Workforce Housing 2008 Town Report

3. *Are you in favor of the adoption of **Amendment No. 3** as proposed by the Planning Board for the New London Zoning Ordinance?* *YES* ___ *NO* ___

The ***Planning Board's Amendment No. 3*** proposes to add a new ARTICLE XXVI Workforce Housing Overlay District to the Zoning Ordinance. This proposed amendment is to comply with new state legislation mandating that communities provide reasonable and realistic opportunities for the development of Workforce Housing, including rental apartments. The new legislation mandates that Workforce Housing be allowed in a majority of the land area zoned to permit residential uses. This amendment will be effective on July 1, 2009, or a later date yet to be determined, if the required effective date is delayed by state legislation.

RATIONALE: The purpose of this amendment is to respond to the state legislative mandate to provide reasonable opportunities for the development of Workforce Housing in a majority of the land area zoned to permit residential uses in the community. The Workforce Housing Overlay District allows for a mix of Workforce Housing types within parts of the R-1, R-2, ARR and Commercial Zone Districts as shown on the Workforce Housing Overlay District Map dated March 10, 2009. The ordinance, which will not be effective until July 1, 2009, provides that the Planning Board may approve one or more incentives including a density increase, reductions to lot size, road frontage, setbacks and open space and waiver of application fees only if the applicant demonstrates the Town's land use ordinances and regulations induce a cost prohibitive project.
State legislation may delay the required effective date of the Workforce Housing Overlay District ordinance. If passed, the required effective date of the proposed amendment will be delayed in accordance with state law.

4. *Are you in favor of the adoption of **Amendment No. 4** as proposed by the Planning Board for the New London Zoning Ordinance?* *YES* ___ *NO* ___

The ***Planning Board's Amendment No. 4*** proposes to amend ARTICLE VII Commercial District to add Multi-Family Dwelling(s) and Mixed Use as a permitted use and amend ARTICLE III Definitions to add a definition of Mixed Use.

RATIONALE: The purpose of this amendment is to allow opportunities for both Multi-Family Dwellings and Mixed Use (two or more permitted uses in the same building or on the same property) in the Commercial District. Mixed use, for example, could include a retail use on the first floor of a building and multi-family residential apartments on the second floor.

5. *Are you in favor of the adoption of **Amendment No. 5** as proposed by the Planning Board for the New London Zoning Ordinance?* *YES* ___ *NO* ___

The ***Planning Board's Amendment No. 5*** proposes to amend the Zoning Ordinance to implement the changes to the zoning boundary lines as recommended by the Zoning Boundary Study, as amended, undertaken on behalf of the Planning Board by the Upper Valley Lake Sunapee Regional Planning Commission. A series of maps showing the recommended revisions to the zone district boundary lines depicted on the existing zoning map is available for viewing from the Administrative Assistant to the Selectmen in the Town Office Building. The recommended revisions to the zone district boundary lines are shown on a new Zoning Map dated March 10, 2009.

RATIONALE: The location of some of the existing boundary lines between zone districts on the current zoning map is not clear where there are no references for guidance or measurement. The purpose of the Zoning Boundary Study undertaken on behalf of the Planning Board by the Upper Valley Lake Sunapee Regional Planning Commission was to make recommendations on clarifying the location of some of the zone district boundaries and, in some cases, relocating the zone boundary to follow property lines, natural features or man-made features or setting a distance from these features. As noted above, a series of maps showing the revisions to the zone district boundary lines depicted on the zoning map as recommended by the Planning Board is available for viewing from the Administrative Assistant to the Selectmen in the Town Office Building. The

prior to the adoption of the regulation(s) that now make the Building or Structure nonconforming.

92. Legal Nonconforming Lot: A Legal Nonconforming Lot is a Lot which, in whole or in part, does not conform to the regulations of the district in which the lot is located, but existed as a legal Lot prior to the adoption of the regulation(s) that now make the Lot nonconforming.

93. Legal Nonconforming Use: A Legal Nonconforming Use is a Use of any Building, Structure, or land, which does not conform to the Use regulations of the Zone District in which such Use exists, but existed as a legal Use prior to the adoption of the regulation(s) that now make the Use nonconforming.

