



Recommended Zoning Amendments for 2024 Town Meeting

*prepared by Anna Wells for the
Economic Development Committee*

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INTRODUCTION

Why make any changes at all? What's the problem?

- Smaller and more affordable dwellings are one of the needs called out in the Master Plan;
- [Statewide Housing Needs Assessment](#) and [Regional Housing Needs Assessment](#) illustrate the significant housing need;
- A wide range of sources connect the inability to fill open jobs with the unavailability of housing - of any kind, but especially homes that would be affordable to median income earners and/or entry wage earners across occupational fields. This is a significant reason for slow economic growth or stagnation in the commercial sector;
- The initial draft of the *Housing Potential and Needs Analysis* being done as part of the InvestNH Housing Opportunity Planning Grant indicates that:
 - housing stock is increasing at a slower rate than the population;
 - housing prices are increasing at a faster rate than incomes; and
 - the current development trends in Hopkinton are unlikely to produce the number and type of housing units that are most needed.

Why these specific changes; why now?

- It is a highly complex issue, but municipalities can play a part by changing zoning to proactively support housing at a feasible economy of scale *and* in keeping with their vision.
- Hopkinton has an opportunity to *use what we already have* for incremental, near-term changes (i.e. “low hanging fruit”).
- Using the tool of an overlay allows for flexibility:
 - the underlying zoning OR the overlay can be utilized
- Using the tool of an existing overlay allows for quick implementation:
 - Because the language for the overlay already exists in Hopkinton’s zoning ordinance, it can be applied to other areas more efficiently than rewriting new language and/or re-zoning an area.

EXISTING COMMERCE AND COMMUNITY OVERLAY DISTRICT
Purpose, Intent, and Objectives

(from [Hopkinton's Zoning Ordinance, 2023](#))

PURPOSE AND INTENT The purpose of the Commerce and Community Overlay District is to provide an opportunity for a range of residential housing choices and small-scale neighborhood retail and services in a planned development that incorporates open space.

OBJECTIVES The objectives of the Commerce and Community Overlay District are:

- (a) To promote the goals and objectives of the Hopkinton Master Plan.
- (b) To encourage a variety of housing choices that allows for age-friendly and multigenerational homeownership and rental opportunities that meet the affordability needs of all households that desire to live in Hopkinton while providing neighborhood conveniences, such as retail and services.
- (c) To introduce uses that will have positive long-term social and economic impacts.
- (d) To augment conventional underlying zoning and land use regulations where the modifications of use, dimensional, density and other requirements are appropriate.
- (e) To enable development that will be compatible with the surrounding site environment and neighborhood; and
- (f) To ensure that private development will be compatible and coordinated with public investment and improvements.

RECOMMENDATIONS

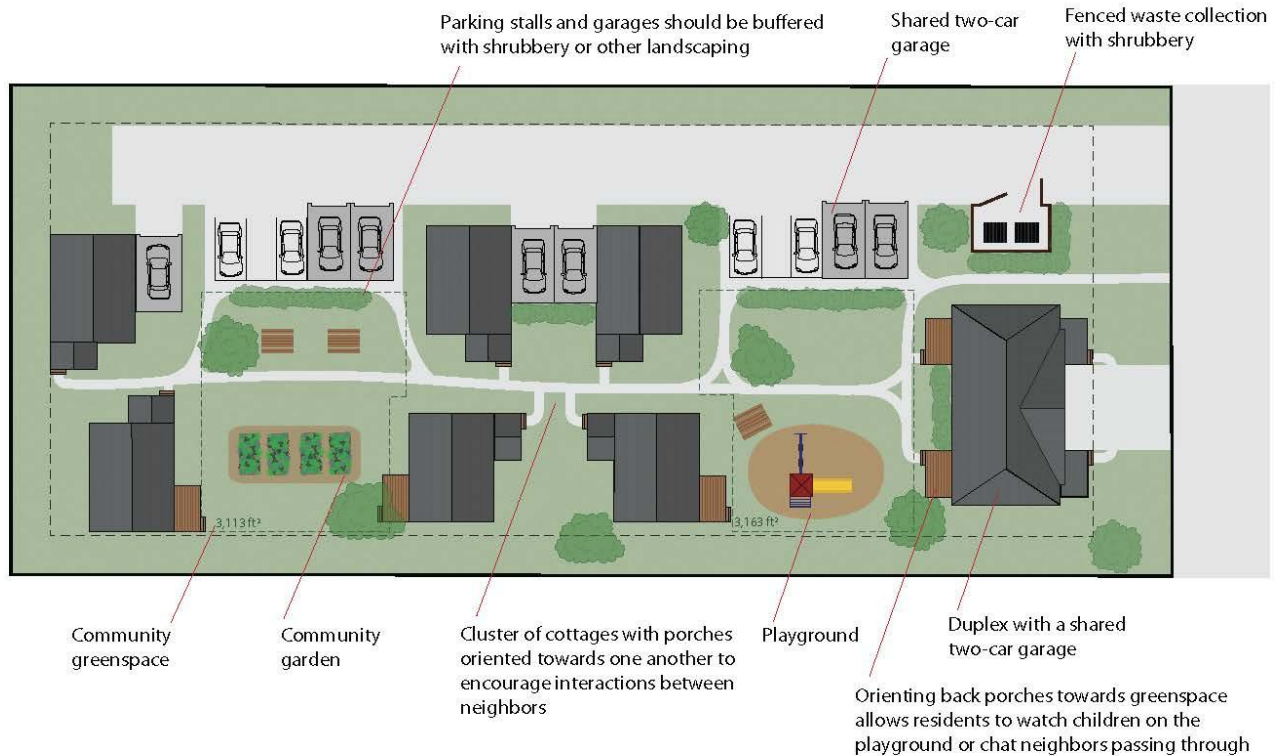
RECOMMENDATION #1: Permit single-family dwellings in Commerce and Community Overlay District (CCOD)

- Currently does not permit single-family detached dwellings
- **RECOMMENDATION:** allow single-family, detached dwellings at a *minimum* density of 4 per acre, up to 8 per acre (not intended to allow for low-density single-family development)
- **RATIONALE:** allows for a housing style that fits with the rural character of the town while enabling more efficient land use and increased value per acre
- Stylistic examples of what would be possible with this change: Bungalow or Cottage development¹



¹ <https://opticosdesign.com/blog/missing-middle-housing-close-bungalow-courts>; Danielson Grove, Kirkland, WA; Jaquith Cottages, Moultonborough, NH

- Or these layout examples, which feature 8 units on approximately one acre.²



² www.kirklandwa.gov/Government/Departments/Planning-and-Building/Housing/Cottages#section-2

RECOMMENDATION #2: Expand the existing CCOD at Hart's Corner

- See map on [Page 8](#)
- Underlying B-1 (Commercial) Zone:
 - a) does not allow for single- or two-family dwellings (if using Affordable Housing Option, single family dwellings are permitted if served by water & sewer, which this area does not have);
 - b) does not allow for mixed uses (commercial and residential) on the same lot;
 - c) does not allow for multiple residential structures on the same lot;
 - d) does not incentivize open space or affordability.
- **RECOMMENDATION**: apply the CCOD to include the former paper mill/Bio-Energy property, and nearby properties, comprising 13 parcels and 55 acres.
- **RATIONALE**:
 1. Provides much-needed flexibility for landowners/developers;
 2. Allows for single- and 2-family clustered dwellings to accomplish a gentle density (not *only* larger multifamily structures);
 3. Provides incentives for affordable housing, elderly housing, and open space (Conservation Subdivisions are not permitted in the B-1 district);
 4. Allows commercial and residential uses to exist on a single lot;
 5. Aligns with underlying B-1 zoning for multifamily housing:
 - The first dwelling unit requires 15,000 sf, with 2,000 for each additional unit:
 - 1 unit: 15,000 (.34 ac)
 - 2 units: 17,000 (.39 ac)
 - 3 units: 19,000 (.43 ac)
 - 4 units: 21,000 (.48 ac)
 - Does not change much in terms of residential density for the B-1, but allows multiple residential structures and/or mixed use on a single parcel; includes density bonuses for elderly and affordable housing and open space (Conservation Subdivisions are not permitted in the B-1 district).
 6. The CCOD is very compatible with the intent of the Commercial District:
 - 3.5.5 Commercial (B-1): The intent of this district is to provide limited commercial, institutional, professional and personal service uses along with residential uses.*
 7. EDC also proposes to create an additional TIF District in West Hopkinton, similar to the existing [“Hart's Corner” TIF District](#) to overlap with this area (TIFs are approved by Town Meeting vote). The CCOD is highly compatible and complementary to the intent of TIF districts. In 2022, the NH legislature added language to the TIF enabling statute that expands the definition of “public use” within a TIF District to include “acquisition of real property to construct housing units which meet the definition of workforce housing.”

Workforce housing and “residential developments aimed at increasing the available housing stock within the municipality” are now an allowed purpose of a TIF district.³

