

Legal Notice
Town of Auburn, New Hampshire
Planning Board

The Auburn Planning Board will conduct a public hearing on **Wednesday, January 8, 2020** at 7:00 p.m. at the Auburn Town Hall, 47 Chester Road, Auburn, New Hampshire.

The purpose of the public hearing is to present a proposed amendment to the Town of Auburn Zoning Ordinance prepared by the Planning Board, and to solicit comments and discussions relative to the proposed amendments.

Delete Article 8- Reserved for Elderly Housing Regulations its entirety and replace it with **Article 8- 55 and Older Housing Regulations**. If adopted, the ordinance will expand and/or redefine requirements for housing designed for 55 and older residents including, but not limited to, decreasing the minimum and increasing the maximum sizes of housing units; reducing the density allowance for housing units; establishing requirements for road construction; requiring covered parking spaces; and specifying additional requirements for landscaping, fire suppression systems, outdoor lighting, building design and site layout.

A complete copy of the text of the proposed change to the Auburn Zoning Ordinance is available for public inspection at the Auburn Town Offices, 47 Chester Road, Auburn, N.H. and may also be found at the Town of Auburn's website www.auburnnh.us.

Dated:

December 16, 2019

Signed:



**Ronald Poltak, Chairman
Town of Auburn Planning Board,**

ARTICLE 8 - 55 AND OLDER HOUSING REGULATIONS

8.01 Authority Statement:

This article is adopted pursuant to the provisions of NH RSA 674:16 and 674:21, Innovative Land Use Controls, and is adopted to effectuate the Master Plan for the Town of Auburn.

The Auburn Planning Board, under the authority of this Article, may grant the Applicant relief from the requirements of this article as they deem appropriate and necessary.

8.02 Purpose:

The regulations in this section have been established for the purpose of providing for the construction of housing units, suitable for occupancy by persons 55 and older, while ensuring compliance with local planning standards, land use policies, good building design and the requirements for the health, safety, and general welfare of the inhabitants of Auburn.

8.03 Objectives and Characteristics:

The 55 and Older Housing Regulation is designed to permit an increased residential density, greater than allowed with conventional development in all zoning districts, with the exception of the Rural (R) district. This section is intended to set criteria that assure a project for persons 55 and older will address the needs specific to the residents of the project. These 55 and Older Housing regulations supersede conflicting regulations as to dimensional requirements, (including but not limited to lot size, frontage requirements, setbacks, roadway standards, and buffer zones), and design standards found in the Town of Auburn Zoning Ordinance or other Town Regulations, with the exception of any requirement pertaining to architectural design that is intended to create uniformity in appearance or design of building style or façade.

All 55 and older housing developments under this section must be established and maintained in compliance with the United States Fair Housing Act, as amended, 42 U.S.C. Sec. 3602, *et seq.* and RSA 354-A:15 *et seq.* The Planning Board may require assurance of compliance with those statutes by deed restriction or other instrument as a condition of approval. Such assurance may consist of a written plan submitted by the Developer, which sets forth: (a) the regulations under those statutes whereby a project may lawfully discriminate in favor residents 55 and older; and (b) how the developer complies with, or proposes to comply with, such requirements, including covenants and other deed restrictions and other to-be-recorded agreements.

8.04 Permitted Uses

- (1) 55 and Older Housing Units, and
- (2) 55 and Older Housing Support Facilities

8.05 Definitions:

The following words and terms pertain only to the 55 and Older Housing Regulations set forth herein. All words and terms not defined here will assume the definition found elsewhere in the Auburn Zoning Ordinance.

- (2) 55 and Older Housing Development: Housing units intended for and occupied by persons 55 years of age and older as such housing is permitted and regulated by federal and state law. These regulations shall not prohibit caregivers from utilizing accessory dwelling units; or in the case of housing units financed wholly or partially with Federal funds, housing units occupied by persons 55 and older, as defined in the funding program. Such programs must have the approval of the United State Department of Housing and Urban Development as one designed and operated to assist persons 55 and older. Housing contained in such a development shall feature predominately small, single-family units, and multi-family units.
- (3) Housing Unit: An autonomous unit providing the necessary requirements for independent living, containing not more than two bedrooms.
- (4) Bedroom: A room with an interior door, exterior windows (satisfying emergence egress requirements) and a built-in closet.
- (5) Useable Land: Land which is not a water body, wetland, or steep slope exceeding twenty-five (25%) percent.

