

PUBLIC NOTICE

TOWN OF WILTON PLANNING BOARD

In accordance with RSA Sections 675:3 and 675:7 the Town of Wilton Planning Board held a Public Hearing on Wednesday, January 3, 2024, at 6:30 PM at the Florence Rideout Elementary School, 18 School Street, and approved the following proposed zoning amendment articles.

Proposed Zoning Amendment Articles require approval by voters as part of the annual Town Meeting process on March 12, 2024, Election Day.

2024 Proposed Zoning Amendment Warrant Articles

Warrant Articles as they will appear on the ballot:

1. Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board, to the Town of Wilton Zoning Ordinance related to the provisions of Chapter 5.0, Section 5.1, captioned “District Location,” as reflected in the Zoning Ordinance amendments posted at the Wilton Town Hall and the Wilton Town Website?

Items in this amendment include but are not limited to: Amending the stated purpose of the Residential District; creating a “Downtown Residential Overlay District”; amending the provisions related to minimum lot size in the Residential District and establishing a minimum lot size in the Downtown Residential Overlay District; providing for the conversion of the existing dwellings in the Downtown Residential Overlay District into duplex family or multi-family dwellings subject to certain conditions.

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2. Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board, to the Town of Wilton Zoning Ordinance related to the provisions of Chapter 5, Section 5.5, captioned “Accessory Dwelling Units,” as reflected in the Zoning Ordinance amendments posted at the Wilton Town Hall and the Wilton Town Website?

Items in this amendment include but are not limited to: clarifying that the addition of an accessory dwelling unit (“ADU”) to an existing single-family home located in a district where residential uses are permitted does not need to comply with the requirements in Chapter 17 of the Zoning Ordinance, so long as the requirements in Section 5.5.3 are met; clarifying that new construction of single-family homes may include an ADU so long as the requirements of Section 5.5.3 are met; amending Section 5.5.3 related to the requirements that must be satisfied to allow

for an ADU; clarifying that the Zoning Board of Adjustment may grant a special exception to the requirements set forth in Section 5.5.3; amending the provisions of Section 5.5.4 related to the required living area and parking for an ADU.

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3. Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board, to the Town of Wilton Zoning Ordinance related to the provisions of Chapter 5, captioned “Residential District”, as reflected in the Zoning Ordinance amendments posted at the Wilton Town Hall and the Wilton Town Website?

Items in this amendment include but are not limited to: removing obsolete parentheticals related to prior amendments; clarifying that a duplex family dwelling includes single-family dwellings with an accessory dwelling unit, under Section 5.1, “Permitted Uses”; amending Section 5.1(c) to remove obsolete parentheticals and replace the phrase “new construction” with dwelling; Amending Section 5.1(d) to identify the provisions related to the Cluster Development Ordinance; amending Section 5.2.3 related to setbacks in the Residential District; adding parking requirements within the Residential District; clarifying when special exceptions are required and to amending the requirement provisions related to home occupations in Section 5.3; amending the provisions related to road frontage and setbacks for houses of worship in Section 5.3.4; and amending the provisions related to schools and day care centers in Section 5.3.6.

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4. Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board, to the Town of Wilton Zoning Ordinance related to the provisions of Chapter 10, captioned “Floodplain Conservation District”, as reflected in the Zoning Ordinance amendments posted at the Wilton Town Hall and the Wilton Town Website?

Items in this amendment include but are not limited to: clarifying that the “Floodplain Conservation District” is the “Floodplain Development Ordinance” for the Town and is intended to be read as a whole with the rest of the Zoning Ordinance; updating that the definitions section of Chapter 10 to incorporate new definitions, remove obsolete definitions and parentheticals, renumber the various definitions, and clarify that the definitions only apply to Chapter 10; incorporating the definitions and amended defined terms into the remainder of Chapter 10; clarifying the authority of the Building Inspector to issue building permits within the Floodplain District; providing a new method for the Building Inspector to determine Base Flood Elevation in Zone A; updating the requirements for recreational vehicles located within Zone AE; clarifying the requirements for new construction or substantial improvements within the Floodplain District; clarifying the existing notice requirements for the alteration of a watercourse; clarifying the requirements for obtaining authorization to alter a watercourse; updating the Regulatory Floodway requirements; clarifying the procedure for appeals and requests for variance and adds requirements to variance requests in accordance with Federal requirements; adding notification requirements for the ZBA to inform applicants that variances allowing construction below the Base Flood Level will result in increased premiums to flood

insurance and increased risk to life and property, in accordance with Federal requirements; and removing obsolete language and parentheticals throughout Chapter 10.

