

**TOWN OF WASHINGTON
NEW HAMPSHIRE**

LAND USE ORDINANCE

April 3, 2018

AN ORDINANCE REGULATING THE USE OF LAND, AND LOCATION AND USE OF BUILDINGS IN THE TOWN OF WASHINGTON, PROVIDING FOR THE CHANGES IN REGULATIONS, DEFINING CERTAIN TERMS USED THEREIN; PROVIDING FOR THE ENFORCEMENT; ESTABLISHING A METHOD OF ADJUSTMENT; AND IMPOSING PENALTIES, BUT EXCEPTING CERTAIN USAGE.

THIS ORDINANCE WAS APPROVED BY THE MAJORITY OF THE VOTERS PRESENT AND VOTING AT THE LEGAL MEETING OF THE TOWN OF WASHINGTON, HELD ON THE 13TH DAY OF MARCH, IN THE YEAR 2002.

IT WAS AMENDED BY THE MAJORITY OF THE VOTERS PRESENT AND VOTING AT THIS LEGAL MEETING OF THE TOWN OF WASHINGTON, HELD ON THIS 9TH DAY OF MARCH IN THE YEAR 2004,

THEN AT THIS LEGAL MEETING OF THE TOWN OF WASHINGTON HELD ON THIS 13TH DAY OF MARCH IN THE YEAR 2007,

AT THIS LEGAL MEETING OF THE TOWN OF WASHINGTON HELD ON THIS 11TH DAY OF MARCH IN THE YEAR 2008,

AT THIS LEGAL MEETING OF THE TOWN OF WASHINGTON HELD ON THIS 10TH DAY OF MARCH IN THE YEAR 2009,

AT THIS LEGAL MEETING OF THE TOWN OF WASHINGTON HELD ON THIS 8TH DAY OF MARCH IN THE YEAR 2011,

AT THIS LEGAL MEETING OF THE TOWN OF WASHINGTON HELD ON THIS 13TH DAY OF MARCH IN THE YEAR 2012,

AT THIS LEGAL MEETING OF THE TOWN OF WASHINGTON HELD ON THIS 11TH DAY OF MARCH IN THE YEAR 2014,

AT THIS LEGAL MEETING OF THE TOWN OF WASHINGTON HELD ON THIS 18TH DAY OF MARCH IN THE YEAR 2017,

and AT THIS LEGAL MEETING OF THE TOWN OF WASHINGTON HELD ON THIS 3rd DAY OF APRIL IN THE YEAR 2018.

**ARTICLE I
INTRODUCTION**

- #100 TITLE** This ordinance may be known and may be cited as the “Land Use Ordinance” of the Town of Washington, N.H. Definitions of terms used in this ordinance may be found in the Appendix.
- #101 AUTHORITY** This ordinance is enacted pursuant to the Planning and Zoning Enabling Legislation of the State of New Hampshire, which is embodied in New Hampshire Revised Statutes Annotated, Title LXIV, Chapters 672-677, as amended.
- 101.1 Board of Adjustment:** A Board of Adjustment, consisting of five members, with the power and authority to hear appeals from land-use decisions as described in RSA 674:33, shall be appointed by the Board of Selectmen, who may also appoint up to five alternate members as necessary.
- #102 PURPOSE** This ordinance is enacted to promote the health, safety, and general welfare of the community. The regulations herein give consideration to the character and suitability for particular uses of areas in the Town of Washington, the conservation of the value of property and buildings, and the encouragement of the most appropriate use of land throughout the town. The ordinance is designed to:
- Prevent the overcrowding of land.
 - Avoid undue concentration of population.
 - Lessen congestion in the streets.
 - Secure safety from fire, panic and other dangers.
 - Promote health and the general welfare.
 - Facilitate adequate provision of water, light, air, transportation, school and recreation facilities and the disposal of solid waste and sewage.
 - Assure proper use of natural resources and other public requirements.
- #103 APPLICABILITY** No land in the Town of Washington shall hereafter be used for building, development, or other use and no structure shall be erected, enlarged, materially altered, or moved except in conformance with this ordinance.
- #104 ORIGINS** This ordinance replaces the “Town of Washington Land Use Ordinance Amended March 1999.”

**ARTICLE II
GENERAL REGULATIONS**

The Town of Washington, hereafter termed the Town, is hereby established as a single zoning district.

#200 PERMITTED USES

Six types of uses are permitted together with the accessory uses customarily incidental to them:

200.1 Residential, civic, and agricultural

This includes residences for not more than two families; municipal land use including schools, churches, cemeteries, and town offices, fire houses, etc.; farms or other agricultural uses, and forestry and wildlife preservation. A building permit from the Board of Selectmen is required for construction.

200.2 Minor Home Occupation (Cottage Industry) (Revised 2004 and 2012)

This is a business conducted within a private home or accessory building utilizing an area that is no more than 25% of the floor area of the dwelling only. The business is operated by family members living on the premises. Outdoor spaces may not be used for operations, storage or display of materials, goods or equipment, and the business shall not disturb the rural or residential environment. (See also Article III.)

The home occupation is clearly an accessory use and is limited to those uses customarily incidental to the principal use.

The owner of the property must certify that the home occupation meets the conditions of Section III, Paragraph 5 of the Site Plan Review Regulations and must file a “statement of property usage” with the Planning Board, which documents the current use of the property and proposed use of the property.

No permit is required, but if any of these provisions is exceeded, the business shall fall into one of the two categories below:

200.3 Home Business (includes contractors)

This is also a business conducted from a private home or accessory building, and may occupy an area no more than one-third of the floor space of dwelling only. The work itself may or may not be done on the premises (e.g., maintenance or repair work might be done at the customer’s site). It may employ no more than two other individuals beyond family members. Up to 5,000 sq. feet of exterior space may be used for storage or display if properly screened. No more than three work-related vehicles may be parked on the premises. (See also Article III.)

A business permit must be obtained from the Planning Board, which will require a site plan review. For a business legally established prior to the approval of this ordinance see section 400.

200.4 Business Use (Revised 2004)

Business use includes but is not limited to sales, repair, lodging, personal services, offices, light manufacturing and earth excavation. No business will be permitted that is more than 10,000 sq. ft. of building space unless approved by 2/3 of the voters at the annual Town meeting. If work or storage is done out of doors, those areas shall be screened from view of the road and neighboring properties. Working farms are exempt from this article.

A business permit must be obtained from the Planning Board, which will require a site plan review. Junkyards (as defined in RSA 236:112 of the New Hampshire Planning and Land Use Regulations), commercial landfills and incinerators are not permitted. No new business shall be permitted that would take away from the rural character or aesthetics of the town or could cause undue hazard to health, safety, or property values or that is offensive because of noise, vibration, excessive traffic, unsanitary conditions, noxious odor, or similar reasons. (See also Article III.)