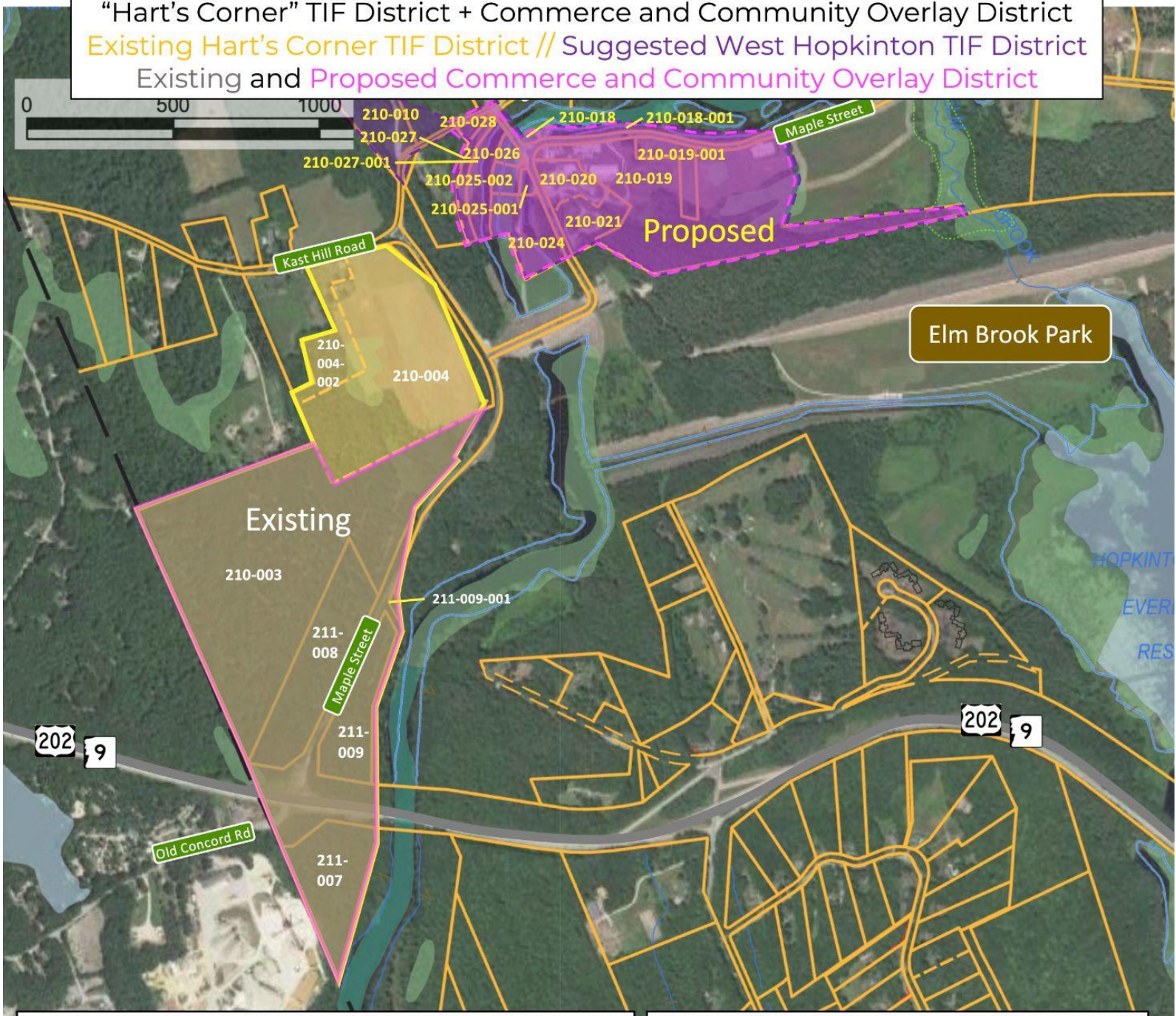
³ [RSA 162-K](#) - TIF legislation changes:

Section 78: Acquiring Property for Workforce Housing – Expands the definition of “public use” under the Tax Increment Finance (TIF) statute, RSA chapter 162-K, to allow any party including a municipality to acquire real property – except by eminent domain – for the purpose of constructing housing units which meet the statutory definition of workforce housing. Said construction may occur either through private development or private commercial enterprise. This change goes into effect August 23, 2022.

Section 79: TIF Districts for Housing – Allows municipalities to designate municipal economic development and revitalization districts (TIF districts) for the purpose of acquiring, constructing, reconstructing, improving, altering, extending, operating, maintaining, or promoting residential developments aimed at increasing the available housing stock within the municipality. This change goes into effect August 23, 2022.

MAP: Hart's Corner Suggested CCOD

“Hart’s Corner” TIF District + Commerce and Community Overlay District
 Existing Hart’s Corner TIF District // Suggested West Hopkinton TIF District
 Existing and Proposed Commerce and Community Overlay District



EXISTING Hart’s Corner Tax Increment Financing (TIF) District
 EXISTING: Map 210, Lots 3, 4, 4.02, Map 211, Lots 7, 8, 9, 9.01

PROPOSED West Hopkinton TIF District – option A
 PROPOSED: Map 210, Lots 10, 18, 18.1, 19, 19.1, 20, 21, 24, 25, 25.1, 25.2, 26, 27, 27.1, 28

Commerce and Community Overlay District
 EXISTING: Map 210, Lot 3; Map 211, Lots 7, 8, 9 and 9.01
 PROPOSED: Map 210, Lots 18, 18.1, 19, 19.1, 20, 21, 24, 25, 25.01, 25.2, 26, 27, 27.1, 28

RECOMMENDATION #3: Apply the CCOD to Exit 6/Maple Street Area

- See maps on Pages 12-15
- Underlying zoning is majority M-1 (Industrial), some R-2 (Medium Density Residential):
 - a) M-1 requires a Special Exception for single- and two-family residential and does not allow multi-family dwellings;
 - b) Hopkinton’s “Affordable Housing Option” zoning ordinance is not permitted in the M-1;
 - c) Conversely, R-2 allows only single- and two-family residential, requires a Special Exception for multi-family up to 12 units/building, does not allow commercial uses nor multi-family more than 12 units per building.
- **RECOMMENDATION:** apply the CCOD to the land surrounding Exit 6 along Maple Street (and a short stretch of Dolly Road). It would apply to a total of 34 individual parcels comprising approximately 239 acres.
- **RATIONALE:**
 1. Provides much-needed flexibility for landowners/developers;
 2. Allows for single-, 2-family, and multifamily clustered dwellings to accomplish gentle density (not *only* larger multifamily structures);
 3. Provides incentives for affordable housing, elderly housing, and open space;
 4. Allows commercial and residential to exist on a single lot;
 5. Applying the CCOD would allow for greater flexibility in developing this area, specifically allowing for mixed uses. This is an appropriate location for more concentrated development because it is along the interstate and plans are moving forward to extend water and sewer service along Maple Street toward and beyond I-89.
 6. Economic, real estate, and development trends and needs indicate that housing is the most pressing demand, which can be efficiently achieved with economy of scale the CCOD would allow for. Hopkinton’s existing “Affordable Housing Innovative Land Use Control” ordinance is not permitted in the M-1 district.
 7. The CCOD is highly compatible and complementary to the intent of TIF districts. In 2022, the NH legislature added language to the TIF enabling statute that expands the definition of “public use” within a TIF District to include “acquisition of real property to construct housing units which meet the definition of workforce housing.” Workforce housing and “residential developments aimed at increasing the available housing stock within the municipality” are now an allowed purpose of a TIF district.⁴

⁴ [RSA 162-K](#) - TIF legislation changes:

Section 78: Acquiring Property for Workforce Housing – Expands the definition of “public use” under the Tax Increment Finance (TIF) statute, RSA chapter 162-K, to allow any party including a municipality to acquire

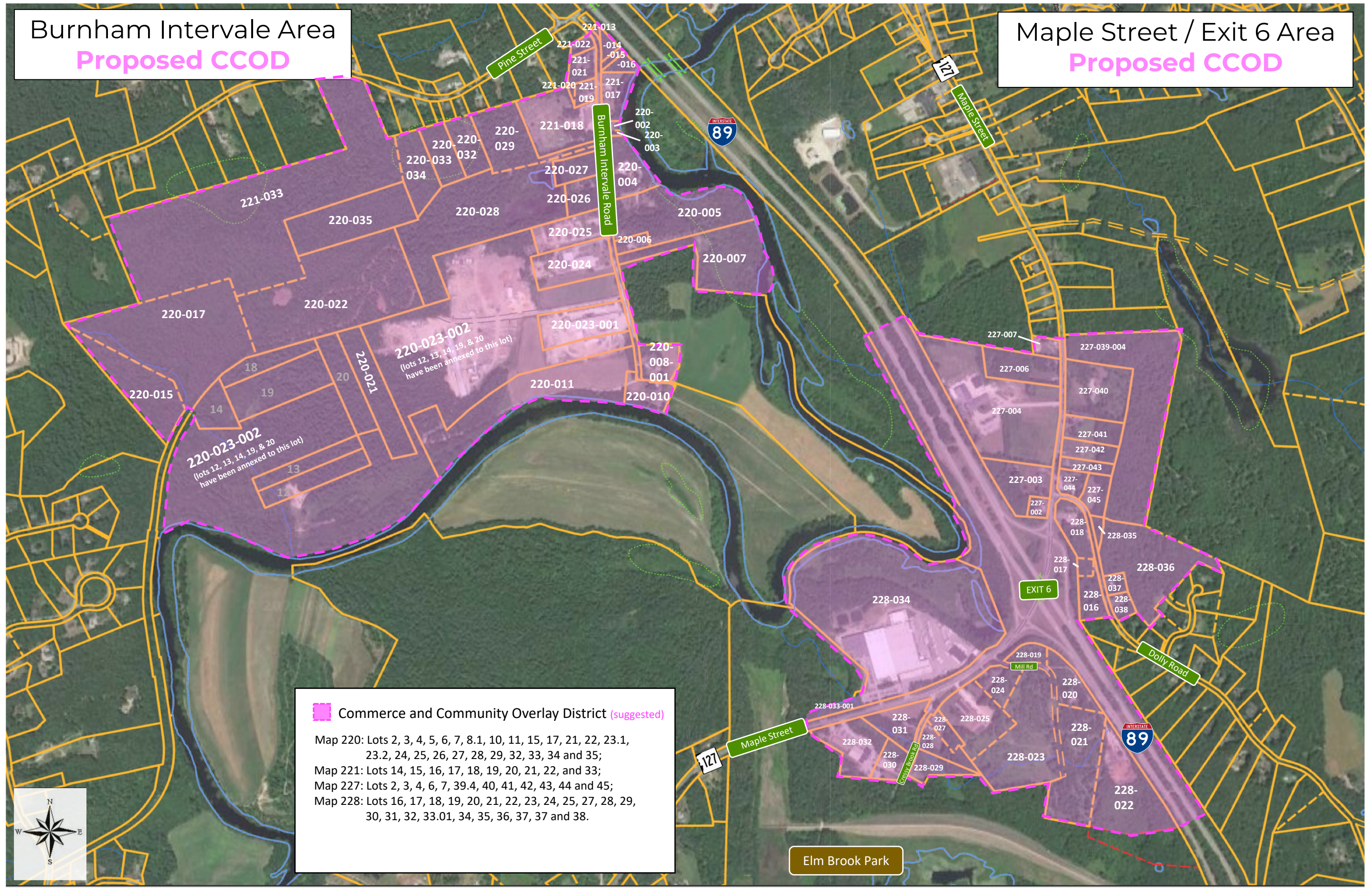
real property – except by eminent domain – for the purpose of constructing housing units which meet the statutory definition of workforce housing. Said construction may occur either through private development or private commercial enterprise. This change goes into effect August 23, 2022.

