

Waterville Valley Planning Board
Amendments Proposed for March 2024 Town Meeting

Proposed Amendment No. 1

Description:

Would repeal the standalone "Town of Waterville Valley, New Hampshire, Flood Plain Management Ordinance" in its entirety and replace with a new Article to be contained within the Town's Zoning Ordinance with updated language as required for continued participation in the National Flood Insurance Program, both the existing and proposed ordinances containing only the minimum required elevation, flood-proofing and record-keeping requirements.

See separate file for complete text of Proposed Amendment No. 1.

Proposed Amendment No. 2

Description:

Would add language to C) Definitions in Article III, J) Uses in Article IV, and parking requirements in Article V.C regarding electric vehicle (EV) charging to allow EV charging stations for residents, employees and visitors to a property as an allowed accessory use; and add EV charging as a business Permitted in the VC, C1 and SC zoning districts and allowed by Special Exception in the HDR, REC and Snow's zoning districts.

Specifically, Amendment No. 2 would make the following changes:

Article III, C - Definitions

Add the following definitions:

Electric Vehicle Charging Station - The public or private parking space(s) served by EVSE, including all signs, lighting, information, pavement surfaces, surface markings, fee collection systems, and protective equipment, in which a vehicle is recharged.

Electric Vehicle Supply Equipment (EVSE) - The system which communicates with electric vehicles and monitors electrical activity to ensure safe charging, inclusive of all of the components: the conductors; the ungrounded, grounded, and equipment grounding conductors; electric vehicle connectors; attachment plugs, and all other fittings devices, power outlets, or apparatus installed specifically for the purpose of delivering energy to an electric vehicle.

Retail Electric Vehicle Charging Station - An electric vehicle charging station made available to users other than residents, employees or visitors to the property. May be the primary use of the property, or in conjunction with a Permitted Use or use allowed with a Special Exception and in addition to the required number of parking spaces for residents, employees or visitors.

Article IV, J – Use Table

Add new use 5.b - Retail electric vehicle charging station (renumber others accordingly)

To be permitted in VC, C1, and SC

To be allowed by Special Exception in HDR, REC, and Snow's

7, a – Accessory Uses and Structures – Currently reads “a) Any other structure or use on the same site with the principal use, incidental and accessory thereto, and necessary for the operation of the principal use.” Add the following language:

Includes EVSE/electric vehicle charging stations limited to use by residents, employees or visitors to the property. The property owner or manager may set time limits, regulate availability, and collect usage fees. Collecting a fee shall not cause the station to be considered a Retail Electric Vehicle Charging Station.

Article V, C,1 – Minimum Off-Street Spaces

Add the following statement:

Electric vehicle charging stations for the use of residents, employees or visitors to the property may be counted toward the total number of required parking spaces provided.

Article V, C, 2 – Flexible Parking

Add new item:

e) Conversion of a portion of existing spaces to Retail Electric Vehicle Charging Stations may be allowed following Planning Board approval of an updated parking plan showing the remaining spaces will be adequate to meet the needs of residents, employees and visitors.

Proposed Amendment No. 3

Description:

Would make changes to the wording of Article IV J Uses to clarify that the intent of the “a/SE” category is to allow some additional activities as accessory uses, as specified in the use table in the Zoning Ordinance, to augment existing businesses or residential complexes. Would also remove the language specifying that camping is allowed as part of a special event, leaving that to be decided along with other details through any special event regulations that may be adopted by the Selectboard in the future instead.

Specifically, Amendment No. 3 would make the following changes:

The language to be added is shown below in **bold underlined italics** and language to be deleted is shown ~~struck out~~.

 Town Clerk

Make the following change to the description preceding the Zoning Ordinance Use Table in Article IV Section J Uses:

J) Uses

A person shall not use any lot in any zoning district in Waterville Valley except as hereinafter specifically allowed. Those uses designated with a "P" are permitted and allowed by right. Those uses designated "SE" are allowed only with a Special Exception granted by the Zoning Board of Adjustment. Those uses designated "CU" are allowed only with a Conditional Use Permit granted by the Planning Board. Those uses designated "a" are allowed only as an accessory use subordinate to and customarily incidental to a principal use which is either permitted or has been granted a Special Exception or Conditional Use Permit. If a use is designated "a/SE," ~~it is allowed as an accessory use, otherwise requires a Special Exception.~~ it is allowed by right as a secondary use, subordinate to a principal use which is either permitted or has been granted a Special Exception or Conditional Use Permit. Would require a Special Exception to be a principal use.

