



# Northwood Development Ordinance

Adopted March 9, 1999

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## Table of Contents

<b>I. PURPOSE .....</b>	<b>5</b>
<b>II. ADMINISTRATIVE PROVISIONS .....</b>	<b>6</b>
<b>III. DEFINITIONS.....</b>	<b>8</b>
<b>IV. GENERAL DISTRICT .....</b>	<b>16</b>
<b>Dimensional Requirements.....</b>	<b>17</b>
<b>Road Frontage .....</b>	<b>17</b>
<b>Lot Size .....</b>	<b>18</b>
<b>Residential Density .....</b>	<b>19</b>
<b>Setbacks .....</b>	<b>21</b>
<b>Structure Height .....</b>	<b>23</b>
<b>Development on a Single Lot .....</b>	<b>24</b>
<b>V. USE REGULATIONS .....</b>	<b>26</b>
<b>General Requirements for Permitted Uses.....</b>	<b>27</b>
<b>Uses Permitted Under Specific Performance Criteria.....</b>	<b>28</b>
<b>Home Business .....</b>	<b>30</b>
<b>Telecommunications Mounts .....</b>	<b>30</b>
<b>Elderly Housing .....</b>	<b>31</b>
<b>Uses Permitted with Additional Criteria.....</b>	<b>32</b>
<b>Unlisted Uses .....</b>	<b>32</b>
<b>Sexually Oriented Businesses .....</b>	<b>33</b>
<b>VI. OVERLAY DISTRICTS .....</b>	<b>35</b>
<b>Wetlands Conservation Overlay District.....</b>	<b>35</b>
<b>Conservation Area Overlay District .....</b>	<b>38</b>
<b>Agricultural Soils Overlay District .....</b>	<b>39</b>
<b>Wellhead Protection Overlay District.....</b>	<b>40</b>
<b>Steep Slope Protection Overlay District.....</b>	<b>42</b>
<b>VII. NON-CONFORMITY .....</b>	<b>45</b>
<b>Non-Conforming Use.....</b>	<b>45</b>
<b>Non-Conforming Structure.....</b>	<b>45</b>
<b>Non-Conforming Lots.....</b>	<b>46</b>
<b>VIII. SIGN REGULATIONS .....</b>	<b>49</b>

**IX. OPEN SPACE DESIGN ..... 52**  
**Application Procedure ..... 52**  
**Incentives for Open Space Design ..... 53**  
**Open Space Requirements ..... 53**  
**Performance Standards ..... 55**

**X. FLOODPLAIN MANAGEMENT ORDINANCE..... 56**

**Table of Tables**

**Dimensions Table, Table IV-1 ..... 16**  
**Residential Density Table, Table IV-2 .....21 & 44**  
**Large Scale Business Minimum Setback Table, Table IV-3 ..... 23**  
**Table of Uses, Table V-1 ..... 26**  
**Elderly Housing Requirements, Table V-2..... 32**  
**Open Space Design Incentives, Table IX-1 ..... 53**

## **I. PURPOSE**

The general purpose of this Ordinance is to guide the character of growth, development and change in Northwood in order to provide for the public health, safety, and general welfare. Throughout this Ordinance, the town seeks to balance the process of growth, development and change with the need to preserve and enhance those qualities which make Northwood a safe and desirable place to live, work and visit. In keeping with this general purpose, the following are specific objectives:

- I.A.** Lessen vehicle congestion in the streets;
- I.B.** Secure safety from fires, panic and other dangers;
- I.C.** Provide adequate sunlight and air circulation;
- I.D.** Prevent overcrowding of land and avoid undue concentration of population;
- I.E.** Facilitate adequate provision of public facilities, utilities and services;
- I.F.** Provide for adequate child day care;
- I.G.** Assure proper use of natural resources; and
- I.H.** Implement the policies of the 1998 Northwood Master Plan Update, including, but not limited to:
  - (1) enhance the built environment and aesthetic qualities of the town;
  - (2) promote commercial development, including opportunity for home-based work, to broaden the tax base and employ residents;
  - (3) enhance the quality of life and foster tourism by protecting and enhancing the town's natural beauty, ecological integrity, and natural recreational amenities such as Northwood Lake or Northwood Meadows State Park area;
  - (4) provide for a variety of quality living arrangements; and,
  - (5) protect the sense of community and friendly small town atmosphere.

## **II. ADMINISTRATIVE PROVISIONS**

### **II.A. Authority**

- (1) AUTHORITY The authority to adopt the Development Ordinance is granted by the State to the Local Legislative Body by RSA 674:16, and is conditioned by RSA 674:18, which requires that the Planning Board adopt objectives and land use sections of the Master Plan prior to adoption of the Development Ordinance.
- (2) RESOLUTION Pursuant to the grant of authority, and finding that the Planning Board adopted objectives and a land use section of the 1998 Northwood Master Plan Update on March 26, 1998, the March 9, 1999, Town Meeting hereby repeals the previous Zoning Ordinance and adopts this new Development Ordinance, as proposed by the Planning Board.

### **II.B. Guidance for the Layperson**

- (1) READ THE ORDINANCE To gain an understanding of this community code, it is important to read this Ordinance. Statements of purpose are included for the Ordinance as a whole and for many of the subsections to help readers understand the intent of the code.
- (2) CROSS-REFERENCES To fully understand this code, it is important for the reader to understand how the town has cross-referenced this Ordinance.

(a) Cross-referencing System. Within this Ordinance there are many references to other Sections of this code. These cross-references are provided to help the reader find needed information, and to inform the reader of related provisions. This subsection explains the method of cross-referencing to help the unfamiliar reader. The reference for this sub-section would be written as follows:

§ III.B (2)(a)

The symbol “§” means section. In all cases, the information following the “§” starts with the Section, then the sub-sections in descending order. Additional levels of hierarchy would be shown as follows:

§ III.B (1)(c)[2][e]

The reader should note that only the first letter is capitalized, and that the rounded parentheses are used before the square parentheses. Also, the text of each level of hierarchy is indented farther than the previous level.

**II.C. Compliance With Other Codes** As specified in RSA 676:14, whenever the requirements of this Ordinance differ from the requirements of another existing local code, the provision which imposes the greater restriction or higher standard shall be controlling. This same principal shall also apply where local codes differ from State or Federal codes. *(Rev. 3/00)*

**II.D. Saving Clause** If any portion of this Ordinance is found invalid by a court of competent jurisdiction, such finding shall not invalidate the remainder of this Ordinance if the remainder can still be given reasonable effect. *(Rev. 3/00)*

**II.E. Interpretation, Administration and Enforcement** The Board of Selectmen or their designee shall have authority to interpret, administer and enforce this Ordinance. The Board of Selectmen or its designee shall have at its disposal all legally available means to fulfill these responsibilities and recover, fines, expenses, and fees in accordance with RSA 676:17. Decisions or interpretations by the Board of Selectmen or its designee regarding the development ordinance are appealable to the Zoning Board of Adjustment. *(Rev. 3/00)*

**II.F. Zoning Board of Adjustment** This Ordinance provides for the establishment of the Zoning Board of Adjustment (ZBA) as required per RSA 673:1,IV. With respect to this Ordinance, the ZBA shall review and decide on appeals from administrative decisions, applications for the Special Exceptions, applications for Variances, and applications for an Equitable Waiver of Dimensional Requirements. The Board of Selectmen shall appoint five members and up to five alternate members to the ZBA.

### **III. DEFINITIONS**

As used in this Ordinance, the following terms shall have the meanings indicated:

**Accessory:** A structure or use subordinate and customarily incidental to a primary structure or use on the same lot.

**Accessory apartment:** A second residential unit of not more than 700 square feet, containing no more than one bedroom, located within or attached to an owner occupied single family residential unit on a single lot. *(3/11)*

**Adult Bookstore or Adult Video Store:** A business that devotes more than 15% of the total display, shelf, rack, table, stand or floor area, to the display, sale or rental of the following:

- (1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, CD-ROMs or other forms of visual or audio representations which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1, or,
- (2) instruments, devices, or paraphernalia which are designed for use in connection with "sexual conduct" as defined in NH RSA 571-B:1, other than birth control devices. *(3/03)*

**Adult Cabaret:** A nightclub, bar, restaurant, or similar establishment which during a substantial portion of the total presentation time features live performances which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1, and/or feature films, motion pictures, video cassettes, slides or other photographic reproductions, a substantial portion of the total presentation time of which is devoted to showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1. *(3/03)*

**Adult Drive-In Theater:** An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion picture, films, theatrical productions and other forms of visual productions, for any form of consideration to persons in motor vehicles or on outdoor seats, in which a substantial portion of the total presentation time being presented for observation by patrons is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1. *(3/03)*

**Adult Motel:** A motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions a substantial portion of the total presentation time of which are distinguished or characterized by an emphasis upon the depiction of materials which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1. *(3/03)*

**Adult Motion Picture Arcade:** Any place to which the public is permitted or invited wherein coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machine, projectors, or other image producing devices or maintained to show images to five or fewer persons per machine at any one time, in which a substantial portion of the total presentation time of the images so displayed is devoted to the showing of material which meets the definition of "harmful to minor" and/or "sexual conduct" as set forth in NH RSA-B:1.(3/03)

**Adult Motion Picture Theater:** An establishment with a capacity of five or more persons, where for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the presentation time is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as forth in NH RSA 571-B:1, for observation by patrons. For the purposes of this ordinance, substantial portion of the total presentation time shall mean the presentation of films or shows described above for viewing on more than seven days within any 56 consecutive day period. (3/03)

**Affordable Housing:** A decent safe and sanitary dwelling, apartment or other living accommodation for a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development. An owner-occupied housing unit is affordable to a household if the unit's expected sales price is reasonably anticipated to result in monthly housing costs (including mortgage principal and interest payments, mortgage insurance costs, homeowners' insurance costs, real estate taxes and basic utility and energy costs) that do not exceed 33% of the household's gross monthly income. A renter-occupied housing unit is affordable to a household if the unit's monthly housing costs (including rent and basic utility and energy costs) do not exceed 28% to 33% of the household's gross monthly income. (3/05)

**Bed & Breakfast:** A use in which an occupied single family residence also offers for public hire rooms for overnight accommodation, and offers meals prepared in the kitchen of the residence. This use shall be subordinate to the residential use of the structure and lot.

**Board:** The planning board.

**Building Permit:** A permit required prior to the commencement of the construction, erection or placement of a new dwelling unit. (3/05)

**Business Office:** A place of business where activities such as general management, bookkeeping, accounting, telephone sales and telecommunications take place, but where no "walk-in" consumer retail sales of physical products take place. A business office may include research and development activities, software development and information transfer and management activities, but shall not include the production of physical products for sale or distribution. (3/05)

**Day Care:** Any person, corporation, partnership, voluntary association or other organization, either established for profit or otherwise, which regularly receives for child day care three or more children, unrelated to the operator or staff of the agency, unless exempted under RSA 170-E:31(c). The total number of hours in which a child may remain in child day care shall not exceed 13 hours per day, except in emergencies. This definition shall include Family Day Care Home, Family Group Day Care Home, Group Child Day Care Center, Day Care Nursery, Night Care Agency, Preschool Program, School-age Program, and Dual Licensure all as defined in RSA 170-E:2.(3/03) (Rev. 3/09)

**District, Base:** The zoning district(s) which contain the basic layer of regulation.

**District, Overlay:** The zoning districts which add layers of regulation on top of the regulations for the base district(s). Overlay districts may overlap each other.