Section 79: TIF Districts for Housing – Allows municipalities to designate municipal economic development and revitalization districts (TIF districts) for the purpose of acquiring, constructing, reconstructing, improving, altering, extending, operating, maintaining, or promoting residential developments aimed at increasing the available housing stock within the municipality. This change goes into effect August 23, 2022.

RECOMMENDATION #4: Apply the CCOD to the Burnham Intervale Area

- Underlying zone is M-1:
 - a) M-1 requires a Special Exception for single- and two-family residential and does not allow multi-family;
 - b) Hopkinton’s “Affordable Housing Option” zoning ordinance is not permitted in the M-1.
- **RECOMMENDATION:** apply the CCOD to the land off Burnham Intervale and Pine Street. It would apply to a total of 35 individual parcels comprising approximately 450 acres.
- **RATIONALE:**
 1. Provides much-needed flexibility for landowners/developers;
 2. Allows for single-, 2-family, and multifamily clustered dwellings to accomplish gentle density (not *only* larger multifamily structures);
 3. Provides incentives for affordable housing, elderly housing, and open space;
 4. Allows commercial and residential to exist on a single lot;
 5. Economic, real estate, and development trends and needs indicate that housing is the most pressing demand, which can be efficiently achieved with economy of scale the CCOD would allow for. Hopkinton’s existing “Affordable Housing Innovative Land Use Control” ordinance is not permitted in the M-1 district.

Proposed Commerce and Community Overlay District



Burnham Intervale Area
Proposed CCOD

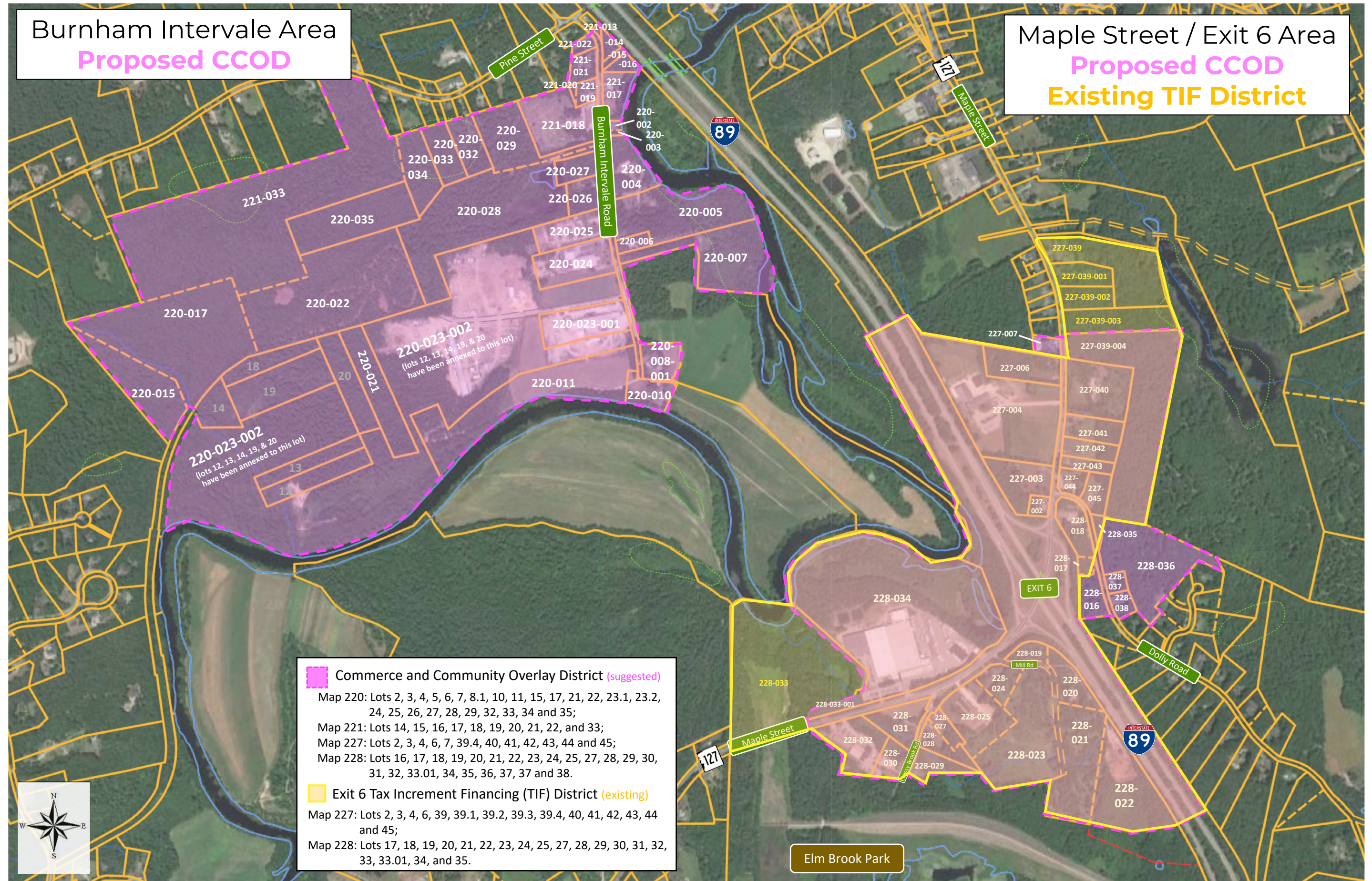
Maple Street / Exit 6 Area
Proposed CCOD

Commerce and Community Overlay District (suggested)

Map 220: Lots 2, 3, 4, 5, 6, 7, 8.1, 10, 11, 15, 17, 21, 22, 23.1, 23.2, 24, 25, 26, 27, 28, 29, 32, 33, 34 and 35;
 Map 221: Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, and 33;
 Map 227: Lots 2, 3, 4, 6, 7, 39.4, 40, 41, 42, 43, 44 and 45;
 Map 228: Lots 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33.01, 34, 35, 36, 37, 37 and 38.



Proposed Commerce and Community Overlay District + TIF



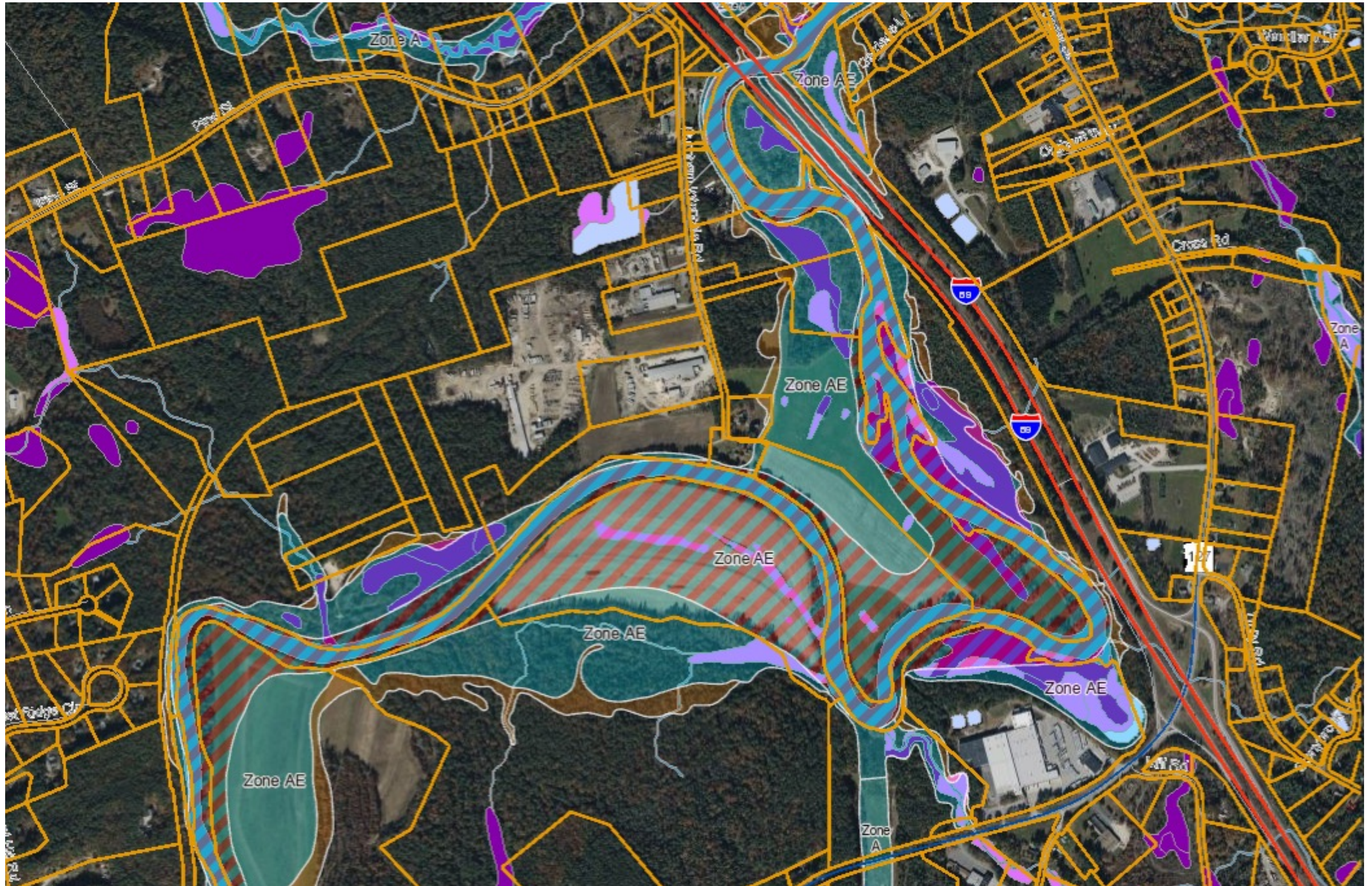
Burnham Intervale Area
Proposed CCOD

Maple Street / Exit 6 Area
Proposed CCOD
Existing TIF District

Commerce and Community Overlay District (suggested)
Map 220: Lots 2, 3, 4, 5, 6, 7, 8.1, 10, 11, 15, 17, 21, 22, 23.1, 23.2, 24, 25, 26, 27, 28, 29, 32, 33, 34 and 35;
Map 221: Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, and 33;
Map 227: Lots 2, 3, 4, 6, 7, 39.4, 40, 41, 42, 43, 44 and 45;
Map 228: Lots 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33.01, 34, 35, 36, 37, 37 and 38.

