

Town of Winchester
Notice of Public Hearing
1-3-22

Notice is hereby given in accordance with RSA 675:6&7 that the Winchester Planning Board will hold a public hearing on 1-3-22 at 7pm on the Main Floor of the Town Hall, 1 Richmond Road for the following proposed zoning amendments:

To amend Article III, J,1- Multiple Housing and Density Requirements. Add- Residential zoned lots 15,000 sqft or larger in size with town water and sewer shall permit duplexes by right.

To amend Article III- Add "U"; A storage or cargo unit/box trailer, sometimes known as a pod, requires a permit for the temporary or permanent placement of the unit. All permanent units shall meet setback requirements of the district and placed in the side or back of the primary structure. A temporary unit timeframe is 3 months unless it is a construction site.

To amend Article XXI Definitions- L- Add to: Multifamily residential is a classification of housing where multiple separate housing units for residential inhabitants are contained within one building or several buildings within one complex. Units can be next to each other or stacked on top of each other. A common form is an apartment building.

To amend Article XXI Definitions- Add "HH"; A storage or cargo unit/ box trailer is an enclosed metal type structure with a floor, ceiling, and wall with an access door, that is transported the site to be used as storage. This is not relating to the conversion of storage containers reconstructed to a living unit.

To Amend Planned Residential Development Ordinance. Updates to Purpose (4) to clarify the needs for workforce housing and allowing Market Rate housing, (5) increase housing stock in increments as not to burden town services, (6) 25% minimum open space; Standards- sections(1)(2) where permitted, including by special exception in the Commercial, Central Business District and Highway Commercial, parcel sizes and radius of permitted areas with water & sewer, sections(3)(4)(7) 2 story height limit, limited number of bedrooms, density of project and density of occupancy, number of units permitted with a max of 25 per year, (11) Buffers decrease to 25ft, (12) remove Conservation Commission from deed; Add definitions of Workforce Housing per RSA 674:58,IV, and Deed Restrictions.

Full copies are available in the Land Use Office and at Winchester-nh.gov.

Respectfully submitted:

Margaret Sharra, Land Use Administrator

I. Junkyards; Unlicensed Vehicles; Equipment and Machinery

1. No junkyard is permitted within the Town of Winchester
2. "Junkyard" shall mean any place used for storing and keeping, or storing and selling, trading, or otherwise transferring more than one unregistered and uninspected motor vehicle, motor vehicle parts, scrapped or secondhand machinery or equipment, metals, debris, waste, trash, used wood and building materials or other waste or discarded or secondhand materials.
3. Motor vehicles, equipment or machinery may be displayed for the purpose of sale. This includes but is not limited to, trailers, boats, snowmobiles, farm and construction equipment. No more than one vehicle or piece of equipment or machinery may be displayed for sale at any given time.
4. Any junkyard which was licensed to operate in the Town of Winchester prior to the adoption of this Ordinance may continue to operate, so long as such license is properly renewed, annually by the Board of Selectmen, and the junkyard is operated in compliance with RSA 236:90-129. The Board of Selectmen may attach such reasonable conditions to any license so as to ensure that the public health, safety and welfare are protected.

J. Multiple Housing and Density Requirements: Lot size for duplex, multi-family units and conversion apartments shall be as follows:

1. Duplex units, where permitted increase lot size by 50% over the lot size required for a single-family unit. Residential zoned lots 15,000 sqft or larger in size, with town water and sewer, shall permit duplexes by right.
- 2.
3. Multi-Family units:
 - (a) In areas served by sewer and water:
 - ◆ Minimum lot size - 40,000 square feet
 - ◆ Minimum lot area per dwelling unit - 10,000, square feet.
 - ◆
 - (b) In areas not served by sewer and water:
 - ◆ Minimum lot size - 80,000 square feet
 - ◆ Minimum lot area per dwelling unit - 20,000 square feet
 - ◆ Number of units - the number of units permitted on a lot is calculated by dividing the size of the lot by 20,000 square feet per dwelling unit.
3. Conversion apartments:

The rent, lease, development, or grant of an easement to a person for the purpose of placing and maintaining a wireless communications facility shall not be construed as a subdivision, and shall not be deemed to create any new divisions of land for any other purpose. For the purpose of this paragraph, “wireless communication facilities” means any towers, poles, antennas, or other unstaffed structure of less than 500 square feet intended for use in connection with licensed transmission or receipts of radio or television signals, or any other licensed spectrum- based transmissions or receptions.

