



Town of Hopkinton

Planning Department

330 Main Street, Hopkinton NH 03229-2627 - (603) 746-8243 – planzone@hopkinton-nh.gov

HOPKINTON PLANNING BOARD MINUTES NOVEMBER 8, 2022

Members present: Chair Michael Wilkey, Vice-Chair Celeste Hemingson, James Fredyma, Greg Sagris, Jane Bradstreet, Clarke Kidder, and Rob Dapice. Members absent: Ex-Officio Thomas Lipoma, and Rich Steele. Staff present: Planning Director Karen Robertson.

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- I. **Call to Order.** Chairman Wilkey called the meeting to order at 5:30 PM in the Hopkinton Town Hall, 330 Main Street, Hopkinton.
 - II. **Conceptual Consultations.** There were no conceptual consultations.
 - III. **Zoning Amendments 2023 Work Session.**

The Board members discussed the draft amendments to the Zoning Ordinance with Mrs. Robertson explaining the proposed changes and answering Board members' questions.

1. **Amend Section II Definitions (Entertainment) and (Entertainment, Place of)** (see handout p. 1). The purpose of this amendment is to provide a clearer understanding of what entertainment is, including the fact that a place of entertainment can be a principal or accessory use. Specific places of entertainment have been omitted.

The Board agreed to move forward to a public hearing, amendments to the definitions of "Entertainment" and "Entertainment, Place of."

Mrs. Robertson reported that Table of Uses 3.6.F.12 (Entertainment, Place of) is permitted by special exception in all zoning districts. She questioned whether the principal use should be permitted in the Residential/Agricultural (R4), Low-Density Residential (R3), Medium-Density Residential (R2), and High-Density Residential (R1) districts. Presently, a hall or theater that provides entertainment is permitted by special exception as a principal use in all residential districts.

Following discussions, the Board agreed to move forward to a public hearing, an amendment changing a place of entertainment from a use permitted by special exception to a prohibited use in the R4, R3, R2, and R1 districts. At the same time, the Board agreed to remove the word "commercial" when referencing entertainment

as an accessory use in the Table of Uses 3.6.H.11. Note: See Section II Definitions for the differences between a principal and accessory use.

Mrs. Robertson recommended the Planning Board review the definition of "Entertainment" to consider whether the words "sporting event" should remain in the definition. Following a brief discussion, the Board members agreed that the words should remain.

2. Amend Section III, Table of Uses 3.6 as follows (see handout p. 2-4).

- (a) Table of Uses 3.6.E.3 (Hospitals), 3.6.E.4 (Museums), and 3.6.E.5 (Senior Citizen Centers) changing the principal uses from prohibited to permitted in the Industrial (M1) district. The change will make the uses consistent with what is currently permitted in the Commercial (B1) district.

The possible locations of the various uses and the potential impact of traffic and parking were discussed. The Board members agreed to move forward to a public hearing, an amendment changing Table of Uses 3.6.E.3 (Hospitals, Clinics,...) from prohibited to permitted in the Industrial (M1) and Village Industrial (VM1) districts. It was noted that the M1 district presently consists of land off Maple Street, near Exit 6, and off Burnham Intervale Road. The VM1 district consists of properties off Riverside Drive.

Board members agreed to leave 3.6.E.4 and 3.6.E.5 as listed in the Table of Uses.

- (b) Table of Uses 3.6.E.6 (Places of Worship), permitting the principal use in all districts. The amendment resulted from a new law passed relative to the local government regulating properties primarily for religious purposes. The use will continue to require site plan approval by the Planning Board.

There was a brief discussion amongst the members as to whether the new statute would override any municipal regulations. The language reads as follows: "674:76 Religious Use of Land and Structures. No zoning ordinance or site plan review regulation shall prohibit, regulate, or restrict the use of land or structures primarily used for religious purposes; provided, however, that such land or structures may be subject to objective and definite regulations concerning the height of structures, yard sizes, lot area, setbacks, open space, and building coverage requirements as long as said requirements are applicable regardless of the religious or non-religious nature of the use of the property and do not substantially burden religious exercise."

Following discussions, the Board agreed to move forward to a public hearing, an amendment that would permit "places of worship" listed in Table of Uses 3.6.E.6 in all zoning districts.

- (c) Table of Uses 3.6.E.9 (Drive-in Food Establishments), changing the use from prohibited to permitted in the Village Commercial (VB1) district. The purpose of the change is to permit what is currently taking place in Contoocook Village

downtown, which is "ordering and pickup of food and beverages...." The amendment will make the use consistent with what is permitted in the Commercial (B1) district. For definitions, see Section II Restaurant.

