

Westmoreland Planning Board
November 18th, 2013
Approved minutes

❖ **Call to Order, Seating Members**

Present: Lauren Bressett, Dawn Lincoln, Steve Houle, Jim Starkey, Bruce Smith
Lauren Bressett called the meeting to order at 6:30 pm

❖ **Updating Building & Zoning ordinances**

Board members continued reviewing ordinances, Lauren Bressett stated she had spoken with Larry Muchmore the building inspector on several of the items and board members utilized his opinions in amending the ordinances. Bruce Smith reiterated he feels it is not more ordinances needed, enforcing the ones we have is important. Much discussion ensued.

Dawn Lincoln made a motion to approve the Zoning and Building ordinances as amended to present at a public hearing, Jim Starkey second, motion passed.

Board members discussed options to ensure having enough time for public hearings in regards to amending the ordinances and decided to hold its first public hearing on December 4th 2013 at 6:30 pm

Board members discussed a steep slopes ordinance briefly, generally felt it is not needed but they would need more information and possibly meet with Gary Hudson and/or Marshall Patmos to clarify some items before they might reconsider the ordinance.

Jim Starkey made a motion to change the setbacks for all residential zones to the same as village district front 50', side 20', rear 20' and leave commercial district as it is, Bruce Smith second, motion passed.

Board members agreed it would be helpful when ordinance amendments are approved, it should be so noted in the ordinance book with the date when amended in the future.

Bruce Smith made a motion to adjourn Dawn Lincoln second, motion passed, Jim Starkey abstained. Meeting adjourned at 8:25 pm

Respectively submitted
Alison Fissette
Planning Board Clerk

(Explanation: Matter added to current ordinance appears in ***bold italics***.

Matter removed from current ordinance appears [~~in brackets and struckthrough.~~]

BUILDING ORDINANCES
FOR THE
TOWN OF WESTMORELAND
CHESHIRE COUNTY, NEW HAMPSHIRE

Article I

SECTION 1:01 To promote the health, safety, convenience, prosperity, and general welfare of the Town of Westmoreland and to protect and enhance the value of its properties, the following regulations are hereby enacted by the voters of Westmoreland.

Article II

REGULATIONS

SECTION 2:01 All land shall be subject to the following regulations, restrictions and conditions.

SECTION 2:02 A new building more than 35 feet in height above the natural ground level must ***be granted a variance from*** [~~have prior approval of~~] the ***Zoning*** Board of Adjustment ***prior to applying for a building permit.***

SECTION 2:03 [~~No new building, exterior or interior, structure, or chimney shall be altered, without a building permit from the Building Inspector, to who adequate plans of proposed building or alterations shall be submitted.~~]

No building permit shall be required for small, portable or temporary structures (as defined under SECTION 104 Terms) or for maintenance of an existing building or structure.

A building permit, issued by the Building Inspector prior to project commencement, shall be required for:

- 1) New buildings and new structures constructed of any materials***
- 2) Alterations (as defined under SECTION 104 Terms) of buildings and structures***

The following information, and any other information deemed necessary by the Building Inspector, shall be submitted to the Building Inspector before a building permit can be issued:

- 1) New buildings and new structures shall require a completed application, the appropriate fee, driveway permit, state approved septic design, zoning permit, and adequate plans of the proposed building or structure.***
- 2) Alterations of buildings and structures shall require a completed application, the appropriate fee and adequate plans of the proposed alterations.***

~~[No permit will be required for repairing the exterior or interior of a building if the total value of such work, including labor and materials, does not exceed \$1500.00.]~~ The Selectmen will set building permit fees as they see fit. Fees must be paid to the ~~[Building Inspector of the]~~ Town of Westmoreland.

SECTION 2:04 All building permits shall expire one ~~[(1)]~~ year from date of issue. Extension may be granted upon application for one ~~[(1)]~~ additional year. Building permits are not transferable with the sale of the land.

SECTION 2:05 Every dwelling ~~[house]~~ **unit** or other building or addition thereto, shall be required to follow the setbacks as set forth in the Zoning Ordinances for their district. Every dwelling ~~[house]~~ **unit** shall have a minimum ground floor area of 600 square feet, exclusive of porches, breezeways, garages, sheds or similar areas.

SECTION 2:06 ***Foundations***

Foundations shall be continuous and be constructed of solid concrete, block, stone, or other similar materials, extending at least four feet below the ~~[normal]~~ ground level.

