (Existing Building)	E	E	E	<del>N</del> P	P	N
Warehouse (New Construction)	N	<del>N</del> E	<del>N</del> E	<del>N</del> CUP	P	N

\*\*\* Blue writing indicates changes, strikethrough indicates repealing, and black is ordinances as currently written\*\*\*

## Zoning District Regulations - Permitted Uses and Special Exceptions

Note: P = Permitted Use, E = Special Exception, N = Not Permitted, CUP = Conditional Use Permit

	<u>Village</u>	<u>Rural</u>	<u>Conservation</u>	<u>Lt. Business</u>	<u>Business</u>	<u>Res. Lake</u>
Accessory Dwelling Units	P	P	P	P	P	P
Accessory Building/Use***	P	P	P	P	P	P
Adult Oriented Business	N	N	N	N	E	N
Aircraft Landing Area	N	E	E	N	E	N
Agriculture	P	P	P	P	P	P
Auto Service Station	E	E	N	E	P	N
Auto & Truck Repair	N	E	N	E	P	N
Biosolids (sludge)	N	N	N	N	N	N
Boat Storage - Commercial	E	E	E	E	P	E
Business Directional Signs	P	P	P	P	P	P
Camp for Children, Summer	N	E	E	N	N	N
Campground	N	E	E	N	N	N
Childcare Facility	CUP	CUP	CUP	CUP	CUP	CUP
Community Building/House of Worship	E	E	E	N	N	E
Contractor's Yard	E	E	E	E	P	N
Cottage Industry	CUP	CUP	CUP	P	P	CUP
Dwelling, Multi-Family (Interior Alterations)	CUP	CUP	CUP	N	CUP	N
Dwelling, Multi-Family (New Const)*	CUP	CUP	N	N	N	N
Dwelling, Single Family	P	P	P	P	P	P
Dwelling, Two-Family	P	P	P	P	P	P
Forestry	P	P	P	P	P	P
Gravel/Fill/Loam/Stone Removal	N	E	E	N	E	N
Home Occupation	P	P	P	P	P	P
Industrial	N	N	N	P	P	N
Inn (Interior Alterations)	E	E	E	P	P	N
Junkyard	N	E	N	E	P	N
Kennel	N	CUP	CUP	CUP	CUP	N
Landscaping Business	N	E	E	P	P	N
Local Utility Network	E	E	E	P	P	E
Manufacturing, Light	N	N	N	P	P	N
Mobile Home/Manufactured Housing Parks & Subdivision:	N	E	N	N	N	N
Motel	N	N	N	E	P	N
Offices	CUP	CUP	CUP	P	P	CUP
Recreation Facility - Indoor	E	N	N	E	P	E
Recreation Facility - Outdoor	N	E	N	E	P	N
Repair Shop	E	E	N	P	P	E
Rest/Convalescent Home (3-25 Occupants)	E	E	N	E	E	E
Restaurant (Interior Alterations)	E	E	E	P	P	E
Restaurant (New Construction)	N	N	N	P	P	N
Retail Business	CUP	CUP	CUP	P	P	CUP
Sawmill	N	P	P	N	P	N
School - Public/Private	E	E	E	N	E	E
Service Business	CUP	CUP	CUP	P	P	CUP
Treated Soils	N	N	N	E	E	N
Warehouse (Existing Building)	E	E	E	N	P	N
Warehouse (New Construction)	N	N	N	N	P	N
Personal Wireless Service Facilities.	CUP	CUP	CUP	P	P	CUP
Woodlot	P	P	P	P	P	P

Note: If certain uses have not been listed, they may be allowed in town. How they will be regulated by this zoning ordinance shall be based on characteristics the intended use may share with those uses specified in Table 1.

\* Multi-family structures must be separated by a minimum of 50 feet.

\*\* Multi-family dwellings (new construction) allowed by conditional use permit within a one mile radius of the center of Gilmanton Corners and Gilmanton Iron Works.

