ORDINANCES

TOWN OF WESTMORELAND

NEW HAMPSHIRE

Building & Zoning Ordinances

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ZONING ORDINANCE
for the
TOWN OF WESTMORELAND, NEW HAMPSHIRE

Adopted: June 1988
Amended: March, 1989, 1990, 1991, 1992, 1997, 1999, 2001, 2002, 2004, 2006, 2007, 2011, 2012, 2014, 2015, 2016

ARTICLE I
ENACTMENT, INTENT, AND DEFINITIONS

SECTION 101 Enactment
In accordance with the authority conferred by Chapter 674, Sections 16-21, New Hampshire Land Use Regulations RSA 1984, there are hereby established Zoning Regulations for the Town of Westmoreland, New Hampshire, which are set forth in the text and map that constitute these regulations. These regulations shall be known and cited as the "Town of Westmoreland Zoning Ordinance".

SECTION 102 Intent
It is the intent of this Zoning Ordinance to provide for orderly community growth and to further the purposes established under New Hampshire RSA 674:17.

SECTION 103 Definitions
Except where specifically defined herein, all words used in these Regulations and certain terms or words shall carry their customary meanings. Words used in the present tense include the future, and the singular includes the plural; the word "lot" includes "plot"; the word "building" includes "structure"; the word "shall" is mandatory; "occupied" or "used" shall be considered as though followed by "or intended, arranged or designed to be used or occupied"; "person" includes individual partnership, association, corporation, company or organization. The Board of Adjustment shall clarify doubt as to the precise meaning of any word used in these Regulations.

SECTION 104 Terms
Abutter: Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board.

Accessory Use or Building: A building or use customarily incidental and subordinate to the principal building or use and located on the same lot.

Agricultural Use: Land containing at least two acres which is used for raising livestock, or agricultural or forest products, including farm structures and the storage of agricultural equipment; riding and boarding stables; and as an accessory use, the sale of agricultural products raised on the property.

Alteration: Structural change, rearrangement, and change of location of a building or addition to a building.

Basement: Story partly underground. A basement shall be counted as a story if the vertical distance between the basement ceiling and the average grade level of the adjoining ground is more than six feet.

Board of Adjustment: Within this Ordinance, the Board of Appeals shall be considered the same as the Board of Adjustment.

Boarding House: Building wherein more than four people are sheltered for profit.

Building: Structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or chattel; except portable structures (as defined under Section 104 Terms).

Building Area: Total of areas taken on horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.

Building Front Line: Line parallel to the front lot line transecting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed but does not include steps.

Building Height: Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for the flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.

Camps: Land on which are located one or more cabins, trailers, tent sites, shelters, houseboats or other accommodations suitable for seasonal or temporary living purposes, excluding mobile homes.

Clinic: An office building used by members of the medical professions for the diagnosis and outpatient treatment of human ailments.

Club, Private: Building or use catering exclusively to club members and their guests for recreational purposes, and not operated primarily for profit.

Club House, Membership: Includes YMCA, YWCA, YMHA, fraternity, sorority, lodge, religious and similar clubs which may have dormitory accommodation.

Community Center: Includes public or private meeting hall, place of assembly, museum, art gallery, library, place of further education, church, not operated primarily for profit.

Coverage: That portion of a lot that is covered by a building, structures, and man-made improvements on the ground surface, such as paving, crushed stone and gravel that prevent the absorption of storm water.

Dump**:** Land used for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded equipment or machinery, inoperable motor vehicles or parts thereof, or waste material of any kind with the exception of temporary burn piles or compost.

Dwelling, One-Family: Detached building used as living quarters by one family only.

Dwelling, Two-Family: Building used as living quarters by two families living independently of each other.

Dwelling, Multi-Family: Building used as living quarters by 3 or more families living independently of each other.

Dwelling Unit: Building or part thereof used as living quarters for one family. The terms “dwelling”, “one-family dwelling”, “two-family dwelling”, or “dwelling group” shall not include a motel, hotel, boarding house, tourist home, recreation vehicle or similar structure.

Family: One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit, provided that unless all members are related by blood, marriage, or adoption, no such single housekeeping unit shall contain more than five members.

Floor Area: Sum of the gross horizontal area of the floors of a building, excluding basement floor areas. All dimensions shall be measured between interior faces of walls.

Gasoline Station: Building or land that is used for the sale of motor fuel, oil and motor vehicle accessories, and which may include facilities for lubricating, washing or servicing motor vehicles, but not including painting or major repairs.

Grade, Finished: Completed surfaces of ground, lawns, walks, paved areas and roads brought to grades as shown on plans relating thereto.

Home Based Occupation: Occupational activity, generating no external evidence, which is carried on only by the residents of the premises, is clearly secondary to the use of the premises for dwelling purposes and uses a minor portion of the principal or accessory structure(s).

Home Business: Business activity which is carried on by the residents of the premises and not more than two additional on-premise employees, is clearly secondary to the use of the premises for dwelling purposes and uses a minor portion of the principal or accessory structure(s).

Hospital: Includes sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged, and other place for the diagnosis, treatment or care of human ailments.

Junkyard: Land or building used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, wrecking, dismantling, storage, salvaging and sale of machinery, vehicle parts, and/or two or more unregistered motor vehicles.

Kennel: A for-profit business of buying, selling, breeding, raising, training and/or boarding dogs.

Loading Space: Off-street space used for the temporary location of one licensed motor vehicle, which is at least 12 feet wide and 40 feet long and 14 feet high, not including access driveway, and having direct access to a street or alley.

Lot: Land occupied or to be occupied by a building and its accessory buildings, together with the required open spaces, having not less than the minimum area, width, depth and frontage on a street required in the district in which such lot is situated.

Lot Area: Total area within the property lines, excluding any part thereof lying within the boundaries of a public street, or proposed public street.

Lot, Corner: Lot that has an interior angle of less than 135 degrees at the intersection of two streets. A lot abutting a curved street shall be considered a corner lot if the tangents to the curve at its point of intersection of the side lot lines meet at the interior angle of not more than 135 degrees.

Lot, Depth: Mean horizontal distance from the street line of the lot to its opposite rear line measured at right angles to the building front line.

Lot Frontage: Distance measured across the width of the lot along the property line that fronts a Class V or better road.

Lot Line: Property lines bounding a lot.

Lot Width: Width measured at right angles to its lot depth, at the required building front line.

Maintenance: General upkeep performed on any part of a building or structure including replacement and/or repair of existing features, equipment or fixtures.

Manufactured Housing: Any structure transportable in one or more sections, which, in the traveling mode is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 600 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical systems contained therein.

Mobile Home: For purposes of the Ordinance, a mobile home shall be deemed “Manufactured Housing”.

Mobile Home Park: Any tract of land on which 2 or more mobile homes are parked & occupied for living purposes.

Motel: Building containing rooms which are rented as a series of sleeping units for automobile transients, each sleeping unit consisting of at least a bedroom and bathroom.

Motor Vehicle: Any self-propelled vehicle not operated exclusively on stationary tracks.

Motor Vehicle, Inoperable: Any motor vehicle incapable of immediate operation under its own power safely and in accordance with its normal or original use.

Non-Complying Building: Structure not in compliance with the Zoning Regulations for the district in which it is located, where such structure complied with all applicable laws, ordinances and regulations prior to enactment of these Regulations.

Non-Conforming Use: Use of land or structure which does not conform with all Zoning Regulations for the district in which it is located, where such use complied with all applicable laws, ordinances and regulations prior to enactment of these Regulations.

Non-Residential Use: All use of buildings, structures or land except one-family dwellings, two-family dwellings and multiple-family dwellings.

Nursing Home: Building where persons are housed and furnished with meals and nursing or convalescent care.

Parking Space: Off-street space used for the temporary location of one licensed motor vehicle, which is at least nine feet wide and twenty-two feet long, not including access driveway, and having direct access to a street or alley.

Personal Services: Includes barber, hairdresser, beauty parlor, shoe repair, shoe shine, laundry, laundromat, drycleaner, photographic studio, and business providing similar services of a personal nature.

Premises: A house or building with its land and outbuildings.

Professional Residence-Office: Residence in which the occupant has a professional office of an architect, accountant, chiropractor, dentist, doctor of medicine, landscape architect, land surveyor, lawyer, optometrist, osteopath, physiotherapist, planning consultant, podiatrist, engineer, or psychologist, which is clearly secondary to the dwelling use for living purposes and does not change the residential character thereof, and where not more than one person outside the family is employed.

Public Assembly Use: Includes auditorium, theater, public hall, school hall, meeting hall, church and temple.

Public Water, Public Sewer: Water supply and sewage disposal systems approved by the Town Board of Selectmen for municipal operation.

Recreation, Commercial Outdoor: Includes golf driving range, golf pitch and putt course, par three golf course, outdoor amusement park and hunting preserve.

Recreation, Indoor: Includes indoor bowling alley, theater, table tennis and pool hall, skating rink, gymnasium, swimming pool, hobby workshop, and similar places of indoor commercial recreations.

Recreation, Private Outdoor: Includes yacht club, golf course, trap, skeet and archery range, swimming pool, skating rink, riding stable, park, lake and beach, tennis court, recreation stadium and skiing facility.

Recreation, Public Outdoor: Includes publicly owned and operated playground, playfield, park, open space, and swimming pool.

Residential Use: Includes one-family dwelling, two-family dwelling, multiple-family dwelling and professional residence-office.

Recreation Vehicle**:** A self-propelled or towed vehicle that is equipped to serve as temporary living quarters for recreational, camping, or travel purposes and is used solely as a family or personal conveyance. (NH RSA 259:84-a)

Retail Store: Includes enclosed restaurant, café, shop and store for the sale of retail goods, personal service shop and department store; and shall exclude any drive-up service, free-standing retail stand, gasoline service and motor vehicle repair service, new and used car sales and service, trailer and mobile home sales and service.

School: Includes parochial, private, public and nursery school, college, university, & accessory uses; & shall exclude commercially operated school of beauty culture, business, dancing, driving, music & similar establishments.

Shared Driveway**:** A driveway providing access to two lots with a single curb cut.

Sign: Any device, structure, building or part thereof, for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

Sign, Advertising or Billboard: Sign which directs attention to a business, industry, profession, service, commodity or entertainment conducted, sold or offered elsewhere than upon the same lot.

Sign, Banner: A temporary sign of lightweight material hung either with or without frames.

Sign, Business: Sign which directs attention to a business, industry, profession, service, commodity, or entertainment sold or offered upon the same lot on which it is displayed, including real estate signs.

Sign, Directory: A sign that indicates the name of the location as well as a listing of all businesses/entities located on the site.

Sign, Flag: A lightweight material carrying a design or words designed to fly or hang from a pole.

Sign, Temporary Service: A sign not intended for permanent use indicating work currently being done or a current condition that applies such as a real estate, roofing or carpenter's sign.

Stable, Private: An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

Stable, Public: A building in which any horses or cows are kept for remuneration, hire or sale.