Exit 6 Tax Increment Financing (TIF) District (existing)
Map 227: Lots 2, 3, 4, 6, 39, 39.1, 39.2, 39.3, 39.4, 40, 41, 42, 43, 44 and 45;
Map 228: Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 33.01, 34, and 35.

Flood Zones



Existing Zoning



Suggested Amendments to

Section XIX

Commerce and Community Overlay District

From the Economic Development Committee

September 1, 2023

SECTION XIX
COMMERCE AND COMMUNITY OVERLAY DISTRICT

19.1 DISTRICT CREATED AND AUTHORITY There is hereby created an overlay zoning district, which shall be known as the “Commerce and Community Overlay District” (CCOD). The CCOD was created by the Town of Hopkinton on March 10, 2020, and as amended on March 28, 2023, and March __, 2024 under the authority of the provisions of NH RSAs 674:16 and 674:21, Innovative Land Use Controls.

19.2 PURPOSE AND INTENT The purpose of the Commerce and Community Overlay District is to provide an opportunity for a range of residential housing choices and small-scale neighborhood retail and services in a planned development that incorporates open space.

19.3 OBJECTIVES The objectives of the Commerce and Community Overlay District are:

- (a) To promote the goals and objectives of the Hopkinton Master Plan.
- (b) To encourage a variety of housing choices that allows for age-friendly and multi-generational homeownership and rental opportunities that meet the affordability needs of all households that desire to live in Hopkinton while providing neighborhood conveniences, such as retail and services.
- (c) To introduce uses that will have positive long-term social and economic impacts.
- (d) To augment conventional underlying zoning and land use regulations where the modifications of use, dimensional, density and other requirements are appropriate.
- (e) To enable development that will be compatible with the surrounding site environment and neighborhood; and
- (f) To ensure that private development will be compatible and coordinated with public investment and improvements.

19.4 DISTRICT BOUNDARY The location and boundaries of the Commerce and Community Overlay District are as delineated and shown on a map titled “Zoning Map of Town of Hopkinton, New Hampshire 2022, and as afterward amended.” The district includes lots identified as follows:

- (a) Tax Map 210, Lots 3, 18, 18.1, 19, 19.1, 20, 21, 23, 24, 25, 25.01, 26, 27.
- (b) Tax Map 211, Lots 7, 8, 9, and 9.01.
- (c) Map 220: Lots 2, 3, 4, 5, 6, 7, 8.1, 10, 11, 15, 17, 21, 22, 23.1, 23.2, 24, 25, 26, 27, 28, 29, 32, 33, 34 and 35;
- (d) Map 221: Lots 14, 15, 16, 17, 18, 19, 20, 21 and 33;
- (e) Map 227: Lots 2, 3, 4, 6, 7, 39.4, 40, 41, 42, 43, 44 and 45;
- (f) Map 228: Lots 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33.01, 34, 35, 36, 37, 37, and 38.

19.5 PERMITTED USES All uses permitted in the CCOD shall be those uses permitted by right or by special exception in the underlying district as specified in Section 3.6, Use Regulations (Table of Uses). The uses shall be permitted singularly or in combination.

In addition to the underlying permitted uses, the following uses may also be permitted.

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COMMERCE AND COMMUNITY OVERLAY DISTRICT

- (a) Single-family dwelling unit with no more than two (2) bedrooms per dwelling unit as part of a planned unit development at a density of at least four (4) units per acre.
- (b) Two-family dwelling units with no more than two (2) bedrooms per dwelling unit as part of a planned unit development.
- (c) Multi-family dwellings with a maximum of twenty-four (24) dwelling units per building.
- (d) ~~Two family dwelling units with no more than two (2) bedrooms per dwelling unit as part of a planned unit development.~~
- (e) Buildings containing between eight (8) and twenty-four (24) attached dwelling units shall not be required to provide direct access to the ground or have some living area at ground level.

19.6 DIMENSIONAL AND DENSITY The underlying dimensional and density requirements outlined in Table 4.2 shall not apply to the development parcels located within the boundaries of the CCOD. Dimensional and density requirements shall instead be regulated by the following:

- (a) Development Parcel Definition. A parcel within the Commerce and Community District upon which a development proposal may be proposed and developed in accordance with this Section.
- (b) Minimum Development Parcel Size. The minimum development parcel gross area shall be one (1) acre (43,560 square feet).
- (c) Density Base Figure. ~~The base figure to determine the~~ number of dwelling units permitted on a development parcel shall be based on a density of eight (8) dwelling units per developable acre. Applicants are encouraged to vary building types within a development. For example, the construction of two (2) single-family dwelling units and three (3) two-family dwelling units. In no case shall there be fewer than four (4) dwelling units per acre.
- (d) Development Parcel Lot Coverage. The entire density permitted for a single development parcel within the CCOD must be located in seventy (70%) percent or less of the entire parcel available for development. The density may vary depending on soil conditions, suitability of on-site locations for septic systems and community water systems, wetlands, topography, and other features of the land. In no case shall the average density be lower than that of a conventional subdivision.
- (e) Buildings may be located on individual lots or on common lots with more than one building on a lot, or a combination thereof. If more than one dwelling unit will be located on a lot, the ownership and management arrangements for that lot and the units thereon shall be detailed as part of the application, and those arrangements shall be submitted for approval by the Planning Board.
 - (1) Lots and/or building envelopes shall be shown on the subdivision plan and shall be submitted for Planning Board approval.
 - (2) Building height shall not exceed 50 feet.

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- (3) Applicants are encouraged to vary lot sizes, lot dimensions, and the location of building envelopes and structures from the access road and from lot to lot within the development to retain natural vegetation; provide increased privacy for residents, and to increase the visual variety provided by the arrangement of buildings within the development.
 - (4) Lots may be irregular in shape, provided they conform to the natural topography and features of the parcel (e.g., the lot lines follow an existing stone wall, stream, or other natural dividing feature).
 - (5) Where available, all new development must be connected to Town water and sewer utilities.
- (f) Incentives for Density Bonuses. Applicants under this Section who provide the Town with certain amenities, such as but not limited to, trails and trail connections, ballfields, playgrounds, fitness centers, meeting rooms and social spaces, and active or passive recreation areas, in the proposed development, may receive a density bonus beyond what is permitted by the base figure calculation. The Planning Board will consider permitting a density bonus based on suitable site conditions. A density bonus may be permitted as indicated below:
- (1) Where the development parcel incorporates, senior housing established and maintained in compliance with HUD/NHHFA guidelines up to a 25% increase in unit count.
 - (2) Where the development parcel incorporates affordable housing in compliance with HUD/NHHFA up to a 25% increase in unit count.
 - (3) Where 40% or more of the development parcel is set aside for Designated Open Space up to a 15% increase in unit count.
 - (4) Where the proposed development includes a combination of senior or affordable dwelling units and a minimum of 40% Designated Open Space (area of parcel permanently protected from future development), up to a 30% increase in unit count.

19.7 SUBMISSION AND APPROVAL PROCEDURES An application under this Section shall comply with the application and review process specified in Sections II and III of the Subdivision Regulations and Section IV of the Site Plan Review Regulations.

19.8 CONDITIONAL USE PERMIT Development within the CCOD shall obtain a Conditional Use Permit. The purpose and intent of a Conditional Use Permit is to provide a mechanism to allow for modifications to standards, with the intent of providing relief where the application of a standard creates practical difficulties in allowing development to proceed.

- (a) A Conditional Use Permit shall be granted only if the Planning Board determines that the proposal conforms to all of the following Conditional Use Permit criteria (except for specific criteria that are deemed by the Planning Board to be not pertinent to the application):
 - (1) Site suitability. The site is suitable for the proposed use. This includes:

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- (a) Adequate vehicular and pedestrian access for the intended use.
 - (b) The availability of adequate public services to serve the intended use, including emergency services, pedestrian facilities, schools, and other municipal services.
 - (c) The absence of environmental constraints (floodplain, steep slope, etc.) or development of a plan to substantially mitigate the impacts of those constraints.
 - (d) The availability of appropriate utilities to serve the intended use, including water, sewage disposal, stormwater management, electricity, and similar utilities.
- (2) Preservation of natural, cultural, historic, and scenic resources. The proposed use of the site, including all related development activities, shall preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting properties. This shall include, but not be limited to, identified wetlands, floodplains, significant wildlife habitat, stonewalls, mature tree lines, cemeteries, graveyards, designated historic buildings or sites, scenic views, and viewsheds.
- (3) Availability of Public Services & Facilities. Adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage, and other necessary public or private services, are approved or assured to the end and that the use will be capable of proper operation. In addition, it must be determined that these services will not cause excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police protection, fire protection, and schools.
- (4) Net Fiscal impacts. The proposed use will not have a negative net fiscal impact on the Town unless the Planning Board determines that there are other positive community impacts that off-set the negative net fiscal aspects of the proposed use. The Planning Board's decision shall be based upon an analysis of the net fiscal impact of the project on the town. The Planning Board may commission, at the applicant's expense, an independent analysis of the net fiscal impact of the project on the town.
- (b) Conditional Use Permit approvals shall be subject to appropriate conditions where such conditions are shown to be necessary to further the objectives of this ordinance and the Master Plan, or which would otherwise allow the general conditions of this article to be satisfied. The conditions shall, if applicable, include, but are not limited to, the following:
- (1) Front, side, and rear setbacks in excess of the minimum requirements of this Ordinance.
 - (2) Screening of the premises from the street or adjacent property in excess of any minimum requirements of this Ordinance.
 - (3) Landscaping in excess of any minimum requirements of this Ordinance.

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- (4) Modification of the exterior features of buildings or other structures.
- (5) Limitations on the size of buildings and other structures more stringent than the minimum or maximum requirements of this Ordinance.
- (6) Footprint or lot coverage less than the allowed maximum of this Ordinance.
- (7) Limitations on the number of occupants and methods and times of operation.
- (8) Grading of the premises for proper drainage.
- (9) Regulation of design of access drives, sidewalks, crosswalks, and other traffic features.
- (10) Off-street parking and loading spaces in excess of, or less than, the minimum requirements of this Ordinance; and
- (11) Other performance standards as appropriate.

