

ARTICLE 2

Shall the Town adopt Amendment No. 1, as proposed by the Goffstown Planning Board, by removing all references to residential use, multi-family use, and mixed-use residential as permitted uses in the Commercial Industrial Flex Zone (CIFZ) in Sections 3.11, 5.9, 4.3, and 2.3.9. Also, add a sentence in Section 2.3.9, “Residential uses are not allowed in the Commercial Industrial Flex Zone (CIFZ)”?

Recommended by the Planning Board 7-0-0.

ARTICLE 3

Shall the Town adopt Amendment No. 2, as proposed by the Goffstown Planning Board, by modifying zoning restrictions for the location of Tattoo Parlors, treating them in a manner similar to beauty shops, barbershops, and similar personal services?

Recommended by the Planning Board 7-0-0.

ARTICLE 4

Shall the Town adopt Amendment No. 3, as proposed by the Goffstown Planning Board, by removing Section 15.3.7.5 Report from the Planning Board, in its entirety, where Zoning Board applications relating to (a) a commercial or industrial project or use, or (b) a residential use of three or more units for which Site Plan approval will be required, are delivered to the Planning Board for comment?

Recommended by the Planning Board 7-0-0.

ARTICLE 5

Shall the Town adopt Amendment No. 4, as proposed by the Goffstown Planning Board, by removing Section 15.8, Violations, in its entirety and refer to the NH State Statutes for violation procedures?

Recommended by the Planning Board 7-0-0.

ARTICLE 6

Shall the Town adopt Amendment No. 5, as proposed by the Goffstown Planning Board, by adding Section 6.6.4. Electronic Message Centers (EMC) in order to address the maximum brightness permitted for EMC’s.

Recommended by the Planning Board 7-0-0.

ZONING ORDINANCE FOR GOFFSTOWN, NEW HAMPSHIRE

As Amended ~~March 8, 2022~~ March 14, 2023



PLANNING BOARD MEMBERS:	ZONING BOARD OF ADJUSTMENT MEMBERS:
3/2022 – 3/2023	3/2022 – 3/2023
Timothy Redmond, Chair Kimberly Peace, Vice Chair Philip D’Avanza Barbara Griffin Karen Hewes James Raymond Collis Adams, Select Board Rep	Gail Labrecque, Chair Leonard Stuart, Vice Chair Jason Cote Denise Langley Alan Yeaton
ALTERNATES:	ALTERNATE:
Gail Labrecque David Pierce	Judy Allain

the community while allowing for growth at a scale and intensity consistent with a village setting. Mixed residential/non-residential use is also allowed.

2.3.8 Commercial District (C) – The C District is established to provide for village-scaled commercial service, and similar uses, in areas that are, or are anticipated to be, served by municipal utilities, and where access is available from arterial and collector streets. The C District is intended to encourage commercial and service uses to the mutual advantage of both consumers and merchants, thus promoting public convenience and prosperity. Residential uses are not allowed in this district except as part of mixed-use projects.

2.3.9 Commercial Industrial Flex Zone District (CIFZ) – The CIFZ District is established to provide for larger-scaled business parks, commercial service, light industries and similar uses, in areas where access is available from arterial and collector streets. The CIFZ District is intended to encourage commercial, industrial and service uses to the mutual advantage of both consumers and merchants, thus promoting public convenience and prosperity. ~~Mixed residential/non-residential uses are allowed.~~ Residential uses are not allowed in the Commercial Industrial Flex Zone (CIFZ).

2.3.10 Industrial District (I) – The I District is established to provide for larger-scaled development of manufacturing, construction, research and development, wholesaling, warehousing, distribution and similar uses. Residential uses are not allowed in this district.

2.4 The Zoning Map - *The Zoning Map shall consist of a set of maps including the Zoning Base District Map and certain Overlay District Maps, the originals of which shall be kept in the office of the Town Clerk, and shall bear the Town Seal.*

2.4.1 The Zoning Base District Map - The Zoning Base District Map shall display the boundaries of all of the Base Districts.

