



# Town of Boscawen

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## Planning Board Members

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Development Assistant*

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## PUBLIC NOTICE

Notice is hereby given in accordance with RSA 675:3 and 675:5 that: The Boscawen Planning Board will meet on **Tuesday, January 3<sup>rd</sup>, 2017 after 6:30 PM** in the Fourth Floor Meeting Room of the Boscawen Municipal Complex, 116 North Main Street, to hold a public hearing for housekeeping to the Zoning Ordinance which are noted below.

- |                 |                                   |
|-----------------|-----------------------------------|
| • Article IV    | Use Regulations                   |
| • Article XII   | Definitions                       |
| • Article XIV   | Cluster Developments              |
| • Article XXIII | Accessory Dwelling Unit Ordinance |

A public hearing is scheduled for the proposed amendments to the Boscawen Zoning Ordinance. This hearing is being held in preparation for town meeting, with a **second hearing scheduled for Tuesday, January 17<sup>th</sup>, 2017 if necessary.**

Copies of the proposed amendments are available at the Planning & Community Development Office, on the town website at [www.townofboscawen.org](http://www.townofboscawen.org) and at the Town Hall on Town Meeting day. This year's Town Meeting is scheduled for **March 14, 2017.**

Per order of the Boscawen Planning Board,

Kellee Jo Easler  
Planning & Community  
Development Assistant

*The Town of Boscawen prohibits discrimination on the basis of race, color, national origin, sex, sexual orientation, religion, age, disability, marital or family status. Boscawen is an equal opportunity employer.*

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<b>Table of Uses – Agriculture &amp; Forestry Uses - Continued</b>	<b>AR</b>	<b>R1</b>	<b>R2</b>	<b>C</b>	<b>I</b>	<b>MRD</b>
Offsite Farm Produce, Plants or Vegetable Stands	A	SE	SE	A	SE	A
Open storage of lumber and building materials.	A	X	X	A	A	A
Non-Residential Open Space Accessory Structure	A	A	SE	A	A	SE
Sawmills, Planing Mills and lumber treatment establishments.	SE	X	X	X	SE	SE

<b>Table of Uses-Commercial</b>	<b>AR</b>	<b>R1</b>	<b>R2</b>	<b>C</b>	<b>I</b>	<b>MRD</b>
Airport, Heliport & Airstrips	SE	SE	X	SE	SE	SE
Animal Hospitals	SE	X	X	A	A	SE
Automobile Sales – Motorized Vehicle Sales & Service	X	X	X	A	A	A
Automotive Services - Motorized Vehicle Sales & Service	X	X	X	A	A	A
Bed & Breakfast	SE	SE	A	A	X	SE
Boarding, Rooming or Lodging House	SE	SE	A	A	X	A
Cemetery, Private	SE	SE	X	SE	SE	X
Child Day Care, (home-based)	SE	SE	SE	SE	SE	SE
Correctional Facilities/Jails, Private	X	X	X	X	X	X
Day Care Facility	SE	SE	SE	SE	SE	SE
Day Care and Kindergarten Facilities, Private (State Licensed)	SE	SE	SE	SE	SE	SE
Dormitories	SE	SE	SE	SE	SE	SE
Drive-In Establishments/Window	X	X	X	A	A	SE
<b>Educational Facility, Private</b>	SE	SE	SE	A	SE	SE
Flea Market <sup>1</sup>	SE	SE	SE	A	A	SE
Fuel Storage and Wholesale	X	X	X	SE	A	SE
Fuel Station - Including facilities for minor repairs, but not requiring outdoor storage of unregistered or inoperative vehicles.	SE	X	X	SE	SE	SE
Funeral Establishments/Mortuary/Crematory	X	X	X	A	A	SE
Golf Course and related utility buildings, including Executive Par Three Courses	SE	SE	SE	SE	SE	SE
Golf Course restaurants, Pro-Shops, and related commercial activities.	SE	SE	SE	SE	SE	SE
Health Care Facility	SE	X	X	A	A	SE
Home Business - Minor -The home business operator must reside in and continue to reside in the dwelling.	A	A	A	A	A	A
Home Business – Major	SE	SE	SE	A	A	SE
Hotels, Inns & Event Centers	SE	X	X	A	A	A
Junk Yard	X	X	X	X	SE	SE
Junk Yard, Motor Vehicle - which are in conformance with the provisions of N.H. RSA 236:111-129, as amended from time to time.	X	X	X	X	SE	SE
Kennels	SE	X	X	A	A	SE