Amend Article IV Section J Uses 2)o) as follows:

o) Special recreational and entertainment events, including but not limited to ~~such as~~ ski races, bicycle races and outdoor concerts, ~~may include camping for up to one week.~~

Proposed Amendment No. 4

Description:

Would support the use of solar energy in Waterville Valley by (1) stating that additional building height is allowed for solar collectors; (2) allowing the owner of more than one lot to have their solar collectors and the buildings they serve on different lots; and (3) allowing solar collectors to be 10 feet from side and rear lot lines like fences and small accessory buildings.

Specifically, Amendment No. 4 would make the following changes:

Amend Article V.M) by adding the underlined phrase:

M)Appurtenant Structures

- 1) An appurtenant structure attached to a building but not used for human occupancy, such as a church spire, belfry, antenna, chimney, solar energy collectors, or similar service feature shall not be subject to the height restrictions of this Ordinance.

Amend Article IV.J)Uses 5)f) as shown:

As it currently reads:

- f) Wind, solar or geothermal energy facilities for on-site use

 Town Clerk

As it would read with this amendment:

f) Small wind, solar or geothermal energy systems designed primarily to supply energy for on-site use. For solar energy facilities, "on-site" shall be interpreted to include another lot under the same ownership.

With the passage of both Amendment Nos. 4 and 5, the second sentence of f) would instead read: For small wind and solar energy facilities, "on-site" shall be interpreted to include another lot under the same ownership.

Amend Article IV Zoning Districts and Regulations as follows:

In Sections A) Lower Density Residential (LDR) District, B) Higher Density Residential (HDR) District, C) Village Commercial (VC) District, D) Special Civic (SC) District, E) Recreational (REC) District, F) Greenbelt (GB) District, H) Commercial 1 (C1) District, and I) Snow's Mountain Special Zoning Area (Snow's), add this new item under Setbacks, numbered in sequence:

Free-standing solar energy systems shall comply with the usual front setback for structures and shall be set back a minimum of ten (10) feet from side and rear lot lines. Setbacks for sun tracking free-standing solar energy systems shall be measured from the horizontal flattened position of the solar collector.

Proposed Amendment No. 5

Description:

Would bring the Zoning Ordinance into compliance with state statutes regarding small wind energy systems by addressing issues such as setbacks, height, noise, and public notice; and would allow the owner of more than one lot to have their small wind energy system and the building(s) it serves on different lots.

Specifically, Amendment No. 5 would make the following changes:

Amend Article III. C) Definitions by adding:

Small Wind Energy System – A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kilowatts.

Add the following new section to Article V. Supplemental Regulations:

U) Small Wind Energy Systems

1. In accordance with RSA 674:66, as amended, the Code Enforcement Officer shall provide notice of an application for a building permit for a small wind energy system to the Selectboard, and shall notify all abutters by verified mail. Abutters shall be afforded a 30-day comment period prior to the issuance of a building permit. The cost of the abutter notification shall be borne by the applicant.



Town Clerk

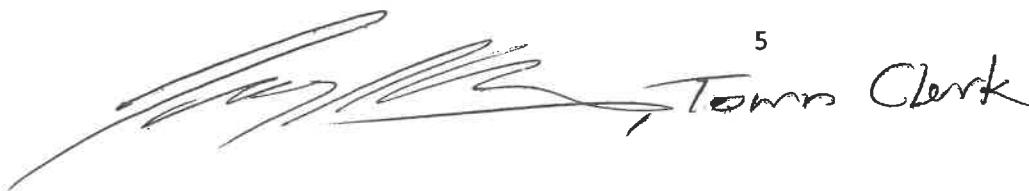
2. Setbacks:

- a) A small wind energy system mounted on a tower shall meet the greater of the usual setback for the district or a distance that is equal to 120% of the total system height from:
 - i. Any public or private road right-of-way
 - ii. Any overhead utility lines.
 - iii. All property lines
 - b) The setback shall be measured to the closest point of the tower.
 - c) Guy wires used to support the tower are exempt from all setback requirements but shall be located on the same lot as the tower.
- 3) The height of a small wind energy system shall not exceed the building height limits for the District without a Special Exception. Height shall be measured as the vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.
 - 4) Noise shall not exceed 45 dBA as measured at the property line, except during short-term events such as utility outages and severe wind storms. A sound level analysis must accompany the application for a building permit and be prepared by the wind generator manufacturer or a qualified engineer.
 - 5) Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.
 - 6) The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.
 - 7) The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - 8) Abandonment shall be addressed as provided by RSA 674:65 as amended.

