

AMHERST PLANNING BOARD
NOTICE OF PUBLIC HEARING
ZONING ORDINANCE AND CAPITAL IMPROVEMENTS PROGRAM

Notice is hereby given that the **AMHERST PLANNING BOARD** will hold **PUBLIC HEARINGS** on **WEDNESDAY, December 18, 2019**, starting at **7:30 P.M.** in the **AMHERST TOWN HALL, AMHERST, NH.**

PUBLIC HEARING AT 7:30 P.M. ON THE CAPITAL IMPROVEMENTS PROGRAM, PLAN OF 2021 - 2026.

Copies of the Plan are available in draft form at the Office of Community Development during regular business hours, and can be found on the Town of Amherst website www.amherstnh.gov.

IMMEDIATELY FOLLOWING, PUBLIC HEARING TO CONSIDER THE PROPOSED AMENDMENTS TO THE AMHERST ZONING ORDINANCE FOR 2020 BALLOT VOTE, AS FOLLOWS:

1. To amend Article IV, Zoning Regulations, Section 4.19 Impact Fee Ordinance, Sub-section G. Impact Fee Establishment Procedure, to delete the first sentence in its entirety and to delete the word "then" from the current second sentence; amend Article IV, Zoning Regulations, Section 4.19 Impact Fee Ordinance, Sub-section G. 1. Impact Fee Establishment Procedure, to delete the sentence in its entirety; and amend Article IV, Zoning Regulations, Section 4.19 Impact Fee Ordinance, Sub-section O. 1. Applicability of Impact Fees, by replacing the words "who is not vested" with the words "which is not covered under an exemption".
2. To amend Article VI, Administration, Section 6.3 Board of Adjustment, Sub-section G. Time Limits of Special Exceptions and Variances, to add a sub-section entitled Scheduled Termination of Special Exceptions and Variances, that would provide for the termination of all special exceptions and variances that were authorized before August 19, 2013, and that have not been exercised.

Copies of the full text of the 2020 Amendments to the Amherst Zoning Ordinance proposed by the Planning Board are available free of charge from the Office of Community Development during regular business hours, are posted at the Town Hall for viewing purposes only, and can be found on the Town of Amherst website www.amherstnh.gov.

12/6/19

AMHERST PLANNING BOARD

Draft Dated: December 5, 2019

2020 AMENDMENTS TO THE AMHERST ZONING ORDINANCE

PROPOSED BY THE AMHERST PLANNING BOARD

FOR BALLOT VOTE AT THE 2020 TOWN MEETING

The amendments to the Amherst Zoning Ordinance proposed by the Amherst Planning Board are outlined below. *Additions* are shown in **bold italic text** and the ~~deletions~~ are shown in ~~strikethrough text~~.

PLANNING BOARD PROPOSED AMENDMENT #1:

1. *Amend Article IV, Zoning Regulations, Section 4.19 Impact Fee Ordinance, Sub-section G. Impact Fee Establishment Procedure, by deleting the first sentence in its entirety and deleting the word "then" from the current second sentence; amend Article IV, Zoning Regulations, Section 4.19 Impact Fee Ordinance, Sub-section G. 1. Impact Fee Establishment Procedure, by deleting the sentence in its entirety; and amend Article IV, Zoning Regulations, Section 4.19 Impact Fee Ordinance, Sub-section O. 1. Applicability of Impact Fees, by replacing the words "who is not vested" with the words "which is not covered under an exemption", as follows:*
- G. **IMPACT FEE ESTABLISHMENT PROCEDURE:** ~~In order to establish an impact fee, the Selectmen shall identify projects eligible for impact fee funding as indicated in the Capital Improvements Program, as, from time to time, amended. The Selectmen shall then prepare a report describing a methodology or basis for calculating impact fee assessments and an Impact Fee Schedule, in accordance with RSA 674:21, and this ordinance.~~
 1. ~~A determination of the number of building permits that will need to be issued in order to finance the impact fee.~~
- O. **Applicability of Impact Fees.**
 1. Any person or agent, who after the effective date of this ordinance, seeks to undertake new development within the Town of Amherst, New Hampshire, by applying for site plan approval, subdivision approval or a building permit and ~~who is not vested~~ **which is not covered under an exemption** pursuant to RSA 674:39, is hereby required to pay the appropriate Impact fees in the manner set forth in this ordinance, in accordance with any Impact Fee Schedule adopted by the Board of Selectmen.

RATIONALE:

This proposed amendment would delete the requirement that projects eligible for impact fee funding have to be included in the Capital Improvements Program. Deleting sub-section G. 1. is proposed because it would be difficult to predict how many building permits would be needed to finance an impact fee when there may be different fees for residential and commercial development and it is impossible to know how many permits will be applied for at any given time. Changing the wording of sub-section O. 1. is proposed because RSA 674:39 is amended periodically and the time periods included therein may change. If the time periods for vesting are not the same as the time periods for expending collected impact fees, there may be a conflict. This proposed amendment refers instead to the exemptions provided in RSA 674:39 and would avoid any timing conflicts.

PLANNING BOARD PROPOSED AMENDMENT #2:

Amend Article VI, Administration, Section 6.3 Board of Adjustment, Sub-section G. Time Limits of Special Exceptions and Variances, to add a sub-section entitled Scheduled Termination of Special Exceptions and Variances, that would provide for the termination of all special exceptions and variances that were authorized before August 19, 2013, and that have not been exercised, as follows:

Scheduled Termination of Special Exceptions and Variances

Pursuant to RSA 674:33 I-a. (b), and RSA 674:33 IV. (c), all variances and special exceptions that were authorized by the Amherst Zoning Board of Adjustment pursuant to the Amherst Zoning Ordinance and RSA 674:33 before August 19, 2013, and that have not been exercised, shall terminate according to the following procedure:

- 1. Upon adoption of this amendment, the Planning Board shall post notice of the termination in the Town Hall. The notice shall be posted for one year and shall prominently state the expiration date of the notice.***
- 2. The notice shall state that special exceptions and variances authorized before August 19, 2013, are scheduled to terminate, but shall be valid if exercised within two years of the expiration date of the notice or as further extended by the Zoning Board of Adjustment for good cause.***

RATIONALE:

RSA 674:33 was revised in 2018 to allow local zoning ordinances to be amended to provide for termination of all special exceptions and variances that were issued prior to August 19, 2013, that have not yet been acted upon. There is a specified procedure to provide notice of the termination for one year and to allow the special exceptions and variances to be valid if exercised within two years of the expiration of the one year notice, effectively allowing property owners three years from the date of the notice being posted to use their special exception or variance.

NS/
12/5/19

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