



PLANNING BOARD TOWN OF BELMONT, NH

Monday, December 27, 2021
Belmont Mill, Tioga Room and Zoom
Belmont, New Hampshire

Present: Chairman Peter Harris; Vice Chair Ward Peterson; Members Michael LeClair, Gary Grant, and Jon Pike, Ex-Officio; and Alternate Member Dennis Grimes.
Staff: Sarah Whearty, Rick Ball, and Colleen Akerman.
Absent: Members Kevin Sturgeon and Richard Pickwick; Alternate Member Rick Segalini, Jr.

The Chairman opened the meeting at 6:00 pm and welcomed those in attendance. He announced that the Belmont Selectmen have adopted a mask mandate for public buildings. He announced that as Chairman of the Belmont Planning Board, this public body is authorized to meet using electronic means as long as there is a quorum physically present. He said the Board gave notice to the public of the necessary information for accessing the meeting using Zoom or telephone, and he announced that any party experiencing any difficulty in accessing the meeting at any point should call 603-267-8300 x 101, and the meeting will be recessed until access can be restored for all parties.

D. Grimes was appointed as a voting member.

1. Public Hearing – Zoning and Subdivision Regulation Amendments: Copies of the full-text amendments were on file for public inspection at the Town Clerk’s Office and Land Use Office in the Town Hall, the Belmont Library and at [www. Belmontnh.org](http://www.Belmontnh.org)

The following Zoning Ordinance amendments are under consideration by the Board (*full text attached*):

Belmont Zoning Ordinance:

- a. **Dwelling Units Accessory to Residential and Subordinate to Non-Residential Uses:** Delete Accessory Dwelling Use as a use and instead create two new uses. The definitions, regulations, requirements, standards and restrictions for each are included in the Ordinances. Appropriate changes to the Table of Uses will also be made.
- b. **Correct Reference:** Correct a reference in Article 11.B.2 to permit nonconforming structures which are removed to be replace as allowed earlier in Article 11. This change removes an incorrect reference to an inapplicable provision of Article 10.
- c. **Petition Amendment to Rezone Lots:** Amend the Zoning Map of the Town of Belmont referenced in Zoning Article 3.B to change the zoning of Tax Lots 237-003-000-000, 237-004-000-000, 237-005-000-000, and 237-006-000-000 from “Rural” to “Residential Single-Family”.

The Chairman opened the public hearing.

S. Whearty explained that the Board will need to make a decision to approve or deny the

amendments as written. If there are changes made to the amendments, a second public hearing will need to be scheduled. There are two Staff amendments and one petitioned amendment. The petitioned amendment will automatically be placed on the ballot as written. The Board will only need to determine if they support the petitioned amendment or not, in order for a statement to be included on the ballot.

S. Whearty described the proposed changes for “Dwelling Units Accessory to Residential Use”. The main changes propose an increased net floor area and allow detached accessory dwelling units. The allowed net floor area would increase from 750sf to 1,250sf and the percentage would increase from 25% to 40% of the net floor area of the primary dwelling unit plus the finished accessory dwelling unit; whichever is larger. There are some text changes and the title of the use would be modified to allow all dwelling units to appear together in the Table of Permitted Uses. Detached structures such as a garage could include a detached accessory dwelling unit. This provides additional low-cost residential options in Town. The majority of the rules stay the same but would be renumbered to make room for the new section, and the definition would be changed to reflect the renaming.

J. Pike said he understands the renumbering. He asked for confirmation that the strike-outs, renumbering and definition changes are correct. He wants to ensure that the items with a strike-through will be removed from the ordinance if this amendment passes on the ballot. S. Whearty replied that is correct.

D. Grimes asked if everything in bold text is new. S. Whearty confirmed it is. He asked about Article 15 and said it looks the same. S. Whearty responded that the title changed, and the text “or attached to an accessory structure to such principal residence” was added.

J. Pike was concerned about how confusing this presentation could be to people voting at Town meeting. W. Peterson noted that this is not the ballot language. J. Pike commented that most people don’t understand what we have now unless they are involved in this situation. He does not have a problem with the proposal but people need to understand what is on the ballot. He recommended a three-sentence ballot question. R. Ball responded that is how it goes on the ballot. P. Harris stated the intent of this amendment is to lessen restrictions. J. Pike said he does not disagree, but this needs to be presented in a way to help it pass or fail. R. Ball stated it can be made clearer. J. Pike suggested summarizing the changes with a straight-forward description because the public needs a condensed version.

