

APPROVED CHANGES TO “WAIVER” ZONING REGULATIONS

[new text is shown in **bold underline**; deleted text is shown in ~~**bold strike-through**~~]

(effective June 30, 2017)

Section 3.14 Uses Permitted in B-BT Business Berlin Turnpike Zone

3.14.3 Buffer

No parking or loading shall be located within 25 feet of a residential zone boundary. ~~A buffer meeting the requirements of Section 6.10.5 is required whenever the use adjoins a residential zone. However, the Commission may waive this requirement in part for good cause. The reasons for any such waiver shall be made a part of the Commission Record pursuant to Section 6.10.5 (c).~~

This regulation may be waived by the Commission by a two-thirds vote for the purpose of allowing development in the buffer area where the existing land use (landscaping or architecture) in the adjacent residential zone is such that its residential character will not be impacted by parking or loading in the buffer area, or where severe topography on either side of the zone boundary will provide sufficient buffering. To be eligible for such a waiver the site being developed must possess significant natural or introduced vegetation; severe topography; or be in harmony with the design or location of building(s) in the adjacent residential zone.

Section 3.18 Uses Permitted in PD Planned Development Zones

3.18.4 Buffer

No parking shall be located within 25 feet of a residential zone boundary. No business or industrial use structure, raw materials, outside storage, maintenance area, etc., but not limited to the foregoing shall be located closer than 100 feet from any residential zone boundary. When the zone boundary follows the centerline of the street the 25 foot buffer shall be measured along the nonresidential side of the street right of way. ~~A buffer meeting the requirements of Section 6.10 is required whenever the use adjoins a residential zone unless waived by the Commission pursuant to Section 6.10.5 (c).~~

This regulation may be waived by the Commission by a two-thirds vote for the purpose of allowing development in the buffer area where the existing land use (landscaping or architecture) in the adjacent residential zone is such that its residential character will not be impacted by parking or loading in the buffer area, or where severe topography on either side of the zone boundary will provide sufficient buffering. To be eligible for such a waiver

the site being developed must possess significant natural or introduced vegetation; severe topography; or be in harmony with the design or location of building(s) in the adjacent residential zone.

Section 4.4 Height, Area and Yard Requirements

~~4.4.6 — No principal building shall be placed or constructed within 50 feet of a regulated inland wetland or water course as shown on maps entitled "Designated Inland Wetlands and Water Courses of the Town of Newington" or on a detailed soils map certified by a soils scientist and approved by the Newington Conservation Commission. This setback standard may be modified upon the receipt of a favorable report from the Conservation Commission and a two thirds vote of the Commission. (Effective 4-30-99)~~

Section 6.1 Street Parking and Loading Regulations

6.1.1 Parking

C. Parking Spaces for All Other Uses:

<u>OTHER USES</u>	<u>Minimum Required Parking Spaces</u>
Uses not listed	5 spaces for each 1,000 square feet of gross floor area, but the Commission may vary this requirement on application to it and for good cause shown per Section 6.1.1.J or the Commission may determine that the proposed use is similar to one of the uses listed above and apply the applicable standard. <u>As determined by the Commission.</u>

~~J. — Modification~~

~~These regulations may be modified by the Commission where circumstances relating to the peculiar and exceptional nature of the uses are such that the specific requirements of the parking regulations do not apply or where the Commission finds that an alternative standard or arrangement will be satisfactory.~~

Section 6.4 Removal of Earth Products

6.4.3 Special Permit

The Commission may grant a permit for the removal of soil, sand, gravel, stone or other earth products not incidental to the above purposes, subject to the following conditions and the provisions of Sections 5.2 and 5.3.

- B. The plan shall provide for proper drainage of the area after completion. No bank shall exceed a slope of one foot of vertical rise in 2 feet of horizontal distance. No removal shall take place within 50 feet of a property line ~~except when modified by a two-third vote of the Commission.~~ (Effective 3-4-2011)

This prohibition on removal may be waived by the Commission by a two-thirds vote for the purpose of allowing such removal where it will not impact adjacent property. To be eligible for such a waiver there must be no improvement or planned improvement on the adjacent property within 50' of the property line.

- C. At the conclusion of operations, the whole area where removal has taken place shall be covered with not less than 4 inches of topsoil and seeded with a suitable cover crop. ~~This requirement may be modified by the Commission where no practical purpose is accomplished by adherence to it.~~ **This requirement shall not apply to exposed area that is ledge or bedrock.**

Section 6.15 Stormwater Management (Effective 3/14/14, Revised 2/25/15 and 6/22/16)

6.15.1 Applicability

~~Unless modified by the Commission, every~~ Every application shall provide for a stormwater management system, including low impact development techniques, as specified in this section.

Section 7.4 Design Standards, Site Plan Check List

The Commission shall use the following standards of the review of plans submitted to the Commission for review and action pursuant to Section 5.3 of these Regulations. The construction of any improvements shown on any such plan shall be in accordance with these standards.

7.4.7 Elevations, Grades, Existing and Proposed

- C. Unless modified by the Commission in order to implement low impact development techniques, minimum continuous slope across grass shall be 1%; minimum slope across pavement shall be 0.6%; and maximum slope across parking lot shall be 5%.

The minimum and maximum slope requirements may be modified the Commission by a two-thirds vote to allow a more effective LID (low impact development) design. To be eligible for such a modification the site must possess severe topography.

7.4.9 Sidewalks and Curbs

A. Public Streets

3. The requirement for curbing on a public street ~~may be modified or waived by the Commission in order to implement low impact development techniques~~ may be waived by the Commission by a two-thirds vote to allow a more effective LID (low impact development) design. To be eligible for such a waiver the site must possess environmental features that would be protected or enhanced by the waiver.

B. Private Property

3. For a development approved by the Commission as a site plan or special permit, the requirement for curbing in a private parking area may be modified or waived by the Commission ~~in order to implement low impact development techniques~~ by a two-thirds vote to allow a more effective LID (low impact development) design. To be eligible for such a waiver the site must possess environmental features that would be protected or enhanced by the waiver.
4. For other development not requiring approval by the Commission, the requirement for curbing in a private parking area may be ~~modified or~~ waived by the Town Engineer ~~in order to implement low impact development techniques~~ to allow a more effective LID (low impact development) design. To be eligible for such a waiver the site must possess environmental features that would be protected or enhanced by the waiver.

~~7.4.26 — These requirements may be modified or reduced by the Commission if it finds that unusual or special conditions, including increasing the utilization of low impact development techniques, warrant a waiver from the strict interpretation of these standards.~~