2.4.2 The Zoning Overlay District Maps - The Zoning Overlay District Maps are a series of topical maps displaying certain, but not all, of the Overlay Districts, including:

2.4.2.1 Flood Hazard District (FH) - The Flood Insurance Rate Map (FIRM), and the Flood Boundary and Floodway Map (Floodway Map), for the Town of Goffstown, New Hampshire - Hillsborough County, as published by the Federal Emergency Management Agency, with an effective date of September 25, 2009; and *(Revised 3/10/20)*

2.4.2.2 Historic District (HI)- The Historic District Map displaying the limits of lands that are subject to the provisions of the HI District as specified in Section 13.4, Historic (HI)_District.

Principal Uses		Base Districts										Supplemental Standards
Use #	Use Category and Description	CO	A	R-1	R-2	RSBO-1	RSBO-2	VC	C	CIFZ	I	(For all uses, refer first to Section 4, Dimensional Standards)
A	Residential											
1	Single family dwelling	P	P	P	P	P	P	P	-	-	-	
2	Two-family dwelling	-	P*	P	P	P	P	P	-	-	-	
3	Multi-family dwelling	-	-	SE	SE	CU	CU	CU	-	-	-	Section 5.15, Section 5.9 and Section 5.21
4	Manufactured home	-	-	-	-	-	-	-	-	-	-	Section 9
5	Manufactured Home Park	-	CU	-	-	-	-	-	-	-	-	Section 9
6	Dwelling units as part of a mixed-use (residential and nonresidential) building or project	-	-	-	-	CU	P	P	CU	CU	-	Section 5.15 and Section 5.9
7	Conversion from single family dwelling to Duplex	-	SE	SE	SE	P	P	P	-	-	-	

* Two-family dwellings are allowed where a lot has 3 acres and 300-feet of frontage, or otherwise meets Section 4.3, the Table of Dimensional Regulations.

Principal Uses		Base Districts										Supplemental Standards
Use #	Use Category and Description	CO	A	R-1	R-2	RSBO-1	RSBO-2	VC	C	CIFZ	I	(For all uses, refer first to Section 4, Dimensional Standards)
F	Retail Trade (except motorized vehicle and restaurant uses)											
1	Sale of goods with no outdoor storage or display of inventory, not otherwise listed below.	-	-	-	-	-	CU	P	P	P	-	
2	Outdoor display of merchandise or storage equal to not more than 10% of the building area, or seasonal outdoor display	-	-	-	-	-	-	CU	P	P	-	
3	Plant and garden supply or similar use with outside storage or display of inventory greater than 10% of the associated building area	-	SE	-	-	-	-	CU	P	P	-	
4	Beauty shop, barber shop, tattoo parlor , and similar personal services	-	-	-	-	CU	CU	P	P	P	-	Section 5.21
5	Lumber yards	-	-	-	-	-	-	-	P	P	P	
6	Adult video or book store, adult motion picture theater, or adult theater	-	-	-	-	-	-	-	SE	-	-	Section 5.3
7	Tattoo parlor	-	-	-	-	-	-	-	SE	-	-	Section 5.4
8	Drive-through service with any retail establishment	-	-	-	-	-	-	CU	CU	CU	SE	Section 5.20

3.12 Table of Accessory Uses

The Table of Accessory Uses is organized according to a functional relationship to principal uses, as follows:

- A. Accessory to a Principal Residential Use
- B. Accessory to a Principal Non-residential Use

