



Town of Hillsborough

Planning Board
27 School Street
P.O. Box 7
Hillsborough, NH 03244
(603) 464-7971

December 4, 2024

PUBLIC NOTICE

Notice is hereby given that a public hearing will be held by the Hillsborough Planning Board pursuant to RSA 675:3 II, on December 18, 2024, at 6:00 pm at the Hillsborough Town Office, 27 School Street to consider the following amendments to the Hillsborough Zoning Ordinance:

- Amend the Zoning Ordinance Article XV Historic District Ordinance section 224-97 to add a new #9 which exempts single story structures less than 200 square feet from requiring Certificates of Approval.
- Amend the Zoning Ordinance by amending Article III section 229-21 Dimensional Requirements to add language relative to "buildable area".
- Amend the Zoning Ordinance to adopt a new article IV North Branch Gateway District ordinance.

Copies of the proposed ordinance changes are available for public inspection at the Town Office during regular business hours, and available on the Town web site – www.town.hillsborough.nh.us. Questions related to the proposed amendments can be directed to Robyn Payson, Planning Director, at (603) 464-7971, or via email at robyn@hillsboroughnh.net.

Hillsborough Planning Board

Warrant Articles for Town Meeting 2025

Article 1

Shall the Town vote to amend the Zoning Ordinance, Article XV Historic District Ordinance section 224-97 B “Activities Exempt from Review” by adding a new number 9 which states “One story accessory structures, provided that the floor area does not exceed 200 square feet.” will be exempt from review.

Article 2

Shall the Town vote to amend the Zoning Ordinance by amending Article III section 229-21 Dimensional Requirements to add the following sentence to the end of the section.

“All lots shall be required to have the required minimum contiguous buildable area set forth in the Subdivision Regulations, subject to the Planning Boards’s authority to waive the same.”

Article 3

Shall the Town vote to adopt in section 229-26 in Article IV Overlay Districts “The North Branch Planned Unit Development Overlay District” and its associated map as shown in the Town Report and on the Town Website

§ 229-20.1. Central Business District

- A. Permitted uses: In the Central Business District, permitted uses are indicated in Table 4 – Chart of Uses.
- B. Uses permitted only by special exception. In the Central Business District, uses permitted by special exception granted by the Board of Adjustment pursuant to § 229-51 are indicated in Table 4 – Chart of Uses.
- C. Provisions: Refuse storage. Refuse must be stored in enclosed containers which shall be located to the rear of the building and shall be completely screened from public view in order to prevent blight and to protect against noxious odors.
- D. Parking: All applications for a change of use must demonstrate to the Planning Board that there is adequate parking for the proposed use; this can be demonstrated with on-site or nearby off-site parking, through reasonable shared parking arrangements, through available on-street parking, or a combination thereof.

§229-21 Dimensional Standards [Amended 3-11-2003 ATM by Art 5;3-8-2005 ATM by Art 4; 3-14-2006] [Amended ATM 3-8-22 Art. 2]

Tables 1, 2 and 3 shall govern lot area, frontage, setbacks, coverage and building height in the Town of Hillsborough. Setbacks shall be measured from the edge of the public or private right of way. Lots in existence prior to March 8, 1977, and newer lots created by the voluntary merger (pursuant to RSA 674:39-a) of lots, all of which were in existence prior to March 8, 1977, shall be exempt from the provisions of Tables 1 and 2. All lots shall be required to have the required minimum contiguous buildable area set forth in the Subdivision Regulations, subject to the Planning Board's authority to waive the same.

§229-22. Use Standards

- A. Table 4, titled “Chart of Uses”, shall govern whether uses are permitted, permitted by special exception, or permitted by conditional use. Any use not specifically enumerated herein, which is substantially similar to a described use, and which is not inconsistent with the purpose statement of the zoning district in which it is proposed to be located, may be approved for an existing classification by Planning.
- B. Any use that is not listed in Table 4 as either permitted, permitted by special exception, or permitted by conditional use, or that is not a lawful nonconforming use, is considered to be a prohibited use and may not be permitted to locate anywhere in Hillsborough unless specifically authorized under applicable State or Federal statutes.

§ 229-23 Change of Use [Added ATM 3-12-24 Art 2]

- 1. A change of use occurs when the use of any land, building or structure is changed from one permitted land use classification to another, and/or when any of the following occurs:
 - a. Addition or expansion of outside storage.

