



# TOWN OF NEWPORT, N.H.

Office of Planning and Zoning

## PUBLIC NOTICE: Town of Newport, NH

Notice is hereby given that the Newport Planning Board will hold a meeting on **Tuesday, February 14, 2017 at 6:00 p.m.** at which time the following applications will be heard. If the applications are deemed complete, the public hearings will immediately take place in the Selectmen's Room at 15 Sunapee Street, Newport, NH:

**2017-ANFP-001: Sunshine Baptist Church (Owner) and Clayton Platt, LLS (Agent)** request review of annexing 0.58 Acres from Tax Map 107 Lot 018 (Parsonage) to Tax Map 107 Lot 020 (Church). The properties are identified as Map 107 Lots 18 and 20 and are located at 314 Sunapee Street in the Heavy Commercial (B-2) Zoning District.

**2017-SPFP-001A: AF Gloenco, Inc. (Owners), Richard Wahrlich, Osgood Construction (Agent)** request final review of a site plan consisting of a 30 x 60 addition to the rear of their existing manufacturing building. The property is identified as Map 102 Lot 007 and is located at 452 Sunapee Street in the Industrial (I) Zoning District.

Proposed Zoning Ordinance Amendment Public Hearings:

**Zoning Amendment #1: Proposed Language of Article IV, Section 419--Accessory Dwelling Units.** In March of this year, Governor Hassan signed into law Senate Bill 146, relative to accessory dwelling units. The new law is codified at RSA 674:71 to :73. Every municipality with a zoning ordinance shall allow an attached accessory dwelling unit as a matter of right or by conditional use permit or by special exception, in all zoning districts that permit single-family dwellings. Currently, Newport refers to Accessory Apartments and allows them to be either within or attached to a single-family dwelling unit or a detached accessory building. The Planning Board will hold a public hearing on what they have crafted to replace the Accessory Apartment definition with language that meets the provisions of the new State of NH law.

**Zoning Amendment #2: Proposed Amendments to Article IV, Section 412--Signs** As a result of Reed v. Town of Gilbert, the NH Municipal Association is recommending that municipalities amend their sign regulations to be content neutral. The Planning Board is drafting an amendment that would accomplish this as well as add language to allow banners in business districts for a period of ten day 4 times per year. Currently, they are permitted for \$25.00 each time for a period of ten days.

**Zoning Amendment #3: Proposed additional language to the Article X, Definition of a Structure.** Currently all sheds are considered structures. The proposed language adds the words, " It shall not include a minor installation such as a mailbox, flagpole, sheds in excess of 200 square feet, or a fence less than 6' high providing such fence does not obstruct vision of highway and traffic. Residential sheds of this size are currently exempt from the State Building Code.

ALL DOCUMENTS MAY BE REVIEWED AT THE OFFICE OF PLANNING AND ZONING DURING NORMAL BUSINESS HOURS.

## Proposed Zoning Amendment Language 2017--ADU's

Current language: Delete this definition and reference everywhere it appears. Replace with Accessory Dwelling Unit (ADU).

~~Accessory Apartment: A second dwelling unit on the same lot that is subordinate to the principal use of the principal building and occupies space no greater than 35% of the principal building and contains no more than one bedroom. The principal building may be either residential or non-residential in principal use. No more than one accessory apartment per lot shall be allowed. The Accessory Apartment may be attached either to the principal building or to a detached accessory building. Accessory Apartment is understood to include the term Accessory Dwelling Unit as defined in RSA 674:21.~~

### Proposed Language

Proposed Article IV, Section 419

#### 419.1 Definitions

Accessory Dwelling Unit: An "accessory dwelling unit" (or "ADU") is a residential living unit that is attached or within a single-family dwelling or a detached accessory building, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

#### 419.2 Provisions

An accessory dwelling unit shall be permitted in all zoning districts that permit single family dwellings, subject to the following:

- A. Only one (1) ADU shall be permitted for each single-family dwelling.
- B. The ADU must provide independent living facilities for one or more persons containing the four elements of sleeping, eating, cooking and sanitation.
- C. If attached, the ADU shall have an independent means of ingress and egress, or shall have ingress and egress through a common space such as a shared hallway to an exterior door.
- D. The ADU shall not exceed 750 square feet in habitable floor area.
- E. The ADU shall be provided a minimum of two (2) off-street parking spaces as provided for in Article IV, Section 409.
- F. An ADU shall make provision for adequate water supply and sewage disposal service in compliance with RSA 485-A:38 and regulations adopted by the New Hampshire Department of Environmental Services.
- G. The ADU must have an interior door between the attached ADU and the primary dwelling.
- H. The ADU must comply with the residential occupancy standards that are covered by the State Building Code and other pertinent safety, fire, health and accessibility standards.
- I. If the ADU is not on public water and sewer, well and septic provisions shall comply with NH Department of Environmental Services regulations. Note that DES may require enlargement or modification of the septic system if the ADU makes it necessary to accommodate a larger loading.
- J. The ADU shall not have more than 2 bedrooms.
- K. The ADU must maintain the aesthetic continuity with the principal dwelling unit as a single-family dwelling.



L. The ADU must comply with the density and lot size requirements outlined in each zoning district.

**419.3 Minimum Lot Dimension Requirements:** An ADU shall not be required to meet additional lot area requirements other than already provided for the principal dwelling unit. An ADU shall comply with all lot setback requirements.

The term *Accessory Apartment* will be replaced with **Accessory Dwelling Unit (ADU)**. Below is where these terms are currently located in the Zoning Ordinance

Current locations:	206.1	Page 8	(R)
	206B.1	Page 11	(K)
	208.1	Page 15	(R-2)
	213.3	Page 31	(PB)
	409.7	Page 58	(Parking)
By reference	209.1	B-1 says anything in R-1	
	209.2	B-1 Special Exception for new construction of one-family dwellings	
	210.1	B-2 says anything in B-1	
	210.2	B-2 Special Exception for new construction of one-family dwellings	

Current Regulations with redline suggestions:

**Section 412.1**

No sign as defined in these regulations shall be placed, erected, moved, replaced, or reconstructed without a permit. Said permit shall be issued by the Building Inspector. Application for a sign permit shall be made on forms provided by the Building Inspector and shall include a set of plans showing site location, sign size, colors, design, type and size of lettering, method of illumination, and type of materials to be used in construction.

**Section 412.2**

Material and construction of any sign shall be in accordance with building code and other Town requirements. All signs shall be maintained in a safe condition and in good repair. Any sign, which is in disrepair, shall be removed upon order of the Building Inspector if not repaired after a 30 day notice.

**Section 412.3**

- A. All signs shall be prohibited within the rights of way of public highways except signs may project over public sidewalks provided no public hazard is created. The bottom of sign must be 10' above sidewalk.
- B. On corner lots no sign shall be erected in such a manner as to impair vision.
- C. Signs in all districts shall not be closer than 5' to lot lines unless affixed to a building.

**Section 412.4**

The following signs are prohibited:

Neon, tubular gas, animated, flashing, noise making, changeable electronic message board signs, or signs that have lights of changing degrees of intensity, brightness or color, or intermittently or intensely lit signs that could present a potential distraction or safety hazard to passing motorists or pedestrians, except as otherwise provided herein.

Temporary seasonal holiday decorations are not considered as part of this regulation.

Electronic signs that do not exceed the size of 12"x 24" that state "Open" or "Closed" shall be allowed and shall not require a permit.

Gas station signs that illustrate the price of gasoline so long as they have the ability to be adjusted to comply with the restrictions regarding public safety above.

Signs that move or create the illusion of movement except as otherwise provided in Section 412.7E.

Mobile and/or portable signs.

Signs on trees, rocks or other natural surfaces except those signs used in the posting of land.

Billboards

(This section amended on 5.12.2009)

**Section 412.5**

Signs shall be allowed by variances and special exceptions in accordance with the appropriate requirements for the type of use granted.