**Driveway:** Any designed vehicular access from a single house lot to a public right of way or private road. (The planning board may allow a single driveway to service more than one lot but in no instance shall a driveway be substituted for a private road). (3/02)

**Dwelling Unit:** One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for exclusive use of a single family maintaining a household. (3/08)

**Elderly Housing:** Housing units, with a maximum of two bedrooms, occupancy of which is restricted in perpetuity to persons 62 years of age or older; or in the case of housing units financed wholly or partially with state or federal funds, housing units occupied solely by elderly persons or elderly families or handicapped persons as defined in the funding program in perpetuity, provided the number of units available for occupancy by the handicapped persons who are not elderly shall be the minimum needed to establish eligibility for the federal or state program and that the program has received the approval of the United States Department of Housing and Urban Development as one designed and operated to assist elderly persons. (3/05)

**Excavation:** Means any commercial taking of earth as regulated by RSA 155-E.

**Forestry and Agriculture:** Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, performing forest services; or the production, keeping, or maintenance for sale, lease, or personal use of plants and/or animals useful to humans, including but not limited to: forages and sod crops, grains and seed crops, livestock, bees and apiary products, fruits of all kinds, nuts, berries, and/or flowers.

**Frontage:** That portion of the property boundary shared with a road right-of-way meeting the criteria listed in IV(B)(1). (Rev. 3/08)

**Full-cutoff fixture:** A light fixture that allows no emission of light above a horizontal plane through the fixture.

**Home Business:** Home business uses include office, personal or business service, light manufacturing, or other uses of a similar nature where there is no on-site sale of goods except as is incidental to the primary activity or service.

**Home Occupation:** An accessory use conducted within a residential unit where there are no impacts detectable from beyond the property boundaries. Home occupations have no non-resident employees, no increase in traffic generation, no increase in parking, and no outside activity or storage of any kind.

**Impact Fee:** A fee or assessment imposed upon development, including subdivision, building construction or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities not including public open space. *(Rev. 06)*

**Junk Yard:** Junk Yard includes automotive recycling yards and means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material. It shall also mean any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited 2 or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to 2 or more motor vehicles.

**Kennels:** A business on any lot or premise on which four (4) or more dogs, cats, or similar small animals, or a combination thereof, which are older than six months of age, are kept and maintained; or on which more than two litters per year are produced. This is exclusive of a licensed veterinary medical facility. *(Rev. 3/01)*

**Large Scale Business:** An individual retail or wholesale business that occupies buildings or structures, or a grouping of retail or wholesale businesses, with aggregate gross floor area between 10,000 sq. ft. and 35,000 sq. ft. *(Rev. 06)*

**Licensed Land Surveyor:** A land surveyor licensed by the State of New Hampshire. *(Rev. 07)*

**Lot Width:** The average of a straight line drawn between the points where the side lot lines intersect the right of way and a straight line drawn between the points where the side lot lines intersect the rear lot line. *(Rev. 06)*

**Low Permeability Surfaces:** Surfaces which do not allow fluids to pass readily through them (e.g. pavement, concrete, roofs, gravel, crushed gravel, etc.) *(Rev. 06)*  
*(Rev. 07)*

**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 320 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 heating systems contained therein. Manufactured housing as defined in this section shall not include pre-site built housing as defined in RSA 674:31-a. *(Rev. 06)*

**Manufacturing:** An establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, or the blending of materials, such as lubricating oils, plastics, resins or liquors, but which does not fit the definition of Light Manufacturing. *(Rev. 3/00)*

**Manufacturing, Light:** The fabrication, processing, finishing, assembly, packing or treatment of articles or merchandise conducted solely within a totally enclosed structure, and operated in a manner which is not offensive, noxious, detrimental or dangerous to surrounding areas by reason of dust, smoke, fumes, odor, noise, light, or other adverse environmental effect.

**Mixed Use:** A mix of residential and non-residential uses on one lot. *(3/02)*

**Non-Conforming Lot:** A lot which does not comply with the dimensional requirements of this Ordinance.

**Non-conforming Structure:** That portion of a structure which does not comply with the requirements of this Ordinance. Signs may contain structural elements but are not considered structures for the purposes of these ordinances. (See Sign Regulations)

**Non-Conforming Use:** A use which is not permitted in the base zoning district or overlay district in which it is located.

**Non-Conformity:** A use, structure, lot or site improvement which was lawfully in existence prior to the enactment of the zoning requirement which would otherwise have prohibited it.

**Nude Model Studio:** A place where a person appears in a state of nudity or displays male genitals in a state of sexual arousal and/or the vulva or more intimate parts of

the female genitals, with an emphasis on activities which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.(3/03)

**Off-site Improvement / Exaction:** Those improvements that are necessitated by a development but which are located outside the boundaries of the property that is subject to a subdivision plat or site plan approval by the planning board. Such off-site improvements shall be limited to any necessary highway, drainage and sewer and water upgrades pertinent to that development. *(Rev. 06)*

**Permanent Foundation:** continuous wall buried below frost line around full perimeter of a structure for the purpose of providing the full support to the structure above. *(Rev. 06)*

**Professional Office:** A building containing one or more offices in which there is no display of unrelated stock, selling of wares in trade commodity, nor any commercial use conducted other than the professional offices of a doctor, dentist, lawyer, architect, engineer and related laboratories, insurance agent, realtor, or other similar professional services, but excluding barbershops, beauty salons or similar services. *(3/05)*

**Residential, Multi-Family:** A single structure containing three or more residential units.

**Residential, Single Family:** A detached structure containing one residential unit.

**Residential, Two Family:** A single structure containing two residential units.

**Restaurant:** An establishment where food and drink are prepared, served and either consumed on site or taken out to consume elsewhere.

**Retail:** Selling goods or merchandise to the general public for commercial, personal or household consumption and rendering services incidental to the sale of such goods. This shall not include yard sales and other such activities which are incidental to a residential use, unless such incidental activities exceed seven days per year.

**Service Business:** A business which performs an off-site service to customers for compensation. *(Rev. 3/01)*

**Service Station Price Sign:** A permanently mounted sign displaying the retail cost of gasoline, etc., on the premises of a service station. (See definition of Sign)

**Setback:** The horizontal distance between a structure and the lot boundaries, measured at right angles or radial to the lot boundary.

**Setback, Waterbody:** The horizontal distance between a structure and the Reference Line as defined by RSA 483-B:4, measured at right angles or radial to the lot boundary.

**Sexual Encounter Center:** A business or commercial enterprise that as one of its business purposes, offers for any form of consideration:

- (1) physical contact in the form of wrestling or tumbling between persons of the opposite sex when one or more persons are in the state of nudity; or
- (2) activities between male and female persons and/or persons of the same sex when one or more persons is in the state of nudity; or
- (3) when the activities in sections A or B above are characterized by an emphasis on activities which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1; or
- (4) massage parlor and escort services with an emphasis on sexual conduct as set forth in RSA 571-B:1.(3/03)

**Sexually Oriented Businesses:** adult bookstore, adult video store, adult motion picture theater, adult motion picture arcade, adult drive-in theater, adult cabaret, adult motel, adult theater, nude model studio, sexual encounter center, or any combination of the above.(3/03)

**Sign:** Any device intended to provide a permanent identification, description, display or illumination which is affixed to or painted or represented directly or indirectly, upon a building, erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Included in this definition as signs are graphic devices such as logo, including sculptured logos, which are erected with a fixed location on the ground or attached to something having a fixed location on the ground. Not included in this definition are attention-attracting media such as banners, pennants, flags, balloons, service station price signs, or window displays which are intended to provide a temporary identification, description display or illumination, regardless of whether affixed to a building, or attached to something having a fixed location on the ground. (See Sign Regulations)

**Structure:** Anything constructed, the use of which requires permanent or temporary location on or in the ground or water, or attachment to something having permanent or temporary location on or in the ground or water, including but not limited to, stationary or portable carports, swimming pools, tennis courts, parking lots, and driveways with a manmade surface. Fences, stone walls, and driveways are structures. Signs may contain structural elements but are not considered structures for the purposes of these ordinances. (See Sign Regulations)

**Subdivision:** The division of the lot, tract, or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

- (1) The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title.
- (2) The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.
- (3) The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any un-staffed structure which is less than 500 square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.
- (4) The rent, lease, development, or grant of an easement to a person for the purpose of placing and maintaining a wireless communications facility shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose. For purposes of this paragraph, "wireless communications facilities" means any towers, poles, antennas, or other un-staffed structure of less than 500 square feet intended for use in connection with licensed transmission or receipt of radio or television signals, or any other licensed spectrum-based transmissions or receptions. This paragraph shall not be deemed to affect other local zoning, site plan, or regulatory authority over wireless communications facilities.  
(Rev. 3/00)

**Telecommunications Antenna:** The equipment from which wireless radio signals are sent and received by a Personal Wireless Service Facility. (Rev. 3/12)

**Telecommunications Mount:** The structure upon which a telecommunications antenna is mounted.

**Unbuildable Land:** The area of a site that includes wetlands, water bodies, slopes exceeding a grade of 25%, land used for septic systems, floodways, and floodway fringe within the 100-year floodplain as shown on the latest FEMA maps accepted by the town, and public utility easements. (Rev. 06)

**Wholesale:** A business that sells goods, wares, or merchandise not manufactured on site in quantity or bulk, whether to other merchants or to the public. (Rev. 06)

**ZBA:** Zoning Board of Adjustment

#### **IV. GENERAL DISTRICT**

**IV. A. General District**

(1) PURPOSE The entire Town of Northwood shall be part of this District. The provision for mixed uses is important to maintain the character of the community as a rural New England town, encourage economic vitality, ensure the compatibility of adjacent uses, and encourage the integration of compatible uses into the entire community.

(2) DISTRICT BOUNDARIES This district shall encompass the entire area of the Town of Northwood.

**Table IV-1**  
**Dimensions Table**

The following dimensional requirements shall apply.

<b>Requirement</b>	<b>Units</b>	<b>General District</b>
Minimum Road Frontage	feet	150
Minimum Lot Size	acres	2
Minimum Road Setback	feet	20
Minimum Side/Rear Setback	feet	20
Waterbody/ Wetland Setback <i>(Rev. 3/00)</i>	feet	20
Maximum Structure Height	feet	35
Multi-Family Residential <i>(Rev. 3/04)</i> <u>Minimum Front Setback</u>	feet	50
Multi-Family Residential <i>(Rev. 3/04)</i> <u>Minimum Side/Rear Setback</u>	feet	50
Minimum Scenic Road Setback <i>(Rev. 3/07)</i>	feet	50

**IV.B. Dimensional Requirements**

IV. B. (1) ROAD FRONTAGE All lots are required to meet the road frontage requirements of this section. (Rev. 3/00, 3/01 & 3/08)

(a) Purpose Road frontage requirements address several policy issues. Frontage is required to ensure safe access to each property for the property owner, emergency vehicles, delivery vehicles, and other visitors. Longer frontage requirements which reduce the number of parcels fronting on a road are also one component of a program to manage access to arterial roads. Accesses, or driveways, are points at which users conflict with each other because of slowing and turning traffic. Fewer parcels generally means fewer access points. Last, frontage requirements affect the spacing of buildings, which impacts neighborhood character, ensuring adequate sunlight and air circulation, preventing overcrowding of land and undue concentration of people, and securing safety from fires and other hazards.