19.9 DESIGNATED OPEN SPACE

- (a) Area of Designated Open Space. No more than fifty percent (50%) of the designated open space may consist of wetlands or water bodies. The Planning Board may authorize a reduction in the area of the designated open space by Conditional Use Permit issued pursuant to Section 19.8.
- (b) Areas Excluded from the Calculation of the Required Area of Designated Open Space. Portions of the parcel that comprise part of an individual house lot, roadway, driveway, access road, roadway right-of-way, existing utility easement (e.g., power line easement), other new or existing right-of-way, buffer between any new structure and an existing right-of-way, or that are less than 100 feet wide shall not count toward the calculation of the designated open space.
- (c) Areas Included in Designated Open Space. When evaluating a proposal for a density bonus, the Planning Board shall consider areas or features including but not limited to the following:
 - (1) Riparian areas, wetlands, streams, and other water resources and buffers for those resources.
 - (2) Critical or high-quality habitat areas, including areas identified as the highest statewide or eco-region importance by the NH Fish and Game's Wildlife Action Plan, and buffers or supporting landscapes to these areas.
 - (3) Significant stands of trees or significant individual trees.
 - (4) High-quality soil resources (forest or agricultural soils).
 - (5) Cultural and historic resources (e.g., stone walls, historic structures).
 - (6) Existing trails.

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- (7) Areas that connect to undeveloped open space on adjacent properties.
 - (8) Ridgelines, particularly those that continue through the parcel.
 - (9) Viewshed areas; and
 - (10) Water supply protection areas.
- (d) Design Standards for Designated Open Space. The location and layout of the open space shall conform to the standards and process set forth in the Subdivision Regulations.
- (e) Allowable Uses in Designated Open Space. Any use of the designated open space is subject to approval of the Planning Board and shall demonstrate that such uses shall not negatively impact the natural and/or cultural amenities.
- (1) The following uses generally are permitted in the designated open space unless specifically prohibited or restricted as a condition of approval for the purposes of protecting important natural features or characteristics of the parcel:
 - (a) Forest management.
 - (b) Agricultural cultivation; and
 - (c) Passive (non-motorized) trails and recreational uses.
 - (2) Up to fifteen percent (15%) of the designated open space may be used by Conditional Use Permit for the following:
 - (a) Agriculture involving animal husbandry.
 - (b) Active outdoor recreation uses, including formal playgrounds and fields.
 - (c) Parking areas for access to the designated open space.
 - (d) Support facilities necessary for the development including community wells, stormwater management facilities, underground utility lines, and related facilities such as sewer pump stations; and
 - (e) Individual or group wells and/or transmission pipes for stormwater or wastewater disposal systems provided that this use was approved as part of the development plan and that appropriate arrangements are established and approved by the Planning Board for the maintenance and operation of these facilities.
- (f) Protection and Management of Open Space
- (1) Area Boundaries of the designated open space shall be clearly identified:
 - (a) Boundaries shall be clearly delineated on plans including plats.

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- (b) Boundaries shall be clearly marked prior to commencing construction activities (temporary markings are acceptable, temporary fencing may be required in sensitive areas to prevent disturbance during construction); and
 - (c) Boundaries shall be clearly and permanently marked in the field with tree blazes and signage approved by the Planning Board to identify the area as protected open space.
- (2) Prior to the sale of any lots or dwelling units, the designated open space shall be protected and controlled by one or more of the following methods, subject to Planning Board approval:
- (a) Transfer, with permanent deed restrictions or conservation easement, to a land trust or other recognized conservation organization (subject to acceptance by the organization).
 - (b) Ownership by one or more private individuals (separately or in common) or by an association of the owners of the dwelling units within the subdivision (i.e., homeowner's association) with a conservation easement granted to the municipality and/or recognized conservation or land trust organization.
 - (c) For designated open space areas of 30 acres or less, ownership by one or more private individuals (separately or in common) or by an association of the owners of the dwelling units within the subdivision (i.e., homeowner's association) with a deed restriction on the Designated Open Space that is enforceable by any landowner within the association, any owner of a separate land parcel adjacent to the open space, or the municipality; or
 - (d) Transfer to the municipality as open space, with permanent deed restrictions or conservation easement (subject to acceptance by the municipality).
- (3) Said deed restrictions and/or conservation easement documents shall be placed on file with the Town Clerk upon receipt of Planning Board approval and duly recorded at the County Registry of Deeds. Such documents shall clearly indicate whether the property is open to all residents of the municipality or open only to residents of the development.
- (4) A management plan for the designated open space and facilities shall be prepared and approved by the Planning Board, which includes the following:
- (a) Identifies the entity assuming responsibility for stewardship and management of the designated open space, including regular inspections to confirm continued compliance with the terms of the approval and conservation easement or deed restrictions.
 - (b) Includes detailed standards and schedules for maintenance of the designated open space, including maintenance of vegetation.
 - (c) Allows for municipal maintenance in the event that the maintenance specified under the agreement is not completed and recovery of costs incurred from the

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designated management entity or the owners of the designated open space within the development; and

- (d) Provides that any amendments to the plan shall be reviewed and approved by the Planning Board.

- (5) For properties containing designated open space protected under a conservation easement to be held and enforced by the town or a third party, a one-time stewardship fee, as determined by the town or third-party easement holder, shall be collected and provided to the town or third party to be held in a separate trust account and used to support the monitoring and enforcement of the conservation easement.

19.10 PHASED DEVELOPMENT The review and approval procedure for phased developments shall be as follows:

- (a) For purposes of these Regulations, “phased development” shall mean a project which the applicant intends to construct in phases over a period of time. Phased development may also include a project for which the Planning Board has imposed a phasing requirement pursuant to ~~the Phased Development provision in the Subdivision Regulations-Section XIII of the Zoning Ordinance, or otherwise,~~ in order to mitigate the impact of a development on community facilities, services, or utilities.

- (b) Where development of the site will be phased, the following information, in addition to the requirements of ~~the Subdivision Regulations-Section XIII,~~ shall be provided:
 - (1) The methods to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiles.
 - (2) The approximate size and location of portion(s) of the parcel to be cleared at any given time and length of time of exposure.
 - (3) The required public improvements, if any, and how such improvements to be integrated into the phased construction; and
 - (4) The proposed total period of time over which full build-out of the development shall occur.

- (c) The Planning Board may waive and/or modify the phasing schedule after considering the totality of the circumstances, including but not limited to the following factors:-
 - (1) The extent to which review of the development in its totality is logical and reasonable due to the degree to which the proposed phases are well integrated, both as to their use and development scheme and as to common infrastructure and other improvements.
 - (2) The extent to which phasing will benefit the Town by mitigating and making more predictable the impacts of the complete development upon community facilities, services, utilities, and other Town goals as set forth in the Master Plan.

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- (3) The degree to which the integration of the phases, as described above, would make private investment in such improvements unlikely.
 - (4) The extent to which the proposed phasing schedule represents a realistic timeline for active and substantial development progressing at a steady pace, in light of the type and complexity of the project as a whole; and
 - (5) The total length of time proposed, and the degree of unpredictability or Board uncertainty involved, with respect to whether a later phase or phases will continue to meet current regulations, at the time of construction, and in light of potential changed conditions which might occur in the meantime within the neighborhood or the Town as a whole.
- (d) If the development is proceeding in accordance with the approved phasing schedule, the later phase(s) shall normally be presumed to be “vested” against changes in the Town’s land use ordinances and regulations, except as otherwise specified by the Board as part of its approval. However, the Planning Director may determine that, due to specific circumstances, including but not limited to non-compliance with applicable regulations or conditions of approval, a later phase or phases should not be considered “vested” under RSA 674:39 or the New Hampshire common law of vested rights. In such a case, the Planning Director may forward to the Planning Board a recommendation to initiate proceedings, using the procedures of RSA 676:4-a as applicable, to revoke approval of an unbuilt phase or phases.
- (e) If the applicant anticipates being unable to meet any time deadline(s) set forth in the approved phasing schedule with respect to any phase, he or she may apply to the Planning Board for an extension of up to two years for the particular phase. The request for an extension shall be submitted prior to the expiration of the deadline(s) involved.
- (f) If the applicant fails to meet any such deadline or extension thereof, then the approval of that phase and all subsequent phases shall be considered void, and such phase(s) shall no longer be presumed “vested.” However, the applicant may resubmit the application for such phase(s) to the Planning Board for further review and re-approval in light of changes in ordinances, regulations, or other material circumstances which have occurred in the Town since the original approval.

19.11 DETERMINATION OF POTENTIAL REGIONAL IMPACT Upon receipt of an application for development, the Planning Board shall review the application and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact, pursuant to RSA 36:54, et seq. The Planning Board may, in its discretion, determine that any project has the potential for regional impact, whether or not the project meets or exceeds the criteria in RSA 36:54, et seq.

19.12 STREETS AND UTILITIES The installation of streets and utilities shall comply with applicable sections found elsewhere in this ordinance and requirements specified in the Subdivision Regulations, including the posting of bonds.

19.13. SEQUENTIAL SUBDIVISIONS The provisions of this ordinance shall apply to the sequenced development of a parent parcel over time through separate successive applications. When a subdivision is proposed that involves part of a larger parcel or includes lots that are capable of further subdivision, the planning board may require that a site inventory and a

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conceptual (non-binding) long-range plan be submitted for the entire parcel and for use in evaluating the proposed subdivision.