200.5 Earth excavation

Removal of soil or other ground materials is permitted in accordance with RSA 155-E, with the following additional requirements: (1) no more than three acres shall be opened to excavation at any time; (2) the finished restored grade shall be at least six feet higher than the seasonal high water table or lower with a conservation easement; and (3) a surety bond covering restoration costs shall be provided to the Town.

Except for excavations for which RSA 155-E requires no permit, an excavation permit shall be obtained from the Planning Board, which may apply other conditions deemed necessary.

200.6 Communication Towers

Communication towers are permitted subject to this and any other Town of Washington ordinances. Business permits, building permits, and site plan review are required.

200.7 Cost and Fees

Cost and fee procedures outlined in the Washington Subdivision Regulations 3.07 shall apply.

#201 AREA, FRONTAGE, DEPTH AND COVERAGE (Revised 2017)

All uses shall comply with the following requirements:

201.1 Lot area: Not less than four acres, two acres of the required acreage shall be dry land. No area of wetland, as defined by RSA 482 A:2 X, is to be used to satisfy required acreage under provision of this ordinance. The minimum dry land (upland soil) area must be contiguous and sufficient in size and configuration to adequately accommodate all required utilities such as sewerage disposal, leach field, and water supply. All contiguous areas must have a minimum of 50 feet in

length and width in order to be considered contiguous.

- 201.2 Road Frontage:** All lots shall have frontage on either
 (1) a class V or better highway, or
 (2) a street shown on an approved subdivision.

Frontage on the road must be not less than 200 feet of continuous frontage.

- 201.3 Shore Frontage:** Any lot having frontage on a public body of water must have not less than 200 feet of shore frontage.

- 201.4 Depth:** Not less than 200 feet.

- 201.5 Building coverage:** Building coverage shall not exceed 10% of the area of a lot. Total impermeable coverage, including building coverage, shall not exceed 20% of the area of the lot.

#202 SETBACKS

No structures, except fences, walls, driveways, utility poles, and on-site waste disposal systems, may extend closer to a lot-line than any of the following distances.

	Business Uses (Except Home Businesses)	Other Uses	Detached Bldgs. Under 50 Sq. Ft.
Front setback	75'	50'	
Side setback	50'	30'	15'
Rear setback	50'	40'	20'
Shoreline setbacks	75'	50'	20'*
Wetlands setbacks	75'	50'	20'*

Measurement of Setback: Setbacks or other dimensional requirements outlined in this Ordinance shall be measured horizontally and not along the lay of the land. All building extensions such as bump outs or overhangs will be included in measuring the setbacks.

*with natural screening as viewed from the water)

- 202.1 Septic fields** must be set back a minimum of 35 feet from road culverts and ditches. (Approved 2007)

#203 HEIGHT

No building or structure, with the exception of communication towers, shall exceed the lesser of two and one-half stories in height above the foundation or 35 feet measured from the average undisturbed grade around the building.

#204 NOISE

Noise may be regulated by a separate Town ordinance.

#205 WETLANDS

All construction shall comply with the Shoreland Water Quality Protection Act (RSA

483-B:1 thru 483-B:22), the wetland regulations defined in Chapter 483 of the State of New Hampshire RSA, or the Town of Washington LUO, whichever is stricter. All structures and supporting utilities are prohibited from being built on wetland.

#206 STORMWATER

The total storm water runoff from a lot, after construction, shall not increase from the natural condition, ensuring that the rate of surface water runoff from the site does not exceed pre-development conditions and that the quality of such runoff will not be less than pre-development conditions. This applies to all new and existing lots including non-conforming lots of record.

Note: Storm water discharge must be dealt with on-site using mechanisms such as rain gardens or bio-retention ponds. (Approved 2008)

**ARTICLE III
SPECIAL REGULATIONS**

#300 OFF-STREET PARKING AND LOADING

After the effective date of this ordinance, any building erected or enlarged by more than 25% of its gross floor area above ground level and any new use of land shall comply with the following off-street parking and loading requirements.

300.1 Required number of parking spaces, located off the right-of-way.

<u>Type of use</u>	<u>Number of required spaces</u>
<u>Residential</u>	Two per dwelling unit, except elderly housing projects may have one per dwelling unit
<u>Public and Semi-Public</u>	
Places of public assembly (clubs, meeting halls, etc.)	One for every three seats or 100 sq. feet, whichever is greater.
Schools and day care facilities	One for each employee, plus one space for every five children
Libraries, museums, and similar uses	One for each employee plus one space for each 800 sq. ft. of gross floor area
Retail sales	Two for each business unit plus one for every 200 sq. ft. of floor area
Outdoor sales such as autos, boats, campers	Same as for retail sales plus one for every 3000 sq. ft. of exterior area for display or storage space
Businesses, personal services,	One for each employee on the premises at any one

offices, clinics	time plus one for every 100 sq. ft. of floor area
Motels, hotels, tourist homes, lodging houses, inns, bed & breakfasts	One for each sleeping unit, plus one space for each employee on the premises at any one time
Restaurants	One for each two seats
Service stations, auto repair facilities, body shops, etc.	One for each employee, plus two for each service bay, plus one for every 1000 sq. ft. of exterior storage space
Other commercial	One space for every 500 sq. ft. of gross floor area, but Planning Board may require more through the site plan review process

300.2 Size of parking spaces

All parking spaces shall be at least 10 feet wide and 20 feet deep. Home business use parking shall be set back 50 feet from the right of way with the exception of Home Businesses on non-conforming lots whose setback shall be determined by the Planning Board based on business needs, safety and lot configuration through the site plan review process. Business use parking shall be set back 75 feet from the right of way and 50 feet from the side and rear lot lines.

300.3 Off-street loading/unloading

All commercial uses shall provide adequate off-street space for deliveries, loading, and unloading. Such space shall not occupy the yards established by the setback requirements of this ordinance and shall not be the same space used to satisfy parking requirements.

#301 ONE DWELLING-ONE LOT RULE (Revised 2017)

A lot shall not be occupied by more than one permanent single-family dwelling except for an accessory dwelling unit as under the provisions of section 301.1 of this ordinance.

301.1 Accessory Dwelling Unit (ADU) (Approved 2017)

In order to increase housing alternatives while maintaining neighborhood aesthetics and quality, one accessory dwelling unit (ADU) is permitted on any property containing an owner-occupied single-family dwelling (primary dwelling), provided the following conditions are met:

1. Accessory dwelling units shall be permitted only on properties containing an owner-occupied single-family dwelling and a state approved septic system adequate for the combined dwelling units in accordance with RSA 485-A:38.

