

## 2023 Proposed Zoning Ordinance Amendments

~~Strikethrough~~ text to be removed from the existing; ***Bold, italic*** text to be added

### ARTICLE IV. GENERAL PROVISIONS

*This amendment is being proposed to clarify when a Land Use Permit is needed or when a Special Exception is needed for a manufactured storage container. Special Exceptions can be applied for from the Zoning Board of Adjustment (ZBA) for a permanent container not covered under letter C or D of the proposed language.*

#### 4.3 Manufactured Storage Containers (Amended 2019)

~~D. A.~~ A manufactured storage container shall not be considered living quarters for any period of time.

~~— B. For use exceeding 90 days, but less than one (1) year, a property owner or lessee must have an approved Land Use Permit.~~

***B. A manufactured storage container must meet all front, rear, and side setbacks; provided, however, that the Land Use Department may approve a permit for a storage container to be in place for no more than 90 days in a calendar year which does not meet the setback requirements if, and only if, the Land Use Department determines it is not reasonably practical for a container to meet the setbacks on that particular lot due to its size and/or configuration.***

~~A. C.~~ Any property owner or lessee may have ***no more than two*** ~~one (1)~~ manufactured storage containers ***on a lot not to exceed 90 days per calendar year.*** ~~. Use is limited to a period not to exceed 90 days per calendar year and must meet all front, rear and side setbacks.~~

~~C. For use exceeding one (1) year, a property owner or lessee shall apply for and receive a Special Exception from the Zoning Board of Adjustment.~~

***D. A container may remain on a lot for more than 90 days without a Special Exception as provided in subsection E below if, and only if, the property owner or lessee has a valid Land Use Permit for construction or demolition work on that property, and the container may remain only until the work under that Permit has been completed. A permit for the container must also be obtained from the Land Use Department.***

***E. Any storage container that is or is intended to be on a property for more than 90 days in any calendar year (other than those which fall within subsections C or D above) is considered a permanent storage container and is permitted only by Special Exception from the Zoning Board of Adjustment.***

**No changes to remainder of section.**

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## **ARTICLE V. BOARD OF ADJUSTMENT**

*This amendment is being proposed to remove the term limits for the Zoning Board of Adjustment as term limits may not be legally enforceable.*

### **5.1 Creation, Appointment, and Jurisdiction**

Within 30 days after the adoption of this Ordinance, and thereafter as terms or vacancies occur, the Select Board shall appoint a Board of Adjustment consisting of five (5) members whose duties, terms and powers shall conform to the provisions of Chapter 674, Sections 16-23, New Hampshire Revised Statutes Annotated 1955. The Board of Adjustment may also include not more than ~~three (3)~~ **five (5)** alternate members appointed by the Select Board. ~~No person may be appointed to more than three (3) consecutive terms as a member of the Board of Adjustment.~~

**No changes to remainder of section.**

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## **ARTICLE VIII Definitions**

*This definitions amendment is being proposed to better define office and to identify that an office is open to the public and / or its customers / clients.*

Current Definition for Office:

The buildings, room or series of rooms in which the affairs of a business, professional person, branch of government, etc. carry out their duties.

**Proposed Definition for Office:**

***A space where a business's employee(s) perform administrative work and is open to the public and/or its customers/clients.***

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*This amendment is being proposed to remove the definition for Waiver, as it does not belong in the Zoning Ordinance. The Planning Board has no authority to waive anything in the Zoning Ordinance. The Planning Board can provide waivers in the Subdivision and Site Plan Regulations, and this definition looks like it originally came out of those regulations.*

## **WAIVER**

~~Means a special approval by the Planning Board granted when, in the judgment of that Board, a plan is substantially in conformity with current regulations and strict conformity to approved regulations may cause undue hardship or injustice to the owner of the land, provided that the spirit of the regulations and public convenience and welfare will not be adversely affected.~~

No changes to remainder of section.

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## ARTICLE IX. WETLANDS CONSERVATION OVERLAY DISTRICT

### 9.4 Wetlands Conservation Overlay District

*This amendment is being proposed to clarify where the map can be viewed.*

#### A. Wetlands Conservation Overlay District:

The Wetlands Conservation Overlay District is comprised of those areas within the Town of Bristol that are defined in Section 9.3H. WETLANDS as wetlands. A general map of these areas is available for inspection in the **Land Use Department of the Town** office ~~building of the Town Clerk~~, or on the Town's website. While this map is adequate for community planning purposes, it cannot be considered final for purposes of engineering a particular site for development. In cases, the precise location of wetland areas shall be determined by the actual character of the land, and the distribution of wetland soil types. Such determinations shall be made by field inspection and testing conducted by a certified soil scientist and/or wetland biologist.

No changes to remainder of section.

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### 9.4 Wetlands Conservation Overlay District

*This amendment is being proposed to clarify how the required field study is to be done and by what type of scientist.*

#### B. Wetlands Incorrectly Delineated:

If either the applicant or the Board questions the Wetlands Conservation Overlay District boundaries established under this Article, the applicant shall engage a certified ~~soil~~ wetland scientist to conduct a field analysis to determine the precise location of the Wetlands Conservation Overlay District boundaries on the affected properties. ***The field analysis shall follow the methodology described in the most current U.S. Army Corps of Engineers Wetlands Delineation Manual in association with the applicable regional supplement to complete a wetland delineation, detailing the analysis of vegetation, hydrology, and soils of the project area to determine the presence or absence of a wetland area.***

The ~~soil~~ wetland scientist shall submit a report of his/her findings to the Planning Board and the Conservation Commission including a copy of the completed U.S. Army Corps of Engineers Wetland Determination Data Form – Northcentral and Northeast Region, and a revised wetlands map of the area in question, ~~but not limited to, a revised soils map of the area in question, a written on-site field inspection report and test boring data if applicable.~~

Upon receipt of the report, the Planning Board, in consultation with the Conservation Commission, may refer it for review to a certified ~~soil~~ **wetlands** scientist of its own choosing. The applicant shall be responsible for any costs incurred by the Planning Board in connection with this independent review of its experts' report.

