

ADU Increase to Two (2)

EXPLANATION:

Adoption of this article would increase the allowed number of Accessory Dwelling Units (small apartments) from one (1) to two (2) on any lot in which single-family homes are allowed by right. It also limits the number of detached accessory dwelling units on any lot to one (1).

Article XX- Are you in favor of the adoption of the following Amendment of the Town of Enfield Zoning Ordinance?

ADD THE FOLLOWING SECTION:

Proposed Section 422:

Accessory Dwelling Unit: A single apartment (dwelling unit) of no more than 800 square feet, containing no more than two bedrooms and one bathroom, as further defined in RSA 674:71-73 and below:

1. Not more than 2 Accessory Dwelling Units may be created on a single lot in all zoning districts in which single-family homes are allowed by right.
2. Accessory Dwelling Units may be internal to the principal structure, attached or detached.
 - A. Three Dwelling Units within the same structure are subject to regulation as a Multi-Family Dwelling
 - B. A maximum of one (1) ADU on a single lot may be detached.
3. On lots not served by Town sewer, the property owner shall obtain DES approval for a new on-site sewage disposal system design prior to the issuance of a building permit. (The new system does not need to be installed unless the current system was never approved or is in failure.)
4. The accessory dwelling unit(s) and main dwelling are exempt from district acreage density requirements and must remain under one ownership.
5. Where a new structure is required for an ADU, district setback requirements shall be observed.

R1 Lot with Municipal Sewer Density

Change to $\frac{1}{4}$ Acre in Size

EXPLANATION:

Adoption of this article would reduce the minimum lot size in the R1 district where municipal sewer is available from $\frac{1}{2}$ acre to $\frac{1}{4}$ acre.

This article is being proposed for the following reasons:

1. Municipal sewer service allows for smaller lots as there is no need to maintain separation between sewer and drinking water source.
2. Many lots in the R1 district are non-conforming as they do not meet the minimum lot size of $\frac{1}{2}$ acre. They would become conforming under the $\frac{1}{4}$ acre size and would allow owners to proceed with improvements to their properties without having to first obtain a variance from the Zoning Board of Adjustment.

Article XX- Are you in favor of the adoption of the following Amendment of the Town of Enfield Zoning Ordinance?

Regulation of Uses, Section 401.1 R1 DISTRICT

REMOVE WORDS IN ~~STRIKETHROUGH~~ AND ADD **HIGHLIGHTED** TEXT

K. Minimum lot size shall be one (1) acre except for dwellings, in which minimum lot size shall be one (1) acre per dwelling unit with on lot water and sewer supply, but may be ~~one-half (1/2)~~ **one-quarter (1/4)** acre lot size for a dwelling where municipal ~~water and~~ sewer is used.

R1 Remove “Principal Dwelling” Language

EXPLANATION:

This ammendment eliminates a contradiction in the ordinance since both duplex and multi-family buildings are allowed in the R1 district. It does not affect Accessory Dwelling Units

Article XX- Are you in favor of the adoption of Amendment of the Town of Enfield Zoning Ordinance as follows?

REMOVE WORDS IN ~~STRIKETHROUGH~~:

U. No lot shall have more than one ~~dwelling or~~ principal building.

Conservation Commission - 100' Setback from Enfield's Prime Wetlands

Article XX- Are you in favor of the adoption of the following Amendment of the Town of Enfield Zoning Ordinance?

EXPLANATION:

Prime Wetlands contribute to flood control, water quality, groundwater recharge, shoreline stabilization, fish and wildlife habitat, recreation, and education. It is important that these prime wetlands be left in their natural state with no development closer than one hundred feet. New Hampshire Department of Environmental Services has jurisdiction over development within the 100' Prime Wetland buffer and appears to defer to Town setback standards. This amendment creates a setback from Prime Wetlands equal to the DES jurisdictional buffer.

ADD THE **HIGHLIGHTED** TEXT TO THE WETLANDS AND SURFACE WATERS SETBACKS REQUIREMENT IN ALL ZONING DISTRICTS.

No structure shall be placed, located, or constructed within fifty feet from the seasonal high water line of any river, stream, lake, public pond or wetland, **except for designated Prime Wetlands where the setback shall be one hundred (100) feet.** No dock may be located nearer than 25 feet from a side lot line. Dry hydrants, culverts and bridges may be permitted by Planning Board and with State permits as required.