2. There shall be no more than one accessory dwelling unit per lot.
3. An accessory dwelling unit shall not be considered to be an additional dwelling unit for the purposes of determining minimum lot size (201.1).
4. All required setbacks, heights and building coverage shall comply with this Land Use Ordinance.
5. The accessory dwelling may be located within or added to the primary dwelling, or, it may be within or added to an accessory building such as a freestanding garage but it must be subsidiary in size to the accessory building.
6. If the accessory dwelling unit is within or attached to the primary dwelling, it must have an interior door between the attached ADU and the primary dwelling.
7. The accessory dwelling unit shall be subsidiary in size and function to the primary dwelling and shall not include more than two bedrooms.
8. The accessory dwelling unit shall contain fully self-sufficient living quarters, consisting of sleeping, sanitation and eating accommodations.
9. There shall be one parking space dedicated for the accessory dwelling unit.
10. The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the primary single-family dwelling.
11. Deed restrictions limiting one dwelling to a lot supersede this Accessory Dwelling Unit ordinance.

301.2 Guest Cottage (Approved 2009)

One guest cottage is permitted on the lot with the permanent dwelling, provided it meets the following regulations. Note that all deed restrictions and Homeowner Association Land Use Ordinances shall supersede this article.

1. The applicant must obtain a Building Permit to build or convert an existing building to this use. Existing guest cottages must obtain a building permit or a variance from the Zoning Board of Adjustment, unless previously obtained.
2. The guest cottage must be separate from the permanent dwelling and resting on an enclosed foundation and meet current set backs.
3. The living area of the guest cottage shall not exceed 30% of the living area of the permanent dwelling.

4. It must have sanitary facilities available, which comply with all state and local regulations.

5. A kitchen or cooking facilities are prohibited.

6. The existing driveway and off street paved or gravel parking area must accommodate the additional cars belonging to the guests.

7. The guest cottage must receive a yearly, renewable occupancy permit from the Selectmen, or their representative, indicating it complies with the above regulations, before occupancy.

#302 CORNER LOTS

The #201 frontage requirement shall be met along the heavier traveled road. Frontage along the lesser-traveled road shall be at least 100 feet.

#303 ON-SITE WASTE DISPOSAL SYSTEMS

303.1 Household wastes (Revised 2004)

On-site waste disposal systems shall comply with all State regulations of the New Hampshire Department of Environmental Services and with all other state and federal requirements with no waivers for holding tanks permitted. Properly functioning holding tanks installed prior to this ordinance may continue in use, as well as, those used in temporary structures such as self-contained chemical toilets and recreation vehicles. Temporary structure waste systems must have a Town Permit issued by the Town Health Officer clearly posted and visible from the road.

303.2 Agricultural or business wastes

Agricultural or other business waste shall not constitute a health hazard or nuisance.

#304 BUILDING EXTERIORS (Revised 2004)

Exteriors of buildings shall be constructed of high-grade materials commonly used for outside construction. Lesser grade coverings, such as tarpaper or smooth-roll roofing, are prohibited. Exteriors of temporary buildings must be maintained in good condition.

#305 MINIMUM DIMENSIONS (Revised 2004)

Any new dwelling shall require a building permit from the Board of Selectmen and shall have a minimum of 320 sq. ft. of living space and be considered permanent. It shall have permanent potable water, electrical, and a State approved waste disposal systems and shall be placed on a permanent foundation. The building permit shall be posted and clearly visible from the road. No structure of less than 320 sq. ft. of living space may be used as a permanent dwelling unless it was erected prior to this ordinance.

#306 RECREATION VEHICLES (Revised 2014, 2018)

306.0 PERMIT REQUIRED: One recreational vehicle (RV) of any size may be parked in the Town on land owned by the registered owner of the RV and can be used as a temporary dwelling, provided it is on wheels, is roadworthy, has a current motor vehicle registration and has a state approved, functioning waste-disposal system. The RV must meet all setback requirements of this LUO and must not violate deed restrictions.

One of the following two types of permit must be obtained annually for a fee from the Selectmen and must be clearly posted and visible from the road.

1. As a temporary dwelling for a 2-month period per year on property without an existing permanent dwelling. This permit is renewable, once, within the same calendar year, upon submission of wastewater pump-out receipts to the Selectmen. The RV must be removed from the property at the end of the permitted period.

2. As a temporary dwelling for a 6-month period so long as a building permit for a permanent dwelling has been obtained prior to the parking permit being issued. The permit may be renewed for additional 6-month period as long as the building permit is in force and there are visible signs of construction progress. The submission of timely wastewater pump out receipts to the Selectmen, are required in order to renew the parking permit. The RV must be removed from the property upon expiration of the building permit if no permanent dwelling has been built and a Certificate of Occupancy has not been obtained.

306.1 Day use office trailers are allowed if the lot they occupy has a building permit in force and has a State approved functioning waste disposal system. All setback requirements of this LUO must be met.

306.2 GUEST PERMIT REQUIRED: A single recreational vehicle owned by a guest of the owner of a lot with a permanent dwelling on it may be parked and occupied on a temporary basis provided it is on wheels, is roadworthy, has a current motor vehicle registration, has a state approved waste-disposal system, meets all setback requirements of this LUO, does not violate deed restrictions and a Guest Parking Permit is obtained by the lot owner for a fee from the Selectmen. Guest Permit RV parking is limited to a maximum of 7 days in one month and expires 30 days from date of permit issuance.

306.3 PERMIT NOT REQUIRED: Recreational vehicles may be parked in Town without obtaining a parking permit under the following conditions:

1. A single recreational vehicle may be parked on a lot with a permanent dwelling owned, leased or rented by the registered owner of the RV or a contiguous lot of same ownership without a Town parking permit provided the vehicle is on wheels, is roadworthy and has a current motor vehicle registration, does not violate deed restrictions and is not occupied.

2. Recreational vehicles may be parked on a Town or State approved camp ground without a Town parking permit provided the vehicle is on wheels, is roadworthy and has a current motor vehicle registration.

306.4 RV parking permits expire on December 31 of the year issued. No vehicle other than an RV may be used for temporary living.

#307 DRIVEWAYS

No driveway or access may be established or altered so as to adjoin any Town road without first obtaining a permit from the Planning Board pursuant to RSA 236:13 and 236:14. The permit application shall specify details of construction, including drainage, deemed necessary to protect the Town and adjoining properties. A copy of any state-issued permit should be filed with the Town.

#308 GLARE LIGHTING

No property owner or resident shall install, or cause to be installed, flood or spot lighting of any kind that is directed at an abutting owner's property or that may be a hazard to public safety or publicly obnoxious.

#309 SIGNAGE (Revised 2012, 2017)

In accordance with our Master Plan Vision, the purposes of the Sign Ordinance are to preserve the esthetics of our village centers and the rural character of our surroundings, and to protect the health, safety and welfare of our citizens without inhibiting the vitality of our local businesses and organizations.