Amend Article IV.J)Uses 5)f) as shown:

As it currently reads:

Wind, solar or geothermal energy facilities for on-site use



Tomm Clerk

As it would read with this amendment:

Small wind, solar or geothermal energy systems designed primarily to supply energy for on-site use. For small wind energy facilities, "on-site" shall be interpreted to include another lot under the same ownership.

With the passage of both Amendment Nos. 4 and 5, the second sentence of f) would instead read: For small wind and solar energy facilities, "on-site" shall be interpreted to include another lot under the same ownership.

Amend Article V.M) by adding the underlined phrase:

M)Appurtenant Structures

1) Except as may be provided elsewhere in this ordinance, An appurtenant structure attached to a building but not used for human occupancy, such as a church spire, belfry, antenna, chimney, or similar service feature shall not be subject to the height restrictions of this Ordinance.

Proposed Amendment No. 7 (No Amendment No. 6)

Description:

Would vary the front setback in the Village Commercial (VC) District according to which zoning district is across the street. The front setback would remain 35 feet across from HDR and LDR, but would be reduced to 25 feet across the street from Special Civic (SC) and 20 feet across the street from Commercial 1 (C1) and Village Commercial (VC).

Specifically, Amendment No. 7 would add the language shown as underlined to Section IV.C)1)f)(i) VC Setbacks-

There shall be a minimum of 35 feet between any structure and the right-of-way of any street, except structures directly across the street from land in the C1 or VC Districts in their entirety may be 20 feet from the right-of-way and structures directly across the street from land in the SC District in their entirety may be 25 feet from the right-of-way. There shall be a 5-foot setback between any off-street parking area and the right-of-way of any street. Structures shall not be closer than 20 feet to the paved edge of any internal road. Exception: Signs and pedestrian amenities such as bike racks, bus shelters, park benches and the like may be located within these front setbacks provided a permit has been issued by the Selectboard or their designee.

 Town Clerk

Proposed Amendment No. 8

Description:

Would make it easier to add an accessory dwelling unit (ADU) by reducing the parking requirement for ADUs from 2 spaces to 1 space.

Specifically, Amendment No. 8 would replace the following provision in Section V.C)1):

USE	PARKING REQUIREMENTS
Single-family and two-family dwellings and two-family residential units	2 spaces per dwelling unit.

with this new revised language:

USE	PARKING REQUIREMENTS
Single-family and two-family dwellings and two-family residential units (single-family with ADU)	2 spaces per principal dwelling unit, 1 space per ADU.

Proposed Amendment No. 9


Description:

Would help ensure that parking lots and garages constructed are no larger than necessary by tailoring the parking requirements to each specific development proposal.

Specifically, Amendment No. 9 would remove Section V.B)3) Determination of Space Requirements in its entirety and renumber subsequent subsections accordingly. The following language would be removed:

3) Determination of Space Requirements

- a) The parking plan shall include adequate documentation to support the proposed number of spaces and demonstrate adequate parking for the number and type of vehicles which are expected as part of the operation of the facility, including all commercial vehicles required for the normal operation of the facility and any oversized vehicles such as tour buses, trailers and ramps for loading and unloading.
- b) The number of parking spaces or loading berths required shall be based upon anticipated parking demand or operational need and shall be designated for specific uses and situations in ARTICLE V, Section C, Schedule of Parking and Loading Requirements. Where a use is not indicated in Section C., the Planning Board, as part of its subdivision and/or site plan review, will establish parking standards on an individual basis as the public safety shall require.
- c) The required number of parking spaces may be higher than indicated in Section C when judged by the Planning Board to be necessary for public safety.



Town Clerk

- d) Requests for a reduction in the parking requirements may be approved by the Planning Board as part of subdivision and/or site plan review upon receipt of a parking study deemed by the Board to adequately document the reduced need.

Would revise Section V.B)4)b)(i) Location of Parking Areas as shown:

Except as provided in Section C)2) Flexible Parking below, parking areas, whether open or enclosed, shall be provided upon the same lot containing the use for which they are required, or on **adjacent separate lots within a 300-foot radius of such lot containing such use,** provided such separate lots or the right to use such separate lots for the purposes herein required shall be held under unified ownership or control. All parking aisles and parking spaces shall be entirely within the lot lines, and not on a public right-of-way. Parking spaces shall be arranged so that no part of any vehicle overhangs the public right-of-way.