Story: Part of a building that is between one floor level and the next higher floor level, or if there is no floor above it then the ceiling above it.

Street: A Class V or better highway for vehicular traffic as defined in RSA 231 which is laid out and maintained by the Town. (For purposes of this ordinance, the terms "public way", "public street", "public road", and "highway" all mean "street").

Street Frontage: That continuous portion of a lot that abuts a public street. A right-of-way does not constitute frontage. (For purposes of this ordinance, the term "frontage" means "street frontage").

Street Grade: Officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

Street Line: Right-of-way line of a street as dedicated by a deed of record. Where the width of the street is not established, the street line shall be considered to be thirty feet from the centerline of the street pavement.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground. Fences, stonewalls and flag poles shall not be considered structures.

Structure, Portable: A tool shed, hen house, gazebo, etc. that can be moved intact, is off the ground and does not exceed 160 square feet.

Structure, Small: Any structure that is less than 160 square feet and is permanently attached to the ground and cannot be moved intact.

Structure, Temporary: Anything constructed or erected for less than 270 days in any twelve month period.

Trailer: Includes any vehicle used as sleeping or camping or living quarters mounted on wheels or a camper body usually mounted on a truck; and any vehicle which is customarily towed by a motor vehicle and used for carrying goods, equipment, machinery, boats or as an office.

Use, Permitted: Use specifically allowed in a zoning district excluding illegal uses and non-conforming uses.

Warehouse: Includes warehouses, discount house, wholesale establishment, bulk storage and bulk sales outlet.

Yard: Space on a lot not occupied by a building or structure. Porches, whether enclosed or not enclosed, shall be considered as part of the main building and shall not project into a required yard.

Yard, Front: Yard between the front lot line and the front of a building extended to the side lot lines of the lot. The depth of the front yard shall be measured from the street line to the front line of the building.

Yard, Rear: Yard between the rear lot line and the rear line of a building extended to the side lot lines of the lot. The depth of the rear yard shall be measured from the rear lot line to the rear line of the main building.

Yard, Side: Yard between the principal building or accessory building and a side lot line, and extending through from the front yard to the rear yard.

ARTICLE II
ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP

SECTION 201 Establishment of Districts

The Town of Westmoreland is hereby divided into the following Zoning Districts as shown on the Town Zoning Map:

C/I	Commercial/Industrial
FR	Forestry Residential
MDR	Medium Density Residential
RR	Rural Residential
VC	Village Center

SECTION 202 Zoning Map

The districts as established in Section 201 are shown on the map on file in the office of the Town Clerk of the Town of Westmoreland, which map is hereby made a part of this ordinance, together with all future amendments.

SECTION 203 District Boundaries

If uncertainty exists with respect to the boundary of any Zoning District on the Zoning Map, the Board of Adjustment shall determine the location of such boundary.

SECTION 204 Application of Regulations

Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended, and no land, building or structure or part thereof, shall be occupied or used unless in conformity with the regulations herein specified for the district in which it is located. Any use not permitted by these Regulations shall be deemed prohibited.

SECTION 205 Construction Approved Prior to Adoption or Amendment to Regulations

Nothing contained in these Regulations shall require any change in plans or construction of a non-complying structure for which a building permit has been issued, and which has been completed within one year from the effective date of these Regulations.

SECTION 206 Non-Conforming Uses

The following provisions shall apply to all buildings and uses existing on the effective date of this Ordinance which do not conform to the requirements set forth in this Ordinance and to all buildings and uses that in the future do not conform by reason of any subsequent amendment to these Regulations.

Any non-conforming use of structures or land except those specified below may be continued indefinitely, but:

1. Shall not be moved, enlarged, altered, extended, reconstructed, or restored except by Special Exception by the Zoning Board of Adjustment using the criteria established herein for the consideration of Special Exceptions, and provided further that such enlargement, alteration, extension, reconstruction or restoration shall not increase the non-conforming use or size of the structure by more than 20 percent from the original building(s) foundation, and provided further with respect to setbacks, the enlargement, alteration, extension, reconstruction or restoration shall not encroach any further than the existing building into the setback area.
2. Shall not be changed to another non-conforming use without approval by the Zoning Board of Adjustment, and then only to a use which, in the opinion of the Board, is of the same or of a more restricted nature.
3. Shall be re-established only after approval of the Board of Adjustment if such use has been discontinued for a period of six months, or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.
4. Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one year of such damage. If the restoration of such building is not completed within one year, the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use is carried on without interruption in the undamaged part of the building.

SECTION 207 Non-Complying Buildings

Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying building provided that such action does not increase the degree of non-compliance.

SECTION 301 Zoning Permit

SECTION 301.1 Need for Permit

Written application for a zoning permit must be filed with the Town of Westmoreland for any of the following, except as provided for in the Revised Statutes, Annotated, of the State of New Hampshire. Until a zoning permit has been obtained from the Zoning Administrator (or, if the permit is denied, until the Zoning Board of Adjustment has directed that a permit be issued), none of the following shall commence:

A. The erection or use of any new building, exterior sign, or other structure.
B. The alteration, restoration, moving or demolition of any building, structure, exterior sign or part thereof, excluding, however, alterations constituting normal maintenance.
C. Any use of premises which would constitute a departure from the terms of this ordinance, including, without limiting the generality of the foregoing, a change in the nature of the use of any building or premises to a non-conforming use from any lawful prior use, the expansion of any existing lawful non-conforming use, or any change in lot size or shape which would result in a violation of area or dimensional regulations.

SECTION 301.2 Application Requirements

Application for a zoning permit shall be upon an appropriate form to be prescribed by the Town and shall be accompanied by such of the following as the Zoning Administrator may require:

A. Plans, drawn to scale, showing the actual shape, dimensions, and location of the lot to be used, of existing buildings upon it, of alterations proposed for existing buildings and of proposed new buildings.
B. Information as to the existing and intended use of each building, lot, or part thereof, and as to the number of families, lodgers, or other occupants any building upon the premises is designed to accommodate.
C. Any other information with respect to the lot and applicant's proposed use thereof, as well as their relation to other lots in the neighborhood which, in the judgment of the Zoning Administrator, is necessary to determine whether the action or use for which a permit is sought is a conforming action or use under the terms of the Ordinance.

SECTION 301.3 Approval or Denial

The Zoning Administrator shall determine whether an application for permit is in compliance with a permitted use or permitted action as defined in this Ordinance. If the Zoning Administrator determines that it is, the application for permit shall be granted. If the Zoning Administrator determines that it is not, the application shall be denied. The Zoning Administrator shall act upon any application within thirty days after it has been filed.

SECTION 301.4 Scope of Permit

Issuance of a zoning permit pursuant to this Ordinance constitutes approval by the Town of the proposed use only under the requirements of this Zoning Ordinance.

SECTION 301.5 Building Permit

The issuance of a zoning permit for any use for which it is required shall precede or be in conjunction with the issuance of a building permit.

SECTION 301.6 Extension of Permit

A zoning permit shall become void if a building permit is not issued and construction is not begun thereunder within twelve months from the date of issuance of the permit, or, if no building permit is required, a zoning permit shall become void if the rights conferred thereby are not exercised within twelve months from the date of issue of the zoning permit. Zoning permits may be extended for no more than an additional twelve months by the Zoning Administrator on receipt of a written request for extension at least fourteen days prior to the expiration of the original permit.

SECTION 301.7 Non-Transferable

No permit issued hereunder shall be transferable to a subsequent owner.

Variances or Special Exceptions for non-residential uses are transferable to the subsequent owner provided that land use does not change and further provided that the new owner certifies that there is no change in the previously permitted land use on a town form furnished by the Zoning Administrator.

SECTION 301.8 Date of Issuance of Zoning Permit

On approval by the Zoning Board of Adjustment of a variance or special exception, the Zoning Administrator shall issue a zoning permit as of the date of approval of the Zoning Board of Adjustment.

SECTION 302 Zoning Administrator

The administrative and enforcement officer for this Ordinance shall be known as the Zoning Administrator who shall be hired or appointed by the Board of Selectmen. The Zoning Administrator shall administer the Zoning Ordinance literally and shall not have the power to permit any use of land or buildings, which is not in conformance with this Ordinance.

SECTION 303 Enforcement

The Selectmen shall enforce this Ordinance. If any building or use of land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the Zoning Administrator shall inform the Selectmen. The Selectmen shall institute in the name of the Town, any appropriate action, injunction or other proceeding to prevent, restrain, correct, or abate any violation of this ordinance.

SECTION 304 Penalty

Any person who violates this ordinance may be fined to the maximum amount provided by law. No action may be brought under this provision unless the alleged offender has had at least seven days' notice by certified mail that a violation exists.

SECTION 305 Zoning Board of Adjustment

There shall be a Zoning Board of Adjustment, as provided by the Statutes of the State of New Hampshire, whose members shall be appointed by the Board of Selectmen.

SECTION 305.1 Powers of the Zoning Board

The Zoning Board of Adjustment shall have the following powers, as well as any other power conferred upon such Boards by the Statutes of the State of New Hampshire:

A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in enforcement of this Ordinance.

B. Special Exceptions. The Board of Adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards as determined by the Board, grant a permit for a Special Exception. All Special Exceptions shall be made in harmony with the general purpose and intent of the Zoning Ordinance. The Board, in acting on an application for a Special Exception must find that the proposed use meets the following conditions:
   1. The specific site is an appropriate location for such use.
   2. Such approval would not reduce the value of any property within the district, or otherwise be injurious, obnoxious, or offensive to the neighborhood.
   3. There will be no nuisance or hazard to vehicles or pedestrians.
   4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

C. To authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest where owing to special conditions a literal unnecessary hardship and so that the spirit of the Ordinance will result in observed and substantial justice done. In so doing, the Zoning Board of Adjustment may attach such conditions and safeguards, as it deems necessary to protect the neighborhood and community.

D. In exercising the above-mentioned powers, the Zoning Board of Adjustment may, in conformity with the powers granted to it under RSA Chapter 674, reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

SECTION 305.2 Rules Governing Proceedings

A. All appeals and applications to the Board of Adjustment shall be in writing, on forms prescribed by that Board. Every appeal or application shall refer to the specific provisions of the Ordinance involved, and shall set forth the interpretation, the special exception, or the variance for which application is made.

B. Whenever a notice of appeal is filed for a variance or an application is made for a special exception, the Board of Adjustment shall hold a public hearing, and notice shall be given as follows:

   The appellant and all the abutters shall be notified of the hearing by certified mail, stating the time and place of the hearing, and such notice shall be given not less than five (5) days before the date fixed for the hearing of the appeal. A public notice of the hearing shall be placed in a newspaper of general circulation in Westmoreland not less than five (5) days before the date fixed for the hearing of the appeal. The public hearing shall be within thirty (30) days of the receipt of the notice of appeal. Any person may appear in person or by agent or attorney at the hearing of an appeal.