T. One RV may be permitted on a lot with an existing dwelling so long as it is not used for occupancy or as a dwelling in excess of three weeks a year between April 1st and Nov. 1st with approval of the Building Inspector/Health Officer to confirm water, sewer and electrical are in accordance with applicable codes.

One RV may be permitted on a lot without a dwelling between April 1st and Nov. 1st with approval of the building Inspector/Health Officer to confirm water, sewer and electrical are in accordance with applicable codes.

The intent of this is not to limit or prohibit intermittent or casual use of RV’s, but is intended to prevent long term or permanent occupancy of RV’s which is violation of this ordinance. All RV’s shall be registered and inspected in accordance with state laws to confirm they are road worthy.

U. A storage or cargo unit/box trailer, sometimes known as a pod, requires a permit for the temporary or permanent placement of the unit. All permanent units shall meet setback requirements of the district and placed in the side or back of the primary structure. A temporary unit timeframe is 3 months unless it is a construction site.

ARTICLE IV

AGRICULTURAL DISTRICT

A. Purpose: The Agricultural District encompasses the outlying parts of town that are not served by municipal water and sewer and areas along the primary highways in Town. It is intended to be a district of larger-lot residential dwellings, complimented by rural/ agricultural uses. Certain non-residential uses are permitted that are deemed compatible with the rural character of the district.

B. Uses Permitted: In the Agricultural District, no buildings shall be erected, altered, used or placed and; no land shall be used for any purpose except in accordance with Article XXII – Table of Permitted Uses.

C. Minimum Lot and Yard Standards:

Lot size= 2 acres	Setbacks:
Frontage= 200 ft.	Front= 30 ft.
Depth= 100 ft.	Side/Rear= 20 ft.

- A. complies with this Ordinance and any building codes which may be adopted by this Town.
- B. Conversion Apartment means the remodeling of a single family dwelling unit into two or more separate dwelling units, or the conversion of an existing two-family dwelling unit into three or more separate dwelling units.
- C. 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, drilling operations and installation of waste disposal systems.
- D. Dwelling Unit means any room or suite of rooms forming a habitable unit for one (1) family with its own cooking and food storage equipment, and its own bathing and toilet facilities, and its own sleeping, living, and eating areas fully within such room or suite of rooms.
- K. Dwelling, Two Family means a structure on a single lot containing two dwelling units, either side by side or upstairs and downstairs, each unit being totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, and having a separate entrance for each unit; or two one-family dwellings attached by a common vertical wall or a garage.
- L. Dwelling, Multi-Family means a building containing three (3) or more dwelling units designed to be occupied as independent units, with each unit having its own exterior door or entrance. Multifamily residential is a classification of housing where multiple separate housing units for residential inhabitants are contained within one building or several buildings within one complex. Units can be next to each other or stacked on top of each other. A common form is an apartment building.
- M. Front Yard means a space extending for the full width of a lot between the extreme front line of a building and the nearest side of the right-of-way.
- N. Frontage: The contiguous distance along the lot line dividing a lot from either (a) public highway, excepting limited access highways as defined in RSA 230:44 and Class VI highways; or (b) a road shown on an approved and recorded subdivision plan.
- O. Home Occupation means an accessory use to a portion of a dwelling unit involving the manufacture of, provision or sale of goods and/or services. The use shall be clearly incidental and secondary to the primary use of the dwelling for residential purposes and does not change the character thereof

Restaurant is an establishment which prepares and serves food and drink to customers in return for money. Meals are generally served and eaten on premises, but many restaurants also offer takeout and delivery service.

FF. Agriculture, farm and farming is defined as per RSA 21:34-a, which includes the definition of Agritourism. Agritourism does not include wedding venues, concert areas, amusement parks, event venues, farmers markets and other non-farming commercial uses. Uses that are not considered normal and customary would be subject to approvals from the land use boards.