<b>Table of Uses - Excavation &amp; Filling</b>	<b>AR</b>	<b>R1</b>	<b>R2</b>	<b>C</b>	<b>I</b>	<b>MRD</b>
Commercial removal of Gravel, Stone, Loam, Clay, Sand or other types of soil. Must comply with the provisions of RSA 155-E as may be amended from time to time.	SE	SE	SE	SE	SE	SE
Filling of land with clean organic or inorganic fill, (50 cubic yards or more), as a means of preparing the land for eventual use by a conforming and permitted use, but not part of the normal activities incidental to actual construction. The project must comply with the provisions of RSA 155-E as may be amended from time to time and may not impact wetland areas.	SE	SE	SE	SE	SE	SE

<b>Table of Uses – Events</b>	<b>AR</b>	<b>R1</b>	<b>R2</b>	<b>C</b>	<b>I</b>	<b>MRD</b>
Temporary Events	CU	CU	CU	CU	CU	CU

<b>Table of Uses - Miscellaneous</b>	<b>AR</b>	<b>R1</b>	<b>R2</b>	<b>C</b>	<b>I</b>	<b>MRD</b>
Non-Conforming Use - One time expansion, up to 25%	SE	SE	SE	SE	SE	SE

<b>Table of Uses - Public &amp; Institutional</b>	<b>AR</b>	<b>R1</b>	<b>R2</b>	<b>C</b>	<b>I</b>	<b>MRD</b>
Any Publicly Owned and Operated Facility or Use	A	A	A	A	A	A
Cemetery, Public	A	A	A	A	A	A
Place of Worship	CU	CU	CU	CU	CU	CU
Public Correctional Facilities/Jails	X	X	X	X	CU	X
Public Educational Facility	A	A	A	A	A	A
Public Utility (Essential Services)	CU	CU	CU	CU	CU	CU
Telecommunication Facility (Essential Services)	CU	CU	CU	CU	CU	CU
Utility Substation (Essential Services)	CU	CU	CU	CU	CU	CU
Water Supply Works (Essential Services)	CU	CU	CU	CU	CU	CU

<b>Table of Uses - Residential</b>	<b>AR</b>	<b>R1</b>	<b>R2</b>	<b>C</b>	<b>I</b>	<b>MRD</b>
Accessory Building, Non-Residential	A	A	A	A	A	A
Single-Family Dwelling Unit	A	A	A	A	CU	CU
Two-Family Dwelling Units	CU	CU	CU	A	X	CU
Three to Twelve Family Dwelling Units	X	X	CU	CU	X	CU
Three to Twelve Family Dwelling Units, Elderly (Age 62 +)	X	X	CU	CU	X	CU
Thirteen to Sixteen Family Dwelling Units	X	X	CU	CU	X	CU
Accessory Dwelling Unit – Article XXIII.	CU	CU	CU	CU	CU	CU
Accessory Dwelling Unit designed for and occupied by a person employed on the same premises	CU	CU	CU	CU	CU	CU
Cluster Developments as defined by Article XIV	CU	CU	CU	X	X	X

## **Article XII**

### **Definitions**

**Word Usage:** 1. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; the singular includes the plural, and the plural includes the singular, The word “used” shall include the terms arranged, designed, rented, leased, intended to be used, and occupied. The word “shall” is mandatory and the word “may” is permissive.

2. A person shall include natural persons as well as a corporation, a partnership, and/or an incorporated association of persons such as a club.

3. Words not specifically defined within shall have their common meaning, or as may be defined in other Codes or Ordinances of the Town, or by RSA, as amended.