(b) Type of Frontage All lots for new building development shall front on: (Rev. 3/00, 3/01 & 3/08)

[1] state or town road with a classification of Class I, II, or V as defined in RSA 229:5; or

[2] a private road shown on the map entitled Northwood Roads Map, dated 1981, and kept in the Northwood Town Hall, which meets or is proposed to be upgraded to the New Hampshire Department of Transportation "Suggested Minimum Design Standards for Rural Subdivision Streets". A maintenance agreement shall accompany the subdivision plan, to be recorded at the Rockingham County Registry of Deeds. Said agreement shall stipulate to what extent each lot created, or each lot existing, is responsible for said maintenance of private road. Said agreement shall run with the land, and upon any future conveyance of property, the agreement shall be incorporated in and made part of a conveyance binding upon the parties thereto, their successors and assignees. A performance surety for any road, drainage or utility work shall be provided to the Town of Northwood; or (Rev. 3/04) If frontage is on a private road, the owner must also comply with RSA 674:41 (Rev. 3/08) or,

[3] a Class VI road proposed to be improved to current town standards, as found in the subdivision regulations, and for which adequate financial security has been posted with the town to ensure completion of the improvements. (Rev. 3/00) If frontage is on a Class VI road, the owner must also comply with RSA 674:41. (Rev. 3/08)

(c) Length of Frontage

- [1] Minimum frontage length is specified in Table IV-1, the Dimensions Table.
- [2] Two Family Residential: The minimum frontage for a two family residential development shall be 150 feet for existing lots of record. *(Rev. 3/04)*
- [3] Multi-Family Residential: The minimum frontage for a multi-family residential development shall be the minimum frontage for the district in which the structure lies plus 50 additional feet of frontage for each residential unit over one unit. This requirement applies to developments as well as existing lots of record. *(Rev. 3/04)*
- [4] Elderly housing: The minimum frontage for an elderly housing development shall be as shown in Table V-2. This requirement applies to developments as well as existing lots of record. *(Rev. 3/04)*

(d) Open Space Design The Open Space Design section of this Ordinance permits a reduction of certain road frontage standards. *(Rev. 3/01)*

(e) Access to Route 4 Preventing a proliferation of access points to Route 4 will reduce the number of conflict points for vehicles travelling Route 4, thereby enhancing safety and reducing, or prolonging the need for highway capacity expansions. All lots in existence on March 9, 1999, and fronting on Route 4 shall be allowed a single access onto Route 4.

IV.B.(2) LOT SIZE All new lots are required to meet the lot size requirements of this section. *(Rev. 3/01) (Rev. 3/03)*

(a) Purpose Lot size requirements are an important component in addressing many of the general purposes of this Ordinance, including lessening vehicle congestion in the streets, securing safety from fires and other dangers, providing adequate sunlight and air circulation, preventing overcrowding of land and avoiding undue concentration of population, enhancing pedestrian travel, contributing to community character and quality neighborhoods.

(b) Minimum Lot Size The minimum lot size in each district is specified in Table IV-1, the Dimensions Table. Note additional requirements in Section VI(E) relative to steep slopes.

- (c) Open Space Design The Open Space Design section of this Ordinance permits reduction of certain lot size standards. (Rev. 3/01)
- (d) Upland Soil All newly created lots shall contain a minimum of 1 acre of contiguous upland soil for development purposes. (Rev. 3/00)

**IV.B.(3) RESIDENTIAL DENSITY** Residential density shall not exceed the requirements of this section. Residential density is measured by the number of residential units per acre.

- (a) Purpose Control of residential density is an important component in addressing many of the general purposes of this Ordinance, including lessening vehicle congestion in the streets, preventing overcrowding of land, avoiding undue concentration of population, facilitating adequate provision of public facilities, utilities and services, assuring proper use of natural resources, and contributing to community character and quality neighborhoods.
- (b) Maximum Residential Density The maximum residential density in each district is specified in Table IV-2, the Residential Density Table, and in the Conservation Area and Wellhead Protection Overlay Districts and Open Space sections of this Ordinance.

The maximum number of units allowed in new subdivisions (non-open space) shall be determined using the following formula:

$$M = RD [A - (U + R + 0.5xO)],$$

Where the letters represent the following:

- M = Maximum # of Units Permitted (dwelling units)*
- RD = Residential Density (dwelling units/acre)*
- A = Total Site Area (in acres)*
- U = Unbuildable Land (in acres)*
- R = Road and Utility Right of Way (in acres)*
- O = Open Space Required to Be Set Aside*

*(Note: In applying the above formula, a result that contains a remainder of less than 0.5 shall be rounded down to the next whole number; a result that contains a remainder of 0.5 or greater shall be rounded up to the next whole number) (Rev. 3/06)*

**Residential Density Formula Example**

<i>Residential Density (RD)</i>	<i>Total Site Area (A)</i>	<i>Unbuildable Land (U)</i>	<i>Road and Utility Right of Way (R)</i>	<i>Open Space Required to be Set Aside</i>
<i>1/2 (one dwelling unit per 2 acres)</i>	<i>10 acres</i>	<i>2 acres</i>	<i>0.5 acres</i>	<i>0 acres</i>

The Maximum Number of Dwelling Units (M) permitted is calculated by entering these figures in the formula. Using the numbers from the above example:

$$M = RD [A - (U + R + 0.5xO)]$$

$$M = (1/2)[10 - (2 + 0.5 + 0.5x0)]$$

$$M = (1/2)[7.5]$$

*M = 3.75 units; therefore a maximum of 4 dwelling units are permitted.*

- (c) Exemption Existing lots of record where the density requirement cannot be met shall be exempt from the density requirements. Such lots shall be allowed a single residential unit, provided all other requirements of this ordinance can be met.
- (d) Open Space Design The Open Space Design section of this Ordinance permits an increase in residential density under certain conditions.
- (e) Elderly Housing The maximum residential density for elderly housing shall be 4 units per acre. (Rev. 3/01) (Rev. 3/05)
- (f) Accessory Apartment An accessory apartment, as defined in this ordinance, is permitted by Special Exception. (See Section IV B (6) (f) (3/11))

**Table IV-2  
Residential Density Table**

<b>District</b>	<b>Units/ Acre</b>	<b>Restrictions</b>
<b>General District</b> -See Section IV(B)	1/2	Maximum Density Formula
<b>Elderly Housing</b>	4 per acre	See Section V(B)(4)
<b>Conservation Overlay District</b> -See Section VI(B)	1/4	Maximum Density Formula
<b>Wellhead Protection Overlay District</b> (Rev. 3/01) -See Section VI(D)	1/4	Maximum Density Formula
<b>Wetlands Conservation Overlay District</b> -See Section VI(A)		Not permitted
<b>Agricultural Soils Overlay District</b> -See Section VI(C)		Open Space Design Required
<b>Steep Slope Protection Overlay District</b> -See Section VI(E)		Special Exception Required 20-25% slopes; Restrictions apply 25%+ slopes
<b>Open Space Design</b> -See Section VIII		Maximum Density Open Space Formula
<b>Accessory Apartment</b> (3/11)		See Section IV B (6) (f)

IV.B.(4) SETBACKS Structures shall be set back from property lines in conformance with the minimum and maximum setback requirements set forth in this section.

- (a) Purpose Control of setbacks is important for a variety of reasons. The proximity of a structure to a road affects the character of the neighborhood, encourages or discourages pedestrian activity, and may block sight distance for drivers at an intersection or driveway. The proximity of a structure to abutting lots affects fire safety, the provision of adequate sunlight and air circulation for this and neighboring lots and structures, and the availability of space for

site amenities such as landscaping, driveways, building maintenance, and so forth.

- (b) Structure Setbacks Minimum setbacks from roads, waterbodies, and other property boundaries are specified in Table IV-1, the Dimensions Table.
- (c) Exemptions Driveways, fences, and stone walls shall be exempt from setback requirements.
- (d) Open Space Design The Open Space Design section of this Ordinance may permit reduction of certain setback standards.
- (e) Overlay Districts The Overlay Districts section of this Ordinance may affect certain setback standards.
- (f) Small Lots Small lots may have their setbacks reduced as per § VII(C)(5).
- (g) Waterbody Setbacks Setbacks from waterbodies may be reduced as per § VII(C)(5).
- (h) Large Scale Business Setbacks Minimum front, side, and rear setbacks shall be set according to the size of the aggregate gross floor area. Minimum setbacks are also specified in Table IV-3, the Large Scale Business Minimum Setback Table.
  - (1) Between 10,000 sq. ft. and 15,000 sq. ft. gross floor area Front, side, and rear setbacks for buildings or structures, or a grouping of buildings or structures, with aggregate gross floor area between 10,000 sq.ft. and 15,000 sq.ft. is 50 feet. These front, side, and rear setbacks also apply to paved areas not including access points.
  - (2) Between 15,001 sq. ft. and 25,000 sq. ft. gross floor area Front setbacks for buildings or structures, or a grouping of buildings or structures, with aggregate gross floor area between 15,001 sq.ft. and 25,000 sq.ft. is 75 feet. Side and rear setbacks for buildings or structures, or a grouping of buildings or structures, with aggregate gross floor area between 15,001 sq.ft. and 25,000 sq.ft. is 50 feet. These front, side, and rear setbacks also apply to paved areas not including access points.
  - (3) Between 25,001 sq. ft. and 35,000 sq. ft. gross floor area Front setbacks for buildings or structures, or a grouping of buildings or structures, with aggregate gross floor area between 25,001 sq.ft. and 35,000 sq.ft. is 150 feet. Side and rear setbacks for buildings or structures, or a grouping of buildings or structures, with aggregate gross floor area between 25,001 sq.ft.

and 35,000 sq.ft. is 75 feet. These front, side, and rear setbacks also apply to paved areas not including access points. *(Rev. 3/06)*

(4) Gross Floor Area 35,001 sq. ft. or Larger Front setbacks for buildings or structures, or a grouping of buildings or structures, with aggregate gross floor area of 35,001 sq.ft. or larger is 300 feet. Side and rear setbacks for buildings or structures, or a grouping of buildings or structures, with aggregate gross floor area 35,001 sq. ft. or larger is 150 feet. These front, side and rear setbacks also apply to paved areas not including access points. *(Rev. 3/07)*

- (i) Scenic Roads Minimum setback requirements for designated scenic roads are specified in Table IV-1, The Dimensions Table. *(Rev. 3/07)*
- (j) Certified Plot Plan A certified plot plan prepared by a licensed land surveyor must be filed with the building department whenever setbacks are proposed to be diminished or when setback determination is in question. *(Rev. 3/07)*

**Table IV-3**  
**Large Scale Business Minimum Setback Table**

Aggregate gross floor area of business in square feet	Front building setback	Side and rear building setbacks
10,000 sq. ft. – 15,000 sq. ft.	50 ft.*	50 ft.*
15,001 sq. ft. – 25,000 sq. ft.	75 ft.*	50 ft.*
25,001 sq. ft. – 35,000 sq. ft.	150 ft. *	75 ft. *
35,001 and larger <i>(Rev. 3/07)</i>	300 ft. *	150 ft. *

\* applies to paved areas not including access points *(Rev. 3/06)*

**IV.B.(5) STRUCTURE HEIGHT** Structure heights shall not be greater than the maximum requirements set forth in this section.