GG. A duplex is two dwelling units under one roof, or sharing of a common wall, with separate utilities, usually of similar size and occupied by two separate families independent of each other.

HH. A storage or cargo unit/ box trailer is an enclosed metal type structure with a floor, ceiling, and wall with an access door, that is transported the site to be used as storage. This is not relating to the conversion of storage containers reconstructed to a living unit.

ARTICLE XXII

TABLE OF PERMITTED USES

(AMENDED 3/12/13)

In each District, as established by ARTICLE II, entitled "Districts", the use of land, buildings and structures shall be regulated as provided in this Article, and as provided elsewhere in this Ordinance. The District designations, as shown at the top of each table, are as follows:

CBD	indicates Central Business District	FL	indicates Forest Lake Overlay District
RES	indicates Residential District	CM	indicates Commercial District
RR	indicates Rural Residential District	HC	indicates Highway Commercial District
AG	indicates Agricultural District	FLP	<i>(Deleted 3/12/13)</i>

1. Permitted Uses:

Any use identified by the letter "P" shall be permitted, subject to the requirements of this Ordinance.

2. Special Exceptions:

PLANNED RESIDENTIAL DEVELOPMENT

A. AUTHORITY:

Pursuant to the provisions of RSA 674:21 and in furtherance of the policies, goals and objectives set out in the Town Master Plan, the following section is hereby adopted by the voters of the Town of Winchester in the Town Meeting convened on March 14, 1989 (Warrant Article 2).

B. PURPOSE:

The purpose of this section is to encourage reasonable flexibility in the development of land for residential purposes, to promote the development of land for residential purposes, to promote the most efficient use of land and to preserve significant natural and man-made features and open space in the design and development of residential projects. The specific objectives of these provisions and the general standards with which all proposed Planned Residential Development shall comply are:

1. Promote the conservation of the natural environment and the development of land in harmony with the natural features of the specific site proposed for development.
2. Preserve the natural beauty of existing rural roads, farmlands, woodlands and cultural features which gives the Town much identity.
3. Promote economy and efficiency in the design, construction and maintenance of any new roads and utilities for the developer, the Town, and the residents of the proposed development.
4. *Fulfill the need of workforce housing by designating at least 75% of the units as affordable and 25% market rate, while decreasing the unit size in adjusting to the desired smaller households.*
 - A) *Market rate housing is permitted if it is determined that:*
 - 1) *The number of units does not exceed the overall quantity of medium income housing in town,*
 - 2) *The proposal fits the current and near future needs of housing. Ie. new businesses in town that have higher income earners.*
5. *To increase the housing stock in town by incremental amounts per year as to not put a burden on schools, infrastructure, and town services.*

6. Provide a minimum of 25% usable open space and recreation areas for the enjoyment of the residents of the development and for the preservation of open space. ~~and the Town as a whole.~~
7. Avoid development of lands which by virtue of excessive slopes, wetness, flood hazard or similar conditions are unsuitable for residential use.
8. Promote a wide range of housing opportunities for individuals and families of various ages and economic circumstances.
9. Provide an efficient and expedient regulatory procedure while assuring high quality design, engineering and site planning.
10. Protect the health, safety and welfare of present and future residents of the Town.

C. STANDARDS AND CRITERIA:

1. Planned Residential Developments ~~be approved~~ *are permitted* in Agricultural and Residential Zoning Districts. ~~only.~~
 - A. *A Planned Residential Development may be permitted by Special Exception in the Commercial, Highway Commercial and Central Business Districts.*
2. The minimum parcel size for any Planned Residential Development shall be not less than ten (10) acres *for lots without town water and sewer.*
 - A. *If the property is served by municipal water & sewer, the minimum lot size is the underlying district minimum, and located within 1.75 miles north, east and south of intersection of Rts 10/119E and 1 mile west.*
3. *All architectural designs shall be in character with the neighborhood, in layout design and landscaping. Height is limited to 2 story.*
4. *90% of the units shall not be more than 2 bedrooms each. If the proposal is for the development of a Manufactured Home Park, homes may be 3 bedrooms.*

5. Any parcel proposed for a Planned Residential Development shall meet the minimum frontage requirement according to zone on an approved street.

