

Planning Board 2023 Warrant Articles

Are you in favor of the adoption of Amendment #1 as proposed by the Planning Board for the Town of Gilmanton as follows: to amend article VII. Non-Conforming Uses, Lots & Structures to allow an existing non-conforming structure be replaced in the same footprint without a variance or special exception and to allow a waiver from encroachment, well setback, or slope requirements on a septic system design on a non-conforming lot?

Are you in favor of the adoption of Amendment #2 as proposed by the Planning Board for the Town of Gilmanton as follows: to amend Article XVI. Definitions to remove the definition of “warehouse”; to create the definition of “Commercial Storage Facility” to be a building or series of buildings which are leased or rented; to create the definition of “Warehouse or Wholesale Marketing” to be storage for the sole purpose of distribution; and to amend the definition of Storage Building- Noncommercial to remove the requirement that it be used by the owner of the lot?

Are you in favor of the adoption of Amendment #3 as proposed by the Planning Board for the Town of Gilmanton as follows: to amend Article IV, Table 1. Table of Uses to add “Commercial Storage Facility” to be by special exception in the Village Zone, by conditional use permit in the Rural & Residential Lake Zones, permitted in the Business & Light Business Zones, not permitted in the Conservation Zone; to add “Storage Building Non-commercial” to be permitted in the Village, Rural, Conservation, Light Business & Business Zones and by conditional use permit in the Residential Lake Zone; and to amend the use of Warehouse Existing Building and New Construction to be allowed by conditional use permit in the Rural & Light Business Zones where currently is not permitted or permitted by special exception?

Amended 8/19/22
9/8/22
10/7/22

ARTICLE VII. NON-CONFORMING USES, LOTS & STRUCTURES

- 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: Rev. 3/8/11
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. ~~Provided, however, that any alteration, expansion, new construction or change that can be accomplished in a manner that will comply with the applicable setbacks for that district, shall be permitted, provided that all applicable state and local laws and regulations are adhered to.~~ 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. Any alteration, expansion, new construction or change that can be accomplished in a manner that will comply with the applicable setbacks for that district shall be permitted, provided that all applicable state and local laws and regulations are adhered to. Repair, rebuilding or replacement must commence within one year of the ~~occurrence of the event~~ **removal of the structure** and be completed within one year of the start date. One-year extensions may be granted by the Board of Selectmen or their designee, for good cause shown.
- C. Non-Conforming Lots: Rev. 3/8/11
1. A non-conforming lot may be used to build a new structure for residential purposes if:
 - a. the lot has frontage on a Class V or better road,
 - b. the setback requirements of Article IV, Table 2 are met,
 - c. if applicable, prior to the issuance of a building permit, the owner obtains a New Hampshire State approved septic system design ~~without a waiver from encroachment, well setback, or slope requirements,~~ and
 - d. the owner complies with all other requirements of applicable Town and State laws and regulations, except for the non-conforming aspects of the lot.

Amended 8/19/22

9/8/22

10/7/22

ARTICLE VII. NON-CONFORMING USES, LOTS & STRUCTURES - CONTINUED

2. A non-conforming lot may be used to enlarge or add to an existing residential structure if:
 - a. the setback requirements of Article IV, Table 2 are met,
 - b. if applicable, the owner obtains a New Hampshire State approved septic system design ~~without a waiver from encroachment, well setback or slope requirements,~~ and
 - c. the owner complies with all other requirements of applicable Town and State laws and regulations.

 3. A non-conforming lot may be used to build structures accessory to a residential use ~~or storage building non-commercial~~, such as a shed, barn or garage, if:
 - a. the setback requirements of Article IV, Table 2 are met,
 - b. if applicable, the owner obtains a New Hampshire State approved septic system design ~~without a waiver from encroachment, well setback or slope requirements,~~ and
 - c. the owner complies with all other requirements of applicable Town and State laws and regulations.

 4. Except as provided in Section B.2, a non-conforming lot which does not meet the requirements of Sections C.1, 2 & 3 may be used for building purposes only if a Variance is granted, and the owner complies with all other requirements of 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).

Strikethrough is existing verbiage to be removed

Blue is new verbiage

Comments in red

Article XVI. Definitions

Remove existing definition of "Warehouse":

~~Warehouse – The use of an existing building, or a newly constructed building (temporary or permanent) for the storage and consignment of materials, goods, merchandise or equipment of the building owner or tenant or a third person, provided that such use is not hazardous by reason of potential fire, fumes, explosion or radiation.~~

Replace existing definition of warehouse with the following 2 terms:

Commercial Storage Facility – A building or series of buildings or units which are leased or rented to the public for use as storage space.

Warehouse or Wholesale Marketing – The storage for the sole purpose of distribution, or wholesale marketing of materials, merchandise, products or equipment, provided that such use is not hazardous by reason of potential fire, explosion, or radiation in an existing building or newly constructed building.