Principal Uses		Base Districts										Supplemental Standards
Use #	Use Category and Description	CO	A	R-1	R-2	RSBO-1	RSBO-2	VC	C	ClFZ	I	(For all uses, refer first to Section 4, Dimensional Standards)
A	<i>Accessory to Principal Residential Use</i>											
1	Home occupation	P	P	P	P	P	P	P	P	P	-	Section 5.12 and Section 5.21
2	Day care home (3)*	P	P	P	P	P	P	P	P	P	-	Section 5.12 and Section 5.21
3	Family day care home (6+3)	P	P	P	P	CU	CU	-	-	-	-	Section 5.7 and Section 5.21
4	Family group day care home (12+5)	-	CU	CU	CU	CU	-	-	-	-	-	Section 5.7 and Section 5.21
5	Accessory building and facility such as garage, carport, tool shed, non-commercial greenhouse, workshop, swimming pool, tennis court, shed and portable structure, including plastic and canvas covered framed structure	P	P	P	P	P	P	P	P	P	-	Section 5.1 and Section 5.21
6	Accessory attached dwelling unit	SE	SE	SE	SE	SE	CU	CU	-	-	-	Section 5.2 and Section 5.21
7	Residential wind turbine	P	P	-	-	-	-	-	-	-	-	Section 5.23
8	Solar Energy System											Section 5.24

4.3 Table of Dimensional Regulations - refer to notes below table for numbers in brackets (i.e. [1]).

Base District	Availability of Town Utilities	Minimum Lot Size	Minimum Lot Frontage	Maximum Number of Dwelling Units (DU) per Buildable Acre ^[1] for Duplex and Multi-Family Lots	Minimum Setback Requirements ^[4]				Maximum Building Coverage	Maximum Building Height	Maximum Non-Agricultural and Non-Residential Building Footprint
					Front	Rear	Side	Other			
			Feet	per Ac ^[2]	Feet	Feet	Feet	Feet	Percent	Feet	Sq. Feet
Conservation and Open Space (CO)	N/a	5.0 Ac	300	0.5 DU	100	50	50	-	5%	35	5,000
Agricultural (A)	N/a	2.0 Ac	200	0.8 DU ^[3]	35	30	25	-	10%	35	5,000
Medium Density Residential (R-1)	None	1.0 Ac	150	1 DU	25	30	15	Side Street same as Front Street on corner lot	25%	35	5,000
	Either	1.0 Ac	150	2 DU							
	Both	0.5 Ac	100	^[7]							
High Density Residential (R-2)	None	40,000 SF	100	1 DU	25	30	15	Side Street same as Front Street on corner lot	25%	35	5,000 ^[5]
	Either	20,000 SF	100	4 DU							
	Both	10,000 SF	100	^[8]							
Residential Small Business Office (RSBO-1)	None	1.0 Ac	150	1 DU	25 ^[6]	30	15	Side Street same as Front Street on corner lot	25%	35	5,000
	Either	1.0 Ac	150	2 DU							
	Both	0.5 Ac	100	6 DU							
Residential Small Business Office (RSBO-2)	None	40,000 SF	100	1 DU	25	30	15	Side Street same as Front Street on corner lot	25%	35	8,000
	Either	20,000 SF	100	4 DU							
	Both	10,000 SF	100	8 DU							
Village Commercial (VC)	N/a	5,000 SF	50	15 DU	10	25	10	-	90%	45	8,000 ^[5]
Commercial (C)	N/a	5,000 SF	50	15 DU	10	25	10	50 where abutting residential zoning district	40%	45	15,000 ^[5]
Commercial Industrial Flex Zone (CIFZ)	N/a	1.0 Ac	50	15 DU	25	25	10	50 where abutting residential zoning district	40%	45	25,000 ^[5]
Industrial (I)	N/a	2.0 Ac	50	N/a	50	25	25	50 where abutting residential zoning district	50%	45	50,000 ^[5]

[1] Buildable area – See glossary.

[2] Reduce residential density for mixed-use properties:
1du/ac to 0.5du/ac; 4du/ac to 3du/ac; 8du/ac to 6du/ac and 15du/ac to 10du/ac

[3] Notwithstanding maximum density, a two-family dwelling is allowed if the lot has both 3 acres and 300' frontage.