Would change the parking table heading in Section V.C)1) that now reads "Parking Requirements" to instead read "Number of Spaces," and would replace the introductory text that now reads:

- 1) Minimum Off-Street Spaces – The minimum number of off-street spaces required of every new or substantially reconstructed building shall be as follows:

to instead read:

1) Determination of Space Requirements –

- a) The following are guidelines for off-street parking. A different number of parking spaces may be approved by the Planning Board as part of Subdivision or Site Plan Review upon receipt of a parking study deemed by the Board to adequately document the projected need. The parking plan shall include adequate documentation to support the proposed number and location of spaces and demonstrate appropriate parking for the number and type of vehicles which are expected as part of the operation of the facility, including all commercial vehicles required for the normal operation of the facility and any oversized vehicles such as tour buses, trailers and ramps for loading and unloading.
- b) For nonresidential uses other than lodging, the estimated participation by residents or overnight visitors to Waterville Valley should be given consideration in order to encourage alternative means of transportation such as walking, biking, skiing and shuttle usage.
- c) The required number of parking spaces may be higher than indicated below when judged by the Planning Board to be necessary for public safety.

Would revise Section V.C)2)a) Flexible Parking, as shown:

Parking provided by public lots, designated on-street parking, or other off-site parking may be utilized to fulfill some or all of the parking requirements when provided within a distance appropriate to the proposed use but not exceeding **300 feet walking distance for residential uses or 1,000 feet walking distance for nonresidential uses.** ~~For residential uses, the 300-foot limit contained in Section B.4.b.i. above shall apply.~~ **The Planning Board may issue a Conditional Use Permit for greater distances in conjunction with Site Plan or Subdivision Approval when, in the Board's judgement, better land use planning will result without any reduction in traffic or pedestrian safety.**



Town Clerk

Proposed Amendment No. 10

Description:

Would add a new section to the Planned Unit Development (PUD) provisions (Article V. Section O) that would enable the Planning Board to approve a higher number of one or two-family homes in a PUD than would be allowed in a conventional subdivision provided the homes are no more than 1,200 sq. ft. and not used as a Short Term Rental for more than 30 days per year. Additional criteria would include arrangement and design to facilitate neighborhood character.

The entire PUD section as it exists now in the Zoning Ordinance is shown below. The proposed new additional subsection that Amendment No. 10 would add (4)b)Density) is shown as underlined, and subsequent subsections renumbered accordingly.

O) Planned Unit Development (PUD)

- 1) Intent. These regulations are to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic district regulations, and to accomplish a well-balanced, aesthetically satisfying town, and economically desirable development of building sites within a Planned Unit Development (PUD). These regulations are established to permit latitude in the development of the building site if such development is found to be in accordance with the purpose, spirit and intent of this ordinance and is found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety and welfare of the community. It is intended to permit and encourage diversification, variation, and imagination for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services, and to encourage and facilitate the preservation of open lands.
- 2) Approval – The Planning Board may issue a Conditional Use Permit for a PUD in any zoning district in which PUDs are identified as an allowed use in Article IV. No such PUD permit shall be granted unless such development will meet the use limitations of the zoning district in which it is located and meet the density and other limitations of such districts, except as such requirements may be lawfully modified as provided by this section. Compliance with the regulations of this section in no way excuses the developer from the applicable requirements of the Town's Subdivision Regulations and Site Plan Review Regulations, except as modifications thereof are specifically authorized in the approval of the application for the PUD. The approval process for a PUD will follow the procedures for subdivision and/or site plan review and may occur in concert with the subdivision and/or site plan application for the development, or for the first phase if the development is to be phased.
- 3) Concept Plan - An application for a Conditional Use Permit for a PUD shall include a concept plan demonstrating compliance with the requirements of this section and containing:
 - a) A map showing existing site conditions
 - b) The anticipated distribution of permitted uses, and preliminary layout of pedestrian and vehicular access and open space areas
 - c) Tentative timing schedule and phasing plan
 - d) Proposed dimensions where different than underlying zoning district.
 - e) Any other information which the Planning Board may reasonably require.