S. Whearty outlined the proposed changes for “Dwelling Units Subordinate to Non-Residential Uses”. There is currently a definition but no specific section in the ordinance that allows for its use. The Table of Permitted Uses allowed the use in the Commercial and Industrial zones but required a Conditional Use (CU) permit. This proposed amendment would allow the business owner and family to occupy a unit outright without a CU permit, but would require a CU permit for the unit to be occupied by a manager or security person. The name would be changed in the Table of Contents and there is additional clarification of owner-occupied and “other” occupied in the Table of Permitted Uses. The standards are modeled off the Dwelling Unit Accessory to Residential Use standards. There would be some numbering changes and a new definition. This proposed change would allow a business to have an apartment in the primary structure only. It would not allow building a detached apartment to rent. M. LeClair asked how that would be enforced when now every Commercial or Industrial property could have a subordinate dwelling. J. Pike stated it would be enforced at the Planning Board level because if they don’t ask for a subordinate dwelling unit initially, they will have to come before the Board to request it. If someone is caught renting the unit then it becomes a Code Enforcement issue. M. LeClair asked for clarification on the 100-foot rule. S. Whearty explained that would only be for detached residential units. Detached homes would not

be allowed under “Dwelling Units Subordinate to Non-Residential Uses”.

The Board discussed potential scenarios for specific types of properties and how the amendment could affect those properties. They also discussed the importance of life-safety. S. Whearty assured the Board that a building permit would still be required for these units and everything would need to be up to code. If it will be occupied by a manager or security person they would need a CU permit, so the Board would see them at a meeting. D. Grimes asked if it is clearly outlined in the regulations that a change of residency from the owner to anyone else would need to come before the Board. S. Whearty said it is specified in the permitted uses table, and a condition regarding occupancy could be added to the building permit.

S. Whearty explained there is a simple text “typo” change to be made in Article 11.B.2 to reflect section 11 instead of section 10.

The Chairman said it is good to bring things forward as the times change and he is happy that Staff and the Board are working to correct things.

S. Whearty directed the Board to a loose sheet in their packets with the questions that will go on the ballot. The questions incorporate suggestions from the Town attorney. If changes are made to the first two amendment items, there will need to be a second public hearing, or they can be tabled if the Board doesn’t like them.

M. LeClair observed that these look like everything the Board has talked about over the last 6 or 7 years. The language looks good.

MOTION: M. LeClair moved to add the proposed amendment for Dwelling Units Accessory to Residential and Subordinate to Non-Residential Uses to the ballot as written (*full text attached*).

The motion was seconded by J. Pike and carried. (6-0)

MOTION: M. LeClair moved to add the reference correction to the ballot as written (*full text attached*).

The motion was seconded by W. Peterson and carried. (6-0)

D. Grimes recused himself and spoke to the Board as the petitioner for the amendment to rezone four tax lots from “Rural” to “Residential Single Family”. He said the lots are on Church Street and Hurricane Road.

M. LeClair asked what the actual change would be. R. Ball responded that the minimum frontage changes from 180’ to 150’ and the minimum acreage changes from 3 acres to 1 acre. D. Grimes mentioned the setbacks also change. R. Ball confirmed they change from 50’ sides and rear, to 25’ sides and rear, while the front setback remains at 50’.

P. Harris asked if this is the same petition that was proposed last year. D. Grimes stated last year’s proposal was to change the lots from “Rural” to “Residential Multi-Family” while this year’s proposal is “Rural” to “Residential Single Family”, which matches the zone that is across the street. R. Ball verified

that is the only change to the article. J. Pike asked if public utilities are required. S. Whearty replied that this change does not mandate public utilities, however the lots would be on town sewer because its proximity to existing sewer mandates it.

S. Whearty reminded the Board that this petitioned amendment will be placed on the ballot as written, and the Planning Board will only make a decision regarding whether they support the amendment on the ballot or not.

MOTION: J. Pike moved that the Planning Board shall declare support for the petitioned zoning amendment to rezone 4 lots, 237-003-000-000 through 237-006-000-000, from “Rural” to “Residential Single-Family” (*full text attached*).

The motion was seconded by M. LeClair and carried. (5-0)

D. Grimes rejoined the Board.

Belmont Subdivision Regulations:

The following Subdivision Regulation amendment is under consideration by the Board (*full text attached*):

- a. **Amend Section 9.E.9 of the Subdivision Regulations:** Create Private Road Standards for a consistently constructed, safe road for the creation of and access to a set number of lots. Insert new detail as Exhibit 5, renumber remaining exhibits, and amend the numbering in the Table of Contents.