RATIONALE: The principal reason for this amendment is to revise the language on what improvements are permitted for a Legal Nonconforming Building or Structure destroyed by Fire or Other Natural Disaster, to add a definition for "Legal Nonconforming Lot" and to amend the definitions of "Legal Nonconforming Building or Structure" and "Legal Nonconforming Use".

PLANNING BOARD PROPOSED AMENDMENT NO. 3:

The ***Planning Board's Amendment No. 3*** proposes to amend **ARTICLE XXVII ENFORCEMENT** to update the section on penalties and fines to be consistent with the language used in the state statute.

Specifically, Amendment No. 3 proposes to replace **ARTICLE XXVII ENFORCEMENT**, paragraph A. 6. as follows:

6. Any person who violates any of the provisions of this title (Title LXIV – RSA 676:17, I), or any local ordinance, code, or regulation adopted under this title, or any provision or specification of any application, plat, or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this title shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person; and shall be subject to a civil penalty of $275 for the first offense and $550 for subsequent offenses for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that the violator is in violation, whichever is earlier, (or as specified in RSA 676:17, as amended).

RATIONALE: The purpose of this amendment is to be consistent with the language used in RSA 676:17, I. and to use language consistent with the language used in RSA 676:17, I.

PLANNING BOARD PROPOSED AMENDMENT NO. 4:

The ***Planning Board's Amendment No. 4*** proposes to amend **ARTICLE XXVI WORKFORCE HOUSING OVERLAY DISTRICT:**

1. to incorporate changes suggested by Town Counsel to:
   a. require a third party Administrator to provide oversight at the expense of the developer; and
   b. provide for professional review of the Workforce Housing project at the expense of the developer; and

2. to make editorial changes.

Specifically, Amendment No 4 proposes to

1. Amend the following paragraphs of **ARTICLE XXVI WORKFORCE HOUSING OVERLAY DISTRICT**:

H. Assurance of Continued Affordability:

1. The housing initially constructed and offered for sale or rent shall meet the definition of Workforce Housing as defined in ARTICLE III Definitions of the Zoning Ordinance.

2. In order to qualify as Workforce Housing under this Article, the developer shall make a binding commitment that the Workforce Housing units will remain Affordable for a period of 30 years. The developer shall ensure this by securing a third party Administrator approved by the Planning Board and paid for by the developer to administer, monitor and enforce this binding commitment as provided in Section O. Acceptable third parties include a local, state or federal housing authority or other non-profit housing trust or agency. For the 30-year term, this binding obligation must make the following commitments for continued affordability:

a. Affordable housing rental units shall limit annual rent increases to the percentage increase in the Merrimack County median income.

b. Resale of Owner-Occupied Housing shall be to a family that qualifies for a Workforce Housing unit that is Affordable.

3. Deed restrictions, restrictive covenants, or contractual arrangements related to dwelling units established under this Article must be documented on all plans filed with the New London Planning Board and the Registry of Deeds and in all deeds to individual units.

I. Documentation of Eligibility for Workforce Housing: To ensure that only eligible households purchase/rent the designated Workforce Housing, the purchaser/renter of a Workforce Housing unit must submit copies of their last three years' federal income tax returns and written certification verifying their annual household income level does not exceed the maximum level as established by the applicable definitions in ARTICLE III of the terms used in this Article. Prior to the transfer of title, the tax returns and written certification of household income must be submitted to the Administrator and the developer of the housing units, or the developer's agent. The Administrator shall determine whether the purchaser/renter qualifies for Workforce Housing.

K. Conditional Use Permit Criteria: The applicant needs to demonstrate to the Planning Board that the application for Workforce Housing meets the following criteria:

1. The Planning Board must determine that the type and density of proposed Workforce Housing units is compatible with or provides a compatible transition to the use and density of any neighboring residential areas and that the project will be designed in a manner that is harmonious with neighboring developments, natural surroundings, and housing context (the housing type, density and land use in the surrounding area).