Mrs. Robertson noted that a drive-in food establishment is where a person can order and go into the food establishment to pick up food. A drive-thru food establishment is where a person pulls up to a service window while in their vehicle. There are no changes being proposed to what is listed in the ordinance for a drive-thru food establishment.

Following discussions, the Board agreed to move forward to a public hearing, an amendment changing Table of Uses 3.6.E.9 (Drive-in Food Establishments) from prohibited to permitted in the Village Commercial (VB1) district.

- (d) Section III, Table of Uses 3.6.G.7 (...Refuse Facility), changing the word "Facility" to "Facilities." The amendment is a housekeeping amendment changing a word from singular to plural, consistent with how other uses listed in 3.6.G.7 are written.
- (e) Section III, Table of Uses 3.6.H.5 (ADU), changing the use from prohibited to permitted in the Commercial (B1) district. The amendment will make the use consistent with what is permitted in all other districts.
- (f) Section III, Table of Uses 3.6.H.15 (Home Business), changing the use from permitted by special exception to permitted in the Commercial (B1) and Industrial (M1) districts. The amendment will make the use consistent with what is currently permitted in the Village Commercial (VB1) and Village Industrial (VM1) districts. The use will continue to require site plan review by the Planning Board.
- (g) Section III, Table of Uses 3.6.H.24 (Temporary Housing...), eliminating unnecessary wording. The intent will remain the same, and the use will continue to be permitted in all districts.
- (h) Add an index of the zoning districts at the end of 3.6 Table of Uses. The index will provide an explanation of the abbreviations of the various districts.

The Board agreed to move forward to a public hearing, the amendments reflected in items (d) through (h).

3. Amend Section IV, 4.2 Table of Dimensional Requirements (see handout p. 5):

- (a) Move sentence referencing Explanatory Notes in 4.3 from after to before 4.2 Table of Dimensional Requirements. This is a formatting change.
- (b) Change the alphabetical sequence of the footnotes to reflect the proposed changes in 4.3 Explanatory Notes.

- (c) Add an index of the zoning districts at the end of 4.2 Table of Dimensional Requirements. The index will explain the abbreviations of the various districts.

The Board agreed to move forward to a public hearing, the above-referenced amendments to Section IV, 4.2 Table of Dimensional Requirements.

4. Amend Section IV, 4.3 Explanatory Notes (see handout p. 5-6):

- (a) In 4.3(c), omit reference to the greater setback required when a commercial or industrial use abuts residential uses or a residential district. Instead, add language that requires the applicant to comply with the new section 4.7 Buffer Standards for Nonresidential Uses.
- (b) Omit 4.3(i), and instead create a new 4.3(g) that specifies the minimum square footage required for the district plus the additional square footage required for each additional dwelling unit. As a result, the alphabetical sequence of 4.3 will change. The amendment will make the footnote format consistent with that shown in (d) through (f).

The Board agreed to move forward to a public hearing, the above-referenced amendments to Section IV, 4.3 Explanatory Notes.

5. Amend Section IV, 4.4.3 Principal Structure (see handout p. 6-7):

- (a) Correct cross-reference to Conservation Subdivision.
- (b) Add a reference to Commerce and Community Overlay District.
- (c) Omit sentences referencing maximum gross floor area for commercial retail stores and restaurants in the Commercial and Industrial districts as the same language exists in new 4.3(j).

The Board agreed to move forward to a public hearing, the amendments reflected in items (a) through (c) above.

6. Amend Section IV, adding new 4.7 entitled Buffer Standards for Nonresidential Uses (see handout p. 8). The buffer will replace the greater setback required when a commercial or industrial use or building abuts a residential use or district.

The Board agreed to move forward to a public hearing, an amendment adding new section 4.7 Buffer Standards for Nonresidential Uses.

IV. Review of Meeting Minutes of October 18, 2022.

Review of October 18, 2022, Minutes and Notice of Decision was deferred to the December 13, 2022, meeting.

V. Other Business.

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- a) Zoning Amendments 2023 Work Session – The next scheduled work session is on Tuesday, November 15, 2022, at 5:30 PM, at Town Hall. Discussion is to include the following:
1. Section XII Wetlands Conservation District (Overlay) to include a buffer setback.
 2. Section XIX Commerce & Community Overlay District to correct the density requirements.
 3. Addition of a housekeeping provision allowing the Planning Board to number and renumber sections without a town meeting vote, so long as there is no substantive effect on the ordinance or its meaning.
 4. Amendments to the Table of Contents, where necessary.
 5. Amendments recommended by the Economic Development Director.
- b) Rules of Procedure (Draft Revisions) – Review was deferred to the November 15, 2022, work session.

