

**LINCOLN PLANNING BOARD
PUBLIC HEARING AND MEETING MINUTES**

Wednesday, September 8, 2021 – 6:00 PM
Lincoln Town Hall 148 Main Street, Lincoln NH

This hybrid meeting will be available both in person with social distancing and via the Zoom Meeting Platform to allow for town wide participation. There is room in the room for between 8 and 12 guests in addition to the Board members. The public is encouraged to participate remotely using ZOOM by going to:

Join Zoom Meeting

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Meeting ID: 857 4423 2567

Passcode: 243513 Or dial by your location 1-929-205-6099 US (New York)

(See also town website www.lincolnnh.org for the same link, meeting ID and passcode.)

I. CALL TO ORDER by the Chairman of Planning Board Jim Spanos;

Present: Chair James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative Tamra Ham, Member Stephen Noseworthy, Member Paul Beaudin

Staff Present: Fire Chief & Code Enforcement Officer/Health Officer/Zoom Host and Moderator Ronald Beard, Planner Carole Bont

Town Consultants Present: Town Engineer Ray Korber (via Zoom)

Guests:

Susan Chenard (via Zoom)

Darlene Goodbout

Robert Goodbout

I. CONSIDERATION of meeting minutes from:

• August 25, 2021

o Minutes are not completed.

III. CONTINUING AND OTHER BUSINESS (Staff and Planning Board Member/Alternates).

None.

40 **IV. NEW BUSINESS.**

41
42 **A. CON 2021-02 M108 L037 Jettison LLC – Darlene Goodbout – NH Park**
43 **Prospective Buyer of Mobile Home Park requesting guidance about what can be**
44 **done with preexisting nonconforming Mobile Home Park.**

45
46 **Applicant/Property Owner:** Robby Welsh d/b/a Jettiston, LLC
47 c/o Robert Welsh d/b/a Welsh Realty Apartments
48 PO Box 147
49 Woodsville, NH 03785-0147

50 **Prospective Buyer:** Darlene Goodbout & Robert (Rob) Goodbout
51 d/b/a KOA Holiday Campground
52 100 Eastside Road
53 Woodstock, NH 03293

54
55 **Property:** Manufactured Home Park
56 (Map 108, Lot 037) (1.30 Acres)
57 Property is located in the General Use (GU) District & in 100 Year Flood Plain.
58

59 **Presentation:**

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61 Chairman Spanos confirmed with Darlene Goodbout that this meeting is for a Conceptual only.
62

63 Darlene Goodbout said that she is looking to put something different at the location of the mobile
64 home park on Map 108, Lot 037. Ms. Goodbout mentioned that at their KOA Campground in
65 Woodstock there is a huge call for campsite spots for seasonal guests and recreation vehicle
66 owners (“RVers”) and she would like to possibly use the subject property for that purpose.
67

68 Darlene Goodbout said the Manufactured Home Park land is located in the 100 Year Floodplain
69 and she is looking for some guidance from the Planning Board. She is also aware that there are
70 water and sewer issues on the property as well as electrical service issues that need to be
71 addressed as well.
72

73 Darlene Goodbout mentioned that she thinks the property is designated as “residential property”
74 not “commercial property”.
75

76 Chairman Spanos clarified that the Manufactured Home Park property is in the General Use
77 (GU) District meaning the land is in a zoning district where business uses like campgrounds are
78 allowed. The current use as a Manufactured Home Park is a “Residential Use” on the Land Use
79 Schedule (which is also allowed in the General Use (GU) District), however, the property is in a
80 zone that also allows commercial (or business use) development like a campground.
81

82 Darlene Goodbout said her idea is to purchase the property from the current owner, Mr. Welsh,
83 and redo all of the water and electrical services as she believes they are not to code. She needs to
84 determine what is and is not allowed and if it is something they could do.
85

Chairman Spanos asked Darlene Goodbout if she had any definite plans yet. Ms. Goodbout replied that she does not have any definite plans yet as they are in the infancy stage of this idea. She has done a little research and she has spoken with the Town of Lincoln's DPW Director, Nate Hadaway about her concerns regarding the water and sewer.

