

GILMANTON PLANNING BOARD
503 Province Road
P.O. Box 550
Gilmanon, NH 03237
Phone: (603) 267-6700 Fax: (603) 267-6701
plbd@gilmantonnh.org

The following is the full text of the amendment being proposed by the Gilmanon Planning Board at a Public Hearing scheduled for Tuesday, February 5, 2008 at 7 p.m. to be held at the Academy Building, Gilmanon, New Hampshire.

1. **Purpose:** To Amend Article VII of the Gilmanon Zoning Ordinance regulating Non-Conforming Uses, Lots & Structures by clarifying provisions relating to (i) the increase or enlargement of a non-conforming use or structure, (ii) the repair, rebuilding or replacement of a non-conforming structure that is destroyed by fire or rendered unusable by an act of nature may be repaired, rebuilt or replaced and, (iii) the building of structures on non-conforming lots.

ARTICLE VII. NON-CONFORMING USES, LOTS & STRUCTURES

(existing language appears in *italics*, proposed language appears in **bold print**)

Remove and replace with the following:

- A. *Any lawful use of a lot, or of a structure, or of a part of a structure, which was in existence when this Ordinance or any revisions were approved may be continued.*
- B. *Non-conforming uses and non-conforming structures:*
 1. **An existing use of land or a structure which does not conform to uses set forth in Article IV, Table 1, may be changed or expanded by Special Exception.**
 2. **An existing structure which does not conform to the setback requirements set forth in Article IV, Table 2 may be altered, enlarged or relocated by Special Exception provided that the alteration, enlargement or relocation does not increase the non-conformity with the Ordinance. Any proposed increase in the height of the structure shall be consistent with, and not unreasonably impair the view from, neighboring properties, provided that the increase shall not exceed the height limitation set forth in Article III.E. If the structure is near a water body, the proposed increase in height shall not adversely affect the visual appearance of the shoreland in a manner inconsistent with structures in the neighborhood.**
 3. **If the non-conformity is eliminated by the proposed action, then a Special Exception is not required. If the non-conformity is increased by the proposed action, then a Variance is required.**

4. **A non-conforming structure which is destroyed by fire or rendered unusable or uninhabitable by an act of nature may be repaired, rebuilt or replaced with a structure having the same dimensions in the same location. Repair, rebuilding or replacement must commence within one year of the occurrence of the event and be completed within one year of the start date. One-year extensions may be granted by Special Exception for good cause shown. No more than a total of four extensions to either commencing or completing phases may be granted.**

C. Non-Conforming Lots:

1. *A lot of record which does not meet all the requirements of this Ordinance (a non-conforming lot) shall be merged with all other contiguous lots of the same ownership, except as provided by RSA 674:39. This action may eliminate the non-conforming lot status.*
2. **A non-conforming lot (after merger if applicable) may be used for building purposes only if the setback requirements of Article IV, Table 2 are met, and the owner obtains a New Hampshire State approved septic system design together with any encroachment waivers, any well setback waivers, and any other approvals required under all applicable Town and State laws and regulations.**
3. *A non-conforming lot (after merger if applicable) which does not meet the requirements of Section C.2. may be used for building purposes only if a Special Exception is granted, and the owner obtains a New Hampshire State approved septic system design together with any encroachment waivers, any well setback waivers, and any other approvals required under all applicable Town and State laws and regulations.*

- D. Any use or construction permitted under this Article VII must comply with all applicable Town and State laws and regulations, and specifically the Comprehensive Shoreland Protection Act (RSA 483-B).**