   In addition to the notice sent as described above, the Board shall also send such notice to the Planning Board and the Board of Selectmen, and either Board shall be a proper party to appear and to be heard upon any such appeal or application. Upon the entry of any decision, report, or order in such a proceeding, the Board of Adjustment shall cause a copy to be sent to the Planning Board. In those proceedings before the Board of Adjustment at which the Planning Board submits its recommendations, such recommendations shall be in the same format as that required of the Board of Adjustment in reporting its decision. The Board of Adjustment shall state in writing its reason in sufficient detail as to the granting or denial of a Special Exception or Variance with particular reference to the standards or conditions applicable thereto.

C. The Board of Adjustment shall adopt rules in accordance with the provisions of this Ordinance. Meetings of the board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board of Adjustment and shall be a public record.
D. The Board of Selectmen shall establish such appropriate fees as will compensate the Town for the cost of processing and reviewing all appeals and applications submitted to the Board of Adjustment. The applicant shall pay the established fee upon submission of the appeal or application.
E. The provisions contained herein are intended to comply with applicable provisions of RSA Chapter 674 as amended. Any such amendment shall constitute a similar amendment herein without further action.

SECTION 306 Variance

SECTION 306.1 Standards and Requirements

The Board of Adjustment may, on an appeal, grant a Variance from the provisions of this Ordinance, if the Board of Adjustment finds the following facts and such finding in specified in its decision:

A. No diminution in value of surrounding properties would be suffered.
B. Granting the permit would be of benefit to the public interest.
C. Denial would result in unnecessary hardship to the owner seeking it because of the unique features of the land.
D. By granting the permit, substantial justice would be done.
E. The use would not be contrary to the spirit of the Ordinance.

SECTION 306.2 Limitations of a Variance

In authorizing a variance, the Board of Adjustment may attach such conditions and safeguards, as it deems necessary to protect the neighborhood and the community, including but not limited to a time limit when the Variance will expire if not utilized.

SECTION 306.3 Specialized Variances

The Board of Adjustment may, on appeal, grant a Variance for the protection of flood plains and water bodies, as follows:

A. No Variance shall be issued within the floodway if any increase in flood levels during the base flood discharge would result.
B. A Variance may be issued for new construction and substantial improvements to be erected on a pre-existing lot of ½ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level in conformity with the procedures of subsections C, D, E, and F set forth below, but must meet the lot area requirements of the district in which the building is to be located.
C. A Variance shall be issued only upon a showing of good and sufficient cause, a determination that failure to grant the Variance would result in exceptional hardship to the applicant and a determination that the granting of the Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or create nuisances, cause fraud on or a victimization of the public, or conflict with any other applicable existing Town Ordinance.
D. A Variance shall be issued only upon a determination by the Board that the Variance is the minimum necessary considering the flood hazard to afford relief.
E. The Zoning Administrator shall notify the applicant in writing that the issuance of a Variance to construct the structure below the base flood level will result in increased premium rates for flood insurance and such construction below the base flood level increases risk to life and property. Such notification shall be maintained with a record of all variance actions.
F. The Zoning Administrator shall maintain a record of all Variance actions including justification for the issuance and shall report such Variances issued in an annual report to be submitted to the Administrator of the Federal Insurance Administration.

SECTION 307 Conditional Uses

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

ARTICLE IV
GENERAL REGULATIONS

The provisions of this Ordinance shall be subject to such additions, modifications, or exceptions as herein provided by the following general regulations:

SECTION 401 Existing Small Lots
Any legal lot of record in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of this Ordinance may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one acre and has a minimum of 100 feet of road frontage. All other requirements for the district in which the lot is located must be met.

SECTION 402 Required Frontage on Public Roads
No land development may be permitted on lots, which do not have required frontage on a public road, which is Class V, or better.

SECTION 403 Home Based Occupation and Home Business
Shall both be considered an accessory use as long as such activity does not have a detrimental effect on the residential character of the neighborhood, is clearly secondary to the use of the premises for dwelling purposes and does not cause obnoxious or excessive noise, smoke, odor or other objectionable conditions that are detectable at the boundary of the property.

SECTION 403.1 Home Based Occupation
Nothing in this ordinance shall prevent a resident from using a minor portion of the principal or accessory structure(s) for a Home Based Occupation. A Home Based Occupation shall:

a. Be carried on only by residents of the premises
b. Involve only a service provided or a product produced by those residents on the premises.
c. Be operated entirely within a minor portion of a principal or accessory structure.
d. Result in no external evidence of the occupational activity, including no signage.
e. Be considered a residential use.

SECTION 403.2 Home Business
Business activity exceeding the standards of a Home Based Occupation shall obtain a Special Exception from the Zoning Board of Adjustment. A Home Business shall:

a. Be carried on by residents of the premises and not more than two additional on-premise employees.
b. Be operated within a principal or accessory structure and not have external storage of supplies and equipment visible form an adjacent highway or dwelling unit.
c. Provide off-street parking. If parking in addition to two business-owned vehicles, two employee vehicles and the first two customer vehicles is necessary, it shall be located in side or rear yards.

SECTION 404 Front Yard Setback
Notwithstanding provisions for front yards elsewhere in this Ordinance, the front yard setback will be measured from the edge of the street right-of-way.

SECTION 405 Calculation of Required Lot Area
In calculating the required lot area, lot width, depth and yards, existing or proposed rights-of-way shown on the Zoning Map shall not be considered.

SECTION 406 Lots in Two Zoning Districts
Where a district boundary line divides a lot of record at the time such district boundary line is adopted, the regulations for either district of such lot shall extend not more than thirty feet into the more restricted district, provided the lot has frontage on a Class V or better road in the less restricted district.

SECTION 407 Dwellings on Lots

SECTION 407.1 There shall be only one residential building on a lot.

SECTION 407.2 Accessory Dwelling Units (ADU)
Purpose
For the purpose of providing expanded housing opportunities and flexibility in household arrangements to accommodate family members or non-related people of a permitted, owner occupied, one family dwelling, while maintaining aesthetics and residential use compatible with homes in the neighborhood. Accessory Dwelling Units (ADU) shall be permitted by Special Exception granted by the Zoning Board of Adjustment in all zones providing the following conditions are met:

A. An Accessory Dwelling Unit (ADU) shall be secondary and accessory to a one family dwelling.
B. Only one ADU shall be allowed per lot. The ADU shall be part of (located within) the primary dwelling.
C. In granting a Special Exception, the Board of Adjustment must find that the ADU is developed in a manner which does not alter the character or appearance of the dwelling as a one family residence.
D. The person or persons who own the lot shall reside in either the **accessory dwelling unit** or the primary dwelling; except for temporary absences.
E. Two means of egress from the ADU shall be provided. Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.
F. The gross living area of an ADU shall not be less than 300 square feet or be greater than 30% of the total floor area of the residential building.
G. The existing or proposed septic system must be certified by a licensed septic designer or engineer as adequate to support the ADU and primary dwelling unit in accordance with New Hampshire RSA 485-A:38.
H. The ADU shall comply with all other ordinances of the District it is located in.
I. Adequate off-street parking shall be provided to serve the combined needs of the primary dwelling unit and the ADU, minimum three (3) parking spaces to serve both the primary dwelling unit and the ADU.
J. Adequate provision must exist or be made for motor vehicle ingress or egress and turning of vehicles within the site.
K. A building permit for an ADU must be approved and issued prior to its construction. An ADU shall have an interconnected fire alarm system and shall meet all fire safety and building codes.
L. Accessory Dwelling Unit Certificate of Occupancy: If a property containing an approved ADU is conveyed and the new owner wishes to maintain the accessory unit, the new owner shall apply for a Certificate of Occupancy for the ADU. The purpose of this section is to ensure that one of the two dwelling units is owner-occupied.

SECTION 408 Building Coverage, Open Porches, Carports and Garages
In determining the percentage of building coverage of a lot or the size of yards, porches or carports open at the sides but roofed, and all principal and accessory buildings shall be included.

SECTION 409 Reduction of Lot Area
No lot shall be so reduced in area that the area, yards, lot width, frontage, coverage or other requirements of this Ordinance shall be less than herein prescribed for each district. The provisions of this section shall not apply when part of a lot is taken for a public purpose.

SECTION 410 Required Area or Yards
Space required under these regulations to satisfy area, yard, or other open space requirements in relation to one building shall not be counted as part of a required open space for any other building.

SECTION 411 Front Yard Exceptions
Where front yards in any zoning district have been established for more than fifty (50) percent of the frontage in any block at a depth greater than the minimum required for the district, the depth of required front yards shall be increased to comply with such established average depth. In no case shall the depth of the required front yard be less than that specified for the zoning district in which it is located.

SECTION 412 Yards on Corner Lots
Any yard adjoining a street shall be considered a front yard for the purposes of this Ordinance. Only one front yard is required to comply with the minimum depth requirement, all other front yards shall equal the minimum, or be at least 25 feet in depth, whichever is less.

SECTION 413 Drive-In Establishments
Plans for the erection or structural alteration of any drive-in facility or business shall be submitted to the Planning Board for approval. The Board may require such changes or additions in relation to yards, driveways, driveway entrances and exits, and landscaping, and the location, height and exterior sketches of buildings and enclosures to insure safety, to minimize traffic or difficulties, and to safeguard adjacent properties.

SECTION 414 Location of Driveways
All driveways are to be located at least 100 feet from a street line intersection for all uses, except one and two family residential uses, and shall be subject to approval by the appropriate road authority. All driveways must be accessed from the frontage of a Class V or better road. No driveway can be closer than 10 feet from a boundary line.

SECTION 414:1 Shared Driveways
Shared Driveways are allowed for a maximum of two adjoining and conforming lots in all zones. Access agreements shall be deeded on both lots. Shared driveways may cross side setbacks. A permit from the appropriate road authority must be obtained. The house numbers for all residences are to be placed at the end of the common driveway and the individual house number is to be placed at the entrance to each private driveway.

SECTION 415 Access and Safety

The Planning Board may require changes or additions in relation to yards, driveways, driveway entrances and exits, and landscaping, and the location and height of buildings and enclosures to insure safety, to minimize traffic difficulties, and to safeguard adjacent properties.

SECTION 416 Temporary Uses and Structures

Temporary permits may be issued by the Zoning Administrator for a period not exceeding one year for non-conforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year.

SECTION 417 Abandonment of Structures

Within six months after work on an excavation for a building has begun or within six months after a permanent or temporary building or structure has been destroyed, demolished or abandoned, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade by the owner.

SECTION 418 Obstruction of Vision

In all districts, on a corner lot, within the triangular area formed by the intersection of two street property lines and a third line joining them at points twenty-five feet away from their intersection, there shall be no obstruction to vision between the height of three feet and ten feet above the average grade of each street.

SECTION 419 Height Exceptions

Nothing herein contained shall be interpreted to limit or restrict the height of silos, church spires, cupolas, bell, clock, fire and observation towers, and essential public utility structures.