Existing definitions of residential outbuildings:

Accessory Building or Use - A subordinate building or use commonly associated with, incidental to and on the same lot, adjacent lot, or across the street or road from, that occupied by the main building or use.

Storage Building - Non Commercial - A garage, shed, barn or other similar structure, used only for the private storage or agricultural use of the owner of the lot and identified as the primary use of the lot.

Amended 8/5/22

8/11/22

Amended 8/11/22

Zoning District Regulations - Permitted Uses and Special Exceptions

Note: P = Permitted Use, E = Special Exception, N = Not Permitted, CUP = Conditional Use Permit

	<u>Village</u>	<u>Rural</u>	<u>Conservation</u>	<u>Lt. Business</u>	<u>Business</u>	<u>Res. Lake</u>
55+ Housing Developments (1-4 unit/building)	CUP	CUP	N	CUP	CUP	N
55+ Housing Developments (5 or greater units/building)	E	E	N	E	E	N
Accessory Dwelling Units	P	P	P	P	P	P
Accessory Building/Use	P	P	P	P	P	P
Adult Oriented Business	N	N	N	N	E	N
Aircraft Landing Area	N	E	E	N	E	N
Agriculture	P	P	P	P	P	P
Auto Service Station	E	E	N	E	P	N
Auto & Truck Repair	N	E	N	E	P	N
Biosolids (sludge)	N	N	N	N	N	N
Boat Storage - Commercial	E	E	E	E	P	E
Business Directional Signs	P	P	P	P	P	P
Camp for Children, Summer	N	E	E	N	N	N
Campground	N	E	E	N	N	N
Childcare Facility	CUP	CUP	CUP	CUP	CUP	CUP
Commercial Storage Facility	E	CUP	N	P	P	CUP
Community Building/House of Worship	E	E	E	N	N	E
Contractor's Yard	E	E	E	E	P	N
Cottage Industry	CUP	CUP	CUP	P	P	CUP
Dwelling, Multi-Family (Interior Alterations)	CUP	CUP	CUP	N	CUP	N
Dwelling, Multi-Family (New Const)*	CUP	CUP	N	N	N	N
Dwelling, Single Family	P	P	P	P	P	P
Dwelling, Two-Family	P	P	P	P	P	P
Forestry	P	P	P	P	P	P
Gravel/Fill/Loam/Stone Removal	N	E	E	N	E	N
Home Occupation	P	P	P	P	P	P
Industrial	N	N	N	P	P	N
Inn (Interior Alterations)	E	E	E	P	P	N
Junkyard	N	E	N	E	P	N
Kennel	N	CUP	CUP	CUP	CUP	N
Landscaping Business	N	E	E	P	P	N
Local Utility Network	E	E	E	P	P	E
Manufacturing, Light	N	N	N	P	P	N
Mobile Home/Manufactured Housing Parks & Subdivisions	N	E	N	N	N	N
Motel	N	N	N	E	P	N
Offices	CUP	CUP	CUP	P	P	CUP
Outdoor Event Venue	CUP	CUP	E	CUP	CUP	N
Recreation Facility - Indoor	E	N	N	E	P	E
Recreation Facility - Outdoor	N	E	N	E	P	N
Repair Shop	E	E	N	P	P	E
Rest/Convalescent Home (3-25 Occupants)	E	E	N	E	E	E
Restaurant (Interior Alterations)	E	E	E	P	P	E
Restaurant (New Construction)	N	N	N	P	P	N
Retail Business	CUP	CUP	CUP	P	P	CUP
Sawmill	N	P	P	N	P	N
School - Public/Private	E	E	E	N	E	E
Service Business	CUP	CUP	CUP	P	P	CUP
Solar Energy Systems (Roof Mounted)	P	P	P	P	P	P
Solar Energy Systems (Ground mounted/Pole mounted)	CUP	CUP	CUP	CUP	CUP	CUP
Storage Building- non-commercial	P	P	P	P	P	CUP
Treated Soils	N	N	N	E	E	N
Warehouse (Existing Building)	E	E CUP	E	N CUP	P	N
Warehouse (New Construction)	N	N CUP	N	N CUP	P	N
Personal Wireless Service Facilities.	CUP	CUP	CUP	P	P	CUP
Woodlot	P	P	P	P	P	P

Note: If certain uses have not been listed, they may be allowed in town. How they will be regulated by this zoning ordinance

shall be based on characteristics the intended use may share with those uses specified in Table 1.

* Multi-family structures must be separated by a minimum of 50 feet.

** Multi-family dwellings (new construction) allowed by conditional use permit within a one mile radius of the center of Gilmanton Corners and Gilmanton Iron Works.