

# ZONING AMENDMENTS 2023

## TABLE OF PERMITTED PRINCIPAL USES – PROPOSED & PETITIONED

December 28, 2022

This report will first present the zoning amendment to the Table of Permitted Principal Uses under discussion by the Planning Board, then a petitioned zoning amendment that also affects the Table, and finally, the outcome of the two combined in the event they both pass. The report concludes with discussion items and recommendation to schedule a public hearing.

### A. PLANNING BOARD AMENDMENT DISCUSSION

At the November 30, 2022 Planning Board meeting the Board reviewed an amendment to the Table of Permitted Principal Uses to “dissect” the use category E.8 into multiple new categories. The concern is that the current E.8 category includes use with very different land use characteristics into one use classification. For instance, a self-storage facility clearly has different land use impacts than a distribution facility. However, since they are the same category (E.8), site plan approval would not necessarily be required if a self-storage facility changed into a distribution facility. §334-16.1 “Site Plan Approval” change of use requires site plan approval from the Planning Board, where a change of use occurs when the use of land or building is changed from one category to another. Conversely, if there is no category change, site plan approval is not required under §334-16.1.

#### Excerpt of Current Table of Permitted Principal Uses:

	Districts						
	R-1	R-2	TR	B	I	G	G-1
<b>E. INDUSTRIAL USES</b>							
8. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility; includes parking of recreational vehicles, buses and/or boats	N	N	N	N	P	P	P
9. Heating fuel storage and sales	N	N	N	N	P	P	P
10. Contractor’s yard or landscaping business	N	N	N	N	P	P	P
11. Transportation or freight terminal	N	N	N	N	P	N	N

In its current form, E.8 appears to describe four different types of land use:

1. Distribution facility
2. Warehouse
3. Wholesale
4. Self-storage (which is presumed to include parking of recreational vehicles, buses and/or boats)

*Notes:*

- *Staff reasons that the inclusion of parking of recreational vehicles is a common ancillary function of self-storage as opposed to the other listed uses.*
- *The term “self-storage mini-warehouse” was shortened to “self-storage.”*
- *Categories following the new inserted categories would be renumbered.*

Therefore, the amendment below is before the Planning Board for review, discussion and if the Board desires to move forward, the scheduling of a public hearing.

**A) Amendment #1 under Planning Board discussion (change in bold/underline):**

	Districts						
	R-1	R-2	TR	B	I	G	G-1
<b>E. INDUSTRIAL USES</b>							
<b><u>8. Distribution facility</u></b>	N	N	N	N	P	P	P
<b><u>9. Warehouse</u></b>	N	N	N	N	P	P	P
<b><u>10. Wholesale</u></b>	N	N	N	N	P	P	P
<b><u>11. Self-storage; includes parking of recreational vehicles, buses and/or boats</u></b>	N	N	N	N	P	P	P
<b><u>12.</u></b> Heating fuel storage and sales	N	N	N	N	P	P	P
<b><u>13.</u></b> Contractor’s yard or landscaping business	N	N	N	N	P	P	P
<b><u>14.</u></b> Transportation or freight terminal	N	N	N	N	P	N	N

**B. PETITIONED AMENDMENT**

On December 13, 2022 the Town Clerk received a Petition Zoning Amendment for the March 2023 Town Ballot. A copy of the petition is attached hereto.

From the petition:

Commentary: Remove warehouses and distribution centers from G and G1 zones and allowing them only in I (Industrial) zones.

Warrant Article:

‘Amend Town Code 334, Attachment I, Table of Permitted Principal Uses to remove from permitted use under General (G), and General-I (G-1) zones, warehouses or distribution facilities larger than 100,000 square feet and allow them ONLY in Industrial (I) zones effective immediately following passage of this warrant article.’

The commentary proposes prohibiting warehouses and distribution centers entirely from G and G-1 zones while the Warrant Article language provides an additional level of detail: only warehouses and distribution facilities larger than 100,000 square feet would be removed from the G and G-1 zones, presumably allowing these uses in the G and G-1 zones if they are 100,000 square feet or less. Since the warrant article would be the ballot item and provides more detail, staff believe its effect would prevail over that of the commentary language.

*(continued on following page)*

If passed, the petitioned amendment would affect the Table of Permitted Principal Uses as follows:

**B) Petition Amendment (change in bold/underline):**

	Districts						
	R-1	R-2	TR	B	I	G	G-1
<b>E. INDUSTRIAL USES</b>							
<b><u>8. Distribution facility or warehouse less than 100,000 square feet</u></b>	N	N	N	N	P	P	P
<b><u>9. Distribution facility or warehouse greater than 100,000 square feet</u></b>	N	N	N	N	<b><u>P</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<b><u>10. Wholesale, self-storage; includes parking of recreational vehicles, buses and/or boats</u></b>	N	N	N	N	P	P	P
11. Heating fuel storage and sales	N	N	N	N	P	P	P
12. Contractor’s yard or landscaping business	N	N	N	N	P	P	P
13. Transportation or freight terminal	N	N	N	N	P	N	N

**C. COMBINED EFFECT OF BOTH AMENDMENTS**

If both amendments were to pass they would overlap yet, fortunately, the intent of each would remain intact. The amended table below shows the resulting Table of Permitted Principal Uses in the event the Planning Board amendment under discussion (in its current form) and the Petitioned Amendment passed Town vote.