Heritage Commission – Local Historic District

EXPLANATION:

Adoption of this article would create an overlay district for the purpose of increasing the Town's chances of obtaining grant money for the preservation and rehabilitation of the structures within the district.

Article XX- Are you in favor of the adoption of Amendment of the Town of Enfield Zoning Ordinance as follows?

ENFIELD CENTER LOCAL HISTORIC DISTRICT - The Enfield Center Historic District Overlay. This district consists of the Enfield Center Town House (built 1843), the Enfield Center Schoolhouse Museum (built 1851), and the Union Church of Enfield Center (built 1836). All of the these buildings are located on NH Route 4A in Enfield Center in the R1 Residential District.

These buildings are currently designated as tax-exempt; there will be no impact on the tax rate.

Floodplain Updates as Required by State and Federal Governments

EXPLANATION:

Changes to FEMA (Federal Emergency Management Administration) and New Hampshire ?????? regulations require the following changes in order for Enfield landowners to obtain and maintain Flood Insurance.

Article XX- Are you in favor of the adoption of Amendment of the Town of Enfield Zoning Ordinance as shown below?

(~~strikethrough text~~ means delete text, **highlighted text** means add text).

Town of Enfield Zoning Ordinance:

407 SPECIAL FLOOD HAZARD AREAS

As approved at Enfield Town Meeting 1988, all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) **in its** **“ Flood Insurance Study for Grafton County, NH” dated February 20, 2008 or as amended, together with the associated** Flood Insurance Rate Maps (FIRM) ~~and Flood Boundary and Floodway maps of the Town of Enfield for Grafton County,~~ NH dated **February 20, 2008** ~~November 17, 1987~~ are declared to be a part of this Ordinance.

Applications for variances or exceptions shall be made to and be considered by the Zoning Board of Adjustment; after examining the applicant's hardships, the Zoning Board shall approve or disapprove a request based on the criteria set forth in Section

60.6 of the National Flood Insurance Program (NFIP) with Amendments and Related Regulations dated June 30, 1987 and other criteria consistent within the total Ordinance.

FLOODPLAIN DEVELOPMENT ORDINANCE

This Ordinance, adopted, pursuant to the authority of RSA 674:16, shall be known as the Town of Enfield Floodplain Development Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Enfield Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law.

~~If any provision of this ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.~~

If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall prevail.

ITEM I - DEFINITION OF TERMS

The following definitions shall apply only to this Floodplain Development Ordinance, and shall not be affected by the provisions of any other ordinance of the Town of Enfield.

AREA OF SPECIAL FLOOD HAZARD is the land in the flood plain within the Town of Enfield subject to a 1 percent or greater chance of flooding in any given year. The area is designated as Zone(s) A or AE on the Flood Insurance Rate Map.

BASE FLOOD means the flood having a one-percent possibility of being equaled or exceeding in any given year.

Base Flood Elevation (BFE) means the elevation of surface water resulting from the "base flood."

BASEMENT means any area of a building having its floor subgrade on all sides.

BUILDING see structure.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining,

dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

FEMA means the Federal Emergency Management Agency.

FLOOD OR FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1.1) the overflow of inland or tidal waters;
- (1.2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) means a official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Enfield.

FLOOD INSURANCE STUDY means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood- related erosion hazards.

Flood Opening means an opening in a foundation or enclosure wall that allows automatic entry and exit of floodwaters. See FEMA "Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures."

FLOODPLAIN OR FLOOD-PRONE AREA means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOOD PROOFING means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

FLOOD WAY see regulatory floodway.

~~FUNCTIONALLY DEPENDENT, USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.~~

~~The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building /repairs facilities but does not include long term storage or related manufacturing facilities.~~

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of structure.

HISTORIC STRUCTURE means any structure that is:

(1.2.a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(1.2.b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as registered historic district;

(1.2.c) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1.2.c.1) By an approved state program as determined by the Secretary of the Interior, or

1.2.c.2) Directly by the Secretary of the Interior in states without approved programs.

(1.2.d) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the interior

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the

applicable non-elevation design requirements of this Ordinance.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. For floodplain management purposes the term “manufactured home” includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL means the National Geodetic Vertical Datum (NGVD) of 1929, **North American Vertical Datum (NAVD) of 1988**, or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION means, for the purposes of determining insurance rates, structures for which the start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

~~100 YEAR FLOOD see base flood.~~

RECREATIONAL VEHICLE means a vehicle which is (a) built on a single chassis;

- (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel

or seasonal use.

REGULATORY FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

SPECIAL FLOOD HAZARD AREA see “Area of Special Flood Hazard.”