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5. Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board, to the Town of Wilton Zoning Ordinance related to the provisions of Chapter 13, captioned “Age-Restricted Housing District”, as reflected in the Zoning Ordinance amendments posted at the Wilton Town Hall and the Wilton Town Website?

Items in this amendment include but are not limited to: updating the Title to “Age-Restricted Overlay District”; updating the occupancy age limit from at least 62 years of age to at least 55 years of age; clarifying the requirements for parking within the Age-Restricted Overlay District; clarifying the requirements for safety features within the Age-Restricted Overlay District; clarifying the requirements for the floor area of ancillary facilities within the Age-Restricted Overlay District; clarifying the procedure for change of use within the Age-Restricted Overlay District; removing obsolete language and parentheticals throughout Chapter 13; and making additional textual revisions for the purposes of clarity.

Warrant Articles – Expanded Descriptions:

1. **Are you in favor of the adoption of Amendment No. 1 to the Town of Wilton Land Use Laws and Regulations, Zoning Ordinance, as proposed by the Planning Board, which would amend certain Sections of Chapter 5 of the Ordinance, Residential District, to reduce minimum lot size requirements in a newly-created Downtown Residential Overlay District, as follows:**

- a. AMEND Section 5.0 to add the phrase “and where appropriate to the character of the neighborhood” at the end of the first sentence; delete the second sentence thereof and add at the end: “Except as expressly set forth below, all of the requirements of this Chapter shall apply to both the Residential District and the Downtown Residential District Overlay District.”

- b. CHANGE the title of Section 5.01 to “Residential District Location.”

- c. ADD a new Section 5.0.2 as follows:

“5.0.2. “Downtown Residential Overlay District Location. The Downtown Residential District encompasses the lots located in the Residential District north of NH Route 101 and east of Holt Road, as well as the lots in the Residential District with frontage on Intervale Road, in each case where Town water and sewer are available and utilized.”

- d. DELETE existing Section 5.2.1 and replace it with the following:

“5.2.1 Area. Except in the Downtown Residential Overlay District, and except for Accessory Dwelling Units constructed in accordance with Section 5.5, minimum lot size shall be one-half acre per dwelling unit where both Town water and sewer are available and utilized and one acre per dwelling unit for lots not served by both Town water and sewer. In the Downtown Residential Overlay District, minimum lot size shall be one-third acre per dwelling unit. Any wetlands, water bodies and land contained in the Floodplain Conservation District may. Not be used to meet the minimum lot area.”

- e. CHANGE the title of Section 5.3.7 to “Conversion of Certain Existing Buildings” and AMEND the introduction to read as follows:

“Notwithstanding Sections 5.2.1, 5.2.4, 5.2.5 or 17.2 of this Ordinance, a dwelling in existence as of March 14, 1989, in the Downtown Residential Overlay District may be converted to duplex family or multi-family dwellings subject to the following:”

- 2. **Are you in favor of the adoption of Amendment No. 2 to the Town of Wilton Land Use Laws and Regulations, Zoning Ordinance, as proposed by the Planning Board, which would clarify and amend certain Sections of Chapter 5 of the Ordinance, Residential District, relating to Accessory Dwelling Units, as follows:**

- a. DELETE the text of Section 5.5.1 and replace it with the following:

“Notwithstanding anything contained in Chapter 17 of this Ordinance to the contrary, a second dwelling unit (an “Accessory Dwelling Unit” or “ADU”) may be added to any legally existing single family dwelling located in a zoning district where residential uses are permitted, either in existing space or in a newly-constructed addition to the dwelling, subject in each case to the requirements set forth in Section 5.5.3.”

- b. DELETE the text of Section 5.5.2, “New Construction,” and replace it with the following:

“A new single family residence incorporating an ADU may be constructed on any lot where a single family dwelling may legally be constructed, subject to the requirements set forth in Section 5.5.3.”

- c. DELETE the first sentence of Section 5.5.3.

- d. AMEND subsections a, b, and c of Section 5.5.3 to replace the word “must” with “shall.”