Workforce Housing projects with Multi-Family Housing shall:

a. Have a landscaped buffer one hundred (100) feet in width around the perimeter of the project;

b. Have direct access to a paved street; and

c. Be served by public water and sewer service.

L. Conditional Use Permit Procedure:

1. Any person who applies to the Planning Board for approval of a development that is intended to qualify as Workforce Housing under this subdivision shall file a written statement of such intent as part of the application. See Section J.2. The failure to file such a statement shall constitute a waiver of the applicant's rights under RSA 674:61, but shall not preclude an appeal under other applicable laws. In any appeal where the applicant has failed to file the statement required by this paragraph, the applicant shall not be entitled to a judgment on appeal that allows construction of the proposed development, or otherwise permits the proposed Workforce Housing development to proceed despite its nonconformance with the Town's ordinances or regulations.

Please note that Section J.2. states: "The applicant shall file a written statement indicating the applicant's intent to develop land that is intended to qualify as Workforce Housing under RSA 674:58-61."

2. If the Planning Board approves an application to develop Workforce Housing subject to conditions or restrictions, it shall notify the applicant in writing of such conditions and restrictions and give the applicant an opportunity to establish the cost of complying with the conditions and restrictions and the effect of compliance on the economic viability of the proposed development. The Planning Board's notice to the applicant of the conditions and restrictions shall constitute a conditional approval solely for the purpose of complying with the requirements of RSA 676:4, I(c) (1). It shall not constitute a final decision for any other purpose, including the commencement of any applicable appeal period

3. Upon receiving notice of conditions and restrictions under paragraph 2 and in the event the applicant objects to any conditions and restrictions, they shall, submit evidence to establish the cost of complying with the conditions and restrictions and the effect on economic viability within the period directed by the Planning Board, which shall not be less than 30 days.

   (a) Upon receipt of such evidence from the applicant, the Planning Board shall allow the applicant to review the evidence at the Planning Board's next regular business meeting for which ten days of public notice can be provided. Ten (10) days notice by certified mail shall be given to abutters, the applicant and the holders of any easements on the subject property. The general public shall be given ten (10) days notice by posting the public notice in two public places. At such meeting, the Planning Board may also receive and consider evidence from other sources.

   (b) The Planning Board may affirm, alter, or rescind any or all of the conditions or restrictions of approval after such meeting. The Planning Board is authorized to consider relaxing or waiving one or more of the standards in the Town's land use ordinances and regulations to make the housing units in the project Affordable as provided in paragraph G. Incentives for Workforce Housing.

   (c) Subject to subparagraph (d), the Planning Board shall not issue its final decision on the application before such meeting, unless the applicant fails to submit the required evidence within the period designated by the Planning Board, in which case it may issue its final decision any time after the expiration of the period.

   (d) If an applicant notifies the Planning Board in writing at any time that the applicant accepts the conditions and restrictions of approval, the Planning Board may issue its final decision without further action under this paragraph.

2010 Town Report

ARTICLE 1B: Ballot Results on Amendments to the New London Zoning Ordinance

Are you in favor of Amendment No.1 as proposed by the Planning Board for the New London Zoning Ordinance?

PLANNING BOARD PROPOSED AMENDMENT NO. 1:

The ***Planning Board's Amendment No. 1*** proposes to amend the definition of "Structure" in **ARTICLE III Definitio** principally to address additional items excluded from the definition.

YES 820 **NO** 135

RATIONALE: The main purpose for this amendment is to add to the list of items excluded from the definition of a "Structure" that then do not need to obtain a building permit.

Are you in favor of Amendment No. 2 as proposed by the Planning Board for the New London Zoning Ordinance?

PLANNING BOARD PROPOSED AMENDMENT NO. 2:

The ***Planning Board's Amendment No 2*** proposes to amend **ARTICLE XX LEGAL NONCONFORMING USES, NON-CONFORMING BUILDINGS AND STRUCTURES, AND NON-CONFORMING LOTS** to revise the language on what improvements are permitted for a Legal Nonconforming Building or Structure destroyed by Fire or Other Natural Disaster along with a number of editorial changes. This amendment also revises **ARTICLE III Definiti** to edit definitions on Nonconforming Use and Nonconforming Building and Structure, and add a definition of a Legal Nonconforming Lot.