S. Whearty directed the Board to the green portion of their packet for the details of the new Private Road Standards. The goal is to provide an option that is between a driveway and a Town road that is more affordable for lots without enough frontage. They could have frontage on a private road but it would not be as costly as building a road to Town standards. R. Ball added that it would serve two lots; the main lot and one additional lot. D. Grimes suggested it should possibly be for up to three lots. M. LeClair, W. Peterson and J. Pike have concerns about acreage size. Creating three lots from a 5-6 acre lot would be crowded, but if there are 80 acres three lots would be fine. R. Ball asserted that zoning would preclude that from happening. J. Pike asked about lots developed before zoning that have no frontage. There needs to be an acreage requirement on new lots being created. R. Ball maintained that the new lots will be covered by zoning. For example, in the “Residential Single Family” zone, there is a minimum lot size of 1 acre. J. Pike said acreage should be protected and things should be clarified in the ordinance. The Board discussed scenarios of how things could work. R. Ball stated minimum lot sizes cannot be changed without changing the Zoning Ordinance. The Ordinance has minimum lot sizes and frontage requirements in each zone. S. Whearty explained that this proposed subdivision regulation change does not ignore other zoning requirements. It does not let you ignore frontage. It allows for a lower level road to count as the frontage. It does not allow smaller lots or more lots than the current zoning ordinance. The current regulations require a 24’ wide road with 12” of bank run gravel and 6” of crushed gravel whereas the proposed regulations would require a 14’ wide road with 8” of bank run gravel and 4” of crushed gravel. J. Pike suggested calling it a driveway. R. Ball stated it must be called a road in order for lots to have the frontage required in the zoning ordinance. S. Whearty said this is an attempt to find a middle ground with a safer standard that is more affordable. The Board discussed minimum frontage, acreage and setback requirements. M. LeClair asked about adding houses to an existing driveway. J. Pike said if it meets the standards just discussed they would be limited to three lots total; the existing lot and two new lots. S.

Whearty clarified that the amendment as proposed in the packets is for a total of two lots; the existing lot and one new lot. The Board can change the proposal from two lots to three lots. M. LeClair asked if someone could try to get a variance for more. R. Ball said they can always ask, but there is no hardship. In his time here, the Zoning Board has never granted anything that allows greater density or reduced road frontage. There was discussion about what happens if someone wants to put up five houses instead of three; and the answer is that the private road would have to revert to Town road standards.

Belmont resident Mr. Gary Cartier maintained that if someone wanted to put up 20 houses, they would have to use the Town road standards and would not be permitted to do the reduced-standard private road. There was more discussion about the requirements for road frontage and how the frontage requirement would be met. Some lots would have frontage on a Town road and frontage on an approved private road. S. Whearty commented that this private road standard is better than a driveway and it can count as frontage. R. Ball repeated that if someone wants more lots, they would need a Town approved road, built to Town road standards, to serve more than three lots.

Mr. Cartier asked about the requirements for a turn-around. It was explained that the turn-around must be suitable for Belmont Fire Department use.

The Chairman asked if anyone from the audience had any additional questions or comments. There being none, he closed the public hearing.

MOTION: J. Pike moved to continue the public hearing to January 24, 2022 in order for the proposed amendment to be modified to include a total of three lots; two additional plus the original lot. Section 9.a will state “. . . that serve more than three (3) lots . . .”; section 9.b will state “. . . serving no more than 3 lots . . .” and on page 3, Note 8 will state “. . . no more than three lots.”

The motion was seconded by W. Peterson and carried. (6-0)

Mr. Cartier asked when this amendment will go up for a vote. S. Whearty answered that this is for a change to the subdivision regulations and only the Planning Board votes on it. It does not change zoning and therefore does not need voter approval. Mr. Cartier asked for and received confirmation that if this amendment passes, he will not need a road waiver if he meets the new Private Road Standards.

OTHER BUSINESS:

A. Approval of Minutes 11/22/2021 and Unsealed Minutes of 09/15/2021:

MOTION: P. Harris moved to approve the minutes of November 22, 2021 as written.

The motion was seconded by W. Peterson and carried. (5-0-1) M. LeClair abstained.

MOTION: W. Peterson moved to approve the unsealed minutes of September 15, 2021 as written.

The motion was seconded by J. Pike and carried. (6-0)

B. Expired Site Plans:

S. Whearty presented the following expired approvals to the Board:

1. Pensco – 8 Church Street - Tax Lot 122-030-000-000:

MOTION: J. Pike moved that the conditional Site Plan approval granted by the Planning Board to Pensco Holdings, LLC on 7/28/14 to construct a 4,000sf, 4-unit retail, office & service building with associated drainage & parking at 8 Church Street, Case #1414P has expired in accordance with Section 7.A.1 of the Site Plan Review Regulations. These files will be closed. Any further proposal for this property shall require a new application conforming with all the current requirements.