- (a) Purpose Control of structure height is important for a variety of reasons. Structure height is related to fire safety and the fire department’s ability to protect public safety. Structure height strongly affects the character of the neighborhood and the allowance of adequate sunlight and air circulation. It is a critical control of intensity of use, especially for non-residential uses.

- (b) Structure Height The maximum structure height is specified in Table IV-1, the Dimensions Table. Maximum structure height shall apply to all structures.
- (c) Open Space Design The Open Space Design section of this Ordinance does not permit alteration of structure height requirements. The standards for structure height shall apply regardless of the pattern of development.
- (d) Telecommunications Mounts The maximum height of a telecommunications mount shall be determined by § V(B)(3)(a-d).
- (e) Special Exception The ZBA can relax the maximum structure height limit to a maximum of 60' by granting a Special Exception when the following conditions are met:
  - [1] the proposed structure which exceeds the height limit must exceed the height limit to fulfill its unique purpose, such as an agricultural silo or church steeple; and
  - [2] there shall be no occupied floor space above the standard height limit.

IV.B.(6) DEVELOPMENT ON A SINGLE LOT (Rev. 3/02)

- (a) Non-residential Only Mixing of multiple non-residential uses on a lot shall be permitted.
- (b) Residential Only There shall be no more than one principal residential structure per lot, except for Elderly Housing developments.
- (c) Mix of residential and non-residential uses on one lot In certain instances it is appropriate to have a mix of permitted uses on a single lot. Residential use may be permitted in combination with non-residential uses on a single lot or in a single structure, provided the following conditions are met:
  - [1] Site Plan Review approval shall be required for the entire property to ensure that the site is suitable for the proposed mix of uses.
  - [2] There shall be no more than one principal residential structure per lot, except for Elderly Housing developments.  
(Rev. 3/12)
- (d) Home Businesses Home businesses, as defined in this ordinance, shall require Site Plan Review from the Planning Board in addition

to meeting the Performance Criteria specified in Section V.B.(2).  
(Rev. 3/00 & 3/12)

- (e) Home Occupations Home Occupations, as defined in this ordinance, shall be permitted without Site Plan Review. (Rev. 3/00)
  
- (f) Accessory Apartment An accessory apartment, as defined in this ordinance, is allowed by Special Exception. Special exceptions may be granted by the Zoning Board of Adjustment, upon notice and hearing as prescribed in RSA Chapter 676, and shall be allowed if the following conditions are met:
  - (1) Building permit and occupancy permit must be obtained through the Northwood Building Department, and
  - (2) Submittal of a septic design approved by the State of NH that includes the combined residential use of the primary unit and the accessory apartment *or* a letter from a NH licensed septic designer stating that the existing system meets the state requirements for the combined residential use of the primary unit and the accessory apartment, and
  - (3) Adequate parking spaces are provided for primary and accessory residential uses, in no case less than two 9'x18' parking spaces, and
  - (4) The lot is 80,000 square feet (1.84 acres) or greater in area and has 150' or greater of contiguous frontage on a state or town road with a classification of Class I, II, or V as defined in RSA 229:5, and
  - (5) The expansion shall not increase any other non-conforming aspect of the lot or structure, and
  - (6) The lot contains only one owner occupied single family residential structure.

The accessory apartment may not be conveyed or sold separate from the principal residential structure. (3/11)

**V. USE REGULATIONS**

**Table V-1**  
**Table of Uses**

<b>USE</b>	<b>#1</b>	<b>#2</b>	<b>#3</b>
Single Family Residential	X		
Two Family Residential	X		
Accessory Apartment see Sec. IV B(6)(f)(3/11)			X
Forestry and Agriculture	X		
Church	X		
Home Occupation	X		
Telecommunication antenna mounted on existing building or mount	X		
School	X		
Accessory Use	X		
Residential, Multi-Family		X	
Retail		X	
Light Manufacturing		X	
Restaurant		X	
Bed and Breakfast		X	
Day Care		X	
Home Business		X	
Telecommunications Mount		X	
Excavations		X	
Service Business (Rev. 3/01)		X	
Elderly Housing (Rev. 3/01)		X	
Business Office (Rev. 3/05)		X	
Professional Office (Rev. 3/05)		X	
Kennels (Rev. 3/01)			X
Manufacturing			X
Sexually Oriented Businesses (3/03)			X

Column 1: Permitted Use; See Section V.A.

Column 2: Performance Criteria Apply; See Section V.B.

Column 3: Additional Criteria Apply; See Section V.C.

**V.A. General Requirements for Permitted Uses**

V.A.(1) PERMITTED USES All uses marked with an X in Column 1 in Table V-1, Table of Uses, shall be permitted throughout the General District unless otherwise restricted by an Overlay District in this Development Ordinance, State regulation, or Federal regulation.

V.A.(2) CRITERIA REQUIRED FOR ALL USES All uses shall be required to meet the following criteria:

- (a) Vibration Vibrations created by any use shall not be detectable at or beyond any property line for the parcel on which the use exists without the aid of instruments.
- (b) Noise Noise created by any use, other than that created by normal human activity or traffic, shall not exceed sixty-five (65) decibels when measured at any point along the property line for the parcel on which the noise or sound is being produced. Normal human activity shall include but not be limited to the use of lawn mowers or other grounds keeping equipment, the use of chainsaws for cutting wood, construction equipment, and the use of a generator when necessary.

In no case, including in the course of normal human activity, shall noise exceed sixty-five (65) decibels when measured at any point along the property line for the parcel on which the noise or sound is being produced during the following hours:

Monday – Friday 7:00 pm through 6:30 am  
Saturday & Sunday 5:30 pm through 7:30 am

- (c) Glare and Heat Any operation producing intense heat and glare shall be conducted within an enclosed building or with other effective screening in such a manner as to be unobjectionable at any point along or outside the property lines.
- (d) Smoke and Air Contaminants There shall be no emission of an air contaminant, if in the judgment of the NH Air Resources Agency, that air contaminant causes detriment to the welfare of the citizens of Northwood or may cause damage to property or business.
- (e) Odors No use shall be allowed if it will cause an odor perceptible without instruments more than 150 feet from

boundaries of the originating premises; except for agricultural concerns or other special circumstances.

- (f) Hours of Operation The Planning Board shall be permitted to set hours of operation for uses as part of any Site Plan Review. *(Rev. 3/00)*
- (g) Lighting Light sources must not cause a nuisance on adjacent properties or roads (nuisance shall include, but not be limited to glare). Lighting intensity shall be adequate to serve the needs of the business or residence it serves to avoid light trespass, and shall take into consideration the lighting levels of surrounding properties. For the purpose of this section, the needs of the business or residence do not include excessively high lighting levels that make the site a beacon to attract attention. The needs of the business or residence include, but are not limited to, the need for security and safety on site. *(Rev. 3/05)*

#### **V.B. Uses Permitted Under Specific Performance Criteria**

The Code Enforcement Officer shall use the following performance criteria to determine if a use is allowed as listed in Table V-1, the Table of Uses, in these regulations. In addition to the criteria listed in Section V(A)(2), the following criteria shall apply to all uses marked with an X in the Column 2 in Table V-1, Table of Uses. *(Rev. 3/00)*

V.B.(1) PERFORMANCE CRITERIA For each use, the following performance criteria shall be reviewed for compliance. *(Rev. 3/00)*

- (a) By its nature or design, or through the use of vegetative or topographical buffers, the use will not substantially alter the character of the area in which it is proposed to be sited.
- (b) Outdoor Merchandise Display and/or Sales. The outdoor display and/or sales of merchandise shall be permitted only in those areas designated for such use on an approved site plan.
- (c) In areas where the site is in a significant viewshed, meaning it is part of a prominent view from one of the town's roads particularly along a ridge, as much natural vegetation as possible shall be retained on site and steps shall be taken to ensure that the view of the area is not significantly altered as a result of the new use.
- (d) Lighting.

- [1] Each light source intended to light a site shall be on the site which it serves. For example, light sources such as flood lights mounted on utility poles within the public right of way for purposes other than street lighting shall be prohibited.
- [2] Light fixtures shall meet one of the following criteria:
  - [a] the fixture shall be a "full cut-off" fixture; or
  - [b] the maximum initial lumens generated by each fixture shall not exceed 2000, which is roughly equivalent to a 150 watt incandescent bulb.
- [3] Lighting under canopies and horizontal surfaces shall be recessed and shall have flush mounted lenses or shall be indirect lighting where light is focused upward and then reflected down by the underside of the canopy/surface. If the lighting is indirect, the light fixtures shall be shielded so that direct illumination is focused exclusively on the underside of the surface. *(Rev. 3/01)*
- [4] Light fixtures shall not be mounted more than 14.5 feet above grade, except when meeting the following criteria:  
*(Rev. 3/01)(Rev. 3/03)*
  - [a] the light source shall be shielded and not cause a nuisance on adjacent properties and roads (nuisance shall include, but not be limited to, glare); and *(Rev. 3/01)*
  - [b] the applicant shall provide the Board with a clear reason why a light mounted 14.5 feet or less above grade will not meet his/her needs; and *(Rev. 3/03)*
  - [c] in the case of a telecommunications mount the light source is required by the FAA or FCC.
- [5] Lighting intensity shall generally be adequate to serve the needs of the business or residence to avoid light trespass, and shall take into consideration the lighting levels of surrounding properties. For the purpose of this section the needs of the business or residence do not include excessively high lighting levels that make the site a beacon to attract attention. The needs of the business include, but are not limited to, the need for security and safety on site.

V.B. (2) HOME BUSINESS One home business is allowed per residential unit and shall:

- (a) be accessory to the residential use; and
- (b) not have non-resident employees at a rate greater than one per acre of lot size, nor greater than a total of four; and
- (c) be located within the dwelling or an accessory structure, and shall be limited to a floor area of not more than 1/3 of the total floor area of the primary residential structure including its attic, basement and attached garage; and
- (d) have no outdoor activity or use, including storage and parking of commercial vehicles of 1.5 ton capacity or greater, beyond the provision of employee parking; and
- (e) not be such that it requires service by trucks with 4 axles or greater since this would adversely impact the character of the neighborhood; and
- (f) provide sufficient on-site parking.

V.B. (3) TELECOMMUNICATIONS MOUNTS

- (a) Where a new telecommunications mount is proposed a site plan review shall be required.
- (b) New telecommunications mounts shall be allowed only when the applicant demonstrates that there are no existing alternative telecommunication antenna mounting locations reasonably available to the applicant. The applicant shall provide the results of a search for possible alternative mounting sites within a one-mile radius.
- (c) New telecommunications mounts shall not exceed 120 feet in height, shall be monopole in design, and shall have the capacity to accommodate mounting of at least two antennas.
- (d) Prior to the construction of a new telecommunications mount, a bond shall be provided to the town to guarantee the telecommunications mount removal when its use is discontinued for twelve consecutive months.