## Section 412.6

The following signs shall be allowed in all districts as a permitted use without a sign permit:

- ~~A. A temporary real estate sign not to exceed 4 feet by 8 feet for non-residential use and 2' by 2' for residential use is permitted on property being sold, leased, or developed. Such signs shall be removed promptly when they have fulfilled their function.~~
- ~~B. Political signs in accordance with state legislation.~~
- ~~C. In any residential district a sign not exceeding 4 square feet, which lists the name, address, or profession or home business of the occupant of the premises on which the sign is located.~~
- ~~D. A bulletin board not exceeding 24 square feet in connection with any church, school, or similar public structure.~~
- ~~E. Temporary non-illuminating signs advertising yard, garage, and similar sales or events.~~
- ~~F. Directional signs indicating entrance or exit driveways.~~
- ~~G. One temporary sign not exceeding 4 feet by 8 feet on a building or project under construction identifying the architect, owner, and/or contractor.~~
- ~~H. One directory sign listing principal occupants of a building may be affixed to the exterior wall at each entrance to the building. Each sign shall not exceed one square foot for each occupant.~~
- ~~I. Privacy or warning sign.~~

## Section 412.7

Signs allowed by permit:

- A. In a B1, B2, K, RC, or I district and excepting shopping centers and/or shopping malls, two (2) signs shall be permitted for any legally established business, one (1) free standing, the other affixed to the building. Total area of all signs shall not exceed one (1) square foot for each linear foot of building fronting on a public street for a maximum of 100 square feet in area. The height of a free standing sign shall not exceed 25 feet. Said signs if illuminated shall be shielded in such a manner to produce no glare, undue distraction, confusion, or hazard to the surrounding area or to vehicular traffic. Illumination shall be properly focused upon or from within the sign. Signs shall not extend over the roof or parapet of the building. On lots in the B1, B2, I, RC, or K districts on which no building has been constructed, one (1) free standing sign not to exceed 50 square feet shall be permitted for the legally established business on that lot and the sign shall be in conformance with any other applicable provision of this ordinance.
- B. In shopping centers and on shopping malls two (2) signs shall be permitted, one (1) sign affixed to the face of the building for each of the legally established businesses, and one (1) freestanding directory sign to be shared in common by each of the businesses. The directory sign shall not exceed 25 feet in height. Each advertising sign affixed to the directory shall not exceed 2 feet by 2 feet. Total area of each wall sign shall not exceed one (1) square foot for each linear foot of individual building frontage for a maximum of 100 square feet in area.
- C. A sign or signs shall be permitted for any legally established subdivision development, farming or agricultural operation, golf course, airport development, outdoor park, manufactured home park, or recreational camping park subject to the following conditions:

1. One (1) freestanding sign not to exceed 50 square feet shall be permitted at only one (1) entrance;
2. One freestanding sign not to exceed 20 square feet shall be permitted at each additional entrance;
3. The total square footage of all freestanding signs at all entrances shall not exceed 100 square feet;
4. The height of each freestanding sign shall not exceed 10 feet;
5. If interior or exterior illumination is provided, it shall be properly focused in a manner that does not distract or blind oncoming traffic; and
6. All signs shall be in conformance with any other applicable provision of this ordinance.

D. Definition: **"SIGN, SANDWICH BOARD"**: A free standing, temporary A-frame ground sign having a message on both sides". Sandwich board signs shall be allowed in business districts only, and shall be subject to the following limitations:

1. The sign shall be of professional quality and shall not exceed 3.5' in height or 7 square feet in area.
2. The sign shall not be located within a street or street right-of-way, except that where sidewalks exist such a sign may be located on a public sidewalk.
3. The sign shall not obstruct visibility of vehicles or pedestrians.
4. Only one (1) such sign shall be allowed in front of each business establishment.
5. The sign shall not obstruct pedestrian traffic. If located on a sidewalk, it shall be placed either adjacent to the curb or adjacent to the building so as to allow a 36" minimum walkway.
6. The sign will be removed during non-open business hours.
7. The sign shall be properly secured and/or weighted as to not intrude upon, infringe upon, or cause a hazard to passers-by and/or the traveling public.
8. The sign shall not be placed during snow events.
9. The sign shall not hinder or obstruct municipal maintenance operations.

(D. was added by amendment on 5.09.2006)

E. Traditional Barbershop Pole Signs

1. Movement and internal illumination are allowed provided that there is no glare.
2. The size shall not exceed 18" in diameter or 36" in height.

(E. added by amendment on 5.12.2009)

F. Banners: Temporary banners which are attached to or suspended from a building and which are constructed of cloth or other combustible material shall be constructed in an approved manner and shall be securely supported. Banners shall be allowed in business districts only, and shall be subject to the following limitations:

1. The banner shall be of professional quality and shall not exceed 100 square feet in area.
2. Permits for a banner shall be limited to a period of ten days, with a maximum of 4 per year.
3. Banners shall be removed as soon as torn or damaged.
4. Banners shall comply with the provisions of Section 412.7 D, 3-9.



