

# Wilmot Town News



Snow clings to the branches on Mount Kearsarge. (Photo: Bill Chaisson)

## 2nd ordinance change hearing: Jan 27

On Thursday, January 13, the Wilmot Planning Board held the first public hearing for proposed changes to the zoning ordinance. Four members of the public attended, but they made no comments about the proposed changes. The planning board, however, made substantive alterations, so is by statute required to hold a second public hearing on Thursday, January 27 at 6:30 p.m. The event will be held both in person and via Zoom.

The following is an abridgement of the text being circulated before the second hearing. "Article 2" refers to its position on the ballot on March 8. Some unaffected portions of the zoning ordinance text are not included here:

### ARTICLE 2: ZONING ORDINANCE AMENDMENTS

To see if the Town will vote to amend the Wilmot Planning and Zoning Ordinance by adopting the following amendments,

which are recommended by the Wilmot Planning Board:

(Note: Language underlined is new language. Language ~~crossed out~~ is being deleted. Changes made by the planning board ahead of the January 13 hearing are in **red CAPITAL** letters. Language unmarked is existing and unchanged.)

- (1) **This change adds language about the lighting of signs. There was no guidance about lighting. See new (3).**

ARTICLE III, Section XIV  
Business Signs

- 1. Signs, **IF LIT**, must be lit from without. Sign lights must (a) be targeted, with no spill off the sides, (b) be downward directed, (c) be shielded on top and sides, (d) emit less than 1800 lumens (~ equivalent to 100-watt bulb), and

(e) emit light that does not go above a horizontal plane.

- (2) **This change adds more new language about the lighting of signs. See (4).**

1 ARTICLE III, Section XIV

Business Signs

4. Commercial property owners or tenants with business, professional or other service enterprises shall be allowed two advertising signs, relating only to the use or uses conducted in the building or on the immediate premises thereof; also, two signs pertaining to the lease, sale or use of a lot or building on which placed. If two signs are erected, then only one of them may be lit.

- (3) **This change eliminates a clause in the sign ordinance that gave the planning board the option of giving permission to an applicant to make a sign larger than permitted elsewhere in the ordinance.**

ARTICLE IV, Section XIV, Business Signs

4. ~~Upon application, the Planning Board or their appointee, may permit, at their discretion and when conditions justify the request, an increase in size by not over 50% of all classes of signs heretofore permitted.~~

- (4) **This change was made to simplify the measurement of the height of a building constructed on a slope. It replaces an earlier attempt to do this and eliminates **THE LOWER HALF OF THE DRAWING IN** paragraph (d).**

ARTICLE IV, Section II, Foundations and Height

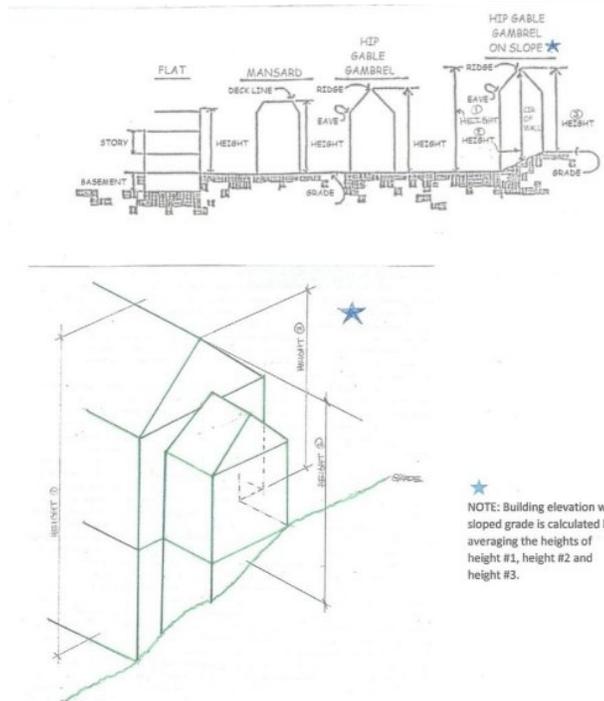
b. The **allowable height** of any structure or building shall **not exceed 35 feet** above finish grade, **MEASURED AT THE HIGHEST ELEVATION, UNLESS APPROVED BY THE FIRE DEPARTMENT. If the building is constructed on a slope, then the tallest side (measured to the peak of the roof) may not exceed 35**

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feet.