### **Definitions**

**Abandon:** The visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a building or premise; or the removal of the characteristics, equipment, or furnishing used in the performance of the nonconforming use without its replacement by similar equipment or furnishings, or the replacement of the nonconforming use or building by a conforming use or building.

**Abutter:** As defined in RSA 672:3, as amended. In summary, an abutter is a person whose property adjoins or is directly across the street or stream from the land under consideration by a local land use board. Refer to the RSA for additional provisions defining abutter for public hearing notification purposes.

**Accessory Building, Non-residential:** An accessory building, customarily incidental and subordinate to the principle use or building on the same lot. The Accessory Building may be used for non-residential uses allowed by right as noted in Article IV, Use Regulations, subject to the “Work Exempt from Permit” document, as amended.

**Accessory Dwelling Unit (ADU):** 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.

**Accessory Use or Accessory Structure:** Any use customarily incidental, and of a nature incidental and subordinate to the principle use of structure on the same lot. The accessory structure is not to exceed 144 square feet in size. The subordinate building or portions of the principle building, is customarily incidental to the main building on the same lot or premises and is used primarily by the occupants of the main building.

**Acre:** An area of land equally 43,560 square feet or 0.4045 hectares in area.

**Agriculture (Farming) and Horticultural Operations:** As defined by RSA 21 :34-a as amended. In summary, farm, agriculture or farming means land, buildings or structures where agriculture and farming operations are carried out and shall include the residences of owners, managers, interns, students or employees located and working the agricultural enterprise. Refer to RSA for additional clarification of the definition of agriculture and

farming operations. Should the farming enterprise cease, is leased or contracted to others who do not live on the property, the owner occupied primary residence may apply for an Accessory Dwelling Unit. Any other housing created for on-site occupancy shall be discontinued.

**Agricultural Retail Outlets:** Cut or pick your own farm, farm stand, or farmer's market.

**Agriculture, Small Flock of Hens:** The owner may keep no more than 12 hens, (*Gallus gallus domesticus*), and no roosters. The flock owner must follow the Manual of Best Management Practices for Agriculture in New Hampshire as published by the New Hampshire Department of Agriculture, Markets and Foods.

**Airport/Heliport/Airstrip:** An area of land, whether constructed or not, which has been approved by the appropriate state and or federal licensing authorities for the landing and taking off of aircraft. A place where airplanes, helicopters, or other aircraft can land and take off, and may include hangars, facilities for refueling and repair, fueling, emergency service facilities, accommodations for passengers and pilots and other aviation dependent uses. Aircraft means any engine powered contrivance for air transportation.

**Alteration:** Any construction, reconstruction or other action resulting in a change in the structural parts or heights, number of stories or exits, size, use or location of a building or other structure.

**Animal Hospital:** A building used by a licensed veterinarian solely for the practice of veterinary medicine, not as a kennel.

**Antenna:** A device used to transmit and or receive electromagnetic waves between terrestrially and/or orbital-based structures.

**Appliance Repair Service:** An establishment contained wholly within an enclosed building, primarily engaged in the repair and servicing of household appliances. This includes sales, parts, accessories and refurbished equipment. Auto repair, small engine repair of lawnmowers, snowmobiles or other outdoor recreational equipment shall not be included in this definition.

**Approved Plan:** A plan that has received final approval from the appropriate approving authority and supersedes all prior plans of record.

**Aquifer:** A geologic feature that is capable of yielding groundwater for municipal or private water supply as may be defined by other technical definitions, such as is defined by professional publication, state and federal agencies and geologic publications.

**Automobile Sales and Service Facility:** An establishment for the indoor or outdoor display, sale and repair of new and used motor vehicles, trailers, motorcycles, manufactured housing, boats, recreational campers and other travel trailers. This does not include the retail sale of gasoline.

**Automotive Services:** This includes major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, or smoke.

**Back Lot:** A lot that has been laid out with less than the required frontage that currently does not meet the provisions of this ordinance, and cannot be built upon.

**Basement:** An area of a building that partly or wholly has its floor below ground level. A basement shall be considered a story if used for dwelling or business purposes.

