

Zoning Amendments
on the
2022 Town Meeting Ballot

January 31, 2022

The Newington Planning Board voted to place the following five (5) proposed 2022 amendments to the Zoning Ordinance on the Town warrant for action at the Town Meeting on Tuesday March 12, 2022 as follows:

ARTICLE 2: To see if the Town will amend the Zoning Ordinance, as proposed by the Planning Board as follows:

Zoning Amendment #1:

Are you in favor of the adoption of Zoning Amendment #1 as proposed by the Newington Planning Board as follows: To amend **Article VIII Wetlands Overlay District, SECTION 4. Permitted and Prohibited Land Uses in Wetlands**, Conditional Use Permit by adding the BOLD UNDERLINE TEXT:

- (1) Prior to the Planning Board's granting of a Conditional Use Permit, the applicant shall agree to submit a performance security to the Board of Selectmen, **unless the CUP is part of a Subdivision or Site Plan Application being reviewed by the Planning Board, in which case the surety will be included in the Performance Guarantee for the project in its entirety.**

Explanatory Note: This amendment streamlines the process for obtaining a Conditional Use permit in certain circumstances.

ARTICLE 3: To see if the Town will amend the Zoning Ordinance, as proposed by the Planning Board as follows:

Zoning Amendment #2:

Are you in favor of the adoption of Zoning Amendment #2 as proposed by the Newington Planning Board as follows: Amend **Article XVI, Section 5**, to read:
In cases where a zoning ordinance or parts thereof may be in conflict with another ordinance or regulation, the more stringent shall apply.

Explanatory Note: This amendment corrects current language and does not change intent.

ARTICLE 4: To see if the Town will amend the Zoning Ordinance, as proposed by the Planning Board as follows:

Zoning Amendment #3:

Are you in favor of the adoption of Zoning Amendment #3 as proposed by the Newington Planning Board as follows: Amend Article II, Section 2, List of Definitions by deleting the current definition and inserting the following definition of Frontage:
Shall mean the distance a lot borders on a Class V highway or better, or road approved by the Planning Board. In cases where a property abuts multiple roads as defined herein, the Planning Board shall determine which portion of the frontage is subject to front setback requirements.

Explanatory Note: The language in this amendment clarifies how structural setbacks for lots with multiple road frontages are determined.

ARTICLE 5: To see if the Town will amend the Zoning Ordinance, as proposed by the Planning Board as follows:

Zoning Amendment #4:

Are you in favor of the adoption of Zoning Amendment #4 as proposed by the Newington Planning Board as follows: Amend **Article III, Section 7. C. Permitted Uses in the Historic District as follows:**

Replace:

C - Uses Permitted

- (1) Any use permitted in a Single Family Residential "R" District, subject to the provisions of the Newington Historic District Ordinance.

With

C - Uses Permitted

- (1) **In the Nimble Hill District**, any use permitted in the Single Family Residential "R" District, subject to the provisions of the Newington Historic District Ordinance.
- (2) **In the Bloody Point District, any use permitted in the adjacent Office District, subject to the provisions of the Newington Historic District Ordinance.**

Explanatory Note: The Town has two Historic Districts; one along both sides of Nimble Hill Road in the area of the Library & Stone School, and one at Bloody Point (a parcel of State-owned land where the former Newington Railroad Depot and Toll House is located. This amendment would change the uses allowed in this District (a portion of one parcel of land) from residential to uses allowed in the Office Zoning District which surrounds it.

ARTICLE 6: To see if the Town will amend the Zoning Ordinance, as proposed by the Planning Board as follows:

Zoning Amendment #5:

Are you in favor of the adoption of Zoning Amendment #5 as proposed by the Newington Planning Board as follows: Insert the following language to **Article XV, B, Section 2. (Ground Mounted Solar Energy System in a Residential Zone):**

B – Building Permit: A ground-mount or pole mount solar energy system is an accessory use, but because of the potential impacts to abutting property owners and the general public, Site Plan approval from the Planning Board is required as well as a building permit for such a system. A building or carport roof mounted solar system shall only require a building permit issued by the building inspector.

C – Application: Applications submitted to both the Planning Board and the Building Inspector shall contain a Site Plan with the following information:

- i) **Documentation that the size of the proposed solar system is directly related to the amount of electricity required by the individual residence.**
- ii) **The location of the proposed ground-mount or pole-mount system. Any ground or pole mounted system shall be located in an inconspicuous location, such as the side and rear yards, low to the ground.**
- iii) **Ground-mount and pole-mount solar systems shall be densely screened such that no more than 25% of the array is visible from property lines or public roads all four seasons of the year. Landscaping, including, but not limited to shrubbery, trees, fencing and earthen berms or a combination thereof) may be used for screening.**
- iv) **If it can't be proven that the proposed array will not cause glare that could be seen from neighboring properties and/or public spaces, non-reflective panels will be required.**
- v) **The Planning Board may, at its discretion, require balloons to be flown at the actual height of the corners of the array for the Board, neighboring property owners and the general public to see for a several-day period if there is any question or concern about the effectiveness of screening.**

Explanatory Note: This Ordinance was adopted at Town Meeting 2020; since its passage, it was determined that the ordinance did not adequately address the rapidly evolving industry, which the proposed amendments seek to regulate.