VI. Adjournment. Chairman Wilkey declared the meeting adjourned at 7:30 PM. The next regular meeting is scheduled for 5:30 PM on Tuesday, December 13, 2022.

Karen Robertson
Planning Director

TOWN OF HOPKINTON, NH PROPOSED ZONING AMENDMENTS DRAFT

Work Session: November 8, 2022

Red represents new or revised text.
~~Strick through~~ represents text to be deleted.



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MEMORANDUM

TO: Hopkinton Planning Board

FROM: Karen Robertson, Planning Director

RE: 2023 Proposed Zoning Amendments

DATE: November 1, 2022

The proposed amendments are summarized below and indicated in the attached. The new or revised text is shown in red. The text to be deleted is in ~~black with a strikethrough~~.

OVERVIEW OF AMENDMENTS

The proposed amendments directly or indirectly impact residential, commercial, industrial or institutional uses listed in the Table of Uses and Table of Dimensional Requirements.

- 1. Amend Section II Definitions (Entertainment) and (Entertainment, Place of)** (see p. 1). The purpose of this amendment is to provide a clearer understanding of what entertainment is, including the fact that a place of entertainment is a principal use. Specific places of entertainment have been omitted.

Recommend the Planning Board review Table of Uses 3.6.F.12 "Entertainment, Place of, Section II." Consider whether a place of entertainment should not be permitted in the Residential/Agricultural (R4), Low-Density Residential (R3), Medium Density Residential (R2) districts, and High Density Residential (R1) districts. Additionally, consider whether the words "sporting events" should remain in the definition.

3.6 Table of Uses	R4	R3	R2	R1	B1	M1	VR1	VB1	VM1
Entertainment, Place of, Section III	S X	S X	S X	S X	S	S	S	S	S

- 2. Amend Section III, Table of Uses 3.6 as follows** (see p. 2-4).
 - (a) Table of Uses 3.6.E.3 (Hospitals), 3.6.E.4 (Museums), and 3.6.E.5 (Senior Citizen Centers), changing the uses from prohibited to permitted in the Industrial (M1)

district. The change will make the uses consistent with what is currently permitted in the Commercial (B1) district.

- (b) Table of Uses 3.6.E.6 (Places of Worship), permitting the use in all districts. The amendment resulted from a new law passed relative to the local government regulating properties primarily for religious purposes. The use will continue (limited) site plan approval by the Planning Board.
- (c) Table of Uses 3.6.E.9 (Drive-in Food Establishments), changing the use from prohibited to permitted in the Village Commercial (VB1) district. The purpose of the change is to permit what is currently taking place in Contoocook Village downtown, which is "ordering and pickup of food and beverages...." The amendment will make the use consistent with what is permitted in the Commercial (B1) district. For definitions, see Section II Restaurant.
- (d) Section III, Table of Uses 3.6.G.7 (...Refuse Facility), changing the word "Facility" to "Facilities." The amendment is a housekeeping amendment changing a word from singular to plural, consistent with how other uses listed in 3.6.G.7 are written.
- (e) Section III, Table of Uses 3.6.H.5 (ADU), changing the use from prohibited to permitted in the Commercial (B1) district. The amendment will make the use consistent with what is permitted in all other districts.
- (f) Section III, Table of Uses 3.6.H.15 (Home Business), changing the use from permitted by special exception to permitted in the Commercial (B1) and Industrial (M1) districts. Again, the amendment will make the use consistent with what is currently permitted in the Village Commercial (VB1) and Village Industrial (VM1) districts. The use will continue to require site plan review by the Planning Board.
- (g) Section III, Table of Uses 3.6.H.24 (Temporary Housing...), eliminating unnecessary wording. The intent will remain the same, and the use will continue to be permitted in all districts.
- (h) Amend Section IV by adding an index of the zoning districts at the end of 4.2 Table of Dimensional Requirements.

3. Amend Section IV, 4.2 Table of Dimensional Requirements (see p. 5):

- (a) Move sentence referencing Explanatory Notes in 4.3. Formatting change.
- (b) Change the alphabetical sequence of the footnotes to reflect the proposed changes in 4.3 Explanatory Notes.
- (c) Amend Section IV by adding an index of the zoning districts at the end of 4.2 Table of Dimensional Requirements.