5.2.6 Exterior construction and materials for an accessory dwelling unit shall be uniform with the single-family residence;

5.2.7 The lot on which the accessory dwelling unit is located shall meet the minimum lot size requirements, and the accessory dwelling unit shall meet the maximum height and minimum yard setback requirements, as provided in Section 4.3, Table of Dimensional Regulations; and

The single-family residence, or the accessory dwelling unit shall be, and shall remain, owner occupied.

5.3 Adult Video or Book Store, or Adult Theaters - An Adult Video or Book Store, an Adult Motion Picture Theater, or an Adult Theater shall be permitted subject to the following conditions:

5.3.1 The use shall be located no closer than one thousand (1,000) feet from any school, church, or park, or from the boundary of the R-1, R-2, or A District; and

5.3.2 The use shall not be located closer than one thousand (1,000) feet from any other Adult Video/Book Store, Adult Motion Picture and Adult Theaters.

~~***5.4 Tattoo Parlor - A Tattoo Parlor shall be permitted subject to the following conditions: (1) The use shall be located no closer than 1,000 feet from any school, church or park or from the boundary of the R-1, R-2 and A Districts, and (2) The use shall not be located closer than 1,000 feet to another Tattoo Parlor.***~~

5.5 Agricultural and Horticultural Operations

5.5.1 The raising and keeping of livestock and poultry shall be conducted in accordance with best management practices adopted by the commissioner of agriculture, markets, and food and with federal and state laws, regulations, and rules.

5.5.2 The raising or keeping of livestock and poultry as an accessory use of a principal residential use is subject to the following conditions:

5.9 Mixed Use Development

5.9.1 In the C, ~~CFZ~~ and VC Districts - Multi-family dwelling units are allowed on the upper floors within a mixed occupancy building that contains other permitted non-residential uses.

In the C and VC Districts - Multi-family dwelling units are also allowed in residential buildings, or on the ground floor within a mixed occupancy building, where the Planning Board finds that multi-family dwelling unit location does not cause (1) excessive fragmentation of the commercial district, or (2) destruction of the perceived pedestrian continuity of the commercial district.

In the C and ~~CFZ~~ Districts where multi-family dwelling units are also allowed in residential buildings, or on the ground floor within a mixed occupancy building, the gross square footage of the residential use shall not be larger than the gross square footage of the non-residential use. This maximum percent limitation of residential use in mixed-use buildings or projects may be waived by Conditional Use Permit, with a finding that the proposed plan is reasonable given physical constraints of development sites and/or access limitations.

5.9.2 In the RSBO-2 District - Multi-family dwelling units are allowed within a mixed occupancy building containing other permitted non-residential uses.

5.10 Dwelling for a Resident Caretaker - A dwelling unit may be allowed as an accessory use to a principal non-residential use in order to provide quarters for a caretaker, security personnel, custodial personnel, or other similar purpose.

5.11 Farm Market or Roadside Stand - Roadside stands may be allowed for the sale of farm products raised on the premises, provided that at least five (5) off-street parking spaces are provided and that no stand is located nearer than fifteen (15) feet to any street or lot line.

5.12 Home Occupation - *An accessory use of a dwelling unit for gainful employment is permitted subject to each of the following conditions:*

5.12.1 The home occupation shall be clearly incidental and subordinate to the use of the dwelling unit as a residence.

6.6.3 Any sign that is located within two hundred fifty (250) feet of a Residential (R-1 & R-2), Agricultural (A) or Conservation Open Space (CO) district boundary shall only be illuminated by a shielded external white light. No internal illumination is permitted.