SECTION 420 Height Exceptions by Special Exception

No radio, cell or television tower, wind turbine, water or cooling tower, oil or gas holder, elevator bulkhead, chimney, or similar structures in excess of thirty-five feet may be erected unless approved by the Zoning Board after a public hearing has been held.

SECTION 421 Accessory Buildings in Residential Districts

Outbuildings, garages, carports, storage sheds, greenhouses and all similar accessory use buildings are permitted in a residential district.

SECTION 421:1 Portable and Small Structures

Portable and small structures (as defined under Section 104 Terms) must have at least a 20 feet setback from side and back yards and must meet all other regulations for the zone in which they are placed.

SECTION 422 Open Storage

In any district, no land may be used as a dump or junkyard with the exception of an approved junkyard or town-operated sites.

422.1 In any residential district, no more than two inoperable motor vehicles may be parked on a lot.

422.2 In any residential district, no motor vehicle, truck body, trailer or similar cargo vehicle may be used as a dump.

422.3 Junkyards are not allowed in any zone except by special exception.

422.4 In any residential district all inoperable motor vehicles, machinery or parts thereof in excess of items covered under 422.1, parked or stored outside for a period exceeding 6 months shall be considered abandoned. The owner of any such motor vehicles, machinery or parts thereof shall be directed by the Board of Selectmen to remove these items.

422.5 Section 422 shall also apply to commercial and industrial zones unless otherwise permitted.

SECTION 423 Private Swimming Pool

A private swimming pool shall be installed and maintained in a manner sufficient to meet the standards established by the provisions of the State of New Hampshire Health Code.

SECTION 424 Public Utility Substations

Public utility substations and similar utility structures, where permitted, shall comply with the following:

A. A fence set back from the property line in conformance with the district regulations for front, side, and rear yards shall surround the facility.
B. A landscaped area at least twenty-five feet wide shall be maintained in front, rear, and side yards.

SECTION 425 Gasoline Stations

In all districts where permitted, gasoline or motor vehicle service stations shall comply with the following:

A. A gasoline station lot shall not be located within 300 feet of any lot occupied by a school, hospital, library, or religious institution.
B. Lot size shall be at least 20,000 square feet.

C. Lot frontage shall be at least 150 feet.
D. Lot depth shall be at least 125 feet.
E. Pumps, lubricating and other service devices shall be located at least 50 feet from the front lot line and side and rear lot lines.
F. All fuel and oil shall be stored at least thirty-five feet from any property lines.
G. All automobile parts and dismantled vehicles are to be stored within a building, and no repair work is to the performed outside a building.
H. Signs shall not extend beyond the pumps, nor exceed 15 feet in height.
I. There shall be no more than two access driveways from the street. The maximum width of each access driveway shall be 40 feet.
J. A suitably curbed landscaped area shall be maintained at least 5 feet in depth along all street frontage not used as driveway.

SECTION 426 Roadside Agricultural Stands

Temporary roadside stands for the sale of agricultural or forestry products raised on the property may be erected in any district. No stand shall be nearer the front or side lot lines than 20 feet. Off-street parking space shall be provided for at least two motor vehicles.

SECTION 427 Multi-Family Dwelling Units Below Grade

The finished floor level of all habitable rooms in every multi-family dwelling unit shall be not more than one foot below finished grade level measured at a point ten feet outside and at right angles to each window lighting each habitable room.

SECTION 428 Off-Street Parking

For every building hereafter erected, altered, extended, or changed in use, there shall be provided year-round off-street parking spaces at least as set forth below, unless a Special Exception is granted. A required driveway shall be at least twenty feet clear in width, except for one- and two-family uses.

Use	Parking Spaces Required
A. One- and two-family dwelling units	2 for every unit
B. Multi-family dwelling units	2 for every unit
C. Professional-residence office	1 space, plus 1 additional space for every 300 sq. ft. of office space
D. Hotel, motel, tourist home, boarding home	1 space per each guest room
E. Business, professional, and medical offices	1 space per every 200 sq. ft. of office space
F. Commercial, business, and unspecified uses	1 space for each business vehicle, plus 1 space for every 200 sq. ft. of floor area
G. Restaurant, eating, & drinking establishments	1 space for every 150 sq. ft. of floor space
H. Industrial, wholesale, storage, freight & trucking uses	1 space for each business vehicle, plus 1 space per 2 employees
I. Outdoor recreation	As required by the Planning Board
J. Places of Public Assembly	Every structure used as a theater, amusement facility, auditorium, community center, club, stadium, library, museum, church, lodge halls, or other place of public or private assembly which provides facilities for seating people – 1 parking space for every 5 seats. Where there are no seats provided, one parking space shall be provided for every 200 sq. ft of floor area.

SECTION 429 Off-Street Loading Space Requirements

For every building hereafter erected, altered, extended or changed in use for the purpose of business, trade, or industry there shall be provided paved off-street space for loading and unloading of vehicles as set forth below.

A. Hotels, motels, hospitals, commercial, business, service and industrial establishments: 1 off-street loading space for every 10,000 sq. ft. of floor area.
B. Wholesale, warehouse, freight and trucking uses: 1 off-street loading space for every 7,500 sq. ft. of floor area.

SECTION 430 Special Parking and Loading Space Requirements

A. The Planning Board may require additional off-street parking and loading space for any use if they find that minimum spaces are not sufficient.
B. With the approval of the Planning Board, parking spaces may be provided by the applicant on other property, provided such land lies within 300 feet of an entrance to the principal building.

C. Parking spaces for any number or separate uses may be combined in one parking lot, but the required, but the required space assigned to one use may not be assigned to another at the same time, except upon approval of the Planning Board.
D. Where any non-residential district or use abuts a residential district or use, the parking or loading space shall be no closer than 150 feet to the property line abutting the residential district, and the spaces shall be suitably screened and landscaped.

SECTION 431 Signs

No signs or billboards shall be permitted in any district except as specifically permitted herein as follows:

A. An open flag or banner may be displayed during business hours.
B. Temporary service signs not to exceed 6 sq feet with the name and contact information of the contractor will be allowed during the active service period and up to 30 days after completion of the service.
C. Signage not covered below or not in compliance may be allowed by special exception.

SECTION 432 Advertising Billboards

Advertising billboards shall not be permitted in any Residential or Village Center Districts.

SECTION 433 Signs in Residential Districts

The following signs are permitted when located on the immediate property:

A. No signs shall be larger than 16 square feet.
B. All permitted or approved non-residential uses shall be allowed to erect and maintain a single free-standing sign and any number of additional signs, where the use occurs, provided that the combined area of all signs does not exceed 32 square feet for all uses and are not contiguous with the primary sign.
C. Signs shall not exceed 15 feet from ground level.

SECTION 434 Signs in Commercial/Industrial Districts

The following signs are permitted when located on the immediate property:

A. When one business exists:
    1. One business sign not larger than 32 square feet.
    2. Additional signage pertaining to permitted uses where the use occurs provided the combined area of all signs does not exceed 64 square feet.
B. When more than one business exists on a property:
    1. One directory sign not larger than 32 square feet, plus an additional 6 square feet per additional business listing the name of each business on site.
    2. One sign per business not larger than 16 sq feet located on or immediately adjacent to each business.
    3. One additional banner sign not larger than 12 square feet located on or immediately adjacent to each business.

SECTION 435 Computation of Permissible Sign Area

When computing the total permissible sign area for any use:

A. Existing signs shall be included.
B. The total area of all signs shall not exceed the requirements as set forth in this Ordinance.
C. Signs, consisting of free standing letters, numerals or other devices shall include any intervening spaces between them.
D. Only the larger face area of double-faced or v-type sign shall be used.
E. Back-to-back signs may be counted as one sign.
F. Open flags are not counted in the computation of permissible sign area.

SECTION 436 Traffic Hazard, Safety and Obstructions

Every sign shall be designed and located in such a manner as to:

A. Not impair public safety.
B. Not restrict clear vision between a sidewalk and street.
C. Not be confused with any traffic sign or signal.
D. Not prevent free access to any door, window, or fire escape.

SECTION 437 Illuminated and Flashing Signs

A. A steady light may illuminate signs, provided that such lighting will not illuminate or reflect onto other properties or onto a public road.
B. Flashing, oscillating, and revolving, neon or other tubular gas signs shall not be permitted, unless necessary for public safety or welfare.

SECTION 438 Performance Standards

In all districts, the following performance standards together with all applicable state standards must be met. The Planning Board shall decide whether proposed or existing uses meet the standards.

SECTION 438.1 Noise
No permanent use shall emit noise in excess of seventy (70) decibels.

SECTION 438.2 Odor
No permanent use shall emit any odor that is considered offensive.

SECTION 438.3 Dust or Dirt
No permanent use shall emit dust or dirt that is considered offensive.

SECTION 438.4 Smoke
No permanent use shall emit any smoke in excess of Ringlemann Chart No. 2.

SECTION 438.5 Noxious Gases
No permanent use shall emit any noxious gases which endanger the health, comfort, safety or welfare of any person, or which have a tendency to cause injury or damage to property, business, or vegetation.

SECTION 438.6 Vibration
No permanent use shall cause, as a result of normal operations, a vibration that creates displacement of 0.002 of 1".

SECTION 438.7 Vision Impairment
No permanent use shall create glare from lighting or signs, which could impair the vision of a driver of any motor vehicle.

SECTION 438.8 Fire, Explosion or Safety Hazard
No permanent use shall cause a fire, explosion or safety hazard.

SECTION 438.9 Harmful Wastes
No permanent use shall cause wastes to be discharged into the sewer system, streams, or other bodies of water. Effluent disposal shall comply with the local and state sewer health standards.

SECTION 439 Storage of Flammable Liquids
The storage of any highly flammable liquid in tanks above ground with unit capacity greater than 550 gallons shall be prohibited, unless such tanks up to and including 10,000 gallon capacity are placed not less than 80 feet from all property lines, and unless all such tanks of more than 10,000 gallon capacity are placed not less than 200 feet from all property lines.

All tanks having a capacity greater than 550 gallons shall be properly retained with dikes having a capacity not less than 1½ times the capacity of the tanks surrounded.

SECTION 440 Animals
The raising or harboring of livestock including, but not limited to, horses, cattle, hogs, fowl or fur bearing animals, but excluding kennels, shall be permitted within all districts.