STRUCTURE means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

START OF CONSTRUCTION includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footing, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

SUBSTANTIAL DAMAGE meaning damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of

construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure's continued designation as a “historic structure.” ~~any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal:~~

~~(1) ——— The appraised value prior to the start of the initial repair or improvements;~~

OR

~~(2) ——— In the case of damage, the value of the structure prior to the damage occurring.~~

~~For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.~~

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A

structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, **North American Vertical Datum (NAVD) of 1988**, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains.

ITEM II

All proposed development in any special flood hazard areas shall require a permit.

ITEM III

The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall

- (i) Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (ii) Be constructed with materials resistant to flood damage;
- (iii) Be constructed by methods and practices that minimize flood damages;
- (iv) Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

ITEM IV

Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area the applicant shall provide the

Building Inspector with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

ITEM V

For all new or substantially improved structures located in Zones A or AE the applicant shall furnish the following information to the Building Inspector:

- (a) The as-built elevation (in relation to **Mean Sea Level** ~~NGVD~~) of the lowest floor (including basement) and include whether or not such structures contain a basement;
- (b) If the structure has been floodproofed, the as-built elevation (in relation to **Mean Sea Level** ~~NGVD~~) to which the structure was floodproofed;
- (c) Any certification of floodproofing.

The Building Inspector shall maintain for public inspection, and shall furnish such information upon request.

ITEM VI

The Building Inspector shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

ITEM VII

1. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of

such notification to the Building Inspector, in addition to the copies required by RSA 482-A: 3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Bureau.

2. The applicant shall submit to the Building Inspector, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
3. Along watercourses with a designated Regulatory Floodway no encroachments, including fill new construction, substantial improvements, and other development are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge.
4. Until a Regulatory Floodway is designated along watercourses, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE on the FIRM, unless it is demonstrated by the applicant that the cumulative 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 community.
5. The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement:

"No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the

floodway that would result in any increase in flood levels within the community during the base flood discharge.

ITEM VIII

1. In special flood hazard areas the Building Inspector shall determine the **base flood elevation** ~~100-year flood elevation~~ in the following order of precedence according to the data available:
 - a. In zones ~~s-A and~~ AE, refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.
 - b. In Zones A the Building Inspector shall obtain, review, and reasonably utilize any **base flood elevation** ~~100-year flood elevation~~ data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals). **Where a base flood elevation is not available or not known for Zone A, the base flood elevation shall be determined to be at least 2 feet above the highest adjacent grade.**
2. The Building Inspector's **base flood elevation** ~~100-year flood elevation~~ determination will be used as criteria for requiring zone A and AE:
 - a. All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the **base flood elevation** ~~100-year flood elevation~~;
 - b. That all new construction or substantial improvements of non- residential structures have the lowest floor (including basement) elevated to or above the **base flood elevation** ~~100-year flood level~~; or together with attendant utility and sanitary facilities, shall:
 - (b.i) Be floodproofed so that below the **base flood elevation** ~~100-year flood elevation~~ the structure is watertight with walls substantially

impermeable to the passage of water;

(b.ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy;

(b.iii) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions for this section;

c. All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces:

d. Recreational Vehicles placed on sites within Zone A and AE shall either:

(d.i) Be on the site for fewer than 180 consecutive days,

(d.ii) Be fully licensed, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions and ready for highway use, or

(d.iii) Meet all the standards of this ordinance and ~~Section 60.3 (b) (1) of~~ the elevation and anchoring requirements for “manufactured homes” ~~in this ordinance Paragraph (e) (6) of Section 60.3.~~

e. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:

(e.i) The enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;

(e.ii) The area is not a basement;

(e.iii) Shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two flood openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

- f. Proposed structures to be located on slopes in special flood hazard areas zones AH and AO shall include adequate drainage paths to guide floodwaters around and away from the proposed structures.

ITEM IX- VARIANCES AND APPEALS

1. Any order, requirement, decision or determination of the building inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
 2. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the applicant shall have the burden of showing in addition to the usual variance standards under state law:
 - (i) That the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;
 - (ii) That if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result;
 - (iii) That the variance is the minimum necessary considering the flood hazard, to afford relief.
 3. The Zoning Board of Adjustment shall notify the applicant in writing that:

- (i) The issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and,
- (ii) Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

4. The community shall:

- (i) Maintain a record of all variance actions, including the justification for their issuance, and
- (ii) Report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.