309.1 Permanent On-premise Signs shall be permitted only when in conformity with the following regulations:

1. A permit to erect an on-premise sign or display shall be procured from the Planning Board at the current fee.
2. One freestanding sign and one sign mounted to the building shall be permitted.
3. An outdoor sign or display shall not be larger than 12 sq. ft. in area and shall not have more than two (2) sides.
4. It shall be placed outside of the town or state right-of-way unless mounted on a building with a lawful non-conforming setback.
5. Illumination shall be only by continuous, non-flashing and non-colored light and shall be shielded to limit any undue glare or distraction to the surrounding area or traffic. Illumination shall be limited only to business hours.
6. Height of sign shall not exceed fifteen (15) feet from adjacent grade unless attached to a building. No attached sign shall extend above the ridge or parapet line of the building.
7. Any sign, which comes into disrepair or poor condition due to neglect or

incidental damage, must be removed upon order of the Selectmen, if not restored to the original condition within forty-five (45) days of notice. Any new sign erected after the forty-five (45) days notice that replaces the removed sign shall require a new permit and must conform to all regulations in force at the time of said activity.

309.2 Permanent Off-premise Signs shall be permitted only when in conformity with the following regulations:

1. A permit to erect an off-premise sign or display shall be procured from the Planning Board at the current fee.
2. Permanent off-premise signs shall be permitted for directional purposes only.
3. No more than two (2) signs for the same purpose and/or sign owner shall be located within any length of the same road.
4. Permanent off-premise signs shall have no more than two (2) sides and shall conform to a 9 inch by 48-inch rectangle.
5. Signs shall contain a white background with black lettering; color graphics can be included on the sign within the permitted size.
6. Signs may be located within the town's right-of-way or on private property subject to property owner's permission, the location subject to approval by the Planning Board and Highway Department based on traffic safety and aesthetics, and general public welfare.

It should be noted that the municipality is not held responsible for damage to private property that is located within the public right of way, (RSA 231:92 and 231:92a). In most cases, the ROW often extends 10 to 20 feet of either side of the paved or gravel road.

Along state roads, if located within the state's right-of-way, signs are to conform to state regulations and shall be permitted in accordance with NH Department of Transportation.

309.3 Existing Non-Conforming Signs

Every sign lawfully in existence at the time of adoption of this Ordinance may continue in existence and be maintained, but may not be changed in any of its dimensions or location except to comply with this ordinance.

309.4 Signs for which NO Permits are required:

1. **Temporary On-premise Signs**, not to exceed six (6) square feet in size,

with two (2) sides and subject to the following:

- a) Shall be in place for not more than 120 calendar days per year.
- b) Must be well anchored and not pose a threat to traffic or public safety.
- c) No more than two temporary on-premise signs shall be erected on the same premises at the same time.
- d) A temporary sign on residential or commercial property that is currently being marketed for sale or rent is exempt from the 120-day limit.

2. **Temporary Off-premise Signs**, not to exceed six (6) square feet in size, with two (2) sides and subject to the following:

- a) Temporary off-premise signs shall be erected for directional purposes only.
- b) Shall be in place for not more than 120 calendar days per year.
- c) No more than three (3) signs for the same purpose and/or sign owner shall be located within any length of the same road.
- d) Must be well anchored and not pose a threat to traffic or public safety.

Note: Off premise signs may be located within the town's right-of-way or on private property with the property owner's permission.

It should be noted that the municipality is not held responsible for damage to private property that is located within the public right of way, (RSA 231:92 and 231:92a). In most cases, the ROW often extends 10 to 20 feet of either side of the paved or gravel road.

- 3. **Permanent signs** not exceeding two (2) square feet in area and bearing only property numbers, postal numbers, names of occupants and other non-commercial identification.
- 4. **Municipal signs** or any sign required or permitted by federal, state, county, local or local law regulation.
- 5. **Legal notices**, such as posted "no trespassing" or "no hunting" signs.
- 6. **Signs located on registered motor vehicles** and rolling stock of licensed common carriers fit for highway use and used on a regular basis by a business or an employee and not used primarily for advertising purposes.

#310 CLUSTER DEVELOPMENT (Revised 2008)

Cluster development is the grouping of single-family dwellings—but not duplex dwellings—closer than otherwise permitted by this ordinance, while preserving open

space. The total number of single-family lots in a cluster subdivision shall not exceed that permitted if the entire parcel were divided into conforming lots.

All new major subdivisions for residential use shall use a Cluster Subdivision Design approach.

Exemptions - Subdivisions shall be exempt from the requirements of this section (unless a landowner elects to follow the standards of this section) if:

- (a) The subdivision creates lots that are, on average, equal to or greater than 435,600 square feet (10 acres) in size and provided the deed for each lot created contains a restriction prohibiting the further subdivision of the lot;
- or
- (b) The subdivision creates three (3) or fewer dwelling units, does not require a new road and there is no possibility of further subdivision.

Notwithstanding other provisions of Washington's LUO, authority is hereby granted to the Planning Board, as allowed under RSA 674:21II, to issue a special use permit as follows:

- (1) The Planning Board may issue a special use permit for the parcel to be developed as a conventional subdivision when it finds that:
 - (a) The parcel is ill-suited for development using Cluster Subdivision Design, or a conventional design provides greater or equal benefits to the community; and
 - (b) The conventional subdivision design retains and protects important natural and/or cultural features identified during the site inventory.
- (2) The Planning Board may issue a special use permit to modify the conventional dimensional standards to allow for a modified Cluster Subdivision design as well as to vary certain requirements of this section as specified herein. Such modifications shall be consistent with the purposes and standards of this section; fall within the guidelines contained herein, and shall not be detrimental to public health, safety or welfare.

The total area of the parcel/development shall be at least 10 acres.

The minimum lot size for each dwelling shall be one acre of Buildable Area, with a minimum road frontage of 100 feet. (Approved 2007)

Lots of less than one acre shall be permitted provided that the Designated Open Space is increased proportionally. (Approved 2007)

Each dwelling in a cluster development shall face and be accessed by an interior subdivision road.

Provision shall be made for at least 50% of the Buildable Area of the parcel plus at least eighty percent (80%) of the Non-buildable Area, to be permanently protected as Designated Open Space. All owners with deeded rights to the Designated Open Space shall have access to said land. (Approved 2007)

Portions of the parcel that comprise part of an individual house lot, roadway,

driveways, access roads, roadway right-of-way, utility easements, or other new or existing rights-of-way or any area that is less than 100 feet wide shall not count toward the calculation of the Designated Open Space.

Areas containing the following shall be considered high priority for inclusion in the Designated Open Space:

1. Riparian areas, wetlands, streams, vernal pools, and other water resources and buffers for those resources;
2. Areas identified as a priority for conservation in the Washington NRI, land including critical or high-quality habitat areas, including areas identified as the highest statewide or eco-region importance by the NH Fish and Game's Wildlife Action Plan and buffers or supporting landscapes to these areas;
3. High-quality forested areas, significant stands of trees or significant individual trees;
4. High-quality soil resources (forest or agricultural soils);
5. Cultural and historic resources (e.g., stone walls, historic sites);
6. Existing trails;
7. Areas that connect to undeveloped open space on adjacent properties;
8. Ridgelines, particularly those that continue through the parcel;
9. Viewshed areas; and
10. Water supply protection areas

A site-specific inventory will be required prior to designing the subdivision and a map will be created indicating the location of all such areas on the site and within 500 feet of the site. A site walk with the Planning Board and other applicable Town Boards will be required after the inventory is completed.