- e. AMEND the text of subsections 5.5.3d, e, f and g to read as follows:

“d. At least one of the two dwelling units shall have no more than two bedrooms and a living area no larger than the greater of (1) 800 square feet or (2) 25% of

the living area of the larger dwelling unit, provided that the living area may not exceed 1200 square feet.

e. Requirements for water supply and sewage disposal shall be the same as for any two-family dwelling and addition of an ADU shall be subject to RSA 485-A:38, "Approval to Increase Load on a Sewage Disposal System," evidence of compliance with which shall be presented to the Building Inspector before a building permit may be issued.

f. Parking requirements shall be determined as set forth in Section 5.2.5 and shall satisfy any setback requirements pertaining to parking in the applicable zoning district.

g. A newly constructed addition, or a newly constructed single family residence, incorporating an ADU shall satisfy the setback requirements and height restrictions of the applicable zoning district."

- f. ADD a new first sentence to the beginning of Section 5.5.4, as follows: "The Zoning Board of Adjustment may grant special exceptions to the requirements of Section 5.5.3, as follows:"
- g. In Section 5.5.4.1, DELETE the title and phrase "Living Area. When creating a second dwelling unit under Section 5.5.1,,"; REPLACE the phrase "specified by paragraph 5.5.3(d)" with "of an ADU specified in Section 5.5.3d" and REPLACE the phrase "in order to avoid" with "if necessary to avoid."
- h. In Section 5.5.4.2, DELETE the title and phrase "Parking. When creating a second dwelling unit under section 5.5.,"; REPLACE the phrase "the parking space requirements of paragraph 5.5.3(f) may be relaxed or waived" with "The parking requirements specified in Section 5.5.3f may be waived"; and ADD at the end of the section the phrase "and an acceptable alternative is presented."

3. Are you in favor of the adoption of Amendment No. 3 to the Town of Wilton Land Use Laws and Regulations, Zoning Ordinance, as proposed by the Planning Board, which would update certain Sections of Chapter 5 of the Ordinance, Residential District, to clarify and/or correct existing requirements and provide further guidance, as follows:

- a. AMEND Sections 5.0.1 subsections a through e, 5.2.1, 5.2.3, 5.3, 5.3.1, 5.3.1.1, 5.3.3, 5.3.6 subsections a through e, 5.3.7d and 5.4, to eliminate the parenthetical phrases at the ends of each thereof referring to prior amendments and delete "(Adopted March 2017)" from Section 5.5.
- b. AMEND subsection 5.1a to read as follows: "Single family and duplex family dwellings (which include single family dwellings with an Accessory Dwelling Unit constructed in accordance with Section 5.5) and accessory uses."

- c. AMEND subsection 5.1c to delete “(3)” and “(2)” and to replace the phrase “new construction” with the word dwelling.”
- d. DELETE the remainder of subsection 5.1d after the phrase “as provided by” and replace it with the following: “the provisions of Section 6.4 of this Ordinance, Cluster Developments, and the number of dwelling units per dwelling in a Cluster Development shall be as set forth in Section 6.4.3.”
- e. DELETE the text and parenthetical of Section 5.2.3 and replace it with the following:

Thirty-five (35) feet from the front and fifteen (15) feet from all other lot lines, provided, that if a lot line abuts a different zoning district with greater setback requirements, that residential lot shall be subject to the greater setback requirements along such line. For each corner lot, the side setback abutting the street shall be thirty-five (35) feet. No structures or associated uses, including but not limited to swimming pools, decks, antennae or satellite dishes, are permitted in the setback.”

- f. RENUMBER Section 5.2.5 as Section 5.2.4 and ADD a new Section 5.2.5, as follows:

“5.2.5 Parking. Except as specifically set forth in this Chapter, parking requirements for all permitted uses (including those permitted by special exception) and structures shall be determined as set forth in Section 10.8 of Section D of the Wilton Land Use Laws and Regulations, Site Plan Regulations, adopted on January 4, 2023.”

- g. ADD the phrase “Except as otherwise set forth below,” to the beginning of Section 5.3 and the phrase “of this Ordinance” to the parenthetical after “4.12” therein.
- h. AMEND the first and the beginning of the second sentences of Section 5.3.1 before its subsections to read as follows:

“Home occupations shall be permitted by special exception provided that all home occupations existing or proposed on a lot, taken together, comply with the requirements of this section. When considering an application for a home occupation, the Zoning Board of Adjustment shall take into account the location...
”

- i. AMEND the subsections of Section 5.3.1 to (i) add the word “associated” before “dwelling” in subsection a; (ii) add the phrase “of the dwelling unit” after “owner” in subsection b; (iii) add the phrase “A maximum of” at the beginning of, delete “(2)” from, and replace the word “premises” with “lot” in, subsection c; (iv) replace the phrase “the building” with “it” in subsection d; and (v) in subsection f, add the phrase “, including for all dwelling units on the lot,” after “use” in the first line and revise the third sentence to read as follows: “Where additional space is desired, a maximum of two more parking spaces per lot is permitted; however, those spaces shall not be located in the front yard or in a setback.”