6.6.3.1 Table of Maximum Sign Dimensions:

District	Building Signs	Freestanding Signs			
	Maximum Sign Area (SF)	Maximum Sign Area Per Side (SF)	Maximum Height (ft)	Yard Setbacks	
				Front	Side
Commercial (C)	*	65	16	10	**
Commercial Industrial Flex Zone (CIFZ)	*	65	16	10	**
Industrial (I)	*	100	16	15	**
Residential, Small Business Office-1 (RSBO-1)	8 ***	8 ***	7	10	10
Residential, Small Business Office-2 (RSBO-2)	0	8	7	10	10

* See Section 6.6.2

*** Either building or free-standing, but not both.

** The side yard setback

Amended 3/12/19

6.6.4. Electronic Message Centers (EMC) The maximum brightness permitted between dusk and dawn, shall be no higher than 700 candelas per square meter or 700 nits. In addition to the 700 nits maximum luminance, EMC’s shall come equipped with dimming technology that automatically adjusts the display’s brightness based on light conditions. The manufacturer’s specifications shall be included in the submittal of the sign permit application. Furthermore, if questions arise regarding EMC brightness level in the field, the owner shall access the EMC software, display a black background with white text image on the sign, and confirm the existing brightness level inside the EMC software; if it is over 700 nits, it shall be adjusted to bring the brightness level downward until below 700 nits or a notice of violation shall be issued to the owner.

6.6.54 In the Commercial (C) and Commercial Industrial Flex Zone (CIFZ) districts, one portable A-frame sign per business, not to exceed six (6) square feet of sign area per side, may

15.3.6.3 Off Street Parking. Appeals where off street parking cannot reasonably be provided on the same lot as the principal building or use. The ZBA may order that such parking be permitted on another lot provided that the other lot is not removed further than three hundred (300) feet from the lot on which the principal building or use is located.

15.3.7 Appeal and Application Procedure.

15.3.7.1 Fees - At the time of application, a non-refundable fee shall be submitted together with the application to cover the costs of the advertising, notification, and processing of the application as well as any special investigative studies deemed necessary by the ZBA.

15.3.7.2 Deadline and Materials – No request for ZBA action shall be placed on the agenda of any meeting unless received at least fifteen (15) days prior to that meeting. Such application shall include the appropriate application form fully filled out, a complete list of the names and addresses of all abutters and any other parties entitled to notification, all plans and supplemental information required by the matter to be considered and the appropriate fee. Administrative appeals shall be filed in accord with the requirements of Sections 15.3.3.1 and 15.3.3.2.

15.3.7.3 Notification - A notice of a public hearing on an application shall be given not less than five (5) days before the date of the hearing by certified mail to the applicant, to all immediate abutters, and to any holders of conservation, preservation, or agricultural preservation restrictions on the property. Where a property is under a condominium form of ownership, notice shall be given to the officers of the condominium association as provided in RSA 356-B, Condominium Act. Notice shall also be given to the Zoning Code Enforcement Officer, and to the Planning Board. A public notice shall be placed in a newspaper of general circulation in the Town of Goffstown, not less than five (5) days before the date of the hearing.

15.3.7.4 Public Hearing - The ZBA shall hold a public hearing on the application. At the public hearing, the ZBA shall hear or receive oral or written testimony from the applicant and all abutters, and any non-abutters who can demonstrate that they are directly affected by the application upon which the hearing is being held. Representations made at the public hearing or material submitted to the ZBA shall be deemed to be conditions of any subsequent decision of the ZBA. The ZBA may convene or reconvene the public hearing at the site of the proposed use in order to permit observations concerning the site to become part of the record of the hearing and decision by the ZBA.