The location and layout of the Designated Open Space shall minimize the impact of a residential development on the natural environment, neighboring properties, and the Town.

Any use of the Designated Open Space is subject to approval of the Planning Board and Conservation Commission and shall demonstrate that such uses shall not negatively impact the natural and/or cultural features preserved through the Cluster Subdivision design. The following uses generally are permitted in the Designated Open Space, unless specifically prohibited or restricted as a condition of subdivision approval for the purposes of protecting important natural features or characteristics of the parcel:

1. Forest management;
2. Agricultural cultivation and grazing pastures;
3. Passive (non-motorized) trails and recreational uses; and
4. Snowmobile trails.

The Designated Open Space shall be retained in a natural, undisturbed state, except for those activities permitted as provided above, or managed according to a plan written by a qualified natural resource professional.

Future development in and/or subdivision of Designated Open Space shall be prohibited and shall be so noted on the approved subdivision plan/plat.

Prior to the sale of any lots, the Designated Open Space shall be protected and controlled by one or more of the following methods subject to Planning Board approval:

1. Dedicated to the Town as open space, with public access and permanent Deed Restrictions or Conservation Easement in place;
2. Transfer; with permanent Deed Restrictions or Conservation Easement, to a land trust or other recognized conservation organization (subject to acceptance by the organization);
3. For Designated Open Space areas of less than 50 acres, ownership by one or more private individuals (separately or in common) or by an association of the owners of the dwelling units within the subdivision (i.e. homeowner's association) with open space protection, Deed Restriction enforceable by any land owner within the association, any owner of separate land parcels adjacent to the open space, or the Town; or
4. Ownership by one or more private individuals (separately or in common) or by an association of the owners of the dwelling units within the subdivision (i.e. homeowner's association) with a Conservation Easement granted to the Town and/or recognized conservation or land trust organization.

In the event that the designated open space is owned by a cooperative legal entity for the benefit of the residents of the subdivision, all common open space shall be governed in accordance with the requirements of New Hampshire RSA 479A: 1-23 inclusive, as amended.

Said Deed Restrictions and/or Conservation Easement documents shall be placed on file with the Town Clerk upon receipt of Planning Board subdivision approval and duly recorded at the County Registry of Deeds, where appropriate. Such documents shall clearly indicate whether the property is open to the general public, open only to residents of the Town, or open only to residents of the subdivision.

Lots of less than one acre shall be permitted provided that the common land is increased proportionally. (Approved 2007)

#311 SCREENING (Revised 2004)

Fuel tanks and vehicle used for storage shall meet all setback requirements of the LUO and they must be screened from all property lines and rights of way within two years of passage of this ordinance. Buried fuel tanks must meet all setback requirements but need not be screened. Tanks installed prior to this ordinance are exempt from all setback requirements, however they must be screened if not buried.

#312 WELLS

The minimum distance between a well and the edge of the right of way shall be 50 feet. This may be reduced by variance, but in that case the Town shall not be liable for contamination by road materials.

**ARTICLE IV
NONCONFORMITIES**

#400 GENERAL

At the time this ordinance takes effect, all lawful lots, buildings, structures, and uses, which do not comply with this ordinance, are declared to be nonconforming and shall be subject to the regulations below. Any lawful nonconforming lot, building, structure, and/or use that is in existence when this ordinance takes effect may continue in that present use. Nothing in this ordinance shall be deemed to make legal an existing lot, building, structure, or use that was not legal at the time of enactment of this ordinance.

#401 NONCONFORMING LOTS OF RECORD

A dwelling and customary accessory buildings may be erected on a nonconforming vacant lot that was a lot of record as of March 5, 1974.

401.1 Setbacks and frontage

A lawful nonconforming lot of record may be developed for the uses allowed by this ordinance provided it meets the following requirements and all applicable permits have been obtained:

A. A nonconforming lot established before March 5, 1974 must meet the minimum setback requirements found in #202. It must also meet all regulations outlined in Article II with the following exceptions: #201.1, #201.2, and #201.3.

B. A nonconforming lot established between March 5, 1974 and March 13, 2007 must be a minimum of 2 acres in size. It must meet the minimum setback requirements found in #202. It must meet all regulations outlined in Article II with the exception of #201.1.

C. A nonconforming lot established between March 13, 2007 and March 11, 2008 must be not less than 2 acres of contiguous dry land in size. It must meet the minimum setback requirements found in #202. It must meet all regulations outlined in Article II with the exception of #201.1.

Businesses and detached buildings on a nonconforming lot must meet all regulations outlined in Article II with the exception of #201.1.

401.2 Septic system requirements

No structure or building shall be erected on a nonconforming lot of record unless the septic system requirements of both the State of New Hampshire and the Town are complied with.

#402 NONCONFORMING USES

Lawful nonconforming uses of land or structures existing at the effective date of this ordinance may be continued, as follows:

402.1 Resumption after discontinuance

When a nonconforming use of land, structures, or buildings has been discontinued for two years, then the land, structures, or buildings shall be used thereafter only in conformity with this ordinance.

402.2 Change or expansion

Any nonconforming use shall not be changed to another non-conforming use. Any nonconforming use may be enlarged or extended provided such enlargement or expansion does not come within 25 feet of a side or rear lot line or within 35 feet of an abutter's building. Any structure or part thereof into which such nonconforming use is expanded shall conform to the requirements of this ordinance.

402.3 Superseded by a conforming use

If a nonconforming use is superseded by a conforming use, then it shall thereafter conform with the regulations of this ordinance, and the nonconforming use may not be resumed.

402.4 Restoration, reconstruction, and/or replacement

Any and all nonconforming uses of land, buildings, or structures that are partially or wholly destroyed by reason of any cause whatsoever may be resumed or restored and operated in their former nonconformity if same is done within two years thereafter. The replacement uses of the land and/or structures must be in the same location and of the same dimensions as before the damage, unless change of location or dimensions would make the nonconforming uses more conforming. After two years, such use shall not be replaced unless a variance is obtained from the Board of Adjustment.

#403 NONCONFORMING BUILDINGS AND STRUCTURES

Any nonconforming building or structure may be continued indefinitely and may be altered, expanded, substantially improved, restored, reconstructed, and/or replaced subject to the following limitations.

403.1 Alterations and expansion

Any nonconforming building may be altered or expanded provided such alteration or expansion does not come within 25 feet of a side or rear lot line or within 35 feet of an abutter's building. The expansion of any structure or part thereof shall conform to the requirements of this ordinance.