4. Amend Section IV, 4.3 Explanatory Notes (see p. 5-6):

- (a) In 4.3(c), omit reference to the greater setback required when a commercial or industrial use abuts residential uses or a residential district. Instead, add

language that requires the applicant to comply with the new section 5.7 Buffer Standards for Nonresidential Uses.

- (b) Omit 4.3(i), and instead create a new 4.3(g) that specifies the minimum square footage required for the district plus the additional square footage required for each additional dwelling unit. As a result, the alphabetical sequence of 4.3 will change. The amendment will make the footnote format consistent with that shown in (d) through (f).

5. Amend Section IV, 4.4.3 Principal Structure (see p. 6-7):

- (a) Correct cross-reference to Conservation Subdivision.
- (b) Add a reference to Commerce and Community Overlay District.
- (c) Omit sentences referencing maximum gross floor area for commercial retail stores and restaurants in the Commercial and Industrial districts as the same language exists in new 4.3(j).

6. Amend Section IV, adding new 4.7 entitled Buffer Standards for Nonresidential Uses (see p. 8). The buffer will replace the greater setback required when a commercial or industrial use or building abuts a residential use or district.

SECTION II DEFINITIONS

Entertainment: Any single event, a series of events, or ongoing activity or business, occurring alone or as part of another business, to which the public is invited or allowed to watch, listen, or participate or that is conducted for the purpose of holding the attention of, gaining the attention of or diverting or amusing guests or patrons, regardless of whether a charge or fee is levied.

~~The following types of Entertainment activities are included~~ **include but are not limited to:** Instrumental music; individual singer; singing group or band; dance; comedy; theatrical reading; speech; performance art; sporting event, or exhibition. The use of televisions, radio, or recorded music is exempt from this definition. Nothing in this definition shall be construed to permit adult entertainment of any kind, as **defined in Section II and** referenced in Section ~~3.9~~ **III, Establishment of Districts and Uses** of this Ordinance.

Entertainment, place of: Any ~~hall, theater, bar, or restaurant~~ **place** which provides on-premises entertainment **as its principal use**, which may also include food and/or beverage service, except a Fair Use permitted in ~~the~~ **Section 3.8, Fair Overlay District. See also Entertainment Table of Uses 3.6 and subsection 3.7.8, Place of Entertainment.**

SECTION III TABLE OF USES

3.6 TABLE OF USES	R-4	R-3	R-2	R-1	B-1	M-1	VR-1	VB-1	VM-1
E. Institutional Uses/Community Facilities – Principal Uses									
2. Essential Services, Section II	P	P	P	P	P	P	P	P	P
3. Hospitals, Clinics and Nursing Homes, Convalescent Homes and Rehabilitation Centers	X	X	S	S	P	X P	S	P	X P
4. Museums, Historical Association or Society	S	S	P	P	P	X P	P	P	S
5. Non-Profit Senior Citizen Centers	S	S	S	P	P	X P	P	P	X
6. Place of Worship including customary ancillary religious facilities	P	P	P	P	P	X P	S P	P	X P
7. Private Cemetery	S	S	S	S	S	S	S	S	S
8. Private Schools, and Child Daycare Center, Section III	S	S	S	S	P	S	S	P	S
9. Public Utilities	P	P	P	P	P	P	P	P	P
F. Commercial Uses – Principal Uses									
1. Airports, Heliports, Runways, Control Towers, Administration Buildings, Hangers	X	X	X	X	X	S	X	X	X
2. Banks and Lending Institutions	X	X	X	X	P	P	X	P	S
3. Bar	X	X	X	X	S	S	X	S	S
4. Beauty Parlor, Barber Shop	X	X	X	X	P	P	S	P	S
5. Business Offices	X	X	X	X	P	P	S	P	P
6. Commercial Solar Energy System, Section III	C	C	C	C	C	C	C	C	C
7. Convenience Store (without gas pumps)	X	X	X	S	P	S	S	P	S
8. Crematory Facility	X	X	X	X	S	S	X	X	X
9. Drive-in Food Establishments.	X	X	X	X	P	P	X	X P	X
10. Drive-thru Food Establishment	X	X	X	X	S	S	X	X	X
11. Drive-thru Retail Establishment	X	X	X	X	P	S	X	P	S
12. Entertainment, Place of, Section III	S X	S X	S X	S X	S	S	S	S	S
13. Filling Station, Service Station	X	X	X	X	P	P	X	S	S
14. Funeral Home	X	X	X	X	S	S	S	S	S
15. Kennel	X	X	X	X	S	S	X	X	S
16. Laundromat	X	X	X	X	P	S	X	P	S
17. Motion Picture Establishment, Indoor and/or Outdoor	X	X	X	X	S	S	X	P	X
18. Motor Vehicle Dealership, Repair Garage, Body Shop, Paint Shop	X	X	X	X	S	S	X	P	S
19. Personal Wireless Service Facilities (PWSF), Section III	C	C	C	C	C	C	C	C	C
20. Pet Grooming	X	X	X	X	P	S	X	P	S
21. Professional Offices	X	X	X	S	P	P	S	P	P
22. Recreation Facilities or Clubs, Indoor and/or Outdoor	S	S	S	S	S	S	S	S	S
23. Restaurants	X	X	X	X	P	P	X	P	S
24. Retail Establishments	X	X	X	X	P	S	X	P	S
25. Self-Service Storage Facility	X	X	X	X	P	P	X	X	X
26. Uses, Adult, Section III	X	X	X	X	X	X	X	S	X
27. Veterinary Hospital	S	S	S	X	S	S	X	X	S