8.06 Review

Any proposed 55 and older housing development shall be subject to the Town of Auburn Site Plan Review Regulations and the Subdivision Regulations, as amended.

8.07 Regulations and Design Criteria

- (1) Rural (R) District: 55 and older housing developments shall not be permitted in the Rural District.
- (2) Project Size: The minimum size tract of land for a 55 and older housing development shall be ten (10) acres of land with a minimum of five (5) acres of usable land. The tract shall have a minimum of fifty (50) foot frontage on a Class V or better road. If, in the discretion of the Planning Board, a second access or exit road is required for traffic circulation or safety, then the Planning Board shall require a minimum of fifty (50) feet of additional frontage on a Class V or better road.
- (3) Maximum Allowable Attached Units: The maximum allowable attached units shall be four (4), with single and duplex units preferred.
- (4) Building Set Back: Each multi-unit building shall have a minimum separation

of fifty (50) feet from any other building unless there is an accessible fire hydrant or fire cistern located in accord with fire codes, in which case each multi-unit building able to access a hydrant or fire cistern shall have a minimum separation of thirty (30) feet. Each building shall have a minimum setback of thirty (30) feet from the edge of pavement of the internal road system. There shall be a setback of one hundred fifty (150) feet from existing public roadways for all housing units and support structures.

- (5) Buffers: The Planning Board shall establish a buffer zone around the entire perimeter of the 55 and Older Housing Project site based on the following criteria:
- (a) Topographic features of the site and adjacent sites;
 - (b) Use or zoning classification of abutting land;
 - (c) Degree of visual barrier provided by the proposed buffer; and
 - (d) Degree of screening provided by the developer.

In no event shall the buffer zone be less than one hundred (100) feet. Natural, existing, wooded, buffers are preferred; however, the buffers for each project will be individually considered by the Planning Board, as part of the review and approval process.

- (6) Wetland Buffer Zones: The wetland buffer zones shall be reduced to the following:
- a. Level 1 wetlands = 50'
 - b. Level 2 & 3 wetlands = 25'

Note: Wetland buffer zones shall be "no-disturb" buffers and the buffers shall be delineated with placards every 100' and shall be placed on existing trees or steel t-posts.

- (7) Parking: There shall be two (2) indoor/garage parking spaces and one visitor parking space per dwelling unit. The Planning Board shall take into consideration the needs of persons 55 and older when considering the location of parking spaces and the parking area's access to the unit(s) it serves. Depending on the size and layout of the development, the Board may require additional visitor parking spaces.

- (8) Building Height: Building height shall be limited to one story unless the following criteria are met:
- (a) The second floor has an at-grade access; or
 - (b) The second and third floor is served by an elevator.

The maximum building height shall not exceed thirty-five (35) feet for single-family and multi-family units and support facilities.