- j. DELETE the text of Section 5.3.1.1a and replace it with the following: “Home occupations, including those conducted in an associated structure, shall occupy an aggregate area no greater than 20% of the existing gross heated floor area of the primary residence of the person(s) conducting the home occupation.”
- k. AMEND subsection 5.3.3a to read as follows: “Minimum frontage of 200 feet on a public right-of-way, Class V or better; and”
- l. AMEND subsection 5.3.3b after the word “within” to read as follows: “a setback or within the front yard.”
- m. AMEND subsection 5.3.4a to read as follows: “Minimum frontage of 200 feet on a Class I, II or IV public right-of-way; and”
- n. AMEND subsection 5.3.6a to read as follows:

“5.3.6a. All public or non-public schools, kindergarten and grades 1 through 12, must receive a special exception from the Zoning Board of Adjustment and site plan review and approval by the Planning Board, except that home education as defined by RSA 193-A shall not require either a special exception or site plan approval. “

- o. AMEND subsection 5.3.6b to (i) insert “/or” after the word “and” and “pre-school” before “education” in line one; (ii) replace the phrase “also requires” with “must receive” in line three; (iii) insert the phrase “from the Zoning Board of Adjustment” after the word “occupation” in line three; (iv) insert the phrase “and site plan review and approval by the Planning Board” after “5.3.1” in line three; and (v) revise the last sentence to read “If state licensing is not required, neither a special exception nor site plan approval is required.”
- p. AMEND Section 5.3.7 to (i) delete “(2)” and “in size” from subsection a; (ii) delete “(3)” and replace “greater in size” with “larger” in subsection b; (iii) revise subsection c to read “Two 9’ x 18’ parking spaces per dwelling unit shall be provided on site but parking spaces for any new dwelling unit(s) shall not be located in a setback;” (iv) delete “And” and “(2)” from subsection d and revise the end of the subsection after the word “all” to read: “structures on site shall be provided; and” and (v) delete subsection e and replace it with: “e. The existing footprint and height of the structure to be converted shall not change.”

4. Are you in favor of the adoption of Amendment No. 4 to the Town of Wilton Land Use Laws and Regulations, Zoning Ordinance, as proposed by the Planning Board, which would amend Chapter 10, Floodplain Conservation District, to comply with changes to National Flood Insurance Program requirements, as follows:

- a. DELETE the first paragraph of Section 10.0 and replace it with the following:

“This Chapter 10, “Floodplain Conservation District,” is the “Floodplain Development Ordinance” for the Town of Wilton, NH. It is intended to be read in conjunction with the remainder of the Wilton Zoning Ordinance (Zoning

Ordinance) for purposes of administration and appeals under State law. If any provision of this Chapter differs from or appears to conflict with any other provision of the Zoning Ordinance or any other ordinance or regulation, the provision imposing the stricter requirement or standard shall be controlling.”

b. AMEND the second paragraph of Section 10.0 to eliminate word the phrase “special flood hazard areas” and replace it with “areas of special flood hazard;” delete the phrases “as amended” in lines 3 and 4 and replace them with “, as it may from time to time be amended” and “, as they may from time to time be amended,” respectively; replace the word “ordinance” with “Chapter 10” and delete the parenthetical at the end of the paragraph.

c. DELETE the first paragraph and Section 10.1 and replace it with the following:

“Words and phrases defined below have the meanings in this section when they are used in this Chapter 10. Definitions in this section are not applicable outside of this Chapter unless they are accompanied by an explicit reference to this Chapter. Definitions in Chapter 3 of the Zoning Ordinance are applicable in this Chapter unless they conflict with a definition in this Chapter, in which case the definition in this section shall apply.”

d. DELETE the texts and any parentheticals of subsections 10.1.1, 10.1.5, 10.1.6, 10.1.10, 10.1.11, 10.1.16, 10.1.17, 10.1.21.1, 10.1.23 and 10.1.26.

e. RENUMBER Section 10.1.2 as 10.1.1; ADD the phrase “where such mapping has been completed” at the end of the text and DELETE the parenthetical at the end thereof.

f. RENUMBER Section 10.1.3 as 10.1.2 and ADD a new Section 10.1.3, as follows:

