

**Legal Notice
Town of Bedford, NH
2019 Proposed Zoning Amendments**

The Bedford Planning Board will hold public hearings at 7:00 PM on Monday, January 14, 2019 and January 28, 2019 in the Bedford Meeting Room at BCTV, 10 Meetinghouse Road, Bedford, NH 03110, to hear comments from interested persons on proposed amendments to the Bedford Zoning Ordinance, as follows:

ZONING AMENDMENTS PROPOSED BY THE PLANNING BOARD:

Amendment No. 1

Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Bedford Zoning Ordinance to amend Article XIII, Small Wind Energy Systems, Section 275-96, Subsection C, by deleting the words shown in the strikethrough and adding the words in bold as follows:

Sound level. The small wind energy system shall not exceed **the noise limit specified by the New Hampshire Site Evaluation Committee** ~~60 decibels using the scale (dBA), as measured at the site property line, except during short term events such as severe wind storms and utility outages.~~ The applicant shall be required to prove that the system meets the sound-level requirement prior to a certificate of occupancy being issued.

[This amendment is intended to make Bedford's ordinance compliant with a recent change to state law. RSA 674:63 was amended to prevent municipalities from setting a noise level lower than what is specified by the Site Evaluation Committee rules for small wind energy systems.]

Amendment No. 2

Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Bedford Zoning Ordinance to amend Article III, Section 275-21 Use Regulations, Subsection B(4)(c), by adding the words in bold as follows:

[1] In the AR, CO, CO-2, OF and SI Zones a maximum of 12 dwelling units per acre **of net developable area** shall be permitted. There shall be a maximum of 12 units in any one building in the AR Zone and no restrictions as to the number of units in one building in the CO, CO-2, OF and SI Zones.

[a] **Net developable area is that portion of the tract which remains after deducting the land area of all surface water bodies; wetlands; and public/private rights-of-way for streets and utilities. In the case of mixed use sites, building footprints and paved areas for parking and circulation, which are not also used by the workforce housing development, shall be deducted.**

[This amendment further restricts the land that may be used to calculate the density of a workforce housing development. The amendment creates a definition for net developable area and limits density to 12 units per acre of net developable land rather than using the

entire tract of land regardless of its development capacity. The amendment also clarifies how density should be calculated for mixed use developments.]

Amendment No. 3

Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board for the Bedford Zoning Ordinance to amend Article XII, Zoning Board of Adjustment, Section 275-92, by deleting the words shown in the strikethrough and adding the words in bold as follows:

Time limit on approvals. Any variance, special exception, or administrative appeal granted by the Zoning Board of Adjustment shall be rendered null and void two years from the date of approval unless the applicant files a complete application for a building permit, site plan, or subdivision plan for the subject parcel at which point the Zoning Board of Adjustment approval will run with the administrative time line of the building permit or Planning Board decision. **Variations and Special Exceptions approved before August 19, 2013, shall be rendered null and void unless exercised by April 1, 2021, or as further extended by the Zoning Board of Adjustment for good cause.**

[This amendment is intended to make Bedford's ordinance compliant with a recent change to state law. RSA 674:33 was amended to clarify when variations granted prior to August 19, 2013 would expire.]

ZONING AMENDMENTS PROPOSED BY CITIZEN PETITION:

Amendment No. 4

Are you in favor of the adoption of Amendment No. 4 as proposed by petition of Jane Aitken and others to amend the Town of Bedford Code, Chapter 275, Attachment 2, Table 2, Table of Uses to eliminate Workforce housing as a permitted use in the Commercial (CO) district, Office District (OF) AND to add Workforce housing as a permitted use in the Performance Zone (PZ) subject to footnote 10. And to add the following language to footnote 10: Provided that the lot does not have frontage on the F.E. Everett Turnpike or U.S. Route 3.

The following amendments are for consistency with the proposed zoning amendment above:

To amend section 275-7, Article IT Establishment of Districts, in its entirety, by replacing the Commercial (CO) District Description with: "To provide areas for retail, office, medical office, personal service establishments and related commercial uses primarily serving local needs." AND by replacing the Office (OF) District Description with: "To provide areas for professional office, medical office, financial institutions and day cares." And by replacing the first sentence of the Performance Zone (PZ) description with the following "To provide areas for a variety of uses including mixed use, retail, workforce housing, office, medical office, research and development and industrial uses serving both regional and local needs."