Accessory buildings may be set on brick, stone, concrete piers, or pressure-treated ~~[creosote]~~posts, ~~[set 4' below ground level]~~ ***extending at least four feet below the ground level***, ~~[completely]~~ enclosed to prevent leaves and other debris from collecting under the building. A concrete slab, ~~designed by a registered engineer and approved by the Building Inspector~~, shall also be acceptable.

SECTION 2:07 Every dwelling, other building, or addition to presently existing dwellings or buildings, is to be finished on the exterior in a permanent manner within a period of two ~~[(2)]~~ years.

SECTION 2:08 ***Chimneys***

All chimneys must be inspected and approved by the Fire Chief prior to use and/or before a certificate of occupancy is issued.

~~[All chimneys and fireplaces shall be constructed of stone, brick, concrete or cinder blocks, on a twelve inch thick concrete footing. Width of footing for interior chimney shall be one foot wider in each direction than the width of the proposed chimney. Width of footing for exterior chimneys shall be sixteen inches wider in each direction than the width of the proposed chimney and set on top of the house foundation footing, but no less than four feet below ground level. All masonry chimneys shall be lined with flue tile beginning at the footing and extending two feet higher than a ten foot measurement horizontally to the roof. All entrances to chimneys shall be of fireproof construction with each flue to have a cleanout at its base. Chimneys shall not be used to support beams or timbers in any manner. No smoke pipe or thimble shall be installed so as to be within eighteen inches of any combustible floor or ceiling unless amply protected with non-combustible material. No smoke pipe shall be installed which passes into or through partitions or walls of combustible materials except when guarded by at least eight inches of brick or other non-combustible material between the pipe and the combustible material. Flue tiles will be joined with refractory cement. Under no circumstances will mortar~~

~~ement be permitted to join flues together. Prefabricated chimneys bearing the approved label of the National Boards of Fire Underwriters shall also be allowed provided they are installed in an approved manner.]~~

SECTION 2:09 No roof of any building shall be covered or recovered in whole or in part save with non-combustible or fire-resistant roofing material.

SECTION 2:10 Sewerage & Water

All dwelling units used for permanent human occupancy must be supplied with running hot and cold water properly connected with the following fixtures: kitchen sink, lavatory sink, tub or shower, water closet (*unless a dry composting toilet is installed in compliance with 2:10 paragraph 2*). These fixtures must be connected with a ~~[septic tank and leach field]~~ *sewage and/or wastewater disposal system* that has been approved by the New Hampshire ~~[Water Supply and Pollution Control Commission]~~ Department of Environmental Services. ~~[The required septic tank and leach field must be of sufficient size to accommodate a water closet.]~~

A family sized commercial dry composting toilet may be allowed in lieu of a water closet. Such a system must first be approved by the local ~~[Board of Health]~~ *Health Officer or equivalent* based on the determination that said system will not endanger the health of any person or cause a nuisance and that the end product will be disposed of in a sanitary manner. All other requirements in the first paragraph of Section 2:10 must be met.

SECTION 2:11 All electrical installations shall be in accordance with the requirements of the latest edition of the National Electric Code, the same being the standard of the National Board of Fire Underwriters for electrical wiring and apparatus.

SECTION 2:12 All fuel burning equipment shall be installed in compliance with the latest edition of rules and regulations issued by the New Hampshire Board of Fire Control.

SECTION 2:13 All construction, unless otherwise covered by this Ordinance, shall be governed by the Building Officials and Code Administrators International, Inc. (BOCA).

ARTICLE III

FLOODPLAIN DEVELOPMENT REGULATIONS

See SECTION 452.1 of the Zoning Ordinance

ARTICLE IV

BUILDING INSPECTOR

SECTION 4:01 For the purpose of this Ordinance, the Board of Selectmen shall annually appoint a Town Building Inspector who shall perform the duties pertaining to his office as designated in the provisions of the Ordinance.

SECTION 4:02 The Building Inspector shall in all cases visit the site of any proposed building or ~~[remodeling]~~ **alteration** in company of the owner of the site before issuing a building permit. He shall satisfy himself that the proposal will meet all requirements of the Town Building Ordinances.

SECTION 4:03 No building permit shall be issued until the Building Inspector has certified that the proposed building or structure and its intended use comply with the provisions of the Ordinance.