Questions/Discussion:

Change In Use Would Require Site Plan Review Approval

Chairman Spanos mentioned that the land is currently being used as a Manufactured Housing Park and that it appears she would be discontinuing that use.

Lot Located in 100 Year Flood Plain District

Vice Chairman Chenard pointed out that some of the area that is in the 100 Year Flood Plain (in the Floodplain Development District) was raised up by ten to twelve feet (10'-12') in the late 1960's.

Curb Cuts off US Route 3

There is a discussion regarding the New Hampshire Department of Transportation (NH DOT) requirements for the creation of new curb cuts due to the change in the use of the property from permanent housing to a business with temporary housing.

State Driveway Permit Required

Site Plan Review would require a new NH DOT driveway permit also.

Displacement of Current Tenants of the Manufactured Home Park

Member Beaudin asked Darlene Goodbout about the three (3) mobile homes on the property that are currently owned by persons other than the owner of the land. He wanted to know if her plan was to totally remove them. Ms. Goodbout replies "yes".

Front, Side and Rear Setbacks

Member Beaudin brings up the issue of set-backs.

Campgrounds are Allowed by Special Exception in the General Use (GU) District

Member Beaudin stated that campgrounds (RV parks) are allowed in the General Use (GU) District.

Manufactured Home Parks are Required to Be Permitted by State Statute

Member Beaudin stated that New Hampshire RSAs state the Town has to allow Manufactured Home Parks as well. (See RSA 674:32 Manufactured Housing attached as Appendix A.)

Water and Sewer Usage Study May Be Required

The Planning Board members mentioned that in regards to the water and sewer a usage study would be something to consider.

Lot Located in 100 Year Flood Plain District

Member Beaudin addressed the issue of the floodplain.

Planner Bont said she reviewed the CAI online tax maps that she printed for the Planning Board that included the 100 Year Flood Plain overlay on it. She explained that the current floodplain maps are very general maps on a large scale and do not include detailed information about topography on each individual lot. A topographic survey would accurately reflect all of the nuances of the topography and would show the exact line of the current 100 Year Flood Plain. With a topographic survey they could more accurately determine which portions of the lot are in the Flood Plain and which portions are out, based on elevation.

Other Potential Issues to Address:

Member Beaudin asked Planner Bont to discuss the non-conforming use concerns she has.

Planner Bont explained that the zoning ordinance (Land Use Plan Ordinance) does not have a separate category for mobile home parks or Manufactured Home Parks. There is a separate residential category for “manufactured homes”. In the Land Use Plan Ordinance, manufactured homes are treated the same as regular single-family homes; there is no Manufactured Home Park category.

Planner Bont said if the Goodbouts plan to change the use of the property from its current use as a pre-existing nonconforming residential manufactured home park to a year-round campground where RV owners can establish residency, the change in use is going to be changed from a “Residential Use” to a “Business Use”. They would lose their grandfathered status as it relates to setbacks and density. The conversion of the Manufactured Home Park to a campground would be tricky as it relates to year-round residents; for a year-round dwelling unit, there must be fifteen thousand square feet (15,000 SF) per dwelling unit. The minimum lot size of fifteen thousand square feet (15,000 SF) is about 1/3 of an acre. For twelve (12) year-round single family home sites would require about four (4) acres of land. The subject lot only has one and three tenths (1.3) acres.

A discussion started around the details of manufactured homes.

Vice Chairman Chenard added that currently the trailer park [i.e., manufactured home park] is approved for twelve (12) trailer sites with water and sewer hookups.

Why Was Manufactured Home Park Allowed in Flood Plain?

Ms. Goodbout had a question as some of the trailers that are located there currently that are located in the flood zone. Ms. Goodbout wanted to know, "How is that okay?"