V.B. (4) ELDERLY HOUSING

- (a) Elderly housing developments, two family, and multi-family residential housing must meet the standards as set forth in the development ordinance. *(Rev. 3/05)*
- (b) To create an attractive design and livable community for Elderly Housing development projects, one or more principal residential structure(s) per lot is permitted provided:
- [1] Each residential structure shall contain a full foundation and a minimum of two residential units.
  - [2] There shall be a separation of at least 40' between principal residential structures.
  - [3] Manufactured housing shall not be permitted in Elderly Housing development projects.*(Rev. 3/02) (Rev. 3/06)*
- (c) Road Frontage Road Frontage requirements for Elderly Housing developments are specified in Table V-2, Elderly Housing Requirements Table.
- (d) Lot Size The minimum lot size for elderly housing development shall be 10 acres.
- (e) Setbacks: Front, Side and Rear Setbacks are specified in Table V-2, Elderly Housing Requirements Table.
- (f) Maximum Density: specified in Section IV(B)(3)(e) and in Table V-2, Elderly Housing Requirements Table.
- (g) Open Space Component There shall be an open space component to every elderly housing development. The required lot percentage and restricted land types shall be consistent with Section IX(E)(1). *(Rev. 3/05)*

**Table V-2**  
**Elderly Housing Requirements**

See Section V(B)(4)

<b>Characteristic</b>	<b>Requirement</b>
Maximum Density <i>(Rev. 3/05)</i>	4 Units/ acre
Minimum Front Setback <i>(Rev. 3/04)</i>	50 feet
Minimum Side/Rear Setback <i>(Rev. 3/04)</i>	50 feet
Road Length Frontage for 20 units or less <i>(Rev. 3/04)</i>	250 feet
Road Length Frontage for 21-30 units <i>(Rev. 3/04)</i>	250 feet plus an additional 5 ft. for each unit over 20
Road Length Frontage for 31-40 units <i>(Rev. 3/04)</i>	300 feet plus an additional 10 ft. for each unit over 30
Road Length Frontage for over 40 units <i>(Rev. 3/04)</i>	400 feet plus an additional 15 ft. for each unit over 40
Minimum Lot Size	10 acres

**V.C. Uses Permitted with Additional Criteria**

In addition to the criteria listed in Sections V(A)(2) and V(B)(1), the following criteria shall apply to all uses marked with an X in the Column 3 in Table V-1, Table of Uses.

- (1) The use shall be located within 1000 feet of a state highway.
- (2) The use shall be visually screened from adjacent properties.

**V.D. Unlisted Uses**

Any use not listed in Table V-1, the Table of Uses, is considered a Special Use and must meet all of the criteria in Sections V(A)(2), V(B)(1) and V(C), in addition to any other necessary approvals such as Site Plan Review. *(Rev. 3/00 & Rev. 3/01)*

**V.E. Sexually Oriented Businesses**

The Northwood Planning Board has studied the effects of sexually oriented businesses and found that sexually oriented businesses do have negative secondary impacts. There is a need to protect the town against negative secondary impacts, which include but are not limited to: prostitution, pandering, drug use, other criminal activity, noise, and impacts to surrounding property values. *(Adopted 3/03)*

V.E. (1) PURPOSE The Purpose & Intent of this article is:

- (a) to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses;
- (b) to protect public health, safety and general welfare; and
- (c) to prevent adverse impact which may occur and is brought about by the concentration of sexually oriented businesses.

It is not the intent of this article to restrict or deny access by adults to sexually oriented materials protected by the first Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market, nor is it the intent of this article to condone or legitimize the distribution of obscene material.

V.E. (2) PERMITTED WITH RESTRICTIONS Sexually oriented businesses shall be permitted as shown in Table V-1, Table of Uses, Column 3. All proposed development must comply with the provisions of this section, and any other applicable Ordinances, and State Laws to include in that limitation: RSA 571-B-1.

V.E. (3) 1,000' BUFFERS Sexually oriented businesses shall not be permitted in: a religious institution or house of worship, an educational facility, a daycare center, a residence or within 1,000 feet of the property line of the following:

- (a) a religious institution or house of worship,
- (b) an educational facility,
- (c) a daycare center,
- (d) a residence,
- (e) recreational facility or park used by children 18 years or younger.

V.E. (4) 2,000' BUFFERS Sexually oriented business shall not be permitted within 2000' of the property line of the following:

- (a) another sexually oriented business, or
- (b) a sexually oriented business for which a site plan application has been made.

V.E. (5) 300' BUFFERS Sexually oriented businesses shall not be permitted within 300 feet of the property line of lots containing buildings or facilities used for commercial purposes.

V.E.(6) MEASUREMENT The Measure of Distance between any sexually oriented business and other named point of reference shall be measured in a straight line.

V.E. (7) FREE-STANDING STRUCTURES Sexually oriented businesses shall only be permitted in single use, free-standing structures. In no instance shall sexually oriented business share premises, facilities or buildings with businesses, which are not sexually oriented.

V.E. (8) SITE PLAN REVIEW Site Plan Review by the Planning Board will be required.

V.E. (9) LIMITING CLAUSE Nothing in this ordinance is intended to authorize, legalize, or permit the establishment, operation or maintenance of any business, building or use which violates any Town of Northwood ordinance or stature of the State of New Hampshire relative to public nuisances, sexual conduct, lewdness, or obscene or harmful matter or the exhibition or public display thereof.

V.E.(10) SEVERABILITY If any section, subsection, sentence, clause, phrase or any portion of this article is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance. The legislative body of the Town of Northwood hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

## **VI. OVERLAY DISTRICTS.**

### **VI.A. Wetlands Conservation Overlay District**

VI.A.(1)PURPOSE In the interest of public health, convenience, safety and general welfare, the regulations of this District are intended to guide the use of areas of land that have soils that are saturated or inundated for extended periods of time during the growing season, and:

- (a) To allow those uses that can be located appropriately and safely in wetland areas and ensure their proper design.
- (b) To protect naturally-occurring wetlands from pollution of surface and ground water by sewage or other contaminants.
- (c) To protect potential water supplies, existing aquifers, and aquifer recharge areas. *(Rev. 3/03)*
- (d) To prevent the destruction of wetlands which provide flood protection, recharge of ground water supply, retention of sediments, attenuation of nutrients, augmentation of stream flow during dry periods and continuing existence of important wildlife areas.
- (e) To protect the Town from unnecessary or excessive expenses in providing or maintaining essential services and/or utilities which might be required as a result of misuse or abuse of wetlands.

VI.A.(2) OVERLAY DISTRICT BOUNDARIES The Wetlands Conservation Overlay District shall include all areas that meet the criteria, as outlined in Section 1 below, and may be defined by the National Cooperative Soil Survey conducted by the US Department of Agriculture in their Soil Survey of Rockingham County, New Hampshire, dated October 1994. Nineteen wetland areas, as listed on page 9 of the “Northwood Wetlands Inventory and Prime Wetland Designation Project Final Report, April 1999” and as identified on the map titled “Prime Wetlands of Northwood, December 1999” are designated prime wetlands within the scope of RSA 482-A:15 and the NH Code of Administrative Rules WT700 and are included in the district. *(Rev. 3/00 & 3/02)*

- (a) The location of a wetland boundary in any particular case must be determined by on-site inspection of all three characteristics of wetlands, namely, hydrology, hydric soils, and hydrophytic plants, as recognized by the Army Corps of Engineers in Technical Report Y-87-1, The Corps of Engineers Wetland Delineation Manual, and as cited in the New Hampshire Wetland Rules WT 101.82. This boundary shall be delineated and identified as a jurisdictional boundary by a licensed wetland scientist using the above Army

Corps delineation method, the Site-Specific Soil Mapping Standards for New Hampshire or other appropriate standards as listed in the New Hampshire Wetland Rules Env-Wt 100 through 800 or its successor rules. When such information is submitted, it shall supersede more generalized information, such as that obtained from the county soil survey. *(Rev. 3/09)*

- (b) If there is question or dispute as to the boundary of this overlay district, the owner of the property or any abutter may petition the town to hire a licensed wetland scientist to examine the area and report all findings to the town. The cost of such action shall be paid by the petitioner.  
*(Rev. 3/03)*

VI.A. (3)PERMITTED USES Permitted uses are those that will not require the erection or construction of any permanent structure or building, will not alter the natural surface configuration by the addition of fill or by dredging (not including the limited activity described in section (8)), or will not compromise the purpose of this overlay district, and that are otherwise permitted by the Development Ordinance. Such uses may include the following or similar uses:  
*(Rev. 3/02)*

- (a) Forestry activities It is recommended that these activities be conducted in accordance with Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire, as published by the NH Department of Resources and Economic Development, and with suitable notification to the New Hampshire Wetlands Bureau, when required;
- (b) Agriculture activities It is recommended that the activities be conducted in accordance with the manual of Best Management Practices for Agriculture in New Hampshire, published by the NH Department of Agriculture;
- (c) Ponds and well recharge sources conducted in accordance with any dredge and fill permitting requirements of the State of New Hampshire;
- (d) Wildlife refuges;
- (e) Parks and such recreational uses as are consistent with the purpose and intent of the Ordinance;
- (f) Conservation areas, nature trails, and other educational or scientific purposes; and

- (g) Open spaces as permitted or required by the Subdivision Regulations, the Development Ordinance, or in conjunction with a use which may be permitted in an adjacent district where an adequate open space area is not available within the adjacent district.
- (h) Driveways crossings and culverts for a single-family or two-family residential structure and their accessory uses, provided all state permits are obtained. *(Rev. 3/09)*

VI.A. (4) USES ALLOWED BY SPECIAL EXCEPTIONS Special exceptions may be granted by the Board of Adjustment, upon notice and hearing as prescribed in RSA Chapter 676, for the following uses within the Wetlands Conservation Overlay District and its setbacks:

- (a) Those uses essential to the productive use of land not within the Wetlands Conservation Overlay District shall be allowed by Special Exception. Those uses include, but are not limited to: the construction of roads, other access ways, utility rights-of-way and easements, including power lines and pipelines, with adequate provisions where called for, for the continued, uninterrupted flow of surface run-off water. The ZBA shall grant a Special Exception, provided the following are met:
  - [1] after the applicant meets with the Conservation Commission, findings by the Northwood Conservation Commission regarding the proposal are submitted with the Special Exception application, are reviewed by the ZBA, and are made part of the record of the case; and
  - [2] dredging, filling or other alteration shall be designed to minimize adverse impact on the wetland and its setbacks, even if this requires adjustments in design outside of this overlay district; and
  - [3] there shall be provisions made to restore the site as nearly as possible to its original grade and condition; and *(Rev. 3/01)*
  - [4] a state wetlands permit shall be obtained when required.
  - [5] a Special Exception is not required when the use meets the criteria for a permit by notification as defined by the NH Wetlands Bureau Code of Administrative Rules. *(Rev. 3/00) (Rev. 3/05)*

- (b) The undertaking of a use permitted by this Ordinance but not otherwise permitted in the Wetlands Conservation Overlay District shall be allowed provided the following conditions are met:
- [1] after the applicant meets with the Conservation Commission, findings by the Northwood Conservation Commission regarding the proposal are submitted with the Special Exception application, are reviewed by the ZBA, and are made part of the record of the case; and
  - [2] dredging, filling or other alteration shall be designed to minimize adverse impact on the wetland and its setbacks, even if this requires adjustments in design outside of this overlay district; and
  - [3] there shall be provisions made to restore the site as nearly as possible to its original grade and condition; and
  - [4] state wetlands permit shall be obtained when required.