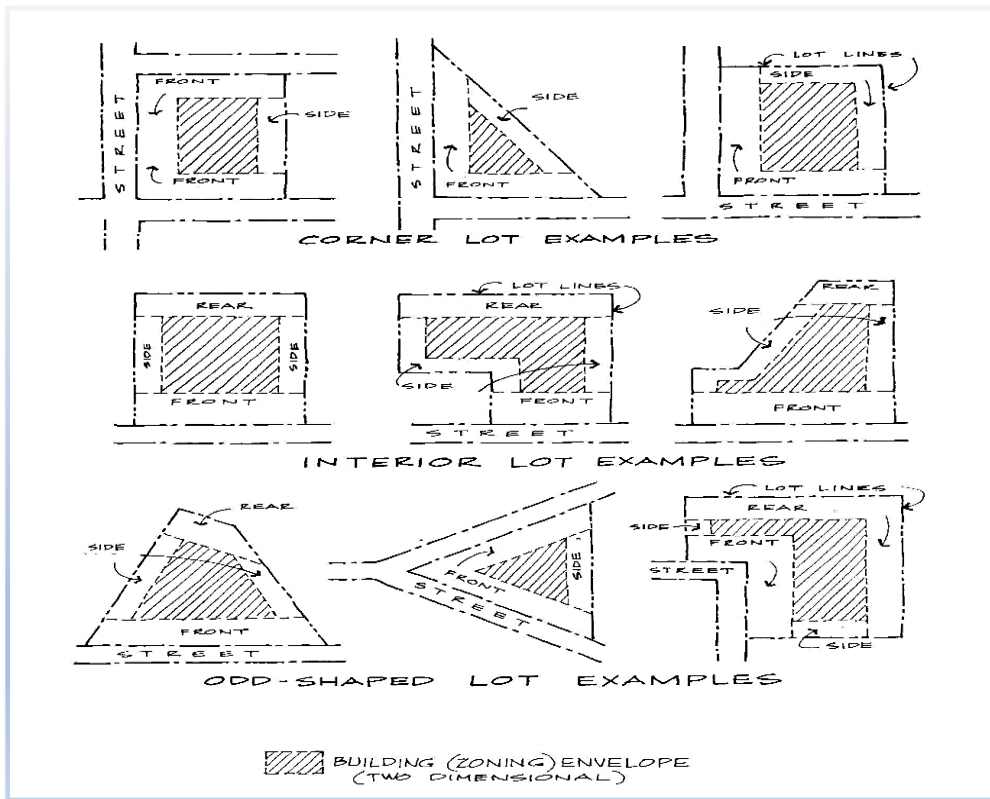
19.14 LEGAL REVIEW Prior to final approval by the Planning Board, the applicant shall submit for review by the town counsel any restrictive covenants, condominium or cooperative agreements, conservation easement, deed restrictions, or other legal agreements proposed for use in the conservation subdivision. The town counsel shall advise the Planning Board of the adequacy of such legal provisions. The applicant shall pay all associated costs of the legal review.

DRAFT ZONING AMENDMENTS

Discussion Draft, Version 1, Prepared by Karen Robertson, September 1, 2023

Amendment #1: To amend Section II, 2.1 Definitions, the word “Lot Line, Front” by omitting the last sentence that allows the owner to designate the front lot line when on a corner lot. The amendment removes a conflict in the Zoning Ordinance between the definition and the Setback Graphic.

Lot Line, Front: The property line dividing a lot from a street (right-of-way). ~~On a corner lot, the owner shall designate one street line as the front lot line.~~ See the figure titled “Setback Graphic” for more detail.



Amendment #2: To amend Section V, 5.2.1 Use of a Nonconforming Lot by adding the original month and year of enactment of zoning and to eliminate a requirement that an owner owning contiguous land must merge the lots for a nonconforming lot to be built upon. The amendment is being made to further comply with NH RSA 674:39-aa, Restoration of Involuntarily Merged Lots.

5.2.1 Use of a Nonconforming Lot: A nonconforming lot may be built upon, if, at the time of the enactment of this Ordinance, **March 1964**, (or any subsequent amendment thereto, if the amendment renders the lot nonconforming) the:

- (a) Lot conformed to the then existing dimensional requirements (if any), **and the**
- ~~(b) Owner(s) of the lot owned no additional contiguous land, and a~~

DRAFT ZONING AMENDMENTS

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(e-b) Lot has frontage of at least 50 feet.

~~All three conditions must be met to make the lot buildable. Should the owner(s) own contiguous land, that land shall be annexed to the nonconforming lot to the extent necessary to bring it into conformance with the present zoning standards. However, such annexation may not permit the formation of a second nonconforming lot. In such an instance, the two lots must be joined as one.~~

Amendment #4: To amend Section XV, Zoning Board of Adjustment, so that it is consistent with the powers and duties specifically granted to it under RSA 674:33.

See attached Section XV, Board of Adjustment.

Amendment #5: To amend Section XVII, Floodplain Development Ordinance, as necessary to comply with the requirements of the National Flood Insurance Program.

See attached Section XVII, Floodplain Development Ordinance.

SECTION XV
BOARD OF ADJUSTMENT

15.1 POWERS The Zoning Board of Adjustment shall have the powers and duties specifically granted under RSA 674:33, Powers of the Zoning Board of Adjustment. The Zoning Board of Adjustment must hold hearings and make decisions on the following:

- a) Appeals of decisions of the administrative officer;
- b) Applications for special exceptions under the terms of this ordinance;
- c) Appeals for variances from the terms of this ordinance;
- d) Appeals of determinations of the Planning Board, which are based on the terms of this ordinance, under RSA 676:5, Appeals to the Board of Adjustment, and
- e) Applications for equitable waivers of dimensional requirements pursuant to the provisions of RSA 674:33-a, Equitable Waiver of Dimensional Requirement.

For the purposes of this Section: (a) The "administrative officer" means any official or board who has the responsibility for issuing permits or certificates under the ordinance or for enforcing the Ordinance, and may include the Building Inspector, Select Board, or other official or board with such responsibility; (b) A "decision of the administrative officer" includes any decision involving construction or use interpretation or application of the terms of the ordinance. It does not include a discretionary decision to commence formal or informal enforcement proceedings, but does include any construction, interpretation, or application of the terms of the ordinance which is implicated in such enforcement proceedings.

The Zoning Board of Adjustment may impose reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents, and other matters which may be required by particular appeals or applications particular appeals or applications may require.

The board may require an applicant to reimburse the Board for expenses reasonably incurred by obtaining third party review and consultation during the review process, provided that the review and consultation does not substantially replicate a review and consultation obtained by the Planning Board.

When retaining third party services, the Board shall require detailed invoices with reasonable task descriptions for services rendered. Upon request of the applicant, the Zoning Board of Adjustment shall promptly provide a reasonably detailed accounting of expenses or corresponding escrow deductions, with copies of supporting documentation.

15.2 MEMBERSHIP The Zoning Board of Adjustment shall consist of five regular members and up to three alternate members who shall be appointed by the Select Board Board of Selectmen and be residents of the community as provided by in accordance with the provisions of Chapter 673, New Hampshire Revised Statutes Annotated, as amended. under RSA 673:3 and 673:6. Each person shall be appointed to a term ending three years from the date of expiration of the term of his/her their predecessor, and a person appointed to fill a vacancy shall be appointed for the unexpired term. If no successor has been appointed at the expiration of an appointed member's term, the member shall remain until a successor has been appointed.

Alternate members may fulfill the duties and responsibilities of a regular member when a regular member is unavailable or disqualified from consideration of a particular application. On an annual

basis, the Zoning Board of Adjustment elects a chair and other officers that is consistent with the boards rules of procedure for conducting its business. The Zoning Board of Adjustment must adopt and from time to time amend, rules of procedure for the conduct of its business. The rules of procedure must establish a regular meeting schedule in order to allow for the expeditious consideration of appeals.

15.3 RULES The **Zoning Board of Adjustment** shall adopt rules and regulations governing meetings, hearings, fees, and other matters for the proper functioning of the Board. The Board shall adopt rules of procedure **concerning the method of conducting its business** and shall keep a record of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board shall immediately be filed in the office of the Board and become a matter of public record.

15.4 MEETINGS Meetings of the Zoning Board of Adjustment shall be held ~~upon~~ **at** the call of the chairperson **and at such other times as the Board may determine**. All meetings, **unless otherwise posted**, shall be open to the public. **A majority of the membership of the Board shall constitute the quorum necessary in order to transact business.**

15.5 APPLICATIONS Applicants appealing an administrative decision, seeking a special exception, or requesting a variance or equitable waiver **must submit an application** ~~of be in writing, shall be signed by the property owner/applicant, shall be accompanied by such fees as the Board deems necessary to defray its costs in processing the application, and shall be accompanied by a drawn to-scale plan of the property in question. The property plan shall contain such information as the Board determines to be necessary for it to reach a decision. In appropriate cases, the Board may require that the plan be prepared by a registered professional engineer or registered land surveyor. The application shall list the name and current mailing addresses of each abutter to the property in question.~~

In accordance with the provisions of RSA 674:33, Powers of Zoning Board of Adjustment, upon receipt of an application, the Zoning Board of Adjustment shall approve or disapprove such application within 90 days of the date of receipt, provided that the applicant may waive this requirement and consent to such extension as may be mutually agreeable. If a Zoning Board of Adjustment determines that it lacks sufficient information to make a final decision on an application and the applicant does not consent to an extension, the Board may, at its discretion, deny the application without prejudice, in which case the applicant may submit a new application for the same or substantially similar request.

15.7 HEARINGS ~~Hearings before the Board shall be conducted by the Chairperson, or, in his/her absence the Acting Chairperson, who may administer oaths and compel the attendance of witnesses. A public hearing is required before the Zoning Board of Adjustment can take action on any application, whether dealing with an administrative appeal, a request for a variance, a special exception, or an equitable waiver of dimensional requirements.~~

A) **15.6 PUBLIC HEARING NOTICE** ~~Prior to exercising its appeals powers, the Zoning Board of Adjustment shall hold a public hearing on each application within a reasonable time as specified in its rules. Notice of the public hearing thereof shall be given as follows:~~

- 1) ~~15.6.1 Mail:~~ The applicant and all abutters, **as defined in RSA 672:3**, and holders of conservation, preservation, or agricultural preservation restrictions shall be notified of the public hearing by verified mail, as defined in RSA 21:53, stating the time and place of the hearing, and such notice shall be given not less than five days ~~nor more than thirty days~~ before the date fixed for the hearing of the appeal.

- 2) ~~15.6.2 Public Notice:~~ A public notice of the hearing shall be posted at the Town Hall and ~~one other public place,~~ **on the Town's website** and shall be published in a newspaper of general circulation in the area not less than five days before the date fixed for the hearing of the appeal, **unless otherwise indicated in.**

~~15.6.3 Costs:~~ The cost of advertising and the cost of mailing the notices of hearing shall be payable prior to the hearing by the person making the appeal. ~~In no event shall the costs be less than two dollars (\$2.00).~~ **The cost of notice, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration and to deny the appeal without a public hearing.**

If the Zoning Board of Adjustment finds that it cannot conclude the public hearing within the time available, it may vote to continue the hearing to a specified time and place with no additional notice required.

- B) **POWER TO COMPEL WITNESSES** The chair of the Zoning Board of Adjustment or the acting chair may administer oaths. Whenever the Board exercises its regulatory or quasi-judicial powers, it may, at its sole discretion, compel the attendance of witnesses. All expenses incurred under this Section for compelling the attendance of a witness shall be paid by the party or parties requesting that a witness be compelled to attend a meeting of the Board.
- C) **BURDEN OF PERSUASION** At all hearings before the Board, the **applicant bears the burden of presenting sufficient evidence** ~~shall be upon the applicant~~ to establish that the administrative decision appealed from is erroneous or show that the applicant has met the conditions established for a special exception, criteria for a variance and criteria for an equitable waiver of dimensional requirements.
- D) **TESTIMONY/EVIDENCE** The Board shall hear all abutters desiring to submit testimony and all non-abutters who can demonstrate that they are affected directly by the proposal under consideration. The Board may hear other persons as it deems appropriate.