§ 229-24. (Reserved)

§ 229-25. (Reserved)

ARTICLE IV ~~Overlay Districts~~ North Branch Gateway Overlay District

229-26 Authority

1. This Article is adopted pursuant to the provisions of RSA 674:21, Innovative Land Use Controls, and shall be administered by the Planning Board.
2. Development under this Article is permitted in the area delineated on the Official Zoning Map as the "North Branch Gateway District" (referred to hereinafter as "the District").
3. The District is an Overlay District. Applicants may choose to utilize the conventional provisions of the underlying zoning district(s), or the provisions of this Overlay District, provided that the minimum requirements are met.
4. The Planning Board is authorized to issue a Conditional Use Permit to administer the provisions of this Article.
5. With the exception of a single-family home on a single lot, or a duplex on a single lot, the initial development of a parcel within this District shall require both a Conditional Use Permit and Site Plan approval from the Planning Board.
6. Provided that the square footage of the building footprint or total impervious area will not increase more than 10%, and that the parking will not be increased, and that the drainage will not need to be redesigned, only a Conditional Use Permit will be needed for a change of use on a parcel that has obtained a previous Conditional Use Permit and Site Plan approval as described in A.2 above.

229-27 Purpose

The purpose of this article is to:

1. Establish an overlay gateway district in town along US 202 near the intersection of NH Route 9, designed to foster the development of housing and economic growth.
2. Encourage development which makes more efficient use of the land and requires shorter networks of streets and utilities.
3. Provide a procedure which can insure appropriate, high-quality design and site planning and a high level of environmental amenities.
4. Avoid development of portions of sites which have poor soil conditions, contain wetland soils, high water tables, are subject to flooding or have steep slopes.
5. Provide a variety of housing and appropriate commercial opportunities, in accordance with the Table of Uses, for a wide range of ages and needs.
6. Encourage the expansion of utilities to land with development potential.
7. Encourage a mix of appropriate uses on single parcels of land, in accordance with the Table of Uses.

229-28 General Requirements for Development Within the District

1. All site plan review requirements and Conditional Use Permit requirements must be met for initial development; and, all requirements must be met for development, expansion, and change of use are met for projects described by A.5 above. An applicant is not entitled to a Conditional Use Permit, and the Planning Board may, in its discretion, decline to grant such permit if the Board determines such permit is not justified or warranted in accordance with the criteria for approval and the intent of this Article. All other zoning regulations shall apply.

2. The minimum area required for development under this Article shall be ten (10) contiguous acres of land. Where portions of the tract are separated by a road, road right-of-way, utility, waterway, or similar obstruction, the land shall be deemed contiguous unless the intervening feature is of such a nature that the Planning Board determines that the land could not function effectively as a single development.
3. The following accessory uses are permitted in the District by right, subject to permitting as may be described elsewhere in this Ordinance, but without a Conditional Use Permit or Site Plan.
 - a. Outdoor recreational facilities including but not limited to tennis/pickle ball courts, golf courses, swimming pools, basketball courts, playgrounds, and trails.
 - b. Indoor recreational facilities including but not limited to, a swimming pool, fitness center, clubhouse, cabana, spa, and tennis/pickle ball courts.
 - c. Indoor support facilities incidental to the primary use(s) within the Planned Unit Development, including but not limited to meeting rooms, management offices, and childcare facilities.
 - d. Storage facilities for Planned Unit Development maintenance equipment.
 - e. Small gardens.
 - f. Private, small-scale solar facilities.
 - g. Small Wind Energy Systems.

229-29 Development within the District is permitted subject to the following standards:

- a. Residential Density is allowed up to a maximum of eight units (8) per developable acre. A density bonus of up to 2 units per developable acre is allowed for workforce housing, as defined in RSA 674:58(IV), and furthermore the Board shall establish a process to guarantee the affordability of those units in the future.
- b. A mixture of housing types is encouraged in each development.
- c. Wetlands, steep slopes more than 25% shall be preserved, and buffers around wetlands, rivers and streams shall be provided, enhanced, and shall be permanently protected. The Planning Board may grant a Conditional Use Permit to alter said areas if appropriate State and Federal Permits have been obtained, the alterations are essential for the site to be developed, the impacts are minimal in nature, and mitigated to the greatest extent practicable, in the opinion of the Board, after input from the Conservation Commission.
- d. Within the developed area of the site at least 30% of the total site shall be devoted to green space and shall be appropriately landscaped or left in its natural state. No more than 50% of said green space shall be "nonbuildable land," meaning wetlands and steep slopes greater than 25%. It is strongly encouraged that existing native trees and vegetation be preserved in these areas wherever possible.
- e. Landscaping shall be provided to screen the development from abutting uses, as well as to provide a visually appealing site.
- f. An undisturbed thirty (30) foot buffer strip shall be provided around the perimeter of the tract. No dwelling, accessory structure, septic system feature or parking areas shall be permitted within the buffer strip.
- g. Water may be provided by community well subject to approval of the New Hampshire Department of Environmental Services (NHDES), or through the public

water system, subject to availability and approval of the Hillsborough Water and Sewer Commission.