#### VI.A (5) SETBACKS

- (a) Where the Wetland Conservation Overlay District and the Conservation Area Overlay District overlap, or where there exists a prime wetland, a 100 foot setback area shall be maintained. No structures shall be constructed within this setback. Vegetation within this buffer area shall remain in its natural state. (*Rev. 3/00*)
- (b) Structures shall not be placed within 20 feet of the edge of a wetland unless a Special Exception for the structure and use have been obtained in accordance with §VI(A)(4)(b). The 20 foot setback may be reduced on pre-existing non-conforming lots in accordance with § VII(C)(4). If the setback is reduced in accordance with § VII(C)(4), structures shall not be closer to the wetland than the reduced setback allows unless a Special Exception for the structure and use have been obtained in accordance with § VI(A)(4)(b).

#### **VI.B. Conservation Area Overlay District**

VI.B. (1) PURPOSE The purpose of this overlay district is to conserve three large areas of natural resources within Northwood. These areas are the Northwood Meadows State Park / Saddleback Mountain area, Acorn Ponds area, and the Big Woods area. Each of these areas are largely

undeveloped and are important to a regional network of large undeveloped tracts that are important to the residents of Northwood and surrounding communities for wildlife habitat, recreation, protection of underlying aquifers, and quality of life. (Rev. 3/00) (Rev. 3/03)

VI.B. (2) DISTRICT BOUNDARIES The District shall consist of all land shown as Big Woods, Acorn Ponds, and Northwood Meadows State Park / Saddleback Mt. on the map entitled “1998 Master Plan Update Northwood, New Hampshire: Resource Constraints in Conservation Areas”, which was adopted as part of the 1998 Master Plan Update. This map is available for viewing at the Northwood Town Hall.

VI.B. (3) USE RESTRICTIONS Only single family residential uses or municipal wells shall be allowed within this overlay district. (Rev. 3/03)

VI.B. (4) DEVELOPMENT PATTERN All new subdivisions within this overlay district shall be Open Space Design proposals consistent with Section VIII of this Ordinance.

VI.B. (5) DENSITY Residential density within this overlay district shall be reduced to ¼ unit per acre.

### **VI.C. Agricultural Soils Overlay District**

VI.C.(1) PURPOSE The purpose of this overlay district is to conserve soil defined by the Natural Resource Conservation Service, a division of the U.S. Department of Agriculture, as Prime Farmland and Farmland of Statewide Importance. Agriculture is not currently an important economic factor in Northwood and is not anticipated to become one in the near future; but residents have cited open agricultural land as important to the local character, available views, and contributing to the quality of life in town. Preserving these areas and promoting their continued agricultural use is indicated as important goals in the town’s Master Plan.

VI.C. (2) DISTRICT BOUNDARIES The District shall consist of all Prime Farmland and Farmland of Statewide Importance. The soils can be identified using National Cooperative Soil Survey conducted by the US Department of Agriculture in their Soil Survey of Rockingham County, New Hampshire, dated October 1994. A map showing the location of these soils is available for viewing at the Northwood Town Hall. The map indicates areas with the following soils:

- 29A Woodbridge Fine Sandy Loam, 0 to 3 percent slopes
- 29B Woodbridge Fine Sandy Loam, 3 to 8 percent slopes
- 30A Unadilla Very Fine Sandy Loam, 0 to 3 percent slopes
- 32A Boxford Silt Loam, 0 to 3 percent slopes
- 38A Eldridge Fine Sandy Loam, 0 to 3 percent slopes

- 38B Eldridge Fine Sandy Loam, 3 to 8 percent slopes
- 44B Montauk Fine Sandy Loam, 3 to 8 percent slopes
- 62B Charlton Fine Sandy Loam, 3 to 8 percent slopes
- 66B Paxton Fine Sandy Loam, 3 to 8 percent slopes
- 446A Scituate-Newfields Complex, 0 to 3 percent slopes
- 446B Scituate-Newfields Complex, 3 to 8 percent slopes
- 460B Pennichuck Channery Very Fine Sandy Loam, 3 to 8 percent slopes
- 531B Scio Very Fine Sandy Loam, 0 to 5 percent slopes
  
- 30B Unadilla Very Fine Sandy Loam, 3 to 8 percent slopes
- 32B Boxford Silt Loam, 3 to 8 percent slopes
- 42B Canton Gravelly Fine Sandy Loam, 3 to 8 percent slopes
- 42C Canton Gravelly Fine Sandy Loam, 8 to 15 percent slopes
- 44C Montauk Fine Sandy Loam, 8 to 15 percent slopes
- 62C Charlton Fine Sandy Loam, 8 to 15 percent slopes
- 66C Paxton Fine Sandy Loam, 8 to 15 percent slopes
- 460C Pennichuck Channery Very Fine Sandy Loam, 8 to 15 percent slopes
- 510A Hoosic Gravelly Fine Sandy Loam, 0 to 3 percent slopes
- 510B Hoosic Gravelly Fine Sandy Loam, 3 to 8 percent slopes

The location of these soils may also be determined through the use of the Soil Survey of Rockingham County, New Hampshire, issued in October of 1994 and completed by the Soil Conservation Service (now known as the Natural Resource Conservation Service).

VI.C.(3) DEVELOPMENT PATTERN All new subdivision proposals on properties that are 20 acres or larger and possess a sum of 25 percent (%) or greater in agricultural land with soils designated “prime” or of “statewide significance” by the U. S. Natural Resource Conservation Service soil survey as shown on the map titled “All Overlay Zones” dated July 2001 or its equivalent map depicting the layers referenced above maintained at the Northwood Town office, shall be Open Space Design proposals consistent with Section IX of this regulation. *(Rev. 3/04)* All proposed development lots shall be clustered away from or as close to the edge of the overlay district as possible. *(Rev. 3/03)*

**VI.D. Wellhead Protection Overlay District** *(Rev. 3/01)*

VI.D.(1)PURPOSE The purpose of this overlay district is to protect the quantity and quality of groundwater, with a particular emphasis on protecting new or existing sources of public water supply. (Note: as defined by RSA 485.1A, this section does not designate and regulate groundwater based on the standards of the State Groundwater Protection Act, RSA 485-C. A system adopted pursuant to that Act may be pursued at a later date if the Town commits to developing and maintaining such a system.) *(Rev. 3/01)*

VI.D.(2)OVERLAY DISTRICT BOUNDARIES The district shall consist of all land within a radius of 1320 feet of active wells serving community public water supplies as defined by RSA 485:1-a(I); or a parcel of land, 20 acres or greater, that contains a portion of an aquifer which contains soils with transmissivity in excess of 1,000 sq. ft. per day as shown on the Stratified Drift Aquifer Maps published and updated by the NH Department of Environmental Services. The district shall consist of all land within a radius of 1320 feet of active wells serving community public water supplies as defined by RSA 485:1-a(I). (Rev. 3/00) (Rev. 3/04)

If there is question or dispute as to the boundary of this overlay district, the owner of the property or any abutter may petition the town to hire a qualified Professional Engineer with expertise in groundwater hydrology to examine the area and report all findings to the town. The cost of such action shall be paid by the petitioner.

VI.D.(3) PUBLIC NON-COMMUNITY WELLS Public non-community wells shall meet all criteria set forth by the most current NH D.E.S. and Well Water Board standards and rules. (Rev. 3/01)

VI.D.(4) REQUIREMENTS Construction within the Wellhead Protection

Overlay District shall meet the following criteria:

(Rev. 3/01) (Rev. 3/03)

- (a) Low Permeability Surfaces Not more than 20% of the lot shall be covered by impervious area. (Rev. 3/08)
- (b) Development Pattern All new subdivision proposals within this overlay district shall be Open Space Design proposals consistent with Section IX of this Ordinance. All proposed development lots shall be clustered away from or as close to the edge of the overlay district as possible.
- (c) Density Residential density within this overlay district shall be reduced to ¼ unit per acre.
- (d) Full containment shall be provided for all above ground storage of petroleum and related products. (Rev. 3/01)

VI.D. (5) PROHIBITED The following shall be expressly prohibited in the Wellhead Protection Overlay District:

- (a) storage of petroleum or related products, except within structures to be heated by such products;

- (b) underground storage tanks for the storage of any type of material which could pollute groundwater, except single family residential septic tanks; *(Rev. 3/01)*
- (c) storage of road salt or other de-icing chemicals and the dumping of snow removed from other areas outside the overlay district;
- (d) disposal of liquid or leachable wastes, except for septic systems;
- (e) disposal of solid wastes;
- (f) use of leach field degreasing materials;
- (g) airplane, boat and motor vehicle service and repair;
- (h) chemical and bacteriological laboratory operation;
- (i) dry cleaning;
- (j) electronic circuit manufacturing;
- (k) metal plating, finishing and polishing;
- (l) motor and machinery service and assembly;
- (m) painting as a part of the manufacturing process, wood preserving, and furniture stripping;
- (n) pesticide and herbicide application;
- (o) photographic processing; and
- (p) printing.

#### **VI.E. Steep Slope Protection Overlay District**

VI.E. (1) PURPOSE Steeply sloped land is particularly fragile and susceptible to erosion. Because erosion and runoff problems can result from development of sloped areas, the Master Plan identifies steep slopes as requiring protection.

VI.E. (2) SPECIAL EXCEPTIONS A Special Exception for construction in areas with slopes of 20 % or greater but less than 25% may be granted by the ZBA if the following criteria are met:

- (a) The impact of the clearing and development shall be the minimum necessary to accommodate the development; and
- (b) a suitable erosion control plan shall be implemented during construction; and
- (c) a suitable drainage plan shall be implemented for post development conditions. *(Rev. 3/02)*

VI.E. (3) RESTRICTIONS To accomplish the purposes of this Overlay District, the following shall apply to all areas with a slope of 25% or greater:

- (a) Construction of new roads through land with a slope of 25% or greater shall be prohibited.

- (b) Construction of structures on land with a slope of 25% or greater shall be prohibited.
- (c) Slopes of 25% or more shall not be used to fulfill any part the area of the minimum lot size as required per Section IV(B)(2).
- (d) Prior to any disturbance of earth, suitable provisions for the prevention of erosion and for the control of runoff shall be made. Such provisions shall be maintained in full working order until the site is again stabilized with vegetation or permanent improvements. *(Rev. 3/02)*

**Table IV-2**  
**Residential Density Table**

<b>District</b>	<b>Units/ Acre</b>	<b>Restrictions</b>
<b>General District</b> -See Section IV(B)	1/2	Maximum Density Formula
<b>Elderly Housing</b>	4 per acre	See Section V(B)(4)
<b>Conservation Overlay District</b> -See Section VI(B)	1/4	Maximum Density Formula
<b>Wellhead Protection Overlay District</b> <i>(Rev. 3/01)</i> -See Section VI(D)	1/4	Maximum Density Formula
<b>Wetlands Conservation Overlay District</b> -See Section VI(A)		Not permitted
<b>Agricultural Soils Overlay District</b> -See Section VI(C)		Open Space Design Required
<b>Steep Slope Protection Overlay District</b> -See Section VI(E)		Special Exception Required 20-25% slopes; Restrictions apply 25%+ slopes
<b>Open Space Design</b> -See Section IX		Maximum Density Open Space Formula
<b>Accessory Apartment</b> <i>(3/11)</i>		See Section IV B (6) (f)

## **VII. NON-CONFORMITY**

This section specifies those rights to which non-conforming uses, structures and lots are entitled.