“10.1.3 Base Flood Elevation (BFE). The elevation of surface water resulting from a Base Flood event.”

g. RENUMBER Section 10.1.7 as 10.1.5; DELETE the text and parenthetical after the phrase “limited to” and replace it with the following: “(a) drilling or mining operations, (b) the erection or expansion of a structure, (c) clearing, dredging, filling, grading, paving or excavation or (d) storage of any materials or equipment in connection therewith.”

h. RENUMBER Section 10.1.8 as 10.1.6.

i. RENUMBER Section 10.1.8 as Section 10.1.7; DELETE the text thereof and replace it with the following:

“A general and temporary conditions of partial or complete inundation of two or more acres of normally dry land area or of two or more properties as a result of:

- a. The overflow or inland or tidal waters;
- b. The unusual and rapid accumulation or runoff of surface waters from any source;

- c. Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; and/or
 - d. Collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above.”
- j. RENUMBER Section 10.1.12 as 10.1.8; DELETE the phrase “with this ordinance on which FEMA has delineated both the special flood hazard areas” and replace it with “into this Chapter on which FEMA has delineated both the areas of special flood hazard.”
- k. RENUMBER Section 10.1.13 as 10.1.9; DELETE the text thereof and replace it with the following:
 - “10.1.9. Flood Insurance Study (FIS). A compilation and presentation of flood risk data for specific watercourses, lakes and coastal flood hazard areas within a community.”
- l. RENUMBER Section 10.1.14 as 10.1.10; DELETE the text after the word “to” and replace it with “flooding by any source during a Base Flood event.”
- m. ADD a new Section 10.1.11, as follows:
 - 10.1.11. Flood opening. An opening in a foundation or enclosure wall that allows automatic entry and exist of floodwaters. See FEMA “Technical Bulletin 1, Requirements for Flood Openings in Foundation Walls and Walls of Enclosures.”
- n. RENUMBER Section 10.1.15 as 10.1.12, RENAME it “Floodproofing or floodproofed”; and CHANGE the word “and” in line one to “and/or”; the word “which” in line two to “that”; the word “and” in two places in line three to “or” and INSERT the word “or” before “structures” in line three.
- o. RENUMBER Section 10.1.18 as 10.1.13; DELETE the remainder of the subsection after the word “surface” and replace it with “next to any point on the proposed walls of a structure prior to construction.”
- p. RENUMBER Section 10.1.19 as 10.1.14; and DELETE the parenthetical from clause a thereof.
- q. RENUMBER Section 10.1.20 as 10.1.15; ADD the phrase “of a structure” after the parenthetical in line one; DELETE the phrase “an enclosure is not built so as to” in line

three and replace it with “enclosure does not”; and CHANGE the word “ordinance” in line four to “Chapter.”

- r. RENUMBER Section 10.1.21 as 10.1.16; DELETE the words “which is” from line one and the word “is” from line two; CHANGE the word “connected” to “attached;” and the word “greater” to “more”; DELETE the text after the word “days.” and replace it with “, and includes manufactured homes located on a single parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale, but does not include a recreational vehicle.”
- s. RENUMBER Section 10.1.22 as 10.1.17; and ADD the phrase “, North American Vertical Datum (NAVD) of 1988,” after “1929.”
- t. RENUMBER Section 10.1.22.1 as 10.1.18, DELETE the quotation marks around the phrase “start of construction” and the parenthetical at the end of the text.
- u. RENUMBER Section 10.1.24 as 10.1.19; CHANGE the word “which” to “that” in line one; DELETE the phrase “not for use as a permanent dwelling but” and replace it with “for use”; ADD the parenthetical “(not for use as a permanent dwelling) at the end of the text; and DELETE the parenthetical at the end thereof.
- v. RENUMBER Section 10.1.25 as 10.1.20; DELETE the text and parenthetical of the section after the word “be” in line two and replace it with “preserved from encroachment in order to discharge the base flood without a cumulative increase of the water surface elevation beyond a designated height.”
- w. RENUMBER Section 10.1.27 as 10.1.21; DELETE the text after the word “building,” and replace it with “a manufactured home or a gas or liquid storage tank, in each case that is principally above ground.”
- x. RENUMBER Section 10.1.28 as 10.1.22; DELETE the text thereof and replace it with the following:

“The date of the building permit issued for a structure or a substantial improvement thereof, provided, that the actual start of construction, repair, reconstruction, placement or other improvement began in accordance with the requirements of the building permit and during such time while such building permit was in effect. “Actual start” is either the placement of the first permanent element of a structure or any substantial improvement on site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. In the context of a substantial improvement, “actual start” shall also include when the demolition of an existing structure as part of that substantial improvement begins. Placement if a

permanent element does not include land preparation, such as clearing, grading, filling, nor does it include the installation of driveways, streets and/or walkways; excavation for a basement, footings piers or foundations; the erection of temporary forms or the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.”