...  
d. The following drawing IS for clarification (of [b]):

*The above drawing is no longer needed and will be omitted.*



ARTICLE IX, BOARD OF ADJUSTMENT

Section I, Duty

In accordance with New Hampshire Revised Statutes Annotated, 1955 Chapter 31:66-89, as amended, the Board of Selectmen shall provide for appointment of the Board of Adjustment.

ARTICLE IX, BOARD OF ADJUSTMENT

Section I, Duty

In accordance with New Hampshire Revised Statutes Annotated (RSA),

673:3, I-III-a, as amended, the Board of Selectmen shall provide for appointment of the Board of Adjustment.

(7) *This change makes an addition to the definition of "family."*

ARTICLE XIII, Definitions

Family

An individual; or two or more persons related by blood, marriage, civil union, or adoption; or not more than three (3) persons who are not related by blood, marriage, civil

union, or adoption occupying a dwelling unit as an individual housekeeping organization.

(8) *This change adds a definition for accessory dwelling units (ADUs). There previously was no definition in Article XIII of the ordinance. A different definition was instead in Article XVII, Section.*

***THIS NEW DEFINITION REPLACES THE OLD DEFINITION IN ARTICLE XVII, SECTION II.***

ARTICLE XIII, Definitions

Accessory Dwelling Unit

An "accessory dwelling unit" is a residential living unit that is within, attached to or detached from a single-family dwelling. It provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

ARTICLE XVII, SECTION II, DEFINITION

Accessory Dwelling Unit: A second dwelling unit, **subordinate to the primary structure, either in, added to, or detached** from an existing or proposed single family dwelling, which may be used as an independent living facility for one or more persons including provisions for cooking, eating, sanitation and sleeping on the same parcel of land as the principal dwelling unit it accompanies.

ARTICLE XVII, SECTION II, Definition  
An "accessory dwelling unit" is a residential living unit that is within, attached to or detached from a single-family dwelling. It provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

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At the January 20 meeting of the planning board Deputy Fire Chief Phil Nicholson indicated that the fire department does not wish to be included in the text of the zoning ordinance. Nicholson said the department's evaluations of the safety of private homes taller than 35 feet are not enforceable because their jurisdiction includes only commercial structures and some other special cases.

It was also realized that a paragraph of Article IV, Section II that needed to be omitted was not included with strike-through lines in the amendment text. Consequently, amendment (4) cannot be considered at all this year.

The second public hearing is Thursday, January 27 meeting and public hearing to be held at 6:30 p.m. at the town offices and via Zoom (snow date: January 28). The full text of the zoning ordinance is at the town website, as is the document that includes the full text of these proposed changes. See wilmotnh.org. The ordinance text is part of the site and is also available as a downloadable at "Town Documents."

(5) *This change moves all language that refers to Class VI roads to one place in the ordinance, Article III, Section XVI AND MAKES THAT LANGUAGE MORE SPECIFIC.*

ARTICLE IV, Section VIII, Lots on Class VI Roads

Subsequent to March 9, 2010, all lots on Class VI roads will require upgrade of the road prior to the issuance of a certificate of zoning compliance.

ARTICLE III, Section XVI

Building on Class VI Highways

3. Subsequent to March 9, 2010, all DEVELOPMENT ON ANY lot on A Class VI road will require upgrade of the road TO CLASS V SPECIFICATIONS prior to the issuance of a certificate of zoning compliance.

(6) *This change updates the law that authorizes the appointment of the Zoning Board of Adjustment.*

VACANCY

The Town of Wilmot is looking for a part-time handy-person to do minor repairs and maintenance at town-owned properties. Contact admin@wilmotnh.org or call 603-526-4802.