3. If applicable, a letter from the Board of Selectmen indicating the desirability of the Town to accept the open space as town-owned property.
4. If applicable to the type of development proposal, a complete Site Plan Application, as described in the Site Plan Regulations, including appropriate fees.

b.) Conditional Use Permit Criteria:

The Applicant shall demonstrate compliance with all of the following to the Planning Board in order for the CUP to be approved:

1. The property is located within the AR, R1, or R2 Zones.
2. The parcel is at least 10 acres in size.
3. The development has adequate water supply and sewage system.
4. That the density does not exceed what would be permissible under a conventional subdivision.
5. That at least forty percent (40%) of the parent tract is devoted to open space.
6. That at least thirty three percent (33%) of the required open space is “buildable.”
7. That the open space is permanently protected and cannot be built upon.
8. **There shall be a 25' setback from the jurisdictional wetlands. Buildings will not be allowed in the wetland setback..**
9. That a one hundred foot (100') non-build/green space buffer is maintained around the perimeter of the parent tract but may be reduced to seventy five feet (75') for single family units.

The Conditional Use Permit criteria are not subject to waiver by the Planning Board.

c.) Waiver Requests:

The Planning Board is authorized to provide waivers for items submitted in accordance with the Subdivision Regulations, and, as applicable, Site Plan Regulations.

**14.03 Additional Requirements.**

The following requirements shall apply to cluster developments:

- a.) Density shall be determined by dividing the total acreage of the parent tract (less delineated wetlands, steep slopes, and area within the 100 year floodplain) by the minimum lot size for the



### **Article XXIII** **Accessory Dwelling Units**

#### **Purpose.**

The purpose of this article is to provide expanded affordable independent housing opportunities to a permitted, owner-occupied, single-family dwelling, while maintaining the aesthetics and residential use compatible with homes in the neighborhood.

#### **Provisions.**

An ADU shall be permitted only by Conditional Use Permit in allowed zoning districts and only in accordance with the following provisions:

- A. An ADU is allowed only in one-family dwellings. An ADU is not allowed in two family or multifamily dwellings or in any nonresidential buildings.
- B. An ADU is not allowed as a freestanding detached structure or as part of any structure which is detached from the primary dwelling unit. Mobile homes or trailers may not be erected or added to the principal dwelling to serve as an ADU.
- C. An ADU is not allowed in any dwelling in which the owner of record of said dwelling does not personally reside, and the owner shall demonstrate that one of the units is his or her principal place of residence. The owner may reside in either unit.
- D. The front face of the primary dwelling structure is to continue to appear as a one-family dwelling after any alterations to the structure are made to accommodate the ADU. Any additional entrances to the ADU must be located so as to preserve the appearance of a one-family dwelling.
- E. At least one common interior access between the primary dwelling unit and an ADU must exist. A second means of egress from both units must exist, but must not face the street address side of the structure.
- F. Off-street parking shall be provided to serve the combined parking needs of the principal dwelling unit and the ADU. There shall not be a separate driveway for the ADU.
- G. The gross living area of an ADU shall not be less than 350 square feet and shall not exceed 50% of the primary structure or 750 square feet.
- H. A building permit for an ADU must be approved and issued prior to the construction of an ADU. The house number for the ADU shall comply with current 911 regulations.
- I. Multiple ADUs are not permitted on any individual lot.
- J. The original single-family dwelling shall not be a unit of manufactured housing.
- K. An ADU shall not be permitted with divided interest ownership.
- L. Separate utility entrances and meters are allowed if required by the utility.

#### **Procedural requirements.**

Applications for Conditional Use Permit approval under the regulation of this Article shall include the following items:

- A. All plans submitted with any application for an ADU building permit shall denote, describe and/or identify the intended ADU area as such.



- B. Prior to granting a Conditional Use Permit by the Planning Board, the applicant shall provide, as part of the building permit application, the following:
1. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38,
  2. Both units shall have a fire alarm system which is compliant with the NH Fire Marshall's requirements.