SECTION 441 Extraction of Earth Materials
In accordance with Chapter 155-E, in any district, the removal of soil, sand, or gravel for sale, except when incidental to construction of a building on the same premises, shall be permitted only upon approval of a plan for the rehabilitation of the site by the Planning Board. In any district, the following provisions shall apply:

SECTION 441.1 Requirements

A. Before approval of any new or extension of removal of natural material, the Planning Board shall require a performance bond from the applicant sufficient to ensure that upon completion of the extraction operations the abandoned site will be left in a safe, attractive and useful condition in the interest of public safety and general welfare. The owner shall submit a plan of proposed improvements to accomplish this end. The bond shall be sufficient to cover the cost of redevelopment of the site as a park, lake, recreation area, or other usable open space.
B. The removal of all material shall be conducted so as to result in the improvement of the land, having due regard to the contours in the vicinity such as leveling slopes and removing hills. The digging or creating of pits or steep slopes shall not be permitted, unless provision is made to refill such pit.
C. The excavation operation sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation site shall be fertilized, mulched and reseeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion under the supervision and to the satisfaction of the Zoning Administrator.
D. The owner, to prevent erosion debris and other loose materials from washing into any drainage course, street, or private property, shall control all surface drainage affected by excavation operations. All provisions to control natural drainage water shall meet with the approval of the Zoning Administrator.
E. No excavation or blasting shall take place within two hundred feet of any street or other property line.

F. No power-activated sorting or crushing machinery or equipment shall be located within three hundred feet of any street or other property line, and all such equipment shall be equipped with satisfactory dust elimination devices.
G. All excavation slopes in excess of one to two shall be adequately fenced as determined by the Zoning Administrator.
H. Extension of an existing non-conforming operation shall not be permitted.
I. Stripping of topsoil for sale or for use on other premises, except as may be incidental to a construction project, shall be prohibited.
J. The Planning Board may attach any additional conditions, as it may find necessary for the safety and general welfare of the public.

SECTION 442 Landfill

In any district, dumping of refuse, waste material, or land fill is prohibited, except that loam, rock, stone, gravel, sand, cinders and soil may be used for landfill to grades approved by the Zoning Administrator after approval by the Planning Board.

SECTION 443 Landscaping Requirements for Nonresidential Uses

SECTION 443.1 Forms of Landscaping

Under this Ordinance, landscaping required in all districts for nonresidential use will be installed and maintained in front, side and rear yards, and shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas, and ground cover.

SECTION 443.2 Trees and Shrubs

One shade tree at least ten feet in height and at least two inches in diameter measured at a point six inches above finished grade level, shall be planted no nearer than five feet to any lot line for each three hundred square feet of required landscaped area; and one deciduous shrub or evergreen shall be planted for each two hundred square feet of required landscaped area.

SECTION 443.3 Maintenance

All such landscaping shall be maintained in a healthy, growing condition, with ground cover or grassed areas.

SECTION 443.4 Minimum Landscaping Requirements

A. Where any land use in non-residential districts abuts land in any residential district, a strip of land at least twenty-five feet in width shall be maintained as a landscape and utility area in the front yard, side yards and rear yard which adjoin these other districts.
B. Where any non-residential land use in a residential district abuts any land use in a residential district, a strip of land at least fifteen feet in width shall be maintained as a landscape and utility area in front yard, side yards, and rear yard which adjoin these uses.
C. In any commercial/industrial district, a strip of land at least fifteen feet in width shall be maintained as a landscape and utility area in the front, side and rear yards.

SECTION 444 Screened Service Area Requirement

In any district, area designated, used or intended to be used as service areas for any building or land use, other than one-family and two-family dwelling units, shall be screened from view with either a wall, a solid fence or a fence and evergreens to a height of at least 5 feet above grade level on each side adjacent to a residential district or residential use.

SECTION 445 Grading

No grading, cut or fill shall be carried out in any district, which leaves the slope of the finished grade in excess of one to two.

SECTION 446 Mobile Homes

It shall be unlawful for any person to park a mobile home on any public or private property, except in accordance with this Ordinance as follows:

A. In an approved mobile home park.
B. In an approved mobile home sales lot.
C. Approval for locating a mobile home on the construction site of a new residence for a period not to exceed six months can be granted only by the Selectmen.
D. In a district permitting the use of mobile homes as living accommodations, provided each mobile home meets all residential requirements including lot size.

SECTION 447 Mobile Home Park Permits

A. No person shall construct or operate a mobile home park without first obtaining site plan approval from the Planning Board and a permit from the Zoning Administrator. Before such a permit may be issued, there must be a favorable recommendation by a majority of the Planning Board. Before issuing a mobile home park permit, the

Planning Board shall require a performance bond from the operator of the park to assure that the park is constructed and maintained in a satisfactory manner.

B. Application for a mobile home park site plan approval shall be made to the Planning Board. The application shall be accompanied with a site plan and drawings prepared by a professional engineer, showing the property lines and area of the park, a contour map showing the proposed grading of the park, a layout of the roads, walkways, mobile homes lots, parking areas, water lines, sanitary sewer and storm sewer drainage facilities, garbage collection stations and electrical distribution.

C. The Planning Board may accept the proposed plans, accept the proposed plans with recommended changes or reject the plans. The Board shall submit the application and the plans to the Zoning Administrator together with the Board's action regarding the permit.

D. The Planning Board may require any other improvements and facilities before approving the mobile home park, in the interest of public safety, health, and welfare.

SECTION 448 Mobile Home Park Standards

The following regulations shall apply with respect to all mobile homes and mobile home parks:

SECTION 448.1 Area and Density of Park

A mobile home park shall have an area of not less than ten acres, and a density as provided for in the district in which the proposed park is located.

SECTION 448.2 Layout

Mobile home parks shall provide for individual mobile home lots, access driveways, parking, and recreation open space.

SECTION 448.3 Area of Mobile Home Space

Each mobile home space shall be at least 7,500 square feet in area, and at least sixty feet wide by at least one hundred and twenty feet in depth, and shall front on an access driveway.

SECTION 448.4 Driveways and Walkways

All access driveways within a mobile home park must be at least fifty feet in width and have a gravel surface at least twenty-four feet in width and twelve inches in depth of compacted gravel. All-weather walkways shall be provided.

SECTION 448.5 Parking Spaces

One parking space for each mobile home lot shall be provided, at least nine feet wide by twenty-two feet long.

SECTION 448.6 Recreation and Other Open Space Purposes

At least 10 percent of the total area of each mobile home park shall be reserved for recreation and other open space purposes.

SECTION 448.7 Concrete Pad

Each mobile home lot shall have a 4" thick concrete slab on a compacted base at least 15' x 20' in size so located as to be adjoining the entrance to the mobile home.

SECTION 448.8 Water Supply Attachment

Each mobile home space shall have an attachment for water supply. The New Hampshire Department of Health must approve the water supply source.

SECTION 448.9 Sewage Disposal Attachment

Each mobile home space shall have an attachment for sewage disposal. The method of sewage disposal must be in compliance with the State Department of Health Regulations.

SECTION 448.10 Proximity of Mobile Home to Public Street Right-of-Way or Park Property Line.

No mobile home shall be closer than eighty feet to a public street right-of-way line, nor closer to a property line than fifty feet.

SECTION 448.11 Landscaping

A strip of land at least twenty-five feet in width shall be maintained as a landscaped area abutting all mobile home park property lines.

SECTION 448.12 Siting a Mobile Home

No mobile home shall be located on the mobile home lot closer than ten feet to any other lot line in the mobile home park.

SECTION 448.13 Additions

No additions shall be made to a mobile home except a canopy and/or porch open on three sides, or an addition made by the mobile home manufacturer.

SECTION 449 Camping Trailers

It shall be unlawful to park an occupied recreation vehicle on any public or private property for more than thirty (30) days in any 12 month period, except in accordance with this Ordinance as follows:

A. In an approved trailer camp.

B. Unoccupied, in an approved camping trailer sales lot.

C. The owner of a recreation vehicle may park on his own property, in the rear or side yards, provided that the recreational vehicle is parked behind the front face of the principal building and no closer than 6' to any lot line. A recreation vehicle so parked shall not be used as living quarters with the following exception. A recreation vehicle parked on the owner's property shall not be hooked up to any utilities for more than thirty (30) days in any 12 month period. Each such recreation vehicle shall have adequate and readily accessible toilet, lavatory disposal facilities and kitchen facilities. Recreation vehicles not suited or converted for overnight occupancy shall not be permitted in any zoning district under any circumstances for overnight occupancy.

SECTION 450 Trailer Camp Permits

A. No person or persons shall construct or operate a trailer camp without first obtaining site plan approval from the Planning Board and a permit from the Zoning Administrator. Before such a permit may be issued, there must be a favorable recommendation by a majority of the Planning Board. Before issuing a trailer camp permit, the Planning Board shall require a performance bond from the operator of the Camp to assure that the Camp is maintained in a satisfactory manner.

B. Application for a trailer camp site approval shall be made to the Planning Board. The application shall be accompanied with a site plan and drawings prepared by a professional engineer, showing the property lines and area of the camp, a contour map, a layout of the roads, walkways, trailer lots, parking areas, garbage collection stations, electrical distribution, water lines, sanitary sewer facilities and storm drainage facilities.

C. The Planning Board may accept the proposed plans, accept the proposed plans with recommended changes or reject the plans.

SECTION 451 Trailer Camp Standards

The following regulations shall apply with respect to all trailer camps:

SECTION 451.1 Area Requirements

A trailer camp shall have an area of not less than three acres.

SECTION 451.2 Provisions

A trailer camp shall provide for individual trailers, access driveways, and parking.

SECTION 451.3 Lot Area

Each trailer lot shall be at least 4,500 square feet in area, at least 50 feet in width, and have a compacted gravel surface at least 20 feet in width.

SECTION 451.4 Access Road Requirements

All access roads within a trailer camp must be at least thirty feet in width and have a compacted gravel surface at least twenty feet in width.

SECTION 451.5 Water Source

Each trailer lot shall have an attachment for water supply. The State Department of Health must approve the water supply source.

SECTION 451.6 Solid Waste Disposal

Each trailer lot shall have provision for public toilets and sewage disposal. The methods of sewage disposal must be in compliance with the State Department of Health regulations.

SECTION 451.7 Proximity of Space or Lot to Public Right-of-Way or Property Line

No trailer lot or service building shall be closer than eighty feet to a public street, right-of-way or a property line.

SECTION 451.8 Landscaping

A strip of land at least twenty-five feet in width shall be maintained as a landscaped area abutting all trailer camp property lines.

SECTION 451.9 Proximity

No trailer shall be parked on a lot closer than ten feet to a lot line.

SECTION 452 Special Flood Hazard, Flood-Prone and Wetland Area Regulations

Purpose and Intent -

1. To maintain the quality of surface water and groundwater of Westmoreland by preserving the ability of wetland to filter pollution, trap sediment and retain and absorb chemicals and nutrients.
2. To protect the areas which provide the natural flood storage and protection, recharge of groundwater supply and the augmentation of stream flow during dry periods.
3. To provide wildlife habitat and feeding areas thereby supporting the food chain.
4. To protect unique and unusual natural areas.
5. To prevent the expenditure of municipal funds for the purpose of providing and maintaining essential services, utilities and repairs which might be required as the result of the misuse or abuse of these unique areas.