YES 776 **NO** 165

RATIONALE: The principal reason for this amendment is to revise the language on what improvements are permitte for a Legal Nonconforming Building or Structure destroyed by Fire or Other Natural Disaster, to add a definition for "Legal Nonconforming Lot" and to amend the definitions of "Legal Nonconforming Building or Structure" and "Lega Nonconforming Use".

Are you in favor of Amendment No. 3 as proposed by the Planning Board for the New London Zoning Ordinance?

PLANNING BOARD PROPOSED AMENDMENT NO. 3:

The ***Planning Board's Amendment No. 3*** proposes to amend **ARTICLE XXVII ENFORCEMENT** to update the section on penalties and fines to be consistent with the language used in the state statute.

YES 748 **NO** 223

RATIONALE: The purpose of this amendment is to increase the fines for a zoning violation to be consistent with th language used in RSA 676:17, I. and to use language consistent with the language used in RSA 676:17, I.

Are you in favor of Amendment No. 4 as proposed by the Planning Board for the New London Zoning Ordinance?

PLANNING BOARD PROPOSED AMENDMENT NO. 4:

The ***Planning Board's Amendment No. 4*** proposes to amend **ARTICLE XXVI WORKFORCE HOUSING OVERLAY DISTRICT:**

1. to incorporate changes suggested by Town Counsel to:
    a. require a third party Administrator to provide oversight at the expense of the developer; and
    b. provide for professional review of the Workforce Housing project at the expense of the developer; an
2. to make editorial changes.

YES 723 **NO** 229

RATIONALE: The purposes of these amendments are to make revisions to ARTICLE XXVI Workforce Ho Overlay District adopted in March, 2009 to incorporate the changes suggested by Town Counsel noted above and to editorial changes.

MAP OF THE WORKFORCE HOUSING OVERLAY DISTRICT,
A SUB-MAP OF THE ZONING DISTRICT BOUNDARIES OF

NEW LONDON

NEW HAMPSHIRE

Scale: 1 in = 1,000 ft

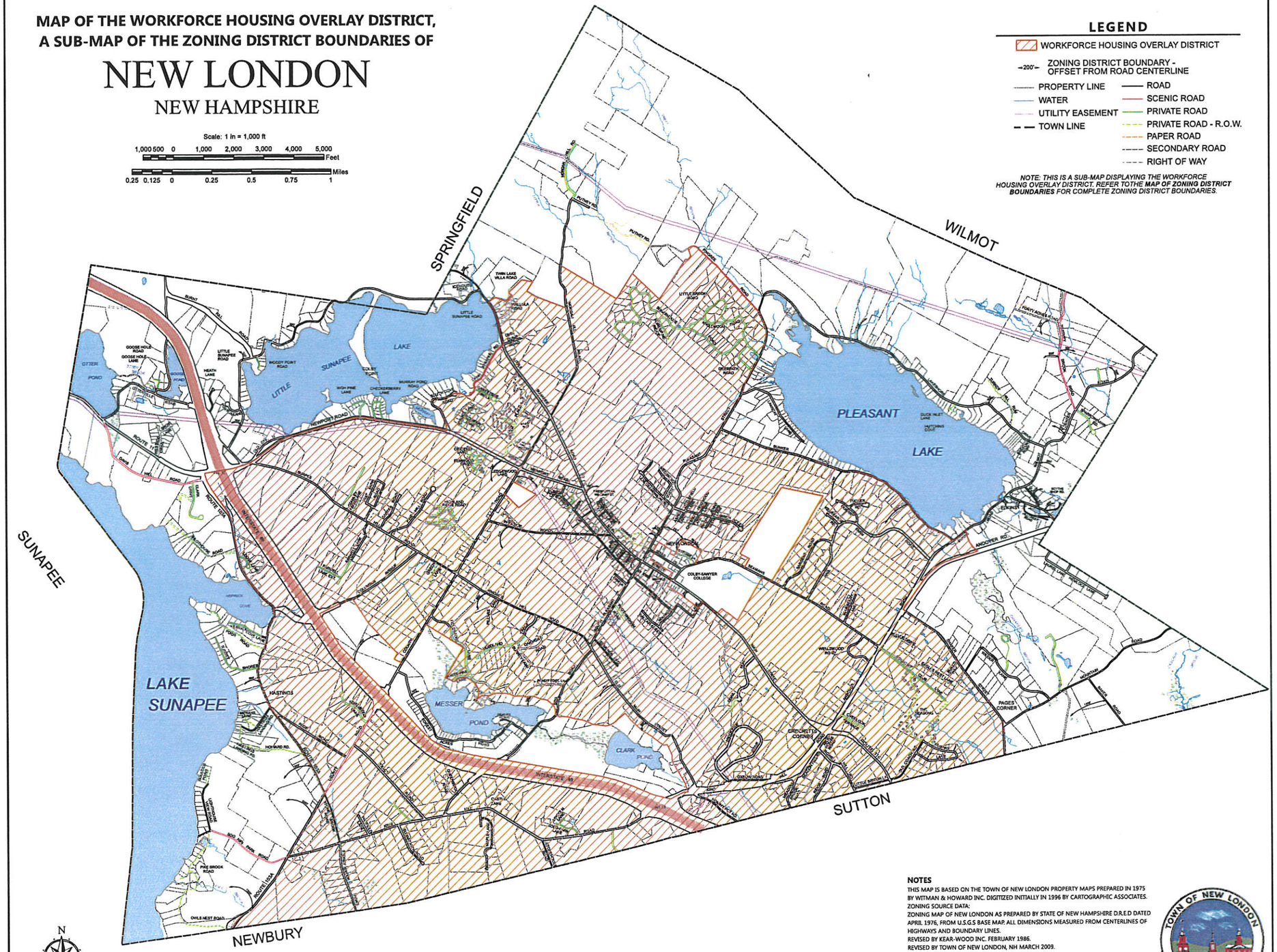
1,000 500 0 1,000 2,000 3,000 4,000 5,000 Feet