The motion was seconded by M. LeClair and carried. (6-0)

2. George Condodemetraky – 69 Main Street & Laconia Road - Tax Lots 122-053-000-000 & 122-059-000-000:

MOTION: J. Pike moved that the conditional Site Plan approvals granted by the Planning Board to George Condodemetraky on 7/27/20 to Fill/Level 4,500sf of area to prep commercial lots at 69 Main Street and Laconia Road, Case #0920P has expired in accordance with Section 7.A.1 of the Site Plan Review Regulations. These files will be closed. Any further proposal for this property shall require a new application conforming with all the current requirements.

The motion was seconded by M. LeClair and carried. (6-0)

3. Groesser Family Rev. Trust – 194 Hurricane Road - Tax Lot 231-014-002-000:

MOTION: J. Pike moved that the conditional Site Plan approval granted by the Planning Board to Groesser Family Revocable Trust on 3/25/19 to allow a dog grooming salon/day care at 194 Hurricane Road, Case #0119P has expired in accordance with Section 7.A.1 of the Site Plan Review Regulations. These files will be closed. Any further proposal for this property shall require a new application conforming with all then current requirements.

The motion was seconded by M. LeClair and carried. (6-0)

4. Richard W. Dubois – Depot Street - Tax Lot 235-032-000-000:

MOTION: J. Pike moved that the conditional Site Plan approval granted by the Planning Board to Richard W. Dubois on 9/24/18 to construct 5 rental units for all uses allowed in the Industrial Zone, 9,960sf, and a conditional use permit for lot coverage in the Aquifer Zone on Depot Street, Case #1718P has expired in accordance with Section 7.A.1 of the Site Plan Review Regulations. These files will be closed. Any further proposal for this property shall require a new application conforming with all the current requirements.

The motion was seconded by M. LeClair and carried. (6-0)

5. First Baptist Church – 45 Church Street - Tax Lot 122-021-000-000:

MOTION: J. Pike moved that the conditional Site Plan approvals granted by the Planning Board to Pastor Andrew Barnes on 11/26/18 to convert the first floor of a previous single-family home for use as a thrift shop and food pantry operated strictly accessory to the adjacent primary Church use, Case # 2918P has expired in accordance with Section 7.A.1 of the Site Plan Review Regulations. These files will be closed. Any further proposal for this property shall require a new application conforming with all the current requirements.

The motion was seconded by M. LeClair and carried. (6-0)

C. TAP Public House – 930 Laconia Road - Tax Lot 122-057-000-000:

S. Whearty asked the Board for clarification about outdoor seating at the TAP, and the Board's previous determination that the parking lot must be fixed before any additional seating can be added. She said Mr. Mike Campione from the TAP was in the office and asked what would be required for them to continue with outdoor seating under the tent like they had during the governor's emergency orders. Staff told him he would need a Site Plan and a variance. Staff's understanding is that the Board would require parking to be brought up to standards for any additional seating. M. LeClair questioned that the tent was not discussed in their previous application, only a deck off the existing building. J. Pike noted that he advised the property owner he would not endorse any of his projects if the parking is not fixed. J. Pike advised Mr. Campione that after the York Restaurant closes for the day, the TAP could try to utilize their parking spaces. He said they are looking for a one-year extension on the outdoor seating and will be coming back to the Board for the deck project. S. Whearty clarified that no decisions need to be made tonight as there is no application. They will need to bring another application forward. It was the consensus of the Board that no additional seating will be approved until the parking requirement is met.

D. Tioga Ridge – Update Security – Tax Lot 229-024-000-000:

S. Whearty informed the Board that the Security for Tioga Ridge has been deemed insufficient by the Land Use Staff and Underwood Engineering, due to rising construction costs. The subdivision is currently owned by KTM Exteriors. Staff has become aware that the road, that was originally intended to become a Town public road, is in poor condition. There are punch list items from 2008 that are not completed. Staff has been reevaluating and checking securities for projects. The Town is holding funds to protect the Town and cover any remaining construction. The amount being held for Tioga Ridge did not appear to be enough to repair and complete the road to Town standards for acceptance. A third-party engineer was consulted and there is a letter included in the Board's packets. The Town attorney says that the Town can't hold security for deterioration. Security can only be increased for construction costs on items that are not yet completed. R. Ball explained this is because in the original approval it was not anticipated that the project would take 10-15 years. In subdivision approvals going forward the Board can make sure that security can be updated on a yearly basis.