- y. RENUMBER Section 10.1.29 as 10.1.23; and REPLACE the phrase “before damaged” with “prior.”
- z. RENUMBER Section 10.1.30 as 10.1.24; DELETE the text thereof and replace it with the following:

“Any combination of repairs, reconstruction, rehabilitation, renovation, addition or other improvement to a structure, the estimated total cost (including the market value of donated or discounted services or materials) of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. A substantial improvement includes repair of structures that have incurred substantial damage, regardless of the actual repair work performed, but does not include either (a) any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety requirements identified by the local code enforcement official and necessary to assure safe living conditions or (b) any alternation of a Historic Structure, provided that the alteration will not preclude the structure’s continued designation as a Historic Structure. For the purpose of determining whether a “substantial improvement” has occurred, the estimated total cost shall include the cumulative cost of successive projects occurring within a continuous running twelve-month period.”

- aa. RENUMBER Section 10.1.30.1 as 10.1.25; DELETE the text thereof and replace it with “The failure of a structure or other development to be fully compliant with this Chapter.”

- bb. ADD a new Section 10.1.26, as follows:

“10.1.26. Watercourse. A river, stream, brook or artificially constructed water channel, together with their tributaries, and any water impoundment areas naturally or artificially created relating to any thereof.”

- cc. RENUMBER Section 10.1.31 as 10.1.27; ADD the phrase “, North American Vertical Datum (NAVD) of 1988,” after “1929”; and DELETE the parentheses around the phrase “or other datum, where specified.”

- dd. AMEND the first two paragraphs of Section 10.2 to read as follows:

“All proposed development in any Area of Special Flood Hazard shall require a permit from the Building Inspector, who shall review all requests for development as well as all building permit applications for new construction or substantial improvements to determine whether the sites of proposed development, substantial improvement or new construction will be reasonably safe from flooding and compliant with the terms of this Chapter.

The Building Inspector will not issue a building permit or approve other development in any Area of Special Flood Hazard until the applicant certifies and provides reasonable proof that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law, including, without limitation, Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 334.”

- ee. AMEND subsection 10.2a to replace “NGVD” in the parenthetical with “mean sea level”; DELETE the second parenthetical; and DELETE the word “include” from subsection a.
- ff. AMEND subsection 10.2b to replace “NGVD” in the parenthetical with “mean sea level”
- gg. AMEND Section 10.3 to replace the phrase “100-year” with the word ‘Base’ where it appears in the title and introduction; DELETE the parenthetical at the end of subsection a and DELETE the text of subsection b and replace it with the following:

“In Zone A, the Building Inspector may obtain, review and reasonably utilize any Base Flood Elevation data available from any federal, state, or other source, including data submitted to the Town of Wilton in connection with development proposals (e.g., subdivisions, site plan approvals) by a qualified engineer, architect or surveyor. Where the Building Inspector determines that a Base Flood Elevation is not reasonably available or ascertainable for Zone A, the Base Flood Elevation shall be determined to be at least two feet above the highest adjacent grade.”

- hh. Amend subsection 10.4a to replace “a flood prone area” with “an Area of Special Flood Hazard” and DELETE the phrase “conditions of” from the last line of clause 4 thereof.
- ii. AMEND subsection 10.4b to (i) replace the phrase “criteria that” with the word “requirements” in the introduction and delete the parenthetical at the end thereof; (ii) replace the phrase “All new construction or substantial improvement of” with the word “For” and delete the parenthetical and replace it with “shall be,” in each case in clause 1 thereof; (iii) change the phrase “100-year” to “Base” where it appears in clause 1 or 2 thereof; (iv) replace the phrase “All new construction or substantial improvement of” with the word “For” and delete the parenthetical and replace it with “shall be,” in each case in clause 2 thereof; (v) replace the word “will” with “with” in subclause 2a; and (vi) replace the word “for” with “to,” the word “meeting” with “meet” and the word “provisions” with “requirements in subclause 2b.