~~6. The maximum allowable density in any Planned Residential Development shall be calculated as follows:~~

~~TOTAL area (square feet or acres) of parcel MINUS area of all undeveloped lands which shall include all surface waters on the parcel, all lands with slopes of 25% or greater and all lands designated as wetlands or floodplain in Paragraph D. 2. (a) of this article EQUALS total developable area.~~

~~TOTAL developable area MINUS area of all street and/or road rights-of-way within the development.~~

~~DIVIDED by the minimum lot size for the district in which the project is located as specified in the Zoning Ordinance EQUALS the maximum number of dwelling units permitted (rounded to the nearest whole number).~~

7. *Land Density: Multifamily and density requirements as specified in the Zoning Ordinance are not applicable to a Planned Residential Development. In a multifamily development, a minimum of 4 units and a maximum of 25 per project is permitted. A maximum of 25 units total are permitted per year.*

Occupancy density:

MINIMUM AREA IN SQUARE FEET

OCCUPANTS										
	1	2	3	4						
SPACE Per Unit	200	400	600	800						
Bedrooms	70	120	180	240						

8. Minimum lot size, frontage, setback and other dimensional requirements specified in the Zoning Ordinance and/or Subdivision Regulations may be modified or waived by the Planning Board, within the Planned Residential Development provided that the Planning Board, after review of the required application materials, finds that the proposed use is consistent with the objectives outlined in this article.

9. Permitted uses and housing types in a Planned Residential Development shall be limited to those which are permitted in the Zoning District in which the parcel is located.
10. Not less than 25% of the area of any Planned Residential Development shall be dedicated as permanent open space for the use and enjoyment of the development's residents. ~~and/or the general public. All lands defined as undevelopable in Paragraph C. shall be dedicated as permanent open space in addition to the above 25% requirement, but may not be used to satisfy said requirement. Neither shall~~ Areas such as common clubhouses, swimming pools, tennis courts, parking lots or other man-made amenities shall not be included in such required open space. All such open space shall should be maintained in its natural state and utilized solely for passive recreational purposes.
11. To provide an adequate transition between the development and abutting lands or public roadways, all Planned Residential Developments shall provide for a landscaped perimeter buffer with a minimum depth of not less than ~~one hundred (100)~~ 25 feet from all property lines of the original parcel. With the exception of roads or streets which provide primary access to the site, this perimeter buffer shall be retained in its natural state or if required by the Planning Board shall be supplemented with additional natural vegetation.
- ~~12.~~ In a Planned Residential Development, all required open space and perimeter buffers as well as common recreational facilities, private roadways, utilities, and other common amenities not included with individual units, shall be held, managed and maintained by the developer until such time as it is owned ~~in one or more of the following ways:~~
 - (a) In common by all owners of the tract (such as a Homeowners Association) for the control and maintenance of such common areas.
 - ~~(b) By the Town of Winchester which may at any time accept dedication of any open space and/or roadway meeting Town specification for perpetual public use and maintenance.~~
 - ~~(c) By Conservation Trust or other private conservation organization which will ensure that such areas will be held in perpetuity as open space.~~

13. All agreements, deed restrictions, organizational documents and any other method of ownership and management of common lands shall be approved by the Planning Board after review and comment by Town Counsel as to legal form, content and enforceability.
14. Each dwelling unit within the Planned Residential Development shall have reasonable access to such common facilities and lands.