D. Grimes asked what happens if someone wants to build a house, and if they would they need to update the road. S. Whearty stated that statute does not allow the Town to withhold building permits if the remaining improvements are bonded. It is estimated to cost \$580,000 to bring the road up to Town standards for acceptance as a Town road. The Town attorney says the developer cannot be forced to put up that amount. However, the Town is not obligated to take over the road. The punch list will cost \$180,000 to complete and the Town is holding \$216,000. Technically, there are enough funds to cover the punch list, but not enough to bring it up to Town standards and take over the road. In addition to the \$180,000, an additional \$350,000 is needed to repair the road and bring it up to Town standards. There is no means of enforcement other than the Town not taking over the road. J. Pike asked if the Town plows the road. S. Whearty answered no, there is a sign that there is no Town maintenance and the sign will remain until the road is accepted by the Town. It was also noted that if the road deteriorates and has drainage issues it could be a problem for fire trucks to get there safely so they may not sign off on a CO. S. Whearty stated there is no action to take, Staff just wanted the Board to be aware of this issue.

E. New Business:

Alternate Membership: Brent Phillips has applied to an alternate membership on the Planning Board. He is the new owner of the Silver Lake Campground. He has worked as a liaison for businesses and

colleges.

MOTION: J. Pike moved that the Board decline Mr. Phillips' application at this time.

The motion was seconded by W. Peterson and carried. (6-0)

P. Harris recommended granting an interview for Mr. Phillips. The Board discussed that there are only two meetings until elections.

The Board discussed filing dates for elections. S. Whearty confirmed that the filing timeframe is from January 19, 2022 to January 28, 2022.

S. Whearty mentioned there is a customer survey included in the Board's packet. An online survey option was created based on the feedback.

Adjournment:

MOTION: M. LeClair moved to adjourn at 7:30 pm.

The motion was seconded by W. Peterson and carried. (6-0)

Respectfully submitted:

Colleen Akerman
Building & Land Use Clerk

Dwelling Units Accessory to Residential and Subordinate to Non-Residential Uses

Dwelling Unit Accessory to Residential Use

Amend Table of Contents, Article 5, Table 1, Article 8.F and Art. 15 of the existing Ordinance to increase the allowed net floor area to 1,250SF or 40%, whichever is less, and allow for an accessory dwelling unit to be incorporated in an attached or detached accessory structure to a principal residence.

Underlined/Crossed-out Text to be added/changed – renumber remaining items as necessary

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Change Title

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F.	<u>DWELLING UNIT ACCESSORY TO RESIDENTIAL USE</u> DWELLING UNITS	8-9

Article 5, Table 1

Amend wording and re-organize

ARTICLE 5. - TABLE 1

**Zoning District Regulations
Table of Permitted Uses**

Note: P=Permitted Use; E=Special Exception Necessary; N=Not Permitted; **CU = Conditional Use.**

	Commercial	Industrial	Residential Multi-Family	Residential Single Family	Rural	Village
Residential Uses:						
Accessory Dwelling Unit	N	N	P	E	P	P
Accessory Building/Use	P	P	P	P	P	P
Agricultural Animals (Lots 3 acres & larger)	E	E	P	P	P	E
Agricultural Animals (Lots less than 3 acres)	E	E	E	E	E	E
Agriculture, Forestry Management	P	P	P	P	P	P
Bed & Breakfast Establishment	P	N	E	E	E	E
Open Space Development	N	N	P	P	P	P

Open Space Development (Parent Tract Under 10 Acres)	N	N	N	N	N	E
<u>Dwelling – Accessory to Residential Use</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>E</u>	<u>P</u>	<u>P</u>

Article 8, Section F

Amend Article 8 Section F to increase the allowed net floor area to 1,250SF or 40%, whichever is less, and allow for an accessory dwelling unit to be incorporated in an accessory structure to a principal residence.

F. ACCESSORY DWELLING UNITS ACCESSORY TO RESIDENTIAL USE

1. One dwelling unit accessory to residential use is allowed on a residential lot.

~~2. 1.~~ The accessory dwelling unit shall have a minimum of 300 square feet of net floor area. The accessory dwelling unit shall also not exceed ~~750~~ **1,250** square feet of net floor area or ~~forty~~ **twenty-five** percent (40%) (~~25%~~) of the sum of the net floor area of both the finished primary dwelling unit and the finished accessory dwelling unit whichever is larger.

~~3. 2.~~ An Accessory dwelling unit does not require a separate Minimum Lot size (Article 5, Table 2).

