



BELMONT LAND USE OFFICE

BELMONT PLANNING BOARD NOTICE OF PUBLIC HEARING

The Belmont Planning Board will hold a public hearing commencing at 6:30p.m. on Monday, January 29, 2007, in the Belmont Corner Meeting House, 16 Sargent Street, concerning the following proposed amendments to the Belmont Zoning Ordinance. Items below are in addition to those previously noticed or have been amended since that notice. This is the final public hearing on proposed amendments. By law, no changes to the substance of the amendments can be made as a result of this final public hearing. At the close of the public hearing the Board will identify those amendments that will be placed on the ballot for voters and determine the final form and content of the ballot questions. Copies of the complete text of the proposed amendments are on file for public inspection at the Town Clerk's Office and Land Use Office located in the Town Hall, at the Belmont Library and at www.belmontnh.org.

Prior to testimony on the following proposals, the Planning Board has provided an opportunity for NH DES to speak on Groundwater Protection beginning at 6:30pm. The public hearing will be opened for comment at the conclusion of their presentation.

- A. Petition Amendment: To see if the Town will vote to protect the town aquifer by re-zoning the existing Industrial Zone to Aquifer Protection zone in the Aquifer Protection District which is defined as the area shown on the map entitled "STRATIFIED DRIFT AQUIFER IN BELMONT, NH" that was produced by the New Hampshire Department of Environmental Services (NH DES) from data developed by the US Geological Survey in cooperation with NH DES Water Division dated November 7, 2002, and as amended. Said map is hereby adopted as part of the Official Zoning Map of the Town of Belmont. The Aquifer Protection District includes the areas delineated as "Stratified Drift Aquifer {Transmissivity ft² / day}" shown as ranging from "Less than 2000 to More than 8000". The primary recharge area for the identified aquifer is considered to be coterminous with that aquifer.
- B. Planning Board Amendments: Amend existing campground standards including purpose, definitions and uses. Permit Campgrounds in the Commercial Zone, and permit in the Rural Zone by Special Exception. Permit RV Resort Campgrounds in the Rural and Residential Multi-Family Zones.
- C. Planning Board Amendments: Amend the standards for Open Space Residential Development by adding a density bonus and revising standards related to open space ownership, permitted uses, accessibility and values. Recognize areas that have already been identified by the Conservation Commission as having outstanding open space value.
- D. Planning Board Amendments: Amend the definition of Setback related to lots abutting more than one road, abutting private roads or that do not abut any road.

Peter Harris, Chairman

A. **AQUIFER:**

Are you in favor of the adoption of Amendment # as proposed by PETITION for the town Zoning Ordinance as follows?

Petition Amendment: To see if the Town will vote to protect the town aquifer by re-zoning the existing Industrial Zone to Aquifer Protection zone in the Aquifer Protection District which is defined as the area shown on the map entitled “STRATIFIED DRIFT AQUIFER IN BELMONT, NH” that was produced by the New Hampshire Department of Environmental Services (NH DES) from data developed by the US Geological Survey in cooperation with NH DES Water Division dated November 7, 2002, and as amended. Said map is hereby adopted as part of the Official Zoning Map of the Town of Belmont. The Aquifer Protection District includes the areas delineated as “Stratified Drift Aquifer {Transmissivity ft² / day}” shown as ranging from “Less than 2000 to More than 8000”. The primary recharge area for the identified aquifer is considered to be coterminous with that aquifer.

Full Text:

To see if the Town will vote to protect the town aquifer by re-zoning the existing Industrial Zone to Aquifer Protection zone in the Aquifer Protection District which is defined as the area shown on the map entitled “STRATIFIED DRIFT AQUIFER IN BELMONT, NH” that was produced by the New Hampshire Department of Environmental Services (NH DES) from data developed by the US Geological Survey in cooperation with NH DES Water Division dated November 7, 2002, and as amended. Said map is hereby adopted as part of the Official Zoning Map of the Town of Belmont. The Aquifer Protection District includes the areas delineated as “Stratified Drift Aquifer {Transmissivity ft² / day}” shown as ranging from “Less than 2000 to More than 8000”. The primary recharge area for the identified aquifer is considered to be coterminous with that aquifer.

See map of petitioned aquifer zone and petitioned aquifer district at

B. **CAMPGROUNDS & CAMPGROUNDS-RV RESORTS:**

Are you in favor of the adoption of Amendment # as proposed by the Planning Board for the town Zoning Ordinance as follows?

Amend existing campground standards including purpose, definitions and uses. Permit Campgrounds in the Commercial Zone, and permit in the Rural Zone by Special Exception. Permit RV Resort Campgrounds in the Rural and Residential Multi-Family Zones.

Full Text: Article 5. Table 1:

“Campgrounds” – Permit in Commercial zone. Permit by Special Exception in the Rural Zone. Prohibit in all other zones.