- jj. AMEND subsection 10.4c to (i) replace the phrase “special flood hazard area” with “Area of Special Flood Hazard”; and the phrase “a permanent foundation” with “permanent foundations”; (ii) delete the phrase “of the manufactured home”; (iii) replace the phrase “base flood level” with “Base Flood Elevation”; and (iv) replace the phrase “but are not limited to” with “without limitation.”
- kk. DELETE the text and parenthetical of subsection 10.4d after the word “either:” and replace it with the following:

“(1) (i) be on the site for fewer than 120 consecutive days and (ii) be fully licensed and on wheels or jacking systems, attached to the site only by quick disconnect type utilities and security devices, with no permanently attached additions; or (2) meet all standards of this Chapter and the elevation and anchoring requirements for manufactured homes in paragraph (c) above.”

- ll. AMEND subsection 10.4e to (i) add the word “and” before “usable” and change the word “of” to “or” in clause 1 thereof; (ii) replace the phrase “shall be” with “is”; add “, either as certified by a registered professional engineer or architect or by meeting or exceeding the following minimum requirements:” after the word “floodwaters” and deleting the second sentence, in each case of clause 3 thereof; (iii) add the word “flood” before “openings, delete the word “of” before “area” and change the word “area” to “space” after the word “enclosed, in each case in subclause 3a; and (iv) add the word “flood” before “openings” in each of subclauses 3b and 3c.
- mm. AMEND subsection 10.4f to replace the phrase “floodplain areas’ with “Areas of Special Flood Hazards” and to delete the phrase “periods of” before “flooding.”
- nn. DELETE the introduction to Section 10.5 and replace it with the following:

“Any proposed development involving the alteration of a watercourse shall be noticed and authorized as follows, and shall otherwise meet the following requirements, which shall be in addition to all other requirements and limitations in the Zoning Ordinance:”

- oo. DELETE subsection 10.5a and replace it with the following:

“a. The Applicant proposing such alteration shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services (Wetlands Bureau) and submit copies of such notification, including notice of all scheduled hearings before the Wetlands Bureau, (1) to the Building Inspector, (2) as required by RSA 482-A:3 and (3) to those adjacent communities identified by the Building Inspector.”

pp. DELETE the word “provided” from subsection 10.5b.

qq. AMEND subsection 10.5c to (i) delete the word “designated” in line one; (ii) ADD the phrase “by a registered professional engineer” after “performed”; (iii) delete the phrase “the community” and replace it with “the Town of Wilton or any adjacent community” and (iv) delete the parenthetical at the end thereof.

rr. DELETE subsection 10.5d and replace it with the following:

“d. If there is no Regulatory Floodway along a watercourse or portion thereof, no new construction, substantial improvements or other development (including fill) shall be permitted within Zone AE along the watercourse unless it is demonstrated by the applicant that the effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the Base Flood more than one foot at any point within the Town of Wilton or any adjacent community.”

ss. DELETE subsection 10.5e and replace it with the following:

“e. Based on review and reasonable utilization of floodway data available from federal, state or other sources, the Building Inspector shall determine that no encroachments, including dredge, fill, topographical alterations, new construction, substantial improvements or other development located in Zone A could result in any increase in flood levels within the community during the Base Flood discharge.”

tt. RENUMBER and RESTATE Section 10.6 to read as follows:

“10.6 Variances and Appeals.

a. Any order, requirement, decision or determination of the Building Inspector that interprets, applies, or construes this Chapter may be appealed to the Zoning Board of Adjustment (ZBA) as set forth in RSA 676:5.

b. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I, in addition to the variance standards set forth in RSA 674:33, I(b), the ZBA shall only grant a variance upon a finding that the grant of a variance satisfies the requirements of 44 C.F.R. § 60.6(a), as amended, which includes finding that:

i. For variances for developments, new construction or substantial improvements within any designated Regulatory Floodway there will be no increase in flood levels during the Base Flood discharge;

ii. For variances for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the Base Flood level;

- iii. The applicant has proved that:
 - 1. good and sufficient cause exists for the grant of the variance;
 - 2. failure to grant the variance would result in exceptional hardship to the applicant; and
 - 3. the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and
- iv. The variance is the minimum necessary, considering the flood hazard, to afford relief;
- c. If the ZBA grants the variance, it shall notify the applicant in writing that:
 - i. The issuance of a variance to construct below the base flood level will result in substantially increased premium rates for flood insurance as high as \$25 for \$100 of insurance coverage; and
 - ii. Such construction below the base flood level will increase risks to life and property.