~~4. 3.~~ Only one Accessory dwelling unit per lot is allowed.

~~5. 4.~~ Accessory Dwelling Units are not permitted in multiple single-family developments where one or more single family dwelling units are attached, such as, but not limited to, condominium developments and duplexes.

~~6. 5.~~ Accessory Dwelling Units are not permitted within or as additions to manufactured housing units or recreational vehicle units.

~~7. 6.~~ Accessory Dwelling Units shall not be conveyed as a condominium unit separate from the principal unit.

~~8. 7.~~ The Accessory dwelling unit **may be physically attached to or incorporated within a principal residential structure, or incorporated in an attached or detached accessory structure to such principal residence. The distance between an accessory structure containing an accessory dwelling unit and the nearest point of the enclosed living space of the principal residential structure shall not exceed 100 feet.** shall be located within the primary single family dwelling unit and is not permitted in detached or accessory structures. Accessory dwelling unit must be attached to the primate dwelling unit by means of a common wall, floor or ceiling between conditioned spaces or a conditioned space. For the purposed of this section, conditioned space is space within a building that is provided with heating and or cooling equipment and, or systems capable of maintaining through design heat of 68°F during the heating season and 80°F during the cooling season, or has a fixed opening directly adjacent to a conditioned area. An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit **when attached.**

~~9. 8.~~ Accessory dwelling unit shall include no more than two (2) bedrooms.

~~10. 9.~~ Accessory dwelling unit may be created either through the internal conversion of an existing housing unit or through the creation of a new principal dwelling unit/accessory dwelling unit structure.

11. ~~10.~~ Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the property.

12. ~~11.~~ The construction and occupancy of accessory dwelling unit shall not be detrimental to the neighborhood in which the lot is located by virtue of overcrowding or traffic congestion.

13. ~~12.~~ Means of egress for both the principal single-family residence and the accessory dwelling unit shall meet all applicable codes.

14. ~~13.~~ A building permit is required prior to creation/construction of the Accessory dwelling unit and a Certificate of Occupancy is required prior to occupancy of the unit.

15. ~~14.~~ Off-street parking shall be provided as follows:

- a. 2 spaces - principal residence, 1 space - accessory dwelling unit;
- b. Parking spaces must be surfaced in a manner consistent with the neighborhood;
- c. Parking spaces required pursuant to this section shall not impede traffic, road maintenance or future road improvements.

16. ~~15.~~ All applications under this section shall demonstrate compliance with NH DES Wastewater Rules for sewage disposal and adequate provision for water, waste and drainage generated by the future occupancy of an accessory dwelling unit.

17. ~~16.~~ No exterior changes shall be made which do not conform to the character of the neighborhood.

18. ~~17.~~ Any application filed under this section shall include the following:

- a. Scaled plot plan showing location of existing structure.
- b. Detailed floor plan.
- c. Parking layout and yard area.
- d. Sketch any proposed expansion or change to the structure showing overall dimensions.
- e. Square footage of construction or alteration.
- f. Location and number of exits.
- g. Any additional information that will adequately describe the proposed work.

Article 15, Definitions

Change title, re-alphabetize, add “or attached to an accessory structure to such principal residence”

~~**Accessory Dwelling Unit** — a residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.~~

Dwelling Unit Accessory to Residential Use - A residential living unit that is within or attached to a single-family dwelling or is within or attached to an attached or detached accessory structure to such principal residence, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

Dwelling Unit Subordinate to Non-residential Use:

Amend Dwelling Unit Subordinate to Non-residential Use Ordinance title and create standards including changes to the Table of Contents, Permitted Use Table, and Definitions. The proposed changes create a full set of standards including allowing one dwelling unit on a non-residential lot for occupancy by owner and requiring a conditional use permit for occupancy by others. Renumber remaining sections.

Underlined/Crossed out Text to be added/changed – renumber remaining items as necessary

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Add NEW Section G, re-letter remaining items

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Article 5, Table 1

Amend wording and create additional row to differentiate occupancy (owner occupied, occupied other)

ARTICLE 5. - TABLE 1

**Zoning District Regulations
Table of Permitted Uses**

Note: P=Permitted Use; E=Special Exception Necessary; N=Not Permitted; **CU = Conditional Use.**

	Commercial	Industrial	Residential Multi-Family	Residential Single Family	Rural	Village
Residential Uses:						
Dwelling – Single Family Subordinate To Non-Residential Use, owner occupied	<u>P-CU</u>	<u>P-CU</u>	N	N	N	N
<u>Dwelling –Subordinate To Non-Residential Use, occupied other</u>	<u>CU</u>	<u>CU</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

Article 8, Section G

Add NEW Section G to Article 8 creating a full set of standards including allowing one dwelling unit on a non-residential lot for occupancy by owner and requiring a conditional use permit for occupancy by others. Renumber remaining sections.