Definitions –

1. Special Flood Hazard Area: Land in the flood-prone area subject to a one-percent or greater possibility of flooding in any given year. The area is designated as Zone A on the Flood Hazard Boundary Map (FHBM) and is designated on the Flood Insurance Rate Map (FIRM) and available in the Westmoreland town office.
2. Flood-prone Area: Any land area susceptible to being inundated by water from any source. This includes a general or temporary condition of partial or complete inundation of normally dry land areas from:
   a. the overflow of inland waters
   b. the unusual and rapid accumulation or runoff of surface waters from any source.

   The areas identified by historical reference and the Soil Survey of Cheshire County available in the town office.
3. Wetland Area: Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. For purposes of this ordinance, wetlands include swamps, marshes, bogs, ponds and streams as well as soils subject to a seasonal high water table and those defined as poorly or very poorly drained by the Natural Resource Conservation Service and the most recent Soil Survey of Cheshire County approved by the National Cooperative Soil Survey available in the town office.

General Provisions –

1. Boundary Appeals: In the case of a question of the boundaries of the special flood hazard, flood-prone or wetland areas that cannot be satisfied by the Planning Board, Zoning Board of Adjustment, town officials or the applicant, questions of applicability will be determined by a high-intensity soils survey prepared by a qualified NH licensed soil scientist at the applicants expense. In the case of an abutter petition for review, the cost will be borne by the petitioner.
2. Other Zoning Districts: In all cases where the designated special flood hazard, flood-prone and wetland areas are superimposed over zoning districts in the town of Westmoreland, the regulations that are most restrictive shall apply.

SECTION 452.1 Special Flood Hazard Areas

1. Purpose and Intent

   This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Westmoreland Floodplain Development Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Westmoreland Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provisions of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

   The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Rate Maps dated May 23, 2006 which are declared to be a part of this ordinance and are hereby incorporated by reference.

2. Definition of Terms

   The following definitions shall apply only to this Floodplain Development Ordinance, and shall not be affected by the provisions of any other ordinance of the Town of Westmoreland:

   "Area of Special Flood Hazard" is the land in the floodplain within the Town of Westmoreland subject to a one-percent or greater possibility of flooding in any given year. The area designated as Zone A on the FHBM and is designated on the FIRM as Zone A.

   "Base Flood" means the flood having a one-percent possibility of being equaled or exceeded in any given year.

   "Basement" means any area of a building having its floor subgrade on all sides.

   "Building" – see "structure".

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation.

"FEMA" means the Federal Emergency Management Agency.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.
(2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map" (FIRM) means an official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Westmoreland.

"Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

"Floodway" – see "Regulatory Floodway".

"Functionally dependents use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

(A) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
(B) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
(C) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
(D) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    (1) By an approved state program as determined by the Secretary of Interior, or
    (2) Directly by the Secretary of Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one of more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles place on site for greater than 180 days.

"Mean sea level" means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a communities Flood Insurance Rate Map are referenced.

"100-year flood" – see "base flood".

"Recreational Vehicle" means a vehicle which is (i) built on a single chassis: (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be a self-propelled or permanently towable by a light-duty truck, and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation. These areas are designated as floodways on the Flood Boundary and Floodway Map.

"Special flood hazard area" means an area having flood, mudslide, and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E. (See – "Area of Special Flood Hazard").

"Structure" means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Start of Construction" includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal: (1) the appraised value prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. 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. This term includes structures, which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

3. The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:
   A. be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
   B. be constructed with materials resistant to flood damage,
   C. be constructed by methods and practices that minimize flood damages,
   D. be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, & other service facilities that are designed &/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area the applicant shall provide the Building Inspector with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

5. For all new or substantially improved structures located in special flood hazard areas, the applicant shall furnish the following information to the Building Inspector:

   A. The as-built elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement.
   B. If the structure has been floodproofed, the as-built elevation (in relation to NGVD) to which the structure was floodproofed.

C. Any certification of floodproofing.

The Building Inspector shall maintain for public inspection and shall furnish such information upon request.

6. The Building Inspector shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

7.

A. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Board of the New Hampshire Environmental Services Department and submit copies of such notification to the Building Inspector, in addition to the copies required by RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Board.

B. The applicant shall submit to the Building Inspector, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.

C. The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement:

> "No encroachments, including fill, new construction, substantial improvements, and other developments are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge."

8.

A. In unnumbered A zones, the Building Inspector shall obtain, review, and reasonably utilize any 100 year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals).

B. The Building Inspector's 100 year flood elevation determination will be used as criteria for requiring in Zone A that:

(1) all new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100 year flood elevation;

(2) that all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level; or together with attendant utility and sanitary facilities, shall:

(i) be floodproofed so that below the 100 year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

(ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

(iii) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;

C. All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the 100 year flood elevation; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

D. Recreational vehicles placed on sites within Zone A1-A30, AH, and AE shall either:

(1) be on the site for fewer than 180 consecutive days,

(2) be fully licensed and ready for highway use, or

(3) meet all standards of Section 60,3 b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "Manufactured Homes" in Paragraph (c)(6) of Section 60.3.

E. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:

(1) the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;

(2) the area is not a basement;

(3) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(ii) the bottom of all openings shall be no higher than one foot above grade.

(iii) openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

9. Variances and Appeals
   A. Any order, requirement, decision or determination of the Building Inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
   B. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the applicant shall have the burden of showing in addition to the usual variance standards under state law:
      1. that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
      2. that it the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
      3. that the variance is the minimum necessary, considering the flood hazard, to afford relief.
   C. The Zoning Board of Adjustment shall notify the applicant in writing that:
      (i) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and
      (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
   D. The community shall:
      (i) maintain a record of all variance actions, including their justification for their insurance, and
      (ii) report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

SECTION 452.2 Flood-Prone Areas

Permitted Uses –

1. Directly in and within 50 feet of the outer limits of the flood-prone areas –
   Structures and uses are limited to those related to agriculture, forestry and recreation.

2. Within 50 feet and 100 feet of the outer limits of the flood-prone areas – Any structure, building, water or sewer facility to be erected that is not related to the uses referred to in 452.2 1. must:
   a. have approval of the Planning Board of the site development plan which shall show
      1. existing contours at 1' intervals
      2. proposed elevations of the lowest floor of all buildings, structures and facilities
      3. soils map based on the Soils Survey of Cheshire County or a high intensity soil survey prepared by a qualified NH licensed soil scientist
      4. Total area of all structures covering no more than 10% of the lot area
   b. have written approval from the NH Department of Environmental Services for any water and sewer facilities
   c. have written approval and permits from any other local, state or federal agency as needed

Prohibited Uses –

1. Directly in and within 50 feet of the outer limits of the flood-prone areas –
   All buildings intended for human occupancy are prohibited.
2. Within 100 feet of the outer limits of the flood-prone areas –
   All dumps, junkyards, excavation sites, and storage of hazardous materials as defined by the NH Department of Environmental Services are prohibited.

SECTION 452.3 Wetland Areas

Permitted Uses –

1. Activities such as forestry tree farming, wildlife habitat improvement and refuges, parks and recreational uses, conservation areas and nature trails.
2. Water impoundments, wells, dry hydrants, and ponds approved by the NH Department of Environmental Services1.

Provisions –

1. No structures, buildings or water and sewer facilities shall be erected or located in or within 75 feet of the defined edge of a wetland area.
2. No septic tank or leach field may be located within 100 feet of a wetland.
3. No impact to wetlands is to be allowed or even considered for approval until the applicant has submitted a site plan of the proposed project with sufficient detail so that it leaves no doubt as to the precise location of the project and its likely impact.

SECTION 453 Telecommunications Facilities Regulations

Authority – This Ordinance is adopted in accordance with the authority granted by the New Hampshire Revised Statutes Annotated 674:16 and 21.

Purpose and Intent – These regulations have been enacted in order to establish general guidelines for the siting of towers and antennas and to enhance and fulfill the following goals:

1. To preserve the authority of the Town of Westmoreland to regulate and provide for reasonable opportunity for the siting of telecommunications facilities.
2. To enhance the ability of providers of telecommunications services to provide such services to the community effectively and efficiently.
3. To reduce the adverse impacts such facilities may create on, including, but not limited to: migratory bird flight corridors, impacts on aesthetics, environmentally sensitive areas, historically significant locations, health and safety by injurious accidents to person and property, and diminution of property values.
4. To preserve Westmoreland's unique viewsheds and scenic values, in particular those associated with historic areas as defined by the Westmoreland Master Plan.

Definitions –

1. Antenna: Means any exterior apparatus designed for telephonic, radio, television, personal communications service, pager network, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.
2. Average Tree Canopy Height: Means the average height found by inventorying the height above ground level of all trees over 20 feet in height for a radius of 150 feet.
3. Tower: Means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas.
4. Telecommunications Facilities: Means any antenna, tower, or other structure intended for use in connection with the transmission or reception of radio or television signals or any other electromagnetic spectrum-based transmission/receptions.

SECTION 453.1 Location

Telecommunications facilities are permitted in the Forestry Residential (FR) District by Special Exception.

SECTION 453.2 Permitted Uses

1. Principal or Accessory Use
   Telecommunications facilities may be considered either principal or accessory uses. Having an existing-permitted use on site shall not preclude the addition of a facility as an Accessory Use as long as all other provisions of the Ordinance are met. A different existing use or an existing structure on the same lot shall not preclude the installation of a facility on such lot. For purposes of determining whether the installation complies with district development regulations, including but not limited to setback and lot coverage requirements, the dimensions of the entire lot shall control, even though the facility may be located on leased parcels within such lots. Facilities that are installed in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
2. Any alteration of the original permitted use and device configuration of the facility will require a new approval.
3. Amateur Radio; Receive-Only Antennas.
   This Ordinance shall not govern any tower, or the installation of any antenna that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas. This Ordinance adopts the provisions and limitations as referenced in RSA 674:16,IV.

SECTION 453.3 Construction Performance Requirements

1. Federal Requirements
   All facilities must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate such facilities. If such standards and regulations are changed, the owners of facilities governed by this Ordinance shall bring these into compliance within six (6) months of the effective date of the changes, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring facilities into compliance with any changes shall constitute grounds for the removal, in accordance with Section 453.9, of the tower or antenna, as abandoned, at the owner's expense through execution of the posted security.
2. Building Codes/Safety Standards
   To ensure the structural integrity of towers and antennas, all facilities must be maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association. If, upon inspection, the Town concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, the owner will receive notice that he/she has 30 days to bring such tower into compliance with the standards. If the owner fails to comply within 30days, such action shall constitute abandonment and grounds for the removal, in accordance with Section 453.9, of the tower or antenna, as abandoned, at the owner's expense through execution of the posted security.