D. PROCEDURE:

1. Applications for a Planned Residential Development shall be submitted to the Planning Board and shall be processed in accordance with the procedures set out in the Subdivision Regulations. In the event that the Planned Residential Development is proposed to contain multi-family residences or non-residential facilities, the provisions of the Site Plan Review Regulations shall also be applicable.
2. A completed application for a Planned Residential Development shall contain at minimum the following information and shall not be processed by the Planning Board until such time as all required information is submitted:
 - (a) A Plan showing all of the information required on a complete division plan as specified in the Winchester Subdivision Regulations along with the following additional information:
 - (1) Soil characteristics as indicated on the Winchester Soil Maps prepared by the USDA Soil Conservation District.
 - (2) Floodplain boundaries as indicated on the Winchester Flood Hazard Boundary Maps.
 - (3) The proposed location of all buildings, utility facilities, roadways, driveways, parking areas, recreation facilities, drainage facilities and any other manmade improvements.
 - (4) Calculations indicating the number of units permitted on the tract ~~as specified in Section III of ARTICLE III-A and the number of units proposed in the Development.~~
 - (5) Location and dimensions of all required open space, perimeter buffers, undevelopable lands as herein defined

and calculations indicating that the open space requirements of this Ordinance have been met.

- (b) Typical elevation drawings and floor plans of all proposed buildings. Including style, design, description and materials.
 - (c) A Landscaping Plan indicating the existing vegetation to be retained and that to be removed as well as the type, size and numbers of all proposed new plantings, vegetation, signs, exterior lighting and other landscaping features.
 - (d) Current names and mailing addresses of all abutters to the parcel.
 - (e) A Timetable for completion of the Planned Residential Development.
3. Prior to final approval of any Planned Residential Development, the Planning Board shall ascertain that adequate provisions have been made by the developer to assure the proper functioning of the development including but not limited to the following:
- (a) Traffic safety, circulation and access including adequacy of adjacent public streets, entrances and exits, traffic flow, sight distances, curb cuts, turning lanes, and existing or recommended signalization.
 - (b) Pedestrian safety and access.
 - (c) Off-street parking and loading facilities. At least two (2) parking spaces shall be provided for each dwelling unit.
 - (d) Emergency vehicle access.
 - (e) Fire protection including the proximity of buildings to one another and the availability of adequate firefighting water supplies.
 - (f) Storm water drainage and erosion/sedimentation control measures based on a twenty-five (25) year frequency storm. On-site absorption and/or temporary detention shall be the preferred means of drainage design. When required, such plans shall be approved by the NH Department of Environmental Services.

- (g) Adequate landscaping, screening and buffers to assure the development shall be attractive and unobtrusive from surrounding property and public roadways.
 - (h) Snow equipment storage, lawn equipment storage and trash disposal facilities.
 - (i) Recreational facilities.
 - (j) Safe and adequate water supply and waste-water disposal facilities which shall be designed by a registered sanitary engineer and approved by the NH Department of Environmental Services.
 - (k) All legal instruments and documents shall be reviewed by the Town Counsel at the developer's expense to insure legal form and enforceability.
4. The Planning Board may require special impact studies on any and all elements of the project, and any such studies shall be conducted at the developer's expense. The Planning Board may further engage the services of qualified planners, engineers, attorneys or other professionals as necessary, to review and comment upon the technical aspects of any plans or documents with respect to their compliance with these and other professional assistance and shall be paid by the developer, and no final approval shall be granted until the cost of such studies, consultants or professional assistance has been paid.
5. A performance bond, letter of credit, or other security acceptable to the Board and Town Counsel may be required in an amount sufficient to insure the completion of streets, utilities, landscaping, buffers, and other amenities in accordance with the approved plans, timetables, and documents.
6. No change or amendment may be made to the layout, location or design of features as shown on the approved plan, nor to the legal instruments or other approved documents, unless the changes or amendments are first approved by the Planning Board. Application for such changes or amendments shall be made in the same manner as for new application.

Definitions:

Workforce Housing: Means housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4 person

household for the metropolitan area or county in which housing is located as published annually by the U.S. Department of Housing and Urban Development. Workforce housing also means rental housing which is affordable to a household with an income of no more than 60 percent of the medium income for a 3 person household for the metropolitan area or county in which the housing is located as published annually by the U.S. department of Housing and Urban Development. Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of this subdivision. Please see RSA 675:58,IV and any amendment thereto.

Deed Restrictions: A deed restriction is created during the transfer of real property. The seller grants a deed to the buyer but does so with certain restrictions. If a property owner violates a deed restriction, the restriction can be enforced by the town through a court order. The court order may require them to undo any violations or pay a judgment.