G. DWELLING UNIT SUBORDINATE TO NON-RESIDENTIAL USE

- 1. In the Commercial and Industrial Districts, one dwelling unit subordinate to non-residential use is allowed on a non-residential lot for occupancy limited to:
 - a. the on-site commercial, industrial or institutional business owner & family; or**
 - b. the on-site business manager & family or security person & family provided a conditional use permit is issued by the Planning Board in accordance with this Ordinance and the Site Plan Review Regulations.****
- 2. A conditional use permit for a dwelling unit subordinate to non-residential use shall be subject to the following conditions:
 - a. Owner of the property must complete and record in the Belknap County Registry of Deeds a Restrictive Covenant provided by the Planning Board stating the restrictions for occupancy of the dwelling.**
 - b. The subordinate dwelling unit conditional use permit expires upon termination of the primary non-residential use. The residential use shall cease and all facilities related only to the residential use shall be removed.****
- 3. A dwelling unit subordinate to non-residential use shall not be considered a "single-family dwelling unit" for other purposes under this ordinance.**
- 4. The dwelling unit subordinate to non-residential use shall have a minimum of 300 square feet of net floor area. The dwelling unit subordinate to non-residential use shall also not exceed 750 square feet of net floor area or twenty-five percent (25%) of the sum of the net floor area of both the finished primary commercial, industrial or institutional unit and the finished dwelling unit subordinate to non-residential use whichever is larger, however no dwelling unit subordinate to non-residential use shall exceed 1,200 square feet of net floor area.**
- 5. A dwelling unit subordinate to non-residential use does not require a separate minimum lot size (Article 5, Table 2).**
- 6. Only one dwelling unit subordinate to non-residential use per lot is allowed.**
- 7. A dwelling unit subordinate to non-residential use is not permitted on a lot containing any other dwelling unit.**
- 8. A dwelling unit subordinate to non-residential use shall not be considered an expansion of a preexisting nonconforming use.**
- 9. In granting a conditional use permit the Board must determine that:
 - a. The proposal is not incompatible to other uses in the area through the creation of noise, fumes, dust, odor, lighting, smoke or other impacts.**
 - b. The proposed location is of adequate size.**
 - c. The proposal does not create undue traffic congestion or unduly impair vehicular or pedestrian safety.****

- d. The proposal does not overload any existing water, drainage, sewer or other system, nor will there be any significant increase in stormwater runoff onto adjacent property or street.
 - e. The proposal does not create excessive demand for municipal services and facilities.
 - f. The proposal does not create hazards to the health, safety or general welfare of the public.
10. The Planning Board shall have the responsibility for making the final decision as to the necessity of site plan review for the addition of a dwelling unit subordinate to non-residential use. Such determination shall be made in accordance with the guidelines enumerated in Section 1.E of the Site Plan Review Regulations.
11. Any application filed under this section (e.g., building permit, conditional use permit, site plan review) shall include the following:
- a. Scaled plot plan showing location of existing structure
 - b. Detailed floor plan
 - c. Parking layout and yard area
 - d. Sketch any proposed expansion or change to the structure showing overall dimensions
 - e. Square footage of construction or alteration
 - f. Location and number of exits
 - g. Any additional information deemed necessary by the reviewing authority to adequately describe the proposed work
12. Subordinate dwelling units shall not be conveyed as a condominium unit separate from the principal unit.
13. The dwelling unit subordinate to non-residential use shall be located within a primary commercial, industrial or institutional building and is not permitted in detached or accessory structures. The dwelling unit subordinate to non-residential use must be attached to the primary commercial, industrial or institutional building by means of a common wall, floor or ceiling between conditioned spaces or a conditioned space. For the purposes of this section, conditioned space is space within a building that is provided with heating and or cooling equipment and/or systems capable of maintaining through design heat of 68°F during the heating season and 80°F during the cooling season, or has a fixed opening directly adjacent to a conditioned area. An interior door shall be provided between the primary commercial, industrial or institutional building and the dwelling unit subordinate to non-residential use.
14. A dwelling unit subordinate to non-residential use shall include no more than two (2) bedrooms.
15. A dwelling unit subordinate to non-residential use may be created either through the internal conversion of an existing primary commercial, industrial or institutional building or through the creation of a new primary

commercial, industrial or institutional building/subordinate dwelling unit structure.