3. Additional Requirements for Telecommunications Facilities
   These requirements shall supersede any and all other applicable standards found elsewhere in Town Ordinances or Regulations that are less strict.
   1. Height – In no case may any new structure be higher than 100 feet, or 20 feet above the average tree canopy in the proposed location.
   2. Setbacks and Separation – In addition to compliance with the minimum zoning district setback requirements for all structures, towers shall be set back a distance equal to 125% of the height of the tower from any non-related on-site structure, or off-site structure within 200%.
   3. Security Fencing –Towers shall be enclosed by security fencing and locking gates not less than 8 feet in height.
   4. Landscaping –
      a. In accordance with Westmoreland Zoning Ordinance, Section 433, a buffer shall be provided that effectively screens the view of the compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least 25 feet wide outside the perimeter of the compound. Natural vegetation is preferred.
      b. In locations where the visual impact of the compound would be minimal or non-existent, the landscaping requirement may be reduced or waived entirely.
      c. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property may be deemed a sufficient buffer.
   5. Camouflaging –
      a. At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities with the surrounding environment.
      b. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
   6. Balloon Test – The applicant shall provide notice of a date on which a balloon (or balloons) will be floated at the proposed site, and provide pictures from all locations around town and within 20 miles from which the balloon(s) is visible at the applicants expense. At least 10 days prior to test Notice will be sent to abutters and posted to the public at the Town Hall and Post Office and publication in the Keene Sentinel.
   7. Inspection Report – To ensure that the tower and surrounding site retain its integrity, periodic inspections will take place every 5 years, at the expense of the applicant, to show the use and condition of the tower and surrounding site. Report(s) will be sent to the Planning Board.

SECTION 453.4 Procedure of Application

1. Prior to the scheduling of a public hearing, the applicant must provide Permit(s) and a Site Plan Application in accordance with the procedural requirements of the Westmoreland Ordinances and RSA 676:4.
2. All towns within 20 miles of the proposed location will be notified of the public hearing, by certified mail, to be paid by the applicant.
3. Decisions. All decisions shall be rendered in writing, in accordance with RSA 676:3 and the National Wireless Telecommunications Siting Policy – Section 332c(47U.S.C.332c), which mandates that a denial be based upon substantial evidence contained in the written record.

SECTION 453.5 Plan Requirements

A scaled plan must be submitted following requirements as set forth in the Town of Westmoreland Site Plan Regulations, SECTION VI. The Planning Board, if applicable, may grant waivers of any items.
Additional requirements are as follows:

1. Propagation map showing proposed radio frequency coverage.
2. Photographic documentation of the balloon tests.

SECTION 453.6 Other Information Required

In order to assess compliance with this Ordinance, the Planning Board shall require the applicant to submit the following prior to any approval by the Board:

1. The applicant shall submit written proof that the proposed use/facility complies with the FCC regulations on radio frequency (RF) exposure guidelines.
2. The applicant shall submit written proof that it has conducted an evaluation of any requirements of the National Environmental Policy Act (NEPA) pertaining to the proposed facility, as may be required under applicable FCC rules, and the results of any such evaluation. If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and/or NEPA, the applicant shall submit the EA or EIS to the Board prior to the beginning of the federal 30-day comment period; the Town proceedings with respect to the proposed facility shall become part of the FCC application requirements.

3. If the applicant is proposing to build a new tower, the applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna. The evidence may consist of:
   a. substantial evidence that no existing towers or structures are located within the geographic area required to meet the applicant's requirement;
   b. substantial evidence that the applicant can demonstrate other limiting factors that render existing towers and structures unsuitable.
   c. substantial evidence that the applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing towers, or that existing towers or structures would cause electromagnetic interference with the applicant's proposed antenna;
   d. information on the number of sites for wireless telecommunication facilities each provider will require;
   e. information on sites outside of the Town for the particular coverage areas that are being considered;
   f. informant on how the siting of a wireless telecommunication facility will affect the ability to allow a competitor's antennas on the same property;
   g. information on whether any of the wireless telecommunications carriers providing service to southwestern New Hampshire use the system known as cable micro-cell integrator/headend interface converter ("CMI/HIC") which utilizes cable television lines and small transceivers mounted on utility poles to communicate with wireless telephones; and
   h. information on whether there are any such carriers using CMI/HIC in surrounding cities and towns.
4. The applicant will provide the Board with studies of alternative sites in Town that have been considered for siting.
5. The applicant shall submit an agreement with the Town that allows for the maximum allowance of co-location upon the new structure. Such statement shall, at a minimum, require the applicant to supply available co-location for reasonable fees and costs to other wireless telecommunication providers. An opportunity for co-location is not to be considered a justification for excessive height of towers. Co-location opportunities shall also not exclude the investigation of alternative sites.
6. The applicant will provide the Board with any copies of the federal licenses from the FCC proving that they, or their contracted client, are eligible to deploy their systems under the Federal Telecommunications Act of 1996.
7. Upon request, the applicant will provide:
   a. detailed maps showing all the carrier's current externally visible tower and monopole locations in the state within a 20-mile radius, both active and inactive; and
   b. site descriptions for each of the above locations showing the antenna height and diameter, and all externally visible structures.
8. Upon request, a description of why less visibly intrusive alternatives for this facility was not proposed.
9. The applicant will submit an agreement to the Town to the effect that the Town will be held harmless for any extraordinary fire or safety events.

SECTION 453.7 Co-Locating Antennas

Any company wanting to co-locate an antenna on an existing, approved tower can do so by obtaining a building permit. The co-location must be in accordance with the approved site plan.

SECTION 453.8 Bonding and Security Insurance

1. The applicant shall provide a bond with an inflation index to the Town in an amount that would be sufficient to cover the costs of removal and disposal of the facility components. The Planning Board shall set the form and amount of the security. The Planning Board shall also require the applicant to submit proof of appropriate liability insurance with respect to the proposed facilities prior to construction.
2. The term of the bond shall be negotiated with the Planning Board. In addition, if the Board requires an engineering assessment in order to set the amount of the bond, the cost shall be borne by the applicant.

SECTION 453.9 Removal of Abandoned Antennas and Towers

Any antenna or tower that is not operated for a continuos period of 12 months shall be considered abandoned and hazardous to the public health and safety. The owner shall remove the abandoned tower and related structure(s) within 90 days of receipt of a declaration of abandonment from the Town. All structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade. A declaration of abandonment shall only be issued following a public hearing, noticed per Town regulations, with notice to abutters and the last known owner/operator of the tower. If the abandoned tower is not removed within 90 days, the Town may execute the security and have the tower removed. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

ARTICLE V
DISTRICT OBJECTIVES AND LAND USE CONTROL

The following tables set forth the objectives of each of the districts hereby established and the provisions of the regulations that apply respectively in each district.

SECTION 501 Purpose
The purpose of each of the districts listed herein is as follows:

A. Commercial/Industrial District ("C/I")
This district allows for the establishment of manufacturing employment opportunities in the community. An area must be provided for this type of development taking into consideration truck access and the availability of utilities. Research and development and other high-density employment, along with wholesale activities, should be concentrated in this area.

B. Forestry Residential District ("FR")
This district allows for open space, conservation, forested areas, and occasional residential use. These are areas in the community unserviced with adequate facilities and utilities, of subsoil conditions that cause problems in development to the community and should be conserved because of their scenic values in order to obtain the community's goal by keeping this an attractive community allowing adequate open space. A maximum density of development is permitted with one family per ten acres.

C. Medium Density Residential District ("MDR")
This principal residential area is designated for land where no central water and sewer facilities are available, but where the installation of these facilities could become feasible. Residential and other compatible and complementing uses are permitted in this district. This district is intended to house the majority of the community's permanent residents in areas and at densities consistent with the utilities provided.

D. Rural Residential District ("RR")
This area is limited to secondary agricultural, forestry, and certain other non-intensive land uses. Low-density residential and related uses are permitted in cases where it would not be inconsistent with the Master Plan. The purpose of this district is to prevent premature development of land, to retain certain areas for non-intensive uses, to prevent development where it would be a burden on the community, and to retain areas for open space. A density of one (1) family per five (5) acres is permitted.

E. Village Center District ("VC")
This is a district in the center of subcommunities, and is designed to continue the New England character providing services and shopping opportunities to the residents of that subcommunity. It is a district that is designed to promote the pleasant residential characteristics of a neighborhood, the density of which is permitted at (1) one family per acre.

TABLE 502

"C/I" – Commercial/Industrial

Permitted Uses

1. One-Family Dwelling must meet requirements of Areas & Dimensions as set forth in Table 505–Rural Residential.
2. Home Based Occupation

Allowed by Special Exception

1. Community Center/Private Club
2. Public Utility
3. Bank
4. Office
5. Places of public assembly, entertainment and recreation
6. Hotel/Motel
7. Gas station/Car wash
8. Drive-In Theater
9. Restaurant, Bar
10. Any business concerned primarily with the sale of new &/or used produce, products, goods and equipment
11. Any retail or wholesale distribution service.
12. Any personal service
13. Mortuary
14. Motor vehicle, mobile home, trailer, farm implement, contractor's equipment sales & service.
15. Freight or trucking terminal
16. Commercial parking lot
17. Enclosed manufacturing industry
18. Enclosed warehouse or wholesale use
19. Mine, quarry, sand or gravel pit
20. Freight or trucking terminal
21. Animal hospital, clinic or kennel, provided that any structures for the housing of animals be at least 200' from any residential property line
22. Accessory Use
23. Stables, Private and Public
24. Home Business
25. Other highway commercial uses, upon the finding by the Planning Board that such use is of the same general character as those permitted, and which will not be detrimental to the other uses within the district or to the adjoining land uses

Areas and Dimensions

Minimum Lot Size:	2 acres	Frontage:	200'	Depth:	150'
Minimum Yard Setback in Feet:		Front Yard: 30'	Each Side Yard: 20'	Rear: 20'	
Maximum Lot Coverage in Percent:		75%			
Maximum Height in Feet:		35'			
General Regulations:		Site plan approval is required			

TABLE 503

"FR" - Forestry Residential

Uses

Permitted Uses	Allowed by Special Exception
1. Agricultural & Forest Uses	1. Public Utility
2. Wildlife Refuge	2. Stable, Public
3. Accessory Use	3. Professional Residence – Office
4. One-Family Dwelling	4. Reservoir
5. Stable, Private	5. Public Outdoor Recreation
6. Home Based Occupation	6. Home Business

Areas and Dimensions

Minimum Lot Size:	10 acres	Frontage:	500'	Depth:	400'
Minimum Yard Setback in Feet:	Front Yard: 50'	Each Side Yard: 20'		Rear: 20'	
Maximum Lot Coverage in Percent:	15%				
Maximum Building Height:	35' No height limit for agricultural use				

TABLE 504

"MDR" – Medium Density Residential

Uses

Permitted Uses	Allowed by Special Exception
1. Agricultural & Forest Uses	1. Public Utility Substation
2. One-Family Dwelling	2. Mobile Home Park
3. School	3. Home Business
4. Accessory Use	4. Stable, Private
5. Home Based Occupation	5. Professional Residence - Office
6. Mobile Home	6. Public Outdoor Recreation
	7. Religious Institution
	8. Camping Area
	9. Two-Family Dwelling*

Areas and Dimensions

Minimum Lot Size: 2 acres Frontage: 300' Depth: 200'