P – Permitted, S – Special Exception, C – Conditional Use Permit, X – Not Permitted

R-4 – Residential/Agricultural, R-3 – Low Density Residential, R-2 – Medium Density Residential, R-1 – High Density Residential
VR-1 – Village Residential, B-1 – Commercial, M-1 – Industrial, VB-1 – Village Commercial, VM-1 – Village Industrial

yes

no

no

yes

yes

yes

SECTION III TABLE OF USES

3.6 TABLE OF USES	R-4	R-3	R-2	R-1	B-1	M-1	VR-1	VB-1	VM-1
G. Industrial Uses – Principal Uses									
1. Biomass Energy Generation Systems	X	X	X	X	X	X	X	X	X
2. Bulk Storage and distribution of goods and commodities, except fuels.	X	X	X	X	X	P	X	X	P
3. Bulk Storage of fossil fuels	X	X	X	X	X	S	X	S	S
4. Closed Storage of raw materials, finished goods, or construction equipment	X	X	X	X	S	S	X	X	S
5. Earth Products, Section XI	S	S	X	X	X	S	X	X	X
6. Freight and Trucking Terminals	X	X	X	X	X	S	X	X	X
7. Junk Yards, Recycling Centers, or Refuse Facilityities	X	X	X	X	X	X	X	X	X
8. Laundry, Dry Cleaning Plant	X	X	X	X	X	P	X	S	P
9. Manufacturing, Assembly, Fabricating Operations	X	X	X	X	X	S	X	X	S
10. Renewable Energy Generation Systems, except for Biomass	S	S	S	S	S	S	S	S	S
11. Research and Development Facilities	X	X	X	X	P	P	S	P	P
12. Warehousing and Wholesaling	X	X	X	X	X	P	X	X	S
13. Water Filter and/or Wastewater Systems	S	S	S	S	S	S	S	X	X
14. Sawmill	X	X	X	X	X	S	X	X	S
H. Accessory Uses									
1. Accessory Agriculture Solar Energy System, Section III	P	P	P	P	P	P	P	P	P
2. Accessory Building for inside or outside Storage clearly necessary to the operation and conduct of a permitted principal wholesale, transportation, industrial and/or commercial use.	X	X	X	X	S	S	X	S	S
3. Accessory Buildings normally associated with a residence or residential use, Section IV.	P	P	P	P	P	P	P	P	P
4. Accessory Commercial Solar Energy System, Section III	C	C	C	C	C	C	C	C	C
5. Accessory Dwelling Unit, Section III	P	P	P	P	XP	P	P	P	P
6. Accessory Off-street Parking loading spaces, Section VI	P	P	P	P	P	P	P	P	P
7. Accessory Residential Solar Energy System, Section III	P	P	P	P	P	P	P	P	P
8. Accessory Storage of trailer, camping vehicles, unregistered automobile or boat provided: It shall either be stored within a principal or accessory building or not less than 25 feet from any front lot line and 10 feet from any side lot line, and it shall not be used for dwelling or sleeping purposes.	P	P	P	P	P	S	P	P	S
9. Agricultural silage storage exceeding the maximum zone height, Section IV.	S	S	S	S	S	S	S	S	S

P – Permitted, S – Special Exception, C – Conditional Use Permit, X – Not Permitted

R-4 – Residential/Agricultural, R-3 – Low Density Residential, R-2 – Medium Density Residential, R-1 – High Density Residential
VR-1 – Village Residential, B-1 – Commercial, M-1 – Industrial, VB-1 – Village Commercial, VM-1 – Village Industrial