0.25 0.125 0 0.25 0.5 0.75 1 Miles

LEGEND

- WORKFORCE HOUSING OVERLAY DISTRICT
- 200' ZONING DISTRICT BOUNDARY - OFFSET FROM ROAD CENTERLINE
- PROPERTY LINE
- WATER
- UTILITY EASEMENT
- TOWN LINE
- ROAD
- SCENIC ROAD
- PRIVATE ROAD
- PRIVATE ROAD - R.O.W.
- PAPER ROAD
- SECONDARY ROAD
- RIGHT OF WAY

NOTE: THIS IS A SUB-MAP DISPLAYING THE WORKFORCE HOUSING OVERLAY DISTRICT. REFER TO THE MAP OF ZONING DISTRICT BOUNDARIES FOR COMPLETE ZONING DISTRICT BOUNDARIES.



NOTES

THIS MAP IS BASED ON THE TOWN OF NEW LONDON PROPERTY MAPS PREPARED IN 1975 BY WITMAN & HOWARD INC. DIGITIZED INITIALLY IN 1996 BY CARTOGRAPHIC ASSOCIATES.
ZONING SOURCE DATA:
ZONING MAP OF NEW LONDON AS PREPARED BY STATE OF NEW HAMPSHIRE D.R.E.D DATED APRIL 1976, FROM U.S.G.S BASE MAP. ALL DIMENSIONS MEASURED FROM CENTERLINES OF HIGHWAYS AND BOUNDARY LINES.
REVISED BY KEAR-WOOD INC. FEBRUARY 1986.
REVISED BY TOWN OF NEW LONDON, NH MARCH 2009.
REVISED BY CARTOGRAPHIC ASSOCIATES, INC. APRIL 2015
REVISED BY UPPER VALLEY LAKE SUNAPEE REGIONAL PLANNING COMMISSION, APRIL 2016
MAP IS INTENDED FOR REFERENCE AND PLANNING PURPOSES ONLY.
PROPERTY LINES CURRENT TO JULY 2015
ZONING BOUNDARIES CURRENT TO MARCH 2016

TOWN OF NEW LONDON NEW HAMPSHIRE