

2026 Proposed Westmoreland Zoning Ordinance Changes

Strike through – delete *Italic underlined* – changes/additions

Amendment 1: Ordinance Reorganization

Adopt the reorganization of the Zoning Ordinances done by contract with Southwestern Regional Planning Commission to make the ordinances more understandable and easier to use.

Amendment 2: Change use of incorrect term

Correct incorrect references to Zoning Administrator and Zoning Permit to Land Use Administrator and Land Use Permit.

Amendment 3: Repeal Section 307 which has never been used

~~SECTION 307~~ ————— Conditional Uses

~~No Zoning Permit shall be issued by the Land Use Administrator for any use or structure, which requires conditional use approval in this Ordinance until the Board of Adjustment grants such approval. In considering its action, the Board of Adjustment shall make findings on general and specific standards, hold hearings and attach conditions if any, as provided for herein.~~

Amendment 4: Add a definition to Section 104 terms:

Setback -A line delineating the minimum distance between the front, side, or rear property line and a building or structure on a lot, within which no building or other structure shall be placed except as otherwise provided.

Amendment 5: 421:1 - 4.8.1 Portable and Small Structures

Portable and small structures (as defined under Terms) must have at least a 20 feet setback from side and back yards and must meet all other regulations, *including front setback*, for the zone in which they are placed. *These shall not be used as a dwelling.*

Amendment 6: Section 407.2 – 5.1 Accessory Dwelling Units

Definition: Pursuant to the authority granted under RSA 674:71,72 as used in this ordinance, "accessory dwelling unit" means a residential living unit that is within or attached or detached to a single-family dwelling *on a one family residential lot*, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

Purpose

For the purpose of providing expanded housing opportunities and flexibility in household arrangements to accommodate family members or non-related people of a permitted, owner occupied, one family dwelling., ~~while maintaining aesthetics and residential use compatible with homes in the neighborhood.~~ One Accessory Dwelling Unit (ADU) shall be permitted by ~~Special Exception granted by the Zoning Board of Adjustment in all zones~~ on a one family residential lot providing the following conditions are met:

- A. ~~Only one ADU shall be allowed per lot.~~ The ADU shall be located within the primary dwelling or a new or existing, attached or detached accessory building that also has a non-residential, accessory purpose.
- B. An ADU shall be secondary and accessory to a one family dwelling.
- C. ~~In granting a Special Exception, the Board of Adjustment must find that the ADU is developed in a manner which does not alter the character or appearance of the lot as a one family residential lot.~~
- D. The person or persons who own the lot shall reside in either the accessory dwelling unit or the primary dwelling, except for temporary absences.
- E. Two means of egress from the ADU ~~shall be provided~~ are recommended. If the ADU is in the primary dwelling, it shall have an independent entrance/exit or one through a common space (ie shared hallway) shared with the principal dwelling unit ~~there shall also be an interior door connecting the two spaces.~~ Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.
- F. The area of an ADU shall not be less than ~~300~~ 750 square feet or be greater than ~~900~~ 950 square feet.
- G. Adequate provisions shall be made for water supply and sewage disposal to the ADU. The existing or proposed septic system must be certified by a licensed septic designer or engineer as adequate to support the ADU and primary dwelling unit in accordance with New Hampshire RSA 485-A:38. State septic approval required.
- H. Adequate off-street parking shall be provided to serve the combined needs of the primary dwelling unit and the ADU. One additional parking space shall be provided for the ADU. ~~minimum three (3) parking spaces to serve both the primary dwelling unit and the ADU.~~
- I. Adequate provision must exist or be made for motor vehicle ingress or egress and turning of vehicles within the site.
- J. A building permit for an ADU must be approved and issued prior to its construction. An ADU shall have an interconnected fire alarm system and shall meet all fire safety and building codes.
- K. Accessory Dwelling Unit Certificate of Occupancy: If a property containing an approved ADU is conveyed and the new owner wishes to maintain the accessory unit, the new owner shall apply for a Certificate of Occupancy for the ADU. The purpose of this section is to ensure that one of the two dwelling units is owner-occupied.

Amendment 7:428 - 4.3.5 Off-Street Parking

For every building hereafter erected, altered, extended, or changed in use, there shall be provided year-round off-street parking spaces at least as set forth below, unless a Special Exception is granted. A required driveway shall be at least twenty feet clear in width, except for one- and two-family uses where width is not specified. Additional parking may be set by the Planning Board based upon documentation in the application of clientele served per hour.

Use		Parking Spaces Required
A.	One- and two-family dwelling units	<u>1</u> 2 for every unit
B.	Multi-family dwelling units	<u>1</u> 2 for every unit

Amendment 8: new ordinance - **On Street Parking**

There shall be no on-street parking without a permit by the selectmen.

Amendment 9: **SECTION 438.1 Noise**

No constant or permanent use shall emit noise in excess of seventy (70) decibels. This shall not apply to agriculture, farms and farming which are following best practices but does apply to agritourism.

Amendment 10: new ordinances - **Debris Removal Proposed Ordinance**

No person is allowed to rake, blow, or place brush, leaves, grass, other debris onto any part of a sidewalk, street or highway, including the right of way of such streets—unless they have permission from the road agent and the property owner whose land the debris would be placed upon, under specific conditions.

- Snow Removal Proposed Ordinance

No person is allowed to shovel, plow, blow, or place snow or ice onto any part of a sidewalk, street, or highway that people travel on—unless they have permission from the road agent and the property owner whose land the snow or ice should be place upon, under specific conditions. Snow and ice can be placed along the edges of roads or sidewalks as a normal part of clearing them.

Amendment 11: new ordinance - **Special Public Events**

7.4 The purpose of this ordinance is to protect the public health, safety, and welfare by regulating large or special public events held within the Town of Westmoreland. The ordinance ensures proper planning, emergency access, traffic management, parking, waste disposal, food safety, and responsible use of alcohol, while supporting community and cultural activities.

7.4.1 Pursuant to NH RSA 644:2, the Select Board may require a special event permit for any gatherings in the Town of Westmoreland open to the public that are advertised via print, social or other media, and/or for which there is any form of revenue gathering. The following exceptions apply:

- A. Properties with an approved site plan for event hosting.
- B. Community events sponsored by the Town of Westmoreland, Westmoreland School, or churches located in Westmoreland.

7.4.2 The Select Board may establish a fee to cover administrative costs for this permit and may:

- A. require a bond or any other form of security that they feel is warranted for the event,
- B. prepayment for anticipated town services.

7.4.3 The Select Board may request and take into consideration recommendations of any authorities including but not limited to fire, health, law enforcement, and emergency management and may seek public input and consider impact on abutters and others in the neighborhood.

7.4.4 No further land use approval shall be required for events with a permit occurring only one time per year.

7.4.5 Any property owner who violates this ordinance shall be subject to:

- A. A civil penalty up to \$500 per violation, and/or
- B. Suspension of the event by the law enforcement or other authorities.
- C. Each day of violation constitutes a separate offense.