Vice Chairman Chenard explained that in the Town of Lincoln there were not any zoning ordinances in place when the trailer park went in.

Brainstorming

Planner Bont had some ideas to brainstorm about and discussed the following.

- This was a pre-existing, non-conforming residential use with twelve (12) manufactured home sites, not "trailer" sites, but manufactured home sites. Those sites are grandfathered with respect to setbacks and lot size. There are twelve (12) pre-existing non-conforming lots of twelve hundred (1,200) square feet per manufactured home with the rest of the land being considered common land. It would be possible for Ms. Goodbout to replace the existing buildings with similar or same sized manufactured homes with manufactured homes with the same number of bedrooms and bathrooms, etc.
- Chairman Spanos mentioned that the replacement of older manufactured homes with upgraded manufactured homes of the same size has been allowed in the past.
- Planner Bont explained that if the old homes are simply replaced, Ms. Goodbout would not have to deal with the setback issues. However, the problem would be meeting the requirements for building within the 100 Year Flood Plain.

Planner Bont said the best-case scenario would be if large portions of the lot were actually above the 100 Year Flood Plain elevation. Planner Bont stressed the importance of Ms. Goodbout having a topographic survey completed to determine how much of the lot is in the floodplain currently. Planner Bont explained that the problem with the floodplain is that Ms. Goodbout would want to make sure the lot is out of the floodplain because if the buildings are in the 100 Year Flood Plain, they cannot increase the value of what is currently there by more than fifty percent (50%) without fully complying with the requirements of the Federal Flood Insurance Program which might mean houses on stilts.

More discussion regarding the floodplain issue continued.

Ms. Goodbout explained that her plan is not to have concrete slabs but just gravel at each site.

Member Beaudin suggested that this issue come before the Planning Board (i.e., Site Plan Review) and have a chance to be reviewed by all the abutters and find out if they have any concerns and address them to be sure all parties are happy.

The Planning Board discussed how setbacks are determined.

Campground Business Use Would Require Special Exception from ZBA

Chairman Spanos explained that if the project is going to be a campground, a campground is only allowed by Special Exception from the ZBA. The definition of a campground does not exist in the Land Use Plan Ordinance, rather “campground” is allowed as a “business use” and requires a Special Exception. A manufactured housing park and a campground are two different things – two different types of uses.

Member Beaudin read the definition of a manufactured home from the Land Use Plan Ordinance and then listed some things that abutters may have questions about. For example, will there be a playground? A store? A swimming pool, etc. Rob Goodbout said at this time there are not any plans for those things (i.e., playground, store, swimming pool, etc.) only a plan for a place for people to park their campers. They may provide some Wi-Fi.

Chairman Spanos stated that it is important to determine exactly what the use is going to be. Will it be a campground or manufactured home park?

Member Beaudin said the RSA regarding manufactured homes states that municipalities must afford a reasonable opportunity for siting manufactured housing and manufactured housing must be an allowed use. (See RSA 674:32 Manufactured Housing attached as Appendix A.)

Chairman Spanos brought up the issue of being able to establish residency (manufactured home) or not (campground). Are they looking for their campers or RVers to be able to establish residency?

Member Beaudin suggested Ms. Goodbout do a few things:

1. Take a look at the 100 Year Flood Plain;
2. Determine what the water and sewer capacities are and what the new requirement will be; and
3. Determine how many units can be put on the lot based on setback requirements.

Planner Bont feels there is a clear path forward relating to replacing the manufactured homes in the manufactured home park. On the other hand, a campground would require the Zoning Board to grant a Special Exception. For a campground, the front, side and rear setbacks are set to be fifteen (15) feet around the outside perimeter. To continue the manufactured home with same sized homes could continue as is (i.e., some existing manufactured homes are within the setback areas). Things to also consider are roadways around the interior, fire truck access and fire flow for fire suppression.

Chairman Spanos added that the rules are different between business use and residential use.

A discussion occurs regarding the amount of space required between units.

