

# Town of Newington

## Proposed 2018 Zoning Amendments

On Monday December 11, 2017, after the Planning Board conducted a public hearing on the proposed 2018 zoning amendments, the Board voted to approve submission of the following for consideration of the Town Meeting at its regular meeting on Tuesday March 13, 2018.

Amendment # 1 *New* - NZO Article II – Definitions, Section 2 – List of Definitions

**Building Height:** The vertical difference between the lowest ground elevation of the predevelopment (or redevelopment) at the foundation of the building, structure or wall and the highest elevation of the roof, parapet wall, or uppermost part. Chimneys, vents or utility service structures shall not be included in the measurement of vertical dimensions. A special exception regarding the building height may be granted by the Planning Board.

Amendment # 2 *Clarification* Clarify NZO Article III – Zoning Districts Section 6 – Waterfront Industry and Commerce District W<sup>1</sup>

**A - Description and Purpose:** The "W" District is established as a zone in which the principal use is for activities which depend upon the ocean for transport or resources. There is a relatively limited amount of deep water frontage in the State of New Hampshire. This prime land is recognized as an invaluable natural resource of the Town of Newington and should be reserved for optimum use so that the economic benefits may be realized to their fullest extent. Any installation on shore or offshore, temporary or permanent which interferes with the purposes of this district is prohibited. **In addition, the docking of commercial cruise ships is not an appropriate use due to safety concerns associated with the existing heavy marine and industrial use.**

### **B - Uses Permitted**

(1) Any Industrial or Commercial activity dependent upon the ocean for transport or resources.

**(2) Marine related activities such as marine transport, marine construction, marine supply and support, vessel repair and the like. Marine ~~Any~~ research laboratory or testing or experimental facility related to the ocean.**

**(3) Seafood processing and distribution**

**(4) Bulk material storage and distribution**

**(5) Energy generation facilities**

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<sup>1</sup> New items are highlighted in yellow.

**(6) Desalination plant**

(7) Business Signs, subject to the provisions of Article IV, Section 6.

(8) Telecommunication facilities, subject to the provisions of Article XIV.

(9) Residential uses for a watchman, caretaker or janitor. The industry or business shall annually certify by April 1<sup>st</sup> that the resident is a bona fide employee serving as a watchman, caretaker or janitor employee of the business. Failure to do so shall make the residential use Not Permitted.

**Amendment # 3: New In NZO Article XVII – Administration, Section 3 – Application for Building Permit, add the following paragraph after E:**

The applicant for a building permit shall complete the building within eighteen (18) months after the issuance of the building permit. An extension for up to one (1) year may be granted for a good cause. This amendment shall apply retrospectively to building permits that have been issued for work that has not been completed.

**Purpose:** The intent of the amendment is that construction work authorized by a building permit shall be completed within a reasonable eighteen (18) month time frame, so that work undertaken, does not stand partially complete such that the partially completed work fails to come into compliance with the applicable codes, which can be a safety hazard, and so that it does not become an eyesore to neighbors.

**Amendment # 4: New In NZO Article IV – General Provisions add a new Section 11:**

***new* Section 11.** Each unit in a duplex shall have its own separate water and septic service and metered gas and electric power. The owner of the duplex unit is responsible for maintenance and repair of all utilities.

**Amendment #5: New In NZO Article XVII-Administration, Section 2- Building Permit Required, add the following sentence:**

The Town's Building Inspector shall have the authority to require a certified foundation plan and a certified plat plan, when in his opinion, such documentation is necessary. The Building Inspector may exercise this authority when there is a concern regarding the building's proximity to side, rear and front setbacks, wetlands, floodplain, shoreline and other sensitive areas.

On Monday, January 8, 2018 at 6:30 PM at the Newington Town Hall, the Town of Newington Planning Board took the following actions on the two proposed 2018 amendments and the one proposed 2018 amendment to the Town of Newington Building Code.

Amendment # 6: ***Clarification*** Clarify NZO Article VI Non- Conforming Property, Section 1.

**SECTION 1 - Expansion:** Non-conforming uses and non-conforming structures shall not be enlarged, expanded or extended. Exception: otherwise conforming uses and conforming structures on land smaller than the minimum lot size specified in Table VI-1 may be enlarged subject to meeting all other ordinance requirements.

*Recommended by the Newington Planning Board*

Amendment # 7: ***New*** In NZO Article IV General Provisions add a new Section 12:

**Section 12 – Land Disturbance:** For any land disturbance such as building construction, redevelopment, excavation, earth removal, filling of land, disturbance of wetlands and the like, the applicant and or property owner shall ensure that there will be no increase in water runoff on to any abutting property. Any change in elevation requires written approval from the Building Inspector or Planning Board. This provision will be a condition of approval for a subdivision plan, site plan and building permit.

*Recommended by the Newington Planning Board*

Amendment # 8: - Proposed by petition, Newington Building Code, Section 9, Swimming Pools, to add such language in italics and quotation marks below:

Any pool designed for swimming shall be completely fenced with a fence at least four feet in height. The gate or access to the fence area shall be locked at all times that the pool is unattended “*or a swimming pool with a power safety cover complying with ASTM F 1346 as an authorized exception*”.

*Continued by the Newington Planning Board to Monday January 22, 2018*