403.2 Abandonment, discontinuance, destruction

Any and all nonconforming buildings, or structures that are abandoned, discontinued, or vacated or that are partially or wholly destroyed by reason of any cause whatsoever may be restored and operated in their former nonconformity if same is done within two years thereafter. The replacement buildings/structures must be in the same location and of the same dimensions as before the damage, unless change of location or dimensions would make the replacement more conforming. After two years, such buildings/structures shall not be replaced unless a variance is obtained from the Board of Adjustment.

403.3 Hazardous buildings

Buildings that are designated hazardous by the health officer or the Board of Selectmen must be repaired or removed within a two-year period from the time they are so designated, otherwise the Town will arrange for repair or removal at the owner's expense.

403.4 Mobile Home Parks (Added 2004)

Mobile home/trailer parks are not permitted

**ARTICLE V
ADMINISTRATION & ENFORCEMENT**

#500 ADMINISTRATION AND ENFORCEMENT RESPONSIBILITY

It shall be the duty of the Board of Selectmen to administer and enforce this ordinance, and the Board of Selectmen is hereby authorized to do so.

#501 BUILDING PERMITS

501.1 Building permits required (Revised 2004, 2018)

After passage of this ordinance, it shall be unlawful to erect, structurally alter, increase the number of bedrooms within, install footings for proposed new construction, or relocate any building or structure without first obtaining a building permit from the Board of Selectmen. A building permit shall be required for all structures over 50 square feet in area with a maximum height of two and one half stories above the foundation or 35 feet in height above the average grade. Temporary structures erected for less than 180 days a year are exempt.

A Building Permit shall not be issued:

- A. For any use, development, building, structure, or other activity that is not in conformance with this ordinance.
- B. For any building having sanitary facilities that do not comply with N.H. Department of Environmental Services Regulations. Where State approval of on-site disposal systems is required, a building permit shall not be issued until the State approval has been received.
- C. For any new building or development that has not received the requisite driveway permit from the N.H. Department of Transportation or the Planning Board
- D. For any nonresidential or multifamily building or construction activity that has not received the requisite site plan approval from the Planning Board.
- E. For any activity that has not received all other federal and state permits that may be required.

501.2 Commencing work without a permit (Revised 2004)

In preparation for construction for which this LUO would require a building permit, commencement of work without this permit shall be considered a violation of this ordinance. The permit must be posted and clearly visible from the road.

501.3 Building permit fees (Revised 2004)

The Board of Selectmen is hereby authorized to establish reasonable building permit fees and to revise, amend and waive these fees as necessary.

501.4 Building permit applications

No application for a building permit shall be accepted or approved unless it is:

- 1) filed in writing on a form prescribed by the Selectmen;
- 2) accompanied by the required permit fee; and
- 3) accompanied by a drawing showing the lot plan, the location of the building or use on the lot, accurate dimensions of the lot and building or use.

If the building or use is for human habitation, the drawing must also show location and specifications of domestic water supply (on-site well) and means of waste and sewage disposal, as well as means of access to such lot or use, and such other information as the Selectmen may deem necessary to provide for the observance of the provisions of this ordinance, including documentation of state approval of on-site disposal systems.

501.5 Implied inspection consent

Any person making application to the Board of Selectmen for a building permit shall be deemed to have granted permission to the Selectmen or their duly authorized representatives to enter the building/property at reasonable times for the purpose of assuring compliance with this ordinance or any building permit conditions issued thereto.

501.6 Stakes and markers

No application for a building permit shall be approved until stakes or markers shall be fixed on the lot to indicate the location of lot lines and all corners of building(s), structure(s), and alteration(s) proposed.

501.7 Building permit conditions

The Selectmen may attach conditions that they deem necessary to the enforcement of this ordinance to the issuance of a building permit.

501.8 Revocation of building permit

The Selectmen may suspend or revoke any building permit upon determining that the work or project in process is not in conformity with the permit as granted or is otherwise in violation of the terms of this ordinance. In the event of such suspension or revocation of a building permit, the work or project concerned shall immediately cease, or legal action to enforce such cessation shall forthwith be taken by the Selectmen.

501.9 Length of building permit

Construction shall start within one year and be completed by the end of the second year after the issuance of a valid building permit.

501.10 Renewal of building permit

In cases of hardship, the Selectmen may renew a building permit once, for a period of one year, at a renewal fee to be established by the Selectmen.

#502 OCCUPANCY

502.1 New buildings

No new habitable building shall be occupied or otherwise used until the following conditions are met:

- A. The building is habitable;
- B. The exterior complies with #304;
- C. The on-site waste disposal system is complete and in compliance with state regulations;
- D. All plumbing, water supply, electrical, and sanitary facilities have been installed and are properly functioning; and
- E. All State Fire Code requirements have been met.

502.2 New additions and substantial improvements

Any new addition or substantial improvement to a building designed for human habitation shall also meet the requirements of 502.1, A through E.

502.3 Seasonal buildings

A building designed for or presently used for seasonal habitation shall not be converted to year-round use until all applicable requirements of 502.1 are met.

502.4 Change of business or use

When the business use of a building is changed, sold, or altered, that building must meet the water, sanitary, electrical, and fire code requirements related to its new use and is subject to a business permit application.

#503 ENFORCEMENT

503.1 Duty of Selectmen to enforce (Revised 2004)

It shall be the duty of the Board of Selectmen, upon receiving any well-founded information or upon complaint, to take appropriate action or institute legal proceedings to prevent any unlawful use or development of any land, building, structure, or premises in violation of any provision of this ordinance. The Selectmen may delegate responsibility for daily enforcement to town departments.

503.2 Cease and desist orders

The Selectmen may issue violation and/or cease and desist orders themselves or through

legal counsel. The Selectmen may take all actions they deem necessary to enforce and/or to prevent violations of this ordinance.

503.3 Injunctive relief

In addition to other remedies provided by law, the Selectmen, through Town legal counsel, may institute an action for injunctive relief or any other action authorized by state statute and necessary for the enforcement of this ordinance.

503.4 Penalties

Any person who violates this ordinance shall be subject to the penalties provided for by New Hampshire RSA 676:17, as follows:

- A. “A civil fine of not more than \$275 for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the municipality that he is in violation of this ordinance, whichever date is earlier.”

- B. A criminal penalty, which shall be:
 - 1. A misdemeanor if the violation is committed by a natural person; or
 - 2. A felony if the violation is committed by any other person.

503.5 Attorney’s fees and costs

In any legal proceeding required to enforce this ordinance, the Town shall seek all attorneys’ fees and costs allowed by New Hampshire RSA 676:17 or other law.

ARTICLE VI

AMENDMENT, CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE

#600 AMENDMENT

This ordinance may be amended from time to time as prescribed in N.H. RSA, Chapter 675, as amended.

