

Waterville Valley Planning Board

Zoning Amendments Proposed for Hearing on November 8, 2023 at 6 p.m.

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 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~~.

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

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 statues 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.

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

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.