



TOWN OF
PETERBOROUGH
OFFICE OF
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PROPOSED ZONING AMENDMENTS FOR 2022 TOWN MEETING

Proposed amendments to the Peterborough Zoning Ordinance are identified by page number below. Where language is proposed to be deleted is shown with a ~~strike through~~. Where language is proposed to be added is shown in *italics* except for the first two pages which is shown in **highlighted italics**. Copies of the proposed, amended Zoning Ordinance are available for review or purchase through the Office of Planning & Building, or can be found on the Town's website.

Items **highlighted in blue** are slated to be reviewed for public hearing on February 14, 2022.

- 1) PAGE 1 & 2 – Proposed addition of amendment dates, if passed at 2022 Town Meeting.
- 2) PAGE 7 – Amendment for the definition of “Dwelling or Dwelling Unit.” Amendment proposes to: a) remove “mobile homes” which is no longer an appropriate term by state statute but is also redundant because it is a type of Manufactured Housing, and b) remove “overnight cabins, and like” because overnight cabins are not a “Dwelling or Dwelling Unit” by building code.
 - Presented at public hearing on 1/10/22 and voted to be brought to ballot as presented in a motion made/seconded (Steinberg Heller/Dunbar) with all in favor. This proposal will **not** be proposed for further change or discussion on 2/14/22.
- 3) **PAGE 9** – Amendment of the definition of “Front Building Setback” proposes to clarify that some properties may have more than one front building setback. An example of such a lot with more than one front building setback is the Peterborough Town House where the lot abuts two rights-of-way: one along Grove Street and the other along Main Street.
 - At the public hearing on 1/10/22, there was some confusion of the intention for this definition amendment. Both Danica Melone & Tim Herlihy have reviewed this together and reiterate that the intention is to clarify in the definitions that a lot may have more than one front building setback. Historically, as such cases come up time to time, the Office of Planning & Building has always treated this scenario as the proposed definition intends to clarify. Where such determination was made and the applicant needed relief from the Zoning, they could seek a Variance and was usually (99% of the time) has been granted. We call this “local case law” and can confirm that this has been the interpretation of the current definition by the past 3 building inspectors. Amending the definition would simply clarify and match the local case law that is currently being carried out. Additionally, both Tim and I strongly urge against there being an allowance for the applicant to choose which side of the lot is the front – this is not something other Town's



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allow for, and is unenforceable should the property change hands. If the Planning Board is not in favor of our proposed amendment, then we would like to simply rescind it.

- 4) **PAGE 9** – Amendment of the definition of “Frontage” to match the definition of “Front Building Setback.”
 - See notes above under #3

- 5) **PAGE 10** – Proposed amendment of the definition to remove the 320 square foot minimum for “Manufactured Housing.” The current square footage in this definition is smaller than current state and federal minimums for Manufactured Housing.

- 6) **PAGE 17** – Proposal to add “Manufacture Housing” as an allowed use under the Family District. This would allow for manufactured homes to be placed on a lot as single-family dwelling.
 - At the public hearing on 1/10/22, the Planning Board discussed allowing for manufactured homes in all the residential districts. Any new manufactured housing would have to meet the same Zoning criteria to be placed on a lot as a single-family dwelling would (such as: setbacks, frontage, lot size.)

- 7) **PAGE 18** – Proposed deletion of “7. Minimum area of any dwelling unit: six hundred (600) square feet, except efficiency or one-bedroom units, four hundred (400) square feet.” This regulation is only listed in the Zoning Ordinance under the General Residence District. Currently, residents/property owners in the General Residence District only are required to apply for a Variance should they want to build a dwelling unit or efficiency dwelling unit smaller than the listed sizes.
 - Presented at public hearing on 1/10/22 and voted to be brought to ballot as presented in a motion made/seconded (Steinberg Heller/Ward) with all in favor. This proposal will **not** be proposed for further change or discussion on 2/14/22.

- 8) **PAGE 46** – Amendment of “mobile home” to “manufactured home.” Replacing the use of “mobile home” to “manufactured home” is recommended by state and federal regulations.
 - Presented at public hearing on 1/10/22 and voted to be brought to ballot as presented in a motion made/seconded (Ward/Hurley) with all in favor. This proposal will **not** be proposed for further change or discussion on 2/14/22.

- 9) **PAGE 48-51** – Proposed addition of the authority statement for the Groundwater Protection Overlay Zone and amendment of subsection lettering to accommodate the insertion. Every ordinance should have an authority statement at the beginning, particularly when applications are



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involved. Providing the authority statement is confirms the Town's authority, is clarifying for the applicant, and helps to protect the Town's Zoning.

- Presented at public hearing on 1/10/22 and voted to be brought to ballot as presented in a motion made/seconded (Hurley/Dunbar) with all in favor. This proposal will **not** be proposed for further change or discussion on 2/14/22.
- 10) **PAGE 82** – Amendment of the allowable sizes of Accessory Dwelling Units to be more flexible.
- Presented at public hearing on 1/10/22 and voted to be brought to ballot as amended in a motion made/seconded (Steinberg Heller/Blair) with all in favor except Stephanie Hurley. This proposal *will* be heard and proposed for further discussion on 2/14/22.
- 11) **PAGE 115** – Proposed removal of the requirement to provide a permanent foundation. This includes clarification of the Manufactured Housing ordinance by directing persons to the Certain Manufactured Housing ordinance for temporary manufactured housing accommodations.
- At the public hearing on 1/10/22, the Board discussed looking into §245-17 Certain Manufactured Housing as it appeared it contradicted the current zoning proposals. Danica Melone and Tim Herlihy have reviewed this together in-depth and found the following information which resulted in no changes from the 1/10/22 meeting:
 - i. §245-17 Certain Manufactured Housing was adopted with the intention of regulating emergency manufactured housing, specifically the type which FEMA provides in natural disasters. This section is **not** intended to address temporary manufactured housing.
 - ii. Tim and I do not encourage the removal of the minimum dimensional sizes in this section because they directly correlate to the size of the emergency housing provided by FEMA.
 - iii. In the future, this ordinance should be clarified but needs tremendous work. One key change, which we do not have time to mull through, is that if there is a natural disaster where FEMA provides emergency housing then we should not be requiring those applicants to go through a Special Exception process with the Zoning Board. Instead, it would likely be regulated through a temporary certificate of occupancy from Tim.
 - iv. Danica is proposing slight modification to clarify this under 245-34 B & C.