Towns Clerk

4) Conditions

- a) Area – On lots or combinations of lots one (1) acre or larger in size in the Village Commercial and Commercial 1 Districts, and two (2) acres or larger in Lower Density Residential and Higher Density Residential Districts, owners shall have the option to have their lands considered as a PUD. It shall be understood that adjacent owners may pool their lands and planning to create a site of the minimum size required to obtain PUD consideration.
- b) Density – In the Village Commercial and Higher Density Residential Districts, the Planning Board may approve a greater number of single-family dwellings, two-family residential units (single-family with ADU), and/or two-family dwellings in a PUD than would otherwise be allowed provided the following conditions are met:
- (i) Permanent covenants will restrict the size of each individual dwelling unit to no more than 1,200 square feet gross floor area with a two-car garage no more than 480 sq. ft., and limiting use as a Short Term Rental to no more than thirty days in any calendar year.
- (ii) The arrangement and design of a dwellings includes elements that will facilitate neighborhood character, such as arrangement of homes facing each other around a common area, front porch sitting areas, garages to the side or rear and/or shared parking areas, and a combination of private and shared outdoor activity areas.
- c) Dimensional Requirements – The Planning Board may permit exceptions with respect to internal setbacks, street set-backs, open space, and building proximity, provided that the land in question is under a comprehensive development scheme that stipulates:
- (i) That the various uses proposed are all permitted in the district.
- (ii) That the total open space resulting from the PUD approach will meet or exceed the minimum percentage required, although it may be concentrated.
- (iii) That the building height requirements shall be adhered to.
- (iv) That arrangement for internal and external circulation by vehicles and pedestrians shall be safe and attractive.
- (v) That the scheme shall not be detrimental to adjacent properties.
- (vi) That the prevention of fire hazards and other public safety considerations have been adequately addressed.
- d) Ownership – The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
- e) Design – The Planning Board shall require such arrangements of structures and open spaces within the site development plan as necessary to ensure that adjacent properties will not be adversely affected.
- f) Open Spaces – Preservation, maintenance and ownership of open spaces approved with the PUD shall be accomplished by either:
- (i) Dedication of the land as a public park at the discretion of the town to accept, or,
- (ii) Creation of a permanent, open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in recreational or green space use, with ownership and maintenance being the responsibility of either the Town or an owner's association established with articles of association and bylaws which are satisfactory to the Selectmen.
- g) Landscaping – Landscaping, fencing and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the Planning Board for approval, together with other required plans for the development. A conceptual planting plan showing proposed tree and shrubbery plantings

 Town Clerk

shall be prepared for the entire site to be developed. A conceptual grading and drainage plan shall also be submitted with the application.

- 5) Approval – The Planning Board shall have the authority to require that the following conditions for a PUD (among others it deems appropriate) be met by the applicant:
 - a) That the applicant intends to start construction within 2 years of the approval of the project and intend to complete said construction, or approved phases thereof, within 5 years from the date construction begins. The Planning Board may, for good cause, extend these time periods.
 - b) That the development is planned as one integrated land use rather than as an aggregation of individual and unrelated buildings and uses.
- 6) Limitations of Application
 - a) Upon approval of a PUD, construction shall proceed only in accordance with site plan review regulations and other town regulations and controls (e.g. building permit process).
 - b) Amendment to conditions for a PUD shall be obtained only by following the procedures here outlined for first approval.
 - c) The Code Enforcement Officer shall not issue any permit for any proposed building, structure or use within the PUD unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.

Amendment No. 10 would also add the following new term to Article III.C) Definitions and renumber subsequent terms accordingly:

Gross Floor Area: The sum of the horizontal area of all floors of a building, measured from the exterior faces of the walls but not including unfinished cellars, attics, porches, etc.

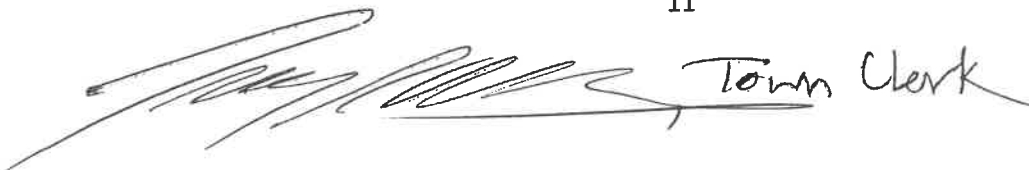
Proposed Amendment No. 11

Description:

Would remove Article VII, Administration and Enforcement, Section D) Remodeling/Repairing, as it has been superseded by Selectman's Ordinance #17, Building Permits.

Specifically, Amendment No. 11 would remove the following language and renumber the next section accordingly:

- D) Remodeling/Repairing - A permit shall be required for remodeling or repairing where the value or cost of such remodeling or repairing shall exceed \$1,000.00.



Tomm Clerk