~~**15.3.7.5 Report from the Planning Board –** The Zoning Board shall deliver to the Planning Board a copy of any application relating to (a) a commercial or industrial project or use, or (b) a residential use of three or more units for which Site Plan approval will be required, for the~~

~~Planning Board's review and comment. Except in extraordinary circumstances requiring immediate action, the Zoning Board shall make no substantive decisions on the application until at least thirty (30) days thereafter. The Planning Board may submit a report or an advisory opinion to the ZBA, and may present testimony at the public hearing, on any application before the ZBA.~~

15.3.7.6 Report from the Conservation Commission - The Zoning Board shall deliver to the Conservation Commission a copy of any application relating to a variance request concerning wetlands setback, for the Conservation Commission's review and comment. Except in extraordinary circumstances requiring immediate action, the Zoning Board shall make no substantive decisions on the application until at least thirty (30) days thereafter. The Conservation Commission may submit a report or an advisory opinion to the ZBA, and may present testimony at the public hearing, on any application before the ZBA.

15.3.7.7 Action on the Application - The ZBA shall approve, deny, or approve with conditions, each application upon which a hearing has been held. Action on the application may be tabled by the ZBA from the date of the hearing to another meeting of the ZBA. A concurring vote of three members of the ZBA shall be necessary for a decision on an application.

15.3.7.8 Rehearing - Within thirty (30) days after a decision of the ZBA, any party to the action or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the decision, and must specify such grounds in the motion for rehearing. The ZBA may grant a rehearing if, in the opinion of the ZBA, there is good reason for such based on the grounds specified in the motion.

15.3.7.9 Subsequent Applications - Once an application has been denied by the ZBA, the same application may be considered as a new application by the ZBA if, and only if, the ZBA finds that the new application is materially different in nature and degree from the use or circumstances affecting the property that was considered in the prior application. The applicant bears the burden of providing evidence sufficient to allow the ZBA to find that a material change in circumstance has occurred such that the application should be considered as a new application.

15.3.7.10 Appeal to Superior Court - No appeal from any decision of the ZBA may be taken to the Superior Court unless the appellant has first made application for a rehearing as provided above.

15.4 Planning Board. The Planning Board shall have the authority to grant Conditional Use Permits (current statutory reference: RSA 674:21), regulate the subdivision of land (current statutory reference: RSA 674:35), review and act upon Site Plans (current statutory reference:

fire, explosion or other accidental or natural disaster. Such use shall only be permitted subject to state and local requirements for water supply and sewage disposal. No manufactured home placed on a lot pursuant to this provision shall attain the status of a vested nonconforming use. All such homes shall be removed from the premises upon completion of repairs to the residence, the issuance of a certificate of occupancy for the permanent residence or the passage of twelve (12) months, whichever event shall first occur. A certified foundation plan shall be provided for new structures prior to the issuance of a certificate of occupancy.

15.7 Zoning Code Enforcement Officer - The Zoning Code Enforcement Officer shall interpret, administer and enforce the provisions of this ordinance and perform such other duties as may be assigned. That officer is authorized to establish such administrative requirements, procedures and forms as may be reasonably necessary to obtain such information as will enable the proper and effective enforcement of the ordinance. Included within the enforcement of this ordinance is enforcement of the specific conditions of approval attached to any action of the ZBA, Planning Board or HDC.

~~**15.8 Violations** - Whenever a violation of this ordinance occurs or is alleged to have occurred, a complaint stating fully the cause and/or basis therefore may be filed with the Zoning Code Enforcement Officer by any person. Such complaint shall be recorded in the Zoning Code Enforcement Officer's office and shall be investigated. Upon the determination that a violation actually exists the Zoning Code Enforcement Officer shall take such action as will lead to the correction of that violation. Such action may include, but is not limited to, oral and/or written notices of violation and the filing of the appropriate complaint or other pleading in a court having jurisdiction of the matter. Appropriate fines and/or civil penalties or other sanction or penalty may be sought in connection with any such court proceeding.~~

Section 16 - IMPACT FEES FOR PUBLIC CAPITAL FACILITIES

16.1 Authority and Applicability

16.1.1 This Article is authorized by New Hampshire RSA 674:21 as an innovative land use control. The administration of this Article shall be the responsibility of the Planning Board. This Article, as well as regulations and studies adopted by the Planning Board consistent with