- h. Wastewater treatment may be provided by private or community septic systems subject to approval of the NHDES or through the public water system, subject to availability and approval of the Hillsborough Water and Sewer Commission.
- i. Standards in the Site Plan Review and Subdivision Regulations shall apply but may be waived by the Planning Board upon written request by the applicant at the time of filing the application and for good cause shown.
- j. More than one use is permitted on a lot, provided that all such uses are included in an approved Comprehensive Development Plan.

A. Planned Unit Development Common Open Space

- a. All land not utilized for structures, parking, driveways, or roadways and not otherwise dedicated to private yards shall be preserved as Common Open Space.
- b. Common Open Space shall include buffer strips as well as areas internal to the Planned Unit Development such that all units are adjacent to some of the Common Open Space.
- c. Common Open Space shall incorporate natural features of the parcel including wetlands, wetland buffers and other environmentally sensitive areas.
- d. Existing vegetation including significant large trees shall be preserved and landscape materials shall be integrated with natural features and existing vegetation in such a manner to enhance the buffer strip as well as to screen dwelling units from parking lots and service areas within the Planned Unit Development.
- e. Provision shall be made to ensure that the Common Open Space is permanently restricted as such. Covenants, easements, or other legal instruments providing for the permanent protection of the Common Open Space shall be submitted to the Planning Board for approval by Town Counsel at the applicant's expense.
- f. The legal instruments shall be recorded at the Hillsborough County Registry of Deeds as a Condition of Approval of the Planned Unit Development application.

B. Process

- 1. It is strongly recommended that the applicant meet with the Office of Community Planning/Planning Director and the Planning Board prior to formal submittal for a preliminary conceptual consultation.
- 2. The applicant shall submit a formal Planned Unit Development Site Plan application with a Comprehensive Development Plan as described herein. A Conditional Use Permit application must also be submitted. It is strongly advised that any Variances from any other provisions of the zoning ordinance will need to be granted by the Zoning Board of Adjustment prior to the formal applications coming to the Planning Board.
- 3. Upon receipt of an application, the Planning Board shall follow the same procedures as specified in Section 185-12 of the Site Plan Review Regulations.
- 4. The Planning Board approves, denies, or approves with conditions the application. An applicant may appeal any such decision of the Planning Board to the Hillsborough County Superior Court – Land Use Court or to the Housing Appeals Board in the same manner specified for appeals for site plans and subdivisions.
- 5. The Office of Community Planning shall maintain a record of all approved Comprehensive Development Plans.
- 6. All subsequent site plans and subdivisions submitted to the Planning Board for approval within the Comprehensive Development Plan shall conform to that plan and any other applicable local, state, or federal regulations. In the event of a conflict between the terms of

the approved Comprehensive Development Plan and the terms of the site plan regulations or subdivision regulations, the terms of the approved Comprehensive Development Plan shall control.

7. In the event active and substantial development has not begun on the site by the owner or the owner's successor-in-interest in accordance with the approved Comprehensive Development Plan within five years after the date of approval, per NH RSA 674:29, then the Comprehensive Development Plan shall be deemed to have expired, and the underlying zoning shall then control development of the land. A property owner may apply to the Planning Board for an extension of this time period prior to expiration, which the Planning Board may approve at its discretion if good cause is given.
8. A property owner may apply to amend all or a portion of an approved Comprehensive Development Plan.

C. Comprehensive Development Plan

Unless specific items are waived by the Planning Board a Comprehensive Development Plan shall contain the following information:

1. Current zoning of the subject property and of all abutting lots.
2. Topographic information of the site, including soil types, wetlands, surface water, land contours, rock outcrops, steep slopes, stone walls, etc.
3. Total area of the site; rough delineation of each land use area with approximate acreage,
4. Proposed uses for each land use area,
5. Proposed total number of dwelling units and overall residential density for the tract (if applicable).
6. Proposed general of location, size, use(s) for each structure.
7. Proposed general location, width, and materials of all streets, drives, sidewalks, and paths.
8. Proposed general location and number of spaces for each parking area.
9. Summary of traffic impact, including estimates of trip generation, trip distribution, and potential off-site transportation improvements that may be needed.
10. Proposed open space areas.
11. Natural and cultural resources proposed to be preserved.
12. Buffers are required when the uses of adjoining properties are different from the proposed uses (e.g., residential v. commercial).
13. Proposed architectural standards or guidelines and a brief explanation/sketch of architectural treatment.
14. A "Signage Plan" shall be submitted. This document shall establish guidelines regulating all signage within the Comprehensive Development Plan including general representations of tenant signage, development signage, directional signage, and vehicular and pedestrian traffic circulation signage. Specific criteria for the location, design, and size, of all signs shall be specified in this document.
15. Proposed schedule for completion of the project, including phasing, if applicable, and plan for bonding.
16. Proposed covenants, deed restrictions and easements and how they will be monitored and enforced.
17. Proposed ownership arrangement of each part of the Comprehensive Development Plan-- whether to be subdivided, held in fee simple, owned under a condominium arrangement, etc.
18. Proposed articles of incorporation and bylaws of any corporation and/or association to be formed.
19. Proposed Declaration of Covenants and Restrictions as appropriate.

20. The Planning Board shall have the authority to require any additional information, studies, documents, etc., relative to the design, operation, or maintenance of the proposed project.

D. Site Plan Review

Concurrent with the Applicant's submittal of the Comprehensive Development Plan, or at a subsequent date within 6 months of the approval of the Comprehensive Development Plan, each sub-area or individual site within the Comprehensive Development Plan shall submit and obtain Site Plan approval from the Planning Board before land development or construction may occur. Subdivisions to create either individual lots or Condominiums may be considered concurrently with Site Plans by the Planning Board. All subsequent site plans and subdivisions must conform to the approved Conditional Use Permit.

E. Conditional Use Permit Standards for Review

In determining appropriate land uses, densities, and other standards for the site, the Planning Board shall use the following criteria for review:

1. Consistency with the Hillsborough Master Plan;
2. Conformance to the purpose of this Article;
3. General site plan criteria found in Site Plan Regulation Section 185-6;
4. Capacity of existing water and sewer infrastructure;
5. Provisions for pedestrians;
6. Quality of proposed architecture and landscaping;
7. Provisions for affordable housing;
8. Preservation of open space;
9. Provisions for traffic mitigation; and,
10. Other public benefits not listed.

F. Submission Requirements

The following material shall be included in a formal application:

1. A completed Site Plan application;
2. A Conditional Use Permit application;
3. A narrative description of project, including statement of purpose;
4. A proposed Comprehensive Development Plan that contains the information outlined above;
5. A completed abutters list, and;
6. Application fee.

G. Workforce Housing

The Planning Board may require that a minimum number of workforce housing units, as defined in RSA 674:58(IV), be included in the Comprehensive Development Plan, and furthermore the Board may establish a process to guarantee the affordability of those units in the future.

H. Lot Dimensions and Uses

Lot Area and Frontage Requirements

	<u>With Municipal Water and Sewer</u>		<u>With Municipal Water or Sewer</u>		<u>With no Municipal Water or Sewer</u>	
<u>North Branch Gateway District</u>	<u>Minimum Frontage</u>	<u>Minimum Lot Size</u>	<u>Minimum Frontage</u>	<u>Minimum Lot Size</u>	<u>Minimum Frontage</u>	<u>Minimum Lot Size</u>
<u>All uses</u>	<u>300 feet¹</u>	<u>10 acres</u>	<u>300 feet¹</u>	<u>10 acres</u>	<u>300 feet¹</u>	<u>10 acres</u>

¹ 200 feet on a private road

Setback, Coverage, and Building Height Requirements

	<u>Minimum Setbacks</u>			<u>Maximum Front Setback</u>	<u>Maximum Coverage (percent)</u>	<u>Maximum Building Height*</u>
<u>District and Type of Use</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>			
<u>North Branch Gateway District</u>						
<u>All uses</u>	<u>50</u>	<u>20</u>	<u>25</u>	<u>N/A</u>	<u>50%</u>	<u>50</u>