16. The construction and occupancy of dwelling unit subordinate to non-residential use shall not be detrimental to the neighborhood in which the lot is located by virtue of overcrowding or traffic congestion.
17. Means of egress for both the commercial, industrial or institutional use and the dwelling unit subordinate to non-residential use shall meet all applicable codes.
18. A building permit is required prior to creation/construction of the dwelling unit subordinate to non-residential use and a Certificate of Occupancy is required prior to occupancy of the unit.
19. Sufficient off-street parking shall be provided to accommodate all regular inhabitants of the dwelling unit subordinate to non-residential use, and at least one off-street parking space shall be provided for use exclusively associated with the dwelling unit subordinate to non-residential use. Parking spaces required pursuant to this section shall not impede traffic, road maintenance or future road improvements.
20. All applications under this section shall demonstrate compliance with NH DES Wastewater Rules for sewage disposal and adequate provision for water, waste and drainage generated by the future occupancy of a dwelling unit subordinate to non-residential use.
21. No exterior changes shall be made which do not conform to the character of the neighborhood.

Renumber remaining sections:

Add NEW Section G, renumber remaining sections H and I

H. G. CAMPGROUNDS

I. CEMETERIES, PRIVATE BURIAL GROUNDS, BURIALS ON PRIVATE PROPERTY

Article 15, Definitions

Change title and re-alphabetize

Dwelling Unit Subordinate to Non-residential Use - A residential living unit that is within or attached to the primary commercial, industrial, or institutional unit, complies with the standards of this Ordinance and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

~~**Single-family subordinate dwelling unit** - One single-family subordinate dwelling unit is allowed on a non-residential lot for occupancy limited to (a) the on-site commercial, industrial or institutional business owner & family; or~~

~~(b) the on-site business manager & family or security person & family provided a Conditional Use Permit is issued by the Planning Board. A single family subordinate dwelling unit shall not be considered a "single family dwelling unit" for other purposes under this ordinance.~~

Correct Reference

Add Conditional Use Definition to Article 5 Table 1;
Correct page 11-2, Section B.2: 10.A.3.d to 11.A.3.d.

Underlined/~~Crossed out Text~~ to be added/changed – renumber remaining items as necessary

2. Nonconforming structures otherwise removed may also be replaced if the nonconformity is not moved, altered or increased, except as allowed in section 10~~1~~.A.3.d. above. Such replacement will be allowed within 2 years of the start of the removal. If more than 2 years elapse, replacement shall be required to comply with this Ordinance.

1. **Amend the Zoning Map of the Town of Belmont**

Amend the reference in Zoning Article 3.B. to change the zoning of Tax Lots 237-003-000-000, 237-004-000-000, 237-005-000-000, and 237-006-000-000 from “Rural” to “Residential Single-Family”. (By Petition)

Attached

Article #__.

Are you in favor of the adoption of Amendment #1 as proposed by the Planning Board for the town Zoning Ordinance as summarized below?

Delete Accessory Dwelling Use as a use and instead create two new uses: Dwelling Unit Accessory to Residential Use and Dwelling Unit Subordinate to Non-Residential Use. A Dwelling Unit Accessory to Residential Use shall not exceed 1,250sf or 40% of the sum of the net floor area of both the finished primary dwelling unit and the finished accessory dwelling unit whichever is larger and is permitted in an attached or detached accessory structure. One Dwelling Unit Subordinate to Non-Residential Use shall be permitted by right in the Commercial and Industrial Districts if occupied by the business owner and family, and shall be permitted, by conditional use permit, to be occupied by the onsite business manager/security person and family. The definitions, full regulations, requirements, standards and restrictions for each type of accessory and subordinate dwelling unit are included in the Ordinance. Appropriate changes to the Table of Uses will also be made.

YES NO

Article #__.

Are you in favor of the adoption of Amendment #2 as proposed by the Planning Board for the town Zoning Ordinance as summarized below?

Correct a reference in Article 11.B.2 to permit nonconforming structures which are removed to be replaced as allowed earlier in Article 11. This change removes an incorrect reference to an inapplicable provision of Article 10.

YES NO

Article #__.

Are you in favor of the adoption of Amendment #3 as proposed by petition for the town Zoning Ordinance as summarized below? The Planning Board does/does not support this amendment.

Amend the Zoning Map of the Town of Belmont reference in Zoning Article 3.B. to change the zoning of Tax Lots 237-003-000-000, 237-004-000-000, 237-005-000-000, and 237-006-000-000 from “Rural” to “Residential Single-Family”.

YES NO