

MADISON PLANNING BOARD
Public Hearing Notice

Notice is hereby given that a Public Hearing will be held on **Wednesday, January 4, 2023 at 7:00 pm**, at the Madison Elementary School Gymnasium to consider and accept public input on the following Zoning Ordinance changes:

- The addition of a definition of **Short Term Rental** to Appendix A
- Addition of a new section 5.13 **Short Term Rentals** by Special Exception
- Changes to Section 4.2B Special Exceptions, Conditions to be met 3.
- Change to Section 1.3B

Proposed changes are available for review at Madison Town Hall, Madison and Silver Lake Post Offices or online at www.madison-nh.org/boards/planning-board/

Marc Ohlson
Planning Board Chairman

Posted December 22, 2022

PLEASE SEE ATTACHED DOCUMENTATION

• **The addition of a definition of Short Term Rental to Appendix A;**

Add a new definition to Appendix A

SHORT TERM RENTAL-A dwelling unit where lodging with sleeping accommodations is provided for compensation for less than 185 consecutive days. Short Term Rentals shall not include the rental of one or more bedrooms in an owner occupied dwelling.

• **Addition of a new section 5.13 Short Term Rentals by Special Exception;**

Add a new section 5.13 **Short Term Rentals**

Short term rentals shall be permitted in all zoning districts without site plan review upon the issuance of a special exception by the Zoning Board of Adjustment. A special exception shall be granted only if the Zoning Board of Adjustment finds that the following criteria are met:

1. The operation and appearance of the Short Term Rental are compatible and not offensive, injurious, or a nuisance to its neighborhood and will not substantially impact the value of the abutting properties.
2. The Short Term Rental will not create traffic or other safety hazard.

All Short Term Rentals shall be subject to the following conditions and requirements:

1. The owner of the Short Term Rental shall provide name, address, and telephone number of a contact person that resides within New Hampshire who is authorized to accept service of process for any legal proceeding brought against the owner of the property.
2. The owner of the Short Term Rental shall provide their name, address, telephone number, and e-mail address of one individual and the same of one management company located in the State of New Hampshire that can be contacted in the event the owner cannot be contacted. Said individuals or management companies shall be authorized by the owner of the Short Term Rental to act on behalf of the property owner on any/all decisions relative to occupancy and/or use of the Short Term Rental.
3. All Short Term Rentals shall comply with the NFPA 101 Life Safety Code requirements for One and Two Family Dwellings and shall be inspected by the Town of Madison Fire Department or a Madison Fire Department approved third-party inspection agency, individual or company prior to approval and every two years thereafter to ensure compliance. At a minimum, the following shall be required:
 - a. Smoke detectors shall be installed and properly functioning in all required locations, including but not limited to each bedroom.
 - b. Carbon monoxide detectors installed and properly functioning in all required locations.
 - c. Primary exits and a secondary means of escape shall be provided and maintained.
 - d. No basement or other below-grade space shall be used as a sleeping area unless compliant exits and a secondary means of escape are provided and maintained.
 - e. A properly sized and fully functional ABC fire extinguisher shall be installed in an obvious location on each level of the Short Term Rental.
 - f. The maximum number of people that the Short Term Rental may be advertised to accommodate shall be two people for each legal bedroom plus two additional people. The number of legal bedrooms shall be determined by the building permit or, if the dwelling unit was constructed prior to the requirement for a building permit, by the number of bedrooms on the approved State of New Hampshire subsurface (septic) approval.

- g. In the event a Short Term Rental is proposed for a property that does not have a State of New Hampshire subsurface (septic) approval, a subsurface system meeting current State of New Hampshire standards shall be designed and approved for construction by the NH Department of Environmental Services and submitted to the Zoning Board of Adjustment as part of the special exception application. Said approved design shall be maintained on file as part of the special exception approval, but shall not be required to be constructed unless the existing subsurface system fails, at which time, the approved subsurface system shall be constructed and all occupancy of the structure shall terminate until an Approval for Operation for the replacement system is issued by the State of New Hampshire and provided to the Town of Madison.
- h. Parking for 1.5 vehicles per bedroom shall be provided in a designated parking area on the same property as the Short Term Rental, and all occupants shall be required to park in the designated area.
- i. The owner of a Short Term Rental shall provide proof of a current NH Rooms and Meals Tax license number.
- j. The owner of a Short Term Rental shall be responsible for:
 - i. Removal of trash and legal disposal of the same off premises.
 - ii. Ensuring that all parking by renters is limited to the property.
 - iii. Ensuring compliance with the specified occupancy limits.
 - iv. Any other site specific conditions imposed as conditions of the special exception.

• **Change to Section 1.3B:**

1.3 Existing, Non-conforming Uses.

- A. Any existing lots of record at the time of passage of this Ordinance, March 1987, but not conforming to present minimum lot size, minimum frontage requirements, or minimum dimensional requirements, shall have the right to continue in their present use indefinitely, as well as being used for any other conforming use for the district in which it is located, so long as sufficient off-street parking for any such proposed use is provided within the property boundaries. Undeveloped nonconforming lots may be developed with any use permissible in the zoning district without compliance with minimum lot size, frontage or dimensional requirements, so long as sufficient off-street parking for any such proposed use is provided within the property boundaries; provided however that lots whose sole frontage is upon a Class VI or private road not shown on a plan approved by the planning board must first successfully complete the permit process as set forth in RSA 674:41. No such lot may be permitted to be further subdivided or otherwise made less conforming in nature.
- B. ~~Any structure existing at the time of the original passage of this Ordinance, March 1987, which does not conform to the maximum height limitations and /or minimum setbacks, shall have the right to continue indefinitely or may be demolished and reconstructed within one (1) year.~~
~~— Legally established structures, which do not conform to present setback requirements, may be expanded in size, provided the addition or expansion complies with current setback requirements, or:~~
~~— The setbacks to the expanded structure are not less than the non-conforming setbacks to the original structure; and~~
~~The expanded structure is no closer than the existing non-conforming structure to the high water line; and~~
~~— The expanded structure is no taller above sea level than the highest roofline of the existing structure;~~
~~— Any such expansion shall be limited in size to a total of fifty percent (50%) of the square foot area of the first floor footprint of the existing structure as of March 2007, not including decks, chimneys, etc.~~

- C. Any land use to the extent existing at the time of the passage of This Ordinance, but not conforming thereto, shall have the privilege of continuing in such use indefinitely or re-establishing in such use within one (1) year of any discontinuance.
- D. In order to preserve the rural character of the district, businesses existing in the rural residential district at the time of This Ordinance shall be able to expand the size of their structures provided that adequate vehicular access and off street parking for the business is provided within the bounds of the property boundaries. Any expansion of non conforming commercial business structures in the Village District Zone shall be required to meet the commercial setback requirements of one hundred (100) feet from the center lines of the roadways and fifty (50) feet from all other property boundaries.

NEW INFORMATION:

Legally established structures, which do not conform to present setback requirements, may be expanded in size, provided the addition or expansion complies with current setback requirements, or:

The setbacks to the expanded structure are not less than the non-conforming setbacks to the original structure; and

The expanded structure is no closer than the existing non-conforming structure to the high-water line; and

The expanded structure is no taller above sea level than the highest roofline of the existing structure; and

Any horizontal expansion shall be limited in size to a total of fifty-percent (50%) of the square foot area of the nonconforming portion of the first floor footprint of the existing structure as of March 2007, not including decks, chimneys, etc.

• Changes to Section 4.2B Special Exceptions, Conditions to be met 3:

4.2 Rural Residential District

A. Permitted Uses - The following uses shall apply to the Rural Residential District. It shall be mainly a district of farms, residences & woodlands.

1. Farms, including all land, buildings, or structures associated with the farming activity as defined by RSA 21:34-a.
2. Woodlots.
3. Single family houses with accessory buildings and outbuildings.
4. Multiple housing (cluster housing; townhouses, condominiums, apartments) as regulated by subdivision regulations with a minimum of two (2) acres of contiguous land for each dwelling unit.
5. Home Occupations.

B. Special Exceptions - The following uses in keeping with Rural Residential shall be permitted if the Zoning Board of Adjustment, after a public hearing and due notice to the abutters and having determined that the following conditions have been met, finds approval to be appropriate. Approval of the ZBA does not constitute exemption from site plan review.

Other Uses:

1. Churches and other public buildings.

2. Professional offices.
3. Nursing homes.
4. Medical centers.
5. Private schools.
6. Day care facilities.
7. Lodging House (Bed and Breakfast) facilities.
8. Conference center facilities.
9. Stables and riding academies.
10. Vehicular repair facilities, offering repair and maintenance services for automobiles and trucks, shall also be allowed by special exception provided that such uses: are screened from direct view from State and Town roads; are located on the same parcel as the residence of the owner of the facility; have a maximum of three (3) employees; and the parcel of land proposed for such use is three (3) or more acres in size.

Conditions to be met:

1. The operation and appearance are compatible and not offensive, injurious, or a nuisance to its neighborhood and abutters and will not substantially impact the value of the abutting properties.
2. The facility will not create traffic or other safety hazard.
3. ~~Minimum setbacks for Professional Offices and Bed and Breakfast facilities shall meet the setback requirements of 5.9 A and C. Other uses shall meet the setback requirements of 5.9 B and C.~~
4. Adequate on-site parking shall be provided.

NEW INFORMATION:

Unless they are proposed to utilize existing, nonconforming buildings, minimum setbacks for Professional Offices and Bed and Breakfast facilities shall meet the setback requirements of 5.9 A and C. Other uses shall meet the setback requirements of 5.9 B and C.