SECTION III TABLE OF USES

3.6 TABLE OF USES	R-4	R-3	R-2	R-1	B-1	M-1	VR-1	VB-1	VM-1
H. Accessory Uses									
10. Child Daycare Home, Section III	S	S	S	S	S	S	S	S	S
11. Commercial Entertainment subject to the limitations in other Sections of this Ordinance, including but not limited to definitions, lighting, and noise.	P	P	P	P	P	P	P	P	P
12. Commercial Recreation Facilities subject to the limitations in other Sections of this Ordinance, including but not limited to definitions, lighting, and noise.	S	S	S	S	S	S	S	S	S
13. Construction trailer(s) for a construction project provided a permit is secured from the Board of Selectmen under conditions they may prescribe.	P	P	P	P	P	P	P	P	P
14. Filling of Water or wet area, Section XII	S	S	S	S	S	S	S	S	S
15. Home Business, Section III.	S	S	S	S	SP	SP	S	P	P
16. Home Occupation, Section III	P	P	P	P	P	P	P	P	P
17. Newsstand, Barbershop, Dining Room or Cafeteria and similar accessory services primarily for occupants or users within a hotel, office, industrial building, hospital, or transportation terminal facility.	X	X	S	S	P	P	S	P	P
18. Personal Wireless Service Facilities (PWSF), Section III	C	C	C	C	C	C	C	C	C
19. Recreational Tenting and Recreational Camping Vehicles of a visitor in accordance with Section X, provided no residential tenting and recreational camping vehicles are occupied on the property for greater than 60 days per year.	P	P	P	P	P	S	P	P	S
20. Seasonal Greenhouse or Farm Stand selling goods primarily raised on the premises.	S	S	S	S	S	S	S	S	S
21. Shared Solar Energy System, Section III	C	C	C	C	C	C	C	C	C
22. Small Wind Energy Systems, Section III	P	P	P	P	P	P	P	P	P
23. Telecommuting, Section III	P	P	P	P	P	P	P	P	P
24. Temporary Housing as a result of an emergency situation provided a permit is secured from the Board of Selectmen under conditions they may prescribe.	P	P	P	P	P	P	P	P	P

P – Permitted, S – Special Exception, C – Conditional Use Permit, X – Not Permitted

R-4 – Residential/Agricultural, R-3 – Low Density Residential, R-2 – Medium Density Residential, R-1 – High Density Residential
VR-1 – Village Residential, B-1 – Commercial, M-1 – Industrial, VB-1 – Village Commercial, VM-1 – Village Industrial

SECTION IV DIMENSIONAL AND DENSITY REQUIREMENTS

4.1 GENERAL REQUIREMENTS No building or structure shall be erected, enlarged or moved nor shall any use be authorized or extended nor shall any existing lot be changed as to size except in accordance with the Table of Dimensional Requirements, Section 4.2, or in accordance with Section VIII for subdivisions of land for residential uses, as applicable, unless modified elsewhere in this Ordinance.

4.2 TABLE OF DIMENSIONAL REQUIREMENTS The TABLE OF DIMENSIONAL REQUIREMENTS shall apply for all lots, uses of land, and developments within the various districts, except for subdivisions of land for residential uses subject to the provisions specified in Section VIII, unless modified by other Sections of this Ordinance. See Explanatory Notes in Section 4.3 for footnoted items.

TABLE OF DIMENSIONAL REQUIREMENTS									
Districts	Minimum Lot Dimensions ^a			Minimum Setback Dimensions ^a (ft)					
	Area (SF)	Continuous Frontage ^h	Depth	Front	Side	Rear	Max. Height of Structure	Max. % Bldg. Cvge./Lot	Min. % Open Space/Lot
R-4 ^b	120,000	300	200	60	30	60	35	20	70
R-3 ^b	120,000	300	200	60	30	60	35	20	70
R-2 ^b	80,000 ^d	250	140	40	20	40	35	30	30
R-1 ^b	60,000 ^e	160	120	30	15	40	35	30	30
R-1 ^c (other than residential)	15,000	100	100	25	15	40	35	30	50
B-1 ^{c k j}	15,000 ^f	80	80	30	15	40	35	40	30
M-1 ^{c k j}	110,000	250	300	50	40 ^{h i}	50	45	40	30
VR-1 ^{i c}	15,000 ^{i f}	80	80	30	15	40	35	40	30
VB-1 ^{+k}	7,500 ^{i g}	50	100	0	10	10	35	60	20
VM-1 ^{j c +k}	55,000	150	200	25	25	25	35	50	30

R-4 – Residential/Agricultural, R-3 – Low Density Residential, R-2 – Medium Density Residential,
R-1 – High Density Residential, VR-1 – Village Residential, B-1 – Commercial, M-1 – Industrial,
VB-1 – Village Commercial, VM-1 – Village Industrial

4.3 EXPLANATORY NOTES The following explanatory notes shall provide further definitions for the footnoted items in Table 4.2.