263 **Advice: Come in for a Conceptual Review**

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265 Chairman Spanos recommended that once Goodbouts get their plans firmed up they meet with
266 Planner Bont again and then come back to the Planning Board for a conceptual review.

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268 **Who Can Help Determine Whether the Lot is in the Flood Plain?**

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270 Ms. Goodbout asked who to contact to determine the flood plain. The members told her to
271 contact a surveyor.

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273 **Adequate Water and Sewer Capacity**

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275 Member Beaudin suggested that once the Goodbouts determine how many units they can put on
276 the lot, they would need to see the Board of Selectmen to determine the requirements for water
277 and sewer services.

278
279 Planner Bont warned that the current tax maps showing any of the water and sewer services may
280 not be accurate. Director of Public Works (DPW) Nate Hadaway would be the person to discuss
281 that issue with. Planner Bont showed the maps she prepared for this meeting to the Goodbouts
282 and they had a discussion.

283
284 **Dig Safe**

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286 A member of the Planning Board suggested consulting with Dig Safe System, Inc. to help find
287 the location of underground services.

288
289 Ms. Goodbout thanked the Planning Board for discussing her idea with her.

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291
292 **B. Stormwater Management Ordinance - Discussion**

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294 **Discussion.**

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296 **Complaints Received**

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298 Chairman Spanos started the discussion by stating there have been concerns expressed by
299 members of the community that the Stormwater Management Ordinance (SMO) is overly
300 restrictive and the Planning Board is requiring Stormwater Management Plans where it should
301 not be.

302
303 **Federal, State and Local Stormwater Laws, Rules and Regulations**

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305 Member Beaudin asked Town Engineer Ray Korber to explain the difference between the State's
306 Stormwater Regulations and the Town's Stormwater Management Ordinance.

Town Engineer Korber explained that the State of New Hampshire does not have a Stormwater Management Ordinance. Rather, the State has regulations related to stormwater and that the State's concerns are reflected in the Alteration of Terrain (AoT) permits that the State issues. The concern with stormwater management is also reflected at the federal level with the requirement that Stormwater Pollution Prevention Plans must be submitted for construction in excess of one (1) acre (i.e., 43,560 SF). Town Engineer Korber said there are several programs that are out there at the state and federal level that relate to stormwater. There is no one (1) document that says, "Here are all of the State's requirements."

Can We Make the Stormwater Management Ordinance Less Restrictive and Less Costly?

Member Beaudin wondered if there was a way for the Planning Board to tailor the Town's Stormwater Management Ordinance to make it a little less restrictive. Currently, it is costly for someone to build a house on a small lot. He asked if there a way to make it less costly and less restrictive while at the same time still protecting the environmental concerns.

Member Beaudin explained that in his opinion the Stormwater Management Systems are designed around the percentage of "disturbed" land at the start of a project, and at the end of the project the only impervious surfaces left are the house and the driveway.

Town Engineer Korber explained that when talking about stormwater run-off, pre and post development, it is not just the impervious areas that need to be considered. He gave an example of taking a woodland and turning it into a lawn. Town Engineer Korber said there is going to be additional stormwater run-off from that change made to the land. Therefore, it is not just impervious surfaces that can increase the stormwater run-off due to the changes made to the land. Town Engineer Korber said both impervious surfaces and pervious surfaces generate run-off in excess of the pre-development run-off condition.

Selectman's Request for Planning Board to Wait to Discuss Until BOS Can Be Present

Planner Bont brought to the attention of the Planning Board Selectman Tamra Ham's concern about having a discussion about the Stormwater Management Ordinance without a member of the Board of Selectmen being present. (The Board of Selectmen receives the complaints about Stormwater Runoff.) Tamra Ham is the Selectmen's Representative for this particular Planning Board meeting, who sat in on the first part of this Planning Board meeting, but had to leave before this discussion. Selectman Ham expressed her concern to the Planner that the Planning Board was having a discussion about the Stormwater Water Management Ordinance without a member of the Board of Selectmen being present. Selectman Tamra Ham strongly recommended that the Planning Board wait to have this discussion until a Representative from the Board of Selectmen could be present. OJ Robinson is the regular Selectmen's Representative on the Board of Selectmen, however, he was unable to attend tonight's meeting. Ms. Ham attended the earlier portion of this meeting in his stead; however, she was unable to remain at this meeting tonight due to another important commitment – she was the "quorum"-making member of the School Board for a School Board Meeting that was taking place at the same time as this meeting.