Add “Campground-RV Resort” – Permit in Rural and Residential Multi-Family Zones. Prohibit in all other zones.

Article 7. – Add “H. Campgrounds and Campground – RV Resorts”

CAMPGROUNDS

The purpose of this Ordinance is to govern and control the orderly growth and development of all campgrounds, including RV Resort Campgrounds, to maximize compatibility with surrounding land uses, avoid health and safety hazards, protect environmental and aesthetic resources, minimize demands on public services and protect the rural qualities of the community.

In addition to the standards found in the Site Plan and Subdivision Regulations, the following minimum standards shall apply to all new campgrounds and RV Resort campgrounds and to expansions to existing campgrounds and RV Resort campgrounds. In the instance of a conflict between these and other Regulations or Ordinances, the more stringent shall apply.

Definitions:

Campground - A parcel of land with one or more specific sites, with or without water, electricity or sewerage hookups, that has provisions for the pitching of tents or parking of recreational vehicles or travel trailers for use as sleeping quarters on a temporary basis. All recreational vehicles and travel trailers shall remain registered and roadworthy. In campgrounds, sites shall not be occupied by the same person or persons for more than 3 consecutive weeks. Campgrounds shall comply with all applicable local and State standards. No structures with the exception of RVs in excess of 320 sf are permitted on individual campsites. Pavement and concrete parking and campsite pads are not considered structures.

Campgrounds- RV Resort (RV Resort) - A parcel of land with one or more specific sites, with water, electricity and sewerage hookups, that has provisions for the pitching of tents or parking of recreational vehicles or travel trailers for use as sleeping quarters on a temporary basis. All recreational vehicles and travel trailers shall remain registered, inspected and roadworthy. In order to accommodate access to the Lakes Region’s four recreational seasons, RV resort sites are not limited by the number of consecutive weeks that they may be occupied. However, all occupancy must be on a temporary basis as defined below. RV Resorts shall comply with all applicable local and State standards. RV Resorts may also

include segregated sites that may be constructed and operated meeting the campground standards.

Campsite – A plot of ground within a campground or RV resort intended for the accommodation of a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Dimensional Requirements – except as regulated herein and in the Site Plan Review and Subdivision Regulations shall meet the requirements of Article 5, Table 2 of the Belmont Zoning Ordinance.

Recreational Vehicle (RV) - Any of the following vehicles:

- a. Motorhome or van, which is a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- b. Pickup camper, which is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
- c. Recreational trailer, which is a vehicular, portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all siding, corner trim, molding, storage space and area enclosed by windows but not the roof overhang. It shall be designed primarily not for use as a permanent dwelling but as a temporary dwelling for recreational, camping, travel or seasonal use.
- d. Tent trailer, which is a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreation, and vacation purposes.

Service Buildings - A subordinate structure determined by the Planning Board to be commonly associated with, incidental to, and on the same lot as the campground. Service buildings are intended for the use of residents of the campground and are not intended for public use. Uses may include Toilet, Shower, Bathroom, Office, Medical, Recreation, Storage, Equipment, Workshop, Camp store, Waterfront/Pool Bath house. Service buildings are considered structures and must comply with all applicable Codes and Ordinances. For the purpose of internal setbacks Service Buildings shall be considered unrelated structures on the same lot and shall also meet a minimum 15' setback to internal roads.

Temporary Basis – means occupancy only for transient recreational purposes, not occupancy to create a domicile or place of abode within the meaning of RSA 21:6 and :6-a for the purpose of establishing residency.

Recreational Vehicle Uses:

- a. Recreational vehicles may not be used in conjunction with a commercial or industrial use. When erected on campsites, recreational vehicles in excess of 320 square feet in size shall comply with the manufactured housing setbacks required in the Manufactured Housing section of the Zoning Ordinance.
- b. Property owners may house one unit on their property as accessory to an existing primary residential use providing the intent is to store the unit or to use the unit for temporary recreational use of the property owner or non-paying guest. **Such use shall not exceed 45 days during any twelve-month period unless the unit is attached to NH State approved on-site water and septic or sewer facilities. If so attached, use of the unit shall not exceed six months during any twelve-month period. The allowed** single unit shall not be considered a

structure for Zoning and Planning purposes and shall not be used as a primary residence.

- c. Property owners may place one unit on their vacant lot for temporary recreational use by themselves or members of their immediate family for no more than 30 days during any twelve-month period. Such units shall remain registered, shall not be attached to any structure or the ground, and shall have and use a manufacturer-installed self-contained wastewater systems. Further, if the unit is attached to NH State approved on-site water and septic or sewer facilities, the unit may remain on site for up to six months during any twelve-month period. Units placed on lots not having an existing primary residential use are subject to the 320 square foot clause above.

Residential Use:

One permanent single-family dwelling is allowed as part of a campground. Occupancy is limited to the resident caretaker and his or her immediate family. No other domicile, residential use or year-round occupancy may occur.