The Zoning Board of Adjustment must consider the source of the evidence presented and give due weight to what is presented. The Board may base their conclusion upon their own knowledge, experience, and observations in addition to expert testimony.

- E) **DECISIONS** ~~The Board, in accordance with the provisions of this ordinance, may reverse or affirm, wholly or partly, or may modify any such order, requirements, decision, or determination made by the Building Inspector.~~ The concurring vote of three members of the Zoning Board of Adjustment shall be necessary to reverse or **affirm, wholly or partly, or to** modify any order, requirement, decision, or determination of the **Select Board, Building Inspector, or Administrative Official** or to decide in favor of the appellant on any matter upon which it is required to pass or to effect any variance from the strict applications of the provisions of this ordinance.
- F) **MINUTES/NOTICE OF DECISIONS** When the Zoning Board of Adjustment votes to approve or disapprove an application or a motion for rehearing, the minutes of the meeting at which such vote is taken, including the written decision containing the reasons and all conditions of approval, shall be placed on file in the Board's office and shall be made available for public inspection ~~within five (5) business days of such vote~~ as required in NH RSA 676:3, as amended.

- G) **REHEARING** Within 30 days after a decision of the Zoning Board of Adjustment, any party to the action or any person directly affected thereby may submit in writing a motion for rehearing in respect to any matter determined in a decision. A motion for rehearing must specify the technical error made to their detriment or produce new evidence that was unavailable at the initial public hearing. A motion for rehearing must be filed during normal business hours in the office of the Board. If the last day for filing falls on a Saturday, Sunday, or legal holiday, the motion will be deemed timely if received by the next business day. Upon filing a motion for rehearing, the Zoning Board of Adjustment must hold a public meeting, not a public hearing, within 30 days to decide to grant or deny the rehearing. If the Board decides to grant the rehearing, a new public hearing is to be scheduled with new hearing notices.
- H) **RE-APPLICATION** When an application is submitted, the files should be reviewed to determine if a previous application was denied for the same situation. If so, the Board should determine if circumstances have changed sufficiently to warrant acceptance of a reapplication. If there has not been a significant change in circumstances, then the Board should reject the application and end further consideration.

“When a material change of circumstances affecting the merits of the applications has not occurred, or the application is not for a use that materially differs in nature and degree from its predecessor, the board of adjustment may not lawfully reach the merits of the petition. If it were otherwise, there would be no finality to proceedings before the board of adjustment, the integrity of the zoning plan would be threatened, and an undue burden would be placed on property owners seeking to uphold the zoning plan.” Fisher v. Dover, 120 N.H. 187 (1980).

15.8 SCOPE OF REVIEW

15.8.1 Administrative Appeals: The Zoning Board of Adjustment shall hear and decide appeals from decisions or orders made by an administrative official from the Building Inspector concerning the administration or enforcement of this ordinance.

In exercising its powers, the Zoning Board of Adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made and shall have all the powers of the administrative official from whom the appeal is taken.

Appeals to the Zoning Board of Adjustment shall be filed within a reasonable time, as specified by the Board's Rules of Procedure.

15.8.2 Special Exceptions: The Zoning Board of Adjustment shall hear and decide requests for special exceptions provided for in this ordinance. The Board shall grant requests for special exceptions that which are in harmony with the general purpose and intent of this ordinance and meet the standards of this subsection. ~~Appropriate conditions~~ As set forth in subsection 15.8.2 (b), conditions may be placed on special exception approvals when necessary. The Board shall deny requests for special exceptions that do not meet the standards of this Section.

a) Special Exceptions shall meet the following standards:

- 1) ~~The requested use is specifically authorized~~ Standards provided by this ordinance for the particular as a use permitted by special exception;
- 2) ~~The requested use will not create a~~ No hazard to the public or adjacent properties on account of potential fire, explosion, or release of toxic materials;

- 3) ~~The requested use will not be~~ **No detrimental** to property values in the vicinity or change ~~in~~ the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, parking areas, access ways, odor(s), smoke, gas, dust, or other pollutants, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;
 - 4) ~~The requested use will not create~~ **No creation of a traffic safety hazard, or a substantial increase in the level of traffic congestion in the vicinity or impair pedestrian safety;**
 - 5) ~~The requested use will not create an~~ **No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools;**
 - 6) ~~The requested use will not create a~~ **No significant increase of stormwater runoff onto adjacent property or streets;**
 - 7) ~~The proposed location is appropriate for the requested use~~ **An appropriate location for the proposed use;**
 - 8) ~~The requested use will not adversely affect the health, and safety, or general welfare of the residents and others in the area, nor and not be detrimental to the use or development of adjacent or neighboring properties;~~
 - 9) ~~The requested use is in the public interest and is in~~ **consistent with the spirit and intent of the ordinance and master plan.**
- b) **Conditions of Approval:** ~~Special exception approvals may be subject to appropriate conditions, including the following:~~ **In granting a special exception, the Zoning Board of Adjustment may attach conditions as it deems necessary to assure compliance with the purposes of this ordinance. Such conditions may include but are not limited to the following:**
- 1) Front, side, or rear yards in excess of the minimum requirements of this ordinance;
 - 2) **Landscaping and/or screening** of the premises from the street or adjacent property by walls, fences, or other devices **in excess of the minimum requirement of this ordinance;**
 - 3) Modification of the exterior features, ~~or~~ buildings or other structures;
 - 4) **Limitations on the size of buildings and other structures more stringent than the minimum or maximum requirements of this ordinance;**
 - 5) Reasonable limitations on the number of occupants and methods and times of operation;
 - 6) Grading of the premises for proper drainage;
 - 7) Regulation of design of access drives, sidewalks, **crosswalks**, and other traffic features;
 - 8) **Off-street parking and loading spaces in excess of the minimum requirement of this ordinance;**

- 9) Regulation of the number, size, and lighting of signs more stringent than the requirements of this ordinance;
- 10) **Other performance standards.**

15.8.3 VARIANCES Upon submission of an appeal, the Zoning Board of Adjustment shall hear and decide requests to vary ~~may authorize a variance from~~ the terms of this ordinance **for a particular use, a parcel of land, an existing building, or a proposed building.** At ~~the a public hearing on the application,~~ the applicant shall present testimony and other evidence to establish that ~~all the following~~ **five conditions** for a variance have been met. ~~Testimony shall be allowed in accordance with the provisions of 15.7.2 of this Section.~~

- 1) No decrease in the value of surrounding properties ~~would~~ **will** be suffered;
- 2) Granting ~~the of a~~ variance ~~would~~ **will** not be contrary to the public interest;
- 3) By granting ~~the a~~ variance, substantial justice ~~would~~ **will** be done;
- 4) The spirit and intent of the ordinance will ~~not be broken~~ **be observed; and** ~~by granting the variance;~~
- 5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
 - (a) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - (i) No fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the property;
 - (ii) The proposed use is a reasonable one.
 - (b) If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is, therefore, necessary to enable a reasonable use of it.

The definition of "unnecessary hardship" set forth in subparagraph 5 (a) and (b) shall apply when the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

15.8.3.1 Additional Findings Required by Floodplain Development Ordinance

Where a variance is requested from the provisions of Section, XVII, Floodplain Development Ordinance, the Zoning Board of Adjustment may grant a variance as authorized by RSA 674:33. All applications must satisfy the criteria in subsection 17.9 Variances and Appeals, in addition to those required pursuant to Section 15.8.3 of this ordinance.

15.8.3.2 Stipulations of Authorization

- 1) In authorizing a variance, the Zoning Board of Adjustment may impose such conditions and stipulations as it deems necessary and proper in order to fulfill the purposes and intents of this ordinance.

15.8.4 EQUITABLE WAIVERS The Board shall hear and decide requests for equitable waivers when a lot or structure thereupon is discovered to be in violation of a physical layout or dimensional requirements imposed by the Zoning Ordinance. ~~The Zoning Board of Adjustment shall, upon application by and with the burden of proof on the property owner, To grant an equitable waivers to from the dimensional requirements of the Zoning Ordinance, if and only if the board makes all of the following findings: the applicant must proves to the Board's satisfaction each and every element of the following:~~

- A) That the violation was unknown to the owner, owner's predecessors, owner's agent or representative, or municipal official until after the structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyed to a bona fide purchaser for value (i.e., an innocent purchaser who had no knowledge or reason to know of any problems and who, in good faith, paid full value);
- B) That the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bath faith on the part of any owner, owner's agent or representative, but was instead caused by a good faith error in measurement or calculation by an owner or owner's agent or an error in interpretation of the ordinance or its applicability by a municipal official in the process of issuing a permit, while that official was acting within the scope of his/her their authority;
- C) That ~~ne the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and may be created by the violation;~~
- D) ~~That there will be no diminution in the value of other property in the area;~~
- E) ~~That the violation will not interfere with or adversely impact any present or permissible future uses of any such property; and~~
- D) That due to the degree of past construction or investment, the cost to correct the violation so far outweighs the public benefit to be gained, and that it would be inequitable to require the violation to be corrected.

In lieu of the findings required by the Board under subparagraphs (a) and (b) above, the owner may demonstrate to the satisfaction of the Board that the violation has existed for ten (10) years or more and that no enforcement action, including written notice of violation, has been initiated regarding the violation by the Town or anyone directly affected by the violation.

Waivers shall be granted under this Section only from physical layout, mathematical, or dimensional requirements (e.g., setbacks, frontage, or area) and not from use restrictions. An equitable waiver granted under this Section shall not be construed as a non-conforming use and shall not exempt future use, construction, reconstruction, or additions on the property from full compliance with the Ordinance. This Section shall not be construed to alter the principle that owners of land are bound by constructive knowledge of all applicable requirements. This Section shall not be construed to impose upon municipal officials any duty to guarantee the correctness of plans reviewed by them or property inspected by them.

15.8.5 APPEALS OF DETERMINATIONS OF THE PLANNING BOARD The Zoning Board of Adjustment may hear and decide appeals of a determination, construction, interpretation, or application made by the Planning Board that is based on the terms of this ordinance and which is made in the exercise of the Board's subdivision or site plan review powers. These appeals shall be treated and considered in the same manner as administrative appeals. However, decisions of the Planning Board made pursuant to administrative authority delegated pursuant to RSA 674:21, Innovative Land Use Controls, are only appealable to the Superior Court.