### **VII. A. Non-Conforming Use**

VII.A. (1) LAWFUL NON-CONFORMING USE Any lawful non-conforming use may continue indefinitely unless abandoned as described below.

VII.A.(2) ABANDONMENT A use that meets the following criteria shall be considered abandoned and shall not be re-established without the appropriate approvals.

- (a) The owner or operator has an intention to abandon or relinquish the use; and
- (b) the owner or operator has displayed an overt act or failure to act which carries the implication that the owner or operator neither claims nor retains any interest in the use. For purposes of this clause, the discontinuance of a use for a period of twelve consecutive months is presumed to be an act of abandonment.  
(Rev. 3/00)

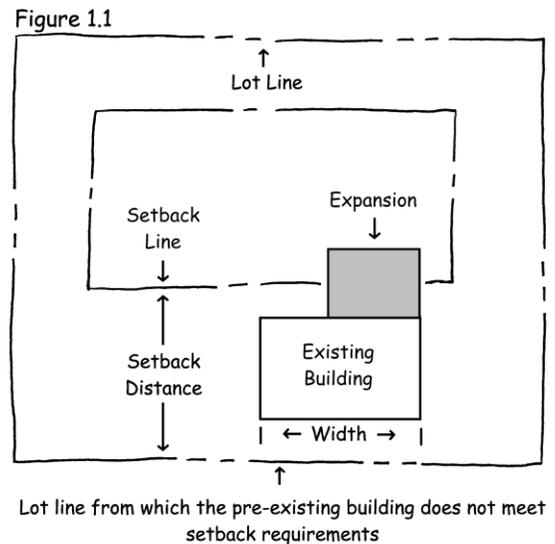
### **VII. B. Non-Conforming Structure**

The following control non-conforming structures:

VII.B. (1) Expansion of the portion of a structure that is conforming shall be allowed, provided all aspects of the expansion are conforming.

VII.B. (2) Where a portion or all of a structure violates a setback requirement, and proposed expansion is in a direction away from the lot line which the setback is intended to buffer (see Figure 1.1), the Code Enforcement Officer may grant a building permit provided the following conditions are met:

- (a) the proposed expansion is not within the 100 year floodplain.
- (b) septic disposal and water



systems are provided and upgraded if necessary.

- (c) the proposed expansion does not extend beyond the width of the existing building.

VII.B. (3) Portions of structures within a setback may be enclosed or expanded upwards if granted a Special Exception by the ZBA. The ZBA shall grant the Special Exception only if the following conditions are met:

- (a) If an upward expansion, it shall not have any adverse impact on any neighboring property, including but not limited to blocking of views and/or sunlight.
- (b) If an upward expansion, it shall not exceed the maximum height limitations specified in this Ordinance.
- (c) the expansion shall not increase any other non-conforming aspect of the structure or lot. *(Rev. 3/00)*

VII.B. (4) CERTIFIED PLOT PLAN A certified plot plan prepared by a licensed land surveyor must be filed with the code enforcement officer whenever setbacks are proposed to be diminished or when setback determination is in question. *(Rev. 3/07)*

### **VII. C. Non-Conforming Lots**

The following control non-conforming lots:

VII.C.(1) No action shall be permitted to change the boundary of the lot unless it brings the lot closer to conformance with this Ordinance, and it makes no other aspect of the lot and/or all structures thereon more non-conforming.

VII.C.(2) Dimensionally nonconforming lots that are lots of record and duly recorded in the Rockingham County Registry of Deeds and that were created between March 1974 and December 2005 and contain no less than 80,000 sq. ft. may be developed without compliance with the requirements established by Section IV(B)(2). *(Rev. 3/07)*

VII.C. (3) Dimensionally nonconforming lots which were created or existed prior to December 31, 2005 and which contain less than 80,000 square feet may be developed without compliance with the requirements established by Section IV(B)(2) of this ordinance for lot size if granted a Special Exception by the ZBA. The ZBA shall grant the Special Exception only if the following conditions are met *(Rev. 3/08)*:

- (a) septic systems shall be located 75 feet or greater from open drainage or surface water, 50 feet or greater from hydric B soils,

75 feet or greater from existing wells; and septic systems must meet all other setback requirements set by the New Hampshire Department of Environmental Services, unless a waiver has been granted by the appropriate state regulatory agency; and,

- (b) the well protection radius shall be 75' or greater and may not extend beyond the building setback on an adjoining lot. *(Rev. 3/06)*
- (c) all other dimensional requirements shall be met. *(Rev. 3/08)*

VII.C.(4) If water body or wetland setbacks can not be achieved on an undeveloped pre-existing lot because the lot does not have sufficient depth from the water body or wetland, a new structure shall be permitted if granted a Special Exception by the ZBA. The ZBA shall grant the Special Exception only if the following conditions are met:

- (a) Sanitary water supply and sewage disposal are provided, and if on-site, the sewage disposal is located as far from the water body or wetland as is feasible or necessary;
- (b) Non-water body or non-wetland setbacks shall be reduced by up to 50% before the water body or wetland setback is reduced, ensuring maximum protection of the water body, shoreline, or wetland.
- (c) The structure shall not be located within the 100 year floodplain.
- (d) Non-waterbody and non-wetland setbacks shall not be reduced to less than 10 feet.

VII.C. (5) Lots whose maximum width is 100 feet or less shall use the following formula to determine side and rear setbacks:

$$\text{(lot width x 0.4) / 2}$$

*(Rev. 3/06)*

The side and rear setback shall never be less than 10 feet. See Table IV-1, Dimensions Table, for general setback requirements. Reductions in the setback from waterbodies shall be governed by § VII(C)(4).

VII.C.(6) Accessory structures are permitted on non-conforming lots if all ordinance requirements are met, with the exception of lot area and road frontage as defined in Section VII (C)(3) *(Rev. 3/06)*

VII.C. (7) CERTIFIED PLOT PLAN A certified plot plan prepared by a licensed land surveyor must be filed with the ZBA application whenever setbacks

are proposed to be diminished or when setback determination is in question. *(Rev. 3/07)*

## **VIII. SIGN REGULATIONS**

**VIII. (1) PURPOSE** The purpose of this section is to establish regulations for the installation and modification of signs relating to business activity in the Town of Northwood. These regulations are intended to balance the advertising needs of the business community with the need to protect the safety and welfare of the public by preventing the proliferation of excessive or unnecessary signage. These objectives are accomplished by providing uniform standards regulating the number of permanent signs and the maximum size of permanent off-premises signs, which will be permitted in connection with a particular business activity in the Town.

*(Rev. 3/01)*

### **VIII. (2) SIGN PERMIT**

- (a) It shall be unlawful for any person to erect or modify any sign within the Town, except where exempted as provided herein without first applying for and obtaining a sign permit from the Code Enforcement Officer. "Person," as it is used in this section shall include any natural person, firm, partnership, corporation or other business association. "Modify," as it is used herein shall mean any change in or to the location, size or supporting structure of an existing permanent sign, but shall not include changes to the face, copy or colors of such a sign.
- (b) Any person aggrieved by the actions of the Code Enforcement Officer or the Planning Board with respect to either the manner in which the application for sign approval is handled or the attachment of conditions and/or stipulations to said approval which exceed the scope of these regulations shall have the right to appeal the decision to the Zoning Board of Adjustment.
- (c) A fee for sign permits shall be required and payable in such sums as the Board of Selectmen may from time to time establish by resolution. *(Rev. 3/12)*

### **VIII. (3) GENERAL REQUIREMENTS**

- (a) **Construction and Maintenance** The material and construction of any sign shall be in accordance with the Building Code.
- (b) **Illumination of Signs** No sign or related outdoor lighting fixture shall be so placed as to focus light directly into any oncoming traffic or any street or into any window of any residence that abuts

or is in the immediate vicinity of the fixture. All lighting shall be consistent with the requirements of Section V(B)(1)(d). (Rev. 3/00)

- (c) Prohibited Flashing, revolving, animated signs, or signs with visible moving parts or intermittent lighting to create visual effect of movement shall be prohibited from the Town of Northwood. (Rev. 3/01)
- (d) Projection Where a freestanding sign projects over a vehicular traffic area, such as a driveway or a parking lot aisle, the minimum clearance between the bottom of the sign and the ground shall be fourteen (14) feet.
- (e) Sign Area Sign area shall be measured as that area contained within the outside dimensions of the background surface or that area which would have been so contained if a background surface had been utilized to enclose the copy. Structural elements shall not be included in the calculation of sign area to the extent they do not contain sign copy.
- (f) Sign Height Sign height is not to exceed 20 feet. (Rev. 3/01)

#### VIII.(4) NUMBER AND LOCATION OF SIGNS

To maintain the character of the community, no more than two off-building signs per lot shall be permitted, excluding directional signs. There shall be no minimum setback from the front lot line for signs provided, however, that no sign shall be placed on the public property or within the traveled way. The minimum setback from the sidelines for signs shall be ten (10) feet from the lot line.

#### VIII. (5) OFF-PREMISE SIGNS

Off-premise signs are prohibited in the Town or Northwood except where such signs comply with the provisions of this Ordinance and the regulations in this section:

- (a) No more than one off-premises sign shall exist on an individual parcel.
- (b) No business shall be advertised on more than two off-premises signs within the Town of Northwood.
- (c) The total sign area for an off-premises sign shall not exceed sixty-four (64) square feet, calculated by excluding the second side of any copy which is double-faced. (Rev. 3/12)

#### VIII. (6) TEMPORARY SIGNS

The following temporary signs shall be permitted in all zoning districts and such signs shall not require a sign permit provided they comply with the regulations contained in this section:

- (a) A real estate or construction sign is permitted on the property being sold, leased or developed. Such a sign shall be removed promptly when it has fulfilled its function.
- (b) A sign announcing a non-commercial event is permitted for a period of up to 90 days but shall be limited to one per lot.

#### VIII. (7) PRE-EXISTING SIGNS

- (a) Pre-existing signs. Any sign located within the Town of Northwood on the date of adoption of this Ordinance, whether or not it conforms to the provisions of the Ordinance, is a pre-existing sign and is permitted.
- (b) Loss of Non-conforming Status. A non-conforming sign shall immediately lose its pre-existing status if:
  - [1] The sign is replaced, other than replacing the sign in its exact original location and size;
  - [2] The sign is altered in any way in location or size which makes the sign less in compliance with the requirements of this section than it was before the alteration;
  - [3] The sign advertises and is located on the same premises with a legal non-conforming use which loses its non-conforming status; and
  - [4] The sign advertises a business or activity which is no longer carried on, whether generally or at the particular premises, unless said business or activity is on the market for sale.

## **IX. OPEN SPACE DESIGN**

**IX. A. Purpose** The purpose of this section is to encourage residential subdivision designs, multi-family residential developments, and elderly housing developments, which allow creation of high quality, traditional residential neighborhoods while also protecting important components of the natural landscape. The primary mechanism to accomplish this purpose is the reduction in individual lot sizes and dimensions, with the balance of the land put into a common open space. The purpose of the open space may vary, but shall include one or more of the following purposes: *(Rev. 3/05)*

IX. A. (1) Protection of prime agricultural lands, agricultural lands of statewide importance, or unique agricultural lands.