\*\*\* In the Residential Lake District, accessory storage buildings are allowed when accessory to a principal use located on an abutting lot, including a lot across a roadway

★ As Currently Written ★



# Proposed Zoning Amendment # 3

Town of Gilmanton

Zoning Ordinance

## ARTICLE IV

### TABLE 2

#### Zoning District Regulations - Lot Requirements

	Village	Rural	Conservation	Lt. Business	Business	Res. Lake
<b>Minimum Area, except as provided in Gilmanton Subdivision Regulations</b>						
1. Conventional	1 Acre	2 Acres	10 Acres	1 Acre	1 Acre	1 Acre
2. Open Space Subdivision*	1 Acre	1 Acre	1 Acre	1 Acre	1 Acre	1 Acre
<b>Conventional Lot Line Setbacks:**</b>						
1. Front	35'	35'	35'	50'	50'	35'
2. Side and Rear	20'	20'	20'	20'	20'	20'
<b>Open Space Subdivision</b>						
All Lot Line Setbacks**	20'	20'	20'	20'	20'	20'
<b>Setbacks from Water Bodies</b>						
1. Buildings	75'	75'	75'	75'	75'	75'
2. Septic Systems	State of NH requirements for all zones					
<b>Setbacks from Wetlands, Perennial &amp; Intermittent Streams</b>						
1. Buildings	<del>30'</del>	<del>30'</del>	<del>30'</del>	<del>30'</del>	<del>30'</del>	<del>30'</del>
2. Septic Systems	State of NH requirements for all zones					
<b>Frontage</b>						
1. Conventional***	125'	200'	400'	200'	200' (NH Rt. 106) 125' (Internal Roads)	125'
2. Open Space Subdivision	75'	75'	75'	75'	75'	75'

\* See Article V of this Ordinance.

\*\* School Bus Stop Shelters shall be exempt from all setbacks, but shall not be located within the right-of-way.

\*\*\* Any lot that conforms with the 150' frontage requirement in the Rural District in effect prior to March 14, 2000 shall be treated as a conforming lot for the frontage requirement purposes of this ordinance.

Common lots or other lots permanently preserved as open space may be exempted from the minimum frontage and lot size requirements at the discretion of the Planning Board, but shall be accessed by a permanent right-of-way no less than 30' wide.

For two-family and multi-family dwellings, an additional one acre per dwelling unit above one dwelling unit is required in addition to the minimum lot size.

For inns, motels and rest/convalescent homes, an additional 10,000 square feet per bedroom is required in addition to the minimum lot size.

In the case of a corner lot, all buildings shall be set back at least 35 feet from each street or right-of-way.

## Proposed Zoning Amendment #4

### Article VI. Manufactured Housing Continued

#### D. Storage and Use of Recreational Vehicles

1. A permanent resident of the Town of Gilmanton may store or park ~~one(1)~~ **up to three (3)** Recreational Vehicle owned by the resident on his/her primary residential property or abutting property.

## Proposed Zoning Amendment #5

### Article VI. Manufactured Housing Continued

#### D. Storage and Use of Recreational Vehicles

2. Any property owner or lessee may accommodate one Recreational Vehicle upon his/her property for travel, camping, recreational or business purposes, whether the Recreational Vehicle is owned by the property owner, lessee, or a non-paying guest of the owner/lessee, for a permitted period(s) ~~not to exceed 120 days annually~~ **commencing from May 1<sup>st</sup> through November 15<sup>th</sup> of each year**, provided that during all periods of use the Recreational Vehicles remains mobile, legally registered and inspected, and disposes septage in one of the following manners...

**\*\*wording in black is as currently written, blue indicates changes, and strikethrough indicates repealing\*\***

### **Proposed Zoning Amendments #6**

Storage Building – Non Commercial- A garage, shed, barn or other similar structure, used only for the private storage or agricultural use of the owner or lessee of the lot and identified as the primary use of the lot.

Add to Table of Uses- Permitted in Village, Rural, Conservation, Lt. Business, and Business Zones. Not permitted in Res. Lake Zone.

### **Proposed Zoning Amendments #7**

Camp for Children, Summer – A supervised program for children or teenagers conducted during the summer months for the purpose of educational, athletic, or cultural development for overnight campers. Housing shall consist of tents, cabins, or the like.

### **Proposed Zoning Amendments #8**

~~Excavation–Digging of any type.~~

Earth Excavation- Means sand, gravel, rock, soil or construction aggregate produced by quarrying, crushing or any other mining activity or such other naturally-occurring unconsolidated materials that normally mask the bedrock for the commercial taking of earth, including all slopes. As described in the Town of Gilmanton Earth Excavation Regulations and RSA 155-E.

**\*\*wording in black is as currently written, blue indicates changes, and strikethrough indicates repealing\*\***