To amend section 275-21 Use Regulations, subsection B.(4) Workforce housing by replacing the first paragraph with: "Workforce ownership and rental housing shall be permitted in the General Residential, Apartment Residential, Performance Zone and Service Industrial Zoning Districts subject to the following provisions:"

To amend section 275-21, Use Regulations, subsection B.(4)(c), Density, by deleting the words shown in strikethrough and adding the words in bold as follows: In the AR, ~~CO~~, CO-2, ~~OF~~, **PZ**, and SI Zones a maximum of 12 dwelling units per acre shall be permitted. There shall be a maximum of 12 units in any one building in the **AR and PZ** zones and no restriction as to the number of units in one building in the ~~CO~~, CO-2, ~~OF~~, and SI Zones.

To amend section 275-61, Permitted uses, by adding new subsection X. Workforce Housing, subject to footnote 10 in the Table of Uses.

[This amendment is intended to remove workforce housing as a permitted use in the Commercial District (CO) and Office District (OF) and to permit for workforce housing in the Performance Zone (PZ) with restrictions.]

[THE PLANNING BOARD **DOES/DOES NOT** SUPPORT PASSAGE OF THIS AMENDMENT.]

Amendment No. 5

Are you in favor of the adoption of Amendment No. 5 as proposed by petition of Jane Aitken and others to amend the Town of Bedford Code, Chapter 275, Section 275-21 Use Regulations, subsection B. (5) by deleting the words in strikethrough as noted: "Workforce Ownership Housing: Workforce Ownership Housing shall be permitted as ~~a one-third increase in dwelling unit density~~ in the Residential & Agricultural, and General Residential Zoning Districts", AND to amend Section 275-33, Permitted density by removing subsection B.(4)Workforce ownership housing and all of its subsections (a-f) in its entirety.

[This amendment is intended to eliminate the provisions for the one-third density bonus for adding workforce ownership housing units to single family residential cluster developments in the Residential & Agricultural District (R&A) and the General Residential District (GR).]

[THE PLANNING BOARD **DOES/DOES NOT** SUPPORT PASSAGE OF THIS AMENDMENT.]

Amendment No. 6

Are you in favor of the adoption of Amendment No. 6 as proposed by petition of Jane Aitken and others to amend the Town of Bedford Code, Chapter 275, Attachment 1, Table 1, Table of Dimensional Regulations to replace footnote #17 with: "Each building in the Commercial Zone shall be limited to two floors with no more than 25,000 square feet per floor."

[This amendment is intended to reduce the maximum building footprint allowed in the Commercial District (CO) from 40,000 to 25,000 square feet per floor and to limit the height of buildings to not more than two floors.]

[THE PLANNING BOARD **DOES/DOES NOT** SUPPORT PASSAGE OF THIS AMENDMENT.]

Amendment No. 7

Are you in favor of the adoption of Amendment No. 7 as proposed by petition of Dick Anagnost and others to amend the Town of Bedford Code, Chapter 275, ZONING, Article II, ESTABLISHMENT of DISTRICTS, Section 275-8, Location of Districts as follows: To Amend the Official Zoning Map of The Town of Bedford, New Hampshire by rezoning a portion of the following parcels of land from the current classification of Residential/Agricultural (R&A) to Commercial (CO) and to remove the properties from the Historic District: 137 Bedford Center Road, Tax Map 20 Lot 41 AND 209 Route 101 Tax Map 20 Lot 39, which together the two (2) lots consist of a combined total of approximately 14.36 acres. Each lot has a large portion of the land already zoned CO, and this amendment would move the CO zoning boundary to the northern property line, which would place the entire parcel in CO District instead of having a small portion of each lot R&A. The Historic District zoning line would also be moved to the northern property boundary to remove the commercially zoned land from the Historic District. Each lot currently has structures on them and the land area is bordered by Wallace Road, Route 101, Bedford Center Road, and commercial property to the south, east, and west, and Residential/Agricultural property to the north, which is also buffered by wetlands.

The owner of record is 209 Route 101 Realty LLC.

[This amendment is intended to rezone the rear portion of two adjacent parcels at 137 Bedford Center Road (Lot 20-41) and 209 Route 101 (Harvest Market Plaza, Lot 20-39), from Residential Agricultural (R&A) to Commercial (CO), such that both parcels are entirely within the Commercial District (CO) and to remove this land from the Historic District.]

[THE PLANNING BOARD **DOES/DOES NOT** SUPPORT PASSAGE OF THIS
AMENDMENT.]