#601 CONFLICTS (Revised 2004)

The requirements of this ordinance shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. Where they conflict with private covenants or deed restrictions, or local, state, or federal requirements, the stricter requirements shall govern and enforcement shall be by the issuing agency. It is not intended that this ordinance interfere with, abrogate, or annul any easement, covenant, or other private agreement.

#602 SEVERABILITY

Should any section or provision of this ordinance be held to be invalid or unconstitutional by any court or authority of competent jurisdiction, such holding shall

not affect, impair, or invalidate any other section or provision of this ordinance, and to such end, all sections and provisions of this ordinance are declared to be severable.

#603 EFFECTIVE DATE

This ordinance shall take effect upon its passage. It shall thereupon supersede the “Land Use Ordinance as amended 1999,” which is hereby repealed.

APPENDIX Definitions

For the purpose of this ordinance, the definitions below are those used and intended by its writers. Further, the present tense includes the future; the singular number includes the plural, and a plural the singular. The word “used” includes “designed, arranged, or intended to be used”; the word “person” includes an individual, partnership, firm, association, corporation, or organization. The word “structure” includes the word “building.” The word “shall” is always mandatory and not merely a recommendation.

ABUTTER: Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the real estate under consideration. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his real estate will be directly affected by the proposal under consideration. For purposes of notification, the term abutter shall include any person owning land within 200 feet of the property being subdivided, as per RSA 672:3.V

ACCESSORY BUILDING: A subordinate building on the same lot, whether attached or unattached to the main dwelling or building thereon.

ACCESSORY DWELLING UNIT (ADU): A dwelling unit that is subsidiary in size to the primary single-family dwelling or the accessory building to which the ADU is either within or attached.

ACCESSORY USE: Any use of premises that customarily is accepted as a reasonable corollary to its principal use.

AGRICULTURAL SIGN: a commercial sign identifying agricultural uses or products including, but not limited to, dairy or vegetable farms, tree farms, orchards, and maple syrup operations.

ANNEXATION or LOT LINE ADJUSTMENT: Shall mean the sale, transfer or other conveyance which involves merely a transfer of land among two (2) or more adjacent owners, or the consolidation of two or more lots under common ownership into one and does not increase the number of parcels, lots or owners.

APPLICANT: The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owners of the property.

BUFFER: Land area maintained in either a natural or landscaped state and used to visibly separate or screen one use from another or to minimize potentially negative impacts on surrounding areas (e.g., shield or block noise, light or other nuisances, reduce water pollution. Buffer areas may include such things as fences or berms as well as shrubs and trees.

BUILDING: Any structure, either temporary or permanent, having a roof or other covering and designed or used for the shelter or enclosure of any person, animal, or property of any kind.

BUILDABLE AREA: Land area of a parcel, excluding Non-Buildable Area.

BUILDING COVERAGE: The aggregate cross-sectional area (footprint) of all buildings on the lot, including accessory buildings.

BUILDING ENVELOPE: Area within which clearing, grading, lawns, pavement, buildings, and water and septic utilities will be located.

BUSINESS USE - establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building and maintenance, management and consulting services, and personal supply services.

COMMERCIAL SIGN: Any sign that directly or indirectly names, advertises, or calls attention to a

business, organization, product, service or other commercial business activity.

CONSERVATION EASEMENT: A permanent legal restriction against future development and other activities as specified in a conservation easement deed. An easement may be worded to permit or restrict public access, allow or disallow recreational uses, allow or disallow other uses, such as limited development, agriculture, or forestry. Easements are tied to the title of the land, regardless of subsequent ownership.

CONSERVATION SUBDIVISION: An alternative form of residential development where, instead of subdividing an entire tract into lots of conventional size, a similar number of housing units may be arranged on lots of reduced dimensions, with the remaining area of the parcel permanently protected as Designated Open Space.

DEED RESTRICTION: A restriction on the use of land usually set forth in the deed for the property. Also known as a Restrictive Covenant.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.

DESIGNATED OPEN SPACE: A reserved tract of land that is permanently protected from future development as part of a Conservation Subdivision subject to the provisions of Section #310 of the LUO.

DISREPAIR: Poor condition due to neglect or incidental damage.

DWELLING: A building or portion thereof containing one or more living units, but not hotels, motels, boarding houses, inns, clubs, lodges, camping trailers, recreational vehicles, or other structures solely for transient, seasonal, or overnight occupancy.

DWELLING, SINGLE FAMILY: A detached building designed for or occupied exclusively by one family.

DWELLING, TWO FAMILY: A detached building designed for or occupied by two families exclusively, living independently and separately from each other therein, in separate dwelling units.

DWELLING UNIT: One or more rooms with cooking, living, sanitary, and sleeping facilities arranged for the use of one or more persons living together as a single household.

DWELLING, PERMANENT: Any building resting upon a foundation, as per RSA 674.24.V

EASEMENT: The right or privilege that a person may have to use another person's property usually for the purposes of installing and maintaining utilities and drainage ways.

FAMILY: A family is 1) an individual; 2) two or more persons related by blood, marriage, or adoption; or 3) not more than four (4) persons not so related, provided that all of these individuals are normally living together and sharing the same living quarters.

FARM/AGRICULTURE: Any land, buildings or structures on or in which agriculture and farming operations are carried out as the principal use, including all operations outlined in RSA 21:34:a II.

FREESTANDING SIGN: A sign having its own supporting structure independent of any building or other supporting structure.

FRONT SETBACK: See Setback, Front.

FRONT YARD: See, Yard, Front.

FRONTAGE: All that continuous side of a lot or tract of land abutting a body of water, a street or road shown on an approved subdivision plan approved by the Planning Board and recorded in the Sullivan County Registry of Deeds.

GRADE: Natural grade before fill or excavation.

GUEST COTTAGE - An accessory building used to accommodate the overflow of overnight guests from the primary residence. It is not rental property, nor

shall it be used as a rental property. A Recreational Vehicle and/or a Mobile Home shall not qualify as a Guest Cottage.

HEIGHT: The height of a building is the vertical distance from the natural grade elevation to the highest point of the roof.

HOMEOWNERS ASSOCIATION: A private corporation, association, or other legal entity organized in accordance with state law and established by the developer or the member individuals for the benefit and enjoyment of its members, including oversight and management of Designated Open Space, Common Open Space, and/or common facilities.

IMPERMEABLE COVERAGE: All that horizontal area of a lot, parcel, or tract that cannot be penetrated by rainwater because of manmade alterations to the natural surface of the land, including building, parking lot, or driveway areas.

KITCHEN: An area where food is prepared or cooked including any food storage, appliances, serving/eating or preparation facilities.

LIGHT MANUFACTURING: establishments engaged in the mechanical or chemical transformation of materials or substances into new products.