Maximum Building Height as defined in the Zoning Ordinance

Uses Allowed by Conditional Use Permit

<u>Agriculture</u>	<u>Daycare Facility, Dog</u>	<u>Nursery/Preschool</u>
<u>Agritourism</u>	<u>Drive Through Facility</u>	<u>Nursing Home, Retirement Home, or Supervised Group Home</u>
<u>Animal Shelter</u>	<u>Dry Cleaner</u>	<u>Office</u>
<u>Artist's Studio</u>	<u>Dwelling, More than Four Family</u>	<u>Office park</u>
<u>Auction House</u>	<u>Dwelling, Three and Four Family</u>	<u>Personal services</u>
<u>Bar</u>	<u>Electric Vehicle Charging Station</u>	<u>Pet Grooming</u>
<u>Bed and Breakfast</u>	<u>Entertainment Establishment</u>	<u>Recreation, indoor</u>
<u>Boarding Kennel</u>	<u>Entertainment Live</u>	<u>Recreation, Outdoor</u>
<u>Building and Service Trade</u>	<u>Event Venue</u>	<u>Repair Business</u>
<u>Clinic</u>	<u>Farmer's Market</u>	<u>Research and Development</u>
<u>Cluster Development</u>	<u>Garden/Farm Supply or Nursery</u>	<u>Restaurant</u>
<u>Commercial Hydroponics Facility</u>	<u>Hotel/Motel</u>	<u>Retail Business</u>
<u>Commercial Storage</u>	<u>Industry</u>	<u>School, Commercial or trade</u>

<u>Facility</u>		
<u>Community Center</u>	<u>Inn</u>	<u>Single Family Homes</u>
<u>Convenience Store</u>	<u>Light Industry</u>	<u>Shopping Center</u>
<u>Day Care Facility, Adult</u>	<u>Manufacturing</u>	<u>Theater</u>
<u>Duplex (two-family)</u>	<u>Multi-family (apartments)</u>	<u>Veterinary Clinic/Animal Rehabilitation</u>
<u>Day Care Facility< Child or Family</u>	<u>Night Club</u>	

I. Signage

Signage in the North Branch Gateway District shall conform to the town of Hillsborough Sign Ordinance.

J. Definitions:

- a. Comprehensive Development Plan: A Comprehensive Development Plan (CDP) is an overall plan of a parcel of land within the provisions of this Ordinance.
- b. Conditional Use Permit: A Conditional Use Permit (CUP) is an administrative permitting process as authorized in RSA 674:21, whereby the Planning Board can authorize a mix of uses on a site.
- c. Developed Areas: Portions of a site that is proposed for development during the application process and, following approval of the plan, the area of the parcel where physical improvements have occurred.
- d. Native Plantings: Planting or vegetation found natural in New Hampshire, as described by the University of New Hampshire.
- e. Open Space: Portion of a lot proposed for development under this Article that is to be permanently preserved open space. Up to 50% of Open Space may consist of wetlands, setbacks, and steep slopes.
- f. Planned Unit Development: A Planned Unit Development (PUD) is a mixed use development as described in this Article.

~~§ 229-26. (Reserved)~~

~~§ 229-27. (Reserved)~~

~~§ 229-28. (Reserved)~~

~~§ 229-29. (Reserved)~~

ARTICLE V. Planned Developments

4. Construction, erection, reconstruction, or removal of any stonewall, fence, granite work, walkway, sidewalk, paving (new or expansion of existing), exterior lighting, or permanent sign.
5. Any change or expansion in use will be reviewed for visual appropriateness. The Planning Board may consider, but not necessarily be bound by, recommendations of the Commission for any such changes.
6. Addition or alteration of existing exterior nature of the Structure, including but not limited to the siding, windows or doors of the Structure.
7. Solar Energy Systems are governed by Article XIX Solar Collection Ordinance, section 229-137.

B. Activities Exempt from Review-The following activities shall not require a Certificate of Approval from the Commission

1. Ordinary Maintenance and repair of any architectural feature which does not involve a change in the design, dimensions, materials, or appearance of the feature or involve removal thereof.
2. Ordinary repairs and preservation of stone walls, fencing, signs.
3. Painting or re-painting of a structure, building, fence, or appurtenance.
4. Alteration or replacement of any existing roof covering or surface provided that said alteration or replacement is with the same material, patterns and colors of the existing roof covering or surface and provided the roof plane remains the same.
5. Installation or replacement of storm doors and storm windows provided that the historic Architectural Features are not altered, obscured, removed or demolished.
6. Landscaping on properties in residential use, with the exception of the removal of a Significant Tree except as provided for in RSA 231:158 - Effect of Designation as Scenic Roads
7. Interior alternations.
8. Activity that is not visible from a Street.
- 8.9. One story accessory structures, provided that the floor area does not exceed 200 square feet.

C. Applications for Certificate of Approval shall be submitted in writing on the form provided to the Commission stating the location, use, nature and where pertinent, the materials, for which such certificate is sought. Any site plans, building plans, elevations, samples, photographs, sketches or other information reasonably required by the Commission to determine the appropriateness in question shall be made available by the applicant with the Application.

- C. The Commission shall issue a Certificate of Approval or a Notice of Disapproval pursuant to RSA 676:8 -9. Within a period of 45 consecutive calendar days after the