Article 14. – Delete existing definitions for Campground and Recreational Vehicle

C. **OPEN SPACE RESIDENTIAL DEVELOPMENT ORDINANCE AMENDMENTS:**

Are you in favor of the adoption of Amendment # as proposed by the Planning Board for the town Zoning Ordinance as follows?

Amend the standards for Open Space Residential Development by adding a density bonus and revising standards related to open space ownership, permitted uses, accessibility and values. Recognize areas that have already been identified by the Conservation Commission as having outstanding open space value.

Full Text:

Article 6.B.5. Add:

The Planning Board may approve a density bonus not to exceed 20% more building lots for the provision of one or more exceptional public benefits, namely:

- (a) conserving more of the buildable land as open space as depicted in Table 3;
- (b) providing significant public access to trails or dedicated conservation areas;
- (c) providing 300' setback from all building lots to rivers and ponds;
- (d) conserving 80% of the prime agricultural soils;
- (e) transfer of fee title to and acceptance by Town.
- (f) preservation of exceptional natural resource or wildlife habitat.

Article 6. Table 3. Add:

	Residential Multi-Family	Residential Single-Family	Rural	Village
Percentage of total lot required to be permanently open to qualify for density bonus	50%	50%	60%	40%

Article 6.C.7 Add new b. and renumber remaining.:

- b. By the State of New Hampshire for permanent open space uses.

Article 6.C.7.c. amend:

bc. By a private, nonprofit organization (such as the Nature Conservancy, Lakes Region Conservation Trust, Society for Protection of NH Forests, or Audubon Society), which has as its purpose the preservation of open space through ownership and control and has the financial and organizational means for perpetual stewardship; provided, however that access to the common open space is available for appropriate recreational uses as approved by the Planning Board.

Article 6.C.7 Add:

Conveyances of land to the Town or State, under Section C.7. a. or b. of this Article, will be subject to permanent deed restrictions. Conveyances of land to private entities, under Section C.7. c. or d. will be subject to a permanent conservation easement granted to the Town of Belmont or an organization qualified under Section C.7. c. or d. above and recorded at the Belknap County Registry of Deeds. Provisions of such deed restrictions or conservation easements are subject to the approval of the Planning Board and shall include:

- (a) no further subdivision,
- (b) no residential or industrial development,
- (c) no roads or commercial uses except for agriculture, forestry or outdoor recreational activities

conducted according to best management practices.

Article 6.C. Add:

11. General public access to the Open Space will not be required unless the land is conveyed in fee simple interest to the Town or State, or a specific public trail corridor easement is proposed, or if a density bonus was granted by the Planning Board based on Article B.5.b. Except in the aforesaid cases, the rights to post land and limit public access will remain with the landowner.
12. In further evaluating how the proposed Open Space meets the Purpose and Objectives of this Ordinance the Planning Board shall consider the extent to which the location and design of the area achieves these objectives:
 - (a) Large enough blocks of land are conserved to retain ecosystem function and habitat integrity;
 - (b) Large enough blocks of land are conserved to sustain agricultural or forestry operations and buffer them from nearby development;
 - (c) For trail or stream corridors, and shoreland, wide enough buffers are provided from building lots (minimum of 75 feet);
 - (d) Access to and/or benefits from the open space are provided to the greatest number of lots within the subdivision;
 - (e) Linkages or contiguity with existing or potential Open Space on abutting properties are provided;
 - (f) Scenic views from public roads and prominent ridgelines are conserved as much as possible; and
 - (g) Objectives of Article 6.A. that are most creatively and successfully achieved.

D. **SETBACKS:**

Are you in favor of the adoption of Amendment # as proposed by the Planning Board for the town Zoning Ordinance as follows?

Amend the definition of Setback related to lots abutting more than one road, abutting private roads or that do not abut any road.

Amend the definition of Setback to require that lots:

- a. abutting more than one road, road right-of-way or road easement have a “front” setback along each;
- b. abutting private roads that serve more than two lots have a front setback along that road;
- c. that are preexisting and do not have a “front” setback shall nonetheless be restricted from building closer to a road, road right-of-way, or road easement than the minimum required front setback for lots in that zone.

Full Text: Article 14. Definitions – Setback – rewrite in its entirety:

Setback –

- a. Side and rear setbacks are the distance from the extreme limit of a structure to a property line.
- b. Front setbacks are the distance from the extreme limit of a structure to all of the following:
 - 1. the public road Right-of-Way,
 - 2. the public road Easement,
 - 3. the traveled or constructed public way,
 - 4. the private road Easement that serves more than two lots,
 - 5. the traveled or constructed private road that serves more than two lots.

Lots abutting more than one of the above shall have a “front” setback along each. Preexisting lots that do not have a “front” setback shall nonetheless be restricted from building closer to the roads, road right-of-way, or road easements listed above than the minimum required front setback for lots in that zone.