**C) Combined amendments if both pass (change in bold/underline):**

	Districts						
	R-1	R-2	TR	B	I	G	G-1
<b>E. INDUSTRIAL USES</b>							
<b><u>8. Distribution facility less than 100,000 square feet</u></b>	N	N	N	N	P	P	P
<b><u>9. Distribution facility greater than 100,000 square feet</u></b>	N	N	N	N	<b><u>P</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<b><u>10. Warehouse less than 100,000 square feet</u></b>	N	N	N	N	P	P	P
<b><u>11. Warehouse greater than 100,000 square feet</u></b>	N	N	N	N	<b><u>P</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<b><u>12. Wholesale</u></b>	N	N	N	N	P	P	P
<b><u>13. Self-storage; includes parking of recreational vehicles, buses and/or boats</u></b>	N	N	N	N	P	P	P
14. Heating fuel storage and sales	N	N	N	N	P	P	P
15. Contractor’s yard or landscaping business	N	N	N	N	P	P	P
16. Transportation or freight terminal	N	N	N	N	P	N	N

## D. DISCUSSION

### PETITION AND LOOKING AHEAD AT G & G-1 ZONES

As they stand, the two proposed amendments do not conflict. If they both pass, the intent of each remains intact. Both amendments touch on an issue that has been discussed by the Board and during master plan outreach sessions – that areas within the G & G-1 zones are approaching a threshold where it might be appropriate to transition to zones reflective of how they’ve been developed. Section 334-18.F of the Zoning Ordinance states (emphasis added):

“The G District includes all areas not specifically designated as being within an R-1, R-2, TR, B or I District. The district is designed to permit a wide diversity of land uses. Most uses permitted in the other five districts are permitted in the G District. **The G District is intended to allow natural constraints, such as infrastructure development and market forces to determine the most appropriate use of land. It is also intended that the G District will eventually be absorbed by the expansion of other existing districts or replaced by newly created districts.** The Planning Board will be responsible for maintaining sound planning concepts in this district and shall ensure that conflicting land uses do not abut each other without appropriate buffers.” (§334-18.F)

Meanwhile, the G-1 District lacks a statement about “absorption” but is otherwise described similarly, but that the land is located “outside” the Circumferential Highway (§334-18.G):

“The G-1 District includes all areas not specifically zoned as being within an R-1, R-2, TR, B, or I District located outside the right-of-way of the Circumferential Highway as depicted on the Town Zoning Map. The District is designed to permit a wide diversity of land uses at a density appropriate to the rural nature of the area, the natural constraints of the land and the lack of infrastructure. Uses permitted in this District are the same as those permitted in the G District.”

For much of the land within the G & G-1 zones, that means transitioning to a predominantly residential zones with allowances for some business and home-based businesses. For other areas, that might mean commercial or industrial zoning. The petition article is a step toward reducing the commercial/industrial influence in G and G-1 zoned lands. And while this may be the appropriate direction for much of this land, there are outliers that might be more suitably zoned as industrial or commercial. Reconsidering the zoning designation of lands within G/G-1 is consistent with the policy statement found in §334-18.F above. Nevertheless, the petition article may serve as a near-term incremental change as part of an overall transition from the G/G-1 zones. This transition was anticipated to be a top priority for the forthcoming Zoning Subcommittee that will follow the Master Plan update, but the Board may wish to discuss the topic presently.

## E. DRAFT MOTIONS

The only action to take at the December 28, 2022 meeting is the schedule public hearings for zoning amendment put forward by the Planning Board and by petition. Due to caseload and statutory deadlines, a public hearing date of Monday, January 16, 2022 is recommended. Draft motions & ballot language will be provided.

We, the undersigned, call upon the Selectmen of the Town of Hudson, New Hampshire, to include the following Warrant Article in our next town election during the month of March 2023:

Commentary: Remove warehouses and distribution centers from G and G1 zones and allowing them only in I (Industrial) zones.

Warrant Article:

“Amend Town Code 334, Attachment 1, Table of Permitted Principal Uses to remove from permitted use under General (G), and General-1 (G-1) zones, warehouses or distribution facilities greater than 100,000 square feet and allow them ONLY in Industrial (I) zones effective immediately following passage of this warrant article.”