- (a) All measurements are in feet unless otherwise noted.
- (b) These dimensions shall not apply to Conservation Subdivisions. See Section VIII, Conservation Subdivisions, for applicable dimensional requirements.
- (c) When the footnoted commercial or industrial uses abuts residential uses or a residential district, ~~the minimum front and rear setbacks shall be 100 feet from, and the side setback shall be 50 feet from a property line abutting a residential use or district~~ the applicant must demonstrate compliance with the requirements of subsection 5.7, Buffer Standards for Nonresidential Uses.

4.7

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- (d) 80,000 sq. ft. + 16,000 sq. ft. for each dwelling unit more than one on a lot.
- (e) 60,000 sq. ft. + 8,000 sq. ft. for each dwelling unit more than one on a lot.
- (f) 15,000 sq. ft. + 2,000 sq. ft. for each dwelling unit more than one on a lot.
- (g) 7,500 sq. ft. + 2,000 sq. ft. each dwelling unit more than one on a lot.
- (g^h) The minimum lot width at the front yard setback line shall not be less than 85 percent of the minimum lot frontage required for the district. The frontage on a road at a cul-de-sac may be less than specified if the lot width at the depth of the front yard setback line meets the minimum lot frontage requirements, but in no event less than 30 feet.
- (hⁱ) For residential use only in the M-1 zone district the sideline setback shall be 30 feet.
- ~~(i) The required square footage of land area for the first dwelling unit shall be equal to the minimum lot area as defined in the Table of Dimensional Requirements. For each additional dwelling unit, an additional 2,000 square feet of land area shall be required.~~
- ~~(j) When the footnoted commercial or industrial uses abut residential uses or a residential district or are situated in a residential area, the minimum front setback shall be 25 feet and the minimum side setback shall be 25 feet from a property line abutting a residential use or district.~~
- (k) In the B-1 and M-1 zones districts, the maximum gross floor area of commercial retail stores and restaurants shall not exceed 40,000 square feet.
- (l^k) In the VB-1 and VM-1 zones districts, the maximum gross floor area of commercial retail stores and restaurants shall not exceed 20,000 square feet.

4.4 SPECIAL DIMENSIONAL AND DENSITY CONDITIONS The following special conditions shall apply as appropriate to this Section of this Ordinance.

4.4.1 Detached Accessory Building: In all districts, a detached accessory building shall conform to the following provisions:

- (a) It shall not be less than the front setback for the district or less than 10 feet from any other lot line or from any principal or accessory building.
- (b) It shall not exceed 20 feet in height unless the accessory is placed to comply with principal building setback, in which case it will conform to the height restriction of the district.

4.4.2 Attached Accessory Building: In all districts, an accessory building attached to the principal building shall be considered as an integral part therefore and shall be subject to front, side, and rear yard requirements applicable to the principal building.

4.4.3 Principal Structure: Except for municipal facilities and public utilities, only one principal structure/principal use shall be permitted on a lot, except as noted in ~~8.6.5~~ **Section VIII Conservation Subdivisions, Section XIX Commerce and Community Overlay District, and in this section.**

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In the B-1 and M-1 zones ~~districts~~, there may be multiple principal nonresidential structures and ~~or~~ uses within structures so long as each use is listed as a permitted (P) use or use permitted by special exception (S) in 3.6 TABLE OF USES. ~~In the B-1 and M-1 zones, the maximum gross floor area of commercial retail stores and restaurants shall not exceed 40,000 square feet. In the VB-1 and VM-1 zones, the maximum gross floor area of commercial retail stores and restaurants shall not exceed 20,000 square feet.~~ In the VB-1 and VM-1 zones, there may be multiple principal structures and uses within structures so long as each use is listed as a permitted (P) use or use permitted by special exception (S) in 3.6 TABLE OF USES. Nothing herein shall be construed to preclude compliance with the requirements set forth in Section 15.8.2, Special Exceptions, of this Ordinance.

4.4.4 Corner Lot: A corner lot shall have minimum street yards and depths, which shall be the same as the required front yard depths for the adjoining lots.

4.4.5 Through Lot: At each end of a through lot, there shall be a setback depth required, which is equal to the front yard depth required for the district in which each street frontage is located.

4.4.6 Projections: Projections are not permitted into required yards or other required open spaces except steps or stoops, eaves, or bay windows.