Member Beaudin and Chair Spanos said that this discussion was on the agenda and the Board of Selectmen presumably knew it was on the agenda. The Planning Board members that were present at the meeting responded that there will not be any changes made at this meeting and this meeting is only the start of the discussion about the Stormwater Management Ordinance. The discussion continued.

Can We Make the Stormwater Management Ordinance Less Restrictive and Less Costly? Continued...

Town Engineer Korber discussed the issue of impervious and pervious surfaces. Whether the project is a single-family house lot or a development of three hundred fifty (350) dwelling units or five hundred (500) dwelling units in the city of Manchester, NH, in the end there will be some impervious surfaces, some areas will remain under the existing conditions and others areas will be transitioned to open areas.

Town Engineer Korber said taking a look at the collective changes in the environment and calculating the run-off from the predevelopment conditions takes all of the surfaces into account, not just the impervious surfaces. This allows for calculating what the net impact of the stormwater runoff is coming off of that site. The judgements should be based on the impact the development has, either on adjoining property or on public infrastructure. That is the way to look at the application of the Stormwater Management Ordinance (SMO) and the SMO is currently structured to do that.

Cost of Stormwater Management Plan

Chairman Spanos asked Town Engineer Korber if he knows what the cost for a Stormwater Management Plan is currently for a single-family home.

Town Engineer Korber stated that the cost can vary depending on the engineering firm and what they design. The cost of a Stormwater Management Plan is very site specific depending on the needs.

Chairman Spanos asked what the lowest cost Stormwater Management Plan might be. Town Engineer Korber responded that possible a dry well placed in a driveway may cost between five and ten thousand dollars (\$5,00 - \$10,000).

Origin of Stormwater Management Ordinance

Member Beaudin asked how the Town came up the 15,000 square foot requirement number.

Chair Spanos said that the Town used the Moultonborough ordinance as a template and then tweaked it.

Are there Threshold Numbers Associated with Any State Regulations?

Member Beaudin wondered if there was a higher number [of square footage] that would be part of a state regulation.

Town Engineer Korber said there is only the local town ordinance that the Town of Lincoln adopted (the Stormwater Management Ordinance). The ordinance could be changed so it does not apply to single-family house lots and only applies to Site Plan Review and Subdivision approvals.

Member Beaudin said he thinks the area of fifteen thousand square feet (15,000 SF) just seems too small. Town Engineer Korber agreed that it is a challenge, but currently most property owners are able to come in around that amount and the percentage is around 49.5%.

Impetus for Adopting the Stormwater Management Ordinance

Town Engineer Korber offered to add some perspective by mentioning the Town had significant issues with stormwater run-off in the past and that was the start of creating the SMO. There were several other communities that started adopting SMOs at the same time.

Town Engineer Korber said that since that time, to his knowledge, there have not been a lot of flooding issues due to the way that the SMO has been crafted. His observation is that the SMO is meeting it's intended purpose which is to enhance the public health safety, environment and general welfare by establishing the requirements to control adverse effects of the stormwater run-off. The Stormwater Management Ordinance is working. The question now is whether this ordinance is causing an undo hardship on the development community. He does not recall anyone being denied a Land Use Permit because they were not able to get over or meet the requirements of the Town's SMO.

