Planning Board

Zoning Ordinance Review

Workshop – December 4, 2019 – 5:30 p.m.

In Attendance:

Sub-committee chairman Chuck Frost, George Holt, Ken Swayze, ZBA representative Alison Vallieres, and department administrator Donna White

Committee members reviewed items noted for further discussion since the beginning of this project. Highlighted areas below are recommendations of the review committee.

Picking up from list of 11/8/19:

11. Home occupations – There was discussion about home occupations that may occur in an accessory building as compared to in the actual dwelling. The current definition in the Zoning Ordinance reads ‘dwelling unit and accessory structure’. Article 4, Section A, 6 (a) 5 reads: ‘of the principal dwelling’. It was agreed this should be adjusted to include accessory structures. The group reviewed information collected from other town’s ordinances on the area permitted to be used for a home occupation. It was agreed to leave the allowed area as 33% in the existing Ordinance; however, it will be proposed to include accessory buildings and allow up to 33% of the combined gross floor area. There was discussion about adding more examples to the definition, including craftspeople, woodworkers, etc. Dwelling unit in Section 6 (a) 1 will be changed to residence. In the last paragraph of Section 6 (a), it is recommended that the example and last sentence be removed. (i.e. a business conducted out of the home that cannot meet the above criteria. Such development shall adhere to the Dunbarton Sign Ordinance.) There was discussion about a proposed home occupation needing review by the Zoning Board prior to site plan review as required in the last paragraph. It was agreed to propose that the last paragraph to amended to read: A project that is not solely residential in nature and/or does not meet the requirements of this section shall require a special exception and site plan review in accordance with the Dunbarton Site Plan Regulations, as amended.

12. Commercial stable – It was agreed to leave this for further discussion in 2020 as it is a complex topic.

13. General Service Establishments & Personal Service Establishments – Donna suggested adding definitions to the Ordinance for clarification purposes. It was agreed to have Donna draft the two definitions.

14. Table of Uses- C. Commercial – The group talked about each use requiring a special exception prior to site plan review. It was unclear of the purpose for the requirement. Donna will research other towns’ ordinances to see if special exceptions are required for site plans. This will be carried over for further discussion in 2020.

15. Structures Per Lot – It was agreed to leave this section as currently written.

16. Dimensional Regulations – revise the table as below
## TABLE OF DIMENSIONAL REGULATIONS

Refer to footnotes (1), (2), and (3) below table

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Lot Size (1)(2)</th>
<th>Minimum Frontage</th>
<th>Building Setbacks</th>
<th>Septic System Setback</th>
<th>Well Setback</th>
<th>Max Building Height</th>
<th>Max Lot Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(acres)</td>
<td>(feet)</td>
<td>(feet)</td>
<td>(feet)</td>
<td>(feet)</td>
<td>(feet)</td>
<td>(percentage)</td>
</tr>
<tr>
<td>Low Density</td>
<td>5 (3)</td>
<td>300</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>75</td>
<td>35</td>
</tr>
<tr>
<td>Medium Density</td>
<td>3 (3)</td>
<td>250</td>
<td>40</td>
<td>40</td>
<td>50</td>
<td>75</td>
<td>35</td>
</tr>
<tr>
<td>Village District</td>
<td>2</td>
<td>200</td>
<td>40</td>
<td>40</td>
<td>50</td>
<td>75</td>
<td>35</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>Per Underlying District</td>
<td>Per Underlying District</td>
<td>150</td>
<td>100</td>
<td>100</td>
<td>75</td>
<td>35</td>
</tr>
<tr>
<td>All districts</td>
<td>12</td>
<td>225</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Optional Large Lot Zoning with Reduced Frontage</td>
<td>18</td>
<td>150</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>24</td>
<td>75</td>
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</tr>
</tbody>
</table>

Requirements for building setbacks, septic, well, etc. remain the same as the underlying applicable zone noted above.

See notes 4, 5, and 6 below.

1) Refer to Article 4. Section C. 'Nonconforming Lots' for exceptions to these minimum lot sizes.
2) Minimum lot size calculations shall be per dwelling unit except as otherwise specified herein and shall exclude all surface water bodies but may include wetlands.
3) Refer to Article 6, Open Space Subdivisions, for exceptions to these minimum lot sizes.
4) As an innovative land-use control zoning regulation per NH RSA 674:21, implementation under these provisions is voluntary and at the option of the applicant.
5) Lot sizing allows for the continuity of current-use taxation, or implementation thereof, for qualified parcels.
6) Minimum lot width, between the principal access point and the generally considered building pocket area, shall not be less than 75 ft., measured perpendicular to the opposing side lot lines.
7) Septic system setbacks – Amended March 11, 1997
8) Well setbacks – Amended March 14, 2000
9) Optional Large Lot Zoning with Reduced Frontage – Amended Mar 11, 2003
10) Multi-Family District – Amended March 9, 2004

17. Non-conforming Lots Section C (1, d) – The group discussed large lots that may not have the required frontage yet could easily meet every other requirement to be a buildable lot. These lots would be existing lots of record. It was suggested that the building department be able to waive the requirement of a certified plot plan if deemed appropriate. Donna was asked to draft something to address this for the committee’s review. It was agreed to change “a boundary line survey and site plan, certified by a land surveyor licensed by the State of New Hampshire” to
“certified plot plan”. It was also agreed to remove [Note: whereas this plan requirement and procedure is commonly referred to as a “certified plot plan”, any submittal must be in conformance as specified herein.] (post meeting note: this should also be considered for Non-conforming Structures)

18. Non-conforming Lots, Section C (2) – The group discussed a previous recommendation by George Holt to remove [except for lot-line adjustments. See Definition]. George had stated the exception seems to permit a non-conforming lot to be made more non-conforming through a lot line adjustment. Committee members agreed that would be contrary to the definition; it was agreed to remove the exception as recommended. Donna asked for clarification of the reference to Section 4.II.C. All agreed this seemed to be incomplete; it was agreed to change the reference to read Section 4.C.1.(c).

Committee members talked about the need to address parcels that are split by district boundaries (Village/Medium Density). This could be done through map changes or specific provisions written into the Zoning Ordinance. It was agreed to carry this over for further discussion in 2020.

On that same topic, members reviewed Article 3, Section B -2. Interpretation of District Boundaries. It was agreed there is wording missing from (e); therefore, the intent is unclear. Donna suggested that ‘may carry’ or ‘may continue’ would complete the sentence and clarify the intent. Suggested wording would be: Where a district boundary line divides a lot, the use in either zoning district may continue into the adjoining zoning district a distance of not more than 20 feet. All agreed with the proposed wording. It was noted that (g) was a duplicate of (f); (g) will be deleted. Due to the deletion of (g), (h) will be changed to (g), and the words ‘For the’ added to the beginning of the first sentence.

The next workshop was scheduled for December 18, 2019 at 5:30 p.m. At that time, committee members will do a final review of the recommended changes for presentation to the full board. This workshop adjourned at 8:15 p.m.

Submitted by,

Donna White