15.9 FINDINGS OF FACT The Zoning Board of Adjustment shall present findings of fact for all its decisions and shall enter such findings in its records.

15.10 REPRESENTATIONS Representations made at the public hearing or material submitted to the Zoning Board of Adjustment by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking, or uses which are subject to regulation pursuant to subsection 15.8.2 or 15.8.3 shall be deemed conditions upon such special exception or variance of any approval.

15.11 MODIFICATIONS The granting of any appeal by the Board shall not exempt the applicant from any provision of this ordinance not specifically ruled upon by the Board or specifically set forth as expected in this particular case from a provision of this ordinance. It shall be unlawful for any owner or person to reconstruct, convert, or alter a structure or change the use, increase the intensity of use, or extend or displace the use of any building, other structure or lot, or change any required limitations or special conditions imposed by the Board in authorizing a special exception or variance without appealing to the Board as a new case over which the Board shall have complete administrative power to deny, approve or modify.

15.12 EXPIRATION/ABANDONMENT OR DISCONTINUANCE OF A SPECIAL EXCEPTIONS AND VARIANCES Unless otherwise specified in a decision granting the special exception or variance in questions, a special exception or variance granted by the Zoning Board of Adjustment shall expire if:

- A) The special exception or variance is not used within two years following the date of a final decision granting such special exception or variance; or use or construction authorized by the granting of a special exception or variance has not commenced within a two-year period from the date of the decision of the Zoning Board of Adjustment, or in the event of an appeal to the courts or Housing Appeals Board for the project to which it relates, within a two-year period from the date of the judgment, then the special exception or variance shall be deemed to have expired and the Zoning Board of Adjustment's decision rendered null and void.
- B) The special exception or variance is discontinued for a period of two years or more following the date of the final decision granting such special exceptions or variances. Upon request, submitted prior to the date of expiration, the Zoning Board of Adjustment may extend the period of validity of a special exception for one additional year provided that the applicant presents evidence of a good faith effort made to commence the use or construction so authorized by special exception or variance, that the delay in commencement was beyond the applicant's control, and that the circumstances relating to the property and the surrounding neighborhood have not changed substantially since the date of the original decision. Once an extension has been granted, should the use or construction so authorized by special exception or variance not be commenced within the one-year extension period, then the special exception or variance shall be deemed to have expired, and the Zoning Board of Adjustment's decision rendered null and void.

- C) If a special exception is abandoned or discontinued for a period of 2 years, or it is succeeded by another use, then the special exception shall be deemed to have expired and cannot be re-established without a new application process and the affirmative decision of the Zoning Board of Adjustment.

The provisions of paragraph 15.12 shall apply only to special exceptions and variances granted after the effective date of this paragraph. *Note: Effective date March 13, 2007.*

(~~strikethrough text~~ means delete text, **highlighted text** means add text).

SECTION XVII

FLOODPLAIN DEVELOPMENT ORDINANCE

The following regulations shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency in its "Flood Insurance Study of the County of Merrimack, NH" dated April 19, 2010 **or as amended**, together with the associated Flood Insurance Rate Maps dated April 19, 2010 **or as amended**, and are declared to be part of the Hopkinton Floodplain Development Ordinance.

17.1 DEFINITION OF TERMS

17.1.A.1 Area of Special Flood Hazard is the land in the flood plain with a community subject to a one percent or greater chance of flooding in any given year. The area is designated a Zone(s) "A" and "AE" on the Flood Insurance Rate Map.

17.1.B.1 Base Flood means the flood having a one percent chance of being equaled or exceed in any given year.

17.1.B.2 Base Flood Elevation" (BFE) means the elevation of surface water resulting from the "base flood."

17.1.B.3 Basement means any area of the building having its floor subgrade (below ground level) on all sides.

17.1.B.4 Building See "Structure".

17.1.D.1 Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

17.1.F.1 FEMA means the Federal Emergency Management Agency.

17.1.F.2 Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

~~**17.1.F.3 Flood, 100-Year** See "Base Flood".~~

17.1.F.4 Flood Insurance Elevation Study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-rated erosion hazards.

17.1.F.5 Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community.

~~17.1.F.6 Flood Insurance Study See "Flood Elevation Study".~~

17.1.F.7 Floodplain or Flood-prone Area means any land area susceptible to being inundated by water from any source (see definition of "flooding").

17.1.F.8 Flood Opening means an opening in a foundation or enclosure wall that allows automatic entry and exit of floodwaters. See FEMA "Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures."

17.1.F.9 Flood Proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

17.1.F.10 Floodway See "Regulatory Floodway".

~~17.1.F.11 Functional Dependent Use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, or ship building and ship repairs facilities, but does not include long-term storage or related manufactured facilities.~~

17.1.H.1 Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

17.1.H.2 Historic Structure means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior, or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

17.1.L.1 Lowest Floor means the lower floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor: Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

17.1.M1 Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the

term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.

17.1.M2 Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

17.1.M3 Mean Sea Level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, **North American Vertical Datum (NAVD) of 1988**, or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

17.1.N.1 New Construction means, for the purpose of determining insurance rates, structure for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new *construction* means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

17.1.R.1 Recreation Vehicle means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

17.1.R.2 Regulatory Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. These areas are designated as floodways on the Flood Insurance Rate Maps.

17.1.R.3 Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

17.1.S.1 Special Flood Hazard Area ~~means an area having special flood mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FIRM as Zone “A” or “AE”.~~
(See Area of Special Flood Hazard)

17.1.S.2 Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within the time limit designated by the Hopkinton Zoning Ordinance. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; or does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

17.1.S.3 Structure means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured

home.

17.1.S.4 Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

17.1.S.5 Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (ii) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." ~~means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of a building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places.~~

17.1.V.1 Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44CFR § 60.3(b) (5), (c) (10), (d) (3), (e) (2), (e) (4), or (e) (5) is presumed to be in violation until such time as the documentation is provided.

17.1.W.1 Water Surface Elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, ~~(or the datum, where specified)~~ of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

17.2 All proposed development in any special flood hazard areas shall require a permit.

17.3 The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a special flood hazard area flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

17.4 Where new and replacement water and sewer systems (including on-site systems) are

proposed in flood-prone areas the applicant shall provide the Building Inspector with assurance that new and replacement sanitary sewage systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

17.5 The Building Inspector shall maintain for public inspection, and furnish upon request, any certification of flood-proofing and the as built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement. If the structure has been flood-proofed, the as built elevation (in relation to mean sea level) to which the structure was flood-proofed. This information must be furnished by the applicant.

17.6 The Building Inspector shall review proposed developments to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. It shall be the responsibility of the applicant to certify these assurances to the Building Inspector.

17.7 In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau Board of the New Hampshire Environmental Services Department and submit copies of such notification to the Building Inspector, in addition to the copies required by the RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Bureau.

Within the altered or relocated portion of any watercourse, the applicant shall submit to the Building Inspector, certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained.

Along watercourses that have a designated Regulatory Floodway no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the designated Regulatory Floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment that would result in any increase in flood levels within the community during the base flood discharge. ~~In Zone "A" the Building Inspector shall obtain, review, and reasonably utilize any floodway data available from a Federal, State, or other source as criteria for requiring that development meet the floodway requirement of this section.~~

Along watercourses that have not had a regulatory floodway designated, no new construction, substantial improvements or other development (including fill) shall be permitted within Zone ~~"A1-30" and "AE"~~ on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

The building inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meet the following requirement: "No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge."

17.8

- (1) In special flood hazard areas the Building Inspector shall determine the **base flood elevation** ~~100-year flood elevation~~ in the following order of precedence according to the data available.
 - (a) In Zone "AE" refer to the elevation provided in the communities Flood Insurance Study and accompanying FIRM ~~or FHBM~~.
 - (b) In "~~A~~" **zones Zone A** the Building Inspector shall obtain, review, and reasonably utilize any **base flood elevation** ~~100-year flood elevation~~ data available from Federal, State, development proposals submitted to the community (example subdivisions, site approvals, etc.) or other source. **Where a base flood elevation is not available or not known for Zone A, the base flood elevation shall be determined to be at least 2 feet above the highest adjacent grade.**
- (2) The Building Inspector's **base flood elevation** ~~100-year flood elevation~~ determination will be used as criteria for requiring in Zones "AE" and "A" that:
 - (a) All new construction and substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the **base flood elevation** ~~100-year flood level~~;
 - (b) That all new construction and substantial improvement of non-residential structures have the lowest floor (including basement) elevated to or above the **base flood elevation** ~~100-year flood level~~; or together with attendant utility and sanitary facilities, shall:
 - (i) Be flood-proofed so that below the **base flood elevation** ~~100-year flood elevation~~ the structure is watertight with walls substantially impermeable to the passage of water;
 - (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - (iii) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;
 - (c) All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
 - (d) Recreation vehicles placed on sites within Zones "AE" and "A" shall be either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed, **on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions and ready for highway use**, or (iii) meet all standards of **this ordinance Section 60.3 (b) (1) of the National Flood Insurance Program Regulations** and the Elevation and Anchoring Requirements for "Manufactured Homes" in **this ordinance paragraph (c) of Section 60.3**;
 - (e) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided the enclosed areas meet

the following requirements: (1) the enclosed area is unfinished or flood resistant, useable solely for parking of vehicles, building access or storage; (2) the area is not a basement; (3) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two **flood** openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all **flood** openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;

~~(f) Proposed structures to be located on slopes in Special Flood Hazard Areas, Zones "AH" and "AO", shall include adequate drainage paths to guide flood waters around and away from the proposed structures.~~

17.9 Variances and Appeals:

- (1) Any order, requirement, decision or determination of the Building Inspector made under this Ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
- (2) If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I ~~(b)~~, the applicant shall have the burden of showing in addition to the usual variance standards under state law:
 - (a) That the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
 - (b) That if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
 - (c) That the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (3) The Zoning Board of Adjustment shall notify the applicant in writing that: (i) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

(4) The community shall:

- (a) Maintain a record of all variance actions, including their justification for the issuance, and**
- (b) Report such variances issued to FEMA's Federal Insurance Administrator.**

The Floodplain Development Ordinance was adopted under Article 7 at the Hopkinton, N.H. Town Meeting held March 9, 1988.