IX. A. (2) Protection of steep slopes.

IX.A. (3) Protection of wildlife habitat.

IX.A. (4) Provision of land for active recreation.

IX.A. (5) Protection of open space for aesthetics, passive recreation, viewshed, or other passive use. *(Rev. 3/00)*

IX.A. (6) Preservation of unique natural or man-made features, including but not limited to unoccupied historic sites.

IX.A.(7) Connecting protected areas with each other to create a linked patchwork of open or protected space.

IX.A. (8) Implement the Master Plan philosophy, vision, policies and implementation strategies. *(Rev.3/07)*

## **IX.B. Application Procedures**

IX.B. (1) Subdivision applications, and site plan applications for multi-family residential developments or elderly housing developments, under the Open Space Design provisions shall follow the standard application review process specified in the Subdivision and Site Plan Review Regulations.

IX.B. (2) The applicant shall prepare a statement describing the purpose of the proposed open space, and this shall be consistent with the purposes stated in § IX(A). The applicant must obtain the Planning Board's agreement on the statement of purpose before proceeding with a particular open space design, and shall then use this statement to evaluate the suitability of land and access proposed for open space,

ensuring sound design and function of both the open space as well as the developed areas. (Rev. 3/00)

**IX. C. Location** Open Space Design shall be permitted in all districts.

**IX. D. Incentives for Open Space Design** To encourage Open Space Design, certain dimensional requirements are relaxed to provide for increased design flexibility necessary to accomplish the purposes of this Section. The setback shall be depicted on all plans for Open Space Design subdivisions. The setback is a building setback only and shall not be included in the calculation of the size of the open space. Specific incentives are listed in the following table:

**Table IX-1**  
**Open Space Design Incentives**

Requirement	Units	General District
Minimum Road Frontage <i>(Rev.3/02)(Rev. 3/04)</i>	feet	125
Minimum Lot Size <i>(Rev.3/02) (Rev. 3/04)</i>	acres	1.5
Maximum Residential Density <i>(Rev.3/02) (Rev. 3/04)</i>	Units/ acre	1/1.5
Minimum Road Setback <i>(Rev.3/02)</i>	feet	20
Minimum Side/Rear Setback <i>(Rev.3/02) (Rev. 3/04)</i>	feet	20
Minimum Waterbody Setback	feet	20
Maximum Structure Height	feet	35

**IX. E. Open Space Requirements**

IX.E. (1) MINIMUM SIZE OF OPEN SPACE The following standards shall apply:

- (a) the area of open space provided shall at least equal the total amount of reduction in building lot areas;
- (b) the area of open space provided shall be 33% or more of the gross area of the subdivision or lot approved for multi-family residential development or elderly housing development; *(Rev. 3/05)*
- (c) the open space shall be designed such that its shape and extent conform to the area of concern, and so that the purposes of this Section are fulfilled. In general, the open space should be a single

contiguous area of substantial size, and should not be a thin strip simply surrounding the subdivision or lot to buffer abutters; and (Rev. 3/05)

(d) Residential Density The number of lots in an open space development shall not exceed the number of lots allowed under current zoning regulations. The maximum number of units allowed shall be determined using the following formula:

$$M = RD [A-(U+R+0.5xO)],$$

Where the letters represent the following:

- M = Maximum # of Units Permitted (dwelling units)*
- RD = Residential Density (Conservation Overlay District, Wellhead Protection Overlay District, or Open Space Incentives)(dwelling units/ acre)*
- A = Total Site Area (in acres)*
- U = Unbuildable Land (in acres)*
- R = Road and Utility Right of Way (in acres)*
- O = Open Space Required to Be Set Aside*

(Note: In applying the above formula, a result that contains a remainder of less than 0.5 shall be rounded down to the next whole number; a result that contains a remainder of 0.5 or greater shall be rounded up to the next whole number) (Rev. 3/07)

**Residential Density Formula (Open Space) Example**

<i>Residential Density (RD)</i>	<i>Total Site Area (A)</i>	<i>Unbuildable Land (U)</i>	<i>Road and Utility Right of Way (R)</i>	<i>Open Space Required to be Set Aside</i>
<i>1/1.5 (one dwelling unit per 1.5 acres)</i>	<i>10 acres</i>	<i>2 acres</i>	<i>0.5 acres</i>	<i>0.33% of Total Site Area =3.33 acres</i>

The Maximum Number of Dwelling Units (M) permitted is calculated by entering these figures in the formula. Using the numbers from the above example:

$$M = RD [A-(U+R+0.5xO)]$$

$$M = (1 / 1.5)[10-(2+0.5+0.5x3.33)]$$

$$M = (1 / 1.5)[5.83]$$

M = 3.89 dwelling units; therefore, a maximum of 4 dwelling units are permitted.

(e) in all cases, a minimum of (2) two acres of open space is required.

IX.E.(2) The minimum required Open Space shall not contain more than 50% of the sum of the following kinds of unbuildable land:

- (a) Wetlands, as defined elsewhere in this ordinance or, if not so defined, as found in state law, or
- (b) Slopes exceeding a grade of 25%, or
- (c) Land used for septic systems, or
- (d) Floodways, and floodway fringe within the 100-year floodplain as shown on official FEMA maps, or
- (e) Public utility easements. *(Rev. 3/04)*

IX.E.(3) ACCESS AND USE Open space land shall be useable for the proposed purpose(s), and shall have suitable access for the residents of the subdivision or lot, or for the public where the land is deeded to the town. *(Rev. 3/04) (Rev. 3/05)*

IX.E.(4) The required open space shall be in common ownership by the owners of the lots within the subdivision or owners of condominium rights of any part of a lot or structure in a multi-family residential development or elderly housing development. It shall be protected by legal arrangements, satisfactory to the Planning Board, sufficient to assure its maintenance and preservation for whatever purpose is intended. Covenants or other legal arrangements shall specify: ownership of the open space; method of maintenance; responsibility for maintenance; maintenance of taxes and insurance; compulsory membership and compulsory assessment provisions for all subdivision lot owners or condominium owners in a multi-family residential development or elderly housing development which guarantees that any association formed to own and maintain the open space will not be dissolved without the consent of the Planning Board; and any other specifications deemed necessary by the Planning Board. *(Rev. 3/01) (Rev. 3/04) (Rev. 3/05)*

## **IX.F. Performance Standards**

IX.F.(1) There is no minimum size subdivision which may be designed using these Open Space Design provisions.

IX.F.(2) Originality in lot layout and individual building design is encouraged to achieve the best possible relationship between the development and the land.

IX.F. (3) The design of the road network may provide for access to adjacent developed areas, or may reserve right-of-ways for future connection to adjacent properties which, in the judgment of the Planning Board, are likely to be developed. This objective, however, shall be secondary to the goal of protecting the open space.

## **X. FLOODPLAIN MANAGEMENT ORDINANCE**

*(Adopted 3/03)*

This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Northwood Floodplain Management Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Northwood Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision 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 Study for the County of Rockingham, NH", so titled as, and dated May 17, 2005 or as amended, together with the associated Flood Insurance Rate Maps, so titled as, and dated May 17, 2005 or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference. *(Rev. 3/05)*

### **X. A. Definition of Terms:**

The following definitions shall apply only to this Floodplain Management Ordinance, and shall not be affected by the provisions of any other ordinance of the Town of Northwood.

X.A.(1) "Area of Special Flood Hazard" is the land in the floodplain within the Town of Northwood subject to a one-percent or greater possibility of flooding in any given year. The area is designated as Zone A on the FIRM.

X.A. (2) "Base Flood" means the flood having a one-percent possibility of being equaled or exceeded in any given year.

X.A. (3) "Basement" means any area of a building having its floor sub-grade on all sides.

X.A. (4) "Building" - see "structure".

X.A.(5) "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, excavating, or drilling operation.

X.A. (6) "FEMA" means the Federal Emergency Management Agency.

X.A. (7) "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) the overflow of inland or tidal waters, or

- (b) the unusual and rapid accumulation or runoff of surface waters from any source.

X.A. (8) "Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

X.A.(9)"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

X.A. (10) "Functionally dependent use" means a use that 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.

X.A. (11) "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

X.A. (12) "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 the 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 the 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 the Interior, or
  - [2] directly by the Secretary of the Interior in states without approved programs.

X.A. (13) "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.

X.A. (14) "Manufactured Home" means a structure, transportable in one or 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 placed on site for greater than 180 days.

X.A. (15) "Mean sea level" means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

X.A. (16) "New construction" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

X.A. (17) "100-year flood" - see "base flood"

X.A. (18) "Recreational Vehicle" is defined as:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily **not** for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

X.A. (19) "Special flood hazard area" means an area having flood, mudslide, and/or flood-related erosion hazards, and shown on the FIRM as Zone A. (See - "Area of Special Flood Hazard")

X.A. (20) "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.

X.A. (21) "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 stage of excavation; or the placement of a 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.

X.A. (22) "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 50 percent of the market value of the structure before the damage occurred.

X.A. (23) "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:

- (a) the appraised value prior to the start of the initial repair or improvement, or
- (b) 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 that 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".

X.A. (24) "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.

## **X. B. Permits**

All proposed development in any special flood hazard areas shall require a permit.

### **X. C. Construction Requirements**

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:

X.C. (1) 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,

X.C. (2) be constructed with materials resistant to flood damage,

X.C.(3) be constructed by methods and practices that minimize flood damages,

X.C.(4) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

### **X. D. Water and Sewer Systems**

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.

### **X. E. Certification**

For all new or substantially improved structures located in special flood hazard areas, the applicant shall furnish the following information to the building inspector:

X. E. (1) the as-built elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement.

X. E. (2) if the structure has been floodproofed, the as-built elevation (in relation to NGVD) to which the structure was floodproofed.

X. E. (3) any certification of floodproofing.

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

## **X. F. Other Permits**

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.

## **X. G. Watercourses**

X.G.(1) In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Environmental Services Department and submit copies of such notification to the Building Inspector, in addition to the copies required by the 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 Bureau and the Northwood Conservation Commission.

X.G.(2) 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.

X.G.(3) 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 development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge."

## **X. H. Special Flood Hazard Areas**

X.H. (1) 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 plan approvals).

X.H. (2) The Building Inspector's 100-year flood elevation determination will be used as criteria for requiring in zone A that:

- (a) All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100-year flood elevation.

- (b) 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:
- [1] be floodproofed so that below the 100-year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
  - [2] have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
  - [3] 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.
- (d) All recreational vehicles placed on sites within Zones A 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: 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. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

### **X. I. Variances and Appeals**

X.I. (1) 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.

X.I. (2) 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 that:

- (a) the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
- (b) if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
- (c) the variance is the minimum necessary, considering the flood hazard, to afford relief.

X.I. (3) The Zoning Board of Adjustment shall notify the applicant in writing that:

- (a) 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
- (b) 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.

X. I.(4) The community shall:

- (a) maintain a record of all variance actions, including their justification for their issuance, and
- (b) report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

**“Section XI, Growth Management Ordinance, adopted in March, 2005 in effect until March 31, 2011.”** *(Section Deleted)*