Such notification shall be maintained with a record of all variance actions.
- d. The Town of Wilton shall maintain a record of all variance actions, including the justification for their issuance or denial, and shall report the issuance of any variance to FEMS's Federal Insurance Administrator in its annual or biennial report."

5. Are you in favor of the adoption of Amendment No. 5 to the Town of Wilton Land Use Laws and Regulations, Zoning Ordinance, as proposed by the Planning Board, which would amend Chapter 13, Age Restricted Housing District, to reduce from 62 to 55 the age requirement for age-restricted developments, among other changes, as follows:

- a. CHANGE the title of Chapter 13 from "Age Restricted Housing District" to "Age Restricted Housing Overlay District" and UPDATE the references to the title of the Chapter in each of Sections 13.1 and 13.2b.
- b. DELETE the parenthetical at the end of each of Section 13.2, 13.3a, 13.3d, 13.3e and 13.3g.
- c. AMEND Section 13.1 to replace the phrase "while ensuring compliance" with "in accordance."
- d. AMEND the first paragraph of Section 13.2 to add the phrase "and utilized" after the phrase "are available" and the phrase "of this Ordinance" to the parenthetical at the end thereof.
- e. AMEND subsections 13.2c and 13.2d to change the word "reasonable" to "reasonably" and to replace the phrase "the older" with "its," respectively.

- f. AMEND Section 13.3, as follows: (i) REPLACE the phrase “for older person” with “age-restricted in the first sentence thereof; (ii) ADD the word “All” to the beginning of, and DELETE the phrase “ and restricted to” from, subsection 13.3b; (iii) DELETE subsection 13.3c and REPLACE it with “Subject to Section 13.3a, age-restricted housing developments may include more than one dwelling per lot.”; (iv) DELETE the text of subsection 13.3d after the phrase “Occupancy of all” and REPLACE it with “dwelling units within an age-restricted development shall be limited to (i) individuals who are at least 55 years of age and/or (ii) families where the head of household or spouse is at least 55 years of age.”; (v) ADD “adopted January 4, 2023” at the end of the first sentence of, and DELETE the phrase “During Site Plan Review” and add the phrase “anticipated professional and personal service providers, as well as” after the phrase “for visitors and” in the second sentence of, subsection 3.3h; (vi) DELETE the lead-in to the clauses of subsection 13.3i and REPLACE it with the following: “All structures in age-restricted developments intended for use by residents shall comply with the requirements of the Americans with Disabilities Act, including, without limitation, by providing the following safety features.”; (vii) AMEND the clauses of subsection 13.3i to REPLACE the word “building” with “such structure” in clause i1; ADD the phrase “in dwelling units” to clause i4; replace the phrase “tubs in” with “tubs for” and REPLACE the phrase “and handicapped showers for 25% of the dwelling units” with “of which at least half shall be accessible” in clause i6; and REPLACE the word “which” with “that” in clause i9; (viii) DELETE the phrase “group living needs for”; ADD the phrase “non-age restricted” before “multi-family dwellings”; REPLACE the phrase “need of the proposed” with “needs of the anticipated”; REPLACE the phrase “the building” with “all structures to be included in the development”; DELETE the word “facilities” where it appears in the third sentence, and ADD the word “offices” after “medical,” in each case in subsection 13.3j; and (ix) ADD the phrase “from time to time” after “units” in subsection 13.3l.
- g. AMEND Section 13.4 to add the phrase “, which shall be submitted in compliance with the Site Plan Review Regulations” at the end of the first sentence thereof; replace the phrase “older persons” with “residents,” and add a new sentence at the end thereof, as follows: “The Planning Board, shall, in consultation with the Fire Chief for the Town of Wilton, determine that the development provides adequate emergency vehicle access to all of its structures.”
- h. DELETE the text of Section 13.5 and replace it with the following:

“If any dwelling or dwelling unit in a development erected as age-restricted housing in accordance with this Chapter ceases to be used as required by this Chapter, the development shall cease to be permitted age-restricted housing and must thereafter comply with all of the requirements of this Ordinance that would otherwise be applicable, including, without limitation, obtaining necessary variances and submission of a new site plan for review and approval by the Planning Board.”

The Proposed Zoning Amendment Articles are viewable, in-person, at the Town Hall, Wilton Post Office, and electronically on the Town of Wilton website: www.WiltonNH.gov, or by email (send an email request to landuse@wiltonnh.gov) or by calling (603) 654-9166.