#### **Section 412.8**

Existing signs for which a permit was previously granted or which met the requirements of the zoning regulations in effect at the time of construction but which are not in conformance with the provisions of these regulations shall be deemed a non-conforming sign. Such non-conforming signs shall be subject to those provisions contained in Article VI, Section 602 of the Zoning Regulations.

#### **Section 412.9**

Window signs whether they are interior or exterior shall be considered as a wall sign affixed to the face of the building. There shall be no limitation on temporary signs on the interior of a window.

#### ~~Section 412.10~~

~~Off premise signs are prohibited except as may be permitted after approval of the Zoning Board of Adjustment for a special exception. Said sign shall be directional only. Upon approval of the Zoning Board of Adjustment, the Town will provide the sign, cost of which will be borne by the applicant. Said sign shall be white on green and shall not exceed 2 feet by 2 feet in area.~~

#### **Section 412.11**

The measurement of the area of a sign shall be considered to include all lettering or elements of a sign together with the background on which they are displayed but not including the supporting framework and bracing. When the sign consists of letters or symbols affixed to a surface or building, the area shall be considered to be the smallest rectangle which encompasses all of the letters. The area of one side of a double-faced sign shall be considered as the total area of the sign.

#### **Section 412.12 - Farming & Agricultural Operations Seasonal Signs:**

A. In furtherance of the goals enumerated in RSA 672:1, III-b, off-premise seasonal (O.P.S.) signs for farming or agricultural operations, as defined in RSA 21:34-a, shall be allowed on a temporary basis as a special exception in any zoning district provided that all of the following special criteria are also met:

1. Each legally established farming or agricultural operation situated in the Town of Newport may display no more than four (4) O.P.S. signs, which shall be located within a Town right-of-way notwithstanding Section 412.3A above. The maximum of four (4) O.P.S. signs may be listed on one (1) special exception application. No more than one (1) sign per owner shall be displayed at an individual location at the same time.
2. A plan illustrating the proposed location(s) of the O.P.S. sign(s) shall be submitted with the special exception application and reviewed by the Town Highway Superintendent prior to the Zoning Board's public hearing. The Highway Superintendent shall submit a written recommendation to the Zoning Board. The location of each O.P.S. sign shall be determined based on the applicant's need for reasonable directional information and shall be placed in a

non-hazardous location that does not impair vision or endanger or inconvenience the public's right to travel over the Town right-of-way.

3. Each O.P.S. sign shall be in non-fluorescent colors shall be 6 square feet or less in area, shall be well secured in the ground and shall be displayed without illumination. The height of the post from ground level to the top of the post shall not exceed 6'. An individual post may be left adequately secured in the ground year round at the discretion of the Town Highway Superintendent. Each O.P.S. sign and post shall be maintained in good repair by the owner.

~~4. Each O.P.S. sign shall contain only the name and telephone number of the farming or agricultural operation, brief directions to the location of the operation, a brief list of the agricultural products for sale, and a brief statement describing whether the operation is a "pick your own" one or one where the products have been pre-picked or packaged. Other advertising messages shall not be permitted on the sign.~~

5. Each O.P.S. sign shall be displayed only during the permitted period, which shall begin on March 1st and end on December 31st of each year.

6. Each O.P.S. sign shall be installed by its owner under the supervision of the Town highway superintendent every year that the O.P.S. sign is put in use. Once installed, the highway superintendent may, if necessary, require an O.P.S. sign to be temporarily removed in order to facilitate roadway or right-of-way improvements. Each O.P.S. sign shall be removed by the owner at the end of the permitted period. Any O.P.S. sign left standing outside of the permitted period may be removed and disposed of by the Highway Superintendent.

7. Each individual O.P.S. sign shall require a sign permit in accordance with Section 412.1 above and the display period for each shall be listed on the permit.

8. Each O.P.S. sign shall conform with any other applicable provision of this ordinance.

B. Permission for the placement of an O.P.S. sign in a state highway right-of-way shall be obtained from the New Hampshire Department of Transportation.