LIVING AREA: Living area shall be defined as any space in the unit which could be used for living activities, measured along the building's outside perimeter. Excludes unfinished basements and unfinished attics, garages or carports, patios, decks, porches or similar structures. The Assessors will help determine the total square footage of living area in a dwelling.

LOT: A designated parcel, tract or area of land established by a deed, plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

LOT AREA: The extent in square feet or acreage of the surface of a lot, but not including any part of the street or right of way on which the lot fronts or abuts.

LOT DEPTH: The mean distance from the front or street line of the lot to the extreme rear lot line measured on a line that is the mean direction of the side lot lines.

LOT LINE: A line of record bounding a lot that divides one lot from another lot or from public or private street or any other public space.

LOT LINE ADJUSTMENT or ANNEXATION: Shall mean the sale, transfer or other conveyance which involves merely a transfer of land among two (2) or more adjacent owners, or the consolidation of two or more lots under common ownership into one and does not increase the number of parcels, lots or owners.

LOT OF RECORD: A lot described in a deed that has been lawfully recorded in the Registry of Deeds for Sullivan County, or which if not so deeded is a lot that is part of a subdivision the plan of which has been lawfully recorded in such Registry of Deeds.

MOBILE HOME: A mobile single family dwelling, transportable in one or more sections.

NON-BUILDABLE AREA: Area of a parcel that has any of the following characteristics: wetlands or wetland soils, as defined by RSA 482-A: 2X; slopes greater than 25 percent; submerged areas; utility rights-of-way, 100 year floodplain, required wetland and shoreland buffers, is restricted from development by covenant, easement or other restriction.

NON-CONFORMING BUILDING: Any building that does not, in whole or in part, conform to the dimensional regulations of this ordinance.

NON-CONFORMING LOT: Any lot that does not conform to the area, frontage, or depth requirements of this ordinance.

NON-CONFORMING STRUCTURE: Any structure that does not, in whole or in part, conform to the dimensional regulations of this ordinance.

NON-CONFORMING USE: Any use of land and/or a structure that does not conform to

the use requirements of this ordinance.

OFF-PREMISE SIGN: A sign that is installed on property that is NOT owned by the entity that owns the sign.

ON-PREMISE SIGN: A sign that is installed on property owned by the entity that owns the sign.

ON-SITE WASTE DISPOSAL SYSTEM (FACILITY): See Waste Disposal System.

OPEN SPACE: Land is that is not developed and remains in a natural condition. Open space may include open fields and forests, farmland, floodplains, wetlands, as well as undeveloped shorelands and water bodies, and can encompass scenic vistas, recreational areas, and historic sites. See also Designated Open Space.

OPEN SPACE, COMMON: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and/or the town and may include such complementary structures and improvements as are necessary, appropriate and approved by the Planning Board. See also Designated Open Space.

PARKING LOT: Any surface designated for vehicle storage that has been altered with a material other than grass

PERSON: One human being, partnership, or corporation that is recognized by law as the subject of rights or duties.

PUBLIC BODY OF WATER: All lakes, ponds and impoundments greater than 10 acres, all 4th order and greater streams and rivers (as designated by the NH DES Consolidated list of waterbodies subject to RSA 483-B).

PORTABLE SIGN: A sign mounted on wheels or trailers or a sign mounted on a vehicle if that vehicle is located primarily for display.

REAR SETBACK: See Setback, Rear.

REAR YARD: See Yard, Rear.

RECREATIONAL VEHICLE (RV): A portable or temporary dwelling such as a motor home, van, pickup camper, recreational trailer, and tent trailer designed for recreational, camping, travel or seasonal use, intended for temporary occupancy for recreational dwelling purposes only, and not for permanent year-round residency.

ROAD: See Street.

SETBACK: The distance from the extreme limit of a structure to a lot line.

SETBACK, FRONT: The setback from the right-of-way boundary of a street or private way.

SETBACK, REAR: The setback from the rear lot line.

SETBACK, SIDE: The setback from the side lot line.

SHORELINE: Edges of lakes, ponds, or streams.

SIDE SETBACK: See Setback, Side.

SIDE YARD: See Yard, Side.

SIGN: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is visible from a public or private right of way and is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

SIGN AREA: The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure. For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background of a different color than the finish material of the building. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two

(2) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

SINGLE FAMILY DWELLING: See Dwelling, Single Family.

SITE PLAN REVIEW: Review of site plan by the Planning Board pursuant to NH RSA 674:43, as amended.

SKETCH PLAN: A preparatory sketch of a preliminary subdivision plat layout, which generally does not include engineering details, used to support a general discussion with the Planning Board as to the form of the plat and the objectives of the provisions of the LUO and applicable Subdivision or Site Plan regulations.

STREET: A highway that is a state or town maintained highway, Class V year round maintained or better.

STRUCTURE: Anything constructed or erected, including, but not limited to buildings, mobile homes, communication towers, sheds and storage bins or tanks, decks, portable car ports, swimming pools, tennis courts and parking lots.

STRUCTURAL PARTS: The parts of a building that define the exterior space(s) such as walls, load bearing walls, roofs or foundations.

STRUCTURALLY ALTER: Any change or rearrangement of the structural parts of a building externally or the enlargement of a building whether by extension of any side or by increase in height or change in roofline. Includes the movement of a building from one location to another, but does not include ordinary repairs or replacement of existing fixtures internally or externally (i.e. windows or doors).

SUBDIVISION: The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, or building development.

It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

TEMPORARY SIGN: A sign intended to display a message of a transitory or temporary nature, which is in place for no more than the stated time limits for the specific temporary sign types found in section 309 of the LUO.

TEMPORARY STRUCTURE: Any structure that is erected for less than 180 days.

TWO-FAMILY DWELLING: See Dwelling, Two-Family.

VEHICLE: Any automobile, van, small or large truck, bus, camping trailer, tent trailer, recreational travel vehicle (RV), or the like.

WASTE DISPOSAL SYSTEM (OR FACILITY): Any sewage disposal or treatment system, other than a municipally owned or operated system, that receives sanitary sewage or waste, or both, including septic tanks, holding tanks, cesspools, dry wells, leaching fields, beds and trenches, and chamber systems and State approved outhouses.

WETLAND - Means any area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

YARD: An open and unoccupied space surrounding or adjoining a building.

YARD, FRONT: The area between the extreme front limit of a structure and the right-of-way.

YARD, REAR: The yard between the extreme rear limit of a structure and the rear lot line.

YARD, SIDE: The yard between the extreme side limit of a structure and the side lot line.

The effective date of this Land Use Ordinance, as amended, shall be April 3, 2018.

Certified to be a true copy, attest:

Jim Crandall, Chairman

Andrew Hatch, Vice Chair

Nancy Schwartz, Secretary

Paul Dulac

Al Krygeris, Ex-Officio

Steve Terani, Alternate

Jean Kluk, Alternate

Jim Russell, Alternate