Upon receipt of its experts' review, the Planning Board, in consultation with the Conservation Commission, shall determine the applicability of this Article to the lot or parcel in question.

**No changes to remainder of section.**

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## **ARTICLE IX. WETLANDS CONSERVATION OVERLAY DISTRICT**

*This amendment is being proposed to clarify if, or when, all agencies in #4 (below) should be notified. Currently, it could be read either way.*

### **9.7 Consideration for Decisions**

- A. *The Board may consider the following in making its decision on an application:*
  1. *The application and its supporting documentation.*
  2. *Public comments, evidence and testimony from a public hearing.*
  3. *Reports from other agencies and commissions including, but not limited to, the Town of Bristol:*
    - a. *Conservation Commission*
    - b. *Health Officer*
  4. ***When deemed appropriate by the Land Use Department, comments from the Grafton County Conservation District, the Lakes Region Planning Commission, NH Wetlands Board, the U.S. Army Corp of Engineers, or other technical agencies or organizations which may undertake additional studies or investigations.***
  5. *Non-receipt of comments from agencies and commissions listed in three (3) and four (4) above within the prescribed time shall neither delay nor prejudice the decision of the Board.*

**No changes to remainder of section.**

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*This amendment is being proposed to strike letter D, under 9.8 Special Provisions as its unusual to have something in the Zoning Ordinance about how property within a particular district is going to be assessed.*

### **9.8 Special Provisions**

- A. No leaching portions of a private subsurface sewage disposal system may be constructed or enlarged within a wetland or closer than 125 ft. to the boundary of the Wetlands Conservation Overlay District unless a Special Use Permit is granted by the Board following the procedures and criteria applicable to granting such a permit specified in Sections 9.6 and 9.7 of this Ordinance. *(Amended 2007, 2010)*

- B. No development activity involving the construction or demolition of structures, changes to the site, or any uses of the site other than those listed under Section 9.5 of this Ordinance shall encroach within 50 ft. of the Wetlands Conservation Overlay District unless a Special Use Permit specifically allowing that use is granted by the Board. The uses which may be allowed within a wetland setback by Special Use Permit and the procedures and criteria applicable to granting such a permit shall be governed by Sections 9.6 and 9.7 of this Ordinance.

All efforts shall be made by the site developer to maintain the 50 ft. buffer between the construction activity and the Wetlands Conservation Overlay District boundary in its existing undisturbed natural vegetative state. *(Amended 2007, 2010, 2015)*

- C. No part of any wetland may be considered as part of the minimum size requirements of any lot, unless said lot preexisted this Ordinance, was approved by the Planning Board, was recorded in the Registry of Deeds, and otherwise meets all provisions of the Zoning Ordinance.

- ~~D. All land included in the Wetlands Conservation Overlay District shall be appraised for tax purposes at its full and true value in money, based on its market value as undeveloped land required to remain in open space.~~

**No changes to remainder of section.**

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*This amendment is being proposed to eliminate the requirement that off-premises signs are allowed by Special Exception, to further clarify off-premises sign exemptions and adding sandwich board sign requirements.*

**4.11 Signs**

**F. OFF-PREMISES SIGNS**

1. Off-Premises Signs are defined here as any sign visible from a public right-of-way identifying or advertising a business, person, activities, goods, products, or services not located on the premises where the sign is installed and maintained.
2. ~~Any and all Off-Premise Signs must have written permission of the property owner.~~
2. ***Except as listed under Off-Premises Sign Exemptions, Off-Premise Signs of any size or type are not allowed in any district.***
3. ~~Except as described below, Off-Premise signs of any size or type are allowed only by Special Exception through the Zoning Board of Adjustment and must conform to all relevant provisions of this Ordinance. *(Amended 2010)*~~
3. ***Off-Premises Sign Exemptions - Any and all off-premises signs, allowed under the following exemptions, must have written permission of the property owner. Permitting requirements, if any, are noted below:***

#### 4. ~~Off-Premise Sign Exemptions~~

- a. Off-Premises Signs connected to seasonal, agricultural retail sales, hayrides, fruit picking, etc. are allowed during the period of the activity by permit issued by the Land Use Department. They shall not exceed 20 sq. ft. and shall be displayed only for the dates and location(s) specified in the permit. (*Adopted 2010, 2013*)
- b. Up to two (2) Off-Premises Signs connected to a yard sale are permitted to be displayed for 24 hours prior to the sale and shall be removed within two (2) hours of its end. They shall not exceed 8" x 18" (*Amended 2010*)
- c. Off-Premises Signs connected to events sponsored by non-profit institutions are permitted to be displayed for 14 days prior to the event and shall be removed within 24 hours of the termination of the event. Such signs shall not exceed 20 sq. ft. (*Adopted 2010*)
- d. Off-Premises Signs, at the end of a road, advertising properties for sale or rent shall be allowed. ~~and with permission of the property owner.~~ Such signs shall not exceed nine (9) sq. ft. in area and shall be removed at such time as the property is leased or sold.
- e. ***Off-premises Sandwich board signs must be less than two feet wide and less than three feet high. Sandwich board signs may not obstruct a sidewalk to less than 48 inches of clear travel path. Such signs may only be displayed while the business is open. Sandwich board signs shall be made of wood or weighted down such that they are not affected by less than storm force winds. Signs located in the Historic District may require review and approval by the Land Use Department.***

No changes to remainder of section.

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