Change the Threshold Percentage from 50% and Threshold Number of 15,000 SF or Add Flexibility to Enforcement of the SMO

Town Engineer Korber said there has always been a way to figure something out. Town Engineer Korber suggested that the Planning Board could provide some flexibility, before looking to change the threshold numbers and criteria in the ordinance and come up with a way to give the town staff some latitude to make decisions relative these single-family lots.

Member Beaudin asks why not just change the SMO to 55% instead of 50%.

Town Engineer Korber explained that there are ways to keep it at 50% and increasing it will just be chasing the situation. No matter what threshold number the Planning Board picks, property owners and their contractors will be trying to push the envelope. Town Engineer Korber explained that although the threshold percentage can be changed to make it less restrictive, he thinks allowing the staff some flexibility in order to expedite the permit process is the better way to go.

Town Engineer Korber said the waiver process is time consuming for the staff and there is a cost for the applicant. Town Engineer Korber explained that even with a “flat lot” there are many conditions to still consider. The regrading of a lot could cause potential impact problems, with runoff going onto the abutting property owner’s land which would violate the intent of the SMO.

Chairman Spanos added that this could be a good reason to require people to go through the waiver process as the abutters would all be notified and have an opportunity to speak on the matter of the possibility of water causing flooding.

Member Beaudin pointed out that adjacent property owners would not know if the waiver of the SMO would cause flooding until after the project was complete.

Member Noseworthy added that he likes the idea of an on-site inspection.

Public Comments

Member Beaudin brought up the fact that Developer Andrew Goddard and Contractor Taylor Beaudin raised some concerns at a previous meeting (August 25, 2021) and offered various options for the stormwater issue.

Town Engineer Korber recalled that the discussions at the prior Planning Board meeting were largely regarding the “area of disturbance”. The Town has been applying the State of New Hampshire’s definition of “area of disturbance”. The Planning Board discussed the definition of “area of disturbance” at a meeting last year and agreed to use the State’s definition. Member Beaudin’s comments, from a previous meeting, were regarding the pre and post disturbance. Town Engineer Korber said this suggestion was valid and could be evaluated on site specific circumstances which would depend, for example, on the grade and slope of the property.

Town Engineer Korber recommended not changing the SMO but making policy changes instead. This would call for some latitude and he can make recommendations to the Planning Board.

Town Engineer Korber provided clarification about what he meant about giving staff flexibility for enforcing the Stormwater Management Ordinance. Give town staff authorization under the waiver provisions of the ordinance to make professional judgments on how best to meet the intent of the ordinance as it relates to the development of single-family lots. The staff will not have the same authorization for projects requiring site and subdivision approval. This authorization will apply to single-family house lots only. The policy statement he recommended is as follows:

The Planning Board authorizes town staff to waive the requirements of the Stormwater Management Ordinance so long as the following criteria are met.

The waiver shall not violate the purpose and intent of the ordinance as determined by the Planning Director.

The waiver shall not exceed ten (10) percent of the thresholds established under the ordinance.

The expansion of thresholds shall only be applied when it is determined by the Planning Director that there is a hardship in fully complying with the ordinance and that approving such a waiver will no compromise the intent or purpose of the ordinance.

The waiver shall seek to require the implementation of best management practices temporary and permanent to mitigate stormwater runoff from the site. The implementation of best management practices shall be a condition of the land use permit.

The waiver shall require submittal, review, and approval of an erosion and sediment control plan as specified under the ordinance. The implementation of an effective erosion sediment control plan for the duration of the project shall be a condition of the land use permit.”

Town Engineer Korber explained that the above policy is just a draft of the language that he came up with. He stated it is a policy prescription that gives the staff a little bit more flexibility in dealing with flat lots, or circumstances where the project is just at the threshold. This would allow the staff to continue to process the permit in about 6 out of 10 cases.

Chairman Spanos asked Town Engineer Korber if he thought adopting and implementing such a policy would reduce the number of required Stormwater Protection Plans by 60%.

Town Engineer Korber answered “no”; it would just speed up the process but the critical thing is the intent and purpose of the Stormwater Management Ordinance will be met.