Minimum Yard Setback in Feet: Front Yard: 50' Each Side Yard: 20' Rear: 20'

Maximum Lot Coverage in Percent: 15%

Maximum Building Height: 35' or 3 stories, whichever is less.
Accessory building – 15'

General Regulations: Site plan approval is required for non-residential uses and two-family residences

*Two-Family Dwelling units must provide 500' frontage and 4 acres of land, and meet all other requirements

TABLE 505

"RR" – Rural Residential

Uses

Permitted Uses

1. One-Family Dwelling
2. Agricultural and Forest Use
3. Accessory Use
4. Home Based Occupation
5. Mobile Home
6. Stable, Private
7. Wildlife Refuge

Allowed by Special Exception

1. Quarry
2. Mobile Home Park
3. Stable, Public
4. Professional Residence - Office
5. Tourist Home &/or Boarding House
6. Religious Institution
7. School
8. Community Center
9. Membership Club House
10. Private Club
11. Private Outdoor Recreation
12. Public Outdoor Recreation
13. Home Business

Areas and Dimensions

Minimum Lot Size:	5 acres	Frontage:	500'	Depth:	200'
Minimum Yard Setback in Feet:	Front Yard: 50'	Each Side Yard: 20'		Rear: 20'	
Maximum Lot Coverage in Percent:	15%				
Maximum Building Height:	35' No height limit for agricultural uses				
General Regulations:	Site plan approval is required for non-residential uses				

TABLE 506

"VC" – Village Center District

Uses

Permitted Uses

1. One-Family Dwelling
2. Two-Family Dwelling*
3. Accessory Use
4. School (Public)
5. Home Based Occupation

Allowed by Special Exception

1. Other neighborhood retail business upon the finding by the Planning Board that such use is of the same general character as those permitted, and which will not be detrimental to the other uses within the district or to the adjoining land uses
2. Home Business
3. Multi-Family Dwelling*
5. Stable, private
6. Retail Store
7. Religious Institution
8. Community Center
9. Private Club
10. Membership Club House
11. Mortuary, Funeral Home
12. Parking
13. Business Office
14. Professional Residence – Office
15. Public Outdoor Recreation

Areas and Dimensions

Minimum Lot Size:	1 acre	Frontage:	200'	Depth:	200'
Minimum Yard Setback in Feet:	Front Yard: 50'	Each Side Yard: 20'	Rear: 20'		
Maximum Lot Coverage in Percent:	25%				
Maximum Building Height:	35'				
General Regulations:	Site plan approval is required for non-residential, two-family residential and multi-family residential uses				

*Provided there is one (1) acre allowed for each dwelling unit

SECTION 507 Severability Clause

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

SECTION 508 Effective Date

This Ordinance shall take effect immediately upon its adoption.

SECTION 509 Amendments

This Ordinance and its accompanying maps may be amended in accordance with the provisions of the applicable statutes of the State of New Hampshire.

SECTION 510 Validity

Whenever the provisions of this Ordinance or rulings made under the authority hereof differ from those of other ordinances or regulations of the Town, that provision or ruling which imposes greater restriction or higher standard will govern.

SECTION 511 Repeal

Upon the valid adoption of this Zoning Ordinance, the existing Zoning Ordinance and all amendments thereto are hereby repealed. In the event that the "Zoning Ordinance of the Town of Westmoreland, New Hampshire," is not adopted, then the existing Zoning Ordinance, Revised 1983, and all amendments thereto shall continue to be in full force and effect.

BUILDING ORDINANCES
FOR THE
TOWN OF WESTMORELAND
CHESHIRE COUNTY, NEW HAMPSHIRE

ARTICLE I
PURPOSE

SECTION 1:01 To promote the health, safety, convenience, prosperity, and general welfare of the Town of Westmoreland and to protect and enhance the value of its properties, the following regulations are hereby enacted by the voters of Westmoreland.

ARTICLE II
REGULATIONS

SECTION 2:01 All land shall be subject to the following regulations, restrictions and conditions.

SECTION 2:02 A new building more than 35 feet in height above the natural ground level must be granted a variance from the Zoning Board of Adjustment prior to applying for a building permit.

SECTION 2:03 No permit will be required for small, portable or temporary structures (as defined under Section 104 Terms) or for maintenance of an existing building or structure.
A building permit issued by the Building Inspector prior to project commencement shall be required for:

1) New buildings and new structures constructed of any materials.
2) Alterations (as defined under Section 104 Terms) of buildings and structures.

The following information and any other information deemed necessary by the Building Inspector shall be submitted to the Building Inspector before a building permit can be issued:

1) New buildings and new structures shall require a completed application, the appropriate fee, driveway permit, state approved septic system, zoning permit and adequate plans of the proposed building or structure.
2) Alterations of buildings and structures shall require a completed application, the appropriate fee and adequate plans of the proposed alterations.

The Selectmen will set building permit fees as they see fit. Fees must be paid to the Town of Westmoreland.

SECTION 2:04 All building permits shall expire one year from date of issue. Extension may be granted upon application for one additional year. Building permits are not transferable with the sale of the land.

SECTION 2:05 Every dwelling unit or other building or addition thereto, shall be required to follow the setbacks as set forth in the Zoning Ordinances for their district. Every dwelling unit shall have a minimum ground floor area of 600 square feet, exclusive of porches, breezeways, garages, sheds or similar areas.

SECTION 2:06 Foundations
Foundations shall be continuous and be constructed of solid concrete, block, stone or other similar materials, extending at least four feet below the ground level. Accessory buildings may be set on brick, stone, concrete piers, or pressure-treated posts, extending at least four feet below the ground level, enclosed to prevent leaves and other debris from collecting under the building. A concrete slab approved by the Building Inspector shall also be acceptable.

SECTION 2:07 Every dwelling, other building, or addition to presently existing dwellings or buildings, is to be finished on the exterior in a permanent manner within a period of two years.

SECTION 2:08 Chimneys
All chimneys must be inspected and approved by the Fire Chief prior to use and/or before a certificate of occupancy is issued.

SECTION 2:09 No roof of any building shall be covered or recovered in whole or in part save with non-combustible or fire-resistant roofing material.

SECTION 2:10 Sewerage & Water
All dwelling units used for permanent human occupancy must be supplied with running hot and cold water properly connected with the following fixtures: kitchen sink, lavatory sink, tub or shower, water closet (unless a dry composting toilet is installed in compliance with 2:10 paragraph 2).. These fixtures must be connected with a sewage and/or wastewater disposal system that has been approved by the New Hampshire Department of Environmental Services.

A family sized commercial dry composting toilet may be allowed in lieu of a water closet. Such a system must first be approved in writing by the local Health Officer or equivalent based on the determination that said system will not endanger the health of any person or cause a nuisance and that the end product will be disposed of in a sanitary manner. All other requirements in the first paragraph of Section 2:10 must be met.

SECTION 2:11 All electrical installations shall be in accordance with the requirements of the latest edition of the National Electric Code, the same being the standard of the National Board of Fire Underwriters for electrical wiring and apparatus.

SECTION 2:12 All fuel burning equipment shall be installed in compliance with the latest edition of rules and regulations issued by the New Hampshire Board of Fire Control.

SECTION 2:13 All construction unless otherwise covered by this Ordinance shall be governed by the Building Officials and Code Administrators International, Inc. (BOCA).

ARTICLE III
FLOODPLAIN DEVELOPMENT REGULATIONS
See SECTION 452 of the Zoning Ordinance

ARTICLE IV
BUILDING INSPECTOR

SECTION 4:01 For the purpose of this Ordinance, the Board of Selectmen shall annually appoint a Town Building Inspector who shall perform the duties pertaining to his office as designated in the provisions of the Ordinance.

SECTION 4:02 The Building Inspector shall in all cases visit the site of any proposed building or alteration in company of the owner of the site before issuing a building permit. He shall satisfy himself that the proposal will meet all requirements of the Town Building Ordinances.

SECTION 4:03 No building permit shall be issued until the Building Inspector has certified that the proposed building or structure and its intended use comply with the provisions of the Ordinance.

SECTION 4:04 It shall be unlawful for any person to commence work on erection or alteration of any building or structure until the Building Inspector has duly granted a permit for such erection or alteration.

SECTION 4:05 Driveway Permit
The Building Inspector shall not issue a building permit before the securing of a driveway permit from the appropriate road authority, if a new driveway is required. Factors to be considered include a safe location, suitable grade at its junction with the public road and adequate drainage.

SECTION 4:06 Certificate of Occupancy
No building shall be used and no building shall be changed to another use until the Building Inspector shall have issued a certificate of occupancy. The Building Inspector shall issue such certificate of occupancy only after the property has been inspected and found to comply with all provisions of the Building and Zoning Ordinances of the Town.

ARTICLE V
ADMINISTRATION

SECTION 5:01 It shall be the duty of the Board of Selectmen, and the Board is hereby given power and authority, to enforce the provisions of this Ordinance. The Board of Selectmen shall act as arbitrator to resolve any differences between the applicant and the Building Inspector.

SECTION 5:02 The Board of Selectmen shall require that the application for a building permit include a plot plan and contain all necessary information to enable the Building Inspector to ascertain whether the proposed building or structure and its intended use comply with the provisions of this Ordinance.

SECTION 5:03 Upon any well founded information that this Ordinance is being violated, the Selectmen shall on their own initiative take immediate steps to enforce the provisions of this Ordinance by seeking an injunction in the Superior Court, or by any other legal action.

ARTICLE VI
AMENDMENTS

SECTION 6:01 The provisions of this Ordinance may be amended or changed at any regular or special Town Meeting by a majority of the voters present as provided by law.

ARTICLE VII
GENERAL PROVISIONS

SECTION 7:01 Validity
Should any section or provision of this Ordinance by declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof.

SECTION 7:02 Penalties and Remedy for Violations
Every person, persons, firm, or corporation violating any of the provisions of this Ordinance may be subject to a fine by the Board of Selectmen of not more than one hundred dollars ($100.00) for each day of said violation, plus any legal costs resulting in the enforcement of said violation.

SECTION 7:03 Acceptance
This Ordinance shall take effect immediately upon its passage.

SCHEDULE OF PERMITS

1. Zoning Permit:
   From Zoning Administrator required for all structures and uses (new, changes in/to, additions to)

2. Building Permit:
   From Building Inspector by referral of Zoning Administrator and, if applicable, by Zoning Board.

3. Variances and/or Special Exception:
   From Zoning Board after hearing by referral of Zoning Administrator.

4. Site Plan Review:
   From Planning Board (with hearing) by referral of Zoning Administrator.

5. Subdivision Approval:
   From Planning Board (with hearing) required for all land subdivisions.

6. Driveway Permit:
   From Road Agent or NH Dept. of Transportation.

7. Septic System Design Approval and Inspection:
   From NH Dept. of Environmental Services.

8. Burning Permit:
   From Fire Warden for all open burning.