4.4.7 Additions: Additions that fail to meet the dimensional and density regulations contained in Table 4.2 to an existing, non-conforming structure may be permitted by special exception provided that the setback of the addition is no less than the setback of the existing structure.

4.5 WAIVER OF DIMENSIONAL REQUIREMENTS BY THE PLANNING BOARD The Planning Board, during the subdivision review process, is hereby given the authority to approve new non-conforming lots, provided that the applicant submits evidence that such non-conforming lots will be donated to and accepted by the Town or Conservation Commission as open space, conservation land, or recreational land.

4.6 INCREASED SHORELAND PROTECTION STANDARD FOR CERTAIN FACILITIES The State Shoreland Protection laws (NH RSA 483-B:8) permit a Town to adopt land-use control ordinances relative to all protected shorelands, which are more stringent than the minimum State standards. As indicated in the Master Plan, the Town's lakes, rivers, ponds, and streams are a primary resource and asset for the Town. The Contoocook River also serves as a drinking water source and, as such, requires special consideration. Non-Conforming solid waste facilities and any proposed or existing solid waste facilities as well as non-conforming facilities and any existing facilities that store or incinerate (or propose to store or incinerate) solid waste or construction and demolition debris in close proximity to lakes, rivers, ponds, or streams, or artificial impoundment areas which connect to lakes, rivers, ponds or streams represent an unacceptable risk to these resources and the public health, safety and welfare of the citizens of the Town. The Town hereby adopts a more stringent shoreland protection standard for such uses. No existing, non-conforming, solid waste facility, or facility which stores or incinerates solid waste, or construction or demolition debris nor any such facility allowed by variance (except for a facility which has, and maintains in good standing a permit which predates this ordinance, permitting the placement of solid waste in accord with RSA 483-B:9 (IV-d)) shall be allowed to place solid waste or construction and demolition debris within 300 feet of the reference line of public waters or within 300 feet of the ordinary high water mark of a river, pond, stream or artificial impoundment area, nor shall the edge of any impervious surface on which such solid waste is located be within 300 feet of the reference line of public waters or within 300 feet of the ordinary high water mark of a pond, river, stream or

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artificial impoundment area. In the event a pre-existing facility has its permit revoked by the State, it shall be subject to this stricter standard. Nothing in this standard shall be construed to allow a solid waste facility in a zone unless it is explicitly permitted in that zone.

4.7 BUFFER STANDARDS FOR NONRESIDENTIAL USES These buffer requirements are intended to mitigate the impacts of light, noise, odor, vibration, and visual blight of nonresidential development on adjacent residential districts and uses. The buffer is intended to be landscaped in order to provide an effective visual screening on a year-round basis for uses in residential districts at a boundary with a nonresidential use or district. Buffers shall employ existing vegetation, nursery stock, fences, walls, earth berms, or grade changes to create a dense or opaque screen immediately adjacent to the boundary.

- (a) Nonresidential uses on lots that directly abut a residential use or district or are located on lots through which a residential district boundary passes shall provide a buffer on the premises in accordance with the standards in the following table.

Buffer Standards for Nonresidential Structures and Uses		
	Minimum buffer width for a structure up to 20 ft. in height or use with no structure	Minimum buffer width for a structure of more than 20 ft. in height
M-1	20	30
B-1	20	30
VM-1	15	20
VR-1, R-1	15	20

VR-1 – Village Residential, B-1 – Commercial, M-1 – Industrial, VM-1 – Village Industrial

- (b) A lot transected by a zoning boundary in which the owner exercises the option available under Section 3.4.6, to extend the district regulations applicable to the larger portion of the lot into the smaller portion shall cause the buffer to be located immediately adjacent to the line, which is at the limit of the regulations as extended.
- (c) Where lots abutting a residential use or residential district have been previously developed, the requirements of this section shall be implemented at such time as a change in use occurs or an existing use is expanded in such a manner that there is an increase in demand, including but not limited, size, parking, access, and circulation.
- (d) Buildings, impervious surfaces, and parking, as well as the storage and display of vehicles, goods, and materials, are prohibited within the buffers.
- (e) The Planning Board may grant a conditional use permit for alternative buffer arrangements where specific requirements of this section cannot be met, as follows.
 - (1) Where the location of existing buildings precludes compliance with the buffer width standards, the Planning Board may allow a buffer that provides the maximum separation and screening possible. In granting a conditional use permit, the Board may require the buffer to be wider where not obstructed by buildings, require additional fencing or walls, or require additional or larger landscape materials.