RECEIVED  
DEPT 3 2022

TOWN OF HUDSON  
TOWN TAX COLLECTOR

✓	Name (Print)	Signature	Address where REGISTERED to VOTE
✓	EDWARD THOMPSON	<i>Edward Thompson</i>	22 BURNS HILL RD
✓	Michael Jakoby	<i>Michael Jakoby</i>	94 Gowing Rd
✓	HEIDI JAKOBY	<i>Heidi Jakoby</i>	94 Gowing Rd
✓	LINDA ZARZATIAN	<i>Linda Zarzatian</i>	4 BRUCE ST
✓	H JACOB ZARZATIAN, JR	<i>H Jacob Zarzatian, Jr</i>	4 BRUCE ST.
✓	Craig Proulx	<i>Craig Proulx</i>	6 Eagle Dr
✓	Courtney Proulx	<i>Courtney Proulx</i>	6 Eagle Dr
✓	Ralph D. Nevin	<i>Ralph D. Nevin</i>	3 Eagle Dr.
✓	Karen Nevin	<i>Karen Nevin</i>	3 Eagle Dr.
✓	Robinson Smith	<i>Robinson Smith</i>	44 Burns Hill Rd
X	Maria Larase	<i>Maria Larase</i>	4 Hickory St
✓	JEFF. CLARK	<i>Jeff Clark</i>	2 Hickory St
✓	LINDA LADDIN	<i>Linda Laddin</i>	16 COUNTRY DR.


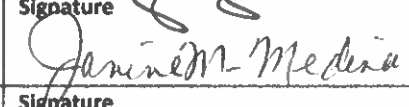


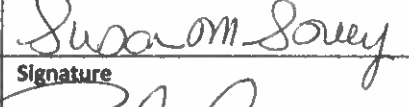
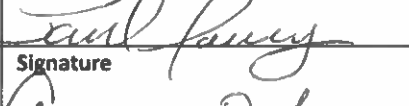
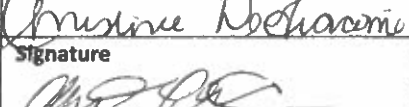
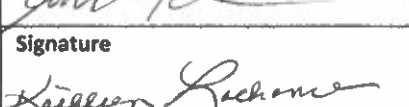
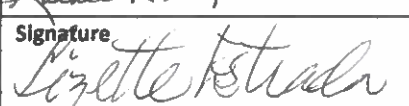
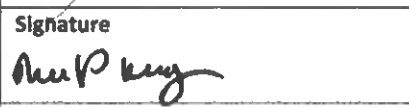
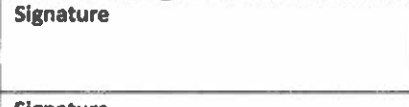
Name (Print)	Signature	Address where REGISTERED to VOTE
✓ Ron Landey	Ron Landey	16 Cottingham Dr.
✓ Brenna Pillot	Brenna Pillot	1 Linden St.
✓ Nicholas Pillot	Nicholas Pillot	1 Linden St.
✓ BARBARA KANAVAS	Barbara Kanavas	3 Locust ST.
✓ Stephanie Kanavas	Stephanie Kanavas	3 Locust St.
✓ John M MacSweeney	John M. MacSweeney	10 Hickory St.
✓ Philip J. MacSweeney	Philip J. MacSweeney	10 Hickory St.
✓ Michael Rice	Michael Rice	9 Hickory St.
✓ Kimberly Rice	Kimberly Rice	9 Hickory St.
✓ Ronald E. Brown	Ronald E. Brown	5 Hickory St.
✓ Joyce G. Brown	Joyce Brown	5 Hickory St.
✓ JOSEPH NARDONI	Joseph Nardoni	20 MAPLE AVE.
✓ Katherine Nardoni	Katherine Nardoni	20 Maple Ave
✓ Christine Nevins	Christine Nevins	18 Burns Hill Rd.
✓ Patricia A Bator	Patricia A. Bator	23 Burns Hill Rd.
✗ Kelsey Sousa	Kelsey Sousa	23 Burns Hill Rd.
✓ Karren Pageau	Karren Pageau	20 Burns Hill Rd.

We, the undersigned, call upon the Selectmen of the Town of Hudson, New Hampshire, to include the following Warrant Article in our next town election during the month of March 2023:

Commentary: Remove warehouses and distribution centers from G and G1 zones and allowing them only in I (Industrial) zones.

Warrant Article:

"Amend Town Code 334, Attachment 1, Table of Permitted Principal Uses to remove from permitted use under General (G), and General-1 (G-1) zones, warehouses or distribution facilities greater than 100,000 square feet and allow them ONLY in Industrial (I) zones effective immediately following passage of this warrant article."

Name (Print)	Signature	Address where REGISTERED to VOTE
X Cathleen G. Gill		35 Riviera Rd.
X JANINE M. MEDINA		1 RIVIERA RD.
ELEANOR DOMAROSKI		8 Riviera Rd.
X Paul Medina		1 Riviera Rd.
X Susan M. Soucy		14 Riviera Rd.
✓ PAUL Soucy		14 RIVIERA Rd
X Christine DeG. Acamp		35 Shoal Creek Rd
X Susie Pettiti		29 Shoal Creek Rd
X KATHLEEN LACHANCE		1 WAUBUNICA SPRING RD HUDSON, NH
✓ Lizette Estrada		14 Richmond Rd.
✓ MIKE HENNESSY		87 DRAEUT RD
Name (Print)	Signature	Address where REGISTERED to VOTE
Name (Print)	Signature	Address where REGISTERED to VOTE
Name (Print)	Signature	Address where REGISTERED to VOTE