SECTION 4:04 It shall be unlawful for any person to commence work on erection or alteration of any building or structure until the Building Inspector has duly granted a permit for such erection or alteration.

SECTION 4:05 ***Driveway Permit***

The Building Inspector shall not issue a building permit before the securing of a driveway permit ***from the appropriate road authority***, if a new driveway is required. ~~Any new drive from a public road shall require a driveway permit from the Town Road Agent.~~ Factors to be considered include a safe location, suitable grade at its junction with the public road and adequate drainage.

SECTION 4:06 **Certificate of Occupancy**

No building shall be used and no building shall be changed to another use until the Building Inspector shall have issued a certificate of occupancy. The Building Inspector shall issue such certificate of occupancy only after the property has been inspected and found to comply with all provisions of the Building and Zoning Ordinances of the Town.

ARTICLE V

ADMINISTRATION

SECTION 5:01 It shall be the duty of the Board of Selectmen, and the Board is hereby given power and authority, to enforce the provisions of this Ordinance. The Board of Selectmen shall act as arbitrator to resolve any differences between the applicant and the Building Inspector.

SECTION 5:02 The Board of Selectmen shall require that the applicant for a building permit include ~~[a plot plan and contain]~~ all necessary information to enable the Building Inspector to ascertain whether the proposed building or structure and its intended use comply with e provisions of this Ordinance.

SECTION 5:03 Upon any well founded information that this Ordinance is being violated, the Selectmen shall on their own initiative take immediate steps to enforce the provisions of this Ordinance by seeking and injunction in the Superior Court, of by any other legal action.

ARTICLE VI

AMENDMENTS

SECTION 6:01 The provisions of this Ordinance may be amended or changed at any regular or special Town Meeting by a majority of the voters present as provided by law.

ARTICLE VII

GENERAL PROVISIONS

SECTION 7:01 Validity

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof.

~~SECTION 7:02 Interpretation~~

~~In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Town of Westmoreland and its citizens. The implied intent of the Ordinance shall be maintained. In addition to the general powers granted to the **Zoning** Board of Adjustment, they shall allow slight variances [form] **from** specific terms of this Ordinance, where it can be shown that unnecessary hardship would otherwise result.~~

SECTION 7:03 Penalties and Remedy for Violations

Every person, persons, firm or corporation violating any of the provisions of this Ordinance may be subject to a fine by the Board of Selectmen of not more than one hundred dollars for each day of said violation, plus any legal costs resulting in the enforcement of said violation.

SECTION 7:04 Acceptance

This Ordinance shall take effect immediately upon its passage.

(Explanation: Matter added to current ordinance appears in ***bold italics***.

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ZONING ORDINANCE

ARTICLE I

SECTION 104TERMS

Alteration: Structural change, rearrangement, change of location ***of a building***, or addition to a building[, ~~other than repairs and modification in building equipment~~].

Building: Structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or chattel; ***except portable structures (as defined under SECTION 104 Terms)***.

Dwelling Unit: Building or part thereof used as living quarters for one family. The terms “dwelling”, “one-family dwelling”, “two-family dwelling”, or “dwelling group” shall not include a motel, hotel, boarding house, tourist home, ~~mobile home~~ **recreation vehicle**, or similar structure.

Maintenance – *General upkeep performed on any part of a building or structure including replacement and/or repair of existing features, equipment or fixtures.*

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground [~~, except a wall or fence on an operating farm~~]. ***Fences, stonewalls and flag poles shall not be considered structures.***

Small Structure: *Any structure that is less than 160 square feet and is permanently attached to the ground and cannot be moved intact.*

Temporary Structure: *Anything constructed or erected for less than 270 days in any twelve month period*

ARTICLE II

SECTION 421:1 Portable ***and Small*** Structures

Portable ***and small*** structures (as defined under ***SECTION 104*** Terms) [~~are allowed by permit,~~] must have at least a twenty [~~(20)~~] feet setback from side and back yards and must meet all other regulations for the zone in which they are placed.

ARTICLE V

Table 503 “FR” - Forestry Residential

Minimum Yard Setback in Feet: Front yard: 50' Each Side Yard: [~~50~~] **20'** Rear: [~~50~~] **20'**

Table 505 “RR” - Rural Residential

Minimum Yard Setback in Feet: Front yard: 50' Each Side Yard: [~~50~~] **20'** Rear: [~~50~~] **20'**