Town Engineer Korber gave an example of a situation where this policy might be applied. If someone comes along and they say they want to disturb fifty-five (55) percent and after it is reviewed and professional judgement is used, it is determined that the owner can complete the project with only (49.9%). The thresholds are not being raised for every project but for projects with particular circumstances where the purpose and intent of the SMO is met.

Member Beaudin suggested that the hardship request be reviewed by a Review Board. He also suggested that a member of the Planning Board be allowed to attend all of the Staff Technical Review meetings.

Town Engineer Korber liked the idea of having one Planning Board member designated for that review which would make it easier for the applicant as they would not have to wait two weeks to come back in front of the PB to get a determination of a request for a waiver of the Stormwater Management Ordinance. This would help the development community as they could receive an answer via email within 24 hours. The Planning Board member reviewing the request would receive the Town Engineer’s recommendations (and it is not a hardship situation and is not going

to circumvent or compromise the SMO) then the planning staff provides the necessary information, discusses it and the Planning Board member could determine “yes” or “no”.

Chairman Spanos responded that this would help with the current back log and the Planning Board members chimed in in agreement.

Mr. Korber will forward his recommendations, in a memo, that includes the definition of area of disturbance to Planner Bont for her review. The Planning Board will then be able to make their comments and discuss them at the next meeting.

V. PUBLIC PARTICIPATION AND OTHER BUSINESS:

Susan Chenard commented that it is frustrating to hear that the Goodbout’s proposed project is that they are going to take away workforce housing and put in more transient vacation type homing.

Non-meeting notes are discussed. Chairman Spanos has filled out the form and it will need to be approved.

VI. ADJOURNMENT

“To adjourn the meeting”

Motion: Vice Chairman Chenard

Second: Member Beaudin

All in favor.

Respectfully submitted,

Judy Sherriff
Recording Secretary

Date Approved: September 22, 2021


James Spanos, Chairman

Appendix A.
TITLE LXIV
PLANNING AND ZONING
CHAPTER 674
LOCAL LAND USE PLANNING AND REGULATORY POWERS
Manufactured Housing
Section 674:32

674:32 Manufactured Housing. –

I. Municipalities shall afford reasonable opportunities for the siting of manufactured housing, and a municipality shall not exclude manufactured housing completely from the municipality by regulation, zoning ordinance or by any other police power. A municipality which adopts land use control measures shall allow, in its sole discretion, manufactured housing to be located on individual lots in most, but not necessarily all, land areas in districts zoned to permit residential uses within the municipality, or in manufactured housing parks and subdivisions created for the placement of manufactured housing on individually owned lots in most, but not necessarily all, land areas in districts zoned to permit residential uses within the municipality, or in all 3 types of locations. Manufactured housing located on individual lots shall comply with lot size, frontage requirements, space limitations and other reasonable controls that conventional single family housing in the same district must meet. No special exception or special permit shall be required for manufactured housing located on individual lots or manufactured housing subdivisions unless such special exception or permit is required by the municipality for single family housing located on individual lots or in subdivisions. Municipalities permitting manufactured housing parks shall afford realistic opportunities for the development and expansion of manufactured housing parks. In order to provide such realistic opportunities, lot size and overall density requirements for manufactured housing parks shall be reasonable.

II. Notwithstanding paragraph I or any law or rule to the contrary, no zoning ordinance or bylaw shall prohibit an owner and occupier of a residence which has been damaged by fire or other disaster from placing a manufactured home on the lot of such residence and residing in such structure while the residence is being rebuilt. The period of such occupancy shall expire in 12 months from the placement of such structure or upon the issuance of a certificate of occupancy, whichever occurs first. Any such manufactured home shall be subject to state and local requirements relating to water supply and sewerage disposal. A manufactured home that is placed on a lot under this paragraph shall not attain the status of a vested nonconforming use.

Source. 1983, 447:1. 1986, 91:2. 1987, 378:1. 1993, 158:1, eff. July 23, 1993.