- (9) Housing Units: All housing units shall have a maximum of two (2) bedrooms. The minimum unit size shall be nine hundred (900) square feet and the maximum dwelling size shall not exceed two thousand (2,000) square feet. A site-specific floor plan for each unit design shall be part of the approval process.
- (10) Allowed Support Facilities: During the Planning Board's plan review hearings, the needs of persons 55 and older shall receive priority consideration when approving any support facilities. The Planning Board may require support facilities for the 55 and Older Housing Project, including, but not limited to, the following:
- (a) Meeting rooms and/or clubhouse
 - (b) Gated, fenced and screened common parking are for RV's boats, trailers, etc.
 - (c) Indoor and outdoor recreational facilities, such as card rooms, swimming pool, playing fields, trails etc.;
 - (d) Postal sub-station;
 - (e) Library;
 - (f) Retail shops, not to exceed three thousand (3,000) square feet.
- (11) Road Construction: All roads, sidewalks and drives shall be privately owned and maintained. Easements for emergency access and releases from liability shall be given to the Town in a form acceptable to Town Counsel. Sidewalks shall be provided in a manner satisfactory to the Planning Board. Street construction shall be in accordance with the Town of Auburn Subdivision Regulations, with the exception of the following design criteria:
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|---|-----------------------------------|
| Design speed: | 25 mph |
| Min. angle of intersection: | 75 degrees (90 degrees preferred) |
| Min. street grade: | 1 % |
| Max. street grade: | 8% |
| Max grade within 50-feet of intersection: | 3% |
| Min. K-values for vert. curves: | |
| Sag: | 26 |
| Crest: | 12 |
| Min. intersection sight dist.: | 280' |
| Min. pavement/shoulder width (uncurbed) | 20'/2' |
| Min. pavement width (Curbed): | 22' |
| Min. sidewalk width: | 5' (min. 1-side) |
| 2.5" Caliper Deciduous Street Trees | Both Sides, every 100' |
| Maximum dead-end road length | Determined by Board |
- (12) Landscaping Design & Requirements: A landscaping plan shall be prepared and submitted by a NH Licensed Landscape Architect. The plan shall be evaluated considering the size, density, and design of the 55 and Older Housing Development. The Applicant shall address the Board's comments and concerns prior to the approval of the application.

- (13) Fire suppression systems: Shall be designed to standards approved by the Auburn Fire Department and are required in all housing units. Prior to conditional or final approval, written approval from the Fire Department shall be obtained.
- (14) Building/Fire Codes: All construction must comply with the Code of Barrier-Free Design for the State of New Hampshire, New Hampshire Fire and Life Safety Codes, and Auburn Building Codes.
- (15) Protective Well Radii – All protective well radii shall meet the most current NHDES requirements for drinking water, potable, wells & water sources.
- (16) General Design Character: The design and site layout of the proposal shall be consistent with the rural character of the Town, maximize the privacy of the housing units, preserve the natural characteristics of the land, and consider such factors as orientation, views and recreational opportunities. The design shall make provision for pedestrian access throughout the site.
- (17) Outdoor Site Lighting: The outdoor site lighting shall adhere to the lighting regulations specified in the Subdivision and Site Plan Regulations. The Planning Board may require additional lighting or low-level (decorative) lighting along the access road and throughout the project site.
- (18) Architectural Design: Color renderings and floor plans, prepared by a NH Licensed Architect, shall be provided for review and approval.

8.08 Site Ownership

At the time of application, the entire site shall either be under one owner, or documents shall be submitted with the application that show all owners of record have applied to the Planning Board for consolidation, pending approval of the site plan.

8.09 Agreements, Restrictions and Provisions

All deed restrictions, condominium documents, homeowner association documents, organization provisions and other agreements for the methods of management and maintenance of common lands, roads, utilities and support facilities shall be approved by the Planning Board. The site must be made subject to permanent recorded covenants describing the occupancy of each housing unit. The authority for and obligation of enforcement shall be the responsibility of the owner or owners' association. Additionally, the authority, but not the obligation, to enforce deed restrictions or other agreements referred to in this Section shall be granted to the Town of Auburn.

8.10 Density

Maximum density shall be determined as follows:

- (1) From the gross tract area subtract the following: slopes greater than twenty-

five (25%) percent, wetlands, streams and bodies of water. The remaining tract area is the “usable land” and shall be used for density calculations.

- (2) 55 and Older Project developments with on-site wells and septic systems shall have a density of no greater than four (4) bedrooms per acre of the usable land.
- (3) 55 and Older Project developments with Public Utility Commission regulated public water system and sewer may have a density of no greater than six (6) bedrooms per acre of the usable land.
- (4) Housing units shall have a maximum of 2 bedrooms and shall be specifically designed for occupancy by persons 55 and older.

The allowed number of units may be grouped or dispersed over the parcel in any fashion within the limits imposed by this ordinance and existing septic system and well siting requirements.

8.11 Maximum Number of Units

The total number of 55 and older housing units approved under the provisions of this Ordinance shall not exceed ten (10%) percent of the total number of non-55 and older housing units then currently existing in the Town. This requirement shall be reviewed by the Planning Board on an annual basis to determine the need for 55 and older housing in the region and the Town’s proportionate share.