Town of Wilmot

Lisa Lamson, Town Clerk **BALLOT** **March 11, 2025**

ARTICLE 2: Zoning Amendments

To see if the Town will vote to amend the Wilmot Zoning Ordinance by adopting the following amendments (*approved by the Planning Board*):

Note: Changes or additions to the existing text are underlined. Language being deleted is ~~struck-through~~. Language that is unmarked is existing and unchanged.

Planning Board Proposed Zoning AMENDMENT NO. 1

Extinction of Old Unused Variances and Special Exceptions

*Rationale: This amendment is proposed to invoke RSA 674:33, I-a and RSA 674:33, IV(c), which allows the town to declare all **unused** variances and special exceptions granted **before** August 19, 2013, to be terminated and the validity of an unused variance or special exception to be terminated after two years. Per state law, all **unused** variances and special exceptions granted in New Hampshire **after** August 19, 2013, automatically expire two years after they are granted. If this amendment passes, a public notice will be posted for one year. The notice will warn the public that they have two years from the end of the notice period to exercise the variance or special exception, after which it will expire.*

One year posting of notice | Two years during which variance may be used

← Variance may be used during these three years →

There is no need to change the ordinance to deal with variances and special exceptions granted after August 19, 2013.

ARTICLE IX: Board of Adjustment

Section III

1. Per RSA 674:33, I-a and RSA 674:33, IV(c), variances and special exceptions authorized before August 19, 2013, that have not been exercised are scheduled to terminate. But such variances and special exceptions shall be valid if exercised within two years of the expiration date of a public notice that announces such variances and special exceptions are scheduled to terminate, or as further extended by the zoning board of adjustment for good cause. Per state law all variances and special exceptions granted in New Hampshire after August 19, 2013, expired or will expire two years after they are granted.

Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the town zoning ordinance?

YES ☐ NO ☐

Continued reverse side

SAMPLE

ARTICLE 2: ZONING AMENDMENTS

(*approved by the Planning Board*)

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Planning Board Proposed ZONING AMENDMENT NO. 2

New Citation of Duties and Powers of Zoning Board of Adjustment

Rationale: Article IX, Section I of the zoning ordinance ("Board of Adjustment") cites statutes that describe the appointment of members and duties of the zoning board of adjustment. The statutes cited were repealed in 1983. They were replaced by RSA 673:5 & 6 (appointments) and RSA 674:33 (powers and duties).

Article IX: Board of Adjustment

Section I

2. In accordance with New Hampshire Revised Statutes Annotated (RSA), 673:3, I-III, as amended, the Board of Selectmen shall provide for appointment of the Board of Adjustment. The Board of Adjustment shall consist of **five members** whose appointment and duties shall be in accordance with the applicable section in the New Hampshire Revised Statutes Annotated, ~~Chapter 31:66-89~~ 673:5 & 6 and 674:33, as amended.

Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the town zoning ordinance?

YES ☐ NO ☐

Planning Board Proposed ZONING AMENDMENT NO. 3

Clarifying Requirements to Build on Class VI Roads

Rationale: The proposed amendment to Article III, Section XI more narrowly defines the type of road on which a building lot can be sited. The purpose of the amendment is to make clear there is no by-right residential development on Class VI roads. That is, an applicant for a certificate of zoning compliance on a Class VI road must follow the additional procedures described in Article III, Section XVI

Article III, Section XI

A. Building lots for a single-family dwelling unit or other allowed use in the Village District shall contain a minimum of one acre with at least 100 feet of frontage on a ~~roadway~~ Class V road or better, or a roadway on a plat approved by the planning board. For two-family and multi-family dwellings (not to include accessory dwelling units) an additional one-half-acre of land will be required per additional dwelling unit in the Village District. All dwelling units will require a certificate of zoning compliance from the Board of Selectmen. Multi-family dwelling units will require site plan review by the Planning Board in addition to a certificate.

SAMPLE

ARTICLE 2: ZONING AMENDMENTS

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Planning Board Proposed ZONING AMENDMENT NO. 3 Continued

B. Building lots for a single-family dwelling unit or other allowed use in the Residential and Commercial Districts shall contain a minimum of two acres with at least 150 feet of frontage on a ~~roadway~~ Class V road or better, or a roadway on a plat approved by the planning board. For two-family and multi-family dwellings (not to include accessory dwelling units) an additional one-acre of land will be required per additional dwelling unit in the Residential and Commercial Districts. All dwelling units will require a certificate of zoning compliance from the Board of Selectmen. Multi-family dwelling units will require site plan review by the Planning Board in addition to a certificate.

C. Accessory Dwelling Units shall not require additional acreage.

3. Density requirements of Article III, Section XI (this section) shall not apply to cluster subdivisions.

Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board for the town zoning ordinance?

YES ☐ NO ☐

PROPOSED ZONING AMENDMENT NO. 4

Definition of "buildable area"

Rationale: The existing cluster subdivision ordinance refers to "buildable area" without defining it. The proposed definition is drawn from several standard legal references.

Added to **Article XIII**

Buildable area

4. The contiguous area of a building lot unencumbered by surface water or wetlands, or exposed bedrock, or slopes in excess of 25% (see Steep Slopes Overlay District; Art. II, Sec. V). Based on an accepted engineering geology report, it is the portion of a site not impacted by geologic hazards, or the portion of a site where it is concluded the identified geologic hazards can be mitigated to a level where the risk to human life, property, and town infrastructure is minimized and where structures may be safely sited. The buildable land area does not include utility easements; rights-of-way; or any required buffers and required setbacks.

Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board for the town zoning ordinance?

YES ☐ NO ☐

Continued reverse side

SAMPLE

ARTICLE 2: ZONING AMENDMENTS

(*approved by the Planning Board*)

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Planning Board Proposed Zoning AMENDMENT NO. 5

Steep Slope Overlay District

Rationale: Although our building permit ("certificate of zoning compliance") refers to regulating building on "steep slopes," there are no guidelines in the zoning ordinance, except with reference to cluster subdivisions. The proposed language (below) will add a section to Article II, which already includes descriptions of the residential, village, and commercial districts, and the uses allowed in each of them.

ARTICLE II

Section V

STEEP SLOPE OVERLAY DISTRICT

A. **Purpose**: The purpose of the Steep Slope Overlay District is to regulate development on slopes in excess of 15% through and including 25% and prevent development on slopes in excess of 25%.

Development on such slopes causes soil erosion and stream sedimentation; unnecessary loss of vegetative ground cover and destruction of trees; on-site waste disposal problems; difficult street construction; and expensive street maintenance.

B. **Overlay District Boundaries**: The boundaries of the Steep Slope Overlay District include all areas of Wilmot with slopes in excess of 15 percent with an elevation change of more than 20 feet. The slope of the natural terrain shall be determinative of whether or not land is within the Overlay District.

As a general guide, areas of slope in excess of 15 percent are portrayed on the February 2006 Steep Slopes and Wetlands Map prepared by the Wilmot Conservation Commission.

C. **Permitted Uses**:

1. Land with slopes in excess of 15% through and including 25%: Development associated with permitted uses or uses permitted by Special Exception in the underlying zone district provided an Erosion and Sedimentation Control plan is approved by the Board of Selectmen per paragraph D. below.
2. Land with slopes in excess of 25%: no development of any kind including buildings, structures, driveways, on-site wastewater systems, wells, or roads shall be permitted.

Otherwise, the following uses are permitted:

a. Forestry and tree farming using best management practices in order to protect streams from damage and to prevent sedimentation.
b. Wildlife refuges, conservation areas and nature trails.
c. Open space and outdoor recreation.

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Planning Board Proposed ZONING AMENDMENT NO. 5 Continued

D. **Erosion and Sedimentation Control Plan**:

a. Erosion and sedimentation control plans shall be required for all construction, filling, grading, dredging, and other activities requiring land disturbance that may be permitted in the Steep Slopes Overlay District. Erosion and sedimentation control plans shall describe the nature and purpose of the land-disturbing activity; the amount of grading involved; and a description of the soils, topography, vegetation, and drainage. For minor land disturbances such as utility line or stairway construction, the Board of Selectmen may reduce the amount of detail needed in an erosion and sedimentation control plan.
b. Erosion and sedimentation control plans shall be developed in conformity with guidelines of the U.S.D.A. Soil Conservation Service and with guidelines of the Water Supply and Pollution Control Division of the N.H. Department of Environmental Services under RSA 485-A:17.
c. The Board of Selectmen shall review and decide to approve or deny all plans before issuing a Certificate of Zoning Compliance (building permit). The Board of Selectmen shall request the Conservation Commission to review the plan and make recommendations.
d. The Board of Selectmen may require the applicant to post a bond or other security to assure conformance with approved plans. The security shall not be released until the Board of Selectmen has certified completion of the required improvements in accordance with the plan.
e. Erosion control measures shall be installed before construction and grading.

E. **Effect on Minimum Lot Size/Density for Land with slopes in excess of 25%**:

5. If any portion of a lot includes an area with slopes in excess of 25%, no part of that area shall be counted in the calculation of minimum lot size and density for a new subdivision. Consistent with and including other site constraints such as wetlands, this area must meet the minimum lot size and density requirements of the underlying zone district in which it is located. Within the lot area counting towards minimum lot size and density, there must be at least three-fourths (3/4) acre of contiguous area excluding areas with slopes in excess of 25% and wetlands.

Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board for the town zoning ordinance?

YES ☐ NO ☐

SAMPLE

SAMPLE