

1. Purpose and Intent:

All of the areas within the VD share a common goal of an increased emphasis on the form and placement of structures, and a decreased although not eliminated emphasis on the function(s) contained within them. As such, this Article sets careful and clear controls on building form, such as height, volume, scale – with broader parameters on building use – so as to shape clearly defined, attractive public and private spaces in the VD with a healthy mix of uses. Further description of the district can be found in Section 2.02 of the Zoning Ordinance.

Wherever there appears to be a conflict between these regulations and other sections of the Zoning Ordinance (as applied to a particular development), the requirements specifically set forth in this section shall prevail. For development standards not established herein, the other applicable sections of the Boscawen Zoning Ordinance and Planning Board's Regulations shall govern.

In the event that this Article is in conflict with other provisions of the Boscawen Zoning Ordinance, the provisions of this Article shall control.

Guiding Principles of the District are as follows:

- A. Establishing setback standards that create visual appeal and consistency with existing development patterns.
- B. Aligning buildings that relate to the street in a way that reinforces the District's purpose statement and contributes to vital and safe public space.
- C. Maintaining consistent building forms on both sides of the street, creating a clear public space and enhancing community identity.
- D. Nuisance accessory uses such as vehicle storage, garbage and mechanical equipment screening away from the street, and buffered from properties in neighboring districts.
- E. Locating new retail and commercial activities are to be located on the ground floor along the frontage. Residential activity is not to be permitted on the ground floor unless as a pre-existing use.
- F. Parking other than on-street parking shall be located away from US 3 and US 4 and shared parking facilities are encouraged; cross access easements will be provided, where feasible, to allow for interconnected parking lots between abutting parcels.
- G. Establishing sidewalk standards for substandard sidewalks, or the construction of sidewalks, both in accordance with Town of Boscawen standards. Sidewalks shall be donated to the Town as part of the development approval.
- H. Preserving and encouraging the adaptive reuse of historic buildings is a priority, and the historic character shall be preserved and enhanced by taking the historic appearance of surrounding buildings into account during renovations and new construction.

2. Permitting Authority: In accordance with RSA 674:21, the Planning Board shall have the authority to issue a Conditional Use Permit in accordance with the provisions of this Article for Site Plans and/or Subdivisions under consideration by the Board; and, the Building Inspector shall have the authority to issue a Conditional Use Permit in accordance with the provisions of this Article for site development actions exempt from Planning Board approval.

3. Conditional Use Permit Application Process: Conditional Use Permit Applications shall be submitted in the following manner:

a. Application Materials and Process:

i. For applications requiring Planning Board approval:

1. Conditional Use Permit applications made to the Planning Board are to be made on the Village District addendum section of the Site Plan and/or Subdivision application form as created by the Planning Board.
2. A fee, as determined by the Planning Board, shall be included.
3. Any additional items that may be requested by the Board as described in the Site Plan and/or Subdivision Regulations.

ii. For applications requiring Building Inspector approval but not Planning Board approval:

1. Conditional Use Permit applications made to the Building Inspector are to be made on the Village District addendum section of the Building Permit application form as created by the Building Inspector.
2. A fee, as determined by the Planning Board, shall be included.
3. Planning Board shall provide review and comment in writing to the Building Inspector before approval.

iii. For applications requiring both Planning Board and Building Inspector approval:

1. Conditional Use Permit applications made to the Planning Board are to be made on the Village District addendum section of the Site Plan and/or Subdivision application form during Planning Board approval and the Village District addendum section of the Building Permit application form when individual building permits are sought.
2. A fee, as determined by the Planning Board, shall be included.
3. Planning Board shall provide review and comment in writing to the Building Inspector before approval.
4. Any additional items that may be requested by the Board as described in the Site Plan and/or Subdivision Regulations.

b. Application Process:

i. All Conditional Use Permits shall include a complete application. Said Permit shall be recorded at the Merrimack County Registry of Deeds and shall include a description of the approved CUP and the Notice of Decision.

ii. Planning Board Conditional Use Permits: Applications will be processed concurrently with Site Plan and/or Subdivision Application(s) as applicable. Applications will, therefore, be considered at a duly noticed public hearing and follow Planning Board approval process for Site Plan and/or Subdivision approval, as applicable.

iii. Building Inspector Conditional Use Permits: Applications will be processed concurrently with building permit applications. The Planning Board shall, at a regularly noticed meeting of the Board, provide written comment to the Building Inspector for consideration during the processing of the application under the provisions of this Article, siding on residential buildings shall require a Conditional Use Permit and shall be processed as a standalone Conditional Use Permit.

1. Where a CUP has both Planning Board and Building Inspector approval, secure Building Inspector approval while applying for a building permit by complying with either of the following:
 - a. Demonstrating that the proposed structure is unchanged from what the Planning Board approved.
 - b. Revisions to Previously Approved Site or Building: Demonstrate that any new change proposed to the building is still in compliance with this Article, the required compliance Standards for a Conditional Use Permit, and the proposed modifications are deemed by the Building Inspector to be compliant with the original Conditional Use Permit.
 - c. Conditional Use Permit Compliance Standards: A conditional use permit in accordance with the standards depicted in this Article may be granted by the Planning Board and/or Building Inspector, as applicable, in accordance with RSA 674:21.II, as amended from time to time, provided that the proposed project complies with the following standards:
 - i. That the proposal complies with relevant sections of this Article, Zoning Ordinance, Planning Board Regulation, and other state and federal requirements.
 - ii. That both public and private buildings and landscaping shall contribute to the physical makeup of rights of way.
 - iii. That the development shall adequately accommodate automobiles, while respecting pedestrians and the needs of public areas.
 - iv. That the design of streets and buildings shall reinforce safe, accessible spaces.
 - v. That architecture and landscape design and planting types will be guided by the local climate, topography, history, and building practices.
 - vi. That the preservation and renewal of historic buildings shall be a priority.
 - vii. That the harmonious and orderly evolution of the district shall be maintained through the application of these regulations.
 - viii. That the proposed building(s) shall match the more conforming façade alignment of the adjacent buildings' rather than the provisions of this Article, if possible, through the issuance of a Conditional Use Permit.
4. **Site Design**: The following criteria shall govern the granting of a Conditional Use Permit in the Village District:
 - a. Density:
 - i. Lot Size: 40,000 Square Feet.
 - b. Setbacks:
 - i. Front Setbacks: Front setbacks for all principal buildings(s) on a site shall be at least five (5) feet from the edge of the lot line. In addition, front setbacks shall not be greater than that of the abutting lot with the largest front setback. For this purpose "abutting lot" shall refer to lots on either side of the parcel in question with legal frontage along Route 3/Route 4 only.
 - ii. Side Setbacks: Side setbacks for all principal buildings(s) on a site shall be at least ten (10) feet from the edge of the lot.

- c. Frontage: One hundred (100) feet.
 - d. Lot Coverage: Lots less than two (2) acres shall comply with NHDES lot coverage requirements. Lots that are greater than two (2) acres shall not exceed 50% impervious coverage.
 - e. Building Height: No building within the District shall exceed fifty (50) feet in height. Height shall be measured from finished grade to the top of the peak of the roof. Cupolas, mechanical equipment, flag poles, or other accessory attachments shall not be counted toward height.
5. **Uses Within the District**: Uses not explicitly listed as “Prohibited” are permitted within the district.
- a. Permitted Uses: Refer to Article IV, Use Regulations in this Ordinance.
 - b. Uses Per Lot:
 - i. Not more than one single family home per lot.
 - ii. With the exception of single family homes, there may be more than one use per lot. Multi-family uses included on the same lot as non-residential uses shall be located in the same building and shall be limited to second and third floors with commercial uses on the first floor.
6. **Building and Façade Requirements**: The following standards are required and shall be utilized by the applicant. Additional standards may be found in the Site Plan Regulations. The intent behind these standards is to reinforce the existing character and historic nature of Boscawen’s Village District.
- a. Standard Corporate Architecture: Architecture in the District shall be consistent only with the nature and style of the district as described in this Section.
 - b. Exterior Building Walls: Building walls shall reflect and complement the traditional materials and style techniques of the District’s architecture. They should express the construction techniques and structural constraints of traditional, long-lasting, building materials. Specific requirements include:
 - i. Permitted exterior wall materials include wood, brick, stone, masonry building materials, or any other material that in the opinion of the Planning Board is consistent with other materials traditionally used in the district. Sheet metal, plastic, or any other such material not traditionally available at end of the Nineteenth Century shall not be permitted. Vinyl siding may be permissible for residential uses (i.e. solely residential, not a mix of residential and non-residential uses) if it will be consistent with the appearance of the architecture of the District.
 - ii. Long, blank, uninterrupted walls should be avoided at the street side of buildings. If such walls are unavoidable, articulation such as planting, landscaping, ornamentation, and building masonry details should be used to visually break up a blank façade.
 - iii. Principal building entrances shall be from the street or the side of the building.

- c. Roofs and Parapets:
 - i. Roofs and parapets should demonstrate a common-sense recognition of the climate by utilizing appropriate pitch, drainage, and materials. Gable ends, when utilized, should be oriented towards the primary street.
 - ii. Skylights and roof vents are permitted but should be shielded from the street view. Dormers on top floors are encouraged when practical.
 - d. Accessory Buildings: Accessory buildings shall comply with 6.b.i above (exterior walls).
7. **Landscape/Streetscape Elements:**
- a. The street side of the building shall incorporate landscaping that may include street trees, planters, window boxes or other landscaping. Street trees are recommended at intervals of not less than thirty (30) feet, in boxes.
 - b. Where off-street parking is located along the streetscape and/or in the front of buildings, a ten (10) foot native planting strip shall, when feasible, be incorporated along the front property line to screen parking lots. Plantings shall be at least three (3) feet tall, but shall not interfere with vehicular sight lines at entrances and exits or pedestrian safety.
8. **Lighting:** Materials and equipment chosen for lighting fixtures should be durable, energy efficient and weather suitable. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration however, it should be noted that lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution. These elements are to be avoided.
- a. Lighting Hardware:
 - i. In order to minimize light pollution, light fixture should be of a downcast design.
 - ii. Lighting fixtures of a historical design are highly encouraged when attached to buildings. Street lights shall be of a historically appropriate nature or design (i.e. “Amoskeag Lights” or similar design).
 - iii. Site lighting shall be of a design so as to illuminate only the lot in question.
 - b. Lighting Performance:
 - i. All lighting shall be downcast.
 - ii. Excluding street lights, all exterior lighting shall be located no more than sixteen (16) feet above grade.
 - iii. Floodlights or directional lights are permitted, but must be shielded or aimed in such a way that they do not shine onto other lots or streets.
 - iv. No flashing, traveling, animated, or intermittent lighting shall be permitted on the exterior of any building, nor shall it be visible from the street or adjacent properties, whether such lighting is of temporary or long-term duration.
9. **Mechanical Equipment:**
- a. The following equipment shall not be stored or located within any area between the street and the “front” of the building(s) on site, and shall be screened from view from the street or adjacent properties: air compressors, mechanical pumps, exterior water heaters, water softeners, generators, air conditioning units, utility and telephone

company transformers, meters or boxers (excluding fire alarm boxes), garbage cans or garbage can storage areas, storage tanks, and the like.

- b. Roof mounted mechanical equipment shall be located so as not to be visible from the street, public spaces, or parking lots, or from the ground level of adjacent properties.
- c. Screening features employed shall use similar and/or complementary building materials to the building on which they are located, or landscaping.
- d. Renewable energy systems including solar photovoltaic panels, solar hot water systems, and small wind turbines are exempt from the shielding requirements, but placement must reduce the impact to abutting properties and to public spaces to the extent practicable.

10. Parking, Vehicular Traffic, and Pedestrian Access.

- a. Parking: All off-street parking shall conform to Town of Boscawen Zoning and Regulations except as prescribed in this Article, including:
 - i. Off-street parking shall be located, in order of preference, behind buildings or to the side.
 - ii. Parking provided for a project shall be screened from the street with landscaping to a height of at least three (3) feet. Parking shall be considered and accessory use and is not permitted as a principal use of a lot.
- b. Vehicular Traffic:
 - i. Each development proposal within the District shall reserve a location for interconnection to abutting lot(s) when possible. Shared driveways and internal connections may be required by the Planning Board when practical, and in such situations a cross-access easement shall be provided.
- c. Pedestrian Access:
 - i. Safe pedestrian access that complies with the most recent Americans with Disabilities Act (ADA) Accessibility guidelines shall be provided from the public way and from parking areas to entrances to building entrances.
 - ii. The Planning Board shall require sidewalks or sidewalk improvements for site plans and subdivision applications being considered under